

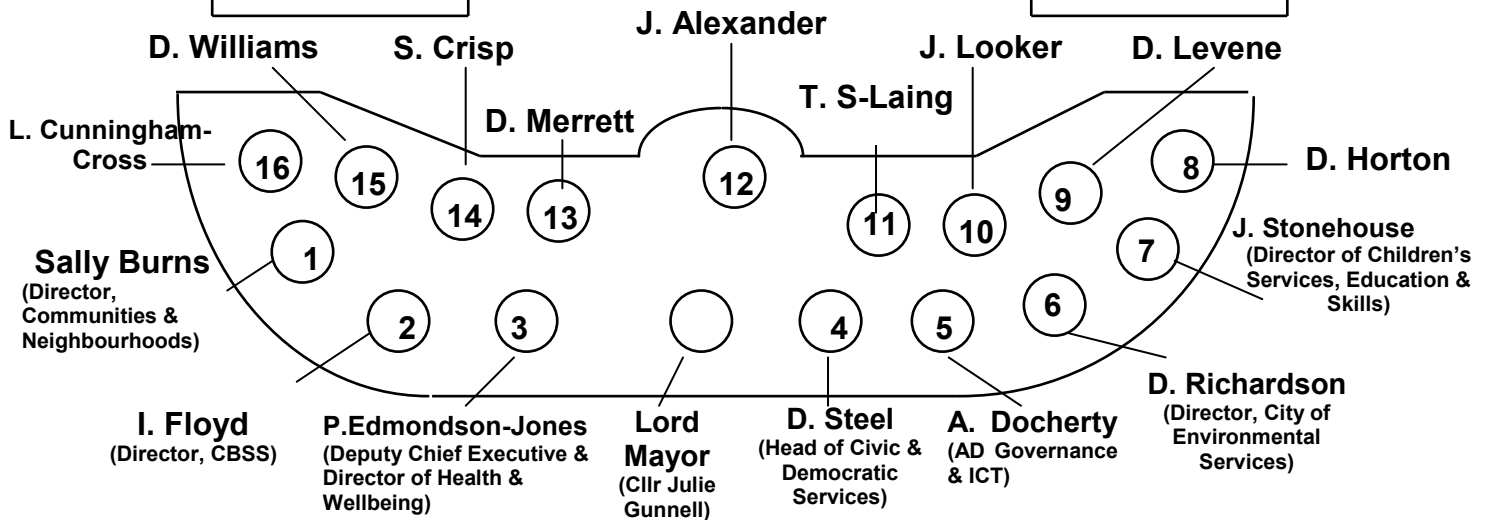
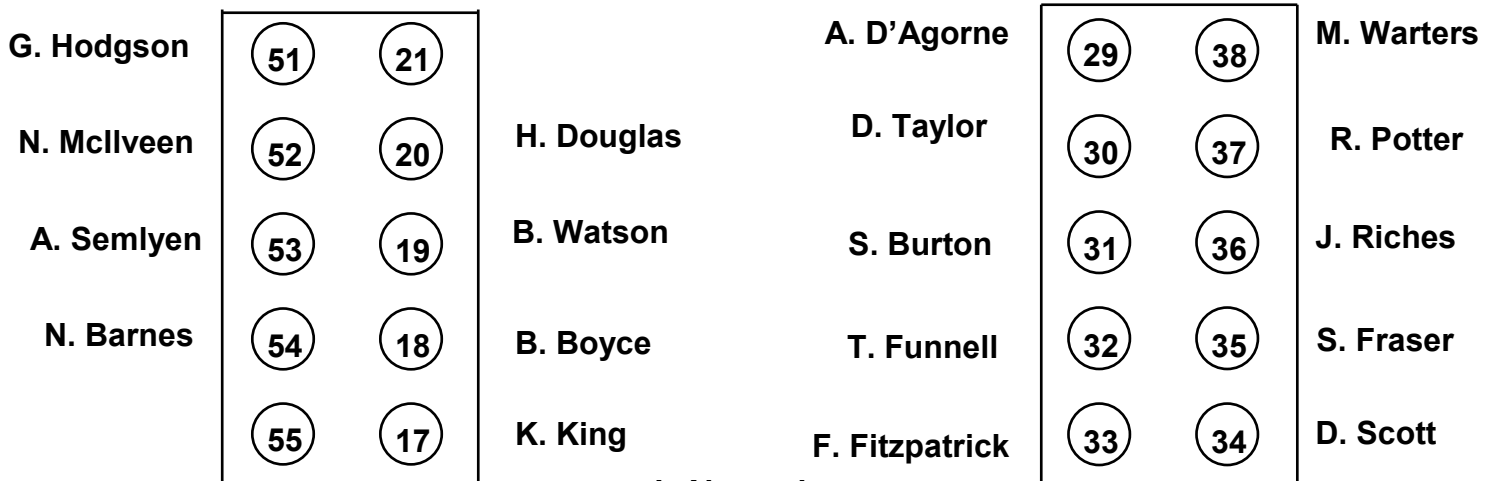
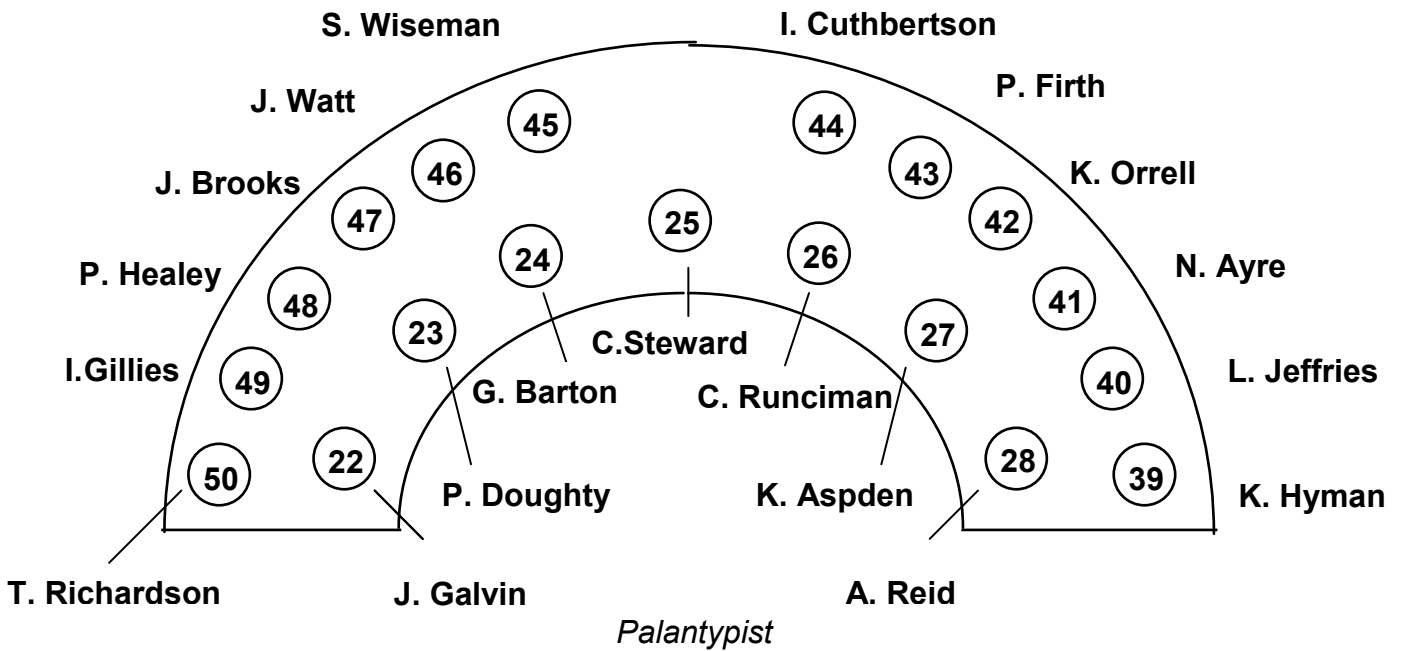
**CITY OF YORK COUNCIL  
SUMMONS**

All Councillors, relevant Council Officers and other interested parties and residents are formally invited to attend a meeting of the **City of York Council** at the **The Guildhall, York**, to consider the business contained in this agenda on the following date and time

Thursday, 27 March 2014 at 6.30 pm



# COUNCIL CHAMBER



## **A G E N D A**

### **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 1 - 28)**

To approve and sign the minutes of the Budget Council meeting held on 27 February 2014.

### **3. Civic Announcements**

To consider any announcements made by the Lord Mayor in respect of Civic business.

### **4. Public Participation**

At this point in the meeting, any member of the public who has registered to address the Council, or to ask a Member of the Council a question, on a matter directly relevant to the business of the Council or the City, may do so. The deadline for registering is **5:00pm on Wednesday 26 March 2014.**

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

## **WEBCASTING NOTICE**

**Please note: this meeting may be filmed for live or subsequent broadcast via the internet - at the start of the meeting the Lord Mayor will confirm if all or part of the meeting is being filmed.**

**You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.**

**[http://www.york.gov.uk/downloads/download/3130/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings](http://www.york.gov.uk/downloads/download/3130/protocol_for_webcasting_filming_and_recording_of_council_meetings)**

**Public seating areas will not be filmed by the Council.**

**5. Petitions (Pages 29 - 32)**

To consider any petitions received from Members in accordance with Standing Order No.7. To date, notice has been received of two petitions to be presented by:

- i) Cllr Warters to present the following petition on behalf of local residents, which is to be debated, following receipt of over 1,000 signatures, in accordance with the Council's petitions scheme:

**Restrict Supermarket Expansion in York – signed by 1441 people plus 19 online signatories (956 York residents/ 505 East Riding/Selby area)**

The signatories *“petition the Council to:*

*Not approve any further planning permissions for supermarkets in York without a public debate.*

*We believe that York has now too many large supermarkets and any further expansion will threaten the very existence and sustainability of independent local retailers.”*

*[A background report is attached at Agenda item 5 - Annex A]*

- ii) Cllr Doughty on behalf of residents of Stockton on the Forest and Hopgrove calling for the reinstatement of late evening bus services from the City Centre, which were lost with the introduction of the Winter Bus timetable.

**6. Report of Cabinet Leader (Pages 33 - 38)**

To receive and consider a written report from the Leader on the work of the Cabinet.

**7. Recommendations of the Audit and Governance Committee**  
(Pages 39 - 52)

To consider the following recommendations for approval from the Audit and Governance Committee:

Meeting	Date	Recommendations
Audit and Governance Committee	12 February 2014	Minute 64: Updating the Constitution <i>(copy of update attached)</i>

**8. Recommendations of the Gambling, Licensing & Regulatory Committee** (Pages 53 - 110)

To consider the following recommendations for approval from the Gambling, Licensing and Regulatory Committee:

Meeting	Date	Recommendations
Gambling, Licensing and Regulatory Committee	17 March 2014	Minute 20: Statement of Licensing Policy – Review of the Saturation and Cumulative Impact Zone <i>(copy draft Licensing Policy attached)</i>

**9. Scrutiny - Report of the Chair of the Corporate and Scrutiny Management Committee** (Pages 111 - 114)

To receive a report from Councillor Galvin, the Chair of the Corporate and Scrutiny Management Committee (CSMC), on the work of the CSMC, to be moved by the Vice Chair Councillor Runciman.

**10. Report of Cabinet Member** (Pages 115 - 124)

To receive a written report from the Cabinet Member for Environmental Services and to question the Cabinet Member thereon, provided any such questions are registered in accordance with the timescales and procedures set out in Standing Order 8.2.1.

**11. Pay Policy 2014/15** (Pages 125 - 146)

To consider a report seeking approval to the Pay Policy Statement for 2014/15 relating to the pay of the Council's senior

staff, to fulfil the requirements of Sections 38 – 43 of the Localism Act 2011.

## **12. Activities of Outside Bodies**

Minutes of the following meetings of outside bodies, received since the last meeting of Council, have been made available for Members to view via the Council's website at

<http://democracy.york.gov.uk/mgListOutsideBodies.aspx?bcr=1>

Copies may also be obtained by contacting Democratic Services at West Offices, Station Rise, York (tel. 01904 551088)

- Yorkshire Purchasing Organisation – 31 January 2014
- NHS – 18 September 2013
- Fire Authority – 12 February 2014
- Without Walls – 10 February 2014
- Safer York – 3 February 2014

Members are invited to put any questions to the Council's representatives on the above bodies, in accordance with Standing Order 10(b).

## **13. Notices of Motion**

To consider the following Notices of Motion under Standing Order 12:

### **A – Motions referred from the Cabinet in accordance with Standing Order 12.1(a)**

None

### **B – Motions submitted for consideration directly by Council, in accordance with Standing Order 12.1(b)**

#### **(i) From Cllr Semlyen**

“York Labour promised to set up an independent Fairness Commission before the last local elections. This was implemented soon after the election result. The commission was led by the Archbishop of York. A key recommendation of the commission was the introduction of the Living Wage. Under

Labour this is the first local authority in Yorkshire and the Humber to commit and implement the Living Wage. This has so far helped increase the pay levels of 700 of our lowest paid staff.

The Leader of the Conservative Group has said he is “sceptical” about the Living Wage and the Deputy Leader of the Conservative Group has called the Living Wage “immoral”. York Liberal Democrats have previously published leaflets stating they would “realign staff costs to private sector rates”.

Council believes both the electorate and staff deserve to know where each of the party stands on the Living Wage over the course of the next council (2015-9). Council resolves to commit to the Living Wage for at least the course of this period.”

(ii) From Cllr Brooks

“Council notes residents’ concerns regarding the placement of wind turbines within the council’s boundaries and acknowledges their impact on residential amenities and visual landscapes and the spatial and safety issues which arise from erecting large wind turbines in the Vale of York. Therefore, as a key aspect of the next phase of York’s Local Plan process, the council recommends the Local Plan consults on imposing minimum distance setbacks between wind turbines and habitation as follows:

For all wind turbines of 15m in height and over (as measured from the ground to hub height), a distance of 1.5 km between the turbine and any habitation, unless all landowners or occupiers within this distance consent; and

For all wind turbines of whatever height, a distance of 350m from any public footpath or bridleway.”

(iii) From Cllr Reid

“Council notes the report in *The Press* on 27th February which revealed important facts about the Lendal Bridge closure.

Council further notes that:

1. The Labour Cabinet’s six-month trial closure of Lendal Bridge should have finished at the end of February



2. The closure has brought widespread criticism from local residents, business owners, tourists and tourist groups
3. Negative media and social media coverage has been generated to the detriment of our city
4. The closure has failed to significantly improve overall bus journey times
5. Traffic displaced by the closure has caused increased congestion elsewhere in the city e.g. Foss Islands Road and Water End at Clifton Bridge
6. Officers have admitted that the trial closure has had little impact on overall air quality
7. The Labour Cabinet Member responsible has admitted that the signage at the start of the trial was “very confusing”
8. Around 45,000 motorists have received fines for crossing the bridge.

Council therefore resolves to ask Cabinet to:

- a. immediately end the trial closure of Lendal Bridge
- b. publicly admit that the trial has been botched and to apologise for this
- c. immediately publish the raw data on the trial ahead of their detailed evaluation report
- d. commit to consulting with residents and local businesses before bringing forward any future plans for Lendal Bridge.”

(iv) From Cllr Boyce

“Council notes the proliferation of betting shops and payday lenders in certain areas and is concerned by the lack of powers currently available under the planning or licensing systems to deal with this matter.

Council further notes the damage done by the unregulated spread of Fixed Odds Betting Terminals (FOBTs) and currently virtually uncapped payday loans, and that dealing with these issues would make a significant contribution to the Council’s Anti Poverty Strategy as well as preserving the city centre’s unique character.

Council therefore resolves to support Hackney Borough Council which is leading a cross-party group of councils in putting forward a proposal under the Sustainable Communities Act for specific

action that will address this problem, such as for a new planning use class to be created for betting shops, and for appropriate licensing proposals to be brought forward to allow Councils to control the spread of betting shops and payday lenders on the high street.”

**14. Questions to the Cabinet Leader and Cabinet Members received under Standing Order 11.3(a)**

To deal with the following questions to the Cabinet Leader and / or other Cabinet Members, in accordance with Standing Order 11.3(a):

(i) To the Cabinet Leader from Cllr Steward:

“Given public scepticism about overseas trips by cabinet members can the leader give an update on the tangible results to come from these trips under his administration?”

(ii) To the Cabinet Leader from Cllr Aspden:

“What is the value of the investment – detailing each development separately - made in York which can be directly attributed to the Council and its partners’ participation in the 2013 MIPIM event?”

(iii) To the Cabinet Leader from Cllr Ayre:

“At the last ordinary Council meeting held in December, the Cabinet Member for Leisure claimed that the Council Leader would answer the following question when information became available in January. Perhaps the Leader would now give us the information: Can the Cabinet Member outline how much additional income the Council can expect to receive from parking charges, rents, leases, licences, sponsorship and similar income streams during and after the ‘Grand Départ’?”

(iv) To the Cabinet Leader from Cllr Hyman:

“How many residents (excluding council officers and members) have attended each of the “community conversation” events held so far?”

(v) To the Cabinet Leader from Cllr Cuthbertson:

“What has been the cost of staging the community conversation events held so far?”

(vi) To the Cabinet Leader from Cllr Runciman

“Please could the Cabinet Leader present a list showing York’s ranking in all sections of the 2011, 2012, 2013 and 2014 Centre for Cities: Cities Outlook reports?”

(vii) To the Cabinet Leader from Cllr Steward:

“In light of the leader’s remarks that himself and Cllr Merrett should not be personally pinpointed for the Lendal Bridge farce, who does he think should take the blame?”

(viii) To the Cabinet Leader from Cllr Ayre:

“How much has the Council spent both directly and indirectly (through partners such as the Leeds City Region) on promotional activities connected with this year’s MIPIM event held in Cannes and what benefits did this cost bring?”

(ix) To the Cabinet Leader from Cllr Steward:

“Following confused messages from the Labour budget and cabinet members’ comments on ‘privatisation’ can the leader confirm whether he agrees that if the private sector can deliver an output cheaper and better than the public sector that it makes sense for it to do so?”

(x) To the Cabinet Leader from Cllr Ayre:

“ Who attended this year’s MIPIM event for the council and could the Leader provide a breakdown of costs –attendance, travel, subsistence and accommodation etc?”

(xi) To the Cabinet Leader from Cllr Steward:

“What percentage of York’s residents does the leader believe support the current closure of Lendal Bridge?”

(xii) To the Cabinet Leader from Cllr Ayre:

“Did any representatives from City of York Council attend the ‘Urbact’ event in Paris in January and if they did what the purpose of the visit, what were the costs, and what benefits did attendance bring?”

(xiii) To the Cabinet Member for Finance, Performance and Customer Services from Cllr Reid:

“When was the facility to report potholes, faulty street lights, blocked footpaths etc removed from the “Do it on line - Report it” section of the council website and when will a full range of reporting tools be restored?”

(xiv) To the Cabinet Member for Finance, Performance and Customer Services from Cllr Firth:

“Would the Cabinet Member please update the answer he gave at the December Council meeting and specify for each of the last 6 months the number of issues raised by the different Council access channels (listing separately those originating from web based services such as “My Council”)?”

(xv) To the Cabinet Member for Finance, Performance and Customer Services from Cllr Reid:

“What action has the Cabinet Member taken to ensure that residents use the cheapest (to process) channel to access council services?”

(xvi) To the Cabinet Member for Finance, Performance and Customer Services from Cllr Ayre:

“According to a response to a recent FOI request the Council rents nearly 2,000 mobile phones and other mobile devices for use by its 3,500 staff. How much are these devices costing taxpayers, how many of the devices have call charges of less than £10 a month, and has the Cabinet Member considered offering staff the option of a payment if they choose to use their own mobile devices when at work instead of a council supplied alternative?”

(xvii) To the Cabinet Member for Finance, Performance and Customer Services from Cllr Reid:

“How much has been spent on new furniture at the Eco Depot in each year since it was opened, and what is the estimated life cycle of the new chairs provided at the Eco Depot a few weeks ago?”

(xviii) To the Cabinet Member for Finance, Performance and Customer Services from Cllr Reid:

“How much has the Council received in payment for any “obsolete” furniture at the Eco Depot which has been discarded?”

(xix) To the Cabinet Member for Finance, Performance and Customer Services from Cllr Ayre:

“Could the Cabinet Member specify the number of public complaints received by the council by department in each of the last two calendar years and outline how complaints about the council are recorded and monitored?”

(xx) To the Cabinet Member for Finance, Performance and Customer Services from Cllr Jeffries

“How many complaints about the Council were received by month from the LGO (Local Government Ombudsman) and ICO (Information Commissioner's Office) in each of the last 24 months?”

(xxi) To the Cabinet Member for Finance, Performance and Customer Services from Cllr Cuthbertson:

“Could the Cabinet Member please supply the monitoring statistics for the call centre including waiting times and lost calls for each of the last 24 months?”

(xxii) To the Cabinet Member for Finance, Performance and Customer Services from Cllr Ayre

“How many residents have signed up to 12 monthly council tax payments by month since January 2013 and how is the Council

making it easier for residents to sign-up to this payment structure?”

(xxiii) To the Cabinet Member for Finance, Performance and Customer Services from Cllr Ayre:

“Which council staff are directors of organisations/businesses in their professional capacity, what expenses/payments were made to each of them in the 2013/2014 calendar year, and where is this information declared?”

(xxiv) To the Cabinet Member for Finance, Performance and Customer Services from Cllr Ayre:

“For 2011/12, 2012/13 and 2013/14 could the Cabinet Member please list the salaries for each of the chief officers increments and performance pay plus pension contributions?”

(xxv) To the Cabinet Member for Finance, Performance and Customer Services from Cllr Jeffries:

“Could the Cabinet Member list all the council twitter accounts across all departments, including any partnership twitter accounts, where council staff manage or officially upload to those sites?”

(xxvi) To the Cabinet Member for Finance, Performance and Customer Services from Cllr Reid:

“Why are residents no longer routinely given a reference number when making a complaint to the council?”

(xxvii) To the Cabinet Member for Transport, Planning and Sustainability from Cllr Steward:

“Does the leader share Cllr Semylen’s view that there is no point giving residents a say on 20mph zones and if so does he believe they should not have a say on just that issue or all issues?”

(xxviii) To the Cabinet Member for Transport, Planning and Sustainability from Cllr Watt:

“When does the Cabinet Member expect the next Local Plan consultation to take place?”

(xxix) To the Cabinet Member for Transport, Planning and Sustainability from Cllr Watt:

“Does the Cabinet Member share my disappointment that with the previous Local Plan consultation having ended in July there is still a lack of feedback from residents on the website?”

(xxx) To the Cabinet Member for Transport, Planning and Sustainability from Cllr Watt:

“Given public concern about the lack of Local Plan Working Group meetings and that with the exception of HMOs the group has yet to discuss any aspect of housing for the last nine months, what guarantee can the member give about the number of meetings that will be held this coming year?”

(xxxi) To the Cabinet Member for Transport, Planning and Sustainability from Cllr Watt:

“Can the member update council on his work with organisations looking to bring forward Neighbourhood Plans?”

(xxxii) To the Cabinet Member for Transport, Planning and Sustainability from Cllr Watt:

“Can the member give details of Parish Council meetings he has attended to discuss the Local Plan since the last consultation and what plans he has for the rest of the year?”

(xxxiii) To the Cabinet Member for Transport, Planning and Sustainability from Cllr Reid:

“On the Lendal Bridge/Coppergate access restrictions, would the Cabinet Member now provide the latest information on the following and explain when he expects to publish period 6 monitoring information on the council’s website.

- a) The number of appeals lodged each week since the beginning of August against PCNs issued for contraventions of traffic restrictions on Coppergate and Lendal Bridge
- b) The number of appeals which have been successful each week
- c) The total revenue that the Council has received so far from PCNs following the introduction of the new restrictions on Coppergate and Lendal Bridge
- d) The weekly changes to journey times (all modes of transport) on each arterial road and on each section of the inner ring road since the introduction of the new traffic restrictions
- e) The numbers of accidents reported on roads in the City centre comparing the last 6 months with the equivalent period in 2012/13
- f) The latest air quality monitoring reports for key sites in and close to the City centre, including the Leeman Road area, and comparing these with last year?"

(xxxiv) To the Cabinet Member for Transport, Planning and Sustainability from Cllr Reid:

"When will a timetable of meetings be published at which residents can make representations on the (revised) Local Plan proposals?"

(xxxv) To the Cabinet Member for Transport, Planning and Sustainability from Cllr Reid:

"Why is it taking so long to publish – as promised – the written comments and objections which the Council received following its initial consultation on the Draft Local Plan last year?"

(xxxvi) To the Cabinet Member for Transport, Planning and Sustainability from Cllr Reid:

"What is the proposed timetable for the preparation of the Local Plan up to, and beyond, the Examination in Public (Public Inquiry)?"



(xxxvii) To the Cabinet Member for Transport, Planning and Sustainability from Cllr Orrell:

“Can the Cabinet Member explain why the token system for the Park & Ride at Monks Cross is no longer working, how long has it not been in operation, and is it true that the token system will be started again when John Lewis and M&S stores open in April?”

(xxxviii) To the Cabinet Member for Transport, Planning and Sustainability from Cllr Reid:

“When and why did the Council remove from its website the real time car park space availability information and, as this is a facility provided by many other councils, when will this service be reinstated in York?”

(xxxix) To the Cabinet Member for Transport, Planning and Sustainability from Cllr Reid:

“How much of the £238,000 already spent on implementing new speed limits in west York will the Council be able to recover if the policy is reversed in 2015?”

(xl) To the Cabinet Member for Transport, Planning and Sustainability from Cllr Reid:

“ Will the Cabinet Member agree not to roll out the new wide area 20mph limits in east York at least until a cost/benefit analysis has been completed of the west York scheme and electors have had the opportunity - at the May 2015 local elections - to give their verdict on this policy?”

(xli) To the Cabinet Member for Transport, Planning and Sustainability from Cllr Reid:

“Does the Cabinet Member share Cllr Semlyen’s well publicised view that changes to speed limits should be made without any consultation with local residents?”

(xlii) To the Cabinet Member for Transport, Planning and Sustainability from Cllr Reid:

“The car parks all give electronic signs showing how full they are. For each of the last 12 months please state any times when they were not working?”

(xliii) To the Cabinet Member for Leisure, Culture and Tourism from Cllr Ayre:

“If the Council presses ahead with its £1.6 million market modernisation project the existing stallholders will be temporarily relocated to Parliament Street. Where will current Parliament Street users - including the Continental Markets and the Food Festival - be relocated to and is the Cabinet Member considering the use of spaces such as Duncombe Place or Deans Park?”

(xliv) To the Cabinet Member for Leisure, Culture and Tourism from Cllr Ayre:

“On York’s bid to become a UNESCO City of Media Arts - how much money has been allocated for the bid, from which budget has this been allocated from, what is the money being spent on, who authorised the bid to go ahead and when was this decision taken?”

(xlv) To the Cabinet Member for Environmental Services from Cllr Reid:

“The Smarter York app provides a very limited set of tools - how much did it cost to develop, how much does it cost to maintain, and how many reports have been made in each of the last 3 years?”

(xlvi) To the Cabinet Member for Environmental Services from Cllr Reid:

“Street lighting is now dealt with in house, could the Cabinet Member publish the performance standards for repairing faulty lights and outline whether these standards are currently being met?”

(xlvii) To the Cabinet Member for Environmental Services from Cllr Aspden:

“Could the Cabinet Member outline the projects and incentives in place to increase recycling rates and specify how these projects are being assessed?”

(xlviii) To the Cabinet Member for Environmental Services from Cllr Reid:

“How many residents have signed-up for the additional green bin charge?”

(xlix) To the Cabinet Member for Environmental Services from Cllr Reid:

“Does the Cabinet Member share the growing concern of residents about the volume of dog fouling in York and what steps has he taken to address the problem and what measures are in place to monitor the effectiveness of his policies?”

(l) To the Cabinet Member for Environmental Services from Cllr Reid:

“In each of the last 5 years how many prosecutions – including FPNs – has the Council initiated for dog fouling?”

(li) To the Cabinet Member for Health, Housing & Adult Social Services from Cllr Doughty:

“Council note and some Members will be concerned, myself included, that all appears to have gone very quiet with developments relating to the Elderly Persons Homes programme. Can Councillor Simpson-Laing please give assurances that the project is still planned to be delivered as detailed in previous Cabinet reports by 2016?”

(lii) To the Cabinet Member for Health, Housing & Adult Social Services from Cllr Reid:

“The current breakdown of housing waiting list demand is:

1 Bed	1347
2 Bed	740
3 Bed	212
4 Bed	32
5 Bed	1
6 Bed	1

Given this, why is the Cabinet Member not using some of the £13 million surplus on the housing account to purchase flats on the open market to address the need for more one bedroom properties?”

(lii) To the Cabinet Member for Health, Housing & Adult Social Services from Cllr Jeffries:

“In view of the declining appearance of many of the council estates in York, will the Cabinet Member agree, when the next housing strategy report is debated, to consider a substantial increase in the funding available to address issues like parking provision, replacement fencing, and communal area maintenance etc?”

(liv) To the Cabinet Member for Health, Housing & Adult Social Services from Cllr Aspden:

“Could the Cabinet Member specify how many residents are affected by the ending of the Taxicard scheme and what support/advice is being offered to these residents?”

(lv) To the Cabinet Member for Health, Housing & Adult Social Services from Cllr Jeffries:

“Can that Cabinet Member guarantee that the housing advice sessions which currently take place at Foxwood and Chapelfields community centres will continue in the long-term?”

(lvi) To the Cabinet Member for Health, Housing & Adult Social Services from Cllr Jeffries:

“A council garage next to Beverley Court was reported for repair in October 2012 having been boarded up for many months. Given the shortage of parking in the area will the Cabinet Member explain when this garage will be repaired for rent, how much rent has been lost, why it has taken so long to be repaid and how many other garages in the city (with their locations) have been reported for repair for over 6 months and how much rent they would have achieved had they been occupied?”

(lvii) To the Cabinet Member for Education, Children and Young People from Cllr Runciman:

“In light of her recent report to scrutiny, does the Cabinet Member think that York Schools and Governing Bodies are not challenging enough and are not aspirational for their students, unlike those in London?”

(lviii) To the Cabinet Member for Education, Children and Young People from Cllr Runciman:

“When will the ‘York Challenge’ be ready, will plans be consulted on with schools and governing bodies and when are results expected to be available so that its effectiveness can be assessed?”

(lix) To the Cabinet Member for Education, Children and Young People from Cllr Runciman:

“How will the Cabinet Member ensure that the £5m of Pupil Premium funding is being spent wisely and to good effect – including to narrow the gap between those eligible for FSM and those who are not?”

(lx) To the Cabinet Member for Education, Children and Young People from Cllr Runciman:

“The nine Children’s Centres established under the Liberal Democrat administration have done some excellent work, but does the Cabinet Member understand that their work will be

made much more difficult due to the cuts being imposed by Labour that are coming into effect during the next financial year?”

(Ixi) To the Cabinet Member for Education, Children and Young People from Cllr Aspden:

“In light of the excellent work being done by Children’s Centres in York will the Cabinet Member confirm that all centres will remain open and under council control if Labour retain power in 2015?”

(Ixii) To the Cabinet Member for Education, Children and Young People from Cllr Runciman:

“Could the Cabinet Member confirm the current status of the URBIE bus and the plans for this service over the next 12 months?”

(Ixiii) To the Cabinet Member for Crime and Stronger Communities from Cllr Jeffries:

“Does the Cabinet Member agree with the view of the Equality Advisory Group, as specified in the minutes of the March 5<sup>th</sup> meeting, that: “EAG meetings need representation from all the political parties to listen to the views raised and to find out what each of the parties are saying about equalities?”

## **15. Urgent Business**

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

Democracy Officer for this meeting:

Name: Jill Pickering

Contact details:

- Telephone – (01904) 552061
- E-mail – [jill.pickering@york.gov.uk](mailto: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 and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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**City of York Council**

Resolutions and proceedings of the Meeting of the City of York Council held in The Guildhall, York on Thursday, 27th February, 2014, starting at 6.30 pm

**Present:** The Lord Mayor (Cllr Julie Gunnell) in the Chair, and the following Councillors:

Acomb Ward

Bishopthorpe Ward

Horton  
Simpson-Laing

Galvin

Clifton Ward

Derwent Ward

Douglas  
King  
Scott

Dringhouses & Woodthorpe Ward

Fishergate Ward

Hodgson  
Reid  
Semlyen

D'Agorne  
Taylor

Fulford Ward

Guildhall Ward

Aspden

Looker  
Watson

Haxby & Wigginton Ward

Heslington Ward

Cuthbertson  
Firth  
Richardson

Levene

Heworth Ward

Heworth Without Ward

Boyce  
Funnell  
Potter

Ayre

Holgate Ward

Alexander  
Crisp  
Riches

Hull Road Ward

Barnes  
Fitzpatrick

Huntington & New Earswick Ward

Hyman  
Orrell  
Runciman

Micklegate Ward

Fraser  
Gunnell  
Merrett

Osbalwick Ward

Warters

Rural West York Ward

Gillies  
Healey  
Steward

Skelton, Rawcliffe & Clifton  
Without Ward

Cunningham-Cross  
McIlveen  
Watt

Strensall Ward

Doughty  
Wiseman

Westfield Ward

Jeffries  
Burton  
Williams

Wheldrake Ward

Barton

Apologies for absence were received from Councillor Brooks

**59. Declarations of Interest**

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

It was noted the Monitoring Officer had granted a dispensation to all Members in respect of any disclosable pecuniary interests Members had to enable them to participate in any meetings of the Council, Cabinet or Scrutiny, where the business to be discussed related to the Council functions in setting the council tax.

The following **personal** interests were also declared:

<u>Councillor</u>	<u>Agenda Item</u>	<u>Description of Interest</u>
Reid	7 – Recommendations of Cabinet on the Council’s Capital and Financial Strategy 8 – Council Tax Resolution	Son is a Council tenant
Scott	7 – Recommendations of Cabinet on the Council’s Capital and Financial Strategy 8 – Council Tax Resolution	<ul style="list-style-type: none"> <li>• resident in a Residents only parking area,</li> <li>• holds a Minster parking badge</li> <li>• wife is a major shareholder in 3 companies that operate within the City and based at 20 Shambles.</li> </ul>

**60. Minutes**

Resolved: That the minutes of the last Ordinary meeting of Council held on 12 December 2013 be approved and signed by the Chair as a correct record

**61. Civic Announcements**

The Lord Mayor firstly welcomed Cllr Steward to the Council meeting in his new role as Leader of the Conservative Group and wished him a happy tenure in the role.

She went on to congratulate Cllr Lindsay Cunningham-Cross for her recent award of the Bruce-Lockhart Member Scholarship by the Local Government Information Unit. The judges had been impressed with Cllr Cunningham-Cross' proposal to develop a model for increasing engagement and participation in local democracy.

Finally she went on to announce the death of the former Sheriff's Lady Wyn Laverack, wife of John Laverack, Sheriff of York in 1978. The present Sheriff and Sheriff's Lady had attended her funeral service earlier in the week, at the Holy Trinity Church in Heworth.

**62. Public Participation**

The Lord Mayor announced that three members of the public had registered to speak at the meeting.

Heather McKenzie, on behalf of Unison drew Members attention to the unprecedented levels of cuts to public services being undertaken. She expressed support for the areas of budget growth, including the Living Wage, but raised concerns at financial pressures to privatise and over reliance on community and voluntary organisations. She requested further examination of in house provision to ensure democratically accountable services to protect the most vulnerable and needy in society and made a request for Members to fight the Government's austerity measures.

Garry Jones, Chief Executive of York CVS, spoke to confirm his support for many of the budget proposals. He raised concerns at the budget outlook for 2016/19 and the effects that this would have on public services which he considered unjust, unacceptable and unfair.

Christopher Brace, spoke on behalf of the York People's Assembly, also raising concerns at the effects of the Governments austerity measures. He highlighted inequalities in the present system pointing out that life on benefits was not any easy option.

He asked Council to reject the austerity measures by not agreeing a budget.

**63. Petitions**

The Lord Mayor confirmed that she had received no notification of any petitions to be presented to Council in relation to the setting of the Council's budget.

**64. Recommendations of Cabinet in respect of the Capital Programme 2013/14 Monitor 3**

Councillor Alexander moved and Councillor Williams seconded the recommendation made by Cabinet at their meeting held on 11 February 2014, following consideration of the third monitor report on the Capital Programme (minute 104 refers) as follows:

“That Council agree the adjustments in the Capital programme of a decrease of £11.659m in 2013/14 as detailed in the report and contained in Annex A.”

On being put to the vote the recommendation was declared CARRIED and it was

Resolved: That the recommendation contained in minute 104 of the Cabinet meeting held on 11 February 2014 be approved. <sup>1</sup>.

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

Action Required

1. Undertake adjustments to Capital Programme. RB, DM

**65. Recommendations of Cabinet on the Council's Capital Strategy for 2014/15 - 2018/19, the Financial Strategy 2014 - 2019 (including the Council's Detailed Revenue Budget Proposals for 2014/15 and 2015/16) and the Treasury Management Strategy Statement and Prudential Indicators for 2014/15 - 2018/19**

Councillor Alexander moved, and Councillor Simpson-Laing seconded, the recommendations of the Cabinet, as set out in paragraphs 35 to 37 of the report at pages 1 to 3 of the additional

Council papers, circulated prior to the meeting and republished with the online agenda, as follows, in relation to:

- a) The Council's Capital Programme Budget for 2014/15 – 2018/19
- b) The Council's Revenue Budget proposals for 2014 to 2019 and
- c) The Council's Treasury Management Strategy Statement and Prudential Indicators for 2014/15 – 2018/19

### **“Capital Strategy**

35. Cabinet recommends that Council;
- i. Agree to the revised capital programme of £182.700m that reflects a net overall increase of £38.132m (as set out in paragraph 53 table 7 and in Annex B). Key elements of this include:
    - a. Extension of prudential borrowing funded Rolling Programme schemes totalling £11.050m as set out in table 2 and summarised in table 7;
    - b. New schemes totalling £6.120m including an increase in prudential borrowing of £5.325m as set out in table 3 and summarised in table 7;
    - c. New externally funded schemes totalling £12.003m as set out in table 4 and summarised in table 7;
    - d. An increase in HRA funded schemes totalling £8.959m funded from HRA balances of £8.959m as set out in table 5 and summarised in table 7.
  - ii. Approve the full restated programme as summarised in Annex A totalling £182.700m cover financial years 2014/15 to 2018/19 as set out in table 8 and Annex A.

Reason: To set a balanced capital programme as required by the Local Government Act 2003.

### **Revenue Budget**

36. Cabinet recommends that Council;

- i. approve the budget proposals outlined in the Financial Strategy report, in particular;
  - a. The net revenue expenditure requirement of £124.186m
  - b. A Council Tax requirement of £71.768m
  - c. The revenue growth proposals as outlined in the body of the report
  - d. The revenue savings proposals as outlined in Annex 3 and 4
  - e. The fees and charges proposals as outlined in Annex 5
  - f. The Housing Revenue Account budget set out in Annex 6
  - g. The dedicated schools grant proposals outlined in Annex 7
- ii. Note that the effect of approving the income and expenditure proposals included in the recommendations would result in a 1.9% increase in the City of York Council element of the council tax.

Reason: To ensure a legally balanced budget is set.

### **Treasury Management Strategy Statement and Prudential Indicators**

37. Cabinet recommends that Council approve;
  - i. The proposed treasury management strategy for 2014/15, including the annual investment strategy and the minimum revenue provision policy statement
  - ii. The prudential indicators for 2014/15 to 2018/19 in the main body of the Cabinet report
  - iii. The specified and non specified investments schedule (Annex B to the Cabinet report)

- iv. The scheme of delegation and the role of the Section 151 officer (Annex D to the Cabinet report)

Reason: To enable the continued effective operation of the Treasury Management function and ensure that all Council borrowing is prudent, affordable and sustainable.”

### **Conservative Amendment**

Councillor Steward then moved and Councillor Healey seconded, an amendment to the above recommendations on behalf of the Conservative Group, as follows:

#### ***“Capital Strategy***

***In paragraph 35 (i), first line, replace ‘£182.700m’ with ‘£180.700m’ and second line, replace ‘£38.132m’ with ‘£36.132m’***

***Under paragraph 35 (i), insert new sub paragraph:***

***(e) ‘Removal of £2m of expenditure related to Reinvigorate York.’***

***In paragraph 35 (ii), second line, replace ‘£182.700m’ with ‘£180.700m’***

#### ***Revenue Budget***

***In paragraph 36 (i), sub paragraph (a), delete ‘£124.186m’ and replace with ‘£122.848m’***

***In sub paragraph (b), delete ‘£71.768m’ and replace with ‘£70.430m’***

***In sub paragraph (c) add at the end of the sentence ‘subject to the following amendments;***

- *an additional £200k to fund pothole repairs*
- *an additional £143k for gully cleaning*
- *an additional £130k to fund 10 new apprentices*
- *an additional £91k to increase the contribution to the general reserve*



- *an additional £74k to fund 100 new litter bins and the cost of emptying them*
- *an additional £48k to extend green bin collections into November each year*
- *an additional £40k to reinstate salt bins that have been removed related to prior year budget savings*
- *a reduction of £180k for the Funding the Capital Programme growth item as a result of the revenue implications of the proposed capital strategy changes as set out in paragraph 35 (i) (e).*

***In sub paragraph (d) add at the end of the sentence ‘subject to the following amendments;***

- *Add new proposal to remove uncommitted budget related to the Delivery and Innovation Fund to save £608k*
- *Add new proposal to use the 2014/15 additional New Homes Bonus allocation to save £559k*
- *Add new proposal to reduce budgets related to trade unions, including convenors, release arrangements and accommodation costs, by £110k so as to meet statutory minimum requirements*
- *Add new proposal to reduce Cabinet Members by two to save £29k*
- *Removal of proposal:*
  - *CES402 – Parking Services (Minster badge removal) £200k’*

***In paragraph 36 (ii), second line, delete ‘1.9%’ and replace with ‘0%’. Insert new text after ‘City of York Council element of the council tax’ as follows ‘resulting in the Council being able to accept the Council Tax Freeze Grant of £778k.’***

In accordance with the recently issued recommendations in the Department for Communities and Local Government regulations it

was confirmed that a named vote would be taken on all votes in relation to the setting of the budget.

A named vote was then taken on the Conservative amendment, with the following result:

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cllr Barton	Cllr Alexander	Cllr Gunnell (Lord Mayor)
Cllr Doughty	Cllr Barnes	Cllr Aspden
Cllr Galvin	Cllr Boyce	Cllr Ayre
Cllr Gillies	Cllr Crisp	Cllr Burton
Cllr Healey	Cllr Cunningham-Cross	Cllr Cuthbertson
Cllr Richardson	Cllr D'Agorne	Cllr Firth
Cllr Steward	Cllr Douglas	Cllr Hyman
Cllr Warters	Cllr Fitzpatrick	Cllr Jeffries
Cllr Watt	Cllr Fraser	Cllr Orrell
Cllr Wiseman	Cllr Funnell	Cllr Reid
	Cllr Hodgson	Cllr Runciman
	Cllr Horton	
	Cllr King	
	Cllr Levene	
	Cllr Looker	
	Cllr McIlveen	
	Cllr Merrett	
	Cllr Potter	
	Cllr Riches	
	Cllr Scott	
	Cllr Semlyen	
	Cllr Simpson-Laing	
	Cllr Taylor	
	Cllr Watson	
	Cllr Williams	
<b>10</b>	<b>25</b>	<b>11</b>

The Conservative amendment was declared LOST.

### **First Liberal Democrat Amendment**

Councillor Aspden then moved, and Councillor Ayre seconded, an amendment on behalf of the Liberal/Democratic Group, as follows:

**“Capital Strategy**

**In paragraph 35 (i), first line, replace ‘£182.700m’ with ‘£168.356m’ and second line, replace ‘£38.132m’ with ‘£23.788m’**

**Under paragraph 35 (i), insert new sub paragraphs:**

**(e) ‘Reduce borrowing and expenditure totalling £14m related to the following existing schemes currently within the Economic Infrastructure Fund:**

- £9.5m related to the Infrastructure Investment Plan
- £2.0m related to Reinvigorate York
- £1.5m related to Newgate Market
- £1.0m related to the Digital and Media Arts Hub’

**(f) ‘Remove the following schemes from the Economic Infrastructure Fund, totalling £809k, and transfer the equivalent amount of funding to the new Future York Fund:**

- £559k Super Connected Cities
- £150k Financial Inclusion and Action Policy Plan
- £100k Economic Inclusion Programme’

**(g) ‘Remove the Officer Delivery Team from the Economic Infrastructure Fund, reducing the value of the programme by £344k’**

**(h) ‘Delay £1.11m of investment in the new IT Development Plan from 2014/15 until 2015/16.’**

**In paragraph 35 (ii), second line, replace ‘£182.700m’ with ‘£168.356m’**

**Revenue Budget**

**In paragraph 36 (i), sub paragraph (a), delete ‘£124.186m’ and replace with ‘£122.848m’**

**In sub paragraph (b), delete ‘£71.768m’ and replace with ‘£70.430m’**

**In sub paragraph (c) add at the end of the sentence ‘subject to the following amendments;**

- *A reduction of £550k in Funding the Capital Programme growth item as a result of the revenue implications of the proposed capital strategy changes as set out in paragraph 35 (i) (e) and (f), as amended*
- *Removal of the £200k General Reserve contribution growth item*
- *Removal of the £200k Contingency growth item*
- *Removal of the £100k York Financial Assistance Scheme growth item*
- *Removal of the £50k Business Rates discount growth item*
- *An additional £600k to reinstate the Fair Access to Care Services criteria to 'Moderate'*
- *An additional £500k to establish a Community Fund budget*
- *An additional £185k to reinstate the Highways Infrastructure budget removed in 2013/14*
- *An additional £100k to increase the Gulley Cleaning budget*
- *An additional £100k to increase Preventative spend*
- *An additional £100k to increase Highways budgets*
- *An additional £96k to extend green waste collection provision to an extra two months*
- *An additional £50k to increase Young Peoples Services budgets*
- *An additional £48k to increase Carers Support budgets*
- *An additional £20k to fund a review of Household Waste and Recycling Centre facilities at Towthorpe and in the west of York*
- *An additional £17k to reinstate some capacity for bin collection in the city*

- *An additional £10k to reinstate the Winter Maintenance budget removed in 2012/13*
- *An additional £10k to reinstate the Allotment budget removed in 2013/14'*

***In sub paragraph (d) add*** at the end of the sentence 'subject to the following amendments;

- *Add new proposal to abolish the Delivery and Innovation fund to save £1,000k*
- *Add new proposal to remove the remaining General Reserve contribution budget of £450k*
- *Add new proposal to payments to the Council's Venture Fund to save £411k*
- *Add new proposal to abolish the Quality Bus Contract to save £158k*
- *Add new proposal to remove the Economic Infrastructure Fund Delivery Team and bring the corresponding amount of New Homes Bonus funding into the revenue budget to save £86k*
- *Add new proposal to remove the Assistant Director for Transformation post to save £80k*
- *Add new proposal to reduce trade union budgets to save £55k*
- *Add new proposal to reduce cabinet members by two to save £29k*
- *Bring forward CBSS5017 Training Provision from 2015/16 to save £50k in 2014/15*
- *Bring forward a proportion of CBSS5012 West Offices Income from 2015/16 to save £20k in 2014/15*
- *Removal of proposals:*

- CES402 - Parking Services (Minster badge removal) £200k
- CS05B - Transforming Young Peoples Services - Further Stretch £150k
- CANS514 - Sports Facilities £120k
- CES205 - Highways Budgets £100k
- CANS12 - Community Centres £70k
- CES05B - Taxi Card £63k
- CS07 - Children's Respite Care £50k
- CES14 - Traffic Systems £50k
- CES401 - Highways Services £40k
- H&W413 - Community Facilitator Posts £34k
- CSES406 - Children's Centres Operational Budget £30k
- AC10B - Respite Services Care Review £26k
- CANS09 – Allotments £25k
- CANS07 - Bowling Greens £22k
- CSES412 - Voluntary Sector Grants £20k
- CES202 - Winter Maintenance £20k
- CANS20 - Play Grants £20k
- CANS110 - Environmental Protection Unit £3k'

**Under paragraph 36 (i), insert new sub paragraph:**

- h. 'Creation of the Future York Fund totalling £5.5m up to 2016/17 and including unspent funding from the abolished Delivery & Innovation Fund (£306k), the Economic Infrastructure Fund (£809k), the Venture Fund (£1,494k) and New Homes Bonus (£2,883k). Initial spending commitments against the fund will include:

- Super Connected Cities £569k
- Financial Policy & Action Plan £150k
- Economic Inclusion £100k
- Waterworld £450k
- Adult Care Transformation £200k
- Carbon Reduction Scheme £50k
- Business Rates Scheme £50k
- Access York £40k
- Rail Policy £8k'

**In paragraph 36 (ii), second line, delete '1.9%' and replace with '0%'. Insert new text after 'City of York Council element of the**

*council tax' as follows 'resulting in the Council being able to accept the Council Tax Freeze Grant of £778k.'*

A named vote was then taken on the first Liberal/Democrat amendment, with the following result:

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cllr Aspden	Cllr Alexander	Cllr Gunnell (Lord Mayor)
Cllr Ayre	Cllr Barnes	Cllr Barton
Cllr Cuthbertson	Cllr Boyce	Cllr D'Agorne
Cllr Firth	Cllr Burton	Cllr Doughty
Cllr Hyman	Cllr Crisp	Cllr Galvin
Cllr Jeffries	Cllr Cunningham-Cross	Cllr Gillies
Cllr Orrell	Cllr Douglas	Cllr Healey
Cllr Reid	Cllr Fitzpatrick	Cllr Richardson
Cllr Runciman	Cllr Fraser	Cllr Steward
Cllr Warters	Cllr Funnell	Cllr Taylor
	Cllr Hodgson	Cllr Watt
	Cllr Horton	Cllr Wiseman
	Cllr King	
	Cllr Levene	
	Cllr Looker	
	Cllr McIlveen	
	Cllr Merrett	
	Cllr Potter	
	Cllr Riches	
	Cllr Scott	
	Cllr Semlyen	
	Cllr Simpson-Laing	
	Cllr Watson	
	Cllr Williams	
<b>10</b>	<b>24</b>	<b>12</b>

The first Liberal Democrat amendment was declared LOST.

### **Green Amendment**

Councillor D'Agorne then moved and Councillor Taylor seconded, an amendment to the above recommendations on behalf of the Green Group, as follows:

**“Capital Strategy**

35. *Cabinet recommends that Council;*

- i. *Agree to the revised capital programme of £182.700m that reflects a net overall increase of £38.132m (as set out in paragraph 53 table 7 and in Annex B). Key elements of this include:*
  - a. *Extension of prudential borrowing funded Rolling Programme schemes totalling £11.050m as set out in table 2 and summarised in table 7;*
  - b. *New schemes totalling £6.120m including an increase in prudential borrowing of £5.325m as set out in table 3 and summarised in table 7;*
  - c. *New externally funded schemes totalling £12.003m as set out in table 4 and summarised in table 7;*
  - d. *An increase in HRA funded schemes totalling £8.959m funded from HRA balances of £8.959m as set out in table 5 and summarised in table 7.*
- ii. *Approve the full restated programme as summarised in Annex A totalling £182.700m cover financial years 2014/15 to 2018/19 as set out in table 8 and Annex A*

*Reason: To set a balanced capital programme as required by the Local Government Act 2003.*

**Revenue Budget**

***In paragraph 36 (i), sub paragraph (a), delete ‘£124.186m’ and replace with ‘£124.890m’***

***In sub paragraph (b), delete ‘£71.768m’ and replace with ‘£72.472m’***

***In sub paragraph (c) add at the end of the sentence ‘subject to the following amendments;***

- *An increase in the Financial Assistance Scheme growth item of £50k*



- *Removal of the £200k General Reserve contribution growth item*
- *An additional £190k to cover the costs of holding a referendum and rebilling as a result of proposing a Council Tax higher than 2%*
- *An additional £100k to retain support and premises for the most needy young people in the city whilst capacity and partnerships are built with the voluntary and community services sector*
- *An additional £50k to create a capacity pot for the voluntary and community services sector delivering youth provision in the city*
- *An additional £43k to support the reduction in waiting times for Mental Health services'*

***In sub paragraph (d) add at the end of the sentence 'subject to the following amendments;***

- *Add new proposal to remove uncommitted budget related to the Delivery and Innovation Fund to save £608k*
- *Amend CES00B to reduce the reduction in City and Environmental Service staffing costs by £200k*
- *Amend CSES402 by retaining 2 FTEs for Early Intervention work at a cost of £68k*
- *Amend CANS06 to retain the locking and unlocking of park gates at a cost of £68k*
- *Remove CANS558 Food Safety Inspections and invest further funding so that this service is retained fully in house at a total cost of £35k*
- *Amend CANS07 by £11k to restore half of the proposed reduction to bowling greens*
- *Amend CS11 Child & Adolescent Mental Health Services at a cost of 9k to reverse savings not yet delivered*
- *Removal of proposals:*

- CANS17 - Library Services £150k
- H&W422 - End of Life Care team £88k
- CANS12 - Community Centres £70k
- CS07 - Children's Respite Care £50k
- H&W402 - Day Care for 24 hour Residential Customers £43k
- H&W413 - Community Facilitator posts £34k
- AC19 - Sheltered Housing with Extra Care £33k
- CSES406 - Children's Centres Operational Budgets £30k
- H&W423 - Reduce Day Care for Supported Living Customers £29k
- CANS09 - Allotments £25k
- CES203 - Waste Strategy £24k
- CES203A - Waste Strategy £24k
- CES202 - Winter Maintenance £20k
- CANS20 - Play Grants £20k
- CSES412 - Voluntary Sector Grants £20K
- H&W417 - Carers Service £15k
- CES307 - Community Transport £10k
- CANS110 - Environmental Protection Unit £3k

***In sub paragraph (e) add at the end of the sentence 'subject to the addition of a reduction in the householder pre-application enquiry charge to £10.00 (current £58.00) where the enquiry relates to solar panels or double glazing. This action will be cost neutral and not affect paragraphs (c) and (d) above.'***

***In paragraph 36 (ii), second line, delete '1.9%' and replace with '2.9%'. Insert new text after 'City of York Council element of the council tax' as follows 'resulting in the Council having to hold a referendum.'***

A named vote was then taken on the Green amendment, with the following result:

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cllr D'Agorne	Cllr Alexander	Cllr Gunnell (Lord Mayor)
Cllr Taylor	Cllr Aspden	
	Cllr Ayre	
	Cllr Barnes	
	Cllr Barton	
	Cllr Boyce	

	Cllr Burton	
	Cllr Crisp	
	Cllr Cunningham-Cross	
	Cllr Cuthbertson	
	Cllr Doughty	
	Cllr Douglas	
	Cllr Firth	
	Cllr Fitzpatrick	
	Cllr Fraser	
	Cllr Funnell	
	Cllr Galvin	
	Cllr Gillies	
	Cllr Healey	
	Cllr Hodgson	
	Cllr Horton	
	Cllr Hyman	
	Cllr Jeffries	
	Cllr King	
	Cllr Levene	
	Cllr Looker	
	Cllr McIlveen	
	Cllr Merrett	
	Cllr Orrell	
	Cllr Potter	
	Cllr Reid	
	Cllr Riches	
	Cllr Runciman	
	Cllr Scott	
	Cllr Semlyen	
	Cllr Simpson-Laing	
	Cllr Steward	
	Cllr Warters	
	Cllr Watson	
	Cllr Watt	
	Cllr Williams	
	Cllr Wiseman	
<b>2</b>	<b>42</b>	<b>1</b>

The Green amendment was declared LOST.

## **Second Liberal Democrat Amendment**

Councillor Ayre then moved, and Councillor Aspden seconded, the second amendment on behalf of the Liberal/Democratic Group as follows:

### ***“Capital Strategy***

36. *Cabinet recommends that Council;*

- i. Agree to the revised capital programme of £182.700m that reflects a net overall increase of £38.132m (as set out in paragraph 53 table 7 and in Annex B). Key elements of this include:
  - a. Extension of prudential borrowing funded Rolling Programme schemes totalling £11.050m as set out in table 2 and summarised in table 7;*
  - b. New schemes totalling £6.120m including an increase in prudential borrowing of £5.325m as set out in table 3 and summarised in table 7;*
  - c. New externally funded schemes totalling £12.003m as set out in table 4 and summarised in table 7;*
  - d. In increase in HRA funded schemes totalling £8.959m funded from HRA balances of £8.959m as set out in table 5 and summarised in table 7.**
- ii. Approve the full restated programme as summarised in Annex A totalling £182.700m cover financial years 2014/15 to 2018/19 as set out in table 8 and Annex A*

*Reason: To set a balanced capital programme as required by the Local Government Act 2003.*

### ***Revenue Budget***

***In paragraph 36 (i), sub paragraph (a), delete ‘£124.186m’ and replace with ‘£122.848m’***

***In sub paragraph (b), delete ‘£71.768m’ and replace with ‘£70.430m’***

***In sub paragraph (c) add at the end of the sentence ‘subject to the following amendment;***

- *Removal of the £200k General Reserve contribution growth item’*

***In sub paragraph (d) add at the end of the sentence ‘subject to the following amendment;***

- *Add new proposal to remove £360k of the existing General Reserve contribution budget’*

***In paragraph 36 (ii), second line, delete ‘1.9%’ and replace with ‘0%’. Insert new text after ‘City of York Council element of the council tax’ as follows ‘resulting in the Council being able to accept the Council Tax Freeze Grant of £778k.’***

A named vote was then taken on the second Liberal/Democrat amendment, with the following result:

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cllr Aspden	Cllr Alexander	Cllr Gunnell (Lord Mayor)
Cllr Ayre	Cllr Barnes	
Cllr Barton	Cllr Boyce	
Cllr Cuthbertson	Cllr Burton	
Cllr Doughty	Cllr Crisp	
Cllr Firth	Cllr Cunningham-Cross	
Cllr Galvin	Cllr D’Agorne	
Cllr Gillies	Cllr Douglas	
Cllr Healey	Cllr Fitzpatrick	
Cllr Hyman	Cllr Fraser	
Cllr Jeffries	Cllr Funnell	
Cllr Orrell	Cllr Hodgson	
Cllr Reid	Cllr Horton	
Cllr Richardson	Cllr King	
Cllr Runciman	Cllr Levene	
Cllr Steward	Cllr Looker	
Cllr Watt	Cllr McIlveen	
Cllr Warters	Cllr Merrett	
Cllr Wiseman	Cllr Potter	
	Cllr Riches	
	Cllr Scott	

	Cllr Semlyen	
	Cllr Simpson-Laing	
	Cllr Taylor	
	Cllr Watson	
	Cllr Williams	
<b>19</b>	<b>26</b>	<b>1</b>

The second Liberal Democrat amendment was declared LOST.

A named vote was then taken on the original motion, with the following result:

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cllr Gunnell (Lord Mayor)	Cllr Aspden	Cllr Taylor
Cllr Alexander	Cllr Ayre	
Cllr Barnes	Cllr Barton	
Cllr Boyce	Cllr Cuthbertson	
Cllr Burton	Cllr D'Agorne	
Cllr Crisp	Cllr Doughty	
Cllr Cunningham-Cross	Cllr Firth	
Cllr Douglas	Cllr Galvin	
Cllr Fitzpatrick	Cllr Gillies	
Cllr Fraser	Cllr Healey	
Cllr Funnell	Cllr Hyman	
Cllr Hodgson	Cllr Jeffries	
Cllr Horton	Cllr Orrell	
Cllr King	Cllr Reid	
Cllr Levene	Cllr Richardson	
Cllr Looker	Cllr Runciman	
Cllr McIlveen	Cllr Steward	
Cllr Merrett	Cllr Warters	
Cllr Potter	Cllr Watt	
Cllr Riches	Cllr Wiseman	
Cllr Scott		
Cllr Semlyen		
Cllr Simpson-Laing		
Cllr Watson		
Cllr Williams		
<b>25</b>	<b>20</b>	<b>1</b>

The original motion was then declared CARRIED and it was

RESOLVED: That the Cabinet recommendations in respect of the Capital Programme, Financial Strategy and Treasury Management Strategy Statement and Prudential Indicators be approved. <sup>1</sup>.

At this point in the meeting, the guillotine fell and the following business was deemed moved and seconded without debate.

Action Required

1. Revise the capital programme and implement the budget proposals.

RB, DM

**66. Council Tax Resolution 2014/15**

A named vote was then taken on the Council Tax recommendation, with the following result:

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cllr Gunnell (Lord Mayor)	Cllr Aspden	Cllr D'Agorne
Cllr Alexander	Cllr Ayre	Cllr Taylor
Cllr Barnes	Cllr Barton	
Cllr Boyce	Cllr Cuthbertson	
Cllr Burton	Cllr Doughty	
Cllr Crisp	Cllr Firth	
Cllr Cunningham-Cross	Cllr Galvin	
Cllr Douglas	Cllr Gillies	
Cllr Fitzpatrick	Cllr Healey	
Cllr Fraser	Cllr Hyman	
Cllr Funnell	Cllr Jeffries	
Cllr Hodgson	Cllr Orrell	
Cllr Horton	Cllr Reid	
Cllr King	Cllr Richardson	
Cllr Levene	Cllr Runciman	
Cllr Looker	Cllr Steward	
Cllr McIlveen	Cllr Warters	
Cllr Merrett	Cllr Watt	
Cllr Potter	Cllr Wiseman	
Cllr Riches		
Cllr Scott		
Cllr Semlyen		
Cllr Simpson-Laing		

Cllr Watson		
Cllr Williams		
<b>25</b>	<b>19</b>	<b>2</b>

The motion was declared CARRIED and it was

- Resolved: (i) That it be noted that on 16 December 2013 the Director of Customer and Business Support Services, under his delegated authority, calculated the Council Tax Base for the year 2014/15:
- (a) for the **whole Council area** as 61,574.84 Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act"); and
  - (b) for those dwellings in those parts of its area to which a **Parish** precept relates as in column 1 in the attached Schedule A.
- (ii) Calculate that the Council Tax requirement for the Council's own purposes for 2014/15 (excluding Parish precepts) is £71,767,930.
- (iii) That the following amounts be calculated for the year 2014/15 in accordance with Sections 31 to 36 of the Act:
- (a) £386,060,855.00 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.



- (b) £313,692,272.00 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- (c) £72,368,583.00 being the amount by which the aggregate at 14(a) above exceeds the aggregate at 14(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. [Item R in the formula in Section 31B of the Act].
- (d) £1,175.29 being the amount at 14(c) above [Item R], all divided by Item T (12(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
- (e) £600,653.00 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per the attached Schedule A).
- (f) £1,165.54 being the amount at 14(d) above less the result given by dividing the amount at 14(e) above by Item T (12(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.

- (iv) To note that North Yorkshire Police and the North Yorkshire Fire and Rescue Authority have issued precepts to the Council in accordance with Section 40 of the Act for each category of dwellings in the Council's area as indicated in the tables at 16 below.
- (v) That the Council, in accordance with sections 30 and 36 of the Act, hereby sets the aggregate amounts shown in the tables below and, at Schedule B for Parished areas, as the amounts of Council Tax for 2014/15 for each part of its area and for each of the categories of dwellings.

## City of York Council

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
777.03	906.53	1,036.04	1,165.54	1,424.55	1,683.56	1,942.57	2,331.08

## North Yorkshire Police

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
139.08	162.26	185.44	208.62	254.98	301.34	347.70	417.24

## North Yorkshire Fire and Rescue Authority

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
42.22	49.26	56.29	63.33	77.40	91.48	105.55	126.66

## Aggregate of Council Tax Requirements (excluding Parished Areas)

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
958.33	1,118.05	1,277.77	1,437.49	1,756.93	2,076.38	2,395.82	2,874.98

- (vi) Determine that the Council's basic amount of Council Tax for 2014/15, which reflects a 1.9% increase, is not excessive in accordance with the principles approved under section 52ZB of the Act. As the billing authority, the

Council has not been notified by a major precepting authority that its relevant basic amount of Council Tax for 2014/15 is excessive and that the billing authority is not required to hold a referendum in accordance with Section 52ZK Local Government Finance Act 1992.

Cllr Julie Gunnell  
LORD MAYOR OF YORK

*[The meeting started at 6.30 pm and concluded at 10.00 pm]*

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**Council**

**27<sup>th</sup> March 2014**

Report of the Cabinet Member for Transport, Planning and Sustainability

**Petition: Supermarket Expansion in York**

**Purpose of the Report**

1. The purpose of this report is to inform members of the receipt of a petition with over 1,000 signatures submitted to the Council, entitled as above. The report describes the petition and the background to its submission.

**Background**

2. The petition states:-  
*“We the undersigned petition the council to not approve any further planning permissions for supermarkets in York without a public debate. Justification:  
We believe that York has now too many large supermarkets and any further expansion will threaten the very existence and sustainability of independent local retailers.”*  
The petition was submitted by Mr. Graham Kennedy.
3. The petition appears to have been prompted in part by the proposals by Sainsbury’s to operate a supermarket from the B and Q premises at Hull Road. A pre-planning application enquiry has been submitted to the Council and the applicant has carried out community consultation. The applicant’s agent has indicated that an application will be submitted shortly. Whilst the current site is used for retailing, a condition restricts the type of goods sold at the site, and so planning permission would be required to vary or remove that condition to allow a food retail use. Any application submitted would be subject to consultation and publicity, with comments invited and public consideration of the application at the appropriate Planning Committee.

4. The Council's current Retail Study was undertaken by consultants GVA Grimley in 2008, the purpose of which was to provide a context for retail policies in the emerging Local Development Framework. This piece of work was updated in 2013 by Drivers Jonas Deloitte, ekosgen and Oxford Economics who created a City Centre Economic and Retail Growth and Visioning Study which provides an updated evidence base and an economic vision to underpin the new Local Plan for York. This was consulted upon as part of the evidence base for the Local Plan Preferred Options in June/July 2013 and is available to download using the following link:  
[http://www.york.gov.uk/downloads/file/7346/djd\\_economic\\_and\\_retail\\_growth\\_and\\_visioning\\_study\\_economic\\_baseline\\_report\\_pdf](http://www.york.gov.uk/downloads/file/7346/djd_economic_and_retail_growth_and_visioning_study_economic_baseline_report_pdf)
5. The Local Plan Preferred Options contains policies regarding retail that are in line with the National Planning Policy Framework, by supporting the focus for new retail development and investment to be in the City Centre. As such, where retailing in an out of centre location is proposed, draft Policy R4 states that all retail over 100m<sup>2</sup> in out of centre locations will be required to be supported by an impact and sequential assessment. The aim of these assessments is to consider the impacts of out of centre retailing proposals on existing local retail facilities and on York city centre. The draft retail policies, which were consulted on in summer 2013 are in chapter 9 of the Local Plan Preferred Options. Please see the link below for a copy of the plan:  
[http://www.york.gov.uk/downloads/file/7325/local\\_plan\\_preferred\\_optionspdf](http://www.york.gov.uk/downloads/file/7325/local_plan_preferred_optionspdf)
6. Further to this, the Council have commissioned an updated retail study which is being undertaken by White Young Green which will provide essential background information and a robust evidence base that used alongside consultation comments will assist the Council in the production of the Local Plan Submission document. This commission is seeking a concise new study that brings together the existing evidence base whilst providing an updated quantitative assessment of retail need across the city and advice on an appropriate retail strategy for York. It is anticipated that this study will sit above, not alongside, the existing evidence base.
7. The new Retail Study, when completed, will be reported to the Local Plan Working Group along with other Local Plan evidence base study documents prior to consultation as part of the Local Plan Submission Consultation. That point would provide a further opportunity for the public to comment on proposed retail policies and air concerns regarding

supermarket proliferation. At this stage however it is not considered appropriate to commit to resisting all supermarket proposals pending a public debate.

8. Currently planning applications are assessed using the 2008 York Retail Study outlined above and the York Economic and Retail Visioning Study (Deloitte, 2013) undertaken to support the Local Plan Preferred Options Report. In planning terms any applications received must be considered against prevailing evidence of retail impact, relevant approved development plan policy where it exists, and national policy in the form of the National Planning Policy Framework.
9. Whilst there are currently no formal proposals submitted for new supermarkets in the City, officers advise that it would not be reasonable to resist all forthcoming applications pending a public debate. Retail impact and appropriate local plan policy would need to be applied to the determination of any applications received, and public debate on emerging retail policy is more appropriately channelled into the local plan process.

### Options

10. This is primarily an information report at this stage, requiring no decision from Council.

### Council Plan

11. The petition is relevant to the following priorities from the Council Plan:
  - Create jobs and grow the economy
  - Get York moving
  - Build strong communities
  - Protect the environment

### Implications

12. The following implications have been assessed.
  - **Financial** – Not applicable at this stage as this is a report for information.
  - **Human Resources (HR)** – No implications identified from this information report
  - **Equalities** – No implications
  - **Legal** – No implications

- **Crime and Disorder** - None
- **Information Technology (IT)** - None
- **Property** - None
- **Other** – None

### **Risk Management**

13. In compliance with the Council's risk management strategy, no risks are identified arising from the report for information.

### **Recommendations**

14. This is primarily a briefing report at this stage, requiring no decision from Council.

### **Contact Details**

#### **Authors:**

Jonathan Carr  
Head of Development  
Services and Regeneration  
Tel:551303

#### **Chief Officer Responsible for the report:**

Mike Slater  
Assistant Director Planning Development  
Services and Regeneration  
Tel: 551448

#### **Cabinet Member Responsible for the Report:**

Cllr Dave Merrett  
Cabinet Member for Transport,  
Planning and Sustainability

**Report  
Approved**



**Date** 19/03/14

**Specialist Implications Officer(s) :** N/A

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

*All*

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

**Background Papers:** None





Labour Leader of City of York Council  
Report to Full Council – March 2014

It has been over three months since my last council report during which time I'm pleased that the council has set its budget for 2014-15. A great deal of time was spent on this and I want to thank officers for the time they gave to support all Groups in this process.

### **Unemployment**

There has been two month's worth of data published since the last meeting of Full Council. The first saw the number of York people claiming JSA falling for the ninth consecutive month. The reduction was 62. This brought the number of claimants down to 2133. The following month as expected there was an increase of 56. This usually happens in January when some seasonal jobs come to the end of their contract. This increase brought the number of claimants to 2189. The figures for both December and January are the best they've been since 2008.

York's percentage of working age population claiming JSA has remained at 1.6% for the last few months. York was at 1.5% in February 2008 when the financial collapse began.

### **York's Economy**

I welcome the news that York's economy has bounced back since the global financial crisis began. The value of York's economy is now £4.3bn a year - surpassing its previous peak in 2007. This record turnaround has been helped through the council prioritising economic growth and working in partnership with the private sector.

York's GVA has grown 6.9% since the economic "low" of 2008, compared with an England-wide average of 6.4% and a Yorkshire and Humber average of 2.7%.

### **Terry's**

I welcome work beginning on the Terry's site to construct new homes. I am also pleased to welcome the 20% affordable housing included in the scheme.

## **European Award**

The Financial Times' FDI magazine has given us an award in recognition of York being in the top ten small European cities for foreign investment and economic infrastructure strategy.

This demonstrates clear progress since we launched York's economic strategy in 2012. This included a target of being in the top 10 European cities for economic growth by 2015. I am pleased this has been achieved a year early.

## **NYYER LEP Infrastructure Board**

The Infrastructure Board met last week where I was able to express how important it is that improvements are made to the outer ring road in York.

The Board agreed to put forward a growth bid to Government backing funding towards improving the outer ring road from both NYYER LEP and existing plans through Leeds City Region LEP.

I made representations to the Infrastructure Board to get this agreed.

We welcome news that NYYER LEP backs our ambitions for housing numbers in the draft Local Plan and that this has been unanimously backed by Leaders in North Yorkshire and the East Riding.

## **New Homes**

I welcome planning permission being given to 102 new homes in Strensall and 195 homes on Hungate. These decisions show York is the number one place to invest in Yorkshire and that this city is serious about the building of new homes.

## **Stonebow House**

The council is pursuing the purchase of the remaining freehold not currently owned by the council. This will give us a greater stake in any future redevelopment that may occur upon the site. Any new development must be sensitive to existing business operators - primarily the music venues.

### **Askham Bryan Expansion**

I am pleased to see Askham Bryan College expanding to create 120 jobs with an increase of some 1,600 students. I hope this scheme is not blocked by Eric Pickles because the land is draft Greenbelt, given the strong case in favour of expansion.

I hope despite the anti-growth sentiment of opposition councillors that all group leaders can write collectively to Eric Pickles outlining our collective support.

### **Christmas Trading**

I welcome the news in The Press that Christmas footfall figures had increased 7.2% on the previous year and that retailers saw an increase in takings.

Nick Brown of Browns has said visitor numbers were up along with turnover. He said Christmas 2013 had been the best Christmas since the recession began. Adam Sinclair of Mulberry Hall also reported an encouraging Christmas with an increase in takings. York Retail Forum Chair Frank Wood said his business was up 10% on last year.

I hope retailers enjoy an even better Christmas this year.

### **HS2 Rail College**

You will have seen that we have started a process of bidding for York to be the home of an HS2 Rail College following a Government announcement that this will be required as part of plans for HS2. We welcome the enthusiastic backing of The Press, business people and residents alike. I hope we can count on the support of all group leaders.

### **Askham Grange**

I wrote to the new Justice Minister on his appointment about this prison and I was given a meeting with him. Councillor Aspden and the Lord Mayor were also in attendance.

The Minister has given me assurances that prison provision will not be diminished and all 100 employees will be offered new employment within 60mins travel time. The Minister agreed to send me this confirmation in writing.

## **Community Conversations**

I have now had three of these meetings and I would like to thank the councillors of Haxby and Wigginton, Westfield and Hull Road for their support in these meetings. They have been invaluable in understanding some of the different issues communities have. I have received positive feedback about these meetings - including from opposition councillors and I look forward to visiting every community in York over the course of the year.

## **Sponsored Sleep Out**

I would like to thank all councillors who took part in the SASH sleep out recently at Homestead Park and I would also like to thank councillors who have sponsored us to sleep out overnight. The money raised will help prevent youth homelessness in York. It is not too late to donate; it can be done at [www.yorksleeppout.co.uk](http://www.yorksleeppout.co.uk).

## **Rent Capping**

Below is the article I wrote for The Press as to why I am in favour of the introduction of rent controls. I said I would include in my council report to begin the debate in the council chamber about this important issue. I welcome each group leader explaining whether their group's are in favour of rent capping or not.

Hugh Bayley MP recently asked the Liberal Democrat Minister for Pensions at Parliamentary question time about the cost of English housing benefit over the last ten years.

The answer was very revealing. The cost to the taxpayer has increased from £11 billion a year to £21 billion – an increase of 95 per cent.

My own research shows in York the cost over the same period has increased from £23.4m year to £45.3m – an increase of 93 per cent.

Housing benefit is now claimed by 11,269 York residents – the majority of whom are in work. So why have we had this large increase? Economics.

If demand rises and there is not an increase in supply, the price rises. In York the lack of significant new homes being built, exacerbated by student housing becoming more lucrative for landlords, means the price of homes to both rent and buy has grown astronomically.

The housing charity Shelter has published a report indicating that York has the least affordable rents in Yorkshire & Humber, more on a par with the south east of England.

In the last eight years, York's housing benefit cost in the private rented sector has increased by 135.7 per cent. This is largely taxpayers' money being given to landlords to pay for high rents.

The largest increase in the proportion of York residents claiming housing benefit has been in the private rented sector – 100.6 per cent or 1,501 people.

There are now more residents claiming housing benefit in the private rented sector than in housing association accommodation and this has been the case since the last general election.

York's average rents are £75.35 a week for council tenants, £90 for Housing Association and £177.46 in private rented.

The UK housing market is broken and people in cities such as York are being priced out of their own city.

This is unacceptable. Surely it is about time we had a sensible debate in this country about introducing rent capping to get this benefit bill down, rather than attacking the recipients of housing benefit?

The financial saving could be used to pump prime the construction of new homes and I know some house builders would welcome this.

For some residents, rent caps may even put money back in their pockets – helping the economic recovery.

Other cities across Europe have rent caps and the UK could introduce them based on median average income of residents in council areas.

This could be set by an independent body or by the Government using a nationally set formula.

The Conservative and Liberal Democrat answer to the rising housing benefit bill is to instead target the most vulnerable in our society with the bedroom tax – this allegedly saves £320 million a year out of an annual cost of £21 billion and rising.

Locally, the Conservatives and Liberal Democrats both oppose significant home building which would repair the housing market by increasing supply.

They are on the side of the privileged few whilst York Labour is on the side of the hardworking who want to own or rent their own home.

**Councillor James Alexander**  
**18<sup>th</sup> March, 2014**

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City of York Council

Extract from Draft Committee Minutes

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Meeting	Audit & Governance Committee
Date	12 February 2014
Present	Councillors Potter (Chair), Brooks (Vice-Chair), Ayre, Barnes, Burton, Watson and Wiseman
Apologies	Mr Whiteley (Co-opted Non-Statutory Member)

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## Part B - Matters Referred to Council

### 64. Updating the Constitution

Members considered a report that sought their views on proposed changes to the “Summary and explanation” section of the Constitution.

Members put forward a number of amendments to the draft. It was agreed that the Monitoring Officer, in consultation with the Chair, would incorporate the requested changes and that the updated document would be circulated to Members prior to its submission to Full Council<sup>1</sup>.

**Recommend:** That the amended draft “Summary and explanation” section of the Constitution replace section one of the current Constitution forthwith.

**Reason:** To ensure that the Council’s governance arrangements are set out in an easily understood form in its Constitution.

#### Action Required

1. Incorporate agreed amendments for circulation

AD

Councillor Potter, Chair

[The meeting started at 5.30 pm and finished at 7.10 pm].

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## **CONSTITUTION**

### **SECTION 1**

#### **1. INTRODUCTION**

##### **1.1 Purpose and Content of the Constitution**

- 1.1.1 The Constitution describes the various bodies that make up the Council, their functions, Membership and procedural rules.
- 1.1.2 In Section [ ] (Getting Information and Getting Involved) we have provided information for members of the public and councillors on how you can get information about the Council, and how you can get involved. We hope that this will help people who have an interest in the Council's work, or a particular matter it is dealing with, understand where they can get more information, and how they can contribute to Council activities.
- 1.1.3 You can get a better understanding of what each of the Council's bodies do in [Sections] of this Constitution, including Full Council, Cabinet, Overview and Scrutiny Committee, Standards Committee and Regulatory Committees. [Section] provides information on the management and Officer structures of the Council. Some Officers have a specific duty to ensure that the Council operates within the law and uses resources wisely. Responsibility for functions at [Section] says which Council bodies, and which Officers, have authority to make which decisions.
- 1.1.4 The procedural rules that apply to the different Council bodies are contained in the sections relating to those bodies, eg Full Council (Section), the Cabinet Executive (Section) and Overview and Scrutiny (Section). You may find these useful if you want to attend a meeting, particularly if you want to be able to ask questions, have a matter discussed, or put your point of view.
- 1.1.5 Sections [ ] have the Codes of Conduct and Protocols which Officers and Members have agreed to comply with. They set the standards of behaviour.

26/11/2013

1.1.6 The Contents pages at the beginning of this Constitution provide a guide on what is in the Constitution and where you can find it.

## 1.2 **What the Council does**

1.2.1 The City of York Council is a Unitary Council. This means that the City Council is responsible for ensuring that most local authority services are provided to York residents. This contrasts with North Yorkshire where some services are provided on behalf of the North Yorkshire County Council and others by the various District Councils – in Harrogate, Ryedale, Selby etc.

1.2.2 A very wide range of services is provided by the City Council including:

- Supporting economic development to create jobs in the City
- Waste collection and disposal
- Handling planning applications
- Collecting council tax
- Administering housing and council tax benefits
- Assessing and meeting social care needs of the elderly and people with disabilities
- Supporting families and safeguarding vulnerable people
- Ensuring that effective education is made available for school age children
- Providing council housing and advice or accommodation to the homeless
- Maintaining the local highway network
- Ensuring an effective library service
- Providing swimming pools and leisure centres
- Running the Trading Standards and Environmental Health Services
- Public health

26/11/2013

Much more information about what the Council does can be found on the Council's website.

1.2.3 York also has thirty Parish and Town Councils. These are independent of the City Council and represent smaller areas. Parish Councillors put themselves forward for election every four years. If there are vacancies local people have the right to request a by election following notice of the vacancy being published. If no election is requested then the Parish Council can co-opt individuals to act as Parish Councillors.

1.2.4 The City Council does have responsibilities to receive complaints that Parish Councillors may have breached their Code of Conduct, to undertake reviews of parishing arrangements (known as community governance reviews) and to appoint temporary Parish Councillors where there would not otherwise be a quorum. Other than this Parish Councils are self governing. Many Parish Councils have their own websites but you can also find contact details for each Parish on the City Council's website.

### **1.3 City of York Councillors**

1.3.1 The City of York Council has 47 councillors. They each represent part of the City known as a "Ward". York has 22 Wards. Some are represented by three, some by two and some by one councillor. Details of current councillors and the wards they represent are available on the Council's website.

1.3.2 From time to time an independent, national body, the Local Government Boundary Commission, reviews the number of councillors and Ward boundaries and makes recommendations to Parliament for any changes which may be thought desirable. Any agreed changes are set out in legislation.

### **1.4 Councillors' allowances**

1.4.1 Councillors are entitled to receive a basic allowance which is the same sum of money irrespective of their role in the Council. Councillors who perform particular roles are also entitled to a special responsibility allowance. Other allowances such as travel, subsistence, internet and dependent care are also payable. The details of the allowances and expenses which may be claimed are set out

26/11/2013

in a scheme in part [\*\*\*\*\*] of the Constitution. This scheme has to be approved by full Council. Before changing the scheme the Council must consider a report from an Independent Remuneration Panel but Council does not have to accept the Panel's recommendations. In recent years lower allowances have been agreed than those recommended.

1.4.2 Details of all allowances paid and expenses claimed are published on the Council's website.

## **1.5 Local elections**

1.5.1 York has "all out elections" every four years when all the Council seats are contested. Normally these take place on the first Thursday in May in the relevant election year and, in accordance with the Local Government Act 1972, newly elected councillors take office on the fourth day after election day. The next local elections are scheduled to take place in 2015.

1.5.2 If a councillor retires or dies then, unless it is within 6 months of a normal election date, a by election will be held to fill the vacancy.

1.5.3 Most councillors belong to a political party and York currently has representatives of the Labour, Conservative, Liberal Democrat and Green parties. However, there are also independent councillors who do not belong to any political party.

1.5.4 A great deal of information about the process for standing for election and who is eligible to do so can be found on the Electoral Commission website.

## **1.6 The Lord Mayor and Sheriff**

1.6.1 York has had a Lord Mayor since at least the thirteenth century. The office of Sheriff is the oldest in England dating back to 1396.

1.6.2 The Lord Mayor is a councillor formally elected by his or her fellow councillors at the Annual Meeting of the Council. Traditionally this takes place in the ancient Guildhall in mid to late May. To be eligible to be nominated for Lord Mayor a

26/11/2013

Councillor must have 5 years service. For some years the Council has operated an arrangement whereby points are awarded to political groups based on the number of serving councillors they have at the time of the annual meeting. The group with the most points is given the honour of nominating a councillor to serve as the next Lord Mayor. Having done so they lose 47 points the following year.

- 1.6.3 The Sheriff is nominated by the Lord Mayor and appointed by Council at the annual meeting. The Sheriff may but need not be a councillor.
- 1.6.4 In the past these posts exercised significant political power. Nowadays the role of Lord Mayor largely involves acting as *first Citizen* promoting York and representing the City at civic and ceremonial events, although he or she also chairs the meetings of the full Council. Traditionally the Lord Mayor avoids political activity during his or her term of office and although he or she is entitled to vote on business at Council, the Lord Mayor will often abstain from doing so.
- 1.6.5 The Council's Constitution sets out in more detail the Council's expectation of its Lord Mayor and Sheriff.

## **1.7 Council staff**

- 1.7.1 The Council employs paid staff known as "Officers" who deliver services on a day to day basis. The Officer team is headed by the Chief Executive. Officers work for the whole Council but the Officer team is divided into a number of departments or directorates based on related services. Each directorate is headed by a senior Officer known as a Director. The Directors and Chief Executive together form the Council's Corporate Management Team.

The Council is required to have certain Officers by law.

- The Chief Executive acts as the Head of Paid Service and has responsibility for appointing staff below the level of Assistant Director. In practice, of course, this responsibility is generally delegated to managers.
- The Council's Director of Customer and Business Support Services is the Chief Finance Officer appointed

26/11/2013

in accordance with section 151 of the Local Government Act 1972. The postholder has legal responsibilities in respect of ensuring the proper conduct of the Council's financial affairs.

- One of the Assistant Directors of Customer and Business Support Services is the Monitoring Officer appointed in accordance with the Local Government and Housing Act 1989. The postholder has legal responsibilities in respect of the Council acting lawfully and without maladministration.
- The Council is required to have a Director of Children's Services, a Director of Adult Social Services and a Director of Public Health to lead on their respective functions. These roles do not necessarily have to be performed by different people.
- The Council must also designate one of its officers as the statutory scrutiny officer with the key function of promoting the role of and supporting overview and scrutiny in the authority. This role is undertaken by the Head of Civic and Democratic Services.

1.7.2 Various pieces of legislation require action to be taken by the "Proper Officer" of the Council. The Constitution sets out which Officer is the Proper Officer for certain purposes. If no specific Officer has been identified then the Chief Executive has that responsibility.

## **1.8 The Council Leader and the Cabinet**

1.8.1 The full Council appoints one councillor to act as the Council Leader. In York the Leader is appointed for a four year term or until the end of his or her term of office. The term of office may be shorter if the Leader resigns or loses a vote of no confidence. Where one political group has a majority of seats on the Council the leader of that group will inevitably be appointed as the Council Leader. The Council Leader has very significant powers relating to decision making.

26/11/2013

1.8.2 York operates the system known as “executive decision making” introduced by the Local Government Act 2000 and has a Leader and Cabinet form of executive. One of the key powers of the Leader is to appoint Cabinet Members and to allocate responsibility for executive decision making. The Leader is entitled to establish a Cabinet made up exclusively of him or herself and other members of his or her political group. The Leader is entitled to appoint up to nine other Cabinet Members although York’s Cabinet currently consists of the Leader and six other councillors.

## **1.9 Executive Decision making**

1.9.1 The law which governs the way decisions are made within the Council is quite complicated. The Local Government Act 2000 says that any function which the Council performs is a function of the Executive unless there is a specific legal provision which says otherwise. In the main those exceptions are set out in a piece of legislation called the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. The exceptions are relatively few so very many of the decisions made by the Council are the responsibility of the Executive and cannot be made by Councillors who are not Cabinet Members.

1.9.2 Executive decisions may be taken in a variety of ways. Most commonly decisions may be taken by the Cabinet collectively in one of their regular meetings, by the Leader or a Cabinet member individually or by an individual Officer. The Leader, in line with the Local Government Act 2000, has produced a scheme of delegations which allocates decision making powers including portfolios for Cabinet members and this appears in the Constitution.

1.9.3 There are some variations to this – for example there are some Joint Committees with other local authorities which may make executive decisions in accordance with agreements establishing the committee. These are referenced in the Constitution.

1.9.4 When making executive decisions there are other rules which need to be followed. For example the Council has rules which must be followed when entering contracts. These Contract Procedure Rules are set out in the Constitution.

26/11/2013

Executive decisions also have to be made within the overall budgetary framework approved by Council. The Council's financial regulations include details of how decisions can be made to transfer funds between budgets.

## **1.10 Non executive decision making**

1.10.1 The "Functions and Responsibilities" Regulations set out a long list of decisions which are "Executive" decisions. However, by and large they fall into a few categories:

- Agreeing the budget and policy framework (which consists of certain key plans and strategies). These plans and strategies are developed by Cabinet but approved by full Council.
- Taking regulatory decisions – such as granting planning permission or certain licenses and making by-laws
- Appointing staff
- Electoral and civic issues

1.10.2 Like executive decisions, non-executive decisions may be taken in a variety of ways. Most commonly these decisions may be taken by the Council meeting together, by a Committee or Sub Committee of councillors or by an Officer. Non-executive decisions cannot be made by an individual councillor. So, for example, an individual Councillor cannot grant planning permission because granting planning permission is a non- executive function.

## **1.11 Allocating responsibility for non- executive decision making**

1.11.1 By and large full Council decides who should have the power to perform these functions and the scheme of delegation in the constitution sets out the allocation of responsibilities which has been agreed.

1.11.2 There are some exceptions to this though. For example the law says that the budget and certain key plans and strategies which make up the policy framework can only be approved



26/11/2013

by full Council. Similarly, by law, the Head of Paid Service (or Officers he or she authorises) and not councillors are responsible for appointing most staff. Councillors are only involved in the appointment of the Chief Executive, Directors and Assistant Directors.

1.11.3 Section [\*\*\*\*\*] of the Constitution described in more detail where decision making responsibilities lie and includes terms of reference for the various Committees.

1.11.4 The Council has appointed a Health and Well Being Board. The Board is responsible for encouraging providers of health and social care to work together and has certain statutory functions. Although it operates as a form of Committee the Health & Well Being Board is unusual in that some of the membership is set out in law (including, uniquely, certain Officers), the Leader has the power to nominate to some positions and some positions are reserved to postholders who are not councillors.

## **1.12 Scrutiny**

1.12.1 The Council appoints a number of scrutiny committees made up of councillors who are not members of the Cabinet. These Committees have the power to review or scrutinise decisions taken on behalf of the Council and to make recommendations on matters affecting York residents. In doing so Committees may look at the activities of other organisations working in York and they have specific legal powers to require NHS bodies, the police, fire service and probation to provide information to help their work.

1.12.2 The Committees often appoint task and finish groups to undertake particular pieces of work, gathering evidence on an issue affecting the City and preparing a report for consideration by the Committee. Most of these reports will result in recommendations to Cabinet suggesting steps that could be taken to improve the way the Council does its business and supports local people.

1.12.3 There are some exceptions but normally, where the Cabinet or an individual Cabinet Member has made a decision, any three councillors may “call that decision in” for review. This power also applies in the unusual event of an Officer making

26/11/2013

a decision which meets the constitutional definition of a “key decision”. A decision which has been called in is referred to a meeting of the Corporate and Scrutiny Management Committee. The reason for the decision and the call in will be explained and debated. The Committee cannot overturn a decision but may refer it back to the decision maker to be reconsidered or refer it to full Council for discussion.

### **1.13 Political Proportionality**

1.13.1 Where the Council appoints Committees and makes certain other appointments then generally speaking it must comply with principles of political proportionality. These mean that any political group with a majority on the Council must have a majority on each Committee. Subject to that the allocation of the *total* number of Committee places should be proportionate to the representation on the Council. Finally and subject to the first two principles the allocation of places on each *individual* Committee should also be proportionate. These rules can be waived by Council if no Member objects.

1.13.2 These rules do not apply to the Council’s Cabinet which can be made up of members of only one political group.

### **1.14 Code of Conduct**

1.14.1 The Council has adopted a code of conduct which all councillors must follow. The Council has a Standards Committee which oversees the code and can hear complaints that the Code has been breached. The Committee also deals with complaints in respect of local Parish councillors and, for that reason, the Standards Committee is a joint committee established with Parish Councils.

1.14.2 The Council’s Monitoring Officer has a key role in administering the process in respect of member complaints and may be contacted for further advice.

### **1.15 Transparency and public involvement**

1.15.1 The most significant right that residents have to affect the way the Council operates is to exercise their right to vote if registered to do so. There are many other ways though that

26/11/2013

residents can gain information about how the Council operates and become involved with the work of the Council.

- 1.15.2 Residents are, of course, entitled to contact their local Councillor about any matter of concern to them. Residents can also attend one of the residents forum meetings held in each area four times a year. These are led by the local councillors and supported by groups and other partners who are active in the area.
- 1.15.3 The Council welcomes customer feedback both positive and negative. Any complaints about the Council's services will be considered in accordance with its policy. A resident who is dissatisfied with the Council's response to a complaint is entitled to pursue it with the independent Local Government Ombudsman
- 1.15.4 A great deal of information about the Council is available on its website including information about all Council expenditure, allowances paid to Members and the salaries of the most senior staff. Other information is freely available from the Council on request. In addition the Freedom of Information Act and Data Protection Act give statutory rights to information which will usually be provided unless there is a proper reason to refuse the request – such as information being commercially sensitive or containing personal information relating to third parties. Residents also have the right to inspect the Council's accounts and make their views known to the external auditor.
- 1.15.5 The Council publishes a calendar for a full year of its formal meetings on the Council's website and formal notice of each meeting is displayed at the Council offices. Agendas and reports are usually available to be inspected in advance of the meeting either on the website or at the offices. The exception to this is where a report contains "exempt information" such as the details of the proposed price of land which the Council is considering selling or of legal action which the Council is considering taking against an individual. Key documents (other than published works) relied upon to a material extent in preparing a report will normally be listed in the report. These "background papers" are accessible in the same way as reports.

26/11/2013

- 1.15.6 The Council also publishes a forward plan of matters upon which decisions will be taken by Cabinet or individual Cabinet members. In most cases a matter will have been on the forward plan for at least a month (often longer) before a decision is taken but there are special procedures allowing urgent decisions can be brought forward.
- 1.15.7 The public are usually welcome to attend formal meetings of the Council, Cabinet and Committees. Very occasionally it may be necessary to meet in private session because “exempt” business is being discussed. The Council will normally give at least 28 days notice where the Cabinet is likely to be discussing exempt business. As a rule though, even if a report contains exempt information, Councillors will debate it in public if it is possible to do so without disclosing the sensitive information.
- 1.15.8 Most formal meetings include an agenda item for public participation where members of the public are entitled to speak to councillors on matters relating to their business. There are many other ways that residents can get involved with the work of the Council such as bringing forward a petition, giving evidence to a scrutiny committee, responding to public consultations or lobbying their councillor.
- 1.15.9 The Council keeps and makes available to the public copies of agendas, reports and minutes of its meetings. Records of decisions made by Cabinet members and some officer decisions are also published on the website. Increasingly the Council is arranging for its meetings to be video or sound recorded and the recordings are available on the Council’s website.

This introduction is only a brief summary of how the Council operates. There is much more detail in the Constitution itself. We hope that we have made the Constitution as easy to read as possible but, if you need any further help please do not hesitate to contact us at: [\*\*\*\*\*]

City of York Council

Extract from Draft Committee Minutes

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Meeting	Gambling, Licensing & Regulatory Committee
Date	17 March 2014
Present	Councillors Boyce (Chair), Cuthbertson, Douglas, Funnell, Gillies (Vice-Chair), Hyman, Horton, King, Looker, McIlveen, Orrell, Richardson and Taylor
Apologies	Councillors Riches and Watt

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**PART B - MATTERS REFERRED TO COUNCIL.****20. Statement of Licensing Policy - Review of the Saturation and Cumulative Impact Zone.**

Members considered a report which outlined the review of the council's Statement of Licensing Policy, advised of the consultation undertaken and sought Members support for the review of the special policy on saturation and cumulative impact for part of the city centre known as the Cumulative Impact Zone (CIZ).

The Licensing Manager reported that a number of small changes had been made to the policy to reflect changes in legislation, the most notable being the addition of public health information at page 10 highlighting the impact of alcohol on York.

North Yorkshire Police had also requested an update to the CIZ boundary to reflect changes in crime and disorder patterns. The CIZ would now include Back Swinegate, Goodramgate and Fossgate. The policy would also cover off licences following an increase in the number of supermarkets and convenience stores opening in the city centre.

A Member pointed out that following a change in legislation the references to the 'Primary Care Trust' in the document were no longer relevant and that public health was now the responsibility of Local Authorities. The Licensing Manager agreed to amend wording to reflect this change.

Members welcomed the changes to the CIZ and thanked Officers and North Yorkshire Police for their work on the document.

Recommended: That Council adopt the Statement of Licensing Policy subject to the amendment outlined above.

Reason: To reflect the result of the consultation and meet legislative requirements.

Action Required

1. Make amendment to policy.

LC

Councillor Boyce, Chair

[The meeting started at 4.00 pm and finished at 5.25 pm].



**Draft**  
**Statement of Licensing Policy**  
**2014**

Licensing Act 2003

Important Note

In producing this Statement of Licensing Policy the Licensing Authority is aware of the government's proposals to amend certain aspects of the Licensing Act 2003 and subordinate legislation.

Any such revisions made in the future will be incorporated into this policy which will be published on the Council's website.

Readers of paper versions of the policy are advised to check on the website to ensure they have the latest information.



## Index

### Page No

- 1. Licensing Vision**
  - 1.1 Licensing Vision
  - 1.2 How to read this Policy Statement
- 2. Purpose and Scope**
  - 2.1 Purpose
  - 2.2 Scope of Policy
  - 2.3 Duration of Policy & Review
- 3. Profile of York**
  - 3.1 Profile of York
  - 3.2 General Approach to Licensing
    - 3.2.1 Diversity
    - 3.2.2 Use of Public Spaces
    - 3.2.3 Local Business
    - 3.2.4 Premises Serving Food & Drink in the Open Air
    - 3.2.5 York's Licensed Heritage
    - 3.2.6 Live Entertainment and Performing Arts
    - 3.2.7 Impact of Alcohol on York
    - 3.2.8 Decision Process
  - 3.3 Consultation on producing City of York Council Licensing Policy
  - 3.4 Future changes in legislation
- 4. Links to other Policies, Strategies, Legislation & Guidance**

Local Policy & Strategy Issues

  - 4.1 Planning (Development Control)
  - 4.2 Crime & Disorder
  - 4.3 Counter Terrorism
  - 4.4 City of York Council Community Plan & Council Plan
  - 4.5 Tourism

National Strategies

  - 4.6 Alcohol Harm Reduction Strategy

**5. Applications for Premises Licences, Club Premises  
Certificates and Variations**

- 5.1 Consultation on New Premises Applications, Club Premises  
Certificates, Variations and Provisional Statements
- 5.2 General Principles for Determination of Applications
- 5.3 Composition of a Licensing Sub-Committee

**6. Guidelines for Applicants**

- 6.1 Prevention of Crime and Disorder
- 6.2 Public Safety
- 6.3 Prevention of Public Nuisance
- 6.4 Protection of Children from Harm
- 6.5 Entertainments of a Sexual Nature

**7. Saturation & Cumulative Impact**

- 7.1 Saturation and Cumulative Impact
- 7.2 Special Cumulative Impact Policy York City Centre
- 7.3 City Centre Special Policy Statement

**8. Licensing Hours**

**9. Early Morning Restriction Zones (EMROs)**

**10. Personal Licences**

- 10.1 Designated Premises Supervisor, Authorisation
- 10.2 Authorising the Sale of Alcohol

**11. Review of Licences and Enforcement**

- 11.1 Review of Licences
- 11.2 Enforcement

**12. Temporary Event Notices (TENs)**

**13. Policy Matters to be Considered by the Licensing Committee**

- 13.1 Tourism and Employment
- 13.2 Planning
- 13.3 Community Safety: Crime and Disorder
- 13.4 Health

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## Appendices

<b>Appendix A</b>	Delegation
<b>Appendix B</b>	Other Relevant Legislation & Guidance to Applicants
<b>Appendix C</b>	Map Delineating the City Centre Area
<b>Appendix D</b>	Map of Special Policy Area

## 1. Licensing Vision

### 1.1 Licensing Vision

#### Vision Statement

**We seek to ensure City of York Council continues to offer a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment. Valued by those who live in, work in, and visit, the city.**

The Council believes a properly balanced application of the Licensing Act 2003 offers a range of opportunities to progress the objectives of the Council by:

- improving the quality of life for local residents through a reduction in alcohol related crime and disorder, disturbance and anti-social behaviour;
- giving businesses greater freedom and flexibility to meet their customers' expectations;
- improving quality of life by bringing greater choice to residents, consumers, tourists and businesses about where, when and how they spend their leisure time;
- encouraging more family-friendly premises where younger children can be free to go with the family;
- further developing a rich culture of live music, dancing and theatre in our area;
- encouraging a variety and mix of premises that will appeal to a broad spectrum of people, including a well used city centre, day and night, that is safe and accessible to all;
- encouraging responsible retailing and consumption of alcohol and preventing alcohol related health issues.

### 1.2 How to Read This Policy Statement

**The text of the statements in bold type indicates the Statements of Policy with the reason, where appropriate, for each policy shown immediately after in *bold italics*.**

It is not intended that this statement reiterates legal requirements, however, the statement may include such matters where appropriate.

This policy is supported by a number of Appendices that provide important information aimed at helping those reading or referring to it. The information provided in the Appendices is outside the scope of the policy and may be subject to technical change in the light of the Government Guidance, from time to time. Any such changes will not invoke the procedures for revisions to the licensing policy in Section 5 of the Act.

## 2. Purpose and Scope of the Licensing Policy

### 2.1 Purpose

City of York Council is the Licensing Authority for the purposes of the Licensing Act 2003 (the Act) for the administrative area of the City of York.

The Act specifies the licensing objectives that the Council's licensing function must address and these are;

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

Section 5 of the Act requires the Licensing Authority to produce and publish a licensing policy in respect of each 5 year period to address the licensing objectives. The policy will be subject to interim reviews, as necessary, to ensure the statutory licensing objectives are being met and a statement of the revisions will be published. This current licensing policy, agreed by City of York Council, has been produced having regard to the Guidance issued by the Secretary of State under Section 182 of the Act (as amended), and the views of people and organisations consulted in its determination.

The purpose of this policy document is to set out the policies the City of York Council, as the Licensing Authority, will apply to meet the licensing objectives when making decisions on any licence application under the Act. This policy does not replicate the statutory requirements of the Act. The purpose behind the policy is to provide applicants for licences and all other stakeholders with details of those adoptive and discretionary matters that the Licensing Authority considers necessary to meet the aims of promoting the licensing objectives in the City of York Council area. The policy is to inform licence applicants of the parameters under which the authority will make licence decisions and how a licensed premise is likely to be able to operate within the City of York Council area. The policy is also to inform residents and businesses of the parameters under which the authority will make licence decisions and how their needs will be addressed. The policy will guide the Licensing Authority in its decision-making processes.

### 2.2 Scope of Policy

The Licensing Authority is responsible under the Act for the licensing of the following licensable activities:

- the "supply" of alcohol, that is the sale by retail of alcohol, in public houses, hotels, restaurants, off licences, retail shops, guest houses (**premises licence**);
- the supply of alcohol by qualifying clubs (**club premises certificate**);

- the provision of regulated entertainment (**premises licence**), including:
  - ❖ Film exhibitions;
  - ❖ Performances of a play;
  - ❖ Indoor sporting events;
  - ❖ A boxing or wrestling entertainment (indoors and outdoors);
  - ❖ A live music performance;
  - ❖ Playing of recorded music;
  - ❖ Dance performances;
- the provision of late night refreshment, that is the supply of hot food or drink to the public on or from premises between 11.00pm and 5.00am (**premises licence**);
- the permitting of certain licensable activities on a temporary basis (**temporary event notice**);
- the licensing of individuals for the retail sale of alcohol (**personal licence**);
- authorising of premises supervisors in premises supplying alcohol (who must hold a personal licence) (**designated premises supervisor**).

In general a reference in this policy to a premises licence, unless otherwise specified, will include a club premises certificate and/or a Temporary Event Notice.

Any reference in this policy to guidance or regulations includes those where the Secretary of State has used his powers contained in the Act to make Regulations (Section 5) and issue Guidance (Section 182).

### 2.3 Duration of Policy & Review

**This policy shall have effect from XX March 2014 to xx March 2019 unless otherwise reviewed by the Council and shall be in force for no more than a period of five years (or any other period subsequently specified in legislation).**

The special policy referred to in paragraphs 6.2 and 6.3 was approved by Council on XX March 2014 and shall have effect until XX March 2019.

A formal review of these policies will take place towards the end of the 5 year period involving further consultation with the parties detailed in 1.4 above. The policies will be revised in line with the outcomes of the consultation, any changes in legislation and in guidance from Government.

The Licensing Authority will keep the policy statement under constant review and make such revisions it feels appropriate. Where revisions are made, the Licensing Authority will publish a statement of revisions or a revised licensing policy statement.

## 3. Profile of York

### 3.1 Profile of York

**York is a nationally and internationally prominent city for a range of reasons. Not only is it an historical centre for England, it is also one of the most visited tourist destinations in the UK. York has excellent rail links across the country, is a centre of academic excellence, and is an important location for the Church of England. Each year around 22,000 higher education students make up approximately 11% of York's population in term time.**

The City of York Council covers an area of 105 square miles and comprises the urban area of York which is surrounded by many small rural and semi-rural settlements covered by parish councils. Approximately 198,000 people live in the council area (2011 est.) which includes a small black and minority ethnic population (9.12%).

Tourism and leisure are important industries for York attracting 7 million visitors a year who spend £606 million annually in the city. Over £125 million a year is spent on eating out and evening entertainment. Over 20,000 jobs have been created in the tourism sector.

This level of tourism can, however, present challenges to the city in balancing the requirements of residents against the economic benefits that tourism can bring.

Historically York was known for having one public house for each day of the year. This is no longer the case, but there are 930 premises of various types licensed to sell alcohol in the city.

The city has a wide range of premises selling or supplying alcohol and providing regulated entertainment. There are many outstanding restaurants, licensed entertainment venues, including 3 cinemas and 5 theatres, numerous high quality traditional and historic public houses, and bars. Other premises, such as village and community halls and bingo halls, provide alcohol and entertainment as part of their overall activities. In addition, there are a significant number of retail premises selling alcohol, including the large supermarkets, off-licences and small convenience shops.

### 3.2 General Approach to Licensing

City of York Council is the Licensing Authority for the application of the Licensing Act 2003 (the Act) within its administrative area.

The Licensing Authority recognises the positive developments that have occurred in the licensed sector in the city over previous years. Many of the licensing initiatives that were generated in York are cited as good practice in the Guidance to the Act.

The Licensing Authority accepts the importance of licensed businesses to the culture, economy and vitality of the city.

The Licensing Authority is using the opportunity presented by the Act and through its

licensing policy to enhance the opportunities for businesses, residents and visitors while at the same time safeguarding residents and business amenities through the promotion of the licensing objectives.

Under the legislation the Licensing Authority has a range of duties and functions but its prime role is to promote each of the licensing objectives by making licensing decisions and the enforcement of licensing legislation. The licensing objectives are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

Licensing is concerned with regulating licensable activities in licensed premises including public houses, nightclubs, theatres, cinemas, retail outlets (ie supermarkets), off-licences, qualifying clubs and other venues. Licensing covers temporary events that are providing entertainment and/or selling alcohol. Late night refreshment premises, selling hot food between 11pm and 5am, are also included within the terms of the Act. The range of activities covered by the Act is diverse and not solely restricted to businesses but also cover charitable and non-profit making activities.

The Act is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are beyond the direct control of the individual business holding the licence or certificate. However, the Act is a key aspect of such control and the exercise of licensing functions is part of a wider approach to the management of anti-social behaviour and the night time economy with particular regard to the city centre. The Licensing Authority has a duty to do all that it reasonably can to prevent crime and disorder under Section 17 of the Crime and Disorder Act 1998. To this end this policy should be read in conjunction with the Community Safety Plan for the City of York Council area.

The Licensing Authority will apply the requirements of the Act in such a way, so far as is possible, to avoid duplication with other regulatory regimes.

Within this general framework the Licensing Authority would like to specifically address its policy in the following way:

### 3.2.1 Diversity

The Licensing Authority strongly supports a mix of the different types of licensed premises, particularly in areas where there is a high density of such premises. It believes diversity will attract a broader range of customers from local residents and visitors, also giving greater choice for different age groups. It gives potential for positively changing and improving the ambience of the city. This in turn may have a positive effect in increasing the number of evening visitors to the city centre while improving safety and reducing nuisance, crime and disorder.



### 3.2.2 Use of Public Spaces

The Licensing Authority wishes to continue to promote a broad range of entertainment within the city including live music, dancing, theatre and other entertainment. To promote this policy the Council has obtained premises licences for a number of public spaces within the community. These include such spaces as city centre event areas, foot streets and several parks. This will encourage these activities in that, at these venues, performers and entertainers will not need to acquire a licence to perform but would need the permission of the licence holder (eg City of York Council as the premises licence holder). The City Council will still apply the Council policy on the prohibition of circuses involving animals. The Council will continue to assess areas which may be suitable for licensing.

### 3.2.3 Local Business

Through its policy the Licensing Authority will encourage the development of local businesses recognising the benefits to the local economy, by supporting local enterprise to the benefit of residents.

### 3.2.4 Premises Serving Food & Drink in the Open Air

The Licensing Authority wishes to respond appropriately to applications from public houses, bars and restaurants requesting to serve food and alcohol in areas adjacent to or immediately outside their premises. Approvals may also be required from the planning and highway authority.

### 3.2.5 York's Licensed Heritage

The Licensing Authority recognizes the important part traditional and historic public houses play in our cultural and tourism heritage and would seek to preserve and enhance those assets for future generations.

### 3.2.6 Live Entertainment & Performing Arts

The Licensing Authority encourages the development of venues for the provision of live entertainment and performing arts, recognizing the contribution made to the vitality of the city.

### 3.2.7 Impact of Alcohol on York

Violent crime related to alcohol continues to decrease across the city centre and the suburbs of York. Monthly and yearly crimes of violence and criminal damage which are associated with excessive alcohol consumption are predicted to be at their lowest recorded level within the last ten years in 2012/14. Residents have identified through the councils' Big York Survey that "low crime levels" are the most important factor in making somewhere a good place to live.

Residents have identified that 'young people being drunk, rowdy, or a nuisance' as the second highest priority within the anti-social behaviour indicator set that needs to be addressed and alcohol related anti social behaviour carried out by adults and young people is a real issue for residents and businesses in certain parts of our City Centre and some of our neighbourhoods.

Alcohol is a causal factor in crime and disorder in York. We know for example that;

- 45% of offenders that are engaged with probation in York, have cited their current alcohol use as being a problem and a causal factor in committing criminal behaviour. Of these 45% over half revealed that they would like to "tackle their alcohol misuse".
- 46% of all offenders that are engaged with probation in York, admitted to engaging in "binge drinking" within the last six months and within the group of individuals who had committed a violent crime this rises to 60% of individuals.

Regularly drinking more than the recommended limits of alcohol increases the risk of a number of health problems that are strongly related to health inequalities, including liver disease, cardiovascular disease and diabetes. The excessive use of alcohol is an important public health problem in York, not only because of the health conditions associated with long term alcohol misuse, but also the immediate effects such as accidental injuries, violence, and antisocial behaviour.

The North West Public Health Observatory provides 23 statistical indicators of alcohol related harm across local authorities in England. The City of York performs better than the regional average across many indicators including alcohol specific hospital admissions. Although alcohol specific hospital admissions are lower in York than nationally, an increasing number of people in York are drinking at levels which may be harmful to their health.

An estimated 29.7% of adults in York binge drink ie drink at least twice the daily recommended amount of alcohol in a single drinking session; this is significantly higher than the national average, ranking York 320 out of 326 local authorities. Furthermore, an estimated 20.9% of adults who drink reported engaging in increasing risk drinking, which for males is between 22 and 50 units per week, and for females is between 15 and 35 units per week.

Excessive alcohol consumption is not just an issue for individuals, families and communities, but it has a significant impact on our public services, including the police and health services.

Whilst York has a lower rate of alcohol specific hospital admissions compared to the national average, amongst males, admissions continue to increase year on year. In 2006/2007 there were 280.56 alcohol specific admissions per 100,000 population – this rose to 373.60 per 100,000 in 2010/2011. Amongst females the rise in hospital admissions has slowed, but the current rate of admissions remains higher than five years ago (in 2006/2007 there were 166.71 alcohol specific admissions per 100,000 compared to 2010/2011 in which there were 186.72 admissions per 100,000).

Alcohol misuse also has a significant impact on our ambulance service and emergency departments. A recent audit showed that an estimated 10% of attendances at A&E are alcohol related attendances, with this proportion likely to be higher at weekends.

Over the last 5 years drinking behaviour has changed in that more people consume alcohol in the home and purchase alcohol from supermarkets and shops. More alcohol is purchased from the off-trade such as supermarkets and shops than in the on-trade such as pubs, bars, clubs and restaurants. A growing number of drinkers are more likely to drink at home before a night out, commonly known as 'pre-loading'. This change in drinking patterns is largely driven by low cost alcohol available from the off trade.

As the consumption of alcohol in the home increases then the impact of alcohol is more hidden, a number of domestic violence assaults and child protection cases are related to alcohol.

The availability of high strength alcohol products, such as high strength lager and cider, usually favoured by 'street / problem drinkers' from the off-trade also has an impact on anti social behaviour, crime and disorder and public health.

### 3.2.8 Decision Process

The ability of the Licensing Authority to take decisions is limited either by provisions in the Act, Regulations made under the Act, or to a lesser extent by Guidance from the Home Office. The Licensing Authority may, if it considers it appropriate, deviate from the Guidance but would need justifiable reasons for doing so. This policy has taken full account of the current Guidance from the Home Office and regulations made under the Act in respect of licence applications and the hearings process.

The Licensing Authority has reviewed its constitution and scheme of delegation to officers to ensure effective implementation of the Act. Licensing Committee and Sub-Committees have been set up to deal with licensing issues and the determination of applications in certain cases, namely those where representations have been made or where premises licences require review. Full details of matters to be dealt with by the Licensing committee and subcommittee are set out in Appendix A.

Non contentious applications, ie those where no representations have been made, will be delegated to officers. All matters dealt with by officers will be reported regularly to the Licensing Committee.

## 3.3 Consultation on Producing City of York Council Licensing Policy

In developing City of York Council's 2014-2019 licensing policy the Licensing Authority has carried out consultation in accordance with the principles set out in the Cabinet Office Code of Practice on Consultation. The Licensing Authority has consulted a wide range of organisations and stakeholders, including statutory consultees as follows:

- Chief Officer of Police for North Yorkshire;
- Chief Fire Officer for North Yorkshire;
- Representatives of local holders of premise licences;
- Representatives of local holders of club premises certificates within the meaning of the Act;
- Representatives of local holders of personal licences;
- Representatives of businesses and residents in the area;

The Licensing Authority has also consulted a range of non-statutory consultees including:

- The Safer York Crime and Disorder Reduction Partnership;
- British Transport Police;
- Local Accident and Emergency Department;
- Yorkshire Ambulance Service;
- Bodies representing consumers eg CAMRA, Chamber of Trade;
- Officers within the City of York Council responsible for regeneration, tourism, cultural strategy, planning, transport, health and safety, trading standards, pollution control, protection of children and racial equality;
- Alcohol Task Group;
- Groups and organisations who have a stake in the leisure and hospitality industries;
- Representatives of parish councils;
- Ward committees;
- Residents associations;
- Representatives of village and community halls;
- Local bodies representing the tourist industry;
- Representatives of the hackney carriage, private hire trade and other transport providers;
- Organisations representing disabled persons;
- Elderly persons forum;
- Citizens Advice Bureau;
- CVS.

### 3.4 Future changes in legislation

The Licensing Authority will consult (if required) and make comment on any proposed future changes in legislation.

The Licensing Authority will notify relevant licence holders of changes in legislation, if required.

### 3. Links to Other Policies, Strategies, Legislation & Guidance

#### **POLICY**

**The Licensing Authority will normally expect that all applicants for premises licences, club premises certificates, variations and provisional statements will, where relevant, participate in the matters set out in the following as they relate to achieving the licensing objectives.**

Integration with other City of York Council adopted policies and national strategies are a key part of this policy, as elements of these contribute to achieving the licensing objectives. The Council has taken a number of initiatives to prevent anti-social behaviour, noise and degradation of the street environment often associated with late night entertainment. Using a combination of licensing and planning powers and effective management of the street environment will lead to tackling these problems. Applicants for premises licences, or substantial variations to existing licences should, therefore, consider these local policies when compiling an operating schedule.

This section sets out existing policies/strategies, locally and nationally, which link to the achievement of the licensing objectives.

Additionally, many other statutory requirements apply to licensed premises such as health and safety, fire safety, planning, building control, public health, food hygiene, and trading standards. City of York Council is committed to avoiding duplication with other regulatory regimes as far as possible. Other relevant legislation is listed in Appendix B which will be applied by the responsible enforcement authorities.

#### **POLICY**

**The Licensing Authority will aim to ensure that this policy and any future revisions will refer to any strategies and policies necessary for an applicant to have regard to in meeting the licensing objectives.**

## Local Policy and Strategy Issues

### 4.1 Planning (Development Control)

The use of premises for sale or provision of alcohol, provision of entertainment or late night refreshment is subject to planning control. Such use will normally require planning permission or must otherwise be lawful, ie have a lawful development certificate under planning legislation. Planning permission is usually required for the establishment of new premises or change of use of premises.

While there is no obligation for an applicant to have planning permission before applying for a premises or provisional licence or for a substantial variation, it is strongly recommended that lawful planning use be obtained initially. The planning authority is a responsible authority under the Act to whom applicants are required to give notice of applications.

## **POLICY**

Applicants need to be aware there are also circumstances when as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

*Reason: To ensure that all licensed premises have lawful planning permission and that no conflicts arise between the Council acting as Planning and Licensing Authorities.*

It should be noted that any decision made by the Licensing Authority does not relieve an applicant of the need to apply for building control authorisation.

## **4.2 Crime & Disorder**

Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effect of the exercise of their functions on, and do all they can to prevent, crime and disorder in their area. The Licensing Authority will have particular regard to the likely impact of licensing on related crime and disorder in the City of York Council area, particularly when considering the location and impact of the operation and management of all new licence applications and variations to existing licences.

The Licensing Authority will take into account matters contained in York's Community Safety Plan and Anti-Social Behaviour Strategy in relation to the four main licensing objectives.

## **4.3 Counter Terrorism**

Crowded places have been targets of act of terrorism across the world. The National Counter Terrorism Security Office has produced guidance to operators of bars, pubs, clubs, cinemas, theatres, hotels, restaurants, stadia and other entertainment venues giving advice to operators to reduce the threat of attached. This can be found at [www.nactso.gov.uk/CrowdedPlaces](http://www.nactso.gov.uk/CrowdedPlaces).

Applicants and licence holders are encouraged to have regard to this guidance in the design and operation of their premises.

## **4.4 City of York Council Community Plan & Corporate Strategy**

The Local Government Act 2002 requires all local authorities to produce a community plan within the framework of the UK Sustainable Development Strategy and relevant regional strategies.

The Strategy for York 2011-2015 and the City Action Plan 2011-2015 identify key areas that will inform and shape the policies within this policy statement.

These strategies provide a crucial focal point for the identification of local issues. It is sought to improve the quality of life for everyone in York through these strategies.

The Licensing Authority will integrate and co-ordinate its licensing policy with the Without Walls Partnership Theme Areas in the community strategy.

The City of York Council Plan 2011-2015 details the strategic direction of the Council. The plan gives a rounded overview of our position and ambitions for improvement.

## 4.5 Tourism

In developing this Statement of Licensing Policy the Licensing Authority has taken into account York: A Vision for Tourism, prepared by Visit York in consultation with partners and stakeholders, including the Council. The Vision seeks to deliver long-term, sustainable growth in the value of the visitor economy for the benefit of visitors, businesses and residents by building on York's distinctiveness, enhancing the quality of the visitor experience and promoting York as a world class visitor destination. Amongst the ambitions for tourism is the development of partnerships with businesses, stakeholders and residents, increasing York's position as a leading European cultural centre (combining a unique heritage with a modern outlook) and enhancing York's public realm so it becomes the most special in England. Licensed establishments, entertainment and cultural venues all have a vital role to play in achieving these goals.

## National Strategies

### 4.6 Alcohol Harm Reduction Strategy

In 2004 the Government published its Alcohol Harm Reduction Strategy for England which outlined how the Act can be used to address some of the social health and crime and disorder issues raised by the misuse of alcohol when considering applications for Premises or Personal Licences. This strategy will be taken into account specifically with regard to the sale of alcohol to under 18's and the necessary steps to tackle anti-social behaviour.



## 5. Applications for Premises Licences, Club Premises Certificates and Variations

### **POLICY**

**All applications for premises licences, club premises certificates, variations, and provisional statements must be submitted in accordance with the Act and associated Regulations.**

***Reason: To ensure the timely and efficient determination of the application and to avoid unnecessary formal hearings.***

As part of the normal application process there is a requirement for the submission of an operating schedule. A fully detailed operating schedule will be required for club premises certificates, premises licences, and provisional statements covering all four licensing objectives.

### **POLICY**

**The operating schedule should include information which is necessary to enable responsible authorities, or other persons, to assess whether the steps to be taken to promote the licensing objectives are satisfactory and have been fully addressed.**

The Licensing Authority will normally expect the operating schedule to have regard to the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures, and the needs of the local community in addressing the four licensing objectives.

Applicants are strongly recommended to undertake a thorough and appropriate risk assessment of their business in order to arrive at a detailed operating schedule which identifies and meets all necessary steps to promote the licensing objectives in relation to the application made. Matters detailed in this document in relation to other policies and strategies should, where appropriate, be taken into account when preparing the operating schedule and form part of the overall risk assessment.

The concept of developing an operating schedule for all premises is recognised as good practice whether applying for a variation or otherwise and all licensees are recommended to do so.

### **POLICY**

**The Licensing Authority encourages new applicants to discuss their proposals informally with licensing officers and other responsible authorities before an application is submitted.**

***Reason: To ensure the timely and efficient determination of the application and to avoid unnecessary formal hearings.***

## 5.1 Consultation on New Premises Applications, Club Premises Certificates, Variations and Provisional Statements.

### **POLICY**

**Applicants are legally obliged to give notice of their application in two ways, by displaying a blue notice at the premises for a period of 28 days and placing a notice in a local newspaper. Each notice must clearly state the date by which representations must be received, where the application can be viewed in full and where representations must be sent.**

***Reason: To ensure that all who are affected by an application, and have rights under the Act to make representations, are aware of the application being made.***

Representations may be received from the responsible authorities. These include North Yorkshire Police, North Yorkshire Fire and Rescue, Environmental Protection Unit, any organisation representing those responsible for, or interested in, matters relating to the protection of children from harm, local authority professionals in health and safety, planning and the Primary Care Trust or Local Health Board. Representations may be received from other persons who live, or are involved in a business in the Council's area, and who are likely to be affected by the application. Elected members may make representation in their own right. They may also make representation on behalf of the residents or the applicant; in both cases the elected member may not take part in the decision process.

**"Relevant representations"** are representations as defined by Section 18 of the Act, which are:

- (a) about the likely effect of the application on the promotion of the licensing objectives;
- (b) made by a responsible authority or other person and have not been withdrawn and, in the case of representations made by other person, are not, in the Council's opinion irrelevant, frivolous or vexatious.

There is no requirement for a responsible authority or other person to produce a recorded history of problems at a premises to support their representations, and in fact this would not be possible for new premises.

### **POLICY**

**Unless relevant representations are made by responsible authorities and other persons licences will be granted on the terms set out in the application.**

***Reason: The licensing authority has no discretion on the granting of licences unless representations are made.***

## 5.2 General Principles for Determination of Applications

The Licensing Authority will consider each application on its own merits whilst having regard to this policy statement.

## **POLICY**

**In determining a licence application where relevant representations are made, the overriding principle adopted by the Licensing Authority will be that each application will be determined on its individual merits.**

***Reason: Overriding principle of the Licensing Act 2003 and Guidance.***

Any delegated decisions made by the Licensing Authority will be carried out in accordance with the Scheme of Delegation as shown in Appendix A.

Many of the decisions and functions of the Licensing Authority are largely administrative in nature such as the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made. These will be delegated to council officers. All such matters dealt with by officers will, for information, be reported to the Licensing Committee meetings.

When representations are received the Licensing Authority will consider whether they are relevant, frivolous, vexatious or repetitious.

Applications where there are relevant representations will be dealt with by a Licensing Sub-Committee, unless the Licensing Authority, the applicant and everyone who has made representations agree that a hearing is not necessary.

Unless there are compelling reasons to the contrary, the Council will require the Licensing Committee or its Sub-Committee to meet in public, although Members can retire into private session to consider their decision.

## **POLICY**

**Officers from the Licensing Authority will act to mediate between applicants and persons making relevant representations to resolve issues, thereby preventing unnecessary hearings.**

**Where relevant representations remain unresolved, the Licensing Authority will determine the application by way of a hearing.**

**When determining an application in respect of which representations have been received relating to the prevention of crime and disorder and/or prevention of public nuisance, particular consideration will be given to the following by way of promoting the licensing objectives:**

- **Location and impact of licensed activity;**
- **The type of use and the numbers likely to attend the premises;**
- **The proposed hours of operation;**
- **The scope for mitigating any impact;**
- **How often the activity occurs;**

**and in considering any application that is already licensed, the Licensing Authority will take into account any evidence:**

- Of past good operation of the premises;
- Of past demonstrable adverse impact from the activity especially on local residents or businesses;
- That, where adverse impact has been caused, the appropriate agreed measures have been put into effect by the applicant to mitigate the adverse impact.

*Reason: The purpose of this part of the policy is to achieve the licensing objectives of preventing public nuisance and crime and disorder. In furtherance of this aim the policy lists particular matters that the Licensing Authority will take into account in considering whether a licensed activity is likely to cause an adverse impact, particularly to local residents.*

#### **POLICY**

In considering imposing conditions as a result of relevant representations following a hearing there should be openness, transparency and reasonableness. Licence conditions will be tailored to the individual application and only those deemed necessary to meet the licensing objectives, following representations, will be applied.

*Reason: With the aim of achieving a mutually agreeable level of protection for the public and fulfilment of the licensing objectives.*

In making its decisions, the Licensing Authority accepts the difficulty a licence holder has in preventing anti-social behaviour by individuals once they are beyond the direct control of that licence holder. However, it will also take into account that the licensing objective of preventing public nuisance will not be achieved if patrons from licensed premises regularly engage in activities to the detriment of nearby residents or businesses. Premise licence and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden or in a smoking shelter, where and to the extent that these matters are within their control. Furthermore the Licensing Authority will also take into account its responsibility under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder.

Therefore, the aim of the policy is to achieve a balanced approach to these difficult issues.

### **5.3 Composition of a Licensing Sub-Committee**

A Licensing Sub-Committee shall comprise of any three elected members who serve on the Licensing Committee. Where such a member has a personal or prejudicial interest, as defined in the members code of conduct, he/she must declare such interest and be disqualified from being involved in determining that application **and making any representations to the panel.**

## 6. Guidelines for Applicants

These policy guidelines are intended to help applicants by setting out criteria and considerations that they should have in mind when drawing up an operating schedule. Not all the criteria or considerations necessarily apply, or apply equally, to all applications. These considerations have been developed with reference to the licensing objectives following consultation with the responsible authorities and other persons as they relate to the section 182 Guidance produced by the Home Office. They therefore alert applicants to the matters which responsible authorities will be likely to consider when deciding whether to make representations on an application or whether to call for a review. They also draw the attention of applicants to matters that are likely to be the subject of conditions designed to promote the licensing objectives that may be attached to the grant of a licence if representations are made. They are based on experience and good practice established over the years in the city. The overriding principle remains that each application will be considered on its own merits.

### 6.1 Prevention of Crime and Disorder

Prevention of crime and disorder is both an objective of the Act and an important responsibility of the City of York Council under the Crime and Disorder Act 1998. It is important, therefore, that applicants are able to demonstrate to the Licensing Authority the practical steps that will be taken to further this objective.

Applicants should also have due regard to the pool conditions for crime and disorder produced by the Home Office.

The Licensing Authority will also have particular regard to the location and character of premises and the impact of the operation and management of all proposed licence applications, renewals and variations of conditions.

In interpreting any of the following matters with any reference to the city centre, regard should be had to the map attached at Appendix C. The Licensing Authority has provided this indicator to assist applicants, but reserves the right to vary from this delineation having regard to the particular merits of the application.

#### **CCTV**

**The Licensing Authority and the relevant responsible authorities, where appropriate, would normally expect the installation of closed circuit television surveillance (CCTV) within all nightclubs, city centre public houses and city centre late night refreshment venues. Where queuing occurs at these premises, CCTV should be provided to cover the queue. Off-licences, restaurants and other premises anywhere in the city area may consider the benefits of such systems in providing deterrents against crime and to safeguard their own interests.**

**It is recommended that CCTV should be a digital system covering all areas where the public can purchase and consume alcohol. Recordings should display the correct**

time/date, be available within 48 hours of the request from any responsible authority and kept for a minimum of 28 days.

Applicants are encouraged to participate in any future initiatives to further promote the crime and disorder objectives by the use of CCTV.

***Reason: The use of CCTV acts as a deterrent to crime and disorder and assists the police and other agencies in effective enforcement in identifying potential offenders.***

### **Excessive Alcohol Consumption**

The Licensing Authority and the relevant responsible authorities would normally expect operating schedules to indicate the measures proposed to reduce the possibility of excessive consumption of alcohol by individuals in the premises, especially measures that address issues relating to irresponsible drink promotions.

In April 2010 mandatory conditions came into effect which:

- Ban irresponsible promotions;
- Ban the dispensing of alcohol directly into the mouth; and
- Ensure that customers have access to free tap water so that they can space out their drinks and not get too intoxicated too quickly.

The legislation makes it clear that an irresponsible promotion is one that is “carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children”.

Staff training provisions should also be provided in this regard.

Licensees are encouraged to participate in any voluntary schemes to promote the responsible consumption of alcohol.

***Reason: Excessive or binge drinking is a direct contributor to crime, disorder and anti-social behaviour.***

### **Underage Sales**

In April 2010 mandatory conditions came into effect which:

- The premise licence holder or club premise certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

The recommended acceptable proof of age identification is photocard driving licences, current passports, identification carrying the PASS logo (holographic mark). The Licensing Authority is aware of changing technology with regards to identification such as thumb print or pupil recognition. The Licensing Authority

would encourage all businesses to have internal management systems in place to prevent the sale of alcohol to children and to provide adequate training to staff.

*Reason: The law provides age restrictions for certain activities, ie sale of alcohol, admission to films and participation in gaming activities.*

#### York Nightsafe Night-Time Economy Radio Scheme

The Licensing Authority and the relevant responsible authorities would normally expect all nightclubs, city centre public houses and city centre late night refreshment venues to participate in the York Nightsafe Night-Time Economy Radio Scheme as agreed with the police. Other premises in the city are encouraged to join the scheme if, on examination of risk or history of incidents, it is considered beneficial.

This radio link covers both the day-time and night-time economies, giving participating venues a link to the CCTV room and the chance to share “real time” information with each other.

*Reason: Early warning schemes advising licensees of incidents and potential problems that may affect their operations are seen as an effective crime prevention measure.*

#### Door Supervisors

The Licensing Authority and the relevant responsible authorities would, where appropriate, normally expect the operating schedule to indicate if door supervisors are to be provided on the premises and at what level. Whenever security supervisors are employed at licensed premises to carry out the security function they must be licensed by the Security Industries Authority (SIA).

Venues that operate into the late night-time economy are encouraged to deploy door supervisors, on weekends, bank holidays and race days, especially if the venue is drink led.

Venues that operate into the early hours would also be encouraged to deploy door supervisors on a daily basis.

*Reason: The value of a high standard of door security cannot be overestimated in the control of crime and disorder.*

#### Control of Drugs

The Licensing Authority and the relevant responsible authorities will normally expect all nightclubs, city centre premises providing alcohol and music/dance entertainment, city centre public houses, dedicated dance venues, and other premises where appropriate to address the use and sale of illegal substances (drugs) in their premises in operating schedules and produce a written drugs policy to the Licensing Authority.

*Reason: The use and sale of illegal substances (drugs) does occur in licensed premises. In order to promote the objective of preventing crime and disorder the*

***holders of all premises licences are encouraged to produce a drugs policy tailored to their operations.***

### **Strengthened Glassware**

The Licensing Authority and the relevant responsible authorities would normally expect all premises serving alcohol to provide strengthened or tempered glassware. The operators of high volume premises, and temporary or outdoor events, will also be encouraged to serve drinks in polycarbonate or plastic drinking containers.

***Reason: There is a history of glass drinking vessels being used in acts of violence associated with the consumption of alcohol. Provision of strengthened glassware at high volume premises and large outdoor events also contributes towards public safety.***

### **Dispersal**

The Licensing Authority and the relevant responsible authorities would normally expect, as good practice, that the operating schedules relating to all premises licences (excluding guesthouses supplying alcohol to residents only and premises supplying alcohol as off sales only) and club premises certificates set out how they intend to manage the dispersal of customers from the premises. The aim should be to disperse people gradually either prior to, or immediately following, the final hour of operation of the licence. The hours the premises are open to the public, appropriate to the nature of the activities in the premises, should be determined. Signage visible from outside the premises indicating the operating hours and proposed drinking up times should be displayed in order that customers are aware when the premises are likely to close. The provision of quiet areas and departure lounges is encouraged as a means of quieting the mood of customers prior to departure and deterring the waiting on streets for taxis and private hire cars. Prominent signage should be displayed to remind customers to leave quietly. Other means should also be considered to aid effective dispersal.

***Reason: Difficulties in encouraging customers to leave premises licensed to sell alcohol at the end of trading has been associated with violent disorder. Therefore holders of premises licences must have management plans in place to advise customers of the opening hours etc to effectively disperse customers. This contributes to the crime and disorder objective and potentially contributes to the reduction of public nuisance.***

### **Prevention of Queuing**

The Licensing Authority and the relevant responsible authorities will normally expect operating schedules for all nightclubs, city centre premises providing alcohol and music/dance entertainment, city centre public houses, dedicated dance venues and other like premises to demonstrate steps to be taken to avoid the build up of queues and the likelihood of disorder or violence and to avoid obstructing the highway.

***Reason: The Licensing Authority will not encourage the development of premises where queuing is likely to occur outside. The potential for crime, disorder and public nuisance will thus be reduced in the immediate area of the licensed premises.***



## 6.2 Public Safety

The licensing system should protect the safety of those visiting and working in licensed premises whilst also protecting residential and business amenity. All licensed premises within the City of York Council area should therefore be safe, well managed and maintained. It is important that applicants are able to demonstrate to the Licensing Authority the practical steps that will be taken to further this objective. To achieve this the following will be taken into account when determining applications.

### **POLICY**

**In preparing an operating schedule to address the public safety objective, the Licensing Authority will normally expect applicants to give due consideration to the pool conditions in for public safety produced by the Home Office.**

### **Management of Premises**

**The Licensing Authority will normally expect the operating schedule to detail how the premises will be properly managed and maintained to ensure public safety at all times. In order to achieve this it is recommended, as good working practice, to carry out within the risk assessment recommendations in section 5.**

***Reason: Public safety is an important licensing objective. It is the intention of the Licensing Authority that anyone visiting a licensed venue in the city can do so in safety, in well managed and maintained premises.***

### **Occupancy**

**The Licensing Authority and the relevant responsible authorities would normally expect applicants in certain classes of licensed premises to state in their operating schedules a maximum safe capacity for their premises and the management arrangements to ensure it is not exceeded. This can be achieved through a risk assessment of the premises and should take into account numbers of staff on the premises.**

**Those classes of premises will include:**

- **Theatres, cinemas, nightclubs, high volume city centre premises offering the sale of alcohol or the provision of regulated entertainment;**
- **Premises which include a function room to be available for hire by others;**
- **Large scale outdoor events;**

**Small venues which by virtue of their limited capacity are seeking the relaxation of conditions under Section 177 of the Act will also be required to state the maximum capacity and the method employed to ensure compliance with that limitation.**

***Venues which* intend to hold live music in accordance with the requirements of the Live Music Act 2012.**

***Reason: A safe capacity is necessary for the promotion of public safety and, in particular, to ensure the building can be safely evacuated in the case of an emergency. A safe capacity also contributes towards the Crime and Disorder objective by ensuring reasonable space is available for customers.***

***Conditions relating to public safety may, in appropriate cases, be attached to licences following representations or following review of a licence, where the operating schedule does not address these issues. Conditions will not duplicate the requirements of other legislation that applies.***

### **POLICY**

The Licensing Authority and the relevant responsible authority would normally expect those premises best described as large capacity vertical drinking premises to ensure that there are adequate seating facilities for customers who would prefer to be seated at a table.

Premises considered as such are likely to be located in the city centre and have a capacity exceeding 200 persons.

The Licensing Authority will indicate to applicants if they consider their premises meet this definition. Cases will be considered on merit.

The Licensing Authority considers that seating should be provided for a minimum of 30% of the agreed capacity or other such figure as determined on the individual merit of the application.

***Reason: Research shows that the environment in this type of drinking establishment can have significant bearing on the likelihood of crime and disorder.***

## **6.3 Prevention of Public Nuisance**

Responsible applicants will wish to ensure their operations do not disturb their neighbours or give rise to representations being made against a licence application. To achieve this the following will be taken into account when determining applications. It is important that applicants are able to demonstrate to the Licensing Authority the practical steps that will be taken to further this objective.

### **POLICY**

#### **Hours of Operation**

The Licensing Authority would expect licence holders to consider hours of operation when compiling their operating schedules.

***Reason: The tolerance to disturbance is likely to be reduced at certain times and days. The later into the night the operation continues the greater the likelihood of public nuisance being caused. Particular consideration should be given to minimise disturbance during the night-time hours of between 11:00pm and 7:00am.***

#### **Customer Management**

The Licensing Authority and the relevant responsible authorities would normally expect operating schedules to address steps to be taken to avoid disturbance being

caused by persons entering and leaving licensed premises. The following measures should be considered:

- Erecting prominent notices at the exits to premises asking customers to leave quietly and not slam car doors;
- At appropriate times making announcements to the same effect. Instructing door staff to ask customers leaving the premises to leave the area quietly;
- Banning from the premises people who regularly leave in a noisy fashion;
- Directing customers away from noise sensitive areas where appropriate;
- The means to ensure customers are taken away without delay. The Licensing Authority would encourage the forming of partnerships with local transport providers, and the provision of telephone points and public transport information;
- Steps taken to reduce the impact of any parking on local residents or businesses where appropriate.

***Reason: Many complaints arise from nuisance caused by patrons and staff entering and leaving premises.***

#### **Operation of Premises and Clubs**

The Licensing Authority and the relevant responsible authorities would normally expect licence holders to consider the following matters when compiling their operating schedules in relation to the public nuisance objective:

- Installation of soundproofing, air conditioning, acoustic lobbies or sound limitation devices, or simply the closing of windows and doors;
- The hours of operation that may involve the provision of entertainment likely to give rise to complaint and the reduction of volume at certain times;
- The areas of the building where entertainment is provided particularly outside areas;
- The timing of the disposal of waste, particularly the emptying of bottle bins;
- The management of the general use of outside areas such as beer gardens and smoking areas;
- Carrying out regular noise monitoring of noise levels coming from inside the premises and noise from customers outside the venue;
- Training of staff regarding noise management control procedures and measures;
- Providing a direct contact number for the duty manager to residents living in the vicinity of the premises on request;
- Provision of a procedure for investigating noise complaints.

(further information on these issues can be found in the leaflet produced by the environmental protection unit which is on the council website at:

[http://www.york.gov.uk/downloads/download/1620/guidance leaflet on controlling noise from pubs small licensed venues and clubs](http://www.york.gov.uk/downloads/download/1620/guidance%20leaflet%20on%20controlling%20noise%20from%20pubs%20small%20licensed%20venues%20and%20clubs) ):

***Reason: Noise nuisance to residents can be caused due to loud music escaping from licensed premises, the noise of customers outside of the premises and also noise associated with the premises after closing time.***

### **Outdoor Music Events**

The Licensing Authority and the relevant responsible authorities would normally expect licence holders to consider the following matters when compiling their operating schedules where events include outdoor music events in relation to the public nuisance objective:

- The timing of the event, considering the day of the week and the finish time;
- The number of noise sources and whether they will compete to create a louder overall noise;
- The number of days the event covers;
- The type of music to be provided. Low frequency associated with bass orientated music travels further;
- The size of the event;
- The proximity of the venue to local residents.

Further information on this is available in the Code of Practice and Guidance Notes on Noise Control for Concerts and Outdoor Events produced by the environmental protection unit in January 2014 on [WEB-LINK] or by contacting the environmental protection unit on 01904 551555.

***Reason: Noise nuisance to residents can be caused due to loud music from outdoor events.***

### **Queuing**

The Licensing Authority and the relevant responsible authorities would normally expect operating schedules to demonstrate steps to be taken to avoid disturbance and nuisance being caused by customers queuing outside licensed premises. Supervision of queues formed later in the evening will assist to keep noise to a minimum. Door supervisors will generally carry out this role, but they must be given clear instructions as to their duties and responsibilities and be adequately managed. CCTV should also cover patrons queuing outside the premises.

***Reason: Queuing outside premises leads to inevitable noise, disturbance and nuisance.***

### **Litter**

The Licensing Authority and the relevant responsible authorities would regard as good working practice, the inclusion within the operating schedule, measures which address and prevent public nuisance being caused by the generation of litter from the premises or operation particularly in relation to premises which primarily provide late night refreshment (takeaways).

***Reason: Excessive litter is generated from licensed premises in various forms, particularly takeaway food wrappers and event/venue promotion leaflets (flyers) and cigarette butts.***

## 6.4 Protection of Children from Harm

The Act provides specific protection for children from the sale or provision of alcohol and the provision of regulated entertainment. The protection of children from harm is, therefore, an important licence objective. The Licensing Authority will not normally impose conditions requiring or prohibiting the admission of children to any premises as it believes that this should remain a matter of discretion of the licence holder. It has taken account of the view of Department of Culture, Media and Sport that the use of licensed premises by children should be encouraged. However, the Licensing Authority may consider imposing conditions designed to protect children, where necessary, following representations on applications and the following will be taken into account when determining an application.

The matters detailed below are ones which will be considered by the responsible authority during the consultation process on new applications, variations and licence reviews in respect of the protection of children from harm. These matters are designed to allow flexibility for the licensee to ensure that, where appropriate, licensed premises are suitable for children but will also ensure that children are adequately protected from physical, moral or psychological harm.

### Areas of Direct Concern

**The Licensing Authority and the relevant responsible authorities will not impose any conditions that specifically require access, or prohibit access, of children to premises. However, there are areas that will give rise to particular concern in respect of children and where additional controls are likely to be necessary. These include:**

- **Where there have been convictions for serving alcohol to minors;**
- **Where the police have objections on the grounds of existing drug problems;**
- **Where there is a strong element of gambling on the premises;**
- **Where entertainment of an adult or sexual nature is provided.**

**These areas of concern will be taken into account when an application for a premises licence is being determined, varied or reviewed following representation.**

### Control of Children on Premises

**The Licensing Authority and the relevant responsible authorities would normally expect operating schedules to indicate the following matters regarding the entry and control of children and may, as appropriate, impose a complete prohibition on entry of children or condition the licence if satisfied that problems would not be adequately controlled by the operating schedule.**

- **Limitations on the hours when children may be present;**
- **Arrangements to ensure age limits for admission or the sale of alcohol are controlled;**
- **Age limitations below 18;**
- **Limitations or exclusions when certain activities are taking place;**
- **Requirements for accompanying adults or stewarding.**

Furthermore, for example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.

### Supervision

Where there is provision of entertainment specifically for children (eg a children's disco) the Licensing Authority and the relevant responsible authorities will normally expect the presence of sufficient adults to control the access and egress of the children and ensure their safety.

### Age Restriction Films

Where the exhibition of films is permitted, the age restrictions of the British Board of Film Classification (BBFC) in respect of the films to be exhibited should be complied with. Only in exceptional cases will variations of this general rule be granted by the Licensing Authority and then only with appropriate safeguards.

With respect to films with 'U' classification, which are suitable for audiences aged 4 years and over, children under 4 may be admitted at the discretion of the accompanying parent/adult.

*Reason: These policies are designed to allow flexibility for the licensee to ensure that where appropriate licensed premises are suitable for children. They also aim to ensure children are adequately protected from physical, moral or psychological harm.*

## 6.5 Entertainments of a Sexual Nature

The Policing & Crime Act 2009 brings certain premises offering entertainment of a sexual nature under the controls of the Local Government (Miscellaneous Provisions) Act 1982. Sexual entertainment held on an infrequent basis can fall outside this legislation and such infrequent entertainment will be considered under the Licensing Act 2003 and take into account the increased risk to the licensing objectives.

### POLICY

Where representations are received to an application, the Licensing Authority will impose conditions designed to ensure that children are not admitted to and cannot witness these activities, and to control crime and disorder problems. Particularly if premises are located in the vicinity of schools, churches, hospitals, youth clubs or other premises where significant numbers of children are likely to attend.

*Reason: These matters are designed to further the licensing objective of protecting children by preventing them being exposed to unsuitable material or acts, and for the protection of performers from risk of assault.*

## 7. Saturation & Cumulative Impact

### 7.1 Saturation and Cumulative Impact

Cumulative impact is defined in the Guidance to the Act as ‘the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area’.

Where, after considering evidence and consulting relevant persons, the Licensing Authority is satisfied that it is appropriate and necessary to include an approach to cumulative impact in a particular area, it will adopt a special policy to be included in the statement of licensing policy

The effect of adopting a special policy is to create a rebuttable presumption that applications for new premise licences or material variations will normally be refused, if relevant representations to that effect are received. That is, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already experienced.

#### **POLICY**

**The Licensing Authority may consider a specific policy on cumulative impact if it proves necessary to meet the licensing objectives in any area. The Licensing Authority, in considering whether to adopt such a special policy, will take the following steps:**

- a) Identification of concern about crime and disorder. This must be evidence-based and supported by the North Yorkshire Police and Safer York Partnership;**
- b) Consideration of whether it can be demonstrated that crime and disorder is occurring, and is caused by customers of licensed premises in an area, or that the risk factors are such that the area is reaching a point when cumulative impact is considered unacceptable;**
- c) Consultation carried out with those persons indicated in paragraph 1.4 of this policy;**
- d) Subject to that consultation, the inclusion of a special policy about future premises licences or club premises certificate applications in the statement of licensing policy;**
- e) Publication of the special policy.**

***Reason: The saturation of licensed premises can attract high numbers of customers who adversely impact on the surrounding area beyond the control of an individual licence holder or the police.***

## 7.2 Special Cumulative Impact Policy York City Centre

The North Yorkshire Police has made representation with respect to the formulation of a special policy with regard to the city centre. This is made up of three areas identified as:

- Micklegate Area
- Coney Street Area
- Back Swinegate / Fossgate Area

These areas have been identified as being under stress because the cumulative effect of the significant number of premises being concerned in the sale and/or consumption of alcohol has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

City of York Council has consulted further on the application of a special policy with respect to these areas.

## 7.3 City Centre Special Policy Statement

This Special Policy was approved by the City of York on XX March 2014 and shall have effect until XX March 2019 unless otherwise reviewed by the Council.

This Special Policy is a supplement to the Council's Statement of Licensing Policy and must be read in conjunction with this document.

This Special Policy includes the following streets:

### Micklegate Area:

- |                   |                        |                  |
|-------------------|------------------------|------------------|
| • All Saints Lane | • George Hudson Street | • Tanner Row     |
| • Bar Lane        | • Holgate Road         | • Tanner Street  |
| • Barker Lane     | • Low Ousegate         | • Tanners Moat   |
| • Blossom Street  | • Lyneham Road         | • The Crescent   |
| • Bridge Street   | • Micklegate           | • Toft Green     |
| • Duxford Close   | • Museum Street        | • Trinity Lane   |
| • East Mount Road | • North Street         | • Wellington Row |
| • Gavray Drive    | • Nunnery Lane         |                  |

### Coney Street Area:

- |                     |                 |                     |
|---------------------|-----------------|---------------------|
| • Blake Street      | • Friargate     | • Nessgate          |
| • Borough Avenue    | • High Ousegate | • New Street        |
| • Castlegate        | • Jubbergate    | • Parliament Street |
| • Church Lane       | • Judges Court  | • Peckitt Street    |
| • Clifford Street   | • King Street   | • Peter Lane        |
| • Coney Street      | • Kings Staith  | • South Esplanade   |
| • Cumberland Street | • Lendal        | • Spurriergate      |
| • Davygate          | • Low Ousegate  | • St Helens Square  |



- Duncombe Place
- Feasegate
- Esplanade
- Lower Friargate
- Market Street
- Museum Street
- St Sampsons Square
- Stonegate
- Tower Street

Back Swinegate / Fossgate Area:

- Aldwark
- Back Swinegate
- Bedern
- Castle Walk
- Castlegate
- Church Street
- Clifford Street
- Coffee Yard
- Colliergate
- Coppergate
- Coppergate Walk
- Duncombe Place
- Finkle Street
- Fossgate
- Franklins Yard
- Friargate
- Goodramgate
- Grape Lane
- High Ousegate
- High Petergate
- Jubbergate
- Kings Court
- Kings Square
- Lady Pecketts Yard
- Little Shambles
- Little Stonegate
- Low Petergate
- Merchantgate
- Milldown Avenue
- Minster Gates
- Minster Yard
- Monk Bar Court
- Nessgate
- Newgate
- Parliament Street
- Patrick Pool
- Pavement
- Peter Lane
- Piccadilly
- Precentors Court
- Pump Court
- Shambles
- Silver Street
- Spurriergate
- St Marys Square
- St Sampsons Square
- St Saviourgate
- Stonegate
- Strakers Passage
- Swinegate
- The Stonebow
- Three Cranes Lane
- Tower Street
- Walmgate
- Whip-Ma-Whop-Ma-Gate

**(see Appendix D, Maps of Special Policy Areas).**

These areas have been identified as requiring additional licensing controls to promote the licensing objectives due to the cumulative effect of the concentration of:

- drink led premises – pubs, bars and nightclubs;
- entertainment premises – pubs, bars and nightclubs providing entertainment, especially late at night into the early hours of the morning;
- late night refreshment premises – takeaways; and
- off licence premises – supermarkets and convenience stores;


on crime, disorder and/or public nuisance affecting residents, visitors and other businesses.

A statistical, evidence based report was submitted by North Yorkshire Police to substantiate this statement and was considered by the City of York Council in approving this policy.

Consultation on the Special Policy was carried out in accordance with Section 5(3) of the Licensing Act 2003.

**Effects of the Special Policy**

1. This policy relates to applications for the grant and/or variation of premises licences or club premises certificates or the issue of provisional statements.

- 
2. Each application will be considered on its own merits.
  3. Where no representations are received any application will be granted in terms consistent with the operating schedule.
  4. Applications for the grant of a new premises licence or club premises certificate or provisional statement:

Where relevant representations are received there will be a presumption against the grant of such a licence or certificate unless the applicant can rebut the presumption that the granting of such a licence or certificate would undermine the licensing objectives.

5. Application for the variation of a premises licence or club premises certificate due to a change of style of operation:

Any application for the variation of style of operation which is subject to relevant representations will be considered on its own merits having regard to the promotion of the licensing objectives.

6. Application for the variation of a premises licence or club premises certificate resulting in an extension of the premises and increased capacity:

There will be a presumption to refuse such applications, where relevant representations are received and where the increase in capacity would undermine the licensing objectives unless the applicant can rebut the presumption that the granting of such a variation would undermine the licensing objectives.

7. Application to vary the hours of operation attached to a premises licence or club premises certificate:

All applications that seek to extend the licensed hours will be considered on an individual basis. No different policy will apply in this area as opposed to the rest of the city.

## 8. Licensing Hours

In 2003 the Government expressed a view that “more flexible opening will help address the issue of large numbers of patrons leaving at the same fixed time and as such will reduce disorder and disturbance whilst helping promote business and cultural development”. The Government also wishes to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and local employment and attractive to domestic and international tourists.

The Licensing Authority acknowledges these principles but believes that full consideration should be given to the risk of disturbance to local residents and possibly to businesses when licensable activities continue late at night and into the early hours of the morning.

Any activity involving public entertainment and eating or drinking on the premises has the potential to impact adversely on the surrounding area due to disturbance or crime and disorder. Customers may also be noisy when leaving, leave litter, or use on-street car parking spaces needed by residents. The impact of noise generated by these activities, especially customers departing, is particularly intrusive at night when ambient noise levels are much lower.

The Licensing Authority recognizes that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when potentially large numbers of people tend to leave licensed premises at the same time. Longer licensing hours with regard to the sale of alcohol may, therefore, be considered as an important factor in reducing friction at late night food outlets, taxi ranks and in the street.

However, the same effect may be seen where the closing time of a number of licensed premises coincide and, as stated, one of the aims of the licensing regime is to prevent the mass exodus of patrons at fixed times with its knock-on effect on services and policing.

Therefore, the Licensing Authority recognises that there is no general presumption in favour of lengthening licensing hours and believes that the licensing objectives should be paramount to considerations at all times. Where there are representations to an application and it is believed that changing the licensing hour would undermine the licensing objectives, the Licensing Authority may reject the application or grant it with appropriate conditions and/or different hours from those requested. Consideration will be given to the individual merits of an application.

### **POLICY**

**Providing consumers with greater choice and flexibility is an important consideration, but should always be carefully balanced against the duty to promote the licensing objectives and the rights of local residents to peace and quiet. It is the aim of the Licensing Authority to strike a fair balance between the needs of a licensed business and the risk of disturbance and nuisance to local residents. The Licensing Authority may, upon receipt of relevant representation, restrict the hours of operation where it is considered necessary to avoid unreasonable disturbance to local residents or businesses.**

***Reason: To achieve the licensing objectives of preventing public nuisance and crime and disorder that have been eroded by fixed licensed hours.***

**Licensing Hours - Off Sales**

Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, subject to representation, in the case of individual shops that are known to be a focus of disorder and disturbance, a limitation on licensing hours may be appropriate.

**Licensing Hours - Late Night Refreshment Houses**

Premises providing late night refreshment generally serve the customers of other premises. The closing times of such premises should reflect the terminal hours of other premises operating in the area. The impact of people gathering at these premises after other premises have closed is a significant factor to be considered in the prevention of public nuisance and crime and disorder.

**Subject to representation, the Licensing Authority will have regard to the closing times of other premises in the area when considering the terminal hour of premises providing late night refreshment. The operation of such premises should not attract persons into an otherwise quiet area to obtain food if it has the potential to cause disturbance to residents.**

**Dispersal**

The Licensing Authority have received representations from the police expressing a view that disorder is most likely where crowds gather to queue or wait after leaving licensed premises.

**The effectiveness of dispersal of customers away from premises will be a consideration to the Licensing Authority when it is required to determine licensing hours.**

***Reason: The time at which licensed activities take place has a significant impact on the potential for public nuisance and disturbance to occur and is also a factor in the prevention of crime and disorder. A licensed activity may be acceptable at certain times and not others. Generally the later the activity takes place the greater the potential for problems to occur. The Licensing Authority has a duty to promote the licensing objectives.***

## 9. Early Morning Restriction Orders (EMROs)

The power conferred on licensing authorities to make, vary or revoke an EMRO (or propose to take any of these steps) is set out in sections 172A to 172E of the Licensing Act 2003. This power came into force on 31<sup>st</sup> October 2012 and the Government provided guidance as part of the S182 Guidance to Licensing Authorities.

This power enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.

EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.

An EMRO:

- Applies to the supply of alcohol authorised by premises licences, club premises certificate and temporary event notices;
- Applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week and can apply for different time periods on different days of the week;
- Applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
- Applies to the whole or any part of the licensing authority's area
- Will not apply to any premises on New Year's Eve (defined as 12am to 6am on 1 January every year);
- Will not apply to the supply of alcohol to residents by accommodation providers between 12am and 6am, provided the alcohol is sold through mini-bars/room service; and
- Will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Licensing Act 2003.

Before a licensing authority determines to recommend that the full council make a proposed EMRO, it should be satisfied that it has sufficient evidence to demonstrate that making the EMRO would be appropriate for the promotion of the licensing objectives. The requirement to take an evidence-based decision to promote the licensing objectives should enable licensing authorities to draw on the experience from other licensing decisions they make under the Licensing Act 2003. The licensing authority should consider evidence from partners, including responsible authorities and local Community Safety Partnerships, alongside its own evidence, to determine whether an EMRO would be appropriate for the promotion of the licensing objectives.

An EMRO is a powerful tool which will prevent licensed premises in the area to which the EMRO relates from supplying alcohol during the time at which the EMRO applies. The licensing authority should consider whether other measures may address the problems that they have identified as the basis for introducing an EMRO. These measures might include:

- Introducing a cumulative impact policy;
- Reviewing licences of specific problem premises;
- Encouraging the creation of business-led best practice schemes in the area.

It is the intention of the licensing authority to support businesses, whilst ensuring the promotion of the licensing objectives. However where this has deemed to fail then an EMRO could be considered as a possible solution.

There are currently no EMROs in place in this area.

## 10. Personal Licences

The sale of alcohol carries with it a great responsibility because of its impact on the wider community and on crime and anti-social behaviour. A personal licence is required by individuals who may be engaged in making and authorising such sales and supplies of alcohol.

A personal licence authorises an individual to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence. The licensing authority for the area where the applicant resides issues a personal licence.

The council recognises it has no discretion regarding the granting of personal licences where

- the applicant is 18 or over,
- possesses a licensing qualification,
- has not had a licence forfeited in the last five years, and
- has not been convicted of a relevant offence.

An application for a personal licence must be made in the form specified in Government Guidance or Regulation. The application must be accompanied by the requisite fee. The applicant should also be able to produce evidence of the relevant qualification.

Applicants should produce a Disclosure and Barring Service certificate which must be less than one calendar month old on submission.

Applicants from foreign jurisdictions are expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or a similar offence.

The police may make an objection on the grounds of an unspent relevant or foreign offence. If an objection is lodged, a hearing has to be held unless otherwise agreed by all parties.

### **POLICY**

**At any hearing that may be necessary, following a representation from the police, the Licensing Authority will consider whether the grant of the licence will be in the interests of the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed, and any mitigating circumstances. The Licensing Authority will grant the application unless it is satisfied that doing so will be against this objective.**

***Reason: Prevention of crime is both an objective of the Act and an important responsibility of City of York Council under the Crime and Disorder Act 1998. A person holding a personal licence should be a person who is not only properly qualified but a person who will assist in the prevention of crime. Granting a licence to a known criminal will in many cases undermine rather than promote the crime prevention objective.***

## 10.1 Designated Premises Supervisor, Authorisation

A designated premises supervisor must be a personal licence holder. They are a specified individual who can be readily identified for the premises where a premises licence is in force. The premises licence holder will have given this person day-to-day responsibility for running the premises.

### **POLICY**

**There should always be a designated premises supervisor, specified for the premises, selling or supplying alcohol. The Licensing Authority expects the designated premises supervisor to be in such a position as to exercise day-to-day control over the premises. The designated premises supervisor must be specified on the premises licence. The sale and supply of alcohol, because of its impact on the wider community and on crime and antisocial behaviour, carries with it greater responsibilities than the provision of regulated entertainment or late night refreshment. For effective control, enforcement officers must be able to immediately identify the person responsible for the sale of alcohol at any premises.**

***Reason: Section 19 of the Act requires that no supply of alcohol may be made under a premises licence at a time when there is no designated premises supervisor in respect of the premises licence.***

## 10.2 Authorising the Sale of Alcohol

If a designated premises supervisor is not present on the premises the Licensing Authority would normally regard it as appropriate for a personal licence holder to be present on the premises at all times alcohol is sold, and particularly where alcohol is sold late in the evening or early hours of the morning. It is a legal requirement that every supply of alcohol made under a premises licence must be made or authorised by a person who holds a personal licence (not necessarily the designated premises supervisor). "Authorisation" does not imply direct supervision by a personal licence holder of each sale of alcohol. The Licensing Authority strongly suggest that personal licence holders give specific written authorisation to any individuals that they are authorising to supply alcohol. It is recommended that the form of authorisation should include the following criteria;

- there should be an overt act of authorisation, for example, a specific written statement given to the individual being authorised;
- the person(s) authorised to sell alcohol should be clearly identified;
- the authorisation should specify the acts which may be carried out by the person being authorised.

Also each and every sale or supply of alcohol by someone under 18 years must be specifically approved by a responsible person; unless the alcohol is sold or supplied with a table meal in a designated area, and the consumption of alcohol is ancillary to a meal.

***Reason: This should assist personal licence holders in demonstrating due diligence should issues arise with any of the enforcement authorities; and may protect employees if they themselves are challenged in respect of their authority to sell alcohol.***



## 11. Review of Licences and Enforcement

### 11.1 Review of Licences

The Licensing Authority may review premises licences when representations are received from a responsible authority (such as the police, fire authority or environmental protection unit), or other person (such as local residents), to indicate that problems associated with crime and disorder, public safety, public nuisance or protection of children from harm are occurring.

Before undertaking a review the Licensing Authority must first consider whether the complaint made is not relevant, vexatious, frivolous or repetitious.

Any review will be considered by a Sub-Committee of the Licensing Authority which has a range of options available to it under the Act. These include:

- To modify the conditions of the licence including imposing new conditions, altering existing conditions or removing conditions (permanently or temporarily)
- To exclude a licensable activity from the scope of the licence (permanently or temporarily)
- To remove the Designated Premises Supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

Licence holders should be aware that the Violent Crime Reduction Act 2006 and the Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007 provides the police and local communities with new powers in the specific area of alcohol-related violence. The summary review procedure allows the police to initiate an expedited review of a premises licence if a senior officer is of the opinion that the premises in question are associated with serious crime, serious disorder or both.

### 11.2 Enforcement

Where necessary, enforcement action will be taken in accordance with the principles of the Regulators Compliance Code and the Licensing Authority's Licensing Enforcement Policy. Effective enforcement is needed to meet the licensing objectives and to support local residents and businesses.

In particular, regard will be given to the fundamental principles recommended by the Hampton Report for good enforcement:

- Targeting - ie focusing on activities that give rise to the most serious risks or where hazards are least well controlled.
- Consistency - ie similar approaches in similar circumstances to achieve similar ends;
- Transparency - ie helping duty holders to understand what is expected and distinguishing between statutory requirements and guidance;

- Proportionality - ie action taken should be proportional to the risk presented.

The Licensing Authority recognises that the effectiveness of its licensing policy will be determined by enforcement action undertaken. The Licensing Authority will undertake routine monitoring of licence conditions on a risk based programme. The Licensing Authority will work with the police, fire authority, environmental protection unit and other agencies to produce joint working practices.

## 12. Temporary Event Notices (TENs)

The Act does not require the issue of a licence for a temporary event. It is a notification process. The police and environmental protection unit are the only parties permitted to make representations. A person over 18 may use a premise for one or more licensable activities for a period not exceeding 168 hours under authority of a TEN. Notice must be given to the Licensing Authority and Chief Officer of Police in the form prescribed no later than 10 clear working days before the event is due to start. This will include temporary indoor or outdoor theatre productions or cinema screenings. The Licensing Authority will not normally accept a TEN which is submitted more than 6 months prior to the event. This is to allow for any material changes which may occur prior to the event which could affect the venue thus providing the police and environmental protection unit with grounds to object to the TEN if they feel that holding the event will undermine the licensing objectives.

Temporary event notices can only be used where the maximum number attending is less than 500. In all other cases a full premises licence must be applied for.

The Police, Reform and Social Responsibility Act 2011 introduced Late TENs. A late notice is given not before nine and not later than five working days before the event. However, it should be noted that if an objection is received from the police or environmental protection unit to a late TEN the event will not go ahead. In these circumstances there is no scope for a hearing or for the modification of a late TEN as is possible in relation to a standard TEN.

### POLICY

**It is the expectation of this authority that the 10 day period be regarded as a minimum and would encourage applicants to give at least 28 days notice of an event in order that the earliest possible notice of an event is made. This will allow time for any issues raised to be addressed before the event.**

**The extended period allows the Licensing Authority to provide advice on concerns of local residents, of other legislative requirements and other necessary permissions, including local byelaws. It also allows time for full advice to be given in respect of the law relating to the sale of alcohol and the powers of police to close down events with no notice on grounds of disorder or public nuisance caused by noise. Finally, the extended period enables the Licensing Authority to establish the statutory limitations relating to TEN's are being fully observed.**

**In addition to standard application procedure the Licensing Authority would encourage applicants to notify the event to residents in the immediate vicinity of the proposed activity. The telephone number of an appointed person, who is able to be contacted during the event and take control should problems be experienced, should be provided.**

***Reason: Early notification and keeping residents informed is likely to reduce the cause for complaint of disturbance during and after an event.***

The limitations on TENS was amended by the Police, Reform and Social Responsibility Act 2011. An individual can submit a maximum of 5 TENS per calendar year, unless the applicant holds a personal licence, when the limit is 50 per calendar year. An individual can submit a maximum of 2 late TENS per calendar year, and a personal licence holder can submit a maximum of 10 late TENS per calendar year. However, it should be noted that late TENS count towards the total permitted number of TENS an individual is allowed to submit

Only 12 notices may be granted in respect of the same premises and in respect of those premises there is an overriding maximum aggregate duration of 21 days. A TEN can be used, in respect of the sale of alcohol, for a period beyond the normal hours during which alcohol may be sold at the premises under its premises licence for an ad hoc occasion.

The police and council's environmental protection unit may object to an event proposed under a TEN by serving an objection notice to the Licensing Authority and the applicant on the grounds that one or more of the licensing objectives will be undermined. An objection notice must be issued within 3 working days of being notified, therefore it is advisable that a minimum of 28 days notice of an event is given to allow the police to duly consider the event. Failing to give advanced notice may lead to the event being shut down by the police if time is not allowed to advise the applicant of any issues to address

The Licensing Authority may issue a counter-notice to the applicant if it considers it necessary for the promotion of the licensing objectives..

If no counter-notices are served the event will be able to go ahead.

An intention notice for a temporary event must be made in the form specified by Government Guidance or Regulation. Notices can be requested from this service or can be downloaded from either the CYC website or DCMS website.

The notice must be accompanied by the requisite fee.

## **13. Policy Matters to be Considered by the Licensing Committee**

### **13.1 Tourism and Employment**

Arrangements will be made for the licensing committee to receive reports on the needs of the local tourist economy for the city. This is to ensure that these are reflected in the considerations of the licensing panels and committee.

The Council will similarly make arrangements to keep the licensing committee apprised of the employment situation in the area and the need for new investment and employment where appropriate.

Links, where possible, will be made to the Economic Development Program (sic) and to York: A Vision for Tourism (the city's Tourism Strategy).

### **13.2 Planning**

Arrangements will be made to ensure that proper integration with the planning function is achieved. This will include, where appropriate, providing reports on licensed premises in the area.

### **13.3 Community Safety: Crime and Disorder**

Arrangements will be made to ensure that proper integration with the Safer York Partnership is achieved including, where appropriate, links to the Crime and Disorder Strategy for York. Where appropriate, this will include providing reports to the Safer York Partnership.

### **13.4 Health**

The Licensing Authority recognises the substantial impact on health that alcohol has in the city.

The authority will take every opportunity to promote education and prevention to tackle binge drinking and alcohol misuse.

## APPENDIX A - DELEGATION

### Schedule of Delegated Functions

<b>Matter to be Dealt with</b>	<b>Sub-committee</b>	<b>Officers</b>
Application for Personal Licence	If a police objection	If no objection made
Application for Personal Licence with unspent convictions	All cases	
Application for Premises Licence/Club Premises Certificate	If a relevant representation made	If no relevant representation made
Application for Provisional Statement	If a relevant representation made	If no relevant representation made
Application to vary Premises Licence/Club Premises Certificate	If a relevant representation made	If no relevant representation made
Application to vary Designated Personal Licence Holder	If a police objection	All other cases
Request to be removed as a Designated Personal Licence Holder		All cases
Application for transfer of Premises Licence	If a police objection	All other cases
Application for Interim Authorities	If a police objection	All other cases
Application to review Premises Licence/Club Premises Certificate and in the case of Summary Reviews the application of interim steps	All cases	
Decision on whether a complaint is irrelevant, frivolous or vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a police objection to a Temporary Event Notice	All cases	
Agreement of amendment to the original application submitted in an appeal court	Where the Chair of the decision making subcommittee is present or another member of the subcommittee in his/her absence.	Where no member of decision making sub committee is present, the licensing officer and legal adviser in consultation

## APPENDIX B - OTHER RELEVANT LEGISLATION & GUIDANCE TO APPLICANTS

### 1. Planning Legislation and Building Regulations

The planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. Licensing applications will not be a re-run of the planning application. The granting by the Licensing Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building regulation control where appropriate.

### 2. Health and Safety at Work Act 1974 and associated legislation

The City of York Council is the authority for this legislation for [most licensed](#) premises in the area.

### 3. Human Rights Act 1998

The City of York Council has a duty under the European Convention on Human Rights to protect both the rights of a resident to privacy and family life (Article 8) and the rights of a licensee to operate their business without undue interference (Article 1 of the First Protocol). These policies are intended to reflect the balance to be struck between these interests where they conflict.

### 4. Disability Discrimination Act 2005

The Disability Discrimination Act introduced measures to tackle discrimination encountered by disabled people. It is recommended that licensees make themselves familiar with the requirements of this Act for the access and provision of services to disabled people.

### 5 Crime and Disorder Act 1998 Section 17

This Act requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. It states, *“Without prejudice to any other obligation imposed upon it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”*.

This reflects the reality that there are crime and/or disorder implications in decisions made across the full range of local authority services. The consideration of the specific licensing objective of the prevention of crime and disorder fulfils the requirement under this Act.

### 6. Criminal Justice and Police Act 2001

This Act introduces provisions for combating alcohol related disorder giving the local authority and/or the police the powers to prohibit alcohol consumption in designated public places, to close certain licensed premises due to disorder or disturbance and to close unlicensed premises.

### 7. Violent Crime Reduction Act 2006

This Act introduces new measures to tackle alcohol-related violence. These measures include;

- An amendment to the Licensing Act to introduce a new offence of persistently selling alcohol to children. The offence will be committed if, on three or more different occasions in a period of three consecutive months, alcohol is unlawfully sold to a minor on the same premises.
- New powers for local authorities and the police to designate Alcohol Disorder Zones (ADZs) to tackle alcohol related crime and disorder. The designation of an ADZ will empower local authorities to charge licensees for additional enforcement activity affecting all licensed premises within the zone.
- An amendment to the Licensing Act which will enable Licensing Authorities on the application of a senior police officer in cases of serious crime and disorder, to attach interim conditions to licences pending a full review.

### **8. Policing and Crime Act 2009**

This Act introduces measures to tackle alcohol misuse.

### **9. Police, Reform and Social Responsibility Act 2011**

This Act introduces provisions under the Licensing Act 2003 in relation to:

- Responsible authorities
- Removing the vicinity test
- Reducing the evidential burden on licensing authorities
- Temporary event notice
- Underage sales
- Early morning restriction orders
- Fees

It also introduces provision for local authorities in relation to:

- Late night levy
- Alcohol restriction zones

### **9. Environmental Protection Act 1990**

This covers a wide range of types of pollution including noise pollution.

### **10. The Clean Neighbourhoods and Environment Act 2005**

This provides local authorities with an additional power to issue a fixed penalty notice to any licensed premises emitting noise that exceeds the permitted level between the hours of 11.00pm and 7.00am.

### **11. Anti-Social Behaviour Act 2003**

Sections 40 and 41 of the Act provides that if the noise from a licensed premise is causing a public nuisance, an authorised environmental health officer will have the power to issue a closure order effective for up to 24 hours. This compliments the police powers under Part 8 of the 2003 Act to close licensed premises for temporary periods.

### **12. Health Act 2006 (Workplace Smoking Ban)**

The ban on smoking in all enclosed work places and public places came into force on the 1 July 2007. The ban includes smoking in pubs, restaurants and members clubs where bar or other staff are employed.



### **13. The Regulatory Reform (Fire Safety) Order 2005**

North Yorkshire Fire and Rescue Service enforce fire safety legislation. The Regulatory Reform (Fire Safety) Order 2005 ('the Fire Safety Order') replaces previous fire safety legislation.

### **14. Race Relations Act 1976 (as amended 2000)**

Local authorities have a legal obligation to have regard to the elimination of unlawful discrimination; promote equality of opportunity and good relations between persons of different racial groups.

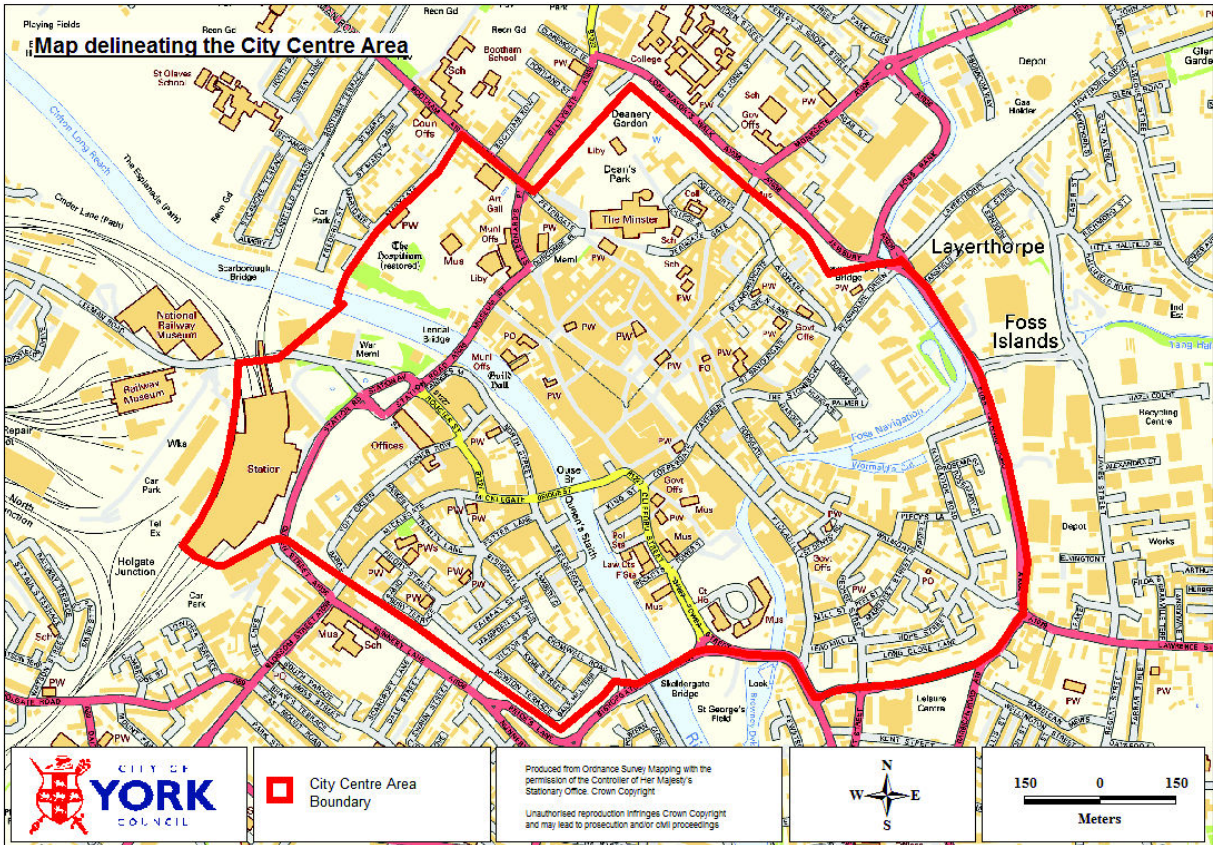
### **15. Data Protection Act 1998**

Applicants should have regard to the provisions of the Data Protection Act 1998 in relation to their premises and in particular to the Information Commissioners Code of Practice on CCTV.

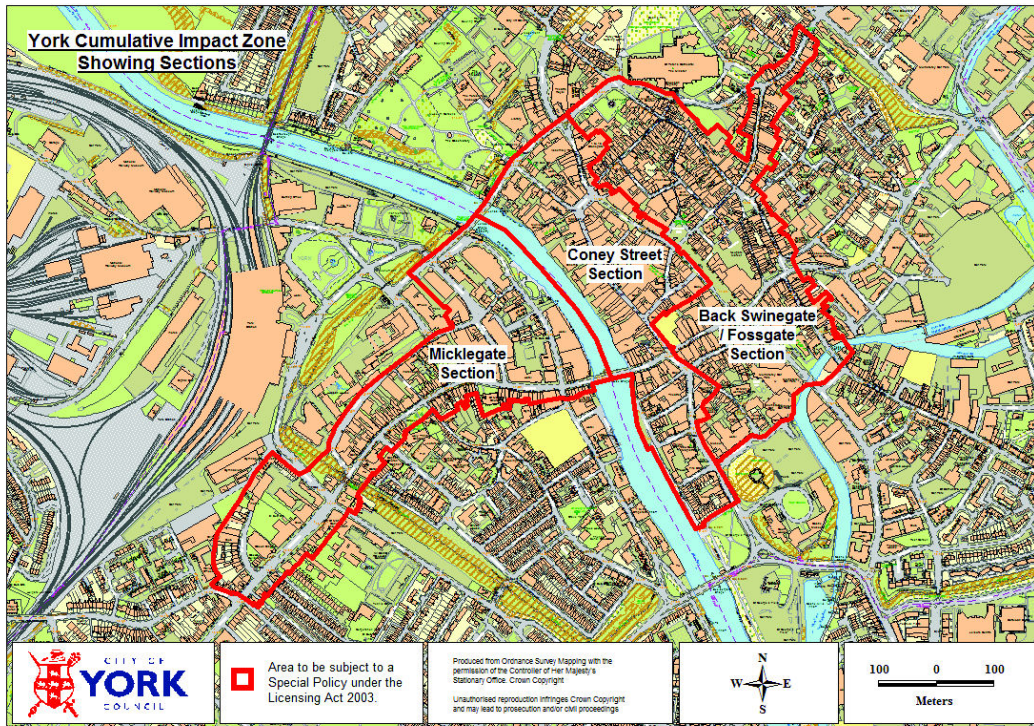
## **Guidance Documents *for Applicants and Licence Holders***

- The Event Safety Guide - a guide to health, safety and welfare at music and similar events (HSE 1999) ("The Purple Book") ISBN 07176 24536;HSG 195-7.
- Managing Crowd Safety (HSE 2000) ISBN 07176 1834X;
- 5 Steps to Risk Assessment - case studies (HSE 1998) ISBN 07176 15804;
- The Guide to Safety at Sports Grounds (The Stationery Office 1997) ("The Green Guide") ISBN 011 3000952;
- Safety Guidance for Street Acts, Carnivals, Processions and Large Scale Performances published by the Independent Street Arts Network, copies may be obtained through [www.streetartnetwork.org.uk](http://www.streetartnetwork.org.uk)
- Equality and Human Rights Commission [www.equalityhumanrights.com](http://www.equalityhumanrights.com)
- Home Office Supporting Guidance pool conditions [www.gov.uk/government/publications/pools-of-conditions-supporting-guidance](http://www.gov.uk/government/publications/pools-of-conditions-supporting-guidance)
- Home Office Guidance on persistently selling alcohol to children [www.gov.uk/government/publications/guidance-on-persistently-selling-alcohol-to-children](http://www.gov.uk/government/publications/guidance-on-persistently-selling-alcohol-to-children)

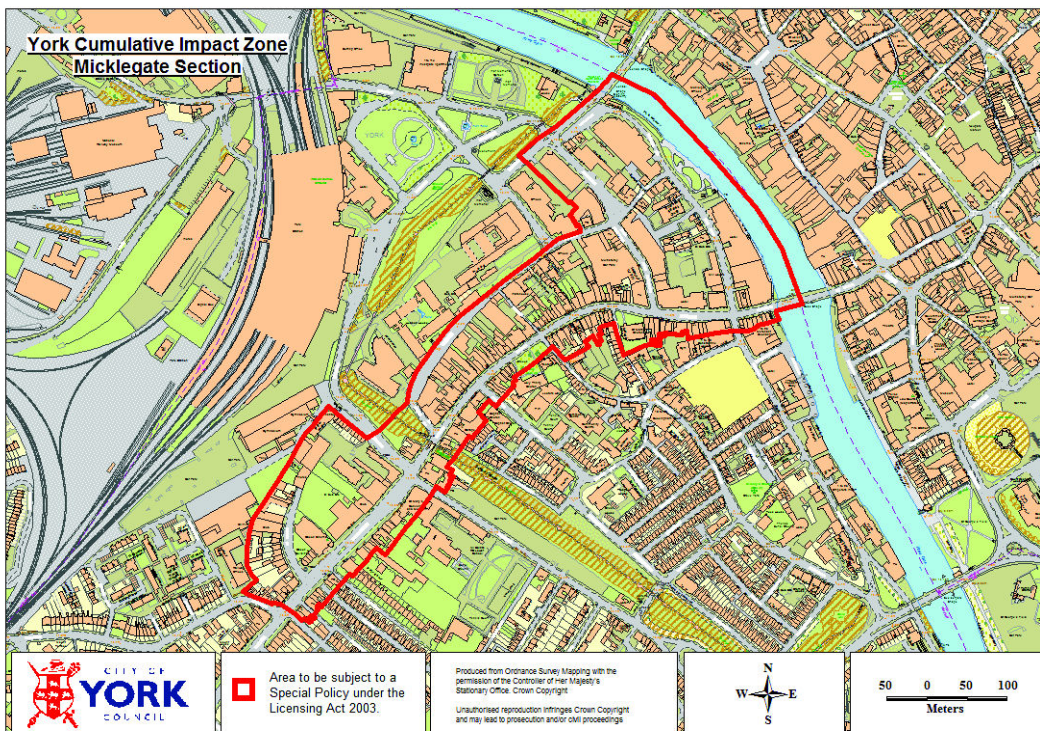
# APPENDIX C - MAP DELINEATING THE CITY CENTRE AREA



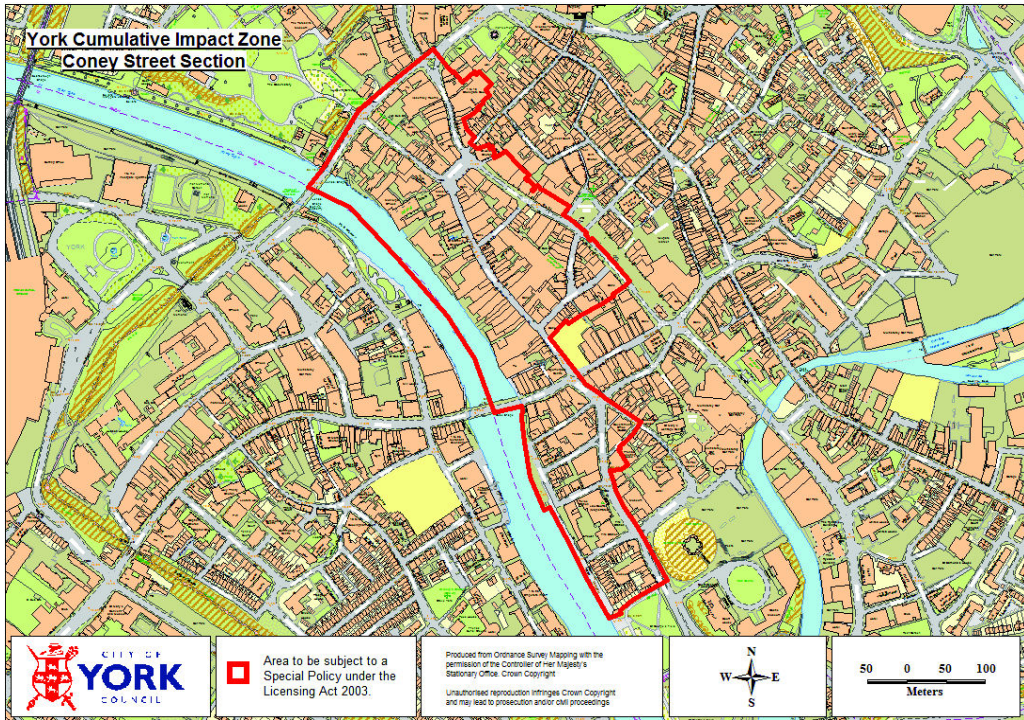
## APPENDIX D - MAPS OF THE SPECIAL POLICY AREA



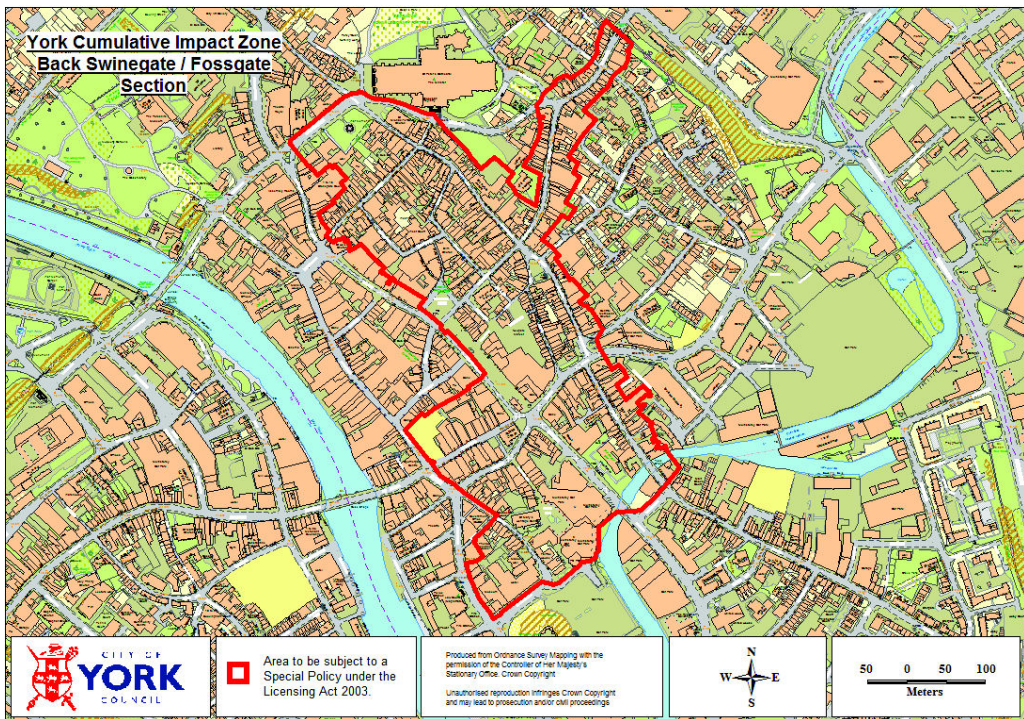
Micklegate Area Map



### Coney Street Area Map



### Back Swinegate / Fossgate Area





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**Scrutiny Report to Council  
March 2014**

**Report of the Chair of  
Corporate & Scrutiny Management Committee**

1. This report is submitted by the Chair of Corporate & Scrutiny Management Committee, in accordance with the constitutional requirements set out in Standing Order 4.3(l) to update Council on scrutiny work and to set out any recommendations such as may be made to Council in relation to that work.

**Corporate & Scrutiny Management Committee (CSMC)**

**Call-ins**

2. Since the last report of this kind in December 2013, there have been no call-ins.

**Finance & Performance Monitoring**

3. Since the last meeting of Council, CSMC and each of the standing Overview & Scrutiny Committees has received second and third quarter finance and performance monitoring reports.

**CSMC Reviews**

4. In January 2014 the CSMC received a bi-annual Workforce Strategy 2012-15 monitoring report, a scrutiny support budget monitoring report and an update on CYC's Procurement Strategy. They also signed off their completed review on CYC Loans and Grants, which has since been presented to Cabinet.
5. At a meeting in early March, the CSMC met again and received the final reports and recommendations arising from the work of three of the standing scrutiny committees – Health, Economic & City Development and Community Safety – carried out in support of the Night Time Economy Corporate Scrutiny Review.
6. During the current municipal year each of the four Overview & Scrutiny Committees has been working on their individual Night-Time Economy (NTE) scrutiny review in support of this corporate review. Each of three of the Committees presented their final reports and recommendations to CSMC for assessment and CSMC set up a small Task Group to start

amalgamating the findings and identify some overarching recommendations. The final report from Learning & Culture is due to be presented to CSMC in early April 2014.

7. In addition, work is ongoing on CSMC's Equalities Review. The Task Group set up to carry out the review on their behalf, plan to meet with a number of representatives from York's BME Communities of Identity in the near future.

### **Standing Overview & Scrutiny Committees**

7. Alongside working on their contribution to the corporate NTE review, each of the four Overview & Scrutiny Committees has continued its work in support of its agreed annual workplan.
8. **Community Safety Overview & Scrutiny Committee** - In January 2014 the Committee received an update on the Community Safety arrangements across the North Yorkshire Region and CYC's Police & Crime Panel representatives attended to provide an update on the work of the Panel. The Committee also received a Bi-Annual Performance Report from Safer York Partnership, and an implementation update on the approved recommendations arising from their previously completed Community Resilience Scrutiny Review. Finally the Committee received a verbal update of the development of CYC's Tethered Horses Policy.
9. In March 2014 the Committee received a presentation from the Probation Service on their work in support of the Safer York Partnership, and an update on CYC's Winter Maintenance programme. In addition they met with the Police & Crime Commissioner to hear about her priorities within the Police & Crime Plan and her aspirations for the future. They also received an update from the Cabinet Member for Crime and Stronger Communities on progress against her priorities and challenges for 2013/14.
10. Work is still ongoing on the committee's Domestic Waste Task Group Review, and the A-Boards Task Group Review is in its final stages, having held a public consultation event in late January 2014.
11. **Learning & Culture Overview & Scrutiny Committee** has met twice since the last meeting of Full Council. In January 2014 the Committee received a Service Level Agreement Performance Bi-annual Update Report from York Theatre Royal, together with a Bi-annual progress report on Safeguarding & Looked After Children.
12. In March the Cabinet Member for Education, Children & Young People's Services attended to provide an update on her priorities and challenges



for 2013/14 & her priorities for the year ahead. The Committee also met with the Chair of Learning City. In addition, the Committee received a Safeguarding Update regarding the outcome from a Section 11 Audit Regional Challenge Event. They also considered the draft final report arising from their School Meals Review. This is due to be presented to Cabinet in May 2014.

13. **Economic & City Development Overview & Scrutiny Committee** - In January 2013 the Committee considered an interim report on their Construction Skills Scrutiny Review and three implementation update reports on three previously completed scrutiny reviews into Youth Unemployment, E-Planning Facilities, and External Funding including an overview of the Economic Strategy and its targets.
13. In addition, Members agreed to carry out a scrutiny review into online business / ecommerce, and heard an update report on the Lendal Bridge trial.
14. The committee met again on 25 March to approve the draft final report from their Construction Skills Scrutiny Review. They also received an update on their ongoing online business / e-commerce review, six monthly update reports on major transport initiatives and major developments within the city, and a further update on the implementation of recommendations from their previous Out of Hours Childcare Scrutiny Review. Finally, they considered briefing papers on three potential review topics for the coming municipal year on Universal Credit, bulk buying of energy, and high value jobs.
15. **Health Overview & Scrutiny Committee** – has met four times since the last report to Council. In December 2013 the Committee received a presentation by the Quality Care Commission on changes to the way they inspect and regulate care services and heard from key partners about how they work with other partners and how they put together their annual plan. They also agreed to defer their Men’s Health Scrutiny Review until the next municipal year.
16. In January 2014 Members considered a report on the relationship between Health OSC and the Health & Wellbeing Board and how they work together.
17. In February Members received a presentation by the Clinical Commissioning Group on their commissioning plans for Community Services and Out of Hours GP Services, and a report on the implementation of recommendations arising from their previous ‘End of Life Care’ Scrutiny Review.

18. In March the Committee received update reports on the introduction of NHS 111 Services, the Francis Report, and how additional winter pressures funding had been allocated.

**Councillor John Galvin**

**Chair of Corporate & Scrutiny Management Committee**

## Environmental Services Full Council Report March 2014

### Public Realm

The Smarter York team are now fully in place and the three officers continue to work closely with our Communities & Equalities and Community Enforcement teams and other council departments. This has led to the production of a co-ordinated list of all projects which include community engagement, which will be used to monitor progress on individual projects, identify where any available funding exists and to update all interested parties. Many of these projects cross over directorates and portfolios allowing us to reduce duplication of work and better coordinate work, ensuring we make the most of resources as well as officer and volunteer time to ensure the best results for residents. Projects range from building a new play area at King George V playing fields, to planting 400 new trees in Holtby and Dunnington, to organising 'Groundforce' clean up events around Heslington Road and Garden Street.

This year's Spring Clean is being planned to take place during March and April. Last year's campaign saw over 560 hours of work undertaken by Community Payback, over 1600 bags of rubbish collected, and over 20km of verges edged off. This year will build on that success by seeking to increase participation by local businesses and individual residents, both with specific local Spring Clean work as well as wider volunteering opportunities. This forms part of our wider volunteering strategy of building a consolidated pool of volunteer organisations and individuals – allowing better communication and coordination – signed up to our Smarter Charter. The Spring Clean itself will also feature promotional activity of the kind employed by campaigns such as Keep Britain Tidy, in partnership with city centre businesses.

For the first time a formal policy and procedure for the management of litter is now in place, which details and brings together the different strands of work to deal with litter related issues and encourage behavioural change by people taking responsibility for how they dispose of their litter. This, and many of the other actions described in this

update around city centre cleaning, street enforcement, work planning of clean up events and other projects are in response to feedback received in the Big York Survey. We have invested capital in our litter bins, upgrading our existing stock, introducing dual-use dog and litter bins where appropriate, and looking to expand the use of solar compactor bins to create capacity in collection rounds.

We have continued to develop our partnership with the York & North Yorkshire Probation Trust (Community Payback), where offenders carry out work as a way of giving back to their local community. Participants can now report directly to our supervisory team and are being deployed to work alongside our staff, as well as carrying out work under the supervision of their own supervisors. This has seen us increase the total hours worked from approx 5000 in 2011/12 to approx 13,000 in 2013/14.

A review of our city centre cleansing regimes is underway with two main aims. Firstly, we have recently invested in new equipment to improve cleanliness standards within the city centre, particularly around cigarette butts and stained pavements. This has highlighted some skills gaps within the team which will be addressed to maximise the impact of the new equipment. Secondly, we will address the issue of weekend working, as in line with most other local authorities this has historically been undertaken mostly by full time staff working overtime and puts unnecessary pressure on staff undertaking the work and supervisors who organise it, with the added complication of adhering to the Working Time Directive. The review is planned to be completed by mid summer.

Work is continuing on setting up the new ASB Hub. This is being led by Cllr Cunningham Cross but also covers the street enforcement function. CYC was successful in its bid to the national Police Innovation Fund for £58k towards IT, equipment and fleet costs. After proper procurement and assessment has been completed the Hub should be in place by mid-summer. Deploying environmental officers accredited with specific policing powers alongside police officers will benefit our communities by having a single frontline team whose sole purpose would be to proactively tackle issues like flytipping and graffiti.

## **Public Toilets**

After the cross-party support given to the new regime at December Full Council, a 15 year contract for the provision and maintenance of all our public toilets has been let and includes the refurbishment of all our facilities. Completion of the refurbishments is planned for the end of July this year.

Overall, this will give the city a set of high-standard, much more accessible facilities for both residents and visitors alike, that meet our ambition for the city centre – especially in terms of the evening economy – and represent a good deal for York taxpayers.

## **Parking Enforcement**

Over the past 12 months a number of changes have taken place within the team. The management structure has been streamlined with the Patrol Supervisor managing day to day service functions, the administration team being managed by the business support department, and the Customer Service Centre taking responsibility for incoming enquiries and directing residents to the administration team when needed.

The Civil Enforcement Officer (CEO) team has shown significant progress since the disputes in 2012. Penalty charge notices have increased from 14,010 to a projected 16,866, reaching the level we would expect. This is a considerable achievement and – while my predecessor would have rebuked such a statement as invidious – I would like to draw attention to the work of the officers involved. In terms of next steps, we are planning to introduce new safety features for the CEO team including personal ‘video badges’ and are evaluating a possible relocation of the team into West Offices.

This month, a new 'Road Safety Camera Car' was deployed to compliment the CEO team and carry out mobile camera enforcement in areas of the city that was problematic or inefficient to foot patrol. Following an options appraisal a service level agreement was put in

place with Equita for an initial 18 month which will be reviewed every six months to evaluate the impact; this did not require any capital expenditure.

The main purpose of the Road Safety Camera Car is to enforce against those illegally parking outside schools on the yellow zig zags, which has caused great concern for parents and teachers and was a recommendation arising from a past scrutiny review. A promotional campaign called the 'Parents Parking Promise' has been launched with support from North Yorkshire Police, asking parents to park carefully and considerately as well as encouraging walking or cycling to school; this has been well received.

As part of the Rewiring Public Services transformation programme a review of the parking enforcement team, administration and IT systems is being undertaken, with the final report expected next month.

### **Street Lighting**

The Amey contract came to an end in September 2013 and the service was transferred in-house with all staff TUPE'd across to the Council. A consultation is ongoing with staff to restructure the team to eliminate duplication and create efficiencies. Response times to dealing with faults are consistently beating targets.

A benefit of bringing the service in-house was the potential to bid for private works and generate revenue for the Council, and officers have been successful in securing a number of section 278 and development jobs, including at the Oakgate development.

As an alternative to the approach taken by some authorities to switch street lights off, we are continuing to trial new technologies and techniques in order to reduce energy usage, carbon emissions and of course cost. A successful trial of LED lighting has been carried out this year on four streets within the Council area. As a result of the trial a tender through the YPO arrangement has been invited to supply LED lanterns to replace the least efficient lighting stock. We are planning on

working with partners such as the York Environment Forum and Safer York to communicate the advantages of the technology to the public in terms of increased brightness levels and decreased ecological impact. It is anticipated that 1600 LED units will be installed during this period.

We will also continue our rolling column replacement programme in response to the continued under-investment over the 8 years of the previous administration.

### **Winter Maintenance**

The new gritting regime that brought York into line with others in our family group has been implemented, with the network being treated on 40 occasions compared to an average of 65 due to a relatively mild winter.

We are continuing to invest in new equipment where effective, with the 4 mini tractors which proved successful in treating footways and cycleways being added to the fleet.

Working with the Communities & Equalities team, we have been continuing to recruit new Snow Wardens, particularly targeting areas where salt bins have been removed. At time of writing, the number of Snow Wardens has increased by a third compared to the same time last year.

### **Highway Maintenance**

As has been stated on previous occasions, the condition of both of the principal and non-principal classified road network compares favourably with most other Council's network, with the latest APSE service report placing both indicators in the top quartile.

It has been recognised that there has been some deterioration in the unclassified network, which along with feedback from the Big York Survey, has resulted in an investment of £2.3m with a particular

emphasis on footway maintenance. The detail of this will be set out in a report next month.

Successful awards for insurance compensation claims remain very low, demonstrating the robustness and cost-effectiveness of both our planned and reactive maintenance regimes.

As with street lighting officers have successfully been pursuing commercial opportunities while also looking to rationalise and streamline the service, with a planned rollout of a new IT system early this financial year; restructuring the maintenance gangs; and revising the grading classification of road conditions.

In terms of specific investments, we have now appointed a dedicated specialist engineer to provide an in-house resource to undertake asset management of the Council's bridge stock, with a prioritised programme of maintenance and inspections will be undertaken during 2014/15. We are also continuing to invest in high priority drainage works according to the criteria approved by the June 2008 City Strategy EMAP as part of the 5 year capital rolling programme totalling £1m.

## **Fleet**

The work done by the Travel Management Unit on promoting best practice in staff travel resulted in the team winning the "Best Grey Fleet" category and coming second in the "Business Miles Management" category at the 2013 Fleet Hero Awards run by the Energy Savings Trust. A strong focus of the team has been to encourage staff to walk, cycle and use pool cars, which are increasingly popular. Both business miles and fuel usage are significantly down. Our fleet's ECO (Efficient and Cleaner Operations) Stars rating was recently upgraded to 3 stars after a number of equipment changes, recognising our commitment to improving efficiency, reducing fuel consumption and cutting emissions.

Workshop activity generating income from public and private sector organisations continues to develop, growing the work we do with existing customers such as the police, universities and housing associations and



targeting similar organisations with vigour. The workshop is now an authorised dealer and agent for vehicle weighing equipment and now has an MOT bay, allowing us to undertake work more cost-effectively in-house as well as to broaden our commercial activity, fitting and servicing equipment for customers across the north of England as well as offering discounts to CYC staff and other local workforces.

## **Waste**

It has been an incredibly busy year for Waste Services, successfully restructuring collection rounds with limited impact on residents, introducing changes at Household Waste Recycling Centres, and implementing the findings arising from the public consultation on garden waste. In order to ensure effective performance management of these changes, closer integration with related teams such as Highways, and more efficiencies are brought forward, the management structure of Waste Services has also been changed.

This came into effect in last month and was followed by the start of a wide-ranging review to look at ways of increasing diversion from landfill performance, operating efficiencies, and commercial income opportunities. A report outlining the findings from this review, leading to a revised Waste Strategy document, should be available next month, and this will be brought to the Community Safety OSC for input.

The main project being undertaken at the moment is the Smarter York Challenge to increase recycling participation in a targeted area (in Clifton) and comparing this to a similar area to measure improvements (in Heworth). Each area is made up of predominantly semi detached properties with a high density of council owned housing. One area will be used as a control whilst the other will be a test area where a targeted bespoke service enhancement and communications campaign is delivered. This research should enable us to understand the issues surrounding those areas, which have currently low recycling rates, and how we might improve them. This will include both qualitative and quantitative research to establish the effectiveness of promotional work, campaigns and schemes designed to increase participation in kerbside

recycling. This project has been developed with advice from the Community Safety OSC and a report will be prepared and presented to that committee at the earliest opportunity following the project's conclusion. This is in parallel to work being done with Social Services in order to ensure that the most vulnerable families are able to maximise their opportunities for waste prevention.

Citywide, we are carrying out a wide range of ongoing activity in relation to waste prevention and reuse, including:

- Continued promotion of love food hate waste, Choose2Reuse, and home composting campaigns.
- Linking in planned campaigns and projects with the York & North Yorkshire Waste Partnership.
- Maximising reuse through contracts procurement.
- Exploring opportunities for developing a reuse centre or shop.
- Investigate feasibility of establishing a city wide network of social enterprise and third sector groups to develop a community hub and reuse centre.
- Targeted waste prevention work at communal properties and, where appropriate, moving terraced properties to individual front-of-property rather than communal alley-based collections for residual waste.
- Food redistribution scheme.
- Additional recycling banks.
- Swap shop reuse events.
- Creation of a new re-use service to generate revenue income from waste that can be re-used and sold
- Continuing successful waste prevention work in partnership with the Universities and organisations such as the British Heart Foundation.

In addition, following our extension of the kerbside collection service to more rural properties, we are continuing to work in partnership with Yorwaste to increase the range of materials we can accept through this service, such as electrical goods, batteries, 'Tetrapak', and a wider variety of plastics.

The contract for management of Household Waste Recycling Centres is to be reviewed and officers are currently exploring options available such as bringing the service in-house or alternatively introducing a new TECKAL arrangement with Yorwaste.

We are working with city centre businesses, scrutiny and Yorwaste to review our commercial waste service, with a view to achieving a number of outcomes: increasing our commercial recycling offer to reduce landfill; addressing commercial waste left out overnight in recognition of the impact this has on the evening economy; making operational savings; and of course, driving more revenue.

At the core of all of these activities is our drive to achieve a 50% recycling rate by 2020. As I have said previously, recycling rates nationally have started to plateau (and in some cases reduce), due to the struggling state of the national economy, changing consumer habits and the reducing number of potential “step changes” that can be made. However, we continue to perform well within our APSE family group, climbing the rankings in the latest set of figures.

In relation to the Allerton Park Waste Recovery Plant the contractor (Amey Cespa) is currently finalising the funding package with its banks. Once this has been completed a report detailing the final cost of the scheme will be brought to Members. This is currently anticipated to be in the summer.

### **Rewiring Public Services**

The place based/public realm services stream of the transformation programme has commenced and will change the approach to service delivery so that residents, businesses and partners will be placed at the centre of service design and provision. Waste, highways, and public realm are all within the scope of this work, as are planning, housing, community safety, and others, and will integrate with other transformation streams to ensure the best outcomes and value for money.

Given reducing grant from central government and the desire to keep Council Tax low, we need to change the way we operate so as to get the most from capital investments (particularly in new technology); ensure we are working at peak efficiency and targeting resources where we need them most; and maximising commercial opportunities to generate a return for the benefit of the York taxpayer. As such there will be a focus on building sustainable business models in order to meet the future challenges of the city.

Working more effectively internally, and alongside the public and our partners, we will continue to seek to deliver the high-quality environmental services that York residents expect and deserve. However, ultimately – as has been said before and is worth saying again, and is true for all Councils of all political colours – we as a Council (including Opposition Councillors) need to recognise that it is simply not possible to deal with the magnitude of cuts that have been made without any impact on frontline services.



**Council**

27<sup>th</sup> March 2014

Cabinet Member for Finance, Performance & Customer Services

## **Pay Policy 2014/15**

### **Summary**

1. The purpose of the report is to present the council's Pay Policy Statement for 2014/15 for approval.
2. To note that Annex A reflects the Chief Officer structure in existence at the time of adoption of the Policy.

### **Background**

3. Section 38 – 43 of the Localism Act 2011 introduced a requirement for the council to produce and publish an annual policy statement that covers a number of matters concerning the pay of the council's senior staff, principally Chief Officers and relationships with the pay of the rest of the workforce.
4. Further guidance was issued in February 2013 by the Secretary of State for Communities. This guidance has been followed in the production of the Pay Policy Statement.

### **Consultation**

5. Approval of the Policy Statement is by full council, consultation with other management bodies is not required. However, where changes to policy are proposed that affect terms and conditions of employment appropriate consultation with the relevant parties will be carried out.

## Options

6. Option one - To endorse the Pay Policy Statement.
7. Option two - To reject / amend the Pay Policy Statement.

## Analysis

8. The Localism Act 2011 sets out specific details of what should be included in the Policy Statement. Local Government Yorkshire and Humber have provided guidance and templates which comply with these requirements. The council has adopted these templates as have many others in the region.
9. The salaries quoted in the documents are based on full time equivalent salaries and the median average has been used in calculating the pay multiple. It should also be noted that apprentices have been excluded from the statement as they are employed on training contracts, and paid outside of the council's grading structure.
10. New information is included in the Policy Statement this year to reflect the 2013 guidance and changes introduced by the council during 2013/14.
11. In accordance with the 2013 guidance, full council was given the opportunity to vote on any proposed severance payment over £100,000. On 18 July 2013 Council agreed to delegate this responsibility to the Staff Matters and Urgency Committee.
12. The adoption of a Living Wage Supplement as a permanent addition will be implemented in April 2014. This will lift the pay of individuals at the lowest grades, increasing the rate of pay to the equivalent of £7.65 per hour. An update on the Living Wage for employees has been included in the Policy Statement.
13. A market supplement policy was ratified by Council in October 2013 as part of a review of Chief Officer Terms and Conditions. This new development has been included in the Policy Statement and Annex C.
14. Responsibility for Public Health functions in York transferred to the council, together with the relevant staff on 1 April 2013. The policy statement and Annex D now makes reference to the senior staff who transferred under TUPE principals. The Director

of Public Health is also the Deputy Chief Executive and is on an interim basis covering Adult Social care responsibilities; the relationship between these roles is noted in the Annexes.

15. Further changes are also envisaged for the Policy Statement during 2014/15, as the council is currently consulting on changes to Chief Officer terms and conditions around a reduction in annual leave and performance related incremental progression. The relevant amendments will be made to the Policy Statement and Annex C as and when any new changes are agreed.
16. Salary information is already published for certain senior staff under the requirements of The Accounts and Audit (England) Regulations (2011). Information can also be found in the council's website at:  
<http://www.york.gov.uk/council/information/opendata/salaries/>.
17. The Pay Policy Statement and its Annexes will also be published in this section of the website.

### **Council Plan**

18. The production of this Policy Statement contributes to the Council's core capability of being a confident and collaborative organisation by meeting its legal obligations in a timely and effective way

### **Implications**

19.

#### **(a) Financial**

There are no financial implications of the report.

#### **(b) Human Resources (HR)**

There are no human resources implications for the report, other than this statement reflects current HR Policy in relation to senior pay in the council.

#### **(c) Equalities**

There are no equalities implications for the report.

(d) **Legal**

The Pay Policy Statement meets the requirements of the Localism Act and also meets the requirements of guidance issued by the Secretary of State for Communities and Local Government to which the authority is required to have regard under Section 40 of the Act.

(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**

20. There are no significant risks associated with production of the Policy.

**Recommendations**

21. That in order to fulfil the requirements of Sections 38 - 43 of the Localism Act 2011:
- (i) Council approves the Pay Policy Statement for 2014/15 relating to the pay of the Council's senior staff.
  - (ii) Council notes that Annex A reflects the Chief Officer structure in existence at the time of adoption of the Policy.



- (iii) Council notes the requirement to review and approve an amended Pay Policy Statement following any changes made to policy during 2014/15.

### Contact Details

<b>Authors:</b>	<b>Cabinet Member Responsible for the report:</b>			
Linda How/ Judith Bennett Strategic Workforce Development Manager <i>Tel No. 01904 551716</i>	Cabinet Member for Finance, Performance & Customer Services			
	<b>Report Approved</b>	√	<b>Date</b>	14/3/13
Pauline Stuchfield AD Customers & Employees 01904 551706				
<b>Specialist Implications Officer(s)</b> AD Governance & ICT				
<b>Wards Affected:</b> None			<b>All</b>	√
<b>For further information please contact the author of the report</b>				

### Background Papers:

Communities & Local Government:  
‘Openness and accountability in local pay:  
Guidance under section 40 of the Localism Act’

### Annexes:

Annex A - City of York Council Pay Policy Statement 2014 to 2015  
Annex B - Chief Officer Remuneration Details  
Annex C - Chief Officer Remuneration Policies  
Annex D - Public Health Pay, Allowances & Policies  
Annex E - Publication Requirements

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**Annex A****City of York Council –Pay Policy Statement for the period  
1 April 2014 to 31 March 2015.****Introduction**

Under Sections 38 – 43 of the Localism Act 2011 the council is required to produce a Policy Statement that covers a number of matters concerning the pay of the council's senior staff.

This Policy Statement meets the requirements of the Localism Act in this regard and also meets the requirements of guidance issued by the Secretary of State for Communities & Local Government to which the council is required to have regard under Section 40 of the Act. This Policy also relates to the data on pay and rewards for staff which the council publishes under the Code of Recommended Practice for Local Authorities on Data Transparency and the data which is published under The Accounts and Audit (England) Regulations (2011). It should be noted that the requirements to publish data under the Secretary of State guidance, the Code of Practice and the Regulations do differ and the respective requirements are summarised in Annex E to this Policy Statement. This Policy Statement does not cover or include school staff and is not required to do so.

**Publication of this Policy Statement**

This Policy Statement was considered and approved by full Council at its meeting on 27th March 2014. The council has taken the following action to ensure that this Policy Statement is easily accessible to the public: it is publicised on the council website in a readily accessible place - Senior Salary information, under Governance and Transparency. It can also easily be found under global web searches.

## **Definition of officers covered by the Policy Statement**

This Policy Statement covers the following posts:

1. Head of the Paid Service, which in this council is the post of Chief Executive. *The Deputy Chief Executive is the Director of Public Health.*
2. Monitoring Officer, which in this council is the post of Assistant Director of Governance and ICT.
3. Statutory Chief Officers, which in this council are the posts of:
  - Director of Children's Services, Education and Skills.
  - Director of Customer and Business Support Services.

4. Non-statutory Chief Officers which in this council are the posts of:

- Director of City and Environmental Services
- Director of Communities and Neighbourhoods
- Assistant Director - Education and Skills
- Assistant Director - Transformation and Change
- Assistant Director - Children's Specialist Services
- Assistant Director - Adult Commissioning, Modernisation and Provision
- Assistant Director - Adult Assessment and Safeguarding
- Assistant Director - Housing and Community Safety
- Assistant Director - Communities, Culture and Public Realm
- Assistant Director - Finance, Asset Management and Procurement
- Assistant Director - Customers and Employees
- Assistant Director - City Development, Services Planning and Regeneration
- Assistant Director – Transport, Highways and Waste

## **Policy on remunerating Chief Officers**

It is the policy of this council to establish a remuneration package for each Chief Officer post based on evaluation of the role to determine its size and consequently its position in the Chief Officer grading structure. The salaries attached to the structure are derived from the national framework for Chief Officers.

Increases to the salary scales are based on nationally negotiated settlements by the Joint Negotiating Committee for Chief Officers of

Local Government, and progression through a salary scale is based on incremental progression. There has been no increase to the pay structure during the period 2013/14.

The remuneration of the Chief Executive is set by the council and is that which is sufficient to attract and retain staff of the appropriate skills, knowledge, experience, abilities and qualities that is consistent with the council's requirements of the post in question at the relevant time. The last market comparison of Chief Executive pay took place in 2011 and showed City of York Council to be paying around the average for Unitary Chief Executives but the regional picture showed that York was the lowest paying single tier council.

Further details on the council's Policy on remunerating Chief Officers is set out in the schedule that is attached to this policy statement at Annex B.

### **Policy on remunerating the lowest paid in the workforce**

The council applies terms and conditions of employment that have been negotiated and agreed through appropriate collective bargaining mechanisms (national or local) or as a consequence of council decisions, these are then incorporated into contracts of employment.

The lowest pay point in this council is Grade 1. This relates to an annual salary of £12,302 and can be expressed as an hourly rate of pay of £6.37. In February 2014 the Council agreed to adopt the current Living Wage rate of £7.65 per hour from the 1st April 2014 and to review this on an annual basis in line with the current UK Living Wage rate changes. The introduction of the Living Wage supplement brings the lowest pay point to £14,719. The council's salary scales remain unchanged.

Increases to the council's salary scales are in accordance with national pay settlements reached through negotiation by the National Joint Councils.

### **Policy on the relationship between Chief Officer remuneration and that of other staff**

The highest paid base non Public Health salary in this council is £137,500 which is paid to the Chief Executive. The average median salary in this council (not including schools) is £21,936. The ratio

between the two salaries, the 'pay multiple' is 6.3:1.

Following the transfer of Public Health from NHS in April 2013 the highest paid salary (inclusive of additional pay supplements) is £149,710, which is paid to the Director of Public Health and Wellbeing. This role changes the 'pay multiple' to 6.8:1.

This council does not have a policy on maintaining or reaching a specific 'pay multiple', however the council is conscious of the need to ensure that the salary of the highest paid employee is not excessive and is consistent with the needs of the council as expressed in this Policy Statement.

The council's approach to the payment of other staff is based on locally or nationally negotiated grading and salary structures. It is to pay that which the council needs to pay to recruit and retain staff with the skills, knowledge and experience needed for the post in question and to ensure that the council meets any contractual requirements for staff including the application of any local or national collective agreements, or council decisions regarding pay.

### **Policy on other aspects of Chief Officer remuneration**

Other aspects of Chief Officer remuneration are appropriate to be covered by this Policy Statement, these other aspects are defined as recruitment, pay increases, additions to pay, performance related pay, earn back, bonuses, termination payments, transparency and re-employment when in receipt of an LGPS pension or a redundancy/severance payment. These matters are addressed in the schedule that is attached to this policy statement at Annex C.

### **Market Supplement Policy**

With effect from September 2013 a Market Supplement Policy has been introduced for Chief Officers which allows where there is objective justification and evidence, a supplement to pay to reflect a market premium for a specific role. This is in line with the Market Supplement Policy in place for other employees of the council.

### **Approval of Salary & Severance Packages in excess of £100k**

The council will ensure that, at the latest before an offer of appointment is made, any salary package for any post (not including schools) that is

in excess of £100k will be considered by full Council. The salary package will be defined as base salary, any bonuses, fees, routinely payable allowances and benefits in kind that are due under the contract.

All severance packages over £100k will be approved by Staffing Matters and Urgency Committee as agreed at Council in July 2013.

### **Flexibility to address recruitment issues for vacant posts**

In the vast majority of circumstances the provisions of this Policy will enable the council to ensure that it can recruit effectively to any vacant post. There may be exceptional circumstances when there are recruitment difficulties for a particular post and where there is evidence that an element or elements of the remuneration package are not sufficient to secure an effective appointment. This Policy Statement recognises that this situation may arise in exceptional circumstances and therefore a departure from this Policy can be implemented without having to seek full Council approval for a change of the Policy Statement. Such a departure from this Policy will be expressly justified in each case and will be approved through an appropriate authority decision making route.

### **Amendments to the policy**

If a change is considered to be appropriate during the year then a revised policy will be presented to full Council for consideration.

### **Public Health**

Responsibilities for Public Health functions transferred to the council, together with staff on 1<sup>st</sup> April 2013. The three senior staff transferred under TUPE principals, and their Terms and Conditions of Employment are set out in the NHS Terms and Conditions – Consultants (England 2003)'.

The Public Health posts in this council are:

Director of Public Health and Wellbeing  
NHS Consultant  
NHS Clinical Advisor

The Director of Public Health is also the council's Deputy Chief Executive and has on an interim basis responsibility for Adult Social Care. Details of Public Health remuneration details and policies can be

found in Annex D.

**Policy for future years**

This Policy Statement will be reviewed each year and will be presented to full Council each year for consideration in order to ensure that a policy is in place for the council prior to the start of each financial year.

**Annexes:**

- Annex B - Chief Officer Remuneration Details
- Annex C - Chief Officer Remuneration Policies
- Annex D – Public Health Remuneration Details and Policies
- Annex E - Publication Requirements



Post	Base Salary	Market Supplement	Expenses	Bonuses	PRP	Earn-Back	Honoraria	Ex-Gratia Payments	Election Fees	Joint Authority Duties	Severance Arrangements
<p>Chief Officer Chief Executive</p> <p><i>The Deputy Chief Executive is the Director of Public Health (see Annex D)</i></p>	Remuneration 137,500	Remuneration Details There are no payments made related to market supplements	Travel and other expenses are re-imbursed through normal authority procedures	The terms of the contract of employment do not provide for the payment of bonuses	The terms of the contract of employment provide for a performance element to the salary scale .	The terms of the contract of employment do not provide for an element of base salary to be held back related to performance	Honoraria payments for any increased duties and responsibilities do not apply	There are no plans for the post holder to receive any ex-gratia payments	Paid expenses as Presiding Officer during Elections .	There are no payments related to joint authority duties	Annex B The authority's normal policies regarding redundancy and early retirement apply to the postholder.
Director of Children's Services, Education and Skills	£96,883	A market supplement of £12,234pa is paid for this role.	The details above also apply to this and all jobs below.	The details above also apply to this and all jobs below.	The details above also apply to this and all jobs below.	The details above also apply to this and all jobs below.	The details above also apply to this and all jobs below.	The details above also apply to this and all jobs below.	The details above also apply to this and all jobs below.	The details above also apply to this and all jobs below.	The details above also apply to this and all jobs below
Director of Customer and Business Support Services	£102,766	There are no payments made related to market supplements	“	“	“	“	“	“	“	“	“
Director of City and Environmental Services	£92,491	There are no payments made related to market supplements	“	“	“	“	“	“	“	“	“

Chief Officer Remuneration Details

Interim Director of Adult Social Services	See Director of Health & Wellbeing – see Annex D	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Director of Communities and Neighbourhoods	£102,766	There are no payments made related to market supplements	“	“	“	“	“	“	“	“	“	Page 138
Assistant Director - Education and Skills	£73,254	There are no payments made related to market supplements	“	“	“	“	“	“	“	“	“	
Assistant Director - Finance, Asset Management and Procurement	£73,401	There are no payments made related to market supplements	“	“	“	“	“	“	“	“	“	

Chief Officer Remuneration Details

Assistant Director - Customers and Employees	£73,401	There are no payments made related to market supplements	“	“	“	“	“	“	“	“	“
Assistant Director - Governance and ICT	£73,401	There are no payments made related to market supplements	“	“	“	“	“	“	“	“	“
Assistant Director - Children’s Specialist Services	£73,401	A market supplement of £10,000pa is paid for this role.	“	“	“	“	“	“	“	“	“
Assistant Director - Adult Commissioning, Modernisation and Provision	£73,401	There are no payments made related to market supplements	“	“	“	“	“	“	“	“	“
Assistant Director - Housing and Community Safety	£73,401	There are no payments made related to market supplements	“	“	“	“	“	“	“	“	“

Chief Officer Remuneration Details

Assistant Director - Communities, Culture and Public Realm	£73,401	There are no payments made related to market supplements	“	“	“	“	“	“	“	“	“
Assistant Director - City Development Services Planning and Regeneration	£73,401	There are no payments made related to market supplements	“	“	“	“	“	“	“	“	“
Interim Assistant Director – Transport Highways, and Waste	Vacant	There are no payments made related to market supplements	“	“	“	“	“	“	“	“	“
Assistant Director - Adult Assessment and Safeguarding	£70,752	There are no payments made related to market supplements	“	“	“	“	“	“	“	“	“
Assistant Director Transformation and Change	£66,068	There are no payments made related to market supplements	“	“	“	“	“	“	“	“	“

Aspect of Chief Officer Remuneration	Council Policy
Recruitment	The post will be advertised and appointed to at the appropriate approved salary for the post in question level unless there is good evidence that a successful appointment of a person with the required skills, knowledge, experience, abilities and qualities cannot be made without varying the remuneration package. In such circumstances a variation to the remuneration package is appropriate under the authority's policy and any variation will be approved through the appropriate authority decision making process.
Pay Increases	The council will apply any pay increases that are agreed by relevant national negotiating bodies and/or any pay increases that are agreed through local negotiations. The council will also apply any pay increases that are as a result of council decisions to significantly increase the duties and responsibilities of the post in question beyond the normal flexing of duties and responsibilities that are expected in senior posts.
Additions To Pay	The council would not make additional payments beyond those specified in the contract of employment.
Market Supplement	With effect from October 2013 a Market Supplement Policy has been introduced for Chief Officers which allows where there is objective justification and evidence, a supplement to pay to reflect a market premium for a specific role.
Performance Related Pay	<p>A performance element applies to the incremental progression of the Chief Executive's post, with 50% of each incremental point being reserved for achievement of objectives.</p> <p>The council does not currently operate a performance related pay system for other posts. Consultation commenced with Chief Officers in September 2013 on a revised approach, the policy will be updated where any changes are agreed and implemented at the end of the consultation period.</p>
Earn-Back ( Withholding an element of base pay related to performance)	The council does not operate an earn-back pay system as it believes that it has sufficiently strong performance management arrangements in place to ensure high performance from its senior officers. Any areas of under-performance are addressed rigorously.

Bonuses	The council does not pay bonus payments to senior officers.
Termination Payments	<p>The council applies its normal redundancy payments arrangements to senior officers and does not have separate provisions for senior officers. The council also applies the appropriate Pensions regulations when they apply. The council has agreed policies in place on how it will apply any discretionary powers it has under Pensions regulations. Any costs that are incurred by the council regarding senior officers are published in the authority accounts as required under the Accounts and Audit (England) Regulations 2011.</p> <p>All Chief Officer severance packages over £100k in value will be approved by Staffing Matters &amp; Urgency Committee as agreed at Council in July 2013</p>
Transparency	The council meets its requirements under the Localism Act, the Code of Practice on Data Transparency and the Accounts and Audit Regulations in order to ensure that it is open and transparent regarding senior officer remuneration.
Re-employment of staff in receipt of an LGPS Pension or a redundancy/severance payment	The council is under a statutory duty to appoint on merit and has to ensure that it complies with all appropriate employment and equalities legislation. The council will always seek to appoint the best available candidate to a post who has the skills, knowledge, experience, abilities and qualities needed for the post. The council will therefore consider all applications for candidates to try to ensure the best available candidate is appointed. If a candidate is a former employee in receipt of an LGPS pension or a redundancy payment this will not rule them out from being re-employed by the council. Clearly where a former employee left the authority on redundancy terms then the old post has been deleted and the individual cannot return to the post as it will not exist. The council will apply the provisions of the Redundancy Payments Modification Order regarding the recovery of redundancy payments if this is relevant. Pensions Regulations also have provisions to reduce pension payments in certain circumstances to those who return to work within the local government service.

<b>Post</b>	<b>Base Salary</b>	<b>Clinical Excellence Award Supplement</b>	<b>Supplement based on band of post and population of the post</b>	<b>Additional Programmed Activity</b>	<b>Expenses</b>	<b>Performance Related Pay (PRP)</b>	<b>Severance Arrangements</b>
Director of Public Health/ Deputy Chief Executive/ interim responsibility for Adult Social Care.	£95,860	NHS clinical excellence award £35,484 pa	Supplement - £5,232	£13,134.6 pa	Travel and other expenses are re-imbursed through normal authority procedures	Annual Progression through pay threshold on anniversary of appointment subject to meeting pay threshold criteria.	The NHS terms and conditions for consultants regarding redundancy and early retirement apply to the post holder.
Public Health Consultant	£84,667.00	NHS clinical excellence award £2,957	Not Applicable	£8,762pa	Travel and other expenses are re-imbursed through normal authority procedures	Annual Progression through pay threshold on anniversary of appointment subject to meeting pay threshold criteria.	The NHS terms and conditions for consultants regarding redundancy and early retirement apply to the post holder.
Clinical Advisor	£84,667.00 0.3 FTE Pro rata £25,400.10	There are no payments made related to supplements	Not Applicable	Not Applicable	Travel and other expenses are re-imbursed through normal authority procedures	Annual Progression through pay threshold on anniversary of appointment subject to meeting pay threshold criteria.	The NHS terms and conditions for consultants regarding redundancy and early retirement apply to the post holder.

<b>Aspect of Public Health Remuneration</b>	<b>NHS Terms and Conditions – for Consultants</b>
Clinical Excellence Award	Clinical Excellence Awards recognise and regard NHS consultants and academic GPs who perform 'over and above' the standard expected of their role. Awards are given for quality and excellence, acknowledging exceptional personal contributions.
Additional Programmed Activity	Additional payment for undertaking remunerated clinical work that falls under the definition of Private Professional Services that does not fall within their Job Plan.
Post and Population Supplement	Only payable to Director of Public Health – depending upon the band within which their posts fall and the weight of the post as assessed by their employing organisation.
Pay thresholds – Performance Related Pay PRP	The employee will progress to the next pay threshold provided they have met the pay threshold criteria, based upon length of service and performance.
Expenses	Expenses are paid in line with NHS nationally agreed rates.
Severance Arrangements	Redundancy, early retirement and retirement are managed in accordance with NHS terms and conditions of employment for consultants.



## **Publication Requirements - Pay Policy Statement – Annex E**

The Secretary of State for CLG Code of Recommended Practice for Local Authorities on Data Transparency indicates that local authorities should publish the following data concerning staff:

- Salaries, names (with an option for individuals to refuse to consent to this), job descriptions, responsibilities, budgets (including overall salary cost of staff reporting), and numbers of staff for all staff in receipt of a salary of more than £58,200
- An organisational chart of the staff structure of the authority including salary bands and details of currently vacant posts
- The 'pay multiple' – the ratio between the highest paid salary and the median average salary of the whole authority workforce

The Accounts and Audit (England) Regulations (2011) require that the following data is included in the authority's accounts:

- Numbers of employees with a salary above £50k per annum (pro-rata for part-time staff) in multiples of £5k
- Job title, remuneration and employer pension contributions for senior officers. Senior officers are defined as Head of Paid Service, Statutory Chief Officers and Non-Statutory Chief Officers by reference to Section 2 of the 1989 Local Government & Housing Act.
- Names of employees paid over £150k per annum

For the above remuneration is to include:

- Salary, fees or allowances for the current and previous year
- Bonuses paid or receivable for the current and previous year
- Expenses paid in the previous year
- Compensation for loss of employment paid to or receivable, or payments made in connection with loss of employment
- Total estimated value of non-cash benefits that are emoluments of the person

For the above pension contributions to include:

- The amount driven by the authority's set employer contribution rate
- Employer costs incurred relating to any increased membership or award of additional pension

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