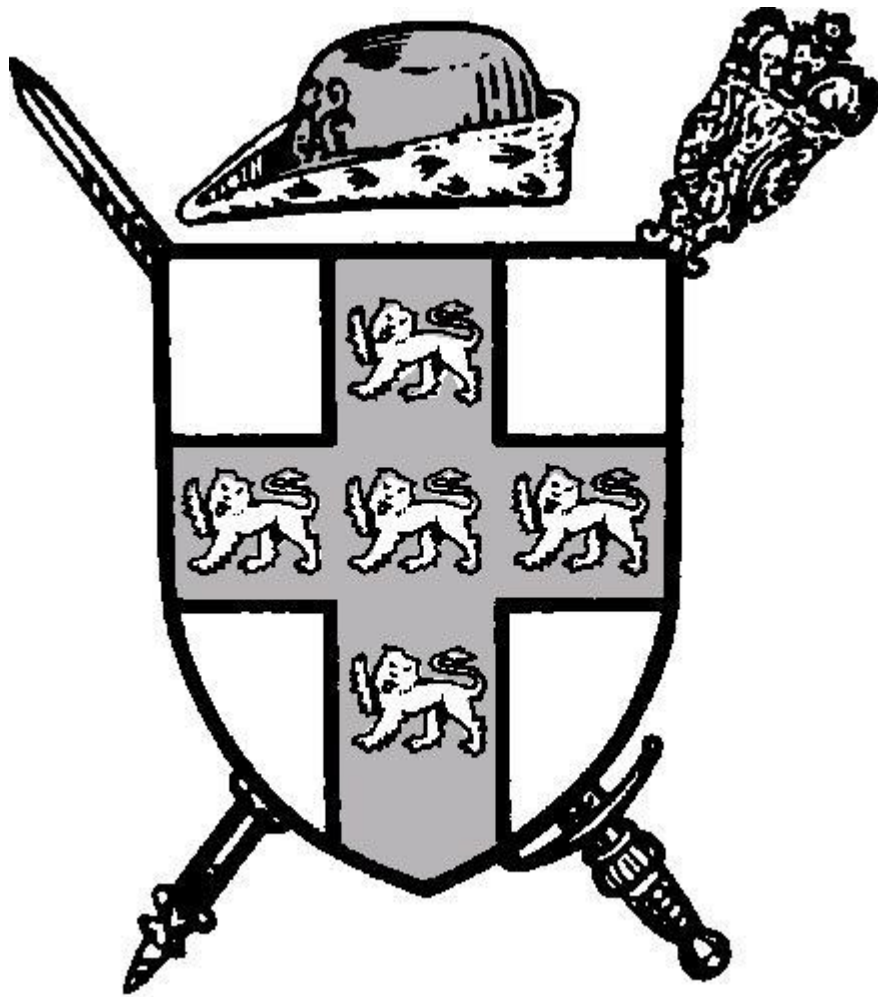




CITY OF YORK COUNCIL SUMMONS

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 **Merchant Adventurers' Hall, Fossgate, York, YO1 9XD**, to consider the business contained in this agenda on the following date and time

Thursday, 21 November 2024 at 6.30 pm

A G E N D A

1. Apologies for Absence

To receive and note apologies for absence.

2. Declarations of Interest (Pages 3 - 4)

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members]

3. Minutes (Pages 5 - 26)

To approve and sign the minutes of the Council meeting held on 19 September 2024.

4. Civic Announcements

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

5. 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 Tuesday, 19 November 2024.**

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this public meeting will be webcast including any registered public speakers

who have given their permission. The remote public meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

6. Petitions

To consider any petitions received from Members in accordance with Standing Order B5. Notice has been received of three petitions to be presented by:

- i) Cllr Runciman regarding installing a crossing urgently to enable residents, particularly those who are elderly or disabled to get to the Folk Hall and all its facilities safely from the opposite side of the road.
- ii) Cllr Douglas regarding a tourism tax for York.
- iii) Cllr Clarke regarding saving Foss Bank Sainsbury's.

7. Report of Executive Leader, Questions, and Executive Recommendations (Pages 27 - 132)

To receive and consider a written report from the Leader and ask questions on the work of the Executive, and to consider the Executive recommendations for approval, as set out below:

Meeting	Date	Recommendations
Executive	10 October 2024	Minute 46: York Youth Justice Service Plan https://democracy.york.gov.uk/ieListDocuments.aspx?CategoryId=733&MId=14501

8. Motions on Notice

To consider the following Motions on Notice under Standing Order B13:

Motions submitted for consideration directly by Council, in accordance with Standing Order 22.1

i) From Cllr Baxter

Protecting more of York's Community Assets

"Council notes the important role local assets play in supporting York's communities to thrive. It further notes the broad range of

valued local facilities and venues from community centres to pubs, from cinemas to music venues to green spaces and much more.

Council believes that the shift in shopping habits away from the high street, often leaving long-term empty retail units, poses questions for communities and their representatives around broadening the definition of what makes a community asset and how to ensure productive use of local buildings.

Further, council notes the Government's plans, to start in 2026, to reduce business rates for high street retail, hospitality and leisure businesses, with the aim of creating a more level playing field with online retailers and reducing the number of high street business closures.

Council welcomes:

- the Government's plans to introduce a Community Right to Buy and commitment to strengthen the powers available to communities, including a first refusal on a wider range of Assets of Community Value (ACVs), and doubling the time period for communities to raise finance to buy ACVs from six months to twelve;
- the role that local people, community groups and other organisations have played in saving and breathing new life into once forgotten or at-risk venues through ACV nominations like New Earswick and District Indoor Bowling Club, Holgate Community Garden and Strensall Library, which should be celebrated.

Council resolves:

- to support individuals and community groups interested in protecting or acquiring an asset by sharing information with them on local and national funders. This includes making links with and working with organisations such as Plunkett UK, Music Venue Trust and Power to Change;
- to commit to supporting further work to ensure processes for protecting and acquiring community assets are as

accessible as possible;

- to request its scrutiny function considers how best the council can:
 1. Promote adding to the local register of Assets of Community Value;
 2. Make it easier for residents and community groups to nominate an ACV;
 3. Celebrate the success stories of ACVs in our community to encourage new nominations;
 4. prepare for law changes on the Community Right to Buy in securing a wider range of ACVs.”

ii) From Cllr Mason

Protecting York's Primary and Social Care providers

“Council notes

- The 1.2% increase in Employers National Insurance, the decrease in the threshold to start paying Employers National Insurance from £9,100 to £5,000 and the increase in the allowance to £10,500.
- That these changes will not apply to the public sector, with public bodies being reimbursed for the additional Tax.
- The Liberal Democrat leader, Ed Davey MP, calling on the government to exclude social care providers from the increase in National Insurance.
- The Labour Council's recent decision to cut £450,000 worth of contracts with organisations that provide early intervention and prevention social care services in York.
- The good work that charitable and private providers of hospice care, social care and primary care services play in fulfilling York residents' needs.

Council believes

- That the Labour Government's proposed increase in National Insurance on charitable and private providers will put further pressure on GP and dental practices, hospices and community pharmacies in York, which could impact on

the availability of timely care for patients.

- That over the last nine years there has been a deterioration in access to Dental and GP appointments in York, the loss of a number of pharmacies around the city and an increasing need for social care services.
- That private and charitable providers help to alleviate pressure on NHS bodies such as secondary care providers.
- That the Labour Council was wrong to cut £110,000 more than had been budgeted from the contracts with organisations that provide early intervention and prevention social care services in York
- That the Labour Council could have saved Age UK Day Clubs under their own budget proposals but chose to cut them anyway
- That the loss of Age UK Day Clubs is being compounded by the tax increase they, and other charitable organisations, will face when Employer National Insurance contributions increase
- That the National Insurance increases should not fall on private social care providers, health charities or primary care providers including GPs, Dental practices, hospices and pharmacies.

Council resolves

- To ask the Group Leaders to write to the Chancellor of the Exchequer to request that private and charitable social care providers, hospices and primary care providers including GPs, Dental practices and pharmacies are excluded from her increase to Employers National Insurance contributions.”

iii) From Cllr Steward

Agricultural Property Relief

“Council notes the government’s budget’s proposed Agricultural Property Relief change from 100% to 50% beyond the first £1 million of assets and that this is in direct contradiction to assurances made by Prime Minister Keir Starmer and Secretary of State for Environment Food and Rural Affairs Steve Reed.

Council believes the change fundamentally misunderstands the reasons APR was introduced, why it has remained so long, its importance to UK farming and that a change would have a devastating effect including:

1. An adverse impact on nearly 250 family farms in York.
2. A need for farms to find simply non-existent funds to pay IHT, resulting in forced asset sales and the likely less suitable but more profitable land use.
3. A rise in costs on farmers already hard hit by factors including Defra cuts, supplier and energy price inflation and more regulation.
4. Tax receipts will be much smaller than believed and the real winners will be big business, financial organisations and especially the overseas wealthy who will be able to buy UK farmland without being subject to the same taxes.
5. The inevitable breaking up of farms which have been in families for generations and reduction in food security.

Council agrees with the significant and wide-ranging opposition to the change across all political sides and notably from crucial bodies including the National Farmers Union, Country Land and Business Association and resolves to:

1. Acknowledge rural hardship remains a largely unrecognised issue which includes many reliant on farming and that having an asset worth a lot on paper often does not translate into high income. To specifically ensure council-owned, funded or influenced welfare bodies are reaching out to all of York including often harder-to-reach rural areas.
2. Write to York's two MPs stressing the importance of farming for York and urging them to oppose the change.
3. Have a report prepared for the Executive Leader to discover how better the council can work with York's farms and farm workers and support their work."

iv) From Cllr Clarke

Renewing York's commitment to Fairtrade

"Council notes:

- 2024 marks York celebrating its 20th anniversary of becoming a Fairtrade City;
- York Fair Trade Forum organised events throughout the year to mark York's 20th anniversary and status as a Fairtrade City;
- York Central's MP, Rachael Maskell, has tabled an Early Day Motion ([EDM 509](#)) congratulating York on this milestone and further congratulates York Fair Trade Forum for its work in promoting fairtrade in York and beyond.

Council believes:

- Fairtrade plays a vital role in ensuring farmers and workers across the world are treated justly with better terms, including fair pay, so they can develop strong, sustainable businesses, helping to reduce global inequalities;
- Fair prices provide an immediate lifeline for farmers and workers struggling with low incomes and disadvantaged by global trade;
- Trade can be made fairer and more sustainable by farming co-operatives, businesses and governments – including local government – working together, supporting and promoting Fairtrade;
- York's commitment to maintain its status as a Fairtrade City raises awareness and signals the role York can play in promoting fairtrade beyond its boundaries;
- York Fair Trade Forum and the Fairtrade Foundation should be supported in their promotion and advocacy work.

Council resolves:

- To renew its commitment to Fairtrade and to York's status as a Fairtrade City, continuing to raise awareness and supporting actions that make global trade fairer;
- To continue to appoint a named councillor to York Fair Trade Forum, to provide a strong link with the council and to support its work;
- To work with York Fair Trade Forum to ensure York continues to meet and exceed the requirements necessary to maintain its status as a Fairtrade City;
- To consider offering Fairtrade goods wherever possible and available, for example in any catering and in-house café provision;
- To ensure Fairtrade remains a feature following the current update of the council's Social Value Strategy, so it is considered through its procurement processes, and those of its suppliers, where applicable;
- To promote Fairtrade issues and practices among local businesses, commercial and other organisations;
- To share best practice about Fairtrade and sustainable development with other public bodies, stakeholders and partners;
- To request the Executive Leader writes to the Secretary of State for Business and Trade to request their support for the [Fairtrade Foundation's 'three asks'](#) of the new Government:
 1. Develop trade policy that works for people and planet. Policies that must improve resilience for the smallholder farmers and workers producing food overseas, and support innovative business approaches to enhance environmental and social sustainability;
 2. Legislate to ensure responsible business. The legislation must ensure that businesses address

- human rights and environmental violations in supply chains, including deforestation, while taking full account of the needs of farmers and workers;
3. Strengthen UK aid by responding to the needs and priorities of farmers and workers who make a crucial contribution to the global food system.”

9. Questions to the Leader or Executive Members

To question the Leader and/or Executive Members in respect of any matter within their portfolio responsibility, in accordance with Standing Order B11.

10. Report of Executive Member (Pages 133 - 138)

To receive a written report from the Executive Member for Finance, Performance, Major Projects, Human Rights, Equality and Inclusion, and to question the Executive Member thereon, in accordance with Standing Orders B9 and B10.

11. Scrutiny - Report of the Chair of the Corporate Services, Climate Change and Scrutiny Management Committee (Pages 139 - 144)

To receive a report from Councillor Fenton, Chair of the Corporate Services, Climate Change and Scrutiny Management Committee (CSCCSMC), on the work of the Committee.

12. Recommendations of the Audit and Governance Committee (Pages 145 - 220)

To consider the recommendations for approval set out below:

Meeting	Date	Recommendations
Audit and Governance Committee	14 October 2024	Minute 36: Report of the Monitoring Officer on Suggested Constitutional Changes https://democracy.york.gov.uk/ieListDocuments.aspx?Cd=437&MId=14937&Ver=4

13. Recommendations of the Licensing & Regulatory Committee
(Pages 221 - 450)

To consider the recommendations for approval set out below:

Meeting	Date	Recommendations
Licensing & Regulatory Committee	8 October 2024	Minute 64: New Taxi Licensing Policy https://democracy.york.gov.uk/ieListDocuments.aspx?Cd=606&MId=14535
Licensing & Regulatory Committee	4 November 2024	Minute 73: Gambling Act 2005 – Statements of Licensing Policy https://democracy.york.gov.uk/ieListDocuments.aspx?Cd=606&MId=14536&Ver=4

14. 2025/26 Corporate Calendar (Pages 451 - 466)

This report presents for consideration and approval by Council the draft Corporate Calendar of meetings from May 2025 to May 2026, attached as Annex A.

15. Pay Policy Statement 2024 - 25 (Pages 467 - 490)

The purpose of the report is to present for approval the Council's Pay Policy Statement for 2024-2025.

16. Use of General Exception (Urgency) and Special Urgency Procedures (Pages 491 - 496)

To report to Council on the use of Special Urgency procedures, as required by legislation, and as set out within the City of York Council Constitution and to report, for information, the instances where General Exception (i.e. Urgency) Procedures were used.

17. Appointments and Changes to Membership (Pages 497 - 498)

To consider the appointments and changes to membership of committees and outside bodies set out on the list attached to this summons.

18. Urgent Business

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

Interim Democratic Services Manager

Louise Cook

Contact details:

Telephone – (01904) 551031

Email louise.cook@york.gov.uk

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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 میا کی جاسکتی ہیں۔ (Urdu)

For more information about any of the following please contact the 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.

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☎ (01904) 551550

Democracy
Officer

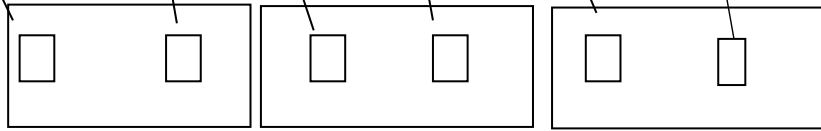
L Tomlinson,
Head of
Democratic
Governance

Cllr Wells,
Lord Mayor

B Roberts,
Monitoring
Officer

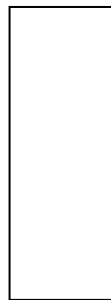
I Floyd,
Chief Operating
Officer

D Mitchell, Chief
Finance Officer



Cllr Ravilious	Cllr Pavlovic	Cllr Steels- Walshaw	Cllr Douglas	Cllr Kilbane	Cllr Lomas	Cllr Kent	Cllr Webb

Cllr Clarke	Cllr Nelson
Cllr Moroney	Cllr Merrett
Cllr Melly	Cllr Wilson
Cllr Myers	Cllr Coles
	Cllr Warters



Cllr B Burton	Cllr Rose
Cllr Crawshaw	Cllr Whitcroft
Cllr J Burton	Cllr Baxter
	Cllr Taylor
Cllr Steward	Cllr Nicholls
Cllr Rowley BEM	

Cllr Smalley	Cllr Runciman	Cllr Waller	Cllr Widdowson	Cllr Ayre	Cllr Healey	Cllr Fenton	Cllr Mason	Cllr Orrell
Cllr Hook	Cllr Cuthbertson	Cllr Fisher	Cllr Cullwick	Cllr Hollyer	Cllr Wann	Cllr Vassie	Cllr Knight	Cllr Waudby

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Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Resolutions and proceedings of the Meeting of the City of York Council held in The Guildhall, York on Thursday, 19 September 2024, starting at 6.30 pm

Present: The Lord Mayor (Cllr Wells) in the Chair, and the following Councillors:

Acomb Ward

Lomas
Rose

Bishopthorpe Ward

Nicholls

Clifton Ward

Myers
Wells

Copmanthorpe Ward

Steward

Dringhouses & Woodthorpe Ward

Fenton
Mason
Widdowson

Fishergate Ward

Whitcroft
Wilson

Fulford and Heslington Ward

Ravilious

Guildhall Ward

Clarke
Melly
Merrett

Haxby & Wigginton Ward

Cuthbertson
Hollyer

Heworth Ward

B Burton
Douglas
Webb

Heworth Without Ward

Ayre

Holgate Ward

Kent
Steels-Walshaw
Taylor

Hull Road Ward

Baxter
Moroney
Pavlovic

Huntington and New Earswick Ward

Cullwick
Orrell
Runciman

Micklegate Ward

J Burton
Crawshaw
Kilbane

Osballdwick and Derwent Ward

Rowley BEM
Warters

Rawcliffe and Clifton Without Ward

Smalley
Wann
Waudby

Rural West York Ward

Hook
Knight

Strensall Ward

Healey

Westfield Ward

Coles
Waller

Wheldrake Ward

Vassie

Apologies for absence were received from Councillors Fisher and Pearson. Councillor Nelson was absent on parental leave.

27. Declarations of Interest (6:37 pm)

At this point in the meeting, Members and co-opted members were asked to declare any disclosable pecuniary interests, or other registerable interests, they might have in respect of business on this agenda, if they had not already done so in advance on the Register of Interests. None were declared.

28. Minutes (6:37 pm)

Resolved: That the minutes of the Council meeting held on 17 July 2024 be approved and then signed by the Chair as a correct record.

29. Civic Announcements (6:37 pm)

The Lord Mayor gave a summary of the activities of the civic party since her last update, which included:

- Welcoming Lord Mayors and Mayors from all over the County on Yorkshire Day. The Lord Mayor expressed her gratitude to the staff who worked hard to make the day so special and uniquely York.
- Recording a message in French to support and uphold the city's connections with Dijon regarding the 80th Anniversary of their liberation from occupation.
- Joining the Flightpath Association, a family of 3 nations: the UK, Germany and the Netherlands, for a service in remembrance of the memorial of the last German Warplane to crash on British soil.

The Lord Mayor also thanked staff for organising a magnificent Georgian Festival.

30. Public Participation (6:40 pm)

It was reported that ten people had registered to speak at the meeting under the council's Public Participation Scheme.

The first six speakers referenced Agenda Item 8, specifically the motion concerning community response to Israel-Gaza conflict.

Richard Murgatroyd addressed the ongoing genocide and crisis in Palestine and spoke on the council's position to support an end to the war in Gaza to secure peace and justice for Palestine.

Roger Kaufman addressed the crisis in Gaza, and he urged the council to call for an immediate, permanent, and meaningful ceasefire.

Josh Goldman spoke on the conflict in Palestine and addressed York's status as a City of Sanctuary. He expressed his concerns regarding the council's inaction over the escalated violence and he urged the council to acknowledge its humanitarian obligations to support justice for Palestine.

Naomi Wigley addressed York's status as a City of Human Rights and a City of Sanctuary in light of the crisis in Gaza. She called for the council to support justice for Palestine and recognise with compassion and understanding, the humanitarian disaster that has been taking place in Gaza and the wider occupied territories.

Mohamed El-Gomati acknowledged the petition that was submitted to the council calling for an immediate ceasefire and the restoration of essential services in Gaza and the release of all hostages and detainees. He shared some personal experiences and highlighted the crisis and genocides in Gaza, and he called on the council to act and impose sanctions.

Jane Carter thanked the council for the proposed resolution, and she addressed the crisis in Gaza. She urged the council to work collectively to influence the course of this genocide.

Gwen Swinburn spoke on scrutiny improvements and governance matters. She supported the motion on streamlining and reviewing residents parking and she suggested that the report should consider introducing residents parking across the entire city.

Flick Williams joined the meeting remotely and spoke on Agenda Item 6, Responses to the Leader's Report and Agenda Item 8, motion concerning the Local Plan. She addressed the National Planning Policy Framework consultation and why accessible housing should be part of every housing development.

Geoff Beacon spoke on Agenda Item 6, Report of Executive Leader, addressing the net zero 2030 targets and he advised how

car free housing could cut housing costs and begin to address net zero.

Ben Ffrench spoke on behalf of David Alexander and addressed Agenda Item 5, Petitions. He acknowledged the petition to restore Hull Road Park to its former glory, and that a similar petition had been submitted by a local resident calling on the restoration of York's parks and Bar Walls. He raised issues with Osbaldwick Beck in Hull Road Park and urged the council to consider the improvements required.

The Lord Mayor thanked all public participants for their contributions.

31. Petitions (7:17pm)

Cllr Baxter moved a motion without notice, under Rule B14 (2) (j) of the Procedure Rules, in order to suspend Procedure Rule B5 (1). This was seconded by Cllr Waller and after being put to the vote, the motion was carried.

Under Rule B5 (2), the following petitions were then presented for reference to the Corporate Services, Climate Change and Scrutiny Management Committee, in accordance with the council's petition arrangements:

- i) Cllr Myers, relating to Community Pharmacies.¹
- ii) Cllr Moroney, relating to Hull Road Park.²
- iii) Cllr Waller, relating to the Connexions number 16 bus.³
- iv) Cllr Mason, relating to restoring Yorks Parks and Bar Walls.⁴

Action Required

1. Keep updated the petitions log for referral to CSCCSMC on Community Pharmacies.	CR
2. Keep updated the petitions log for referral to CSCCSMC on Hull Road Park.	LN
3. Keep updated the petitions log for referral to CSCCSMC on the Connexions number 16 bus.	LN
4. Keep updated the petitions log for referral to CSCCSMC on Yorks Parks and Bar Walls.	LN

32. Report of Executive Leader, Questions, and Executive Recommendations (7:24 pm)

Before presenting her written report on the work of the Executive, Cllr Douglas paid tribute to two long serving council employees, Richard Douglas and Beverley Hills, who had sadly passed away.

Members were then invited to question the Leader on her report. Questions were received from the floor from the following Members in relation to the subjects listed and replied to as indicated:

Improved support offer for Care Leavers

From Cllr Clarke: How has the council's approach to supporting those in care changed so that it warrants praise from OFSTED?

Response: It has been very important and heartwarming to see the improvements in children's services over the past two years and particularly over the past 18 months. I'd like to thank Martin Kelly and his team for all the work they have done. Cllr Webb has been working very closely alongside them, particularly around corporate parenting where we've seen improvements in the housing offer that's available to young people as they leave care. There will no longer be a cliff edge on the council tax support that was previously for one year. It will now be phased over 3 years, which is what the young people asked for as care leavers. A big part of the improvements is listening to care leavers and taking into account what they feel they need and delivering on that for them. Council employees and councillors are all corporate parents and should be working and thinking about our care leavers and our young people in care in the same way that we would want for our own children. I'd like to thank you all and encourage you to really take note of what is going on and how you can support that.

Supplementary from Cllr Rowley BEM: Can I ask the Leader to look at the possibility of giving a place on the Corporate Parenting Board to the Conservative Group?

Response: I am more than happy to take that away and look at it.

Supplementary from Cllr Clarke: What do you see as the council's responsibilities as a corporate parent?

Response: I think I may have answered that previously. We all have our responsibility in that area, and it is to make sure that young people who have come into our care and leave the care of the City of York Council can go off into adult life with the skills, the confidence and with the amenities and services that they need to

transition into adult life in whatever route that they take. It's ongoing work and is tremendously important.

Combined Authority and Regional

From Cllr Warters: Regarding partnership working between the Combined Authority, City of York, and North Yorkshire Councils, why is it necessary to have three separate senior staff hierarchies at each authority costing taxpayers a fortune? Surely the current arrangements offer us the opportunity to investigate and hopefully instigate shared service delivery?

Response: It does give the opportunity for shared services where it is appropriate, and if it is to the benefit of both local authorities and the region then I am always open to that, and I know other officers are. There are conversations going on about where that can benefit us, but the Combined Authority doesn't do everything for us. There are many services that quite rightly will continue to remain in the constituent local authority. It is really important that we are efficient at the same time and where it is appropriate that the Combined Authority leads on certain initiatives and projects that they do. It's early days and conversations are ongoing, and we may over time see some changes in how our authority and the Combined Authority interact.

Haxby Station Project

From Cllr Widdowson: The Labour government has pulled support for it; can you explain what steps you have taken to try and save the Haxby Station Project?

Response: The Labour government hasn't pulled the project at all and Cllr Kilbane through the Combined Authority and his role on TNF is still pushing very hard for that. It is an important part of our economic growth plans for the region. It's important to the coastal community, particularly Scarborough, that we get a half hourly train service over into York to open up economic opportunity for them, North Yorkshire are very keen on that. We've been pushing hard to make sure that Haxby Station remains on the plan. We will continue to do that and so will the Mayor, David Skaith and also the leadership of North Yorkshire. It is a joint effort to get that in place because it benefits everybody.

Supplementary from Cllr Ayre: Has there been a request to the Mayor to put funding in if necessary and if so what quantum of funding is likely to be available?

Response: The first approach is going for government funding. The focus at the moment is to make sure that the business case is

absolutely watertight, and I know that the Mayor has already spoken to the Secretary of State for Transport about this very issue. We're not giving up on the government funding by any means. I think there is a really strong argument for it, and we will have to see where it takes us. I'll keep you updated as information comes through.

B – Executive Recommendation

Cllr Douglas moved, and Cllr Kilbane seconded, the following recommendations contained in Minute 14 of the Executive meeting held on 18 July 2024 and Minute 27 and 35 of the Executive meeting held on 12 September 2024.

Minute 14, Capital Programme Outturn

Recommended:

- i. Recommend to Full Council the restated 2024/25 to 2028/29 programme of £421.368m as summarised in Table 3 and detailed in Annex 1 to the report;

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

Minute 27, Capital Programme Update Monitor 1

Recommended:

- i. To recommend to Full Council the adjustments resulting in a decrease in the 2024/25 budget of £81.72m as detailed in the report.

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

Minute 35, Safer York Partnership Community Safety Strategy

Recommended:

- i. Recommended to Full Council for approval in accordance with the council's Constitution.

Reason: To progress the strategy to approval at Full Council and note the council's role in delivery of the strategy.

On being put to the vote, the recommendations were declared CARRIED, and it was

Resolved: That the above recommendations be approved.^{1,2,3}

Action Required

1. Note approval of the recommendation on the Capital Programme Outturn and take the appropriate action.	DM
2. Note approval of the recommendation on the Capital Programme Update Monitor 1 and take the appropriate action.	DM
3. Note approval of the recommendation on the Safer York Partnership Community Safety Strategy and take the appropriate action.	JM

33. Report of Deputy Leader and Questions (7:54 pm)

A written report was received from the Deputy Leader, Cllr Kilbane.

Members were then invited to question the Deputy Leader on his report. Questions were received from the floor from the following Members in relation to the subjects listed, and replied to as indicated:

Millenium Bridge

From Cllr Whitcroft: Can you explain to Council how we worked together to improve Millennium Bridge to ensure it was accessible even in the worst cases of flooding and what lessons we have learnt to make sure transport decisions are made quickly in the city?

Response: It was a complicated job as the initial spec that was pulled together wasn't up to standard and it had progressed quite a long way down the line before it had to be pulled. There are difficulties with building these kinds of structures, but the huge advantage is we managed to find a solution that the Environment Agency was happy with and could sign off. That now means that the Fishergate side of the bridge and the Micklegate side of the bridge will still be accessible. It's great to finally get it done. It's been talked about for years and it's been tried for years. It is an indication of this administration's delivery.

Riots

From Cllr Melly: Can you tell us what steps the council took and what work you did with local partners at the time of the recent national unrest?

Response: During the right-wing riots that we witnessed in August, this was a very scary time for many people in the city. This also coincided with the Leader's annual leave which meant that I was in charge as far as York was concerned. Working with colleagues in North Yorkshire and with the Police, Fire and Crime Commissioner we managed to know what was going on in York and North Yorkshire and we managed to prepare for the worst and hope for the best. Fortunately, the worst didn't happen, and I would like to put on record my thanks to all of the officers across all of the local authorities and the officers at the Police, Fire and Crime Commissioner for the work that they did 24 hours a day to stay on top of the situation within our region. Many people went way above and beyond, and I would also like to thank the residents who turned out in their hundreds to offer their support and solidarity to communities in our city that were feeling very scared. Finally, it would be very remiss of me, especially seen as some of our friends from the mosque are in the room tonight, to not thank them for all the work they did at the height of the worry. As I say in my report, the right-wing tried to spread fear instead of which they spread solidarity, they spread hope, they increased friendships between communities and some of those friendships that were born at that time will be long lasting and will be for the benefit of our entire city. Thanks to our friends at the mosque for all that they did to reassure the communities in York at that rather worrying time for everyone. The threat is still there, and we must be vigilant and fight it where we find it.

34. Motions on Notice (8:01 pm)

Under the Council Procedure Rules, Part B3 (2), the Lord Mayor varied the order of the Motions on Notice in order to bring forward the motion on community response to Israel-Gaza conflict.

(i) Community Response to Israel-Gaza Conflict

Moved by Cllr Douglas, seconded by Cllr Kilbane.

"We, the Council and people of York, in keeping with our city's status as the first Human Rights City in the UK, resolve to urgently call for:

- An immediate and permanent ceasefire in Gaza and Israel based on recent peace proposals.
- Immediate access within Gaza to water, medical and food supplies, restoration of electricity, and provision of proper shelters for all impacted by the war.
- The immediate release of all Israeli hostages and Palestinian detainees.”

Cllr Steward then moved, and Cllr Rowley BEM seconded, an amendment to the above motion, as follows:

“In the last bullet point:

- insert ‘any’ before ‘Palestinian’
- insert an ‘s’ onto ‘Palestinian’ and then insert ‘detained otherwise than in accordance with international law.’
- delete detainees.”

On being put to the vote, the amendment was declared LOST.

The original motion was then put to the vote and was declared CARRIED, and it was

Resolved: That the above motion be approved.¹

[An adjournment took place between 8:23pm and 8:44pm]

(ii) York’s Local Plan

Cllr Ayre sought consent to alter his motion to incorporate the amendment submitted by Cllr Rowley BEM.

On being put to the vote, the amendment was CARRIED, and the amended motion was then moved by Cllr Ayre and seconded by Cllr Orrell, as follows:

“Council notes:

- The continued progress with agreeing a Local Plan for York to deliver much-needed new homes and land for employment
- The ongoing Government consultation on revisions to the National Planning Policy Framework and wider policy proposals
- That the current draft Local Plan is meeting a need of 822 dwellings per annum (net average) for the City of York and the new standard method proposed by the Government

would set a revised figure of 1,251, compared to the current standard method figure of 1,020

- That the July 2020 letter from planning inspectors challenged the council for overdelivering on housing in the Local Plan
- That the council's independent evidence base said about the 822 dwellings per annum housing target in the Local Plan that "there would not be the level of household growth required to fill this number of homes."
- That the 2024 Liberal Democrat General Election manifesto set a target of building 380,000 homes each year across the UK, with the Labour and Conservative manifestos including similar figures
- That the 2024 Liberal Democrat General Election manifesto promised to introduce 'use-it-or-lose-it' planning permission for developers who refuse to build.
- That whilst York's housing targets have increased by 22%, London's targets have seen a 20% reduction
- That the council's response to the Government consultation is due to be agreed at an Executive Member Decision Session on 23 September 2024.

Council believes:

- That adoption of the Local Plan is a crucial step towards delivering much-needed new homes for York
- That the draft Local Plan contains ambitious and deliverable targets which will meet the pressing need for more new homes, whilst preserving York's unique setting and environment
- That other measures can play an important part in improving the supply of homes for local residents, such as giving local authorities new powers to control second homes and short-term lets in their area and introducing 'use-it-or-lose-it' planning permission for developers who refuse to build.

Council resolves:

- To ask the Executive Member for Housing, Planning and Safer Communities to approve a council response to the Government consultation referred to above which expresses support for the retention of the housing target contained in the current draft Local Plan. The response should urge the government to reassess the way in which student housing is deemed to meet housing demand, given the many logical differences between the two supplies.
- To ask the Executive Member to reaffirm his commitment, as

reported in The Press on 13 June 2023 (<https://www.yorkpress.co.uk/news/23583238.will-no-extra-newhousing-green-belt-says-york-labour/>), that the only housing development allowed on green belt land will be on those sites already allocated for development in the draft Local Plan.”

Cllr Ben Burton then moved, and Cllr Merrett seconded, an amendment to the above motion, as follows:

“Under Council notes:

In the first bullet point:

- insert ‘,’ after ‘homes’ and delete ‘and’
- after employment insert ‘, and supporting infrastructure and facilities.’

In the fourth bullet point:

- after ‘inspectors’ insert ‘asked the council to confirm, with supporting evidence, if latest 2018 household projection figures represented meaningful change to its evidence base, and therefore whether its annual housing targets remained appropriate for York’s’
- delete ‘challenged the council for overdelivering on housing in the’

In the fifth bullet point:

- After ‘homes’ insert ‘before factoring in housing requirements linked to forecast economic growth. However, under the previous Liberal Democrat-Green administration, the council response to the Inspectors confirmed 822 per annum remained appropriate and that it was sticking to an annual housing requirement of 822 dwellings p.a., based on up to date household projections, forecast employment growth and addressing historic shortfalls in housing delivery.’

Insert a sixth bullet point:

- ‘That the Council’s further evidence to the Local Plan hearings in August 2022 indicated an overall need for affordable housing within the plan period (2017 – 2033) of 9,396 affordable dwellings against a then expected total affordable housing supply during the same period of 3,265 affordable dwellings. This equated too only 35% of the anticipated total affordable housing need of 9,396, and still remains at well under 50% in the modified plan.’

Insert a seventh bullet point:

- The sizeable contribution of over 7,500 new Green Belt homes provided through the Liberal Democrat-led Local Plan, submitted to Government in 2018;’

In the now tenth bullet point:

- Insert after '22%' 'under the Government's proposed new methodology'

Under Council believes:

In the third bullet point:

- After 'in' insert 'preventing the loss of and delete improving the supply of'
- After 'area' insert ', revising 'Right to buy' terms,'
- After 'build' insert 'out a valid planning permission.'

Under Council resolves:

In the first bullet point:

- Delete 'the retention of the'
- After 'targets' include ', including affordable housing targets,'
- After 'are' insert 'based on evidenced need, including latest household formation figures;'
- Delete 'contained in the current draft Local Plan.'

In the second bullet point:

- After 'that' 'insert' within his powers and outside of the independence of the Local Planning Authority,'
- After the last 'development' insert 'or otherwise allowed for'
- After the last 'the' insert 'Liberal Democrat-led''

On being put to the vote, the amended motion was declared CARRIED, and it was

Resolved: That the above motion, as amended, be approved.²

(iii) Reforming Residents' Priority Parking in York

Moved by Cllr Whitcroft, seconded by Cllr Baxter.

"This Council notes that:

- Residents' Priority Parking (ResPark) schemes are crucial for managing parking pressures in residential areas of York;
- The current ResPark system is limited in scope and requires complex, time-consuming consultations for implementation or changes;
- Many residential streets currently lack ResPark protection, including a proportion of streets close to the city centre, and streets around schools and other key trip attractors throughout the city, leading to parking issues for residents.

This Council believes that:

- All residents within the City of York boundary should have

equitable access to car parking and ideally also car club schemes near to their homes, which can help to ease local parking pressures;

- The current consultation process for ResPark schemes is overly bureaucratic and expensive to the council and delays implementation of necessary parking controls, particularly with the 50% recommended turnout guideline;
- A more streamlined and comprehensive approach to ResPark would benefit residents and improve overall parking management in the city.

Council resolves to request Executive:

- Simplifies the process for implementing and modifying ResPark schemes by:
 - Developing a set of standardised criteria for ResPark eligibility;
 - Developing a streamlined consultation and implementation process for ResPark schemes, in accordance with current legislation;
 - Conducting a city-wide review of the Respark process;
 - Working to reform the turnout guideline in Residents' Parking consultations to reflect area-specific issues for some streets, including consistently unoccupied properties, short-term and part time occupancy properties, and HMOs;
 - Reviewing the pricing structure for ResPark permits to ensure fair pricing for residents.
- Asks the Executive Member for Transport to work with council officers to present a detailed plan and timeline for expanding and reforming ResPark, in accordance with existing legislation, to the Executive, when capacity exists;
- Commits to implementing a reformed ResPark system, having considered the measures proposed in this motion and in accordance with existing legislation."

On being put to the vote, the motion was declared CARRIED, and it was:

Resolved: That the above motion be approved.³

(iv) Dignity in retirement

Cllr Runciman sought consent to alter her motion to incorporate the amendment submitted by Cllr Nicholls.

On being put to the vote, the amendment was declared LOST, and the original motion was then moved by Cllr Runciman and seconded by Cllr Vassie, as follows:

“Council notes

- The Labour Government is cutting winter fuel payments for 10 million pensioners in the UK
- According to the Labour Government’s own figures 800,000 of the lowest income pensioners who are eligible for Pension Credit but do not receive it will lose their Winter Fuel Payments
- Age UK’s campaign to “Save the Winter Fuel Payment for struggling pensioners” which seeks to stop Labour’s means testing of the Winter Fuel Payments
- The Parliamentary Liberal Democrat Motion that sought to block the cut to Winter Fuel Payments
- That locally in York, the Labour administration have cut the contract they held with Age UK to deliver York’s Older People Community Support Service
- That if the York Liberal Democrats’ alternative budget for 2024/25 had been approved by Council, the cut to Age UK’s contract would not have happened
- That 1639 pensioners who are entitled to Pension Credit in York do not claim it, meaning that there is £3.7million worth of unclaimed benefits for pensioners.

Council believes

- That the Age UK Day Clubs were a lifeline for many older residents, encouraging social interaction, providing lunch and enabling older people to keep warm in winter
- The Council should not have made the decision to cut Age UK’s contract
- That many older residents who do not currently qualify for the means tested Winter Fuel Payments will have to choose between heating their home or eating
- That York’s two Labour MPs should use their influence to persuade the Government to reverse the decision to cut York pensioners’ Winter Fuel Allowances
- That pensioners in York should have dignity in their retirement and currently will be £700 worse off a year due to the cumulative effects of Labour’s cut to the Winter Fuel Payment, the loss of the Cost of Living Payment, the rise in the energy price cap and the Green Bin Tax

- That the Council should do all it can to mitigate the impact on older people of decisions that it has taken, and decisions taken by the Labour Government
- That the impact of the decision to cut Winter Fuel Payments will hit colder cities like York more
- That the City of York Council has a responsibility to alert every household in York about the benefits they are entitled, how to claim them and the support that is available to assist with making claims.

Council resolves

- To ask the Leader of the Council, Leader of the Council's opposition groups and York's two MPs to write to the Chancellor of the Exchequer to ask them to reverse the Winter Fuel Allowance cut
- To ask the Leader of the Council, on behalf of the entire Executive, to sign the Age UK petition on the Winter Fuel Allowance cut
- To request that the Executive Members for Finance, Major Projects and Equalities work with officers to create a plan for consideration by the relevant Scrutiny Committee(s) which sets out a range of measures that could be taken to mitigate the impact of the above decisions on York's pensioners. This should include consideration of waiving the Green Bin Tax for pensioners, refunding all pensioners who have already paid it, reversing the cut to funding to Age UK York for Day Clubs and reinstating funding for a replacement Dial and Ride service
- To request that the Council Leader confirms, in writing to Councillors, that there will be no reduction in the number of warm spaces available to vulnerable residents this winter and next winter
- To request that officers write to all 1639 pensioners who are currently entitled to Pension Credit and do not claim it, informing them of the Winter Fuel Payment changes and encouraging them to claim for the benefits, they are entitled to."

Cllr Nicholls then moved, and Cllr Rowley BEM seconded, the first amendment to the above motion, as follows:

"Under Council resolves:

In the first bullet point:

- delete 'and York's two MPs' and after 'cut' insert 'and to write to York's two MPs expressing disappointment that they did not vote to keep the Winter Fuel allowance and urge them to change their position.'

In the fifth bullet point:

- after 'To' insert 'launch a campaign of awareness, including' and delete 'request that'.

- amend 'write' to 'writing'

- Insert a new sentence at the end 'The campaign should also include reaching out to Parish Councils and the likes of Citizens Advice and Age UK and Explore to best maximise take-up.'

Insert a sixth bullet point:

- 'To use all pressure to ensure no worsening of the situation for pensioners, including lobbying for no change to pensioner free bus passes or the single person council tax discount which many benefit from.'"

On being put to the vote, the motion was declared LOST, and then Cllr Rose moved, and Cllr Coles seconded, a second amendment to the original motion, as follows:

"Under Council notes:

In the first bullet point:

- delete 'cutting' and insert 'moving to means testing of' delete 'for' and insert 'affecting'

In the second bullet point:

- delete 'for Pension Credit' insert 'will retain' delete 'but do not receive it will lose their'

- after 'payments' insert 'by signing up for Pension Credit;'

In the fifth bullet point:

- after 'administration' insert 'has agreed a saving through' and delete 'have cut'

- after 'contract' delete 'they'

- insert after 'Service,' as part of efforts to address a £44m black hole it inherited in the council's finances;'

In the sixth bullet point:

- after '2024/25' insert 'which involved dangerous financial risk through use of one off funding for permanent services and was not recommended by the council's Chief Finance Officer,

- after 'contract' insert 'could potentially have been avoided in the current year 2024-25;'

- delete 'would not have happened'

In the seventh bullet point:

- delete '1639' and add '470'

- after 'is' insert 'around £1m' and delete '£3.7million'

Under Council believes:

In the first bullet point:

- after 'winter' insert 'and that Age UK York and the council supporting them to find alternative social groups is essential.'

In the second bullet point:

- after 'Council' insert 'has taken a very difficult decision to make savings to'
- delete 'should not have made the decision to cut'
- Delete the third bullet point

In the now third bullet point:

- after 'Government' insert 'to review the means-testing threshold level for' and delete 'to reverse the decision to cut York pensioners'
- after 'Allowances' insert 'to ensure the benefit reaches those who need it most;'
- Delete the fifth bullet point

In the now fifth bullet point:

- after 'to' insert 'means-test' and delete 'cut'

In the now sixth bullet point:

- after 'entitled' insert 'to'

Under Council resolves:

In the first bullet point:

- before 'reverse' insert 'review' and then delete 'reverse'
- after 'Allowance' insert 'eligibility threshold;' and delete 'cut'
- Delete the second bullet point

In the now second bullet point:

- Delete the last sentence
- After 'pensioners' insert 'including maintaining financial support for warm spaces in York through allocation of Household Support Fund grants;'
- Delete the now third bullet point

In the last bullet point:

- insert 'continue' after 'officers'
- delete 'write' and insert 'writing'
- delete '1639' and insert 470"

On being put to the vote, the amended motion was declared CARRIED, and it was

Resolved: That the above motion, as amended, be approved.⁴

Action Required

1. To note approval of the motion on Community Response to Israel-Gaza Conflict and take the appropriate action.	PS
2. To note approval of the motion on York's Local Plan and take the appropriate action.	CF

3. To note approval of the motion on Reforming Residents' Priority Parking in York and take the appropriate action. JG

4. To note approval of the motion on Dignity in Retirement and take the appropriate action. SS

35. Questions to the Leader or Executive Members (10:26 pm)

No questions were put, as the guillotine had fallen.

36. Report of Executive Member (10:26 pm)

A written report was received from Cllr Steels-Walshaw, the Executive Member for Health, Wellbeing and Adult Social Care

No questions were put, as the guillotine had fallen.

37. Scrutiny - Report of the Chair of the Corporate Services, Climate Change and Scrutiny Management Committee (10:27pm)

A written report was received from Cllr Fenton, Chair of the Corporate Services, Climate Change and Scrutiny Management Committee, on the work of the committee.

38. Proposed Change to the Council Procedure Rules (10:27 pm)

The following recommendation contained in the report of the Director of Governance and Monitoring Officer at page 60 of the agenda papers was deemed moved and seconded and was voted on without debate:

“To approve the deletion of paragraph B3 1 i) of the Council Procedure Rules, and the renumbering of the remaining items accordingly.”

Reason: In order to remove a report which was recognised as being unnecessary.

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

Resolved: That the above recommendation be approved.¹

Action Required

1. Note approval of the recommendation on the proposed changes to the Council Procedure Rules and take the appropriate action. BR

39. Appointments and Changes to Membership (10:27 pm)

Resolved: That the appointments and changes to memberships of Committees, Working Groups and Outside Bodies, as set out on page 61 of the agenda pack, be approved.

Action Required

1. To note approval of the revised appointments list, make the changes on the system and inform organisations as required. LC

Cllr Wells

LORD MAYOR OF YORK

[The meeting started at 18:30 and concluded at 22:26]

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Leader of the Council Report to Full Council, 21 November, 2024**Our city, Our community**

It was an honour for many of us from across the chamber to attend and participate in acts of Remembrance across our city over the weekend of 9th and 10th November. And as the Royal British Legion tells us, 'We unite across faiths, cultures and backgrounds to remember the service and sacrifice of the Armed Forces community from United Kingdom and the Commonwealth'. I was proud to join veterans and serving personnel at both the York City Football Club act of Remembrance before the York City vs Hartlepool game and an impressive cross section of our local and near neighbour military garrisons, dignitaries, veterans from across the ages, cadets and members of our community at the City of York Remembrance Sunday service at the City Memorial Gardens. This year's reworked standing arrangements in the Gardens; to put veterans at the forefront of the event, in their rightful place, was a proud moment for our city and one that I look forward to seeing continue on into the future.

It was also an honour to host the Armed Forces Covenant Employers event at the Priory Street Centre in early October. A range of employers from across York and North Yorkshire, at various stages of the journey through the Defence Employer Recognition Scheme. Either considering joining or at the Bronze, Silver and Gold level of the scheme. City of York Council (CYC) has been a Gold Award employer since 2019 and has recently participated in the 5 yearly reassessment process. We will be able to announce the outcome of the reassessment at the end of November. The covenant pledge and recognition scheme recognises the commitment of the Council to provide a comprehensive range of services to covering recruitment, access to housing and education, to support those who have served or are serving in the regular and reserve forces and their families or as cadet volunteers. The pledge and covenant aim to diminish and eradicate the disadvantage that service personnel and their families experience due to short postings in numerous locations around the country and in the employment market when they leave their military roles.

I am tremendously proud to be the Armed Forces Champion for the Council and have worked closely with Cllr Rowley in his role as Armed Forces Advocate on a range of initiatives, visits and events. We recently visited Strensall's Queen Elizabeth Barracks, the base of the British

Army's 2nd Medical Brigade to observe a rare exercise to test the deployment of a full-size field hospital.

It was an honour to meet the amazingly skilled and experienced commanding officers and medics tasked with working in some of the most demanding environments in the world. Cllr Rowley and I are currently working with partners across the city to plan for the city's celebration of the important 80th anniversaries of victory in Europe and Japan in 2025.

It's also been an honour to join Askham Bryan College's recent graduation celebration at the Merchant Taylor's Hall. An opportunity to wish graduating students all the very best for the next stage of their careers and to celebrate the college's highly prized and unique range of land-based qualifications and degrees.

Dr Tim Whitaker, Principal and Chief Executive and his staff team play an incredibly important role in developing the talent that will respond to both the existing and future challenges for the UK's land-based economy and the environment as we move towards net zero and nature renewal.

I attended the National Railway Museum's (NRM) Directors Dinner along with an impressive array of Science Museum Group trustees and supporters from across the rail industry. The ambition of the NRM is really something to behold and they continue to be a leading partner in our work across the Council. Judith McNicol has been the Director of the NRM since 2017 and has guided the organisation through a number of important and impressive developments and organisational changes, the most recent being the opening of the amazing Wonderlab Gallery and the plans for the development of the Central Hall. I'd like to congratulate her on the news of her recent appointment as Managing Director of the British Museum that she will take up in early 2025.

I welcome Craig Bentley to the interim Director role at the NRM and look forward to working with him as we continue to develop the role of the museum within the York Central site and ensuring that the NRM integrates its immediately local communities into its plans.

We were delighted, along with the Combined Authority, to support the Aesthetica Short Film Festival. This is a truly international event, attracting filmmakers, games developers and industry experts from all corners of the world.

This year Aesthetica combined with the 10th anniversary of the City's designation as a UNESCO City of Media Arts and celebrated with a superb Expo showcasing 25 successful creative media businesses working in York and the surrounding region. An action packed 5 days

also saw Reignite 6, bringing together participants from other European Cities of Media Arts sharing their experience of how investment in culture drives transformative change in their economy and society.

The Aesthetica Festival confirms that York is a leader in the creative economy. Our cultural impact across media arts and entertainment is on a global scale. A huge thanks to Cherie Federico and all those involved in organising such a successful and important event, one of the highlights of which was the City Screen premiere, to great acclaim, of the five short films made by York secondary schools. Congratulations to all of them and good luck to our future film makers.

A historic event for a city brimming with history took place in October with the York Valkyrie retaining their title as Women's Super League Champions. I have the pleasure of joining the Lord Mayor to welcome them for a congratulatory civic reception at the Mansion House on 15th November. To celebrate yet another decisive Grand Final win against the mighty St Helens. Fans from across the city will be able to join the celebrations by lining the route of the open bus taking the team from Union Terrace Car Park through Duncombe Place to St Helen's Square.

York is tremendously honoured to be the home of one of the few professional women's Rugby League teams in England. Their success is inspirational to women across the country. It's fantastic to be able to witness them go from strength to strength. The Lord Mayor, Sheriff and I were also honoured to meet another fantastic Rugby League team when Samoa's national squad used the city as a training base for their recent and first ever test series in England.

The standard of professional and international level sport in York really is going from strength to strength and I'd like to thank everyone who is associated with all the men's, women's and juniors teams in both Football, Rugby League and Rugby Union for all their hard work, commitment, skill and passion. It's truly inspirational.

York Interfaith Week took place across the city in the week of 9th November. This and the York Interfaith Group are tremendously important parts of our city's fabric. They heavily support our collective understanding of the various communities that successfully live together across our city. I am a strong supporter of the collaborative work that our Interfaith Group stimulates and am tremendously proud to be joining them for their 35th Anniversary Celebration on 17th November.

Delivering for our city

My administration's Council Plan was launched in September 2023 and we have recently published the first annual progress report, to the end of

September 2024, on the Council's website. It is a fantastic, optimistic round up of the achievements of the Labour administration and highlights the hard work carried out by councillors, working in partnership with officers and partners, across the city for the benefit of our residents. It looks to the future and lays out the actions carried out on the path to York being a vibrant, prosperous, welcoming and sustainable city where everyone can share and take pride in its success.

The Council Plan has seven key priorities, all of which are being delivered on. The areas of particular pride are the expansion of the Mental Health Partnership and hub model leading to a £2.4Million NHS investment enabling continuation of the project and the opening of a 24/7 publicly accessible hub in the west of the city. Also, the early stage academic research feedback notes the success of the city's Free School Meals programme in Westfield Primary and Burton Green Primary schools that we are in the process of planning expansion of in early 2025. And the development of York's up to date Local Transport Strategy and associated Implementation Plan that will lead to a long term programme to reduce driven miles in the city, reduce congestion and improve air quality and walking and cycling numbers.

The path forwards into delivery of 100% truly affordable housing on Council owned, housing designated, land with Ordnance Lane recently gaining planning permission and spades are now in the ground. I could go on. It really is worth a read to see the positive movement, for the benefit of the residents of York, that is going on across our city. I am fortunate that a number of people across the city have sought me out to congratulate us all on the sense of purpose, vibrancy and optimism that is spreading across our city as projects kick off, develop and expand. I cannot deny that we still all continue to operate in a tough, very tough financial climate but we are making progress, good progress and I'd like to thank everyone who has joined us on this journey and worked so tremendously hard to make these positive outcomes happen.

The positive work in the Council's Children's Services directorate is being noticed across the country. This led recently to young people and social workers meeting national children's leaders as part of a visit to find out more about City of York Council's work to transform services for children and young people.

The government minister for Children and Families, Minister Janet Daby; Frances Oram, Children's Social Care Reform, DfE; and Isabelle Trowler CBE, Chief Social Worker, met young people and children's social care teams in early October.

The Minister also visited Clifton Family Hub, which will be home to York's new dedicated SEND hub. The new hub will bring together professionals from education, health and social care in the same place, supporting children and young people with Special Educational Needs and Disabilities and their families.

The visit follows a period of significant positive change in the service, which has seen an end to the use of agency social workers, creating more consistency for children and families; the adoption of a new model of working, which puts children and young people at the heart of everything the teams do; and a significant reduction in the number of children in care, thanks to better early support for families.

National Care Leavers' Week took place in late October and gives young care leavers the opportunity to challenge the perceptions faced by them, raise awareness of the issues those in care face, and celebrate the incredible things many go on to achieve.

Events were organised across the city to celebrate care leavers and the family, carers, friends, and mentors who support them. These events included a football match between care experienced young people and Jorvik City, played at Millthorpe School and a celebration event including pizza making provided by Dough Disciples.

In the same week York Care Leavers Forum was nominated for the National Voice Awards 2024 in The Collaboration Award Category. The awards recognise the work of children in care councils and care leaver forums in England and I'm really pleased to say they came 2nd overall in this important national award.

The shortlisting highlights the work the team and 'I Still Matter' group have been doing to work together to reshape and design the new local offer for care leavers. The project included consultations with wide groups of care leavers to ensure the new offering was designed around lived experiences and includes increased support for care leavers who are parents, improvements to financial support, a leisure and travel offer and wellbeing support.

We have recently introduced and adopted a York Youth Strategy focussed on bringing different partners together to form a new York Youth Partnership. The council developed the strategy with youth sector partners and all have worked together to build a plan for a 'Give it a Go Week' to get more young people engaged in youth provision across the city.

York has a successful programme of year-round events and festivals for visitors and residents. This proposed city wide programme for York's

youth will follow a similar model to York Residents' Weekend but would shine a light on activities for young people, engage them in new activities and showcase the positive difference youth work can make in their communities.

The Corporate Parenting Board has recently been working with care experienced young people to investigate and develop a plan for CYC to treat care experience as a protected characteristic. Some other authorities have presented council motions to do this but in York we wanted to go further to highlight this important issue and make sure that it had the buy in of young people. I'd like to say a big thank you to the Corporate Parenting Advisors for their work in bringing all the research and youth voice together to really influence decision making during this process.

Queen St bridge has gone! Contractors John Sisk & Son have done an impressive job and completed the works ahead of schedule, to reveal views of our historic city walls that haven't been seen for over 150 years. Over the coming months we'll see the area in front of the railway station being transformed, creating a new gateway to the city which celebrates our heritage, welcomes people, and vastly improves sustainable transport links.

The final set of anti-terrorism bollards at the junction of High Ousegate and Piccadilly have been installed in time for the Christmas markets, removing the need for the cumbersome temporary bollards used in previous years. The complete set of bollards enables vehicle access to the foot streets to be controlled throughout the year.

We're delighted to have approved York's Local Transport Strategy Implementation Plan at an Executive meeting last week. This sets out the schemes and initiatives that will provide a foundation for our Movement & Place Plan. Accessibility, sustainable travel and connectivity lie at the heart of the plan, and packages include increased Blue Badge parking, a city centre sustainable travel corridor, greater rollout of 20mph speed limits, a parking strategy that makes best use of York's limited public highway space, repairing and maintaining pavements and cycle paths, and trials to improve sustainable travel along a radial corridor and in one neighbourhood and one village. We'll be starting consultation on some of these packages in the new year to ensure that the plans are well understood and developed with input from residents and businesses.

Riverside path consultation. We're delighted to be inviting residents and business to give their views on plans to upgrade the Riverside path between Scarborough Bridge and Jubilee Terrace.

This scheme is a much needed improvement of a key section of our walking and cycling network which will deliver more space for walking and cycling, increase flood resilience and improve lighting along the path. The consultation runs until 1st December.

We've negotiated more Park & Ride (P&R) buses over the busy Christmas market period, to help reduce traffic congestion and enable more people to take advantage of our fantastic P&R service. We're promoting the service widely, encouraging both visitors and residents to give P&R a go, with buses running every 10 mins and adult return fares just £3.80, with up to three accompanied children travelling for free.

Combined Authority and Regional

The York and North Yorkshire Combined Authority (YNYCA) and associated partnership working continues to go from strength to strength. The Business Board has now been recruited and will meet for the first time in the coming weeks. The range of business leaders that applied to join the board was truly awe inspiring. York and North Yorkshire showcases a vast range of successful and growing businesses of all sizes and from a wide range of sectors. The successful applicants and chair are now in place. Cllr Kilbane and I are very much looking forward to working with the board and Mayor David Skaith to turbo boost economic growth in our region. It's an exciting opportunity that we must all embrace. The first task of the Business Board will be to participate in the production of the YNYCA Growth Plan.

The Growth Plan priorities have been approved by the Combined Authority at our recent meeting in October. These have been produced in partnership with North Yorkshire, York, business expertise approved and the government through the Ministry of Housing, Communities and Local Government. The approved priorities are below and will be worked up into the Growth Plan that will be submitted to MHCLG in the spring and will form the backbone for economic and infrastructure development across our region:

- Increase productivity and innovation within the Food and Farming Sector;
- Maximise our science, knowledge, innovation and research strengths to drive growth in an Engineering Biology northern cluster;
- Create economic opportunities through the need to transition to Clean Energy;

- Enable technological and digital transformation through investment in Digital Infrastructure and Skills; and
- Accelerate Place-based Sustainable Development.

York has recently had a string of successes in bringing in new and additional funding from the YNYCA to support our local aims and priorities. The total investment in York since the inception of the Combined Authority has now reached over £18Million. Recent successes include:

Funding approved for two pipeline projects at a total of £500k. Including Our City Centre Regeneration, that will develop a spatial framework for York's city centre public spaces, a delivery strategy and a list of identified capital regeneration projects to deliver the programme. Investment has also been secured for our Construction Skills initiative, a public-private sector partnership to provide training and apprenticeships for people across our city to learn and develop the skills required for the building of the sustainable homes of the future and retrofitting our council owned and private properties across the city.

We've also secured a further £2Million towards two initiatives including:

Cultural Passports for Young People to develop and deliver a cultural development and engagement programme for Young People and a significant £1.54Million contribution towards delivery of improved Electric Vehicle charging infrastructure to enable more vehicles of all types to be charged at three strategic sites around the city periphery.

The Combined Authority is bringing tangible, important additional capacity and funding to York, allowing us to deliver more of our priorities. Thank you to officers from across the Combined Authority, City of York Council and North Yorkshire Council for all the hard work that has gone towards making this happen so quickly. It's very much appreciated.

York Central Update

It has been very encouraging to see the plans for Phase 1 of York Central move apace. McLaren and Arlington, the appointed developers hope to bring forward the next stage of planning application in early 2025 to include approximately 1,000 sustainable homes with up to 50% truly affordable, a large development of commercial space, the western entrance to York Station, substantial green space and public space to the rear of the station. I was part of a team of developers and partners who recently welcomed senior civil servants from government, MHCLG, to York to learn more about the York Central plan and our collective aspirations for the good quality homes, jobs and leisure space the project will provide for our fine city.

It's a tremendously exciting time in the evolution of York, a place that can celebrate its fine heritage and history yet look to the future for our young people. I look forward to seeing the final plans develop and know that the developers want to share these with you, both Members of the Council and our residents.

Local Plan Update

We have recently been notified that the Local Plan Inspectors expect to have their final report with Forward Planning Team officers in the Council imminently. A short period of checking the final document for factual accuracy and typos will follow and we hope to adopt the plan in early 2025 after over 6 years of very hard work. York desperately needs a Local Plan. Developers, the Council and its partners are all ready to get building on the identified sites, to deliver the homes our city so desperately needs. Adoption and implementation cannot come quickly enough.

Cllr Douglas
Leader of the Council

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City of York Council

Committee Minutes

Meeting	Executive
Date	10 October 2024
Present	Councillors Douglas (Chair), Kilbane (Vice-Chair), Kent, Baxter, Pavlovic, Ravilious, Steels-Walshaw and Webb
Officers in Attendance	Ian Floyd – Chief Operating Officer Bryn Roberts – Director of Governance Debbie Mitchell – Chief Finance Officer Sara Storey - Corporate Director of Adult Services and Integration Martin Kelly - Corporate Director of Children and Education Katie Brown - Commissioning Manager Sara Orton - Youth Justice Service Manager
Apologies	Councillor Lomas

PART B MINUTE – Recommended to Council**46. York Youth Justice Service Plan (18:01)**

The Corporate Director of Children and Education introduced the report and outlined that the Council had a statutory duty to approve a Youth Justice Service Plan. Therefore, the Executive were asked to recommend the plan to full Council.

The Executive member for Children, Young People and Education thanked the team for their hard work. He highlighted the important work that the plan covers including delivering a trauma informed practice and noted that he was happy to send to Council for approval.

Recommended:

- i. To Full Council the York Youth Justice plan for approval.

Reason: To ensure the Council fulfils its statutory duty to submit an annual Youth Justice Plan.

Cllr Douglas, Chair

[The meeting started at 5.30 pm and finished at 6.09 pm].



Meeting:	Council
Meeting date:	21/11/2024
Report of:	Sara Orton - York Youth Justice Service
Portfolio of:	Cllr Webb, Executive Member for Children, Young People and Education

Decision Report: Agreement of York Youth Justice Service Plan

Subject of the report:

1. This report presents for consideration and approval by Council the Youth Justice Service Plan 2024/2025.
2. Local authorities have a statutory duty to submit an annual youth justice plan relating to their provision of youth justice services. The Local Authority are required to formulate and implement a plan that outlines how youth justice services are provided and funded, how they will operate, and functions undertaken. The Youth Justice Board provide details guidance of how the plans must look.

Benefits and Challenges

3. Approval of the Youth Justice Plan enables the Youth Justice Service to meet the requirements of the Youth Justice Board.
4. The plan is a requirement of the Youth Justice Board annual grant to the service.
5. The Youth Justice Service cannot foresee any specific challenges

Policy Basis for Decision

6. The plan is set out in a format that ensures compliance with the Council Plan, strategies and executive policies as highlighted in Section 1 – City of York Council Vision. When considering the administrations manifesto pledges, it considers affordability as all financial implications are included in Section 15 Appendix 2. Section 11 highlights equalities and human rights and health is a strand that runs throughout the plan.

Recommendation and Reasons

7. That Full Council approves the York Youth Justice Plan.
8. The reason for the recommendation is to ensure the Council fulfils its statutory duty to submit an annual Youth Justice Plan.

Background

9. The report has been agreed before Executive and has been brought to the meeting today for agreement and to sign off the Youth Justice Plan. The Youth Justice Board request a plan from all Youth Justice Services on an annual basis. The plan has previously been signed off at YJS Management Board level, who have had sight of the content, and it has been amended at their request. The Management Board agree that the plan is fit for purpose and represents the work of the Youth Justice Service, who are accountable to the Management Board.

Consultation Analysis

10. The Youth Justice Service plan has been before the Youth Justice Service Management Board and members of the board have given input to the plan. The Youth Justice Service Management Board have agreed the plan, which was supported by the Executive Board.

Options Analysis and Evidential Basis

11. The Youth Justice Plan may be signed off by members, or amendments made if requested.
12. Not approve the Youth Justice Service plan. This option is not recommended

Organisational Impact and Implications

13. There are no known organisational implications associated with agreement of the Youth Justice Service plan. There is an organisation implication if the plan is not agreed as this links to funding of the service.

Risks and Mitigations

14. The Youth Justice Service plan is created on an annual basis and there is limited risk involved.

Wards Impacted

15. The Youth Justice Service works across all wards in the city and the Youth Justice Plan is relevant to all.

Contact details

For further information please contact the authors of this Decision Report.

Annexes

Annex A - Youth Justice Service Plan

Annex B - Conditions of Grant

Annex C - Youth Justice Board – YJS plan guidance

Annex D - Impact Assessment (EIA)

Author

Name:	Sara Orton
Job Title:	York Youth Justice Service Manager
Service Area:	Children's Services
Telephone:	07888 107889
Report approved:	Yes
Date:	13/11/2024

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York Youth Justice Service Plan

Service	York Youth Justice Service
Service Manager/ Lead	Sara Orton
Chair of YJS Board	Martin Kelly

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[Appendix 1: Staffing structure](#)

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1. Introduction, vision, and strategy

Welcome to the York Youth Justice Service strategic partnership plan, which outlines our commitment to collaborating with partners in the coming year to support some of the most complex and vulnerable children, young people, and their families in the city of York. Our goal is to provide quality services that lead to positive outcomes for all those we serve.

Over the past year, York Youth Justice Service have focused on diversion and prevention efforts, emphasising the importance of early intervention. Through effective collaboration with our partners, we have worked towards our common goal of reducing the number of children and young people entering the criminal justice system.

The plan is guided by the Youth Justice Service Management Board and has been created to ensure that our services meet the needs of our community, service users and victims. It will be reviewed annually to track our progress and make any necessary adjustments to better serve those that we work with. Thank you for joining us on this journey to make a difference in the lives of young people in York.

City of York Council Vision:

The City of York Council Plan: One City for All <https://colin.york.gov.uk/beconnected/about-cyc-and-york/the-council-plan/> incorporates four commitments for each and every one of us.

- Equalities and Human Rights
- Affordability
- Climate and Environment
- Health.

The Youth Justice Service also share the vision of the Children and Young People's Plan (<https://www.saferchildrenyork.org.uk/downloads/file/159/cyscp-plan>), with a recognition that for many young people, children and families, York is a great place to live. We also understand that this may not be the narrative for all and there is a keen focus on the needs and diversity of the local population. The shared vision incorporates:

- Making York the best place to live and grow up for every child
- A place where children and young people understand their rights are active citizens who are involved in making York better
- A place where outcomes are good for all children but with a clear focus on closing gaps in outcomes for children and young people from vulnerable and deprived backgrounds

York Youth Justice Service Vision:

York YJS are closely aligned with our partners and share a vision across our wider services. As a criminal justice service, our focus for young people expands further and includes the following:

- York YJS believe in always putting the child first and we see children as children, we hear their voices and treat them fairly whilst building upon their strengths through use of Signs of Safety and trauma informed practice.
- York YJS aim to reduce offending, prevent re-offending and the use of custody and we strive to use evidence based, child centred, and preventative approaches to divert young people from the Criminal Justice System.
- York YJS connect with our communities and integrate young people into local networks to prevent offending and create safer communities with fewer victims.
- We consider young people's networks and systems, ensuring relationships after service intervention are robust and supportive.
- York Youth Justice Service are part of the wider authority and partners. We strive to ensure collaborative working to secure positive outcomes for children and young people.

Strategy:

Reduce offending, prevent re-offending and the use of custody and we strive to use an evidence based, child centred, and preventative approach to divert young people away from the Criminal Justice System.

York Youth Justice Service were rated 'outstanding' by HM Inspectorate of Probation in 2022, highlighting York YJS as 'a skilled and committed staff team, ably led, and motivated by a strong management team. All are ambitious for children and unrelenting in their desire to improve the life chances of children'. Since the inspection, York Youth Justice continue to diligently uphold our aims of preventing offending and reducing re-offending, which is achieved through robust assessment, effective planning and delivery of both statutory and preventative interventions, with continuous service improvement as a focus. Our ethos remains that we can always develop and improve the outcomes for children in the city, through effective relationships with partners, hearing the voices of children and their families, and combined strategies with aligned goals.

York Youth Justice Service want to see young people achieve positive outcomes and fewer children and young people encountering crime.

We work collaboratively with our partners to ensure positive outcomes for children and young people with the City of York, supported by the Signs of Safety practice model and trauma informed practice to reflect a strengths-based approach to working with young people and their families.

2. Governance, leadership, and partnership arrangements

The Management Board plays a crucial role in providing strategic oversight of the Youth Justice Service (YJS) to ensure the delivery of high-quality, personalized, and responsive services for all children. Meeting every other month, the Board is well attended and includes representation from statutory and local partners. Committed to strong leadership and governance, the Board works to drive innovation and effectiveness within the YJS, supporting and challenging through solution-focused leadership aligned with the priorities of the Youth Justice Plan.

The governance and leadership in York have been recognised by HMIP as outstanding, with a strategy aimed at reducing offending and providing preventative services through effective partnership working. The Board's work involves translating strategic aims into operational practice, with a focus on understanding the children involved with the YJS through the utilisation of data, performance dashboards, comparison reports, and thematic reviews. Locally agreed targets to reflect the priorities within the plan are agreed and monitored by the Youth Justice Service Management Board.

Chaired by a director, the Board comprises of senior management representatives from various organisations including the Police, Office for Policing Fire Crime and Commissioning (York & North Yorkshire Combined Authority), Housing, Health, The Probation Service, Education, Clinical Commissioning Group, Early Help, and Her Majesty's Tribunal and Court Services. The Board takes a proactive and dynamic approach to youth justice outcomes, demonstrating a genuine commitment to the work of the YJS by providing necessary support and robust challenges where needed.

3. Local context

York is a relatively small walled city, spanning 272km² with a population of over 200,000 according to the Office for National Statistics Census 2021, an increase of 2.4% since 2011. (<https://www.ons.gov.uk/visualisations/censusareachanges/E06000014/>).

York is the largest urban area in North Yorkshire and attracts an influx of tourists due to its history and well-known night-time economy. It also has a large student population due to the two Universities and Law College in the City. The local context of the city of York enables collaborative working with colleagues in neighbouring youth justice services, including North Yorkshire and East Riding, alongside key criminal justice providers like the regional Probation Service, North Yorkshire Police, and the North Yorkshire Police, Fire and Crime Commissioner. Partner relationships within the city are strong, supporting efficient multi-agency working.

The Youth Justice Service comprises of highly experienced practitioners, including Youth justice practitioners, Social workers, Probation officer, and Police officer. The service also benefits from a Speech and Language provision, Turnaround practitioner and Trauma informed practitioner.

4. Update On the Previous Year

Progress on priorities in the previous plan

The YJS plan for 2023 highlighted a keen focus on expanding our offer of prevention and diversion to wider services with the aim of reducing first time entrants into the criminal justice system. This has been upheld and our offer of Triage and Diversion is now far reaching within the city. The Turnaround provision has enhanced this offer further, through a Turnaround Practitioner focusing on those young people eligible for the scheme and providing additional capacity. Alongside these interventions, the Youth Outcome Panel has diverted young people away from the criminal justice system with the introduction of Route 22, based on the police Outcome 22.

Reducing re-offending was and remains a priority of the service. Use of the Youth Justice Board 'tracker tool' has proved invaluable to the service as this not only enables monitoring of re-offending, but also provides analysis and patterns of offending behaviour. The tool has been used to identify types and seriousness of behaviours, leading to identification of gaps in provision that have been addressed.

Child exploitation and county lines was a focus in 2023/2024. The Youth Justice Service collaborated with colleagues in the York Exploitation Team to ensure that vulnerable young people were safeguarded, heard, and understood. The Youth Justice Service manager sits on the National Referral Mechanism group to ensure that young people within the service are recognised as vulnerable when being exploited, coerced or victims of modern slavery, servitude or forced compulsory labour.

Restorative practice is embedded within the service and integrated with working with victims of crime. During 2023, this provision expanded significantly with the YJS Victim Liaison Officer (VLO) advocating on behalf of victims to ensure they received a high-quality service in line with the Victims Code of Conduct. The victim work increased to a point where the Youth Justice Service were able to train volunteers to assist with the workload. The VLO has facilitated restorative conferences and expanded the role to specifically include supporting young victims of sexual assault within schools. The VLO is an active participant of the Youth Outcome Panel, ensuring that outcomes are victim led and the voice of the victim is heard within the panel. The VLO is also a trauma informed specialist and brings trauma informed practice to working with victims of crime.

Harmful sexual behaviour remained a focus of the YJS during 2023 and the service continued to deliver NSPCC preventative training to all staff and partners to ensure that practitioners felt comfortable and able to work with this client group. During 2023, York Youth Justice Service saw an increase in those referred for harmful sexual behaviour. This may not have been an increase in incidents, but likely to be due to practitioners being more aware that the service was able to facilitate the referrals and work with more young people displaying harmful behaviours.

Reducing the unnecessary criminalisation of Looked After Children was high on our agenda during 2023 and addressed using the 10 Point Checklist to ensure that young people were not unnecessarily criminalised. This systemic approach to decision making was utilised in the youth

Outcome Panel and considers the over representation of Looked After Children in the criminal justice system.

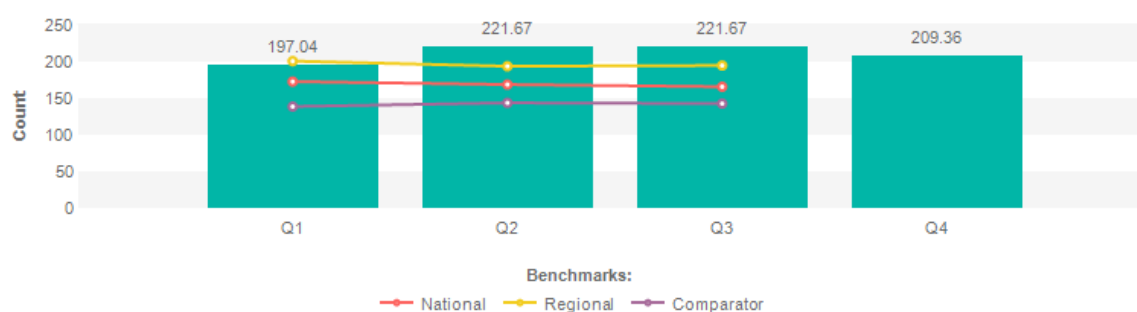
To ensure that children and young people's broader needs are identified and assessed for appropriate support, the Youth Justice Service commenced training in Signs of Safety, the practice model adopted by the wider authority. This strengths-based approach aligns with the principles of Child First and changed our assessment and planning process. Assessments have more focus on strengths, alongside risk and this results in a truly holistic assessment. A further aspect of identifying needs is our trauma informed approach to practice. This ensures we are identifying the probable cause of behaviour and addressing the child's needs, often stemming from earlier childhood. These facets correlate with ensuring that timely referrals to partners and services are made to meet the child's needs at the earliest opportunity.

5. Performance over the previous year

First time entrants to the Youth Justice System

The number of First Time Offenders was slightly above comparator averages during 2023/24. There was an expected increase after the pandemic and the service work hard to ensure that children and young people are diverted from the Criminal Justice System where possible, through the Youth Outcome Panel and Triage and Diversion. Additional local factors include motoring offences now being counted whereby previously they were not, also the stance of the Crown Prosecution Service relating and those adjourned from court only receiving a Youth Caution or Youth Conditional Caution, making them first time entrants as the CPS do not recognise Outcome 22.

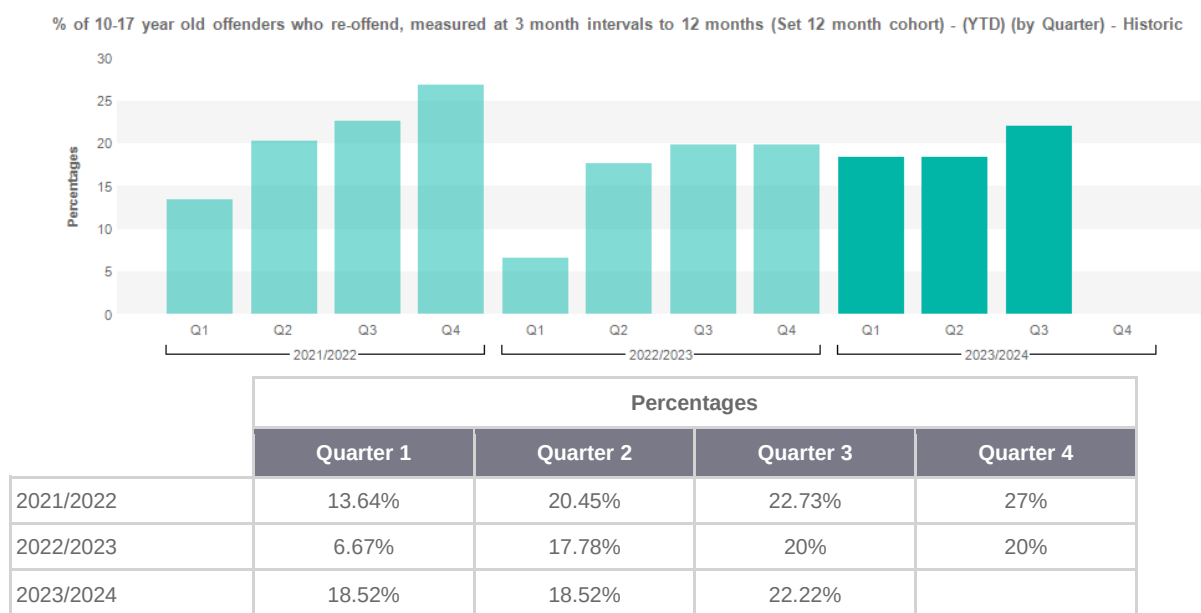
First time entrants to the Youth Justice System aged 10-17 (per 100,000 10-17 year olds in York) - (Rolling 12 Month) (by Quarter) - 2023/2024



	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarterly Trend
First time entrants to the Youth Justice System aged 10-17 (per 100,000 10-17 year olds in York) - (Rolling 12 Month)	197.04	221.67	221.67	209.36	

Proven re-offending

The re-offending data is a local measure that has been implemented due to the time lag encountered with Ministry of Justice and Youth Justice Board data. Re-offending of a fixed cohort of young people who received a substantive outcome are monitored at 3-month intervals. Reoffending performance in 2023/2024 shows some deterioration from 2022/2023. 22.2% of young people had reoffended after a period of 9 months, which is level with the same point in 2022/2023 and 2021/2022. Performance has considerably improved on 2020/2021.

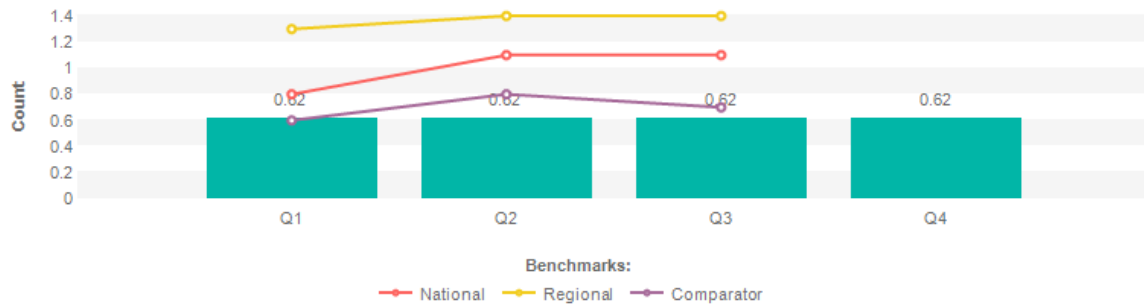


Custodial sentences

York continues to see exceptionally low numbers of children and young people in custody. Within York, custody is monitored on a rolling 12-month cohort. At the end of 2023/24, one young person was sentenced to custody for a serious offence.

Coupled with Youth Detention Accommodation performance, this is a positive position for York young people and reflects good working relationships between the Youth Justice Service and the Courts.

Young people sentenced to custody (rate per 10,000 10-17 year olds in York) - (rolling 12 month cohort) (by Quarter) - 2023/2024



	Count				Quarterly Trend
	Quarter 1	Quarter 2	Quarter 3	Quarter 4	
Young people sentenced to custody (rate per 10,000 10-17 year olds in York) - (rolling 12 month cohort)	0.62	0.62	0.62	0.62	

6. Risks and issues

RISK	LIKELIHOOD	IMPACT	ACTIONS
Exploitation of children	High	High	The YJS is involved with the multi-agency Child Criminal Exploitation panel to address such concerns and ensure actions are taken. York is piloting an NRM panel under the guidance of the Home Office and the service are part of the creation and implementation of devolving decision making to a local level. The service have a joint protocol with Children's Social Care for working with County Lines. York YJS also have access to St Giles Trust exploitation project.
Potential Increase in Children and Young People in Care	High	High	The service work with colleagues in Children's Social care to address challenges and are pivotal in the Prevention of Unnecessary Criminalisation of Looked after children protocol. The Youth Outcome Panel adheres to the 10 Point Checklist for Looked After Children and supports a restorative approach to working. York YJS are working closely with Together We Can around looked after young people.
Increased re-offending and serious offences	High	High	The service is focusing on prevention to address offending at an earlier stage to avoid further offences. Interventions are timely and appropriate, with a focus on meeting the needs of the child. York YJS have a focus on Serious Youth Violence and staff trained to use the Structured Assessment of Violence Risk in Youth (SAVRY) assessment which is designed to structure appraisals of violence risk and risk management

			plans for adolescents. York YJS are involved in the introduction of the Serious Violence Duty
Inspection readiness	Medium	Medium	The service continues to prepare for inspection under the guidance of the Management Board, using the National Framework for inspection. Our last inspection was September 2022.
Maintaining staff and business continuity	High	Medium	A business continuity plan is in place and regularly reviewed. Commitment to staff welfare is a high priority. Regular supervision is accessible, alongside staff training. As a small service, staff absence or leaving would have significant impact, though staff retention has been good.
Funding	Medium	High	Budget constraints always feature as a significant risk and the service would be at risk if we were to lose funding. Finance is a standing item on the Youth Justice Service Management Board agenda and explores ways of using reserves and developing service delivery in line with budgets.
Turnaround funding	High	High	Losing funding for Turnaround is a risk to the service as this reduces capacity to work with young people in a preventative capacity

7. Plan For the Forthcoming Year

Children and young people first

The concept of Child First in the City of York has not only been adopted but is deeply embedded in practice and culture as reflected in the HMIP inspection who found that ‘York YJS has achieved our highest rating by providing services to children consistently well and establishing a culture of putting the needs of children first. The culture was clear at operational and strategic levels and across the partnership. It has been developed and sustained over time and was impressive in how it translated into services for children’. York Youth Justice Service ensure to follow the four Child First principles by ensuring to prioritise the best interests of children, recognising their needs, capacities, rights and potential. This is achieved in the Youth Justice Service by always recognising the child and respecting their individuality.

Offending behaviour is frequently a byproduct of trauma and we ensure to respond to children appropriately, consistently and with compassion to truly understand their needs and how we can provide appropriate and effective support.

York Youth Justice Service have adopted the City of York Signs of Safety model to ensure we are promoting children’s strengths and capacity to develop their prosocial identity for sustainable desistance. Within York, the ethos is to promote a positive childhood for children growing up in the city. This is achieved within the Youth Justice Service through a robust preventative approach, diversion from the criminal justice system and enabling children to be seen and understood as children, whilst also ensuring safer communities and fewer victims of crime.

Children are encouraged to actively participate and engage within society, with a focus on the community accepting young people as children, rather than labelling them as offenders. York

Youth Justice Service have a focus on community cohesion, reflected in our Restorative Justice Offer and reparation activities.

A focus of the service is to promote a childhood removed from the justice system to ensure children and young people are not stigmatised due to contact with the justice system. This is achieved through our robust prevention and diversion offer within the city.

To enhance the Child First approach, York Youth Justice Service have collaborated with the Humber Teaching NHS Foundation Trust as a pilot project for the Humber and North Yorkshire Children and Young People's Trauma Informed Care Program. This has enabled the service to recruit a Trauma Informed Practitioner to address childhood trauma and promote the best interests and rights of the child using trauma informed interventions and a strengths-based approach.

Voice of the child

The City of York Safeguarding Children Partnership (CYSCP) continues to support that every conversation starts with the child and commit that all partners across the city support children and young people to understand their rights, to have a voice and to realise their rights. The partnership has developed a pledge to ensure commitment to understanding the lived experience of children and young people and based this on the four general principal articles of the United Nations Conventions on Rights of the Child (UNRC):

- Non-discrimination (article 2)
- Best interest of the child (article 3)
- Right to life, survival, and development (article 6)
- Right to be heard (article 12)

The Youth Justice Service adhere to this commitment and recognise that meaningful involvement of children and young people is a key component of the Local Authority. To ensure this, the Youth Justice Service actively involve children and young people's voices, both directly and indirectly in service delivery. This is achieved through gathering children's voices through assessments, forums, and direct work. Over the past year, young people have been active participants at the Youth Justice Service Management Board, enabling partners to hear young people directly and respond to any challenges and needs presented. The voice of the child remains high on the agenda of the Youth Justice Service, and we understand the benefits of hearing children and using their views to shape service delivery within the City.

8. Resources and services

York YJS is funded centrally and with a range of partner agencies providing funding and staff contributions.

These contributions are used to deliver youth justice services, in accordance with the Crime and Disorder Act 1998.

The Youth Justice Board grant, partner contributions and available resources will be used to deliver statutory services and prevention within the city. Services will include:

- Statutory duties including all Orders
- Harmful Sexual Behaviour Service
- Prevention – Triage and Diversion
- Out of Court Disposals and the Youth Outcome Panel
- Child to Parent Violence
- Victim Liaison Service
- Substance Misuse service
- Speech and Language Service
- Forensic Panel
- Reducing re-offending (tracking tool)
- Probation support
- The Turnaround Programme
- Health
- Provide training to partners including Harmful Sexual Behaviour and Trauma Training
- AQA non vocational qualifications for young people

We believe these services produce improve outcomes for young people within the city as we are addressing behaviours at the earliest opportunity with the preventative element, in turn reducing the pressures on statutory services and entry into the youth justice system.

9. Board Development

The YJS management board has undergone evolution over time, maintaining a focus on Youth Justice and strategic leadership across key partners to ensure the delivery of high-quality services to children and young people. The board oversees the service's vision, ensuring not only compliance with required standards but also the provision of an innovative and creative service for young people in the City of York. Proactively addressing any gaps in provision, the Board ensures that the YJS has the necessary resources and is dedicated to supporting desistance and positive outcomes for children effectively.

In response to HMIP's recommendation to further consult with children, families, and carers, the management board extended invitations to young people, carers, and victims of crime to attend meetings. Board members actively seek to understand the YJS, its roles, and responsibilities through management reports and discussions with YJS representatives about their work.

10. Workforce Development

The culture of learning is strong in York and staff are supported to seek training opportunities through the comprehensive offer of the Workforce Development Unit. Staff are required to complete mandatory training and specialist training is also provided, including training around Harmful Sexual Behaviour, Trauma Informed Practice and presently undertaking Ambit training. Recently the entire staff team have also received training on the new case management system and comprehensive training on the use of Signs of Safety, which is ongoing. Staff members have also been provided the opportunity to complete the Youth Justice Degree and Social Work

Apprenticeship and we are hopeful these opportunities will continue over the coming year. During the HMIP inspection it was noted that York provides a robust training package for staff and highlighted the innovative training packages available. During 2024/2025, the service will upskill further in trauma informed practice, enhanced by the introduction of a Trauma Informed Practitioner to the service. We are in the process of implementing AQAs into our service offer, therefore staff will be trained on delivery of this educational provision.

Alongside training offered, York Youth Justice Service also deliver training to staff and partners through the Workforce Development Unit. This includes Harmful Sexual Behaviour training, Trauma informed practice and training to Appropriate Adults.

11. Evidence based practice and innovation.

Substance misuse

York Youth Justice Service provides a specialist substance misuse service for young people identified in need of support. The substance misuse specialist has well established links with North Yorkshire Police, enabling young people to access awareness and harm reduction interventions to avoid criminalisation if arrested for a drug offence for the first time. These interventions are delivered collaboratively with North Yorkshire Police and the Youth Justice Service through police Operation Choice. Every young person working with the service is offered support and screening enables needs led targeted or specialist interventions to take place. The service also utilises the local substance misuse offer of drug and alcohol support services for young people in the community. Feedback from young people includes gaining increased knowledge about the risks of substance misuse and feeling sessions 'inspired and motivated them to make a positive change'.

Trauma informed practice

Trauma-informed practice is essential when working with young people who are involved in crime, exploitation, or have experienced adverse childhood experiences (ACEs). Working with Trauma is an integral part of working with young people who've experienced adversity. Knowledge, awareness, and practical measures can help build constructive relationships with children and other service users, leading to better outcomes. York Youth Justice Service are in the process of recruiting a Trauma Informed Practitioner to ensure that the service is truly trauma informed and this is embedded into our practice, with a focus on working with inter-generational trauma through direct working with parents and children. The service presently has three ARC champions, and all team members are trained in trauma informed practice.

Education

The service has recently signed up with the AQA Unit Award Scheme to become an AQA centre, enabling use of UAS units and accredited certification to support intervention programmes with young people. The scheme will allow students to engage with learning and have their achievements formally recognised, whilst building a portfolio of certificates that may be used for future employment to evidence their knowledge and skills. The aim of this scheme is to boost young people's confidence and motivation, whilst encouraging them to engage in future learning.

Skills for employment

With the assistance of Turnaround funding, York Youth Justice Service have created a 'skills for work' resource at Moor Lane Youth Centre. This resource is a carpentry workshop where young people can learn about carpentry and develop life skills for the future. This intervention aligns with restorative justice as young people can create pieces that are distributed within the community.

12. Priorities

Priorities for York Youth Justice Service include, but are not limited to the following:

- Prevention and Diversion to reduce first time entrants
- Reducing Re-offending
- Responding to Child Exploitation and County Lines
- Restorative Practice and holistic approach including supporting victims of crime
- Addressing harmful sexual behaviour across the city
- Reducing the unnecessary criminalisation of Looked After Children
- Ensuring children's broader needs are identified and assessed for appropriate support
- Making timely referrals to ensure the needs of the child are met
- Working in a trauma informed manner to address issues at the root cause
- Providing non vocational qualifications to young people

Prevention and diversion remain at the forefront of our practice within York. This will be achieved through use of interventions including Triage and Diversion to ensure that young people are diverted from the criminal justice system where possible. Presently Triage and Diversion is our most used outcome within the service. Turnaround has been used as a preventative strategy. Within York we have a Turnaround Practitioner, with a focus on working with schools in the local area. Though this funding will cease in March 2025, York Youth Justice Service will sustain a robust preventative offer through Triage and Diversion. The Youth Outcome Panel is another preventative solution whereby North Yorkshire Police, North Yorkshire Youth Justice Service and York Youth Justice Service work collaboratively to ensure that Out of Court Disposals decisions are robust, victim led and in the interest of the child's needs. This panel seeks to ensure that interventions are not over prescribed and aligns with the Youth Justice Board child first model.

Prevention schemes correlate with reducing re-offending, as the aim of prevention is to provide support at the earliest opportunity. In York, the Youth Justice Board tracker tool is funded by the Office for Policing Fire Crime and Commissioning (York & North Yorkshire Combined Authority). This tool ensure that the service can analyse and consider re-offending in an in-depth manner. Through the identification of patterns of behaviour and offending, the service can ensure that we provide interventions that are appropriate and meet the needs of children and young people.

Exploitation and county lines offences are addressed in the city and York has an Exploitation Team situated in Children's Social Care. York Youth Justice Service work closely with this team to ensure that young people are safeguarded appropriately. The service also has access to the new exploitation service provided by St Giles Trust. The manager of the YJS sits on the National

Referral Mechanism panel, ensuring that young people who may be exploited or at risk of modern slavery are recognised and understood. The social worker for the service also sits on weekly meetings with the Exploitation Team to ensure that exploitation is addressed regularly.

Restorative practice is embedded within the service. The Victim Liaison Officer leads on restorative practice and has worked tirelessly to ensure that young people and victims of crime have the opportunity for mediation sessions where requested. Restorative justice also regularly takes place, with reparation schemes such as working with the local church to receive donations of clothing and distributing to families in need. Young people will be participating in a community garden project within the local area to ensure a space for residents. Every year the service works with the Spirit of Christmas charity, including wrapping donated presents and presenting these to children in the city during the festive season. Presently the young people are assisting North Yorkshire Police with a questionnaire that considers how to engage young people with the police.

The service has worked with young people exhibiting harmful sexual behaviour for many years, though our offer within the service has increased. All practitioners are trained in delivering AIM 3 assessment and NSPCC preventative interventions, with specialist workers able to deliver more specific assessment and intervention, such as working with children aged under twelve. During 2024/2025, the service will continue our statutory and preventative work with these young people, though we also aim to deliver harmful sexual behaviour training to wider partners, including schools.

We continue to have a focus on the unnecessary criminalisation of young people who are Looked After. The Youth Outcome Panel advocates the use of the 10 Point Checklist to ensure that young people are treated fairly, and their situation considered when decision making. Within York we have Together We Can, an initiative with a dedicated multi-disciplinary team, based within the children's home, that provides a wraparound package of assessment, support, and intervention. It offers young people, who are assessed as being 'edge of care' and their families intensive outreach support to prevent young people becoming looked after.

It also provides residential care and support for a very small cohort of young people, who are at significant risk and extremely vulnerable and where some time in residential care would be beneficial. This provides the young person and their family some much needed time and space, often taking the heat out of the situation and enabling the outreach team to assess the viability of returning the young person to live within their family network, into foster care or independence.

Ensuring that children's broader needs are identified and assessed for appropriate support is to be achieved through the use of robust assessment, alongside the Signs of Safety practice model to ensure a strengths-based focus on young people working with the service. In York we use Asset Plus as an assessment tool and will be introducing the new prevention assessment designed by the Youth Justice Board for other interventions. We recognise that Youth Justice assessments can be prescriptive in nature if used without considering the broader needs of the child, therefore ensuring to take a trauma focused approach assists in a more holistic approach, considering family, contextual safeguarding and community.

13. Standards for children

The Standards for Children- in the youth justice system replaced the previous *National Standards for Youth Justice (2013)*.

Self-assessment outcomes from April 2024:

Standard	Strategic results self-assessed	Operational results self-assessed
NS1	Out Of Court Disposals	OUTSTANDING
NS2	At Court	GOOD
NS3	In the Community	GOOD
NS4	In Secure Settings	GOOD
NS5	On Transition	GOOD

The Standards for Children (2019) are informed by the 'Child First' principles, that have guided the Youth Justice Services approach, which has maintained an approach and plan that is informed by up-to-date theory and recognised practice. A recent example of this is that York Youth Justice Service has secured fixed-term funding to employ a Trauma Informed Practitioner to develop the Trauma informed approach of York Youth Justice Service, and the wider partner services that we work alongside.

A key principle of the Standards for Children is to divert children and young people away from the youth justice system. York Youth Justice Service has seen a shift in the case work it is undertaking since it was last inspected, the service are now working alongside more children and young people on a voluntary basis that have been referred in from partner services to divert them away from the criminal justice system. This has seen a maintained 80-20% split of case work being centred on prevention, carried out on a voluntary basis. Subsequently we have had to shift focus and skills to work with sometimes a much younger age range, with prevention work on our Triage and Diversion schemes attracting referrals for an increased number of children between 10-12 years old.

York Youth Justice Service is a relatively small service and we have always worked with children and young people on an individual needs lead basis, delivering both voluntary and statutory interventions. We focus on bespoke plans to ensure the child's needs are met. The intervention plans we agree and deliver with children and young people, their families and carers are centred on their assessed direct needs, and we have developed our assessment processes around risk of harm, safety and wellbeing and likelihood of offending in all areas of our work.

To ensure we have oversight of the Standards for Children (2019), the service has a Quality Assurance Plan in place that identifies key audits of casework and practice. Full case file audits are undertaken regularly, as well as combined joint audits with neighbouring youth justice services for example completing MAPPA Level 1 Audits. An example of in-house audit process is that any new court ordered intervention is audited at the six weeks from sentence period. These audits are combined on a six-monthly basis to report to the YJS management board in the form of a report that can identify any themes of practice that need adjustment, this is then approached by staff development days and policy change if required. A recent JTAI mock audit took place where the Youth Justice Service were required to provide evidence of cases related to serious youth violence.

14. Service Development

Nationally the number of children entering the youth justice system has decreased dramatically over the last decade, as has the number of children in custody. (YJB strategy for delivering positive outcomes for children by reducing and creating safer communities 2024-2027).

As highlighted previously in this Youth Justice Plan prevention and diversion interventions are undertaken either on a voluntary basis, or through the local Youth Outcome Panel arrangements in the county and account for the majority of the current Youth Justice Service caseload. As the quote above highlights our statistics do match a national picture, particularly around the use of custody for young people coming under the services supervision.

York Youth Justice Service are continuing to develop our Trauma Informed approach to working with children, young people and their families in line with 'Child First' principles. We have secured funding to employ a Trauma Informed Practitioner to develop our service approach and aim to change element of our practice and processes. Staff development has focused on identifying appropriate training to develop our teams' skills and understanding around this area of knowledge.

The Youth Justice Board have developed a national assessment to be used by all youth justice services from April 2024. The assessment tool will be mandatory and used for all out-of-court disposals. The assessment tool has been developed so that it is suitable for prevention and Turnaround cases, but it will be optional whether services use this assessment for those children. York Youth Justice Service have created a full suite of assessments to address out of court disposals, including a robust Triage and Diversion assessment which is our voluntary intervention scheme. This was recently updated to include a Turnaround assessment. Incorporating the new assessment tool will be a key development for our staff and our service in the coming months.

York Youth Justice Service does not experience a high turnover of staff, we do enjoy the stability of a well-established team of professionals from a diverse background who are keen to develop their skills and knowledge as practitioners. Seconded staff are well as established professionals in the team and responsible for developing practitioner skills through effective practice sessions and general advice and guidance. With the shift towards prevention and diversion,

the service has experienced working with a young age range. Over 2024/2025, the service will concentrate on creating age-appropriate interventions for this age group.

As we have a close working relationship and sit under the Children Social Care directorate, the service has benefitted from accessing significant training, including the implementation of the *Signs of Safety* practice model. We have also accessed training around Trauma informed Practice, as well as accessing National Autism Awareness training, both of which will enable our staff team to deliver training to other partner services. This enhances our staff team knowledge and skills in developing and delivering proportionate and appropriate interventions to children and young people in the future.

The Youth Justice Service, Victim Liaison Officer (VLO) has developed the victim offer within the service over the last 5 year, through direct work with victims of crime and those young people that have caused harm. Over 2024/2025, the VLO will focus on working with the Pupil Referral Unit in York to develop Restorative Justice and victim work within the establishment. The victim offer can now also accept referrals from partners, including schools and Children's Social Care.

The service has a keen focus on education within the city and work closely with schools, though also understand that some young people do not thrive in the educational environment. On this basis, in 2024/2025 the service is introducing AQA's to our syllabus by becoming a centre through UAS, enabling the introduction of non-vocational qualifications for young people. This will enhance their capacity to secure employment as it displays motivation to succeed and engagement with education.

HMIP Outcomes:

York Youth Justice Service Fieldwork started September 2022		Score	32/36
Overall rating		Outstanding	
1.		Organisational delivery	
1.1	Governance and leadership	Outstanding	
1.2	Staff	Outstanding	
1.3	Partnerships and services	Outstanding	
1.4	Information and facilities	Good	
2.		Court disposals	
2.1	Assessment	Good	
2.2	Planning	Outstanding	
2.3	Implementation and delivery	Outstanding	

2.4	Reviewing	Outstanding
3.	Out-of-court disposals	
3.1	Assessment	Good
3.2	Planning	Good
3.3	Implementation and delivery	Outstanding
3.4	Out-of-court disposal policy and provision	Outstanding
4.	Resettlement¹	
4.1	Resettlement policy and provision	Outstanding

Though York Youth Justice Service received an Outstanding outcome from the HMIP inspection in 2022, we recognise the necessity to continue to make improvements and develop the service further to ensure that we remain an outstanding service as we move forwards.

15. National priority areas

The demographics of the City of York differs to many other cities in the United Kingdom and our focus over the coming year is based on what we understand about children that may be considered over-represented within the city. The YJS and partnership strive to ensure that all children are prioritised, though also track data on those known to Children's Social Care, children excluded from education, children identified as Special Educational Needs and children from Gypsy, Roma, and Traveller backgrounds to monitor and understand over representation.

During 2023/2024, York saw an increase in females within the arena of youth justice, predominantly for offences of violence. The Youth Justice Service Management Board have a particular interest in these females and have scrutinised case studies to gain a thorough understanding. The service has based their approach to working with females on research and understand the importance of relationship-based practice, also the use of a safe space to undertake the work. The HMIP inspectors outlined 'work with children from travelling families was very good, with knowledge, skills and relationships having been built over time'.

16. Policing

Relationships between North Yorkshire Police and York Youth Justice Service are mature and positive. Police colleagues play an active role on the Management board, also the Youth Outcome Panel is chaired by a Police Inspector. The service benefits from a Police Constable (PC), who is highly pro-active in her approach and has a sound knowledge of youth justice. Some examples of the innovative work completed by the police officer within the service include:

A complete rewrite of ABC contract for use by PCSOs and Safer Neighbourhood police constables to ensure a holistic approach and positive focus. This new approach provides the opportunity to enable police officers and young people to work together to identify factors against offending behaviour, whilst also providing guidance on referral pathways into other services. To enhance this approach further, leaflets were created with the guidance of a Speech and

Language therapist to help young people to understand outcomes. Moving forwards, further leaflets will be created to explain everything linked to police contact.

The YJS PC contributes to the Youth Outcome Panel assessment procedure, by profiling the young person based on previous offending history through a trauma informed lens. Out of Court disposals are delivered by the YJS PC, accompanied by direct intervention work. The role also incorporates data analysis that informs emerging trends and appropriate interventions.

The service is keen to promote improved relationships between young people and the police, therefore the YJS PC delivers sessions including 'a day in the life of a Police Officer', using multiple choice scenarios that take the young people through a typical shift as a Police Officer, highlighting responsibilities and risks, and how care for victims can be overshadowed by the need to deal with reckless behaviour from others.

Operation Divan is a police initiative, based on intelligence regarding the use and carrying weapons. The YJS PC delivers interventions that highlight legalities, risks and dangers of carrying weapons.

Information sharing between York Youth Justice Service and North Yorkshire Police is well developed and effective, though daily information shared from the Police system. This includes information pertaining to arrests, voluntary attendees and urgent briefing items.

The service has a robust intelligence sharing process in place, whereby Youth Justice staff will feed information directly to the PC, who then enters details into the wider police system.

To ensure information is shared with wider police officers, the YJS PC holds a secure spreadsheet to enable officers to view who is working with the service and the type of intervention or Order in place.

The YJS PC links in with all police teams to ensure they are well versed in communicating and dealing with young people. This extends further through providing direct training to officer recruits in the arena of youth justice.

The YJS PC facilitates training of Appropriate Adults, alongside a YJS practice manager and volunteer manager.

The YJS PC is trained in AIM3 assessment and intervention and facilitates training to CID regarding AIM3 assessments which can be carried out prior to Crown Prosecution Service advice, to better inform their decision.

17. Prevention and Diversion

As alluded to throughout this plan, prevention is a priority area for York Youth Justice Service which we have successfully focused on for the past five years. Prevention and early intervention prove predominant factors in reducing the likelihood of young people entering the criminal justice system. The approach of intervening prior to this critical point, increases the opportunities for young people in the future. Our prevention offer is strong, with Triage and Diversion being our most utilised intervention. The diversionary element of Triage and Diversion ensures that young people on the periphery of offending behaviour are also offered support. This is further supported by the City of York Early Help offer. Turnaround enhanced this provision

further, through recruitment of a Turnaround Practitioner providing increased capacity in numbers of young people receiving intervention.

The Youth Outcome Panel is a mature and recognised method of making informed decisions for out of court disposals within the City of York, ensuring that all young people placed before the panel receive an intervention from the Youth Justice Service, ranging from Cautions to Outcome 22 disposals.

18. Education

York YJS have established positive links with education providers within the city and the introduction of the Turnaround provision strengthened this further. The service has a positive relationship with the Police Liaison Officers within schools and regularly work collaboratively, particularly in the area of prevention and sharing information. Schools benefit from accessing the YJS Victim Liaison Officer, for advice, guidance and some direct work. A representative from Education sits on the YJS management board and York benefits from working closely with the Virtual Head of schools, for those young people that are not in mainstream education. The YJS continue to have positive links with the Special Educational Needs team. As part of the YJS's close links with both Primary and Secondary schools across the city, the Education, Training and Employment lead sits on the monthly panels of both the Fair Access and Learning Support Hub meetings. These meetings give providers direct access to advice and guidance around behavioural issues of young people within schools and where applicable, the YJS can then feed into agreed packages of support for those young people at risk of permanent exclusion due to the Anti-Social Behaviour within school communities, through both the Turnaround, Triage and Diversion programmes. The idea behind this process is to provide early intervention to minimise the risk of permanent exclusion.

For those young people on any YJS programmes, including Turnaround and Triage and Diversion whose attendance and participation at school is impacted by trauma or anxiety. The YJS can offer Talking Therapy (Drawing and Talking) sessions within the school setting. This is aimed at building the resilience of the young person within the setting, whilst also supporting improved engagement and participation. Working collaboratively with schools strengthens the support network for the young person by creating a team around the family approach, also enabling the YJS to support school plans for young people such as the My Support Plan and/or Education Health and Care Plan.

19. Restorative approaches and victims

York YJS offer to victims continues to increase, ensuring that victims are empowered and have a voice within the criminal justice system. Victim voice is central to all work of the YJS, including prevention, diversion, and statutory orders. The Victim Liaison Officer works tirelessly to advocate for victims and help them move forwards in their lives, through safety planning and support. The service also recognises that many children are victims of past experiences and utilise trauma informed practice to ensure such issues are addressed and worked with.

20. Serious violence, exploitation, and contextual safeguarding

The Serious Violence Duty commenced on the 31st January 2023 and requires specified authorities to work together to prevent and reduce serious violence that occurs in the area and implement strategy to address it. These authorities include police, justice, fire, and rescue, health and local authorities. The Home Office definition of serious violence refers to:

- Violence
- Violence against property
- Threats of violence

The definition is not limited to physical violence, so includes domestic abuse and sexual abuse, but does not include terrorism. Locally it has been agreed to keep the definition broad and include violence against women and girls. This profile will be reviewed annually.

A strategic needs assessment has been conducted in conjunction with the Office for Policing Fire Crime and Commissioning (York & North Yorkshire Combined Authority) for the partnership area and a response strategy developed by January 2024. The Office for Policing Fire Crime and Commissioning (York & North Yorkshire Combined Authority) have discretionary power to monitor local performance of the partnership against shared objectives. York YJS have low-level occurrences of serious violence compared to other major cities, however, will be immersed in the duty. Voluntary Bail Support is offered to all young people within the city involved in serious crimes, including violence. Individual officers within the team attend MARAC's on behalf of YJS and the YJS Probation Officer attends MATAAC's and MAPPA Meetings to ensure multi-agencies management of those considered high-risk offenders. Young People who are assessed of displaying a high risk of serious harm are also consulted with the FCAMHS service for further guidance and advice. Exploitation is also a consideration and York YJS work closely with other external agencies to ensure that information and intervention is provided to those young people at risk of exploitation. These include the attendance of Strategy, RAM and MACEM meetings all lead by Children's Social Care as well as further multi-agency network partnerships with Trusted Relationship and Hand in Hand. York YJS have two social workers set within our structure, who work with young people considered to have higher complex needs including those at risk of exploitation. The YJS manager sits on the National Referral Mechanism panel in York and the Channel Panel.

21. Detention in police custody

Detention in police custody remains an area that the service focus on. During 2024, the YJS increased our capacity for Appropriate Adults (AA) to North Yorkshire Police by extending the hours where an AA is available, also ensuring that a YJS manager is available 7 days per week until midnight to provide support to our police colleagues. After midnight, the service uses the Emergency Duty Team. In the event of concerns about safeguarding and welfare, such as County Lines, the YJS have a protocol in place with colleagues in Children's Social Care to ensure the welfare of the child and a focus on their release. We ensure to be compliant with the Police and Criminal Evidence Act 1984 (PACE).

22. Remands

In York, children subject to remands to Local Authority accommodation and children subject to remands to Youth Detention Accommodation (YDA) remains exceptionally low. Though the numbers are low in the city, the use of remands is considered by the partnership and any cases are discussed in the management board when they arise.

23. Use of custody and constructive resettlement

The National picture of the use of custody has significantly decreased, which is reflected in York. We recognise and understand the impact on children's lives when they receive a custodial sentence, such as disrupting their education and fracturing relationships with families. Use of custody in York is low, though occasionally happens with highly complex and often vulnerable young people being placed in the custodial environment. To address this from a strategic perspective, the Youth Justice Service management board have a comprehensive understanding of this cohort of children and address cases relating to custody through detailed case studies that outline the history of the young person, including social care history and educational attainment. The operational partnership with the courts in York is a particular strength and Pre-Sentence Reports provide robust assessment of young people that may be sentenced to custody. When bail packages are suggested, York YJS ensure to provide bespoke interventions that ensure young people, and the community are safe. Further to this, York YJS have devised a process whereby AIM 3 assessment is available prior to charge and have a service level agreement in place with North Yorkshire Police and the Crown Prosecution Service to provide a report to assist the CPS in their decision making.

We know the challenges faced by young people leaving custody, such as accommodation and have therefore ensured the policy, provision and pathway in York is high quality and evidence based. Resettlement focuses on individual need and personalised support to keep the child safe and manage risk of harm. Partners, such as Social Care, Health, Education and Housing understand their role in resettlement and provide services swiftly. The service benefits from access to specialist youth homelessness workers and a representative from Housing sits on the management board. The YJS undertake joint work with the secure estate and have named contacts at HMP Wetherby and Adel Beck Secure Children's Home. The management board actively review resettlement cases and address any barriers to effective resettlement. HMIP rated York's resettlement policy and provision as outstanding, highlighting 'the case we assessed evidenced meeting the child's individual needs, keeping the child safe and effective use of transitions to adult probation services, to manage risk of harm'.

24. Working with families

It is widely acknowledged that family relationships and young people's living arrangements and/or environments are background factors in offending behaviour. The available research indicates that family interventions can lead to improvements in family relationships and reduce recidivism. Good parenting interventions help to build self-confidence and awareness of how important effective parenting is. This is not only to prevent children from becoming involved in the justice system, but so that they may go on to lead productive and successful lives.

They can also increase the child's confidence and resilience and empower parents and carers in addressing complex issues. Parents are important in fostering and promoting a child's pro-social identity. Parenting support can reassure parents and carers and help them to understand what 'good enough' parenting looks like. In York we seek to engage family members at every stage of the young person's involvement with services and aspire to a collaborative approach ensuring families understand the goals and action plans implemented by the service. We aim to equip families with the support and tools that they need to promote, build, and maintain a positive relationship with their child as well as help them achieve meaningful change.

This takes place at the start of any intervention by ensuring their consent and co-operation to work alongside them as well as in conjunction with other services through the exchange of information. The voice of parents and carers is also captured at the beginning and regular intervals of any intervention via self-assessment and then regular updates on progress or challenges are relayed during home visits. In York the importance of family work is recognised however we are also aware of service limitations and pressures and consequently this is an area in need of development. The addition of a dedicated family/parenting worker would prove beneficial and ensure that the most challenging, risky, or vulnerable young people's families are provided with additional support and resource to help strengthen resilience and reduce recidivism. The YJS have strong links with wider services and do work collaboratively with Children's Services teams including Early Help and Exploitation teams to try to provide as robust a package of support as is required following assessment.

25. Serious violence, exploitation, and contextual safeguarding

The Serious Violence Duty commenced on the 31st January 2023 and requires specified authorities to work together to prevent and reduce serious violence that occurs in the area and implement strategy to address it. These authorities include police, justice, fire, and rescue, health and local authorities. The Home Office definition of serious violence refers to:

- Violence
- Violence against property
- Threats of violence

The definition is not limited to physical violence, so includes domestic abuse and sexual abuse, but does not include terrorism. Locally it has been agreed to keep the definition broad and include violence against women and girls. This profile will be reviewed annually.

A strategic needs assessment has been conducted in conjunction with the Office for Policing Fire Crime and Commissioning (York & North Yorkshire Combined Authority) for the partnership area and a response strategy developed by January 2024. The Office for Policing Fire Crime and Commissioning (York & North Yorkshire Combined Authority) have discretionary power to monitor local performance of the partnership against shared objectives. York YJS have low-level occurrences of serious violence compared to other major cities, however, will be immersed in the duty. Since the introduction of the **Home Office Serious Violence Duty** (January 2023), the York and North Yorkshire Office for Policing, Fire, Crime and Commissioning have worked with partners to provide a definition of serious violence that reflects issues found within the local area, and the impact and prevalence of different types of serious violence. Therefore, for North Yorkshire and York, the following crimes are included in our definition of serious violence and

were used during the Strategic Needs Assessment which can be found at: [Serious Violence Duty - Police, Fire and Crime Commissioner North Yorkshire \(northyorkshire-pfcc.gov.uk\)](https://www.northyorkshire-pfcc.gov.uk/serious-violence-duty)

- Homicide
- Violence with Injury
- Domestic Abuse
- Rape and Sexual Offences
- Weapon Related Violence; including Weapon Possession
- Arson Endangering Life
- Stalking and Harassment; non-domestic

North Yorkshire and York aims:

- To understand the extent of violence throughout North Yorkshire through the analysis of characteristics, patterns of behaviour and the impact on the wider community.
- To establish the risk factors that increase the likelihood of violence, and how these factors can be reduced through prevention, diversion, and early intervention.
- To establish effective interventions in a variety of settings and monitor the impact on reducing serious violence these interventions produce.

North Yorkshire and York Serious Violence Duty - Our Response to Serious Violence



The below graph outlines a local reduction in serious violence crimes since 2022/2023 and further details can be found at <https://www.northyorkshire-pfcc.gov.uk/how-can-we-help/community-projects/svd/>

Offence Category	2022/23	2023/24	Difference	% Difference
Arson	26	31	5	19%
Homicide	5	0	-5	-100%
Serious Sexual Offences	680	574	-106	-16%
Possession of Weapons	398	377	-21	-5%
Rape Offences	525	367	-158	-30%
Violence with Injury	5,613	4,845	-768	-14%
Total	7,247	6,194	-1,053	-15%

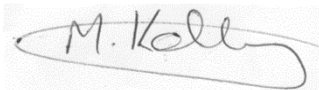
Exploitation

York YJS work closely with our colleagues in City of York Council's Exploitation Team to ensure we have robust structures to support those young people that may experience exploitation. We ensure that information is shared effectively, and intervention is provided to those young people at risk of being criminally exploited. The YJS manager sits on the National Referral Mechanism panel in York and a YJS practice manager attends the Channel Panel to ensure the service have a focus on radicalisation or potential extremist activity.

Safeguarding

York YJS work closely with the City of York Safeguarding Children Partnership (CYSCP) and ensure that YJS staff understand the complexities of contextual safeguarding.

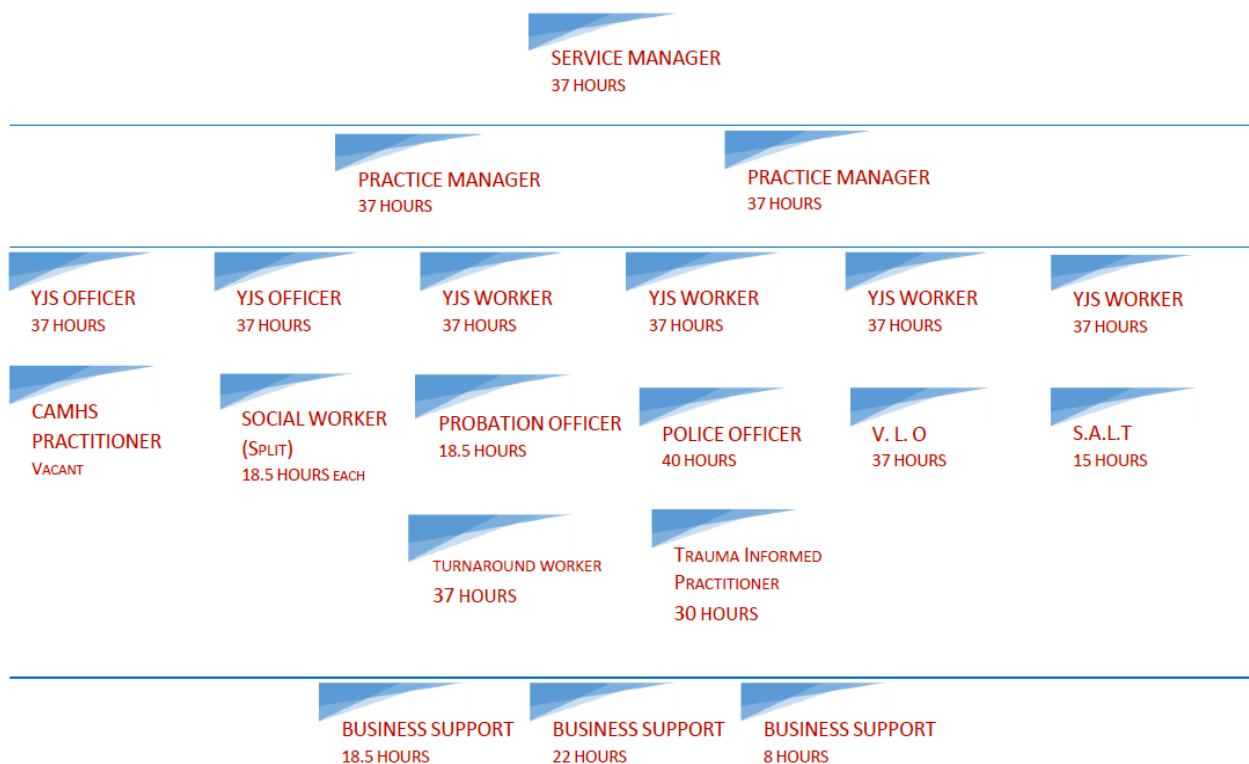
26. Sign off, submission and approval

Chair of YJS Board - name	Martin Kelly
Signature	
Date	1/7/2024

27. Appendix 1 – Service Structure Chart



YORK YOUTH JUSTICE SERVICE – ORGANISATIONAL STRUCTURE



The staffing structure outlines the core staff members within the YJS. Complimenting this further includes the volunteer service, including Appropriate Adults, Referral Order Panel Members and Victim Volunteers. The YJS regularly host students on a Social Work Apprenticeship whilst they are in their placement. The YJS manager reports directly to the Director of Safeguarding for the City of York Council.

28. Appendix 2 – Budget Costs and Contributions 2024

Agency	Staffing Costs	Payments in kind	Other delegated funds	Total
Youth Justice Board	244,952		63,707	308,659
Local Authority	188,584		49,046	237,630
Police		48,277		48,277
Office for Policing Fire Crime and Commissioning (Y&NY CA)	71,692		21,356	93,048
Probation	3,707	17,171	1,293	22,171
Health	38,589			38,589
Welsh Government				0
Other				
Total	547,524	65,448	135,402	748,374

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YOUTH JUSTICE BOARD FOR ENGLAND AND WALES

and

CITY OF YORK COUNCIL

2024-25 Youth Justice GRANT FUNDING AGREEMENT

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This Agreement is made on 20/08/2024

Between:

- (1) Youth Justice Board for England and Wales whose principal address is at Clive House, 5th floor, 70 Petty France, London SW1H 9EX (the “**Authority**”); and
- (2) City of York Council, whose principal address is at West Offices, Station Rise, York, YO1 6GA (the “**Grant Recipient**”).

In relation to:

Project Name: Youth Justice Grant

BACKGROUND

- (A) The grant is provided by the Authority under its power in section 41 of the Crime and Disorder Act 1998, as amended: “with the approval of the Secretary of State, to make grants to local authorities and other persons for the purposes of the operation of the youth justice system and the provision of youth justice services subject to such conditions as the Authority considers appropriate, including conditions as to repayment”.
- (B) The Authority will provide the Grant to the Grant Recipient as provided for in this Grant Funding Agreement.
- (C) The Grant Recipient will use the Grant solely for the Funded Activities.

The conditions collectively (the **Conditions**) are as follows:

1. INTRODUCTION

- 1.1. The Agreement sets out the conditions which apply to the Grant Recipient receiving the Grant from the Authority up to the Maximum Sum.
- 1.2. The Authority and the Grant Recipient have agreed that the Authority will provide the Grant up to the Maximum Sum as long as the Grant Recipient uses the Grant in accordance with the Agreement.
- 1.3. The Parties confirm their intention to be legally bound by the Agreement.

2. DEFINITIONS AND INTERPRETATION

- 2.1. Where they appear in these Conditions:

Agreement means these Conditions together with its annexes and schedules including but not limited to the Annex 1 Grant Funding Letter;

Annex means an annex attached to these Conditions which form part of the Agreement;

Asset means an asset that is purchased or developed using the Grant including equipment or any other asset which may be a Fixed Asset as appropriate in the relevant context, and **Assets** will be construed accordingly;

Asset Owning Period means the period during which the Assets are recorded as Assets in the Grant Recipient's accounts;

Asset Plus means an assessment tool for children who are subject to statutory orders;

Authority Personal Data means any Personal Data supplied for the purposes of, or in connection with, the Agreement by the Authority to the Grant Recipient;

Bribery Act means the Bribery Act 2010 and any subordinate legislation made under that Act from time to time together with any guidance or codes of practice issued by the relevant government department concerning this legislation;

Code of Conduct means the Code of Conduct for Recipients of Government General Grants published by the Cabinet Office in November 2018 which is available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/754555/2018-11-06_Code_of_Conduct_for_Grant_Recipients.pdf, including any subsequent updates from time to time;

Commencement Date means the date on which the Agreement comes into effect, being the 01/04/2024;

Confidential Information means any information (however conveyed, recorded or preserved) disclosed by a Party or its personnel to another Party (and/or that Party's personnel) whether before or after the date of the Agreement, including but not limited to:

- (a) any information that ought reasonably to be considered to be confidential (whether or not it is so marked) relating to:
 - (i) the business, affairs, customers, clients, suppliers or plans of the disclosing Party; and
 - (ii) the operations, processes, product information, know-how, designs, trade secrets or software of the disclosing Party; and
- (b) any information developed by the Parties in the course of delivering the Funded Activities;
- (c) the Authority Personal Data;
- (d) any information derived from any of the above.

Confidential Information shall not include information which:

- (a) was public knowledge at the time of disclosure (otherwise than by breach of paragraph 11;
- (b) was in the possession of the receiving Party, without restriction as to its disclosure, before receiving it from the disclosing Party;
- (c) is received from a Third Party (who lawfully acquired it) without restriction as to its disclosure; or
- (d) is independently developed without access to the Confidential Information.

Contracting Authority means any contracting authority (other than the Authority) as defined in regulation 2 of the Public Contracts Regulations 2015;

Controller and Processor take the meaning given in the GDPR;

Change of Control means the sale of all or substantially all the assets of a Party; any merger, consolidation or acquisition of a Party with, by or into another corporation, entity or person, or

any change in the ownership of more than 50% of the voting capital stock of a Party in one or more related transaction;

Crown Body means the government of the United Kingdom (including the Northern Ireland Assembly and Executive Committee, the Scottish Executive and the National Assembly for Wales), including, government ministers and government departments and particular bodies, persons, commissions or agencies from time to time carrying out functions on its behalf;

Data Protection Legislation means (i) the GDPR; (ii) the Data Protection Act 2018 to the extent that it relates to the processing of Personal Data and privacy; and (iii) all applicable Law relating to the processing of Personal Data and privacy;

Disposal means the disposal, sale, transfer of an Asset or any interest in any Asset and includes any contract for disposal;

Domestic Law means an applicable law, statute, bye-law, regulation, order, regulatory policy, guidance or industry code, judgment of a relevant court of law, or directives or requirements of any regulatory body, delegated or subordinate legislation which replaces EU law as a consequence of the UK leaving the European Union;

Duplicate Funding means funding provided by a Third Party to the Grant Recipient, which is for the same purpose for which the Grant was made, but has not been declared to the Authority;

Eligible Expenditure means the expenditure incurred by the Grant Recipient during the Funding Period for the purposes of delivering the Funded Activities which comply in all respects with the eligibility rules set out in paragraph 5;

EIR means the Environmental Information Regulations 2004;

Event of Default means an event or circumstance set out in paragraph 26.1;

Financial Year means from 1 April to 31 March;

Fixed Asset means any Asset which consists of land, buildings, plant and equipment acquired, developed, enhanced, constructed in connection with the Funded Activities;

FOIA means the Freedom of Information Act 2000 and any subordinate legislation made under that Act from time to time together with any guidance or codes of practice issued by the relevant government department concerning the legislation;

Funded Activities means the activities set out in Annex 2;

Funding Period means the period for which the Grant is awarded starting on the Commencement Date and ending on 31/03/2025;

GDPR means the General Data Protection Regulation (EU) 2016/679;

Grant means the sum or sums the Authority will pay to the Grant Recipient in accordance with paragraph 4 and subject to the provisions set out at paragraph 26;

Grant Claim means the payment request **claim form** submitted by the Grant Recipient to the Authority for payment of the Grant;

Grant Funding Agreement means these Conditions together with its annexes and schedules;

Grant Funding Letter means the letter the Authority issued to the Grant Recipient dated 08/08/2024, a copy of which is set out in Annex 1;

Grant Manager means the individual who has been nominated by the Authority to be the single point of contact for the Grant Recipient in relation to the Grant;

HMRC means HM Revenue and Customs;

HRA means the Human Rights Act 1998 and any subordinate legislation made under that Act from time to time together with any guidance or codes of practice issued by the relevant government department concerning the legislation;

Ineligible Expenditure means expenditure incurred by the Grant Recipient which is not Eligible Expenditure and as set out in paragraph 5;

Information Acts means the Data Protection Legislation, FOIA and the EIR, as amended from time to time;

Intellectual Property Rights or IPR or IPRS means copyright, rights related to or affording protection similar to copyright, rights in databases, patents and rights in inventions semiconductor topography rights, trade marks, rights in internet domain names and website addresses and other rights in trade names, designs, know-how, trade secrets and any modifications, amendments, updates and new releases of the same and all similar or equivalent rights or forms of protection which subsist or will subsist now or in the future in any part of the world;

IP Completion Day has the meaning given to it in the European Union (Withdrawal) Act 2020;

IPR Material means all material produced by the Grant Recipient or its Representatives in relation to the Funded Activities during the Funding Period (including but not limited to, materials expressed in any form of report, database, design, document, technology, information, know how, system or process);

Independent Controller means a Party which is Controller of the same Personal Data as the other Party and there is no element of joint control with regards to that Personal Data;

Instalment Period means the intervals set out in Annex 3 when the Authority will release payment of the Grant to the Grant Recipient during the Funding Period;

Joint Controllers means where two or more Controllers jointly determine the purposes and means of processing;

Law mean any applicable law, statute, byelaw, regulation, order, regulatory policy, guidance or industry code, judgment of a relevant court of law, or directives or requirements of any regulatory body, delegated or subordinate legislation;

Losses means all losses, liabilities, damages, costs, expenses (including legal fees), disbursements, costs of investigation, litigation, settlement, judgment, interest and penalties whether arising in contract, tort (including negligence), breach of statutory duty, misrepresentation or otherwise and **Loss** will be interpreted accordingly;

Match Funding means any contribution to the Funded Activities from a Third Party to the Grant Recipient to meet the balance of the Eligible Expenditure not supported by the Grant;

Maximum Sum means the maximum amount of the Grant the Authority will provide to the Grant Recipient for the Funded Activities subject to paragraph 26;

Party means the Authority or Grant Recipient and **Parties** is each Party together;

Personal Data has the meaning given to it in the Data Protection Legislation as amended from time to time;

Procurement Regulations means the Public Contracts Regulations 2015 and the Concession Contracts Regulations 2016;

Prohibited Act means:

- (a) directly or indirectly offering, giving or agreeing to give to any servant of the Authority or the Crown any gift or consideration of any kind as an inducement or reward for:
 - (i) doing or not doing (or for having done or not having done) any act in relation to the obtaining or performance of the Agreement; or
 - (ii) showing or not showing favour or disfavour to any person in relation to the Agreement;
- (b) committing any offence:
 - (iii) under the Bribery Act;
 - (iv) under legislation creating offences in respect of fraudulent acts; or
 - (v) at common law in respect of fraudulent acts in relation to the Agreement; or
- (c) defrauding or attempting to defraud or conspiring to defraud the Authority or the Crown;

Publication means any announcement, comment or publication of any publicity material by the Grant Recipient concerning the Funded Activities or the Authority;

Remedial Action Plan means the plan submitted by the Grant Recipient to the Authority following an Event of Default pursuant to the process set out in paragraphs 26.4 to 26.10;

Representatives means any of the Parties' duly authorised directors, employees, officers, agents, professional advisors and consultants;

Special Payments means ex gratia expenditure by the Grant Recipient to a third party where no legal obligations exist for the payment and/or other extra-contractual expenditure;

Third Party means any person or organisation other than the Grant Recipient or the Authority;

Unspent Monies means any monies paid to the Grant Recipient in advance of its Eligible Expenditure, which remains unspent and uncommitted at the end of the Financial Year, the Funding Period or because of termination or breach of these Conditions;

VAT means value added tax chargeable in the UK;

Working Day means any day from Monday to Friday (inclusive) which is not specified or proclaimed as a bank holiday in England and Wales pursuant to section 1 of the Banking and Financial Dealings Act 1971 including Christmas Day and Good Friday;

YJS¹ means the Grant Recipient's youth justice service.

¹ The statutory definition of a local youth justice service is contained in the Crime and Disorder Act 1998. In statute these are known as youth offending teams (YOTs). However, as services have evolved, they have become known by different

2.2. In these Conditions, unless the context otherwise requires:

- (1) the singular includes the plural and vice versa;
- (2) reference to a gender includes the other gender and the neuter;
- (3) references to a person include an individual, company, body corporate, corporation, unincorporated association, firm, partnership or other legal entity or Crown Body;
- (4) a reference to any Law includes a reference to that Law as amended, extended, consolidated or re-enacted from time to time;
- (5) the words "including", "other", "in particular", "for example" and similar words will not limit the generality of the preceding words and will be construed as if they were immediately followed by the words "without limitation";
- (6) references to "writing" include typing, printing, lithography, photography, display on a screen, electronic and facsimile transmission and other modes of representing or reproducing words in a visible form, and expressions referring to writing will be construed accordingly;
- (7) references to "representations" will be construed as references to present facts, to "warranties" as references to present and future facts and to "undertakings" as references to obligations under the Agreement;
- (8) references to "paragraphs" and "Annexes" are, unless otherwise provided, references to the paragraphs and annexes of these Conditions and references in any Annex to parts, paragraphs and tables are, unless otherwise provided, references to the parts, paragraphs and tables of the Annex in which these references appear; and
- (9) the headings in these Conditions are for ease of reference only and will not affect the interpretation or construction of these Conditions.

2.3. Where there is any conflict between the documents that make up the Agreement the conflict shall be resolved in accordance with the following order of precedence:

- 2.3.1. the Conditions set out within the Agreement; and
- 2.3.2. Schedule 1 – The Authority's Grant Funding Letter.

CONDITIONS

3. DURATION AND PURPOSE OF THE GRANT

3.1. The Funding Period starts on 01/04/2024 (the **Commencement Date**) and ends on 31/03/2025 unless terminated earlier in accordance with this Grant Funding Agreement.

names. We use the term youth justice services (YJSs) to acknowledge the evolution of services in all their guises and to move away from the stigmatising language of 'offending'.

- 3.2. The Grant Recipient will ensure that the Funded Activities start on 01/04/2024 but where this has not been possible, that they start no later than 3 months after the Commencement Date.
- 3.3. The Grant Recipient shall use the Grant solely for the delivery of the Funded Activities. The Grant Recipient may not make any changes to the Funded Activities.
- 3.4. If the Authority wants to make a change to the Funded Activities (including for example reducing the Grant or removing some of the Funded Activities from the Grant) it may do so on 14 days written notice to the Grant Recipient.

4. PAYMENT OF GRANT

- 4.1. Subject to the remainder of this paragraph 4 the Authority shall pay the Grant Recipient an amount not exceeding £309,478. The Authority shall pay the Grant in pound sterling (GBP) and into a bank located in the UK.
- 4.2. The Grant Recipient must complete and sign the Confirmation of Bank Details and Signatories (Annex 4) as part of their acceptance of the Grant. No payment can be made in advance of receipt of a correctly completed and signed form.
- 4.3. The signatory must be the chief finance officer or someone with proper delegated authority. Any change of bank details must be notified immediately on the same form and signed by an approved signatory. Any change of signatory must be notified to the Authority for approval, as soon as known.
- 4.4. The Grant represents the Maximum Sum the Authority will pay to the Grant Recipient under the Agreement. The Maximum Sum will not be increased in the event of any overspend by the Grant Recipient in its delivery of the Funded Activities.
- 4.5. The Authority will only pay the Grant to the Grant Recipient once the Authority is satisfied that the Grant Recipient has provided a sufficient level of assurance to demonstrate that the Grant will be used for Eligible Expenditure.
- 4.6. The Grant Recipient will provide the Authority with evidence (upon request) of the costs/payments, which are classified as Eligible Expenditure in paragraph 5.2, which may include (but will not be limited to) receipts and invoices or any other documentary evidence specified by the Authority.
- 4.7. The Grant Recipient shall declare to the Authority any Match Funding which been approved or received, before the Commencement Date. If the Grant Recipient intends to apply for, is offered or receives any further Match Funding during the Funding Period, the Grant Recipient shall notify the Authority before accepting or using any such Match Funding. On notifying the Authority of the Match Funding the Grant Recipient shall confirm the amount, purpose and source of the Match Funding and the Authority shall confirm whether it is agreeable to the Grant Recipient accepting the Match Funding. If the Authority does not agree to the use of Match Funding the Authority may terminate the Agreement in accordance with paragraph 26.1.9 and where applicable, require all or part of the Grant to be repaid.
- 4.8. Where the use of Match Funding is permitted the Grant Recipient shall set out any Match Funding it receives in the format required by Annex 3 and send that to the Authority. This is so the Authority knows the total funding the Grant Recipient has received for the Funded Activities.

4.9. The Grant Recipient agrees that:

- 4.9.1. it will not apply for, or obtain, Duplicate Funding in respect of any part of the Funded Activities which have been paid for in full using the Grant;
- 4.9.2. the Authority may refer the Grant Recipient to the police should it dishonestly and intentionally obtain Duplicate Funding for the Funded Activities;
- 4.9.3. the Authority will not make the first payment of the Grant and/or any subsequent payments of the Grant unless or until, the Authority is satisfied that:
 - (i) the Grant will be used for Eligible Expenditure only; and
 - (ii) if applicable, any previous Grant payments have been used for the Funded Activities or, where there are Unspent Monies, have been repaid to the Authority.

4.10. The Grant Recipient shall submit a copy of Annex 5 (Eligible Expenditure) and any other documentation as prescribed by the Authority, from time to time.

4.11. The Authority will have no liability to the Grant Recipient for any Losses caused by a delay in the payment of a Grant Claim howsoever arising.

4.12. The Authority reserves the right not to pay any Grant Claims, which are not submitted in accordance with the Agreement or Grant Claims, which are incomplete, incorrect or submitted without the full supporting documentation.

4.13. The Grant Recipient shall promptly notify and repay immediately to the Authority any money incorrectly paid to it either as a result of an administrative error or otherwise. This includes situations where the Grant Recipient is paid in error before it has complied with its obligations under the Agreement. Any sum, which falls due under this paragraph 4.13, shall fall due immediately. If the Grant Recipient fails to repay the due sum immediately the sum will be recoverable summarily as a civil debt.

4.14. The Grant will be paid into bank account in the name of the Grant Recipient which must be an ordinary business bank account.

4.15. Where the Grant Recipient enters into a contract with a Third Party in connection with the Funded Activities, the Grant Recipient will remain responsible for paying that Third Party. The Authority has no responsibility for paying Third Party invoices.

4.16. Onward payment of the Grant and the use of sub-contractors shall not relieve the Grant Recipient of any of its obligations under the Agreement, including any obligation to repay the Grant.

4.17. The Grant Recipient may not retain any Unspent Monies without the Authority's prior written permission.

4.18. If at the end of the relevant Financial Year there are Unspent Monies, the Grant Recipient shall repay such Unspent Monies to the Authority no later than 30 days of the Authority's request for repayment.

5. ELIGIBLE AND INELIGIBLE EXPENDITURE

- 5.1. The Authority will only pay to the Grant in respect of Eligible Expenditure incurred by the Grant Recipient to deliver the Funded Activities and the Grant Recipient will use the Grant solely for delivery of the Funded Activities (as set out in Annex 2 of these Conditions).
- 5.2. The items listed in Annex 5 and the following costs/payments will be classified as Eligible Expenditure if incurred for the purposes of the Funded Activities:
 - 5.2.1. fees charged or to be charged to the Grant Recipient by the external auditors/accountants for reporting/certifying that the grant paid was applied for its intended purposes.
 - 5.2.2. giving evidence to Parliamentary Select Committees;
 - 5.2.3. attending meetings with government ministers or civil servants to discuss the progress of a taxpayer funded grant scheme;
 - 5.2.4. responding to public consultations, where the topic is relevant to the objectives of the Funded Activities. Eligible Expenditure does not include the Grant Recipient spending the Grant on lobbying other people to respond to any such consultation (unless explicitly permitted in the Agreement);
 - 5.2.5. providing independent, evidence based policy recommendations to local government, departments or government ministers, where that is the objective of a taxpayer funded grant scheme, for example, 'What Works Centres'; and
 - 5.2.6. providing independent evidence based advice to local or national government as part of the general policy debate, where that is in line with the objectives of the Grant.
- 5.3. The Grant Recipient may not in any circumstance claim the following non-exhaustive list as Eligible Expenditure: The list below does not override activities which are deemed eligible in these Conditions:
 - 5.3.1. paid for lobbying, which means using the Grant to fund lobbying (via an external firm or in-house staff) in order to undertake activities intended to influence or attempt to influence Parliament, government or political activity; or attempting to influence legislative or regulatory action;
 - 5.3.2. using the Grant to directly enable one part of government to challenge another on topics unrelated to the agreed purpose of the grant;
 - 5.3.3. using the Grant to petition for additional funding;
 - 5.3.4. expenses such as for entertaining, specifically aimed at exerting undue influence to change government policy;
 - 5.3.5. input VAT reclaimable by the grant recipient from HMRC;
 - 5.3.6. payments for activities of a political or exclusively religious nature;
- 5.4. Other examples of expenditure, which are prohibited, include the following:
 - 5.4.1. contributions in kind;
 - 5.4.2. interest payments or service charge payments for finance leases;
 - 5.4.3. gifts;

- 5.4.4. statutory fines, criminal fines or penalties civil penalties, damages or any associated legal costs;
- 5.4.5. payments for works or activities which the grant recipient, or any member of their Partnership has a statutory duty to undertake, or that are fully funded by other sources;
- 5.4.6. bad debts to related parties;
- 5.4.7. payments for unfair dismissal or other compensation;
- 5.4.8. depreciation, amortisation or impairment of assets owned by the Grant Recipient;
- 5.4.9. the acquisition or improvement of Assets by the Grant Recipient (unless the Grant is stated explicitly to be for capital use in the Grant Funding Letter); and
- 5.4.10. liabilities incurred before the commencement of the Agreement unless agreed in writing by the Authority.

6. NOT USED

7. MONITORING AND REPORTING

7.1. The Grant Recipient shall:

- 7.1.1. closely monitor the delivery and success of the Funded Activities throughout the Funding Period to ensure that the aims and objectives of the Funded Activities are achieved.
- 7.1.2. provide the Authority with all reasonable assistance and co-operation in relation to any ad-hoc information, explanations and documents as the Authority may require, from time to time; so the Authority may establish if the Grant Recipient has used the Grant in accordance with the Grant Funding Agreement
- 7.1.3. provide the Authority with, on request, a report on:
 - 7.1.3.1. the progress made towards achieving the agreed Outputs and the defined longer-term Outcomes set out in Annex 6. Where possible, the report will quantify what has been achieved by reference to the Funded Activities' targets; and
 - 7.1.3.2. if relevant, provide details of any Assets either acquired or improved using the Grant.
- 7.1.4. allow any person authorised by the Authority reasonable access, with or without notice, to its employees, agents, premises, facilities and records, for the purpose of discussing, monitoring and evaluating the Grant Recipient's fulfilment of its obligations under the Grant Funding Agreement and will, if so required, provide appropriate oral or written explanations to such authorised persons as required during the Funding Period;
- 7.1.5. record in its financial reports the amount of Match Funding it receives together with details of what it has used that Match Funding for, and
- 7.1.6. notify the Authority as soon as reasonably practicable of:
 - 7.1.6.1. any actual or potential failure to comply with any of its obligations under the Grant Funding Agreement, which includes those caused by any administrative, financial or managerial difficulties; and
 - 7.1.6.2. actual or potential variations to the Eligible Expenditure set out in Annex 5 and/or any event which materially affects the continued accuracy of such information.

- 7.2. The Grant Recipient represents and undertakes (and shall repeat such representations and undertakings on delivery of its annual report:
 - 7.2.1. that the reports and information it gives pursuant to this paragraph 7 are accurate;
 - 7.2.2. that it has diligently made full and proper enquiry of the matter pertaining to the reports and information given; and
 - 7.2.3. that any data it provided pursuant to an application for the Grant may be shared within the powers conferred by legislation with other organisations for the purpose of preventing or detecting crime.

8. AUDITING AND ASSURANCE

- 8.1. Within 6 months of the end of the Financial Year the Grant Recipient will provide (upon request) the Authority with independent assurance that the Grant has been used for delivery of the Funded Activities. To satisfy this requirement the Grant Recipient will provide a statement showing that the Grant has been certified by an independent and appropriately qualified auditor.
- 8.2. The Authority may, at any time during and up to 2 years after the end of the Funding Period, conduct additional audits or ascertain additional information where the Authority considers it necessary. The Grant Recipient agrees to grant the Authority or its Representatives access, as required, to all Funded Activities sites and relevant records. The Grant Recipient will ensure that necessary information and access rights are explicitly included within all arrangements with sub-contractors.
- 8.3. If the Authority requires further information, explanations and documents, in order for the Authority to establish that the Grant has been used properly in accordance with the Agreement, the Grant Recipient will, within 5 Working Days of a request by the Authority, provide the Authority, free of charge, with the requested information.
- 8.4. The Grant Recipient shall:
 - 8.4.1. identify separately the value and purpose of the Grant in its audited accounts and its annual report; and
 - 8.4.2. maintain a record of internal financial controls and procedures and provide the Authority with a copy if requested.

Retention of documents

- 8.5. The Grant Recipient shall retain all invoices, receipts, accounting records and any other documentation (including, correspondence) relating to the Eligible Expenditure; income generated by the Funded Activities during the Funding Period for 2 years from the end of the Funding Period.
- 8.6. The Grant Recipient shall ensure that all its contractors retain each record, item of data and document relating to the Funded Activities for 2 years from the end of the Funding Period.
- 8.7. The Grant Recipient will promptly provide revised forecasts of income and expenditure:
 - 8.7.1. when these forecasts increase or decrease by more than 20% of the original expenditure forecasts; and/or
 - 8.7.2. at the request of the Authority.

9. FINANCIAL MANAGEMENT AND PREVENTION OF BRIBERY, CORRUPTION, FRAUD AND OTHER IRREGULARITY

- 9.1. The Grant Recipient will at all times comply with all applicable Laws, statutes and regulations relating to anti-bribery and anti-corruption.
- 9.2. The Grant Recipient must have a sound administration and audit process, including internal financial controls to safeguard against fraud, theft, money laundering, counter terrorist financing or any other impropriety, or mismanagement in connection with the administration of the Grant. The Grant Recipient shall require that the internal/external auditors report on the adequacy or otherwise of that system.
- 9.3. All cases of fraud or theft (whether proven or suspected) relating to the Funded Activities must be notified to the Authority as soon as they are identified. The Grant Recipient shall explain to the Authority what steps are being taken to investigate the irregularity and shall keep the Authority informed about the progress of any such investigation. The Authority may however request that the matter referred (which the Grant Recipient is obliged to carry out) to external auditors or other Third Party as required.
- 9.4. The Authority will have the right, at its absolute discretion, to insist that the Grant Recipient address any actual or suspected fraud, theft or other financial irregularity and/or to suspend future payment of the Grant to the Grant Recipient. Any grounds for suspecting financial irregularity includes what the Grant Recipient, acting with due care, should have suspected as well as what it actually proven.
- 9.5. The Grant Recipient agrees and accepts that it may become ineligible for Grant support and may be required to repay all or part of the Grant if it engages in tax evasion or aggressive tax avoidance in the opinion of HMRC.
- 9.6. For the purposes of paragraph 9.4 “financial irregularity” includes potential fraud or other impropriety, mismanagement, and the use of the Grant for any purpose other than those stipulated in the Agreement. The Grant Recipient may be required to provide statements and evidence to the Authority or the appropriate organisation as part of pursuing sanctions, criminal or civil proceedings.

10. CONFLICTS OF INTEREST

- 10.1. Neither the Grant Recipient nor its Representatives shall engage in any personal, business or professional activity which conflicts or could conflict with any of their obligations in relation to the Agreement.
- 10.2. The Grant Recipient must have and will keep in place adequate procedures to manage and monitor any actual or perceived bias or conflicts of interest.

11. CONFIDENTIALITY

- 11.1. Except to the extent set out in this paragraph 11 or where disclosure is expressly permitted, the Grant Recipient shall treat all Confidential Information belonging to the Authority as confidential and shall not disclose any Confidential Information belonging to the Authority to any other person without the prior written consent of the Authority, except to such persons who are directly involved in the provision of the Funded Activities and who need to know the information.
- 11.2. The Grant Recipient gives its consent for the Authority to publish the Agreement in any medium in its entirety (but with any information which is Confidential Information belonging to the Authority or the Grant Recipient redacted), including from time to time agreed changes to the Agreement.

- 11.3. Nothing in this paragraph 11 shall prevent the Authority disclosing any Confidential Information obtained from the Grant Recipient:
- 11.3.1. for the purpose of the examination and certification of the Authority's accounts; or pursuant to section 6(1) of the National Audit Act 1983 of the economy, efficiency and effectiveness with which the Authority has used its resources;
 - 11.3.2. to any government department, consultant, contractor or other person engaged by the Authority, provided that in disclosing information under the Authority only discloses the information which is necessary for the purpose concerned and requests that the information is treated in confidence and that a confidentiality undertaking is given where appropriate; or
 - 11.3.3. where disclosure is required by Law.
- 11.4. Nothing in this paragraph 11 shall prevent either Party from using any techniques, ideas or know-how gained during the performance of its obligations under the Agreement in the course of its normal business, to the extent that this does not result in a disclosure of the other Party's Confidential Information or an infringement of the other Party's IPR.

12. TRANSPARENCY

- 12.1. The Authority and the Grant Recipient acknowledge that, except for any information, which is exempt from disclosure in accordance with the provisions of the Information Acts, the content of the Agreement is not confidential.

13. STATUTORY DUTIES

- 13.1. The Grant Recipient shall comply with its obligations under the Law.
- 13.2. Where requested by the Authority, the Grant Recipient will provide reasonable assistance and cooperation to enable the Authority to comply with its information disclosure obligations under the Information Acts.
- 13.3. On request from the Authority, the Grant Recipient will provide the Authority with all such relevant documents and information relating to the Grant Recipient's data protection policies and procedures as the Authority may reasonably require.
- 13.4. The Grant Recipient acknowledges that the Authority, acting in accordance with the codes of practice issued and revised from time to time under the Information Acts, may disclose information concerning the Grant Recipient and the Agreement without consulting the Grant Recipient.
- 13.5. The Authority will take reasonable steps to notify the Grant Recipient of a request for information to the extent that it is permissible and reasonably practical for it to do so. Notwithstanding any other provision in the Agreement, the Authority will be responsible for determining in its absolute discretion whether any information is exempt from disclosure in accordance with the Information Acts.

14. DATA PROTECTION AND PUBLIC PROCUREMENT

Data Protection

- 14.1. The Grant Recipient will comply at all times with its obligations under Data Protection Legislation.
- 14.2. To the extent that the Grant Recipient and the Authority share any Personal Data for the purposes of the Agreement, the Parties accept that they are each a separate independent Controller in respect of such Personal Data. Each Party:
- (i) shall comply with the applicable Data Protection Legislation in respect of their processing of such Personal Data;
 - (ii) will be individually and separately responsible for its own compliance; and
 - (iii) do not and will not Process any Personal Data as Joint Controllers.
- 14.3. Each Party shall, with respect to its processing of Personal Data as independent Controller, implement and maintain appropriate technical and organisational measures to ensure a level of security appropriate to that risk, including, as appropriate, the measures referred to in Article 32(1)(a), (b), (c) and (d) of the GDPR, and the measures shall, at a minimum, comply with the requirements of the Data Protection Legislation.

Public Procurement

- 14.4. The Grant Recipient will ensure that any of its Representatives involved in the Funded Activities will adopt such policies and procedures that are required in order to ensure that value for money has been obtained in the procurement of goods or services funded by the Grant.
- 14.5. Where the Grant Recipient is a Contracting Authority the Grant Recipient will comply, as necessary, with the Procurement Regulations when procuring goods and services in connection with the Agreement and the Authority shall not be liable for the Grant Recipient's failure to comply with its obligations under the Procurement Regulations.

15. NOT USED

16. INTELLECTUAL PROPERTY RIGHTS

- 16.1. Intellectual Property in all IPR Material will be the property of the Grant Recipient. Other than as expressly set out in these Conditions, neither Party will have any right to use any of the other Party's names, logos or trade marks on any of its products or services without the other Party's prior written consent.
- 16.2. The Grant Recipient grants to the Authority a non-exclusive irrevocable and royalty-free, sub-licensable, worldwide licence to use all the IPR Material for the purpose of supporting the Funded Activities and other projects.
- 16.3. Ownership of Third Party software or other IPR necessary to deliver Funded Activities will remain with the relevant Third Party.
- 16.4. The Grant Recipient must ensure that they have obtained the relevant agreement from the Third Party proprietor before any additions or variations are made to the standard 'off-the-shelf' versions of any Third Party software and other IPR. The Grant Recipient will be responsible for obtaining and maintaining all appropriate licences to use the Third Party software.

17. ENVIRONMENTAL REQUIREMENTS

- 17.1. The Grant Recipient shall perform the Funded Activities in accordance with the Authority's environmental policy, which is to conserve energy, water, wood, paper and other resources, reduce waste and phase out the use of ozone depleting substances and minimise the release of greenhouse gases, volatile organic compounds and other substances damaging to health and the environment.
- 17.2. The Grant Recipient shall pay due regard to the use of recycled products, so long as they are not detrimental to the provision of the Funded Activities or the environment, to include the use of all packaging, which should be capable of recovery for re-use or recycling.
- 17.3. The Grant Recipient shall take all possible precautions to ensure that any equipment and materials used in the provision of the Funded Activities do not contain chlorofluorocarbons, halons or any other damaging substances, unless unavoidable, in which case the Authority shall be notified in advance of their use. The Grant Recipient shall endeavour to reduce fuel emissions wherever possible.

18. ASSETS

Inventory of the Assets

- 18.1. The Grant Recipient must keep a register of all Fixed Assets acquired or improved. at a cost exceeding £10,000, wholly or partly using the Grant provided under the Agreement. Where the cost of purchasing or improving the Fixed Assets is less than £10,000 authorisation is not required, but the Asset should be recorded on the fixed asset register.
- 18.2. Assets purchased with Grant funding must only be used for delivery of the Funded Activities.
- 18.3. For each entry in the register the following particulars must be shown where appropriate:
 - 18.3.1. date of acquisition or improvement;
 - 18.3.2. description of the Asset;
 - 18.3.3. cost, net of recoverable VAT;
 - 18.3.4. location of the Asset;
 - 18.3.5. serial or identification numbers;
 - 18.3.6. location of the title deeds;
 - 18.3.7. date of any Disposal;
 - 18.3.8. depreciation/amortisation policy applied;
 - 18.3.9. proceeds of any Disposal net of VAT; and
 - 18.3.10. the identity of any person to whom the Asset has been transferred or sold.
- 18.4. The Authority may require the Grant Recipient to maintain the information as set out in paragraphs 18.3.1-18.3.10 for any additional items which the Authority considers material to the Grant.

Disposal of Asset

- 18.5. Where the Grant Recipient uses any of the Grant to develop, improve or purchase any Assets, the Grant Recipient must ensure that the Assets are maintained in good condition over the Asset Owning Period.
- 18.6. Assets purchased or improved using the Grant shall be owned by the Authority until ownership is transferred disposed or is otherwise agreed in writing by the Authority. The Authority reserves the right to determine the outcome of any Asset created as a result of the Funded Activities or purchased with the Grant.
- 18.7. The Grant Recipient must not dispose of any Assets that have been totally or partly bought, restored, conserved (maintained or protected from damage) or improved with the Grant without the prior written consent of the Authority. If the Authority grants consent to the Disposal, such consent may be subject to satisfaction of certain conditions, to be determined by the Authority.
- 18.8. If the Grant Recipient disposes of any Asset without the prior written consent of the Authority, the Grant Recipient must use all reasonable endeavours to achieve the market price for the Assets and must pay to the Authority a proportion of the proceeds of such sale, equivalent to the proportion of the purchase or development costs of the Assets that was funded by the Grant, provided that the Authority may at its discretion allow the Grant Recipient to keep all or a part of the relevant proceeds where:
 - 18.8.1. the sale of the Assets takes place after the end of the Asset Owning Period;
 - 18.8.2. the proceeds of sale are to be applied directly to the purchase by the Grant Recipient of assets that are equivalent to or replacements for the Assets; or
 - 18.8.3. the Authority is otherwise satisfied that the Recipient will apply those proceeds for purposes related to the Funded Activities.
- 18.9. The Grant Recipient shall hold the proceeds from the Disposal of any Asset on trust for the Authority.

Charging of any Asset

- 18.10. The Grant Recipient shall not create any charge, legal mortgage, debenture or lien over any Asset without the prior written consent of the Authority.

19. INSURANCE

- 19.1. The Grant Recipient will during the term of the Funding Period and for one year after termination or expiry of these Conditions, ensure that it has and maintains, at all times adequate insurance with an insurer of good repute to cover claims under the Grant Funding Agreement or any other claims or demands which may be brought or made against it by any person suffering any injury damage or loss in connection with the Funded Activities or the Grant Funding Agreement.
- 19.2. The Grant Recipient will upon request produce to the Authority its policy or policies of insurance or where this is not possible, a certificate of insurance issued by the Grant Recipient's insurance brokers confirming the insurances are in full force and effect together with confirmation that the relevant premiums have been paid.

20. ASSIGNMENT

- 20.1. The Grant Recipient will not transfer, assign, novate or otherwise dispose of the whole or any part of the Agreement or any rights under it, to another organisation or individual, without the Authority's prior approval.
- 20.2. Any approval given by the Authority will be subject to a condition that the Grant Recipient has first entered into an Agreement, authorised by the Authority, requiring the Grant Recipient to work with another organisation in delivering the Funded Activities.

21. SPENDING CONTROLS – MARKETING, ADVERTISING, COMMUNICATIONS AND CONSULTANCY

- 21.1. The Grant Recipient must seek permission from the Authority prior to any proposed expenditure on advertising, communications, consultancy or marketing either in connection with, or using the Grant.
- 21.2. The Grant Recipient should provide evidence that any marketing, advertising, communications and consultancy expenditure carried out in connection with, or using the Grant will deliver measurable outcomes that meet government objective to secure value for money.

22. LOSSES, GIFTS AND SPECIAL PAYMENTS

- 22.1. The Grant Recipient must obtain prior written consent from the Authority before:
 - 22.1.1. writing off any debts or liabilities;
 - 22.1.2. offering to make any Special Payments; and
 - 22.1.3. giving any giftsin connection with the Agreement.
- 22.2. The Grant Recipient will keep a record of all gifts, both given and received, in connection with the Grant or any Funded Activities.

23. BORROWING

- 23.1. In accordance with paragraph 18.10 and this paragraph 23, the Grant Recipient must obtain prior written consent from the Authority before:
 - 23.1.1. borrowing or lending money from any source in connection with the Agreement; and
 - 23.1.2. giving any guarantee, indemnities or letters of comfort that relate to the Agreement or have any impact on the Grant Recipient's ability to deliver the Funded Activities.

24. PUBLICITY

- 24.1. The Grant Recipient gives consents to the Authority to publicise in the press or any other medium the Grant and details of the Funded Activities using any information gathered from the Grant Recipient's initial grant application or any monitoring reports submitted to the Authority in accordance with paragraph 7.1.2.
- 24.2. The Grant Recipient will comply with all reasonable requests from the Authority to facilitate visits, provide reports, statistics, photographs and case studies that will assist the Authority in its promotional and fundraising activities relating to the Funded Activities.
- 24.3. The Authority consents to the Grant Recipient carrying out any reasonable publicity about the Grant and the Funded Activities as required, from time to time.

- 24.4. Any publicity material for the Funded Activities must refer to the programme under which the Grant was awarded and must feature the Authority's logo. If a Third Party wishes to use the Authority's logo, the Grant Recipient must first seek permission from the Authority.
- 24.5. The Grant Recipient will acknowledge the support of the Authority in any materials that refer to the Funded Activities and in any written or spoken public presentations about the Funded Activities. Such acknowledgements (where appropriate or as requested by the Authority) will include the Authority's name and logo (or any future name or logo adopted by the Authority) using the templates provided by the Authority from time to time.
- 24.6. In using the Authority's name and logo, the Grant Recipient will comply with all reasonable branding guidelines issued by the Authority from time to time.

25. CHANGES TO THE AUTHORITY'S REQUIREMENTS

- 25.1. The Authority will notify the Grant Recipient of any changes to their activities which are supported by the Grant.
- 25.2. The Grant Recipient will accommodate any changes to the Authority's needs and requirements under these Conditions.

26. CLAWBACK, EVENTS OF DEFAULT, TERMINATION AND RIGHTS RESERVED FOR BREACH AND TERMINATION

Events of Default

- 26.1. The Authority may exercise its rights set out in paragraph 26.3 if any of the following events occur:
 - 26.1.1. the Grant Recipient uses the Grant for a purpose other than the Funded Activities;
 - 26.1.2. the Grant Recipient fails to comply with its obligations under the Agreement in a way which is material in the opinion of the Authority;
 - 26.1.3. where delivery of the Funded Activities do not start within 3 months of the Commencement Date and the Grant Recipient fails to provide the Authority with a satisfactory explanation for the delay, or failed to agree a new date on which the Funded Activities shall start with the Authority;
 - 26.1.4. the Grant Recipient uses the Grant for Ineligible Expenditure;
 - 26.1.5. the Grant Recipient fails, in the Authority's opinion, to make satisfactory progress with the Funded Activities and in particular, with meeting the outputs set out in Annex 6;
 - 26.1.6. the Grant Recipient fails to:
 - (i) submit an adequate Remedial Action Plan to the Authority following a request by the Authority pursuant to paragraph 26.3.4; or
 - (ii) improve delivery of the Funded Activities in accordance with the Remedial Action Plan approved by the Authority;
 - 26.1.7. the Grant Recipient is, in the opinion of the Authority, delivering the Funded Activities in a negligent manner (in this context negligence includes failing to prevent or report actual or anticipated fraud or corruption);

- 26.1.8. the Grant Recipient fails to declare Duplicate Funding;
- 26.1.9. the Grant Recipient fails to declare any Match Funding in accordance with paragraph 4.7;
- 26.1.10. the Grant Recipient receives funding from a Third Party which, in the opinion of the Authority, undertakes activities that are likely to bring the reputation of the Funded Activities or the Authority into disrepute;
- 26.1.11. the Grant Recipient provides the Authority with any materially misleading or inaccurate information and/or any of the information provided in its grant application or in any subsequent supporting correspondence is found to be incorrect or incomplete to an extent which the Authority considers to be significant;
- 26.1.12. the Grant Recipient commits or has committed a Prohibited Act or fails to report a Prohibited Act to the Authority, whether committed by the Grant Recipient, its Representatives or a Third Party, as soon as it becomes aware of it;
- 26.1.13. the Authority determines (acting reasonably) that the Grant Recipient or any of its Representatives has:
 - (i) acted dishonestly or negligently at any time during the term of the Agreement and to the detriment of the Authority;
 - (ii) taken any actions which unfairly bring or are likely to unfairly bring the Authority's name or reputation and/or the Authority into disrepute. Actions include omissions in this context;
 - (iii) transferred, assigns or novates the Grant to any Third Party without the Authority's consent; or
 - (iv) failed to act in accordance with the Law; howsoever arising, including incurring expenditure on unlawful activities;
- 26.1.14. the Grant Recipient ceases to operate for any reason, or it passes a resolution (or any court of competent jurisdiction makes an order) that it be wound up or dissolved (other than for the purpose of a bona fide and solvent reconstruction or amalgamation);
- 26.1.15. the Grant Recipient becomes insolvent as defined by section 123 of the Insolvency Act 1986, or it is placed into receivership, administration or liquidation, or a petition has been presented for its winding up, or it enters into any arrangement or composition for the benefit of its creditors, or it is unable to pay its debts as they fall due;
- 26.1.16. the Grant Recipient breaches the Code of Conduct and/or fails to report an actual or suspected breach of the Code of Conduct by the Grant Recipient or its Representatives in accordance with paragraph 31.1.2;
- 26.1.17. the Grant Recipient undergoes a Change of Control which the Authority, acting reasonably, considers:
 - 26.1.18. will be materially detrimental to the Funded Activities;
 - 26.1.19. the new body corporate cannot continue to receive the Grant because they do not meet the Eligibility Criteria used to award the Grant to the Grant Recipient;
 - 26.1.20. the Authority believes that the Change of Control would raise national security concerns; and/or

26.1.21. the new body corporate intends to make fundamental change(s) to the purpose for which the Grant was given.

26.2. Where, the Authority determines that an Event of Default has or may have occurred, the Authority shall notify the Grant Recipient to that effect in writing, setting out any relevant details, of the failure to comply with these Conditions or pertaining the Event of Default, and details of any action that the Authority intends to take or has taken.

Rights reserved for the Authority in relation to an Event of Default

26.3. Where, the Authority determines that an Event of Default has or may have occurred, the Authority may:

- 26.3.1. suspend or terminate the payment of Grant for such period as the Authority shall determine;
- 26.3.2. reduce the Maximum Sum in which case the payment of Grant shall thereafter be made in accordance with the reduction and notified to the Grant Recipient;
- 26.3.3. require the Grant Recipient to repay the Authority the whole or any part of the amount of Grant previously paid to the Grant Recipient. Such sums shall be recovered as a civil debt;
- 26.3.4. give the Grant Recipient an opportunity to remedy the Event of Default (if remediable) in accordance with the procedure set out in paragraphs 26.4 to 26.10; and/or
- 26.3.5. terminate the Agreement.

Opportunity for the Grant Recipient to remedy an Event of Default

26.4. Where the Grant Recipient is provided with an opportunity to submit a draft Remedial Action Plan in accordance with paragraph 26.3.4, the draft Remedial Action Plan shall be submitted to the Authority for approval, within 5 Working Days of the Grant Recipient receiving notice from the Authority.

26.5. The draft Remedial Action Plan shall set out:

- 26.5.1. full details of the Event of Default; and
- 26.5.2. the steps which the Grant Recipient proposes to take to rectify the Event of Default including timescales.

26.6. On receipt of the draft Remedial Action Plan and as soon as reasonably practicable, the Authority will submit its comments on the draft Remedial Action Plan to the Grant Recipient.

26.7. The Authority shall have the right to accept or reject the draft Remedial Action Plan. If the Authority rejects the draft Remedial Action Plan, the Authority shall confirm, in writing, the reasons why they have rejected the draft Remedial Action Plan and will confirm whether the Grant Recipient is required to submit an amended Remedial Action Plan to the Authority.

26.8. If the Authority directs the Grant Recipient to submit an amended draft Remedial Action Plan, the Parties shall agree a timescale for the Grant Recipient to amend the draft Remedial Action Plan to take into account the Authority's comments.

26.9. If the Authority does not approve the draft Remedial Action Plan the Authority may, at its absolute discretion, terminate the Agreement.

26.10. The Authority shall not by reason of the occurrence of an Event of Default which is, in the opinion of the Authority, capable of remedy, exercise its rights under either paragraph 26.3.3 or 26.3.4

unless the Grant Recipient has failed to rectify the default to the reasonable satisfaction of the Authority.

General Termination rights – Termination for Convenience

- 26.11. Notwithstanding the Authority's right to terminate the Agreement pursuant to paragraph 26.3.4, either Party may terminate the Agreement at any time by giving 3 months' written notice to the other Party.
- 26.12. If applicable, all Unspent Monies (other than those irrevocably committed in good faith before the date of termination, in line with the Agreement and approved by the Authority as being required to finalise the Funded Activities) shall be returned to the Authority within 30 days of the date of receipt of a written notice of termination from the Authority.
- 26.13. If the Authority terminates the Agreement in accordance with paragraph 26.11 the Authority may pay the Grant Recipient's reasonable costs in respect of the delivery of the Funded Activities performed up to the termination date. Reasonable costs will be identified by the Grant Recipient and will be subject to the Grant Recipient demonstrating that it has taken adequate steps to mitigate its costs. The amount if any of reasonable costs payable will be determined solely by the Authority.
- 26.14. The Authority will not be liable to pay any of the Grant Recipient's costs or those of any contractor/supplier of the Grant Recipient related to any transfer or termination of employment of any employees engaged in the provision of the Funded Activities.

Change of Control

- 26.15. The Grant Recipient shall notify the Authority immediately in writing and as soon as the Grant Recipient is aware (or ought reasonably to be aware) that it is anticipating, undergoing, undergoes or has undergone a Change of Control, provided such notification does not contravene any Law.
- 26.16. The Grant Recipient shall ensure that any notification made pursuant to paragraph 26.15 shall set out full details of the Change of Control including the circumstances suggesting and/or explaining the Change of Control.
- 26.17. Where the Grant Recipient has been awarded to a consortium and the Grant Recipient has entered into a collaboration agreement, the notification required under paragraph 26.15 shall include any changes to the consortium members as well as the lead Grant Recipient.
- 26.18. Following notification of a Change of Control the Authority shall be entitled to exercise its rights under paragraph 26.1 providing the Grant Recipient with notification of its proposed action in writing within 3 months of:
- (i) being notified in writing that a Change of Control is anticipated or is in contemplation or has occurred; or
 - (ii) where no notification has been made, the date that the Authority becomes aware that a Change of Control is anticipated or is in contemplation or has occurred,
- 26.19. The Authority is not entitled to terminate where an approval was granted prior to the Change of Control.

27. EXIT PLAN

- 27.1. Where the Authority requires the Grant Recipient to prepare an Exit Plan to allow the cessation or seamless transfer of the Funded Activities, the Grant Recipient shall prepare the Exit Plan within 3 months of the signing of the Agreement and shall comply with the exit provisions set out in the Agreement.

28. DISPUTE RESOLUTION

- 28.1. The Parties will use all reasonable endeavours to negotiate in good faith, and settle amicably, any dispute that arises during the continuance of the Agreement.
- 28.2. All disputes and complaints (except for those which relate to the Authority's right to withhold funds or terminates the Agreement) shall be referred in the first instance to the Parties Representatives.
- 28.3. If the dispute cannot be resolved between the Parties Representatives within a maximum of three months, then the matter will be escalated to formal meeting between the Grant Manager and the Grant Recipient's chief executive (or equivalent).

29. LIMITATION OF LIABILITY

- 29.1. The Authority accepts no liability for any consequences, whether direct or indirect, that may come about from the Grant Recipient delivering/running the Funded Activities, the use of the Grant or from withdrawal, withholding or suspension of the Grant. The Recipient shall indemnify and hold harmless the Authority, its Representatives with respect to all actions, claims, charges, demands Losses and proceedings arising from or incurred by reason of the actions and/or omissions of the Grant Recipient in relation to the Funded Activities, the non-fulfilment of obligations of the Grant Recipient under this Agreement or its obligations to Third Parties.
- 29.2. Subject to this paragraph 29, the Authority's liability under the Agreement is limited to the amount of Grant outstanding.
- 29.3. Where the Recipient has employees to support the Funded Activities it should manage them efficiently to minimise its redundancy liabilities.
- 29.4. The Recipient shall not use the Grant to pay redundancy costs:
- (i) in excess of its statutory redundancy liabilities; or
 - (ii) for any period of employment prior to an employee's involvement in the Funded Activities.

30. VAT

- 30.1. If VAT is held to be chargeable in respect of the Agreement, all payments shall be deemed to be inclusive of all VAT and the Authority shall not be obliged to pay any additional amount by way of VAT.
- 30.2. All sums or other consideration payable to or provided by the Grant Recipient to the Authority at any time shall be deemed to be exclusive of all VAT payable and where any such sums become payable or due or other consideration is provided, the Grant Recipient shall at the same time or as the case may be on demand by HMRC in addition to such sums, or other consideration, pay to HMRC all the VAT so payable upon the receipt of a valid VAT invoice.

31. CODE OF CONDUCT FOR GRANT RECIPIENTS

31.1. The Grant Recipient:

- 31.1.1. acknowledges that by signing the Grant Funding Agreement it agrees to take account of the Code of Conduct, which includes ensuring that its Representatives undertake their duties in a manner consistent with the principles set out in the Code of Conduct;
- 31.1.2. shall immediately notify the Authority if it becomes aware of any actual or suspected breaches of the principles outlined in the Code of Conduct; and
- 31.1.3. acknowledges that a failure to notify the Authority of an actual or suspected breach of the Code of Conduct may result in the Authority immediately suspending the Grant funding, terminating the Grant Funding Agreement and/or taking action to recover some or all of the funds paid to the Grant Recipient as a civil debt in accordance with paragraph 26.1.16.

32. NOTICES

- 32.1. All notices and other communications in relation to the Agreement shall be in writing and shall be deemed to have been duly given if personally delivered, e-mailed, or mailed (first class postage prepaid) to the address of the relevant party. If personally delivered or if e-mailed all such communications shall be deemed to have been given when received (except that if received on a non-working day or after 5.00 pm on any Working Day they shall be deemed received on the next Working Day) and if mailed all such communications shall be deemed to have been given and received on the second Working Day following such mailing.

33. GOVERNING LAW

33.1. The Agreement is governed by and construed in accordance with the law of England and Wales and the Parties irrevocably submit to the exclusive jurisdiction of the Courts of England and Wales.

SIGNED by:



Dr Jamie Bennett

Chief Operating Officer

for and on behalf of the

Youth Justice Board for England and Wales

Date: 08/08/2024

City of York Council:

Head of Service - Youth Justice Service

E-signature or signature:



Print Name:

Sara Orton

For and on behalf of:

York Youth Justice Service

Email:

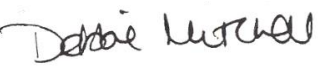
sara.orton@york.gov.uk

Date:

13/08/2024

Chief Financial Officer (S151) – Local Authority

E-signature or signature:



Print Name:

Debbie Mitchell

For and on behalf of:

City of York Council

Email:

Debbie.mitchell@york.gov.uk

Date:

20/08/2024

- Save this file using your **YJS name** as the file name.
- To be emailed before **31/08/2024** to YJBGrants@yjb.gov.uk
- Please ensure **all signatories are copied in the email** before submitting to YJB.



ANNEX 1 – GRANT FUNDING LETTER

Youth Justice Board for England and Wales
Clive House, 70 Petty France, London SW1H 9EX
enquiries@yjb.gov.uk
www.justice.gov.uk/youth-justice

Chair of the YJ Management Board
Head of Youth Justice Service

Youth Justice Service: **York**
Local Authority: City of York Council

Letter sent via email

Date: 8 August 2024

Dear Colleague,

2024/25 Youth Justice Grant Award Letter

I apologise for the delay in notifying you about your youth justice grant for 2024/25. I have now received my delegated budget from the Ministry of Justice. The YJB was delegated £92.2 million for grants in 2024/25, this is an increase of 0.3.% from 2023/24.

We recognise the inflationary pressures you face, as well as the variations in volume and complexity of cases across the country. The allocation is made against the backdrop of a challenging fiscal environment. Maintaining funding in this context reflects the priority placed on youth justice services.

Your youth justice grant allocation for 2024/25 will be £309,478

As part of your statutory duty, local authorities must submit an annual youth justice plan detailing the provision of youth justice services. This requirement is outlined in the terms and conditions of the grant. To facilitate oversight and analysis, we request that services follow the guidance notes available in the [Youth Justice Plan Guidance](#)². The guidance notes include information on what to include in your plans and advice on how to complete the document. If you have not already done so, please submit your Youth Justice Plans to us via CBU@yjb.gov.uk copying your YJB lead. You will be aware that you are also required to submit [quarterly data](#)³ during the year.

² <https://www.gov.uk/government/publications/youth-justice-plans-guidance-for-youth-justice-services>

³ <https://www.gov.uk/government/publications/data-recording-requirements-for-youth-justice-services-in-england-and-wales>

Having received notification of your grant for 2024/25 please send the signed terms and conditions of grant to yjbgrants@yjb.gov.uk by 31 August 2024.

Our strategic plan 2024-27 and business plan 2024/25

Our [Strategic Plan 2024-27](#)⁴ was published on 8 April 2024. It sets out the strategic vision and priorities of the Board, closely aligned with the Ministerial steer. Our focus will be on monitoring and understanding performance of youth justice services and promoting good practice; striving to eliminate biases in the youth justice system; and to promote an evidence-based approach throughout the youth justice system.

Our business plan for 2024-25 was delayed because of the pre-election period and will be published when Parliament return from the summer recess. This will translate our strategy into specific actions that we will deliver in the coming year, to establish foundations for work in the subsequent two years.

We are responsible for administering, on behalf of the Secretary of State for Justice, of over £92m a year to youth justice services in England and Wales and delivering our statutory functions. We have a statutory function to monitor local youth justice partnerships, identify effective practices, and provide critical support where needed. We champion local partnerships, actively involving children, families, and affected individuals in our work. Leveraging research and data, we inform strategic decisions and influence policy development across the wider youth justice system.

In 2024/25, we will fund the remaining pathfinder projects to align with our strategic and business plan, including the London Accommodation Project, a community based alternative to custodial remand, and a project in the West Midlands identifying effective practice in reducing racial disparity. During the rest of the year, we will plan targeted investments for 2025/26.

I want to express my gratitude to you, the youth justice services staff, and broader children's services for your exceptional work. I look forward to continuing to work closely and collaboratively for the benefit of children and communities.

Yours sincerely,



Dr Jamie Bennett
Chief Operating Officer
Youth Justice Board for England and Wales
jamie.bennett@yjb.gov.uk

⁴ <https://www.gov.uk/government/publications/youth-justice-board-for-england-and-wales-strategic-plan-2024-27>

CC: Local Authority Chief Financial Officer

ANNEX 2 – THE FUNDED ACTIVITIES

The principal aim of the funded activities is to prevent children offending and re-offending.

Activities should be delivered based on the best available practice-based evidence.

Governance and Leadership

Management boards consist of statutory partners as defined in the Crime and Disorder Act 1998 and non-statutory partners as required from time to time by the parties.

Management boards must:

- Hold at least 4 quorate meetings per year, with representation by all statutory partners required by legislation (police, health, probation and local authorities)
- Review the YJS' performance and board members must work together to address the needs of children.⁵
- Invite the Authority to management board meetings and provide timely board papers to all members.

Service Delivery

Service delivery must include:

- Delivery of the full range of youth justice services as specified in relevant legislation.⁶
- Adherence to the Authority's [case management guidance](#) to deliver services to children.
- Adherence to [Standards for children in the youth justice system](#) to deliver services to children.
- Compliance with audit requirements of these standards which will be agreed annually and require a self assessment of one or more of the standards;
- Compliance with the additional oversight and support provided by the Authority, where performance concerns have been identified.
- Delivery of a Junior Attendance Centre (JAC) where a service receives funding for its delivery within their grant allocation. Any underspend of this portion of the grant identified for JACS can be used for any other purpose provided for within the Agreement. However, JAC services must not be downgraded or restricted in order to create such an underspend.
- Use of AssetPlus as the mandated assessment tool for all statutory cases⁷
- The Prevention and Diversion Assessment Tool⁸ must be used with all police recorded informal ([diversion](#)) and formal out-of-court disposals. Definitions and options for diversion and out-of-court-disposals can be found in the Authority's [case management guidance](#).

⁵ [Youth justice service governance and leadership - GOV.UK \(www.gov.uk\)](#)

⁶ [Crime and Disorder Act 1998 \(legislation.gov.uk\)](#) [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(legislation.gov.uk\)](#) [Police, Crime, Sentencing and Courts Act 2022 \(legislation.gov.uk\)](#)

⁷ Unless formally agreed to use an alternative tool

⁸ Unless formally agreed to use an alternative tool

- A word version of the Prevention and Diversion Assessment Tool can be used pending an update to Case Management systems. The tool will remain optional for [prevention](#) cases.

Data

The Grant Recipient must:

- Provide required performance data, as set out in the relevant [YJB Data Recording Requirements](#), and all key performance indicators must be submitted to the Authority quarterly.
- Transfer data via the connectivity framework, including all case management and AssetPlus data sets.
- Transfer confidential data between YJ Services and the YCS Placements Team via the Connectivity framework; both to ensure secure and timely transfer of information across the youth justice system and to support the safety and wellbeing of the child's entry to custody.
- Provide assurance to the Authority, on request, that the systems processing children's data and connecting to the connectivity service will meet the Government Cyber Security Standard⁹).

Reporting

The Grant Recipient must:

- Notify the Authority of all serious incidents, as set out in the [Serious Incidents Notification Guidance: Standard Operating Procedure for Youth Justice Services](#).
- Use local data/tools and the Authority's disproportionality toolkits¹⁰ to develop an action plan to address identified or anticipated disproportionality concerns.
- Prepare and submit to the Authority a Youth Justice Plan or annual update against a multi-year plan. The plan must be written following the [Guidance](#)¹¹ published by the Authority. The plan must be signed off by the chair of the management board.
- Publish Youth Justice Plans in line with relevant legislation¹².

⁹ [The Cyber Security Standard](#)

¹⁰ The YJB Disproportionality Toolkits are available on the [Youth Justice Application Framework \(YJAF\)](#)

¹¹ The YJB Youth Justice Plan Guidance is refreshed annually

¹² [Crime and Disorder Act 1998](#)

ANNEX 3 – PAYMENT SCHEDULE

The Grant will be paid to the Grant Recipient as one lump sum when the Authority has received all the data returns, plans and audit certificates from the previous year.

Payment will be made on condition that the following information will be provided by the timescale indicated. A failure to provide this information could result in the Authority requiring that the Grant be returned.

30 June 2024	Youth Justice Plan	Send to: CBU@yjb.gov.uk copied to your relevant Head of Region or Wales
31 August 2024	Submission of a signed Agreement (e-signatures are acceptable) – an email submission to the Authority must be copied to other signatories and state explicitly that the other signatories have agreed to the conditions in the Grant Agreement.	Send to: YJBGrants@yjb.gov.uk
31 May 2024	Submission of the signed audit certificate for the previous year's Youth Justice Grant	Send to: YJBGrants@yjb.gov.uk
31 August 2024	Submission of the planned overall income and workforce data for the YJS through YJ application framework	Contact: Statistics@yjb.gov.uk
As per Data Recording Requirements (DRR) ¹³	Submission of quarterly YJS case management and AssetPlus data via Connectivity	Contact: Statistics@yjb.gov.uk
31 May 2025	Submission of the signed audit certificate for the Grant (current year)	Send to: YJBGrants@yjb.gov.uk

The Grant Recipient should contact their Authority Head of Oversight (for their area) if it is experiencing any delay or difficulties with any of the above.

¹³ [Data recording requirements for youth justice services in England and Wales](#)

ANNEX 4 – GRANT RECIPIENT’S BANK DETAILS

If this is a new setup or the bank details have changed recently from the previous year follow the instructions below.

Please note, the Grant will be paid to a **Local Authority Bank Account only**.

We require the following information on **letter headed** document (not an invoice), that cannot be edited:

Name of your Organisation

Your Address

DUNS number

Your Bank Name

Your Bank Branch

Bank Sort Code

**Your Bank Account Number
(8-digit number only)**

Bank Account Name

VAT number

Contact Name

Contact Telephone/Fax Number

Email address of Local Authority Finance Team

Thank you for your co-operation

Please email to: YJBGrants@yjb.gov.uk

ANNEX 5 – ELIGIBLE EXPENDITURE

The YJB currently provides a Youth Justice grant to local authority Youth Justice Services (YJS) for the delivery of youth justice services. This is the MoJ's contribution to front line service costs.

The Grant will be paid only in respect of Eligible Expenditure incurred by the Recipient to deliver the Funded Activities which aim to ***prevent children offending and re-offending***.

YJS will be required to clearly state within their annual Youth Justice Plan how the Grant will be spent which must be agreed by the Management Board and signed-off by the Chair. All services are provided with detailed guidance to inform preparation, and against which plans will be assessed as complete.¹⁴

The Grant is intended to contribute directly to the functions of YJS including:

- Preparing pre-sentence reports
- Supervising children during their sentence
- Resettlement of children leaving custody
- Front-line work to reduce offending and re-offending
- Prevention - work to prevent children from offending and entering the youth justice system
- Support to children to gain improved access to further education and employment opportunities and providing IT
- Improving children's life skills with a view to building their resilience and independence away from offending choices
- Where applicable on Junior Attendance Centres

¹⁴ [Youth justice plans: guidance for youth justice services](#)

ANNEX 6 – OUTPUTS & OUTCOMES

Milestones

Outputs

- The requirements in relation to governance and leadership
- The requirements on service delivery
- The requirements on data recording
- The requirements for reporting

Outcomes

As an independent public body with responsibility for monitoring the youth justice system, the Authority gathers information and assess its effectiveness. It aims to form an expert view of how the system can prevent offending and deliver the best outcomes for children who offend and for victims of their crime.

The Authority's work is guided by a child first principle, which puts children at the forefront of all its work. It is committed to this principle given the growing evidence that the supportive and effective approach this offers children, and how it aims to prevent offending and reoffending. The Authority wants to fulfil its vision through ensuring that its work is targeted using the youth justice system aims that apply to the whole system. The outcomes will be to:

- Reduce the number of children in the youth justice system
- Reduce reoffending by children in the youth justice system
- Improve the safety and wellbeing of children in the youth justice system

Improve outcomes for children in the youth justice system

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Youth Justice Plans

YJB Practice Guidance March 2021

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Context and legal framework

Local authorities have a statutory duty to submit an annual youth justice (YJ) plan relating to their provision of youth justice services. Section 40 of the Crime and Disorder Act 1998 sets out the youth offending partnership's responsibilities in producing a plan. It states that it is the duty of each local authority, after consultation with the partner agencies, to formulate and implement an annual youth justice plan, setting out:

- how youth justice services in their area are to be provided and funded
- how the youth offending team (YOT) or equivalent service will be composed and funded, how it will operate, and what functions it will carry out.

The YJB recognises that planning within the current context is extremely challenging. The sector has responded remarkably but the impact of Covid-19 for children is still yet to fully emerge. Early indications are that for many it has been devastating, and that in 2021 partners must work together to put plans in place to mitigate the negative impacts of the last 12 months.

There are many unknowns and ongoing difficulties that emerged in 2020 that are challenging the delivery of youth justice services and may limit some elements of delivery. However, a year on, many services have settled into adapted ways of working. The planning and production of a Youth Justice Plan is beneficial to partnership working and service delivery to ensure the best outcomes for children.

We also recognise that each local area will have its own governance and oversight arrangements for the completion of statutory plans, and that some aspects of this 'sign off' may need to be completed after the required date of submission to the YJB. Therefore, it is acceptable to gain an "*in principle agreement*" from youth justice partners (Management Board) and sign off via the Chair of the Management Board as a minimum requirement for submission to the YJB.

The YJ plan must be submitted to the YJB and published in accordance with the directions of the Secretary of State. We request that YJ plans be submitted to the YJB by **30th June 2021**, by e-mailing YJB CBU CBU@yjb.gov.uk.

Your YJ plan can be submitted at any time. The 30 June 2021 is the date by which your plan must be submitted to ensure timely payment of your Youth Justice Grant for 2021/22.

Annex A includes a summary outline of grant requirements against terms and conditions to support services understanding of minimum compliances.

Child First

You will be aware that the YJB's vision is of a Child First youth justice system, which we define as a system where all services:

- Prioritise the best interests of children and recognising their particular needs, capacities, rights and potential. All work is child-focused, developmentally informed, acknowledges structural barriers and meets responsibilities towards children
- Promote children's individual strengths and capacities to develop their pro-social identity for sustainable desistance, leading to safer communities and fewer victims. All work is constructive and future-focused, built on supportive relationships that empower children to fulfil their potential and make positive contributions to society
- Encourage children's active participation, engagement and wider social inclusion. All work is a meaningful collaboration with children and their carers
- Promote a childhood removed from the justice system, using pre-emptive prevention, diversion and minimal intervention. All work minimises criminogenic stigma from contact with the system

We are satisfied that the evidence supports this as the best approach to achieve better child outcomes. Much of this is explored in the recent research by Loughborough University alongside UKRI, Child First Justice¹— the research evidence base.

Whilst many of you will be employing a Child First approach to a greater or lesser extent, we want to build capacity within the sector further. We recognise that systemically this is a long-term vision which requires policy and legislative changes at the centre, which we are seeking to influence as set out in our strategic plan². We also recognise that this vision extends far beyond the youth justice system into mainstream services and beyond and again are working to re-frame youth justice across government.

However, there is much that can be done within the existing system within local arrangements and the content of plans should reflect your activity in working to achieve the above vision.

¹ Child First Justice: The research evidence-base can be viewed online here, https://repository.lboro.ac.uk/articles/report/Child_First_Justice_the_research_evidence-base_Summary_report_/14153162

² YJB Strategic Plan 2021-2024. You can view the strategic plan online here, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/966200/YJB_Strategic_Plan_2021_-_2024.pdf

How to produce your plan

The YJB recognise that there are many mature multi-agency partnerships across England and Wales, who have years of experience in leadership and governance of youth justice services. These services often have their own individualised and local approach to production of their YJ plans. However, as the landscape is constantly fluid some partnerships have newly formed governance arrangements and newly appointed Chairs and Heads of Service. We therefore offer this advice on '*How to Produce your Plan*' as a guide.

The Management Board should govern and own this process; it is their opportunity to collectively shape the direction of the delivery of youth justice so that it best meets the needs of the locality, children, families and communities. Opportunities for wider participation, significantly where children and their families can themselves shape and influence the delivery of your service is also strongly encouraged.

YJ planning process – what might it include?

The Management Board (led by the Chair) should take the lead for planning, beginning with a planning session, with contributions from all partners. The planning process may include the following:

Reflect and plan

- Looking back to learn from the past and recognise achievements, consider plans based on what is known now and horizon scans to base plans in context
- Consider current performance, this may include performance data against local and national indicators, self-assessment against Standards for Children in the youth justice system³, other existing improvement plans
- Identifies and understands the needs of children in the justice system within the cohort, and identifies where the priorities are to support good outcomes
- Considers key risks, issues and challenges, and plots key milestones

Consult

- Involve input from children and families, enabling the voice of the child and user feedback and participation
- Consults with staff and volunteers, particularly regarding, improvements to service delivery and identifying learning and development needs of the workforce to support performance improvement and better outcomes

Engage wider strategic partnerships

- Consider the, regional and national context the partnership is operating in. What is the strategy and vision of key stakeholders within which the YJ Plan will 'sit'?
- Looks for support from the sector and takes the opportunity to plan across wider areas – PCC area, CCG footprint, regional, devolved political area
- Takes on board relevant wider strategic plans, (including perhaps, Police and Crime Plan, Local authority plans (Children and Young People Plan for example), VRU/CSP/LCJB/Public Health Plans)
- Is shared with partners for feedback and amendments

³ Standards for Children in the youth justice system, can be viewed online here:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/957697/Standards_for_children_in_youth_justice_services_2019.doc.pdf

Content of the YJ Plan

Statute requires the production of an annual plan, the YJB also welcomes plans that cover more than one year. Where YJ plans are covering more than one year, the YJB recommend an annual refresh and updating of key information, particularly relating to available resources, governance and key achievements from the previous year.

Plans will cover both strategic and operational elements. The wider strategic picture should be captured, whilst outlining also the key business activities that will be undertaken by services to achieve wider strategic aims.

Partnerships producing a longer and more strategic plan covering a number of years, often supplement their strategic plan with a more detailed operational business plan. It can be the case that the strategic element of the YJ plan can often remain the same over a longer period of time (the YJB Strategic Plan can offer an example).

In the Crime and Disorder Act it states, the YJ Plan should set out how youth justice services in their area are to be provided and funded as well as key information about the Youth Offending Team (YOT). The plan therefore, should seek to include all services that contribute to the prevention of offending of children in their local area, as well as describing how the YOT itself operates and what functions it will carry out. This can be achieved through descriptions of operational partnership approaches across a local area, and the strategic links that underpin them.

The YJ Plan should set out the **direction and strategy of youth justice services**, describing how in particular, quality services will be provided to ensure positive outcomes for children and improvements in performance indicators, in particular:

- reducing first time entrants to the youth justice system
- reducing the use of custody
- reducing reoffending rates
- locally agreed performance indicators that evidence positive outcomes for children

The YJ Plan should describe how **leadership and governance** is set up to monitor the **quality and effectiveness** of youth justice services across your area.

Revised Standards for children in the youth justice system were implemented from 2019, and self-assessments against these standards were carried out by all local partnerships and submitted to the YJB in 2020. The planning process for your YJ Plan should align the gaps or areas for improvement your partnership has identified through the self-assessment process alongside an action plan to address any areas of improvement.

The local governance arrangements are likely to focus on the YJ Management Board or equivalent, but where appropriate descriptions of wider governance and leadership should be included.

Effective governance and leadership requires quality information being made available to all key partners. It is important to understand the needs and diversity of the local children's population, to devise and deliver appropriate individual and personalised services. The YJ Plan should contain information on the needs of children in the local area, including:

- a profile of offending by children, including a breakdown by gender, age, ethnicity, looked after status, types of offending
- how the needs of your cohort have been assessed to inform delivery decisions
- how the service demonstrates a Child First ethos and practice.
In doing this you may wish to focus upon each of the four Child First tenets (outlined above) individually and consider plans to implement work within each. For example, under the first tenet, how you might plan to move away from offending behaviour programmes towards a model of working which focus on a child's individual strengths and build positive behaviours and sense of identity.

Other key information to consider in your YJ Plan should reflect your local context. We include suggestions alongside areas where we also wish to drive improvements across the system below. Understanding approaches to these also enables us to capture emerging and existing good practice, to share more widely and in support of advising Ministers.

- what the staffing of the youth justice service looks like, what the **workforce learning and development** needs are, and how they will be met
- what is known about **child criminal exploitation** in your area, and any initiatives or plans the partnership has in place to work together to address and prevent the harm arising from exploitation of children (information on serious violence should be considered as part of this)
- what is known about any groups of **over-represented children** in the youth justice system in your area, and any initiatives or plans the partnership has in place to work together to address this
- what local partnerships are doing to ensure effective services are available for **constructive resettlement** for children leaving secure estate and settling back into the community, or transitioning across to adult secure estate or community services
- what the partnership and key stakeholders regard as **effective practice** in youth justice. What aspects of their service delivery and design have contributed to, and resulted in their key achievements
- how youth partnerships hold education to account over levels of exclusion from schools/colleges, referrals to **Elective Home Education** and the provision and delivery of **EHCP's** (Education, Health and Care Plans), and how decisions are being monitored, challenged and addressed to ensure

that the actions of all education establishments are appropriate and in the best interests of children

- what local partnerships are doing to prevent children who are at risk of offending from being progressed into the formal youth justice system, and what they are doing to divert children who have offended from being escalated further through the formal youth justice system

Suggested structure

To aid YJ partnerships in the process of production of a YJ plan, an outline structure has been suggested below:

Introduction, vision and strategy

A forward or statement introducing the plan from the Chair, or a senior representative of the local authority, confirming that the plan has been developed and agreed across Youth Justice partners, works well as evidence of governance of the plan.

Having an executive summary outlining the key points in the plan, including opportunities, risks and challenges, works well. This provides a focus on key priorities going forward and key achievements from the last year.

Outlining the vision and strategy of the local partnership at the beginning of the plan, sets the overall tone of the narrative to follow, and gives a wider perspective to the detail of the rest of the plan. This offers the opportunity to develop your own child first vision that all partners are committed to and shapes activity towards achieving it.

Governance, leadership and partnership arrangements

This section should provide an overview of how the partnership is meeting statutory requirements for the oversight of youth justice services. It should contain a description of the local governance arrangements for youth justice services, outlining how the youth justice management board links in with other governance boards, or groups with relevant oversight responsibilities and shared aims.

A description of the partnership arrangements at both an operational and strategic level, that contribute to support for children in the justice system. As a multi-agency partnership, youth justice services must contain specialists, or access to specialist provision for children being supervised, this includes Police, health, education, social work and probation as a minimum. A description of operational partnerships should include confirmation that this is the case, in addition to describing the workforce available to deliver statutory youth justice work.

Resources and services

Your YJ plan will need to provide assurance that the YJB grant will be used appropriately (as described in the Terms and Condition of Grant).

In this section you are required to include details of:

- how the YJB Grant will be used
- partnership resources that contribute to the aims and expected outcomes of the plan

A description of effective and efficient use of resources should be linked to performance and outcome measures set out in the plan:

- e.g. 'we use our grant, partner contributions and available resources to deliver these services and we believe they produce the following benefits and outcomes. Our performance will be improved in 2021/22 by.....'

Performance and priorities

This section should contain a summary of key performance targets, as a minimum describing what current performance looks like and what the partnership is aiming for in the future. Performance against the nationally measured targets should be captured in the plan. Partnerships should demonstrate an understanding in their plan of how they are performing in reducing:

- use of custody, (in both remand and sentencing)
- first time entrants (FTEs) to the criminal justice system
- reoffending

Local performance targets are encouraged, and local data to measure these targets are also welcomed as a useful way of overcoming the challenges to delays in national data.

Capturing the key priorities for the period is an important aspect of the plan. In challenging times, partnerships cannot always deliver on all they would wish to, so focusing on key priorities and stating these in your YJ plan helps to inform key actions in the business plan or improvement plan section.

Responding to the pandemic and recovery from COVID-19

This section should follow on from the Recovery Plans submitted in 2020/21, and:

- include a summary of the ongoing challenges of delivering services during the pandemic and through to recovery, including any specific changes to ongoing service design or delivery
- describe lessons learned from delivering services since March 2020 and any specific responses to the findings from the Her Majesty's Inspectorate of Probation (HMIP) Covid19 thematic⁴
- review of the 2020 Recovery Plan submitted to the YJB and any actions or learning arising from that plan.

Challenges, risks and issues

This section should include:

- An outline of current challenges, risks and issues to local YJ services
- What actions are being taken to address existing issues and challenges
- What proposed action may be needed to address potential risks should they emerge

We recognise that during this period of delivery there may be crossover between the challenges, risks and issues identified in the section above and in this section

YJ Plans should also consider a response to key findings from any relevant local inspections, HMIP thematic inspections, reviews or learning exercises that have taken place in the last 18 months including:

- Learning from any serious incident reviews reported locally
- Improvement actions from HMIP inspections, including thematics
- Improvement actions from other relevant inspections of statutory partners that may impact on YJ services

⁴ A thematic review of the work of youth offending services during the COVID-19 pandemic can be viewed online here: <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2020/11/201110-A-thematic-review-of-the-work-of-youth-offending-services-during-the-COVID-19-pandemic.pdf>

YJ plans should consider a local response to key findings from:

- YJB conclusions published in early 2021 around 'Ethnic disproportionality in remand and sentencing in the youth justice system'⁵
- consider findings from the HMIP annual report⁶ published in November 2020

Service business and improvement plan

It is important during the preparation of your YJ Plan that you consider and capture detail around the following:

- What key improvements to youth justice services and outcomes for children are needed and how they will be delivered
- What benefits will be delivered and what success will look like
- What development of the workforce in 2021/22 and beyond looks like
- How the partnership will improve. What action will be taken?
- What support is needed to improve? How will Youth Justice Sector Improvement Partnership (YJSIP)⁷ be used to improve?
- How the YJB Strategic Plan 2021-24 will influence your local plan?

⁵ Ethnic disproportionality in remand and sentencing in the youth justice system, can be viewed online here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/952483/Ethnic_disproportionality_in_rem_and_sentencing_in_the_youth_justice_system.pdf

⁶ HMIP Annual Report: Inspection of youth offending services (2019-2020), can be viewed online here: <https://www.justiceinspectorates.gov.uk/hmiprobation/inspections/yar2020/>

⁷ Youth Justice Sector Improvement Partnership (YJSIP), can be viewed online here: <https://yresourcehub.uk/youth-justice-sector-improvement-partnership.html>

Sign off, submission and approval

YJ Plans must be agreed by your partnership and signed off by the Chair of the board **before** submission to the YJB.

YJ Plans can be submitted to the YJB at any point but we request that approved plans are submitted by **30th June 2021**.

YJ Plans should be submitted by e-mailing the YJB CBU team at CBU@yjb.gov.uk.

If there is wider sign off, scrutiny or governance required for your YJ plan taking place after the 30th June, your plan can be submitted as long as the management board Chair has approved the plan. The 'sign off' by the Chair is an indication that the wider management board have approved the submitted plan.

The Heads of Innovation and Engagement covering your region/Wales are available to review and consult on locally approved plans. Should feedback from the Heads of Region/Wales be sought, we advise consultation on a draft version take place as early as possible and before formal submission.

The YJB regards the plan as a public document and will make your plans or its content available to anyone making a reasonable request. We would also encourage you to consider making your plans available online.

The YJB recommends that you consider the production of a summary version for the general public and a simplified and accessible version for children.

While the YJB provides grant to local areas, it is neither a signatory to the plan nor directly responsible for its contents. Consequently, neither the YJB nor the Ministry of Justice logo should appear on the document.

Annex A – Summary outline of grant compliances

The below replicates Annex 3 within the YOT Grant Terms and Conditions. Grant payment is made to the Local Authority as one lump sum when all the compliances set out below have been met. Payment will be made on condition that the following information will be provided by the timescale indicated. A failure to provide this information could result in the YJB on behalf of the Secretary of State for Justice requiring that the grant payment be returned.

31 May 2021	Submission of the signed audit certificate for the previous year's 2020/21 Youth Justice Grant	Send to: YJBGrants@yjb.gov.uk
30 June 2021	Youth Justice Plan	Send to: CBU@yjb.gov.uk copied to your relevant Head of Region or Wales
30 June 2021	Submission of a signed agreement of Conditions of Grant (e-signatures are now acceptable) – an email submission to the YJB must be copied to other signatories and state explicitly that the other signatories have agreed to conditions.	Send to: YJBGrants@yjb.gov.uk
31 July 2021	Submission of the planned overall income and workforce data for the YOT through YJ application framework	Contact: InformationandAnalysis@yjb.gov.uk
As per Data Recording Requirements (DRR) ⁸	Submission of quarterly YOT case management and AssetPlus data via Connectivity	Contact: InformationandAnalysis@yjb.gov.uk
31 May 2022	Submission of the signed audit certificate for this year's 2021/22 grant	Send to: YJBGrants@yjb.gov.uk

If YOTs are experiencing delay/difficulties with any of the above, contact with their relevant Head of Region/Wales is essential.

⁸ Data Recording Requirements, can be viewed online here:
<https://yiresourcehub.uk/data/item/669-data-recording-requirements-for-youth-offending-teams-april-2021-to-march-2022.html>

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City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

Directorate:		Children’s Services	
Service Area:		Youth Justice Service	
Name of the proposal :		Youth Justice Plan	
Lead officer:			
Date assessment completed:		18/07/2024	
Names of those who contributed to the assessment :			
Name	Job title	Organisation	Area of expertise
Sara Orton	YJS Manager	Youth Justice Service	Youth Justice
Nigel Pepper	YJS Practice Manager	Youth Justice Service	Youth Justice

Step 1 – Aims and intended outcomes

1.1	What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.
	<i>York Youth Justice Service are required to submit a youth justice plan annually to the Youth Justice Board. This plan requires sign off and agreement, initially from the Youth Justice Service management board, and the wider authority</i>
1.2	Are there any external considerations? (Legislation/government directive/codes of practice etc.)
	The plan is created from Youth Justice Board guidance and a requirement of grant funding
1.3	Who are the stakeholders and what are their interests?
	Local authority – receive funding for services Youth Justice Board – provide funding Service users – transparency in services
1.4	What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.

	The plan is a requirement of funding which contributes to ensuring the City of York has a Youth Justice Service to work with young people aged 10-18 years who are offending or at risk of becoming involved in criminal justice services. This includes both statutory and voluntary interventions. The plan outlines the work completed by the service in the previous year, also the plans for the following year. This enables transparency in the service as it is made accessible to all through the Youth Justice Board publication. The proposal links directly to the Council Plan and wider strategies and plans, all of which are referenced within the Youth Justice Plan.

Step 2 – Gathering the information and feedback

2.1	What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.	
	Source of data/supporting evidence	Reason for using
	Consultation with the YJS management board	The Youth Justice Service are responsible to the management board, which is multi-agency and oversees the service
	Consultation with YJS staff	All YJS staff make a contribution to the plan, ensuring that all areas of expertise are covered
	Feedback from consultations	A draft version of the plan is presented to the YJS management board and all staff members to ensure validity and make any proposed amendments

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.	
Gaps in data or knowledge		Action to deal with this
There are no immediate recognised gaps in understanding or information. The service has been creating this type of plan since the year 2000, as this has been a requirement since Youth Justice Services were created		

Step 4 – Analysing the impacts or effects.

4.1	Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.		
Equality Groups and Human Rights.	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	The YJS is age specific, between 10-18 years as set out in the Crime and Disorder Act 1998	0	L
Disability	The YJS can facilitate interventions for those with disability and our building is purpose built to accommodate	+	L

Gender	The YJS works with all genders and has both male and female specific interventions and spaces available	+	L
Gender Reassignment	The YJS works with all young people, regardless of gender or reassignment	+	L
Marriage and civil partnership	N/A		
Pregnancy and maternity	The service can facilitate work with young people that are pregnant	+	L
Race	The service can work with young people of any race and have access to translation services where required	+	L
Religion and belief	The service can work with young people of any religion	+	L
Sexual orientation	The service can work with young people of any sexual orientation	+	L
Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	Young carers and carers of children are included within the Youth Justice Service	+	L
Low income groups	Low income groups are included within the Youth Justice Service client group	+	L
Veterans, Armed Forces Community	Children of the armed forces community and veterans are included in the Youth Justice Service	+	L
Other			
Impact on human rights:			

List any human rights impacted.	None		

Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

High impact (The proposal or process is very equality relevant)	There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.
Medium impact (The proposal or process is somewhat equality relevant)	There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights
Low impact (The proposal or process might be equality relevant)	There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?
There are no immediate concerns around unlawful prohibited conduct or unwanted adverse impact. The plan provides positive impacts. The Youth Justice Board govern the content that the plan should address and over recent years this has focused on equality, enabling youth justice services to showcase their improvements	

Step 6 – Recommendations and conclusions of the assessment

6.1	Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:
- No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.	

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

Option selected	Conclusions/justification
- No major change to the proposal	This EIA as provided the opportunity to reflect on the plan and establish that there is no recognised potential for unlawful discrimination or adverse impact

Step 7 – Summary of agreed actions resulting from the assessment

7.1	What action, by whom, will be undertaken as a result of the impact assessment.		
Impact/issue	Action to be taken	Person responsible	Timescale

Step 8 - Monitor, review and improve

8. 1	How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?
	This EIA will be monitored annually as the Youth Justice plan is updated on an annual basis

Report of the Executive Member for Finance, Performance, Major Projects, Human Rights, Equality and Inclusion

2024/25 Budget

The work done to control costs and manage expenditure has, thanks to the work of officers, given us a much better position at this point in the financial year than last year with a projected overspend of approx £3m compared with £11m last year. The work required to achieve this should not be underestimated. The demand and cost pressures we face are significant and despite investing an additional £7.9m in Adults and Children's Services, we continue to see demand outstrip our funding.

The focus on managing within budgets and responding to increasing demands will need to continue to ensure that we can continue to provide the services our residents need. All credit goes to our entire staff group for their perseverance with the impact of the cuts that have been made over the last 10-15 years, and also for their work in identifying efficiencies and different ways of working which have supported management of the budget so far.

2025/26 budget setting process

Our budget setting process will be informed by two rounds of public consultation. The initial round of consultation was supported by consultants and delivered insight into residents' priorities. It also confirmed that many of our residents have little understanding of how councils are funded and what services they are responsible for. Quality conversations through workshops developed people's thinking and, in the main, they agreed with our approach of targeting funding on services supporting those who need it most.

The next round of consultation, on the proposals for bridging the budget gap, will have launched by the time this report is published, enabling residents to have their say on the impact of those proposals. There will also have been cross-party scrutiny of the proposals, enabling Members to give views on the proposals that will shape both the consultation with residents and the eventual proposals. The feedback from all three rounds of consultation will inform the final budget report that goes to Executive and then to Budget Council in February next year.

It is important that we find ways, as far as possible, to preserve the services that residents value and rely on. No one wants to be in a position of making cuts to those services, or to have to increase fees and charges in the current financial situation. The approach we have taken is to focus on our EACH principles (Equality, Affordability, Climate emergency and Health and wellbeing) when making decisions. We have also focussed on the Council Plan to inform our decision making.

Council staff across the organisation have contributed ideas about ways to save money or generate more income, showing an organisation wide commitment to delivering services to residents despite the financial challenges. This engagement with staff, residents and Councillors across the chamber demonstrates our commitment to delivering a budget that everyone can have their say on. This does not mean that we are abdicating the responsibility for making tough decisions. It means we will first be taking into account everyone's views about the proposals, but that the responsibility will fall to us as elected representatives to make the necessary decisions at Executive and later at Budget Council.

Impact of Government Budget

It is important to note that there were no specific allocations of additional core funding in the budget last month. We expect the draft settlement will reach us, as usual, just before Christmas. Where there are any changes that materially affect the basis of our budget planning, there will be the opportunity to amend the budget proposals.

For the current financial year, we received additional funding very late in the process. This additional funding was used to cover some of the cost and demand pressures in Adults and Children's services. It should be noted that this funding was allocated to support those cost and demand pressures and it was used in line with the allocation. This additional, one-off funding did not cover the entirety of the pressures we faced.

Financial Support for Residents

News that the Household Support Fund (HSF) will be continued is welcome and we will continue to use that funding to directly support residents who are experiencing financial hardship. It is a source of ongoing concern that such funds are needed but due to the cost-of-living pressures we are seeing, more and more people have been pushed from just about managing, to not able to manage. Our teams of staff and partner agencies have helped many residents with immediate financial support and with longer term advice on debt and benefits to make genuine improvements to their lives. Despite all of this work, we know there are many residents out there struggling, and wondering how they will manage, through Winter especially.

In terms of total spend and support through York Financial Assistance Scheme and the two Household Support Fund schemes, this will be in the region of £2.2m by 31st March next year. There's additional support happening through other funding including Warm Spaces, Talk Money, and community food support.

Household Support Fund (HSF) schemes

The councils HSF5 scheme closed at the end of September and all the government money was allocated. The scheme provided support in the following areas:

- a) £200k – Food & Fuel Vouchers
- b) £200k – Discretionary application scheme
- c) £40k – Community Food support
- d) £50k – Administration including support for two Talk Money campaigns.
- e) £10k – York Energy Advice
- f) £500k – Support with Council Tax for working age CTS customers. (£110 per qualifying resident)
- g) £37K - Contingency

In terms of HSF6, the scheme is providing support in the following areas:

- a) £500k – A ‘cash first’ direct payment for working age CTS customers. (approx. £115 per qualifying resident)
- b) £180k – Discretionary application scheme
- c) £70k – Food & Fuel Vouchers
- d) £80k – Advice and support to maximise income and promote take-up of unclaimed benefits
- e) £40k – Community food support
- f) £40k – Warm places support
- g) £60k – Administration including support for two Talk money campaigns.
- h) £10k – York Energy Advice
- i) £30k - Policy in practice
- j) £30K – Contingency

York Financial Assistance Scheme (YFAS)

The YFAS scheme saw significant demand in the first 6 months of 24/25, with a majority linked to resettlement costs meaning it was forecast to overspend by nearly 200%. An agreed officer decision was made to cap resettlement grants at £500 to protect the funding. The outcome of this cap was that Housing Services looked at other ways to provide resettlement support using other agencies across the city who could provide furnishings, including white goods.

Officers are reviewing the level of payments we make for emergency support through YFAS as many have not increased by inflation for many years.

Payment rates have not increased for years and are no longer in line with the cost of a basket of goods. After looking at various figures relating to the current cost of living and retail prices it is clear our emergency payments may be too small to last the period for which they are allocated.

We are therefore exploring changes to these payments in line with the value of the vouchers provided by the current food and fuel voucher scheme. In addition to this we are looking at long-term Council Tax debt, where long term debt is impacting on residents’ ability to manage day to day.

Support for Residents likely to be eligible for Pension Credit

We have been able to identify around 400 residents who may be eligible for Pension Credit and they have all been written to with an offer to support them to apply. We believe there may be hundreds more people eligible who we cannot identify. Support is available for anyone who thinks they may fit the criteria and officers have launched a communication campaign. They are proactively reaching out to communities to offer further support and assistance in applying.

Performance

The Council collects and publishes a large amount of data on performance. The launch of a new Council Plan and new priorities for the council last year have changed some of the performance measures that we focus on, to ensure that we are measuring progress against the published plan and priorities.

Importantly, the data now being published is being used to identify challenges and the successes on an ongoing basis. We can see from the data that demand for Adult Services continues to increase both in complexity and cost. Similarly, the demand for services to support children with Special Educational Needs and Disabilities (SEND) continues to rise.

We have seen some of our performance measures change, and some of our performance against those measures change. We have a renewed focus on customer service, and work is ongoing to ensure that not only do we answer contacts from residents promptly, but that we also get the resolution the resident needs as promptly as possible. Some of this can only be achieved by changes to the way that we use systems and processes, and work is underway to ensure we focus on getting the resolution for the resident, not just answering them promptly. Adopting this approach helps residents but also helps officers, preventing issues from needing to be escalated.

The four Cs (complaints, comments, compliments, concerns) continue to be a focus. Striving to limit the number of complaints is important, but it is also important to have a culture where residents are empowered to make complaints and raise concerns knowing that they will be responded to. There is always learning to be had through those situations where a complaint is made, and we are also determined to learn lessons and make improvements where concerns and comments are made.

Human Rights and Equalities

The Human Rights and Equalities Board (HREB) has continued to meet, with new terms of reference agreed last year. The Co-Chair of the Board has been confirmed as Paul Gready, Co-Chair of the Centre for Applied Human Rights at the University of York. I am delighted to be working with Paul to coordinate the work of the Board. We have worked to revitalise the workplan to have a real focus on delivery of the recommendations from the annual York Human Rights Indicator Report.

Another piece of work for the Board has been to review and support development of the new Human Rights and Equalities Analysis tool that will be used throughout the council. This tool will support better development of policy and decision making, ensuring we consider both human rights and equalities impacts throughout the process. We expect to begin to use this next year, once it has been through trialling and once staff have been briefed on its use.

This work will also be supported by the appointment of a new Head of EDI (Equity, Diversity and Inclusion) for the Council, giving us more capacity to advance equity of outcome and protection of human rights in all our work.

Disability equality training has been an ambition since this administration took control of the Council. This followed on from the experience of disabled people and disabled people's organisations during the decision making of the previous administration around city centre access.

Disability equality training (as distinct from awareness) has a significant cost and while it remains an ambition, we recognise that in the current financial situation we cannot fund it for all staff. We intend to charge the new Head of EDI with prioritising such training to ensure that we can get best benefit from the funds we have available.

The Council now has several strategies and action plans relating to Equality and Diversity. These include the Gypsy and Traveller Action Plan, the citywide Anti-Racism Strategy and the Council's Anti-Racism Action Plan, and the Social Model of Disability Implementation Plan.

At the end of last year, we had an independent assessment against the Equality Framework for Local Government. The report was presented to Executive in April. This included a draft action plan which aims to get the council to achieve an 'excellent' rating in all realms (as it was at the end of the last Labour administration). We are currently preparing to consult on the Equity, Diversity & Inclusion (EDI) Strategy and action plan which will pull together all the actions in all of the other strategies and action plans, with the Equality Framework for Local Government draft action plan. This will ensure we get buy-in from residents and partners across the city and that we're able to track progress across all the different strategies and plans.

It is important that we maintain our work on all these action plans, especially in the context of the financial challenges we face. We must always strive to ensure that we uphold our Public Sector Equality Duty and advance equality through all our work. These strategies and action plans set challenging targets for doing that.

Civic Party and the Mansion House

In February I made an official decision to adopt a set of Civic Protocols, to regularise some of the custom and practice that has been in place for many years. Through these protocols we have sought to reduce (by about 7%) the budget of the Civic Office in line with other budget reductions across the council and at the same time, to support the Civic Party to focus on community presence and support. Despite some concern about the changes by some former civic party members there was also some very strong support from other former civic party members. Support also came from members of the public who supported our efforts to make modest changes, changes that reflect the council's overall financial position, without limiting the excellent community work done by our Civic Party.

The current Lord Mayor (Cllr Margaret Wells) and Sheriff (Fiona Fitzpatrick) were supportive of the changes and have made a great start in their civic year with a real community focus. The Civic Party are now proudly wearing their new civic badges of office and continue to demonstrate a high level of public engagement which, along with their strong commitment to serve, has been greatly appreciated across the city.

For future years we will ensure that badges of office (which are large medallions on a formal ribbon) will be available at the start of the civic year to support the Civic Party to attend as many events as possible with proper recognition of their status.

The Mansion House will shortly close for vital capital investment into mainly structural and safety works. This will include upgrading the lift to current fire safety standards. Works will be carried out to the roof and undercroft structure as well as works to the heating and water system for improved safety. The Mansion House is important to the city as an example of a Georgian House but also as the home of our civic collections, including the Civic Party regalia and the collections of silver belonging to the city. These works ensure the Mansion House can continue to be used both as a visitor attraction (enabling residents and visitors to understand the civic history of York) and as a venue for civic events, both large and small.

Cllr Lomas

Executive Member for Finance, Performance, Major Projects, Human Rights, Equality and Inclusion

Report of the Chair of the Corporate Services, Climate Change and Scrutiny Management Committee (CSCCSMC) – November 2024

1. I am pleased to report that the Centre for Governance and Scrutiny (CfGS) has been commissioned to undertake a review of the council's scrutiny arrangements. This is in response to the report arising from the Local Government Association (LGA) peer review undertaken earlier this year, and the subsequent improvement plan adopted by Executive.
2. I would like to encourage all members to input into the review over the coming weeks – it's important that we take this opportunity to help shape scrutiny arrangements ahead of the 2025/26 municipal year.
3. Since my September report there has been one CSCCSMC call-in meeting. The meeting on 4 November considered a call-in of the decision made by the Executive on 10 October 2024, in respect of community contracts to support early intervention and prevention in adult social care. The outcome was that no breach was found and the original decision was upheld.

CSCCSMC

4. At its 7 October meeting the committee discussed the Quarter 1 Finance & Performance monitor, with headlines including a projected £3 million overspend in 2024/25 which will require a continuation of the cost control measures which have been in place for some time.
5. Members discussed the budget-setting process for 2025/26 and associated engagement and communication with residents and key stakeholders. The financial challenges facing all local authorities were discussed, with City of York Council (CYC) facing a continued need to make significant savings in the coming years. A further report would be brought to the November meeting, at which time it was anticipated that a further phase of public engagement on budget proposals would be underway.
6. Members discussed and were able to input into the planned independent, evidence-based review of scrutiny to be led by the CfGS. This piece of work will cost was £17k, of which £7k will be

funded by the LGA. It was confirmed that officer support for scrutiny would be considered alongside the review, the outcome of which would drive the resourcing of the scrutiny function.

7. At its 11 November meeting the committee received a number of reports that were largely to note, including the Annual Complaints Performance and Service Improvements Report for the period April 2023 to March 2024. The report on the Workforce Development Strategy outlined its relationship to the key challenges that the Council faces as an employer and actions to embed good practice and maintain a healthy and resilient workforce. The committee also noted reports which set out actions taken in response to motions passed by Council and petitions received, on which further work is needed to ensure that they contain all relevant information.
8. Finally, members had a further opportunity to input into the council's proposed approach to setting the 2025/26 budget. It was a constructive discussion which I hope was of some value.

Children, Culture & Communities Scrutiny Committee

9. Cllr Nicolls reports:
10. We have met twice since last full council and we continue to be at forefront of big decisions. The October meeting heard about early years and childcare reforms. One of the highlights was that CYC has been successful in securing £10k from the Department for Education (DfE) to support the commissioning of specialist after school provision for children with complex needs. York is the only local authority to successfully secure this funding via a strategic support partner and is the first in the country to test the market for specialist provision, which is sustainable in the longer term. The team is working closely with the DfE's strategic support partner who consider CYC to be light touch due to our knowledge, skills and experience.
11. In November we had an update from the teams at Leeds and York Universities on their initial findings into universal free school meals, ie York Hungry Minds project. In general, it has been an initial success, with the early opinion that breakfasts are having a greater positive impact than lunch. All of which will prove food for thought for Cllr Webb going forward. It must be remembered this was the first report back and we have yet to see and end of year outcomes.

Interesting reading if you look up the report through the online on the council calendar.

Economy, Place, Access and Transport Scrutiny Committee

12. Cllr Taylor reports:
13. At the time of writing this, since the last Full Council, the EPAT Committee has held two very useful Scrutiny sessions.
14. In September we looked at the Council's public toilet provision, Local Transport Strategy implementation plan, and the Local Cycling Walking Infrastructure Plan.
15. On the first item it was clear that the Council have a good working relationship with their contractor, Healthmatic. We made recommendations as follows:
 - to support the Council bidding for round 3 of Changing Places funding when funding becomes available to fund improvements to public toilet provision;
 - that the Executive Member for Environment and Climate Emergency explore how to improve access to public toilets for the visually impaired;
 - that the Council ensure that the stakeholder Group on Public Toilets include representation from individuals with health conditions such as Crohn's disease.
16. While not a formal recommendation too we did receive a commitment from the Executive Member to help with efforts to get the University of York to agree to allowing access to the Guildhall's accessible toilets.
17. On the Transport Strategy Implementation Plan we recommended that:
 - Officers reviewed the Local Transport Strategy Implementation Plan 2024-2026 to ensure it followed guidance from the Social Model of Disability and that it gave equal weight to the Department for Transport's Inclusive Mobility Guidance as it did to LTN120;

- the Local Transport Strategy Implementation Plan be expanded to a longer-term implementation plan, while acknowledging the role the Movement and Place plan will have in the planning of the implementation of the Local Transport Strategy;
- monitoring road safety include data on slight incidents as well as severe;
- the Chair and Vice Chair of the Committee write to the Mayor of York and North Yorkshire asking that the Mayor support the Council's request to Government for Highway Enforcement Powers to be granted to the Council;
- the consultation on the rollout of 20 mph speed limits be included within the Local Transport Strategy Implementation Plan 2024-2026, with a view to deliver a rollout of more 20 mph speed limits across the whole of the city and surrounding villages where appropriate.

18. On the Local Cycling Walking Infrastructure Plan we recommended:

- that the Networks & Prioritisation plan be shared with Ward Councillors for feedback on their local areas;
- that monitoring road safety include data on slight incidents as well as severe;
- that the Committee recommended that officers include the current public right of way rail crossing location in Copmanthorpe within the Local Cycling and Walking Infrastructure Plan.

19. In October we reviewed how the restoration of blue badge access to the city centre has gone after one year, and also the Council's management of high-speed broadband installation and its impact on communities. At the time of writing I do not have access to draft minutes so the below is a more brief summary.

20. On the blue badge item it was clear that restrictions still applying to blue badge holders during the Christmas Market season remains both a frustration and a challenge to try and overcome; perhaps through re-modelling the market itself across a different footprint within the city centre, which has the potential to create a better experience for all users beyond blue badge holders. We hope that the relevant Executive Members continue to work on this. There is also more work to do for the Council before it decides how / if to

implement technological means to manage traffic through its hostile vehicle barriers in a way that is fully accessible. What was also clear is that, on the whole, this has been a positive change by the administration.

21. On the second item it was very refreshing to see an area of work where the Council has made significant, tangible progress on the ground within a few years.
22. As ever, I would like to thank officers for supporting these sessions, be them behind the scenes in Democratic Services or those fronting up the questions we ask - especially when they run well into the evening. With this in mind too, I would also like to thank Committee Members for their continued engagement; which is both robust and almost always even-handed, which is as it should be.

Health, Housing & Adult Social Care Scrutiny Committee

23. At its 11 September meeting members discussed the provision of community pharmacy services in York, including recent changes and the potential impact on resident access to pharmacies. Officers were joined by the Programme Lead for Primary Care from NHS Humber and North Yorkshire ICB in providing an overview and responding to questions from the committee.
24. Members received an update on the council's plans to reduce homelessness through the resettlement pathway, with discussion focused on the emerging Homelessness and Rough Sleeping Strategy.
25. At its 9 October meeting members were able to undertake pre-decision scrutiny of the draft Homelessness and Rough Sleeping Strategy 2024-29, ahead of it being presented to the Executive. Members received an update on work towards the co-design of the Adult Social Care Strategy and intended further work, including the development of a 'strategy on a page' document reflecting the vision, commitment, approach and priorities that the Adult Social Care Directorate is working towards. Finally, members received an update on preparation for a CQC (Care Quality Commission) assessment following the peer review of Adult Social Care led by ADASS (Association of Directors of Adult Social Services).

26. At its 6 November meeting members received a report from the Humber and North Yorkshire Integrated Care Board (ICB) providing a review of Urgent Care delivery and considered a paper introducing the draft Autism and ADHD health needs assessment (HNA) and a proposed three-phase plan for developing a strategy on the same topic. Finally, members considered a report providing an update on winter planning in 2024/25 and pandemic preparedness in York following the report of the COVID-19 Enquiry Module 1 (Resilience and Preparedness).

Cllr Fenton

Chair of the Corporate Services, Climate Change and Scrutiny
Management Committee

City of York Council

Committee Minutes

Meeting	Audit and Governance Committee
Date	14 October 2024
Present	Councillors Hollyer (Chair), J Burton (Vice-Chair (from 5:37pm)), Fisher, Mason, Merrett, Rose and Moroney (Substitute for Cllr Whitcroft)
Apologies	Councillor Whitcroft and Mr Binney (Independent Person)
In Attendance	Councillor Steward (until 6:28pm)
Officers in Attendance	Bryn Roberts, Director of Governance and Monitoring Officer

Part B Minute - Recommended to Council**36. Report of the Monitoring Officer on Suggested Constitutional Changes****[See also under Part A]**

Members considered a report that provided the first tranche of suggested constitutional changes to the committee for consideration and discussion.

The Director of Governance and Monitoring Officer confirmed that he had sought the views of the Labour Group, Liberal Democrat Group, Conservative Group, and Councillor Warters in respect of the proposed changes to the Council Procedure Rules protocol. Following receipt of comments, a consolidated table, together with clarifications from the Monitoring Officer, had been devised and published as an agenda supplement.

The committee discussed the collated comments received, noting that:

- Paragraphs 1.2, 4.3 (a) and 5.1 had been accepted by all Groups.
- The revisions made to paragraphs 9.3, 10.11, 13.1, B3 1 (m), B11 2 (m), B12 2, B13 1, B13 3 had been circulated and accepted.
- Paragraphs 9.1, B8, B9, B10, B11, B10 1, B10 2, B10 3,

B10 7, B13 (10,11 & 12), B12 1, B17 2 had been accepted subject to incorporating the agreed amendments.

- Paragraphs B3 1 and B13 3 (f) had been agreed by all Groups but the committee had further comments to make when also discussing the points of contention in paragraphs 4.3 (c), 7.2, 10.8, 10.9, 11.3, B 7 1, B 11 2 (o).

Following further discussion, the committee reached a consensus on the points of disagreement as below, which would be endorsed to Full Council along with the agreed proposed changes to the Council Procedure Rules:

- The proposed amendments to paragraphs 4.3 (c), 7.2, 10.9, 11.3 and B11 2 (o) should not be accepted.
- The Liberal Democratic Group were content with the position set out in paragraph 10.8 following the latest exchange with the Leader.
- All Groups were content with reducing the time allowed for the Opposition Group Leaders to respond (B 7 1).
- B3 1 to be amended to 35 minutes and revisited if required.
- Change wording from 'must' to 'should, where possible,' in paragraph B13 3 (f).

The committee noted that it was not a legal requirement to send the summons to all Honorary Aldermen and Alderwomen and following discussion, the committee agreed that they should be informed annually on the dates of Full Council.

The Constitution Working Group and all political Groups were thanked for their contributions and the Director of Governance explained that following discussion with Group Leaders, there was a proposal for a revised way of the Constitution Working Group operating to help streamline and reach a conclusion faster. This process would involve the Director of Governance preparing a revised draft of part of the Constitution, which would then be circulated to the Constitution Working Group. Members of the Constitution Working Group would then refer the revised draft to their Groups for key points of agreement and disagreement, and would then convene to complete revisions to the document before referring the matter to Audit and Governance Committee for endorsement and onward referral to Council.

Recommended:

- (i) That the proposed changes to the Council Procedure Rules be endorsed, other than the points of contention, by Full Council on 21 November 2024.
- (ii) That the points of contention be remitted as above to the meeting of Full Council on 21 November 2024 for decision.

Reason: To allow council to determine the proposed constitutional changes.

Cllr Hollyer, Chair

[The meeting started at 5.32 pm and finished at 6.34 pm].

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Meeting:	Full Council
Meeting date:	21/11/2024
Report of:	Director of Governance & Monitoring Officer
Portfolio of:	Executive Leader – Cllr Claire Douglas

Decision Report: Proposed Change to the Council Procedure Rules

Subject of Report

1. Following an extensive process of consideration and review, undertaken by the Constitution Working Group, the Audit and Governance Committee, and with substantial input from Group Leaders, a revised version of the Council Procedure Rules was considered by the Audit and Governance Committee on 14 October 2024.
2. That Committee considered the revised Council Procedure Rules, together with consolidated comments from the Labour Group, Liberal Democrat Group, Conservative Group, and Councillor Warters.
3. Having considered the documents, the Committee resolved to commend the attached New Council Procedure Rules, attached at Annex 1 to this report, to Council for approval.
4. The Monitoring Officer would like to place on record his gratitude to all those Members who took part in the review process for their dedication and patience throughout the process.

Financial Strategy Implications

5. None directly arising from this report.

Recommendation and Reasons

6. Council is recommended to approve the New Council Procedure Rules.
7. The reason for the recommendation is that approval is required in order to update the Council Procedure Rules.

Options Analysis and Evidential Basis

8. Members may choose to approve or not approve the proposed amendment to the Constitution.

Organisational Impact and Implications

9. The implications are as follows:
 - **Financial**, none directly arising from this report.
 - **Human Resources (HR)**, none directly arising from this report.
 - **Legal**, none directly arising from this report.
 - **Procurement**, none directly arising from this report.
 - **Health and Wellbeing**, none directly arising from this report.
 - **Environment and Climate action**, none directly arising from this report.
 - **Affordability**, none directly arising from this report.
 - **Equalities and Human Rights**, none directly arising from this report.
 - **Data Protection and Privacy**, none directly arising from this report.
 - **Communications**, none directly arising from this report.
 - **Economy**, none directly arising from this report.

Risks and Mitigations

10. No known risks.

Wards Impacted

11. All wards affected.

Contact details

For further information please contact the author of this Decision Report.

Author

Name:	Bryn Roberts
Job Title:	Director of Governance & Monitoring Officer
Service Area:	Governance, Corporate
Report approved:	Yes
Date:	29/10/2024

Background papers

- [Appendix 3 - Council Procedure Rules](#)

Annexes

- Annex 1 – New Council Procedure Rules
- Annex 2 – Tracked Changes Council Procedure Rules

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Appendix 3 – Full Council Procedure Rules

Introduction

1 Full Council

- 1.1 The Full Council (“Full Council”) is a formal meeting of all Councillors. The Full Council is required by law to take certain important decisions including setting the Council’s budget and Council Tax and approving a number of key plans and strategies (“The Policy Framework”). In law, all functions of the authority are deemed to be Executive functions unless reserved to the Full Council. It will carry out some functions itself, but others will be delegated to Committees or named Officers. Further details of the functions which Full Council has delegated are set out in Appendix 1 of this Constitution.
- 1.2 In addition to the legal functions referred to at paragraph 3.1 below, the Full Council may also carry out other business, including consideration of motions, receipt of petitions, and hear representations from individuals and businesses.
- 1.3 In this Annex, references to the Head of Paid Service shall be taken to include references to any Deputy Head of Paid Service, or (in the absence of the Head of Paid Service and any Deputy Head of Paid Service) shall include the Monitoring Officer.

2 The Policy Framework

- 2.1 The Policy Framework means the following plans and strategies:

Partnership and Community Plans:

- a) 10 Year City Plan
- b) Health and Wellbeing Strategy
- c) Children and Young People’s Plan
- d) Corporate Parenting Strategy
- e) Youth Justice Plan
- f) Community Safety Strategy
- g) Joint Waste Strategy
- h) Climate Change Strategy
- i) Annual Library Plan

j) Food Law Enforcement Service Plan

Full Council:

- a) Council Plan or its equivalent
- b) Local Plan documents
- c) Local Transport Plan
- d) Statement of Licensing Policy under Licensing Act 2003
- e) Gambling Act Licensing policy
- f) Medium Term Financial Strategy
- g) Treasury Management Plan

3 Functions of the Full Council

3.1 The following functions can only be discharged by Full Council:

- a) To approve, adopt amend, monitor and/or review the plans, strategies and policies which together make up the Council's Policy Framework
- b) Determine and amend the Council's Revenue and Capital budgets, including the initial allocations of financial resources to different services and projects, proposed contingency funds, proposed precepts, setting the Council Tax and decisions relating to the Council's borrowing requirement and the control of its capital expenditure.
- c) Approve the Treasury Management Strategy.
- d) Approve expenditure that falls outside the Council's total annual budget.
- e) Take any decision, which is contrary to the approved Policy Framework and/or the approved Budget.
- f) Appoint and remove the Leader.
- g) Decide the composition of Committees and sub-committees of Full Council and approve the allocation of places including co-opted members to them and other non-Executive bodies (except in the case of ad-hoc scrutiny Sub-Committees which

will be determined by the Corporate Services, Climate Change and Scrutiny Management Committee).

- h) Appoint representatives to outside bodies, unless the appointment is one that must by law be made by the Executive in relation to its functions or has been delegated by Full Council.
- i) Make and amend this Constitution, Standing Orders, Financial Regulations, and Contract Procedure Rules.
- j) Change the name of the City or of a Parish.
- k) Elect a Lord Mayor, Deputy Lord Mayor, and Sheriff, and exercise related functions.
- l) Confer the title of the Honorary Alderman, Honorary Alderwoman, Honorary Recorder, and Honorary Freeman, Honorary Freewoman, and grant the Freedom of the City.
- m) Promote or oppose local or personal bills.
- n) Where it is the function of the Council, divide Parliamentary Constituencies and local government electoral divisions into polling districts.
- o) Make, amend, revoke or re-enact Byelaws.
- p) Make orders for grouping parishes, dissolving groups of parishes, and separating parishes from groups.
- q) Dissolve small parishes.
- r) Carry out functions in relation to parishes and Parish Councils under Part 11 of the Local Government and Rating Act 1997 and subordinate legislation under that Part.
- s) Fill Council or Parish Council vacancies in the event of insufficient nominations.

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- t) Submit proposals to the Secretary of State for an Order under Section 10 of the Representation of the People Act 2000 (pilot schemes for local elections).
 - u) Appoint the Head of Paid Service, and designate officers or roles as the Monitoring Officer, the Chief Finance Officer, and Proper Officers under the relevant legislation, except to the extent that the power to designate Proper Officers has been otherwise delegated in this Constitution.
 - v) Make a scheme for the payment of allowances to Members and determine the amount of all allowances payable to Members of the Council, its Committees, Sub-Committees and other bodies.
 - w) Take decisions and/or give advice on matters brought to Full Council by the Executive and other bodies or persons.
 - x) Carry out any other functions reserved by law or by this Constitution to Full Council, including those “local choice” functions reserved to Full Council under this part of the Constitution.

4 Chairing the Full Council

- 4.1 The Lord Mayor will preside at meetings of the Full Council. In the absence of the Lord Mayor, the Deputy Lord Mayor will preside. In the absence of both, the Full Council will elect a Member to preside for that meeting. Any powers or duties of the Lord Mayor, as Chair, in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.
- 4.2 The Lord Mayor will cease to be Lord Mayor if they resign, are dismissed by a vote of Full Council, cease to be a Member of the Council, or are unable to act as a Member of the Council. They will continue to act as Lord Mayor (whether or not remaining a Councillor) after an election until their successor has been appointed.
- 4.3 The Lord Mayor shall:

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- a) uphold and promote the purpose of the Constitution, and interpret the Constitution when necessary, in consultation with the Monitoring Officer;
 - b) preside over meetings of the Council so that its business can be carried out fairly and efficiently and with regard to the rights of Councillors and the interests of the local community;
 - c) ensure that Full Council meetings are a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Executive are able to hold the Executive and Committee Chairs to account;
 - d) promote public involvement in the Council's activities.
- 4.4 The ruling of the Lord Mayor, as to the construction or application of any of these Rules, will be final. In the event that a circumstance arises that is not covered by the Council Procedure Rules, the ruling of the Lord Mayor shall be final. In the event that circumstances arise outside the meeting which would ordinarily require a decision of, or action by, the Lord Mayor, the Lord Mayor is enabled to take such action as they consider appropriate.

5 Full Council Meetings

- 5.1 Meetings of Full Council are business meetings, where the Full Council transacts its essential business. Whilst there are three 'types' of Full Council meeting, this Constitution will list "Budget Council" as a fourth meeting type due to the different Procedure Rules to be followed:
- a) The Annual Meeting;
 - b) The Budget Council;
 - c) Ordinary Meetings;
 - d) Extraordinary Meetings.

6 Rules of Procedure and Debate

- 6.1 These Council Procedure Rules will apply to all meetings of the Full Council unless expressly stated otherwise. All time limits for speeches are subject to any required reasonable adjustments, which

shall be determined by the Lord Mayor upon request.

7 Notice of and Summons to Meetings

- 7.1 The Head of Paid Service will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules in Appendix 7 of this Constitution.
- 7.2 At least five working days before a meeting, the Head of Paid Service will send a summons signed by them to every Member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

8 Quorum

- 8.1 The quorum for all meetings of the Full Council is one half of the whole number of Members of the Council.
- 8.2 If at any time during the meeting of the Full Council, the Lord Mayor declares there is not a quorum present, the meeting stands adjourned. The consideration of any business not transacted will be deferred to a time fixed by the Lord Mayor at the time the meeting is adjourned, or if the Lord Mayor does not fix a time, to the next ordinary meeting of the Full Council.

9 Duration of Meetings

- 9.1 All Ordinary Meetings, Budget Council and Extraordinary Meetings will finish no later than 3 hours after the start time of the meeting, unless extended by agreement of the Council. The 3 hours will not include any periods of adjournment and/or breaks taken by the Lord Mayor. For clarity, this rule does not apply to Annual Council meetings.
- 9.2 The Lord Mayor will remind Council if 2 hours and 50 minutes have elapsed (“the guillotine warning”).
- 9.3 A motion to extend the meeting which has been duly proposed and seconded, before the allocated time has elapsed shall be put to the

vote without debate, and if approved by Council the meeting shall continue for no more than 30 additional minutes.

- 9.4 Once the guillotine warning is reached, all outstanding items of business will be deemed to have been proposed and seconded and will be voted on individually per agenda item without debate prior to the expiry of the meeting time.

10 Public Participation

- 10.1 The Public Participation Protocol is set out at Appendix 8 of this Constitution.
- 10.2 The time spent on this item shall not, except at the discretion of the Lord Mayor, exceed 30 minutes.
- 10.3 The right to public participation applies to all meetings of Full Council except the Annual Meeting.
- 10.4 Any member of the public shall be entitled to make a statement to the Council or to question the Council's Leader, or any Executive Member, for up to 3 minutes.
- 10.5 In order to exercise this right prior notice must be given to the Head of Democratic Governance before 5:00 pm 2 working days before the meeting.
- 10.6 At an Ordinary Meeting any statement or question(s) from a member of the public may only be on any matter for which the council has a direct responsibility or which affect the city.
- 10.7 In the case of the Budget Council meeting, any public participants must address business on the agenda in so far as it may relate to the setting of the budget for the coming financial year, or any other item included on the agenda of the Budget Council meeting. In the case of an extraordinary meeting public participants must only address the business on the agenda.

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- 10.8 No person may register to make a statement or ask a question at a meeting before the publication of the Agenda for that meeting, and no person may register to make more than one statement or ask more than one question at any meeting.
- 10.9 In making a statement or asking a question, a member of the public is entitled to express views, positive or negative, about the performance of the Council but must not:
- a) Say anything which is defamatory or discriminatory;
 - b) Make any personal attack on any Officer and/or Member; or
 - c) Disclose confidential or exempt information including personal information.
- 10.10 Any questions shall be put and answered without discussion, either by a direct answer or, on questions which could not reasonably be dealt with at the meeting, by a written answer which will be passed on to Members to answer within ten working days.
- 10.11 The Lord Mayor shall determine the order of Public Participants for each meeting, following the closure of registrations for Public Participation. In the event that the Public Participation item at any given meeting is oversubscribed, the Lord Mayor shall have absolute discretion as to which ten Public Participants shall be permitted to make a statement or ask a question. Those persons who are consequently unable to participate shall be entitled to submit their comments or question(s) in writing, and these will be circulated to the Council after the meeting.

11 Election and Term of the Leader of the Council and Members of the Executive

- 11.1 The Leader of the Council will be elected by Council and will hold office until the next whole-Council elections unless they resign, are removed as Leader of their Group, or are removed under the provisions of this Constitution, by resolution of Council in the circumstances below.
- 11.2 Members of the Executive are appointed directly by the Leader of the Council and therefore their position as members of the Executive falls if the Leader is removed from Office by Council.

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- 11.3 If Council resolves to remove the Leader of the Council, and in turn the members of the Executive, it shall elect a new Leader of the Council at the same Full Council meeting as its next item of business. If Council is, for any reason, unable to elect a new Leader of the Council, the Lord Mayor shall convene an Extraordinary Meeting of the Council for the purpose of electing a new Leader as soon as is practicable. In the interim, the Head of Paid Service shall be empowered to utilise their urgency powers as required.
- 11.4 If whole-Council elections give rise to a likely change in leadership, the Leader-elect shall be empowered to act as Leader pending the decision of Annual Council; if whole-Council elections do not give rise to a likely change in leadership, the existing Leader or, in the event of their non-return, any successor appointed by their Group, shall be empowered to act as Leader pending the decision of Annual Council. In the event that, in the opinion of the Head of Paid Service, whole-Council elections result in no clear Leader, the Head of Paid Service shall be empowered to utilise their urgency powers as required until the Annual Council meeting.

12 Removing the Leader of the Council

Notice of Motion to remove the Leader of the Council

- 12.1 Notice of motion to remove the Leader of the Council shall be:
- a) Given in writing; and
 - b) Signed by a proposer and a seconder who are both City of York Councillors; and
 - c) Received by the Head of Paid Service; and
 - d) State why the signatories consider that the Leader of the Council should be removed
- 12.2 If the Head of Paid Service receives the notice of motion less than 15 working days but not less than 6 clear working days, before the next scheduled Full Council meeting, the motion will be considered at that Council meeting. If notice is received less than 6 clear working days before the next scheduled Full Council meeting, an Extraordinary Meeting of Full Council will be convened to consider the motion.
- 12.3 If the notice of motion is received more than 15 clear working days before the next scheduled Full Council meeting, the Head of Paid

Service shall within 5 working days of receipt, summon an Extraordinary Meeting of Council for the purposes of considering the motion. Unless required by law, no other business shall be conducted at that meeting, other than election of a new Leader of the Council, should the motion succeed. The Extraordinary meeting shall take place within 10 working days of the summons.

Duties of a newly Elected Leader of the Council

- 12.4 A new Leader of the Council elected under these provisions shall, within 5 working days of their election:
- a) appoint a Deputy Leader;
 - b) ensure that areas of responsibility are allocated by the Executive to each member of the Executive; and
 - c) inform the Head of Paid Service of the names of the Deputy Leader and the areas of responsibility of Members of the Executive.

13 Budget Amendments

- 13.1 From time to time it may be considered necessary or desirable to amend the budget agreed at the Budget Council by way of a Budget Amendment. In the event of such an amendment, a report shall be prepared and submitted to an Ordinary Council meeting or an Extraordinary Council meeting by the Chief Finance Officer, setting out the details of the proposed Budget Amendment.
- 13.2 Once submitted to Council, the proposed Budget Amendment will be subject to amendment in accordance with the rules set out in Procedure Rule B12 below and shall be debated in accordance with the rules on debates for motions, set out in Procedure Rules B13 to B21 below, save that all votes on the budget amendment shall be carried out as named votes.

Procedure rules for Annual Meeting of the Council

A1 Annual Meeting of the Council.

- 1 The date and time of the Annual Meeting will be determined by the Head of Paid Service following consultation with the Lord Mayor Elect and the Leader of the Executive and Political Group Leaders.
- 2 In a year when there is an ordinary election of councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April, or May.

A2 Agenda for the Annual Meeting

- 1 At the Annual Meeting of the Council, the order of business shall be as follows:
 - a) apologies for absence
 - b) declarations of interest;
 - c) to:
 - i) elect the Lord Mayor for the ensuing municipal year;
 - ii) appoint a Deputy Lord Mayor for the ensuing municipal year; and
 - iii) appoint a Sheriff for the ensuing municipal year;
 - d) at the first Annual Meeting following local elections to appoint a Member as the Executive Leader;
 - e) to approve the number and size of the Council Committees, including any consequent changes to the Constitution;
 - f) to approve the allocation of places of the Council Committees in accordance with the political balance rules, to receive and note Group nominations for those places, and to elect Members to any spare places (where applicable);
 - g) to approve any new terms of reference for those committees;
 - h) to approve the allocation of Chairs of the Council's Committees for the ensuing municipal year;
 - i) to approve the allocation of places of Council appointments for representatives on outside bodies for the ensuing municipal year, to receive and note Group nominations for those places, and to receive and note nominations for places where the allocation is a function of the Executive or is delegated to another person or body under the Council's Constitution;
 - j) to agree a schedule for the allocation of motions for Ordinary Meetings during the forthcoming Municipal year; and
 - k) to consider any business brought before the Council by the Lord Mayor on grounds of urgency in accordance with Section

100B(4)(b) and paragraph 4 (5) of schedule 12 of the Local Government Act 1972.

A3 Rules for the conduct of the meeting

- 1 Unless otherwise directed by the Lord Mayor, the following rules for Ordinary Meetings of Council apply to Annual Council:
 - a) Points of order;
 - b) Personal explanation;
 - c) Voting;
 - d) Minutes;
 - e) Exclusion of the public;
 - f) Misconduct by Members;
 - g) Disturbance by the public; and
 - h) Filming and use of social media during meetings.

A4 Voting on Appointments

- 1 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.
- 2 In the event of a tie, the Lord Mayor would exercise a casting vote, unless they have ceased to be a Councillor.

Procedure rules for Ordinary Meetings of the Council

B1 Ordinary Meetings

- 1 The Council will hold Ordinary Meetings for the transaction of general business. The arrangements for these meetings, including the venue and time of such meetings, shall be determined by the Head of Paid Service, following consultation with the Leaders of Political Groups.
- 2 Ordinary Meetings of the Council will be held in an accessible venue. They will commence at 6.30 pm, unless suitable alternative arrangements have been made, in which case such arrangements will be notified to all Members ten clear days before the meeting.

B2 Duration of Meetings

- 1 All Ordinary Meetings will finish no later than 3 hours after the start time of the meeting, unless extended by agreement of the Council. The 3 hours will not include any periods of adjournment and/or breaks taken by the Lord Mayor.
- 2 The Lord Mayor will issue the guillotine warning to remind Council if 2 hours and 50 minutes has lapsed.
- 3 A motion without notice to extend the duration of the meeting, which has been duly proposed and seconded before the guillotine warning, shall be put to the vote without debate.
- 4 Once the guillotine warning is reached, all outstanding items of business will be deemed to have been proposed and seconded and will be voted on individually per agenda item without debate prior to the expiry of the meeting time.

B3 Agenda for Ordinary Meetings

- 1 The order of business at every Ordinary Meeting of the Council shall include the following items:
 - a) to choose a person to preside if the Lord Mayor and Deputy Lord Mayor are absent;
 - b) to receive apologies for absence;
 - c) Public Participation;
 - d) declarations of interest;
 - e) to approve as a correct record and sign the minutes of the last meeting or meetings of the Council;
 - f) Lord Mayor's Business;
 - g) to receive without discussion petitions which Members wish to present to Full Council;
 - h) to receive and consider a written report from the Leader on the work of the Executive, and to ask questions in respect of any matter;
 - i) to debate such recommendations requiring Full Council approval as may have been made by the Executive;
 - j) alternately to receive and consider a written report from either the Chair of Corporate Services, Climate Change, and Scrutiny Management Committee, or from the Audit and Governance

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- Committee, including such recommendations for approval as may have been made by that Committee under Rule B8;
- k) to receive and consider and report on recommendations of other Scrutiny Bodies;
 - l) to receive and consider recommendations of Committees (other than Scrutiny Bodies) under Rule B8;
 - m) to consider any other business reports from Officers or the Executive set out in the notice convening the meeting;
 - n) to consider any business, brought before Full Council by the Lord Mayor on the grounds of urgency in accordance with Section 100B(4)(b) of the Local Government Act 1972; and
 - o) to consider motions on notice and urgent motions.
- 2 The order of business may be determined in advance by the Head of Paid Service; or may be varied at the Lord Mayor's discretion; or by resolution passed on a motion duly moved, seconded, and decided without discussion.

B4 Public Participation

- 1 The Public Participation Protocol is contained in Appendix 8 of this Constitution, and the rules are set out at section 10 of the Introduction above.

B5 Lord Mayor's Business

- 1 The time for the presentation of the report of Lord Mayor's Business shall be no longer than five minutes.

B6 Petitions presented by Members

- 1 A Member may submit a petition for inclusion on the Full Council agenda by giving notice of the petition to the Head of Democratic Governance no later than midday on the eighth working day before the day of the Full Council meeting at which it is to be received. Members will be permitted to speak for up to one minute to present a petition.
- 2 Petitions will be formally received without discussion and will stand referred to the appropriate decision maker, and the Member submitting the petition will be informed of any meeting considering the

petition.

B7 Report of the Leader and Executive

- 1 The Leader will present a written report on the work of the Executive. In the absence of the Leader, the Deputy Leader will present the report. In the absence of both the Leader and Deputy Leader, an Executive Member will present the report. The maximum time limits for this item are as follows:
 - a) The presentation of the Leader's report will not exceed 3 minutes; and
 - b) Leaders of Opposition groups on the Council will have up to 3 minutes each to respond;

B8 Questions and comments on the Leader and Executive's report

- 1 A maximum of 35 minutes will be permitted for questions and comments on the Leader and Executive's report and/or the work of the Executive.
- 2 A Member of the Council may ask any question or make any comments, together with one supplementary question or comment directly related to the work of the Executive.
- 3 A maximum of one other Member of the Council may ask one further supplementary question or make one supplementary comment. All supplementary questions or comments must arise from the response of the Leader or Executive Member.
- 3 The Leader or relevant Executive Member may respond directly to any question asked or comment made or may agree to submit a written answer to be circulated to all Members of the Council within five working days.

B9 Committees of Council

- 1 The Chair of a Committee will present any recommendations of that Committee requiring confirmation to Full Council and move that they be received and approved. In the absence of the Chair, the Vice

Chair may move the recommendation, and only in the absence of both the Chair and Vice Chair may another Member of the Committee move the recommendation.

- a) When the recommendations of a Committee requiring confirmation have been presented to Full Council and duly moved and seconded, they will be open to debate;
 - b) Any Member may without notice move references back of any item requiring confirmation by Full Council.
- 2 The Chair of the Committee has the final right of reply to any amendment or motion moved under this Rule.

B10 Motions on Notice

Scope

- 1 Motions must be about matters for which the council has a responsibility or which affect the City. For functions which can be only carried out by the Executive, Full Council cannot take decisions but can recommend a course of action for the Executive to consider.
- 2 Notice of every motion to be considered by Full Council, must be given in writing to the Head of Democratic Governance no later than midday on the eighth working day before the day of the Full Council meeting at which it is to be considered. This Rule does not apply to motions which may be moved without notice under Rule B11 or to recommendations brought before the Full Council by the Executive or a Committee.
- 3 No Council meeting will receive more than 3 Motions on notice at any single meeting.
- 4 Motions may only be submitted in accordance with the schedule for allocation of motions approved at Annual Council.
- 5 Motions will be considered in the order determined by the Lord Mayor based on an appropriate order for the effective conduct of business.

- 6 If notice is given of any original motion that, in the opinion of the Head of Paid Service (acting in the capacity as proper officer) is out of order, illegal, irregular or improper, the Head of Paid Service shall immediately submit such notice to the Lord Mayor, and it shall not be accepted or placed on the agenda without the Lord Mayor's sanction. In the event of non-acceptance, the Head of Paid Service shall inform the Member who submitted the notice.
- 7 A notice of motion would be deemed out of order if it required the Council to do something which it patently cannot.
- 8 A notice of motion would be deemed illegal if it sought action that was ultra vires.
- 9 A notice of motion would be deemed irregular or improper if for example it was offensive or defamatory.
- 10 In all of the above circumstances or in other such circumstance whereby a notice of motion is rejected, the Head of Paid Service will retain a formal record of the rejected notice.

Motion to rescind a previous decision

- 11 A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least one third of the Members of the Council.

Motion similar to one previously rejected

- 12 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least one third of the Members of Council. Once the motion or amendment is dealt with, no Member can propose a similar motion or amendment for six months.

B11 Motions without Notice

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- 1 All motions and amendments not requiring prior notice must, if the Lord Mayor so requests, be put in writing and handed to the Lord Mayor, before they are discussed or put to the meeting.
 - 2 The following motions may be moved without notice:
 - a) to appoint a Chair of the meeting at which the motion is moved;
 - b) in relation to the accuracy of the minutes;
 - c) to change the order of business in the agenda;
 - d) to refer something to an appropriate body or individual;
 - e) to appoint a committee or Member arising from an item on the summons for the meeting;
 - f) to receive reports or adopt recommendations of the Executive, committees or Officers and any resolutions following from them;
 - g) that leave be given to withdraw a motion;
 - h) to proceed to the next business (such a motion may only be moved by a Member who has not already participated in the debate);
 - i) to adjourn a meeting (such a motion may only be moved by a Member who has not already participated in the debate);
 - j) to exclude the public and press in accordance with the Access to Information Procedure Rules;
 - k) to not hear further a Member or to exclude them from the meeting;
 - l) to give the consent of Full Council where its consent is required by this Constitution;
 - m) to extend the duration of the meeting by 30 minutes, such a motion may only be moved once during any meeting, and must be moved and seconded before the Lord Mayor delivers the guillotine warning, and will have the effect of suspending the relevant standing order;
 - n) to extend any other time limit set out in these Rules; and
 - o) to suspend any other particular Council Procedure Rule, except Rule B21(3).

B12 Notice of amendments

- 1 Written notice of every amendment must be delivered to the Head of Democratic Governance no later than midday on the third working day before the day of Council meeting at which it is to be considered and must also contain an indication of the financial and legal impact

of the amendment. Wherever possible the amendment will be circulated to all Members in advance of the Council meeting.

- 2 An amendment must be relevant to the motion and must propose leaving out words and/or inserting or adding others, and must not negate the effect of the original motion or otherwise fail to adhere to the rules governing the validity of motions.
- 3 In the event that an amendment fails to adhere to the above, the Head of Paid Service shall immediately inform the Lord Mayor and the Member who submitted the amendment, and the amendment shall not be accepted.

B13 Rules of Debate

General

- 1 The decision of the Lord Mayor, in consultation with the Monitoring Officer, is final on all matters of order or personal explanation.
- 2 If two or more Members indicate that they wish to speak, the Lord Mayor will call one and the other(s) will wait until called by the Lord Mayor.
- 3 Members may speak on the matter under discussion in the following circumstances:
 - a) to move an amendment;
 - b) to speak once on any amendment moved by another Member;
 - c) to speak once on the substantive motion;
 - d) as the mover of the substantive motion to exercise their right to reply at the end of the debate on the motion or any amendment before it is put to the vote;
 - e) as the seconder of a motion or amendment, having reserved (when seconding the motion or amendment) the right to speak until later in the debate;
 - f) to make a Point of Order (any point of order should, wherever possible, refer to the relevant Standing Order or statutory provision) or Personal Explanation.

B14 Content and Time Limits

- 1 Speeches must be directed to the question under discussion or to a Personal Explanation or Point of Order.
- 2 When moving a motion, a Member may speak for a maximum of 5 minutes.
- 3 No other speeches may take more than 3 minutes without the consent of the Council (which will be determined by a vote on a motion without discussion) unless otherwise provided in this Constitution.

B15 Withdrawal and Alteration of motions

- 1 A motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Council (indicated without discussion). No Member may speak after the mover has asked permission for its withdrawal, unless permission to withdraw the motion or amendment is refused.
- 2 With the consent of the Council, indicated without discussion, the mover may make minor alterations to a motion or amendment, such alteration to be provided in writing by the mover to ensure clarity, if requested by the Lord Mayor. Only alterations which could be made as an amendment may be made.

B16 Order of debate

- 1 No speeches may be made after the mover has moved a proposal and explained the purpose of it, and until the motion has been seconded.
- 2 When seconding a motion or amendment, a Member may reserve their speech until later in the debate.
- 3 When a motion is under debate no other motion may be moved except:
 - a) to amend the motion;
 - b) to proceed to the next business (such a motion may only be moved by a Member who has not already participated in the debate);

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- c) that the question now be put (such a motion may only be moved by a Member who has not already participated in the debate);
 - d) that a Member be no longer heard;
 - e) that a Member leave the meeting;
 - f) to exclude the public and press from the meeting under the terms of the Local Government Act 1972;
 - g) to extend the time of the meeting or the time for the agenda item.
- 4 No Member may move more than one amendment to any motion or substantive question before Full Council unless the further amendment comprises new material which is not related to the subject of the previous amendment.
- 5 Only one amendment may be moved and discussed at a time unless the Lord Mayor rules otherwise, and no further amendment is to be moved until the Council has reached a decision on the amendment under discussion.
- 6 When the Council has reached a decision on a motion or amendment, the Lord Mayor will refuse to put at the same meeting any subsequent motion or amendment which, if carried, would substantially contradict, override, or repeat the former one.
- 7 If an amendment is lost, other amendments may be moved on the original motion.
- 8 If an amendment is carried, the amended motion replaces the original motion on which any further amendments are moved.

B17 Right of reply

- 1 The mover of a motion has a right of reply at the end of the debate on the motion immediately before it is put to the vote. If an amendment has been moved, the mover of the original motion also has a right of reply at the close of the debate on the amendment but may not otherwise speak on the amendment. The mover of the amendment has no right of reply to the debate on their amendment.

B18 Closure motions

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- 1 A Member who has not spoken on the substantive issue may move without comment at the end of another Member's speech one of the following:
 - a) "That the Council proceed to the next business"
 - b) "That the question be now put" or "Move to the vote"
 - c) "That the Council now adjourn"
 - 2 If the motion is seconded, the Lord Mayor may do one of the following:
 - a) on a motion to proceed to the next business, unless in the Lord Mayor's opinion the matter has not been sufficiently discussed, they may put to the vote the motion to proceed to the next business. If that vote is carried the Lord Mayor shall give the mover of the original motion the right of reply before putting that motion to the vote;
 - b) on a motion that the question be now put, unless in the Lord Mayor's opinion the matter has not been sufficiently discussed, they may put to the vote the motion that the question be now put. If that vote is carried, the Lord Mayor shall give the mover of the original motion the right of reply before putting that motion to the vote;
 - c) on a motion to adjourn the meeting, the Lord Mayor may put the adjournment motion to the vote without giving the mover of the original motion their right of reply on that occasion.

B19 Points of Order

- 1 A member who believes that there is some irregularity in the interpretation of the Constitution or conduct of the meeting may rise on a Point of Order. Such irregularities may include:
 - a) discussion of a question not before the Council;
 - b) the use of improper or offensive language;
 - c) interjection of remarks while a Member is speaking;
 - d) that a quorum is not present; or
 - e) breach of any other Procedure Rule or law.
- 2 When a Member rises on a Point of Order, they must outline at the outset the rule or law which they consider to have been breached. The Member raising the Point of Order must then sit down immediately while the Lord Mayor gives a ruling.

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- 3 A Member against whom a Point of Order is being raised must stop speaking until the Lord Mayor has ruled on the matter.
 - 4 If the Lord Mayor rules that the language used by a Member is improper, it is the duty of the Member to withdraw it.

B20 Personal Explanation

- 1 A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which appears to have been misunderstood or is being misquoted in the present debate. The ruling of the Lord Mayor on the admissibility of a personal explanation will be final.

B21 Voting

- 1 All matters will be determined by a show of hands, or use of the electronic voting system if available, unless at least three Members of the Council request that a named vote be conducted. In that event, the Monitoring Officer will ensure that the names and votes of the Members present are recorded and included in the Minutes of the meeting.
- 2 If there are equal numbers of votes for and against, the Lord Mayor will have a second or casting vote. There will be no restriction on how the Lord Mayor chooses to exercise a casting vote.
- 3 Any Member is entitled to have their own vote recorded in the Minutes whether or not a full recorded vote is taken.
- 4 Details of all motions and amendments that are lost will be duly recorded in the published minutes of the meeting.

B22 Voting on Appointments

- 1 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

- 2 In the event of a tie, the Lord Mayor would exercise a casting vote.

B23 Minutes

- 1 The Lord Mayor will sign the minutes of the proceedings at the next suitable Ordinary Meeting of the Council. The Lord Mayor will move that the minutes of the previous meeting be signed as a correct record. The only aspect of the minutes that can be discussed is their accuracy.

B24 Exclusion of Public

- 1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Appendix 7 of this Constitution or Rule B26 (Disturbance by Public).
- 2 If any question arises at any meeting of the Council relating to the appointment, dismissal, promotion, conduct, remuneration or conditions of service of any member of the Council's staff no discussion shall take place until the meeting has considered whether or not to exclude the public and press in accordance with the Access to Information Procedure Rules.

B25 Misconduct by Members

- 1 If any Member at a meeting of the Council disregards the authority of the Lord Mayor or is guilty of obstructive or offensive conduct the meeting may, on a motion without notice being duly moved, seconded, and carried, resolve that the Member should not be heard and should leave the meeting. Such a motion need not be in writing and is put without discussion. If the motion is carried, the Member must leave the meeting immediately. If the Member refuses to leave the meeting, the Lord Mayor shall adjourn the meeting to allow for the removal of the Member, and may if necessary relocate the meeting to a suitable alternative venue.

B26 Disturbance by Public

- 1 If a member of the public interrupts the proceedings of any Council meeting, they will be warned by the Lord Mayor. If the disruption continues, the Lord Mayor may order them to leave the meeting. In

the event of general disturbance in any part of the Council meeting, the Lord Mayor may order that part to be cleared.

- 2 In the event of general disturbance which in the opinion of the Lord Mayor makes the orderly conduct of business impossible, the Lord Mayor may suspend the meeting for as long as necessary, or may relocate the meeting to an alternative venue, or may abandon the meeting in which case all remaining business will be considered at a time and date fixed by the Lord Mayor. If they do not fix a date, the remaining business will be considered at the next Ordinary Meeting.

B27 Filming and Use of Social Media during Meetings

- 1 Filming and use of social media is permitted during meetings in accordance with a protocol approved by the Council so long as there is no disturbance to the conduct of the meeting.

B28 Suspension of Council Procedure Rules

- 1 All of these Council Rules of Procedure except B21 (3) (the right for an individual Member to have their vote recorded) may be suspended by motion on notice identifying the Procedure Rule which is to be suspended. Such a motion may only be moved without notice if at least 24 Councillors are present in the room at the time. Suspension can only be for the duration of the meeting.

Procedure rules for Budget Council

C1 Budget Council

- 1 The business to be conducted at Budget Council shall be:
 - a) to consider any business raised by the Lord Mayor;
 - b) to hear any public participants in accordance with paragraph 10 above and C3 (1) below;
 - c) to receive any petitions presented by Members in relation to business associated with setting the Council's budget for the coming financial year;
 - d) to consider and determine the Executive's recommendations on setting the following budgets;

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- i) Revenue Budget (including fees and charges and Housing Revenue Account estimates) for the coming financial year; and
 - ii) Capital Programme;
 - e) to agree a Council Tax resolution for the coming year based on the above agreed budget;
 - f) to consider and determine the Executive's recommendations in relation to the Treasury Management Statement and Prudential Indicators, as necessary;
 - g) to consider any other business set out in the notice convening the meeting; and
 - h) to consider any business, brought before the Council by the Lord Mayor on the grounds of urgency in accordance with Section 100B(4)(b) of the Local Government Act 1972.

C2 Duration of Meetings

- 1 All Budget Meetings will finish no later than 3 hours after the start time of the meeting, unless extended by agreement of the Council. The 3 hours will not include any periods of adjournment and / or breaks taken by the Lord Mayor.
- 2 The Lord Mayor will remind the Council if 2 hours and 50 minutes has lapsed.
- 3 A motion to extend the meeting which has been duly proposed and seconded, before the allocated time has elapsed shall be put to the vote without debate.
- 4 All outstanding items of business will be deemed to have been proposed and seconded and will be voted on individually per agenda item without debate prior to the expiry of the meeting time.

C3 Public Participation

- 1 The time spent on this item shall not, except at the discretion of the Lord Mayor, exceed 30 minutes. The Public Participation Protocol is contained in Appendix 8 of this Constitution, and the rules are set out at section 10 of the Introduction above.

C4 Petitions presented by Members

- 1 The rules of Petitions as detailed at B1 apply to Budget Council, but subject to the following amendment:
 - petitions presented by Members must be in relation to business associated with setting the Council's budget.

C5 Content and Time Limits

- 1 The Leader of the Council and the Leaders of other Groups on the Council may speak when they are proposing a motion or an amendment at Budget Council, in relation to the setting of the budget, but each Leader's speech will not exceed 15 minutes in doing so.
- 2 No other speeches (including the moving of amendments and the right to reply) may take more than three minutes without the consent of the Council, which will be determined by a vote on a motion without discussion.
- 3 Speeches must be directed to the question under discussion or to a personal explanation or point of order.

C6 Voting

- 1 All votes relating to the setting of the annual budget must be named votes and elected Members will be required to vote for, against or abstain.
- 2 Any votes not relating to the setting of the budget will be determined by a show of hands, or use of the electronic voting system if available, unless three Members or more of the Council request that a named vote be conducted. In that event, the Monitoring Officer will ensure that the names and votes of the Members present are recorded and included in the Minutes of the meeting. Any Member is entitled to have their own vote recorded in the Minutes whether or not a full recorded vote is taken.
- 3 If there are equal numbers of votes for and against, the Lord Mayor will have a second or casting vote. There will be no restriction on how the Lord Mayor chooses to exercise a casting vote.

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- 4 Details of all motions and amendments that are lost will be duly recorded in the published minutes of the meeting.

C7 Rules for the conduct of the meeting

- 1 All of the rules relating to Ordinary Meetings shall apply to Budget Council unless otherwise directed by the Lord Mayor, subject to it addressing the business on the agenda. This includes application of the rules to suspend Council Procedure Rules as detailed at B28.

Procedure rules for Extraordinary meetings of the Council

D1 Extraordinary Meetings

- 1 Schedule 12 of the Local Government Act 1972 allows extraordinary meetings of the Council to be called by the Lord Mayor. In addition, any five Members of the Council may sign and present to the Lord Mayor a requisition calling for an extraordinary meeting. If the Lord Mayor refuses to call a meeting or does not call for one within seven days of being presented with the requisition, then any five Members of the Council may call an extraordinary meeting of the Council.
- 2 Extraordinary Meetings of the Council will only deal with the business for which the meeting has been called.

D2 Rules for the conduct of the meeting

- 1 All of the rules relating to Ordinary Meetings shall apply to Extraordinary Meetings unless otherwise directed by the Lord Mayor, subject to it addressing the business on the agenda.

D3 Duration of Meetings

- 1 All Extraordinary Meetings will finish no later than 3 hours after the start time of the meeting, unless extended by agreement of the Council. The 3 hours will not include any periods of adjournment and/or breaks taken by the Lord Mayor.
- 2 The Lord Mayor will issue the guillotine warning to remind the Council if 2 hours and 50 minutes has lapsed.

- 3 A motion without notice to extend the duration of the meeting by a maximum of 30 minutes, which has been duly proposed and seconded before the guillotine warning, shall be put to the vote without debate.
- 4 Once the guillotine warning is reached, any remaining business will be deemed to have been proposed and seconded and will be voted on individually per agenda item without debate prior to the expiry of the meeting time.

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Appendix 3 – Full Council Procedure Rules

Introduction

1 Full Council

- 1.1 The Full Council (“Full Council”) is a formal meeting of all Councillors. The Full Council is required by law to take certain important decisions including setting the Council’s budget and Council Tax and approving a number of key plans and strategies. ~~Full Council is responsible for (“The Policy Framework”). In law, all of the functions which of the authority are not the responsibility of the deemed to be~~ Executive functions unless reserved to the Full Council. It will carry out some functions itself, but others will be delegated to Committees or named Officers. Further details of the functions which Full Council has delegated are set out in Appendix 1 of this Constitution.

- 1.2 In addition to the legal functions referred to at paragraph 3.1 below, the Full Council may also carry out other business, including consideration of motions, receipt of petitions, and hear representations from individuals and businesses.

- 1.3 In this Annex, references to the Head of Paid Service shall be taken to include references to any Deputy Head of Paid Service, or (in the absence of the Head of Paid Service and any Deputy Head of Paid Service) shall include the Monitoring Officer.

2 The Policy Framework

- 2.1 The Policy Framework means the following plans and strategies:

Partnership and Community Plans:

- a) 10 Year City Plan
- b) Health and Wellbeing Strategy
- c) Children and Young People’s Plan
- d) Corporate Parenting Strategy
- e) Youth Justice Plan
- f) Community Safety Strategy
- g) Joint Waste Strategy

- h) Climate Change Strategy
- i) Annual Library Plan
- j) Food Law Enforcement Service Plan

Full Council:

- a) Council Plan or its equivalent
- b) Local Plan documents
- c) Local Transport Plan
- d) Statement of Licensing Policy under Licensing Act 2003
- e) Gambling Act Licensing policy
- f) Medium Term Financial Strategy
- g) Treasury Management Plan

3 Functions of the Full Council

3.1 The following functions ~~reserved to~~ can only be discharged by Full Council ~~are~~:

a) To approve, adopt amend, monitor and/or review the plans, strategies and policies which together make up the Council's Policy Framework

a)b) Determine and amend the Council's Revenue and Capital budgets, including the initial allocations of financial resources to different services and projects, proposed contingency funds, proposed precepts, setting the Council Tax and decisions relating to the Council's borrowing requirement and the control of its capital expenditure.

b)c) Approve the Treasury Management Strategy.

e)d) Approve expenditure that falls outside the Council's total annual budget.

d)e) Take any decision, which is contrary to the approved Policy Framework and/or the approved Budget.

e)f) Appoint and remove the Leader.

- ~~f)g)~~ Decide the composition of Committees and sub-committees of Full Council and ~~make appointments~~approve the allocation of places including co-opted members to them and other non-Executive bodies (except in the case of ad-hoc scrutiny ~~sub-committees~~Sub-Committees which will be determined by the Corporate Services, Climate Change and Scrutiny Management Committee~~respectively~~).
- ~~g)h)~~ Appoint representatives to outside bodies, unless the appointment is one that must by law be made by the Executive in relation to its functions or has been delegated by ~~the~~Full Council.
- ~~h)i)~~ Make and, ~~subject to the provisions of Article 25 of~~ amend this Constitution, ~~amend~~ Standing Orders, Financial Regulations, and ~~rules in relation to contracts~~Contract Procedure Rules.
- ~~i)j)~~ Change the name of the City or of a Parish.
- ~~j)k)~~ Elect a Lord Mayor, Deputy Lord Mayor, and Sheriff, and exercise related functions.
- ~~k)l)~~ Confer the title of the Honorary Alderman, Honorary Alderswoman, Honorary Recorder, and Honorary Freeman, Honorary Freewoman, and grant the Freedom of the City.
- ~~l)m)~~ Promote or oppose local or personal bills.
- ~~m)n)~~ Where it is the function of the Council, divide Parliamentary Constituencies and local government electoral divisions into polling districts.
- ~~n)o)~~ Make, amend, revoke or re-enact Byelaws.
- ~~o)p)~~ Make orders for grouping parishes, dissolving groups of parishes, and separating parishes from groups.
- ~~p)q)~~ Dissolve small parishes.

- ~~e)r~~) Carry out functions in relation to parishes and Parish Councils under Part 11 of the Local Government and Rating Act 1997 and subordinate legislation under that Part.
- ~~r)s~~) Fill Council or Parish Council vacancies in the event of insufficient nominations.
- ~~s)t~~) Submit proposals to the Secretary of State for an Order under Section 10 of the Representation of the People Act 2000 (pilot schemes for local elections).
- ~~t)u~~) Appoint the ~~Chief Operating Officer (or equivalent)~~ (Head of Paid Service),₁ and designate officers or roles as the Monitoring Officer, the Chief Finance Officer,₁ and Proper Officers under the relevant legislation, except to the extent that the power to designate Proper Officers has been otherwise delegated in this Constitution.
- ~~u)v~~) Make a scheme for the payment of allowances to Members and determine the amount of all allowances payable to Members of the Council, its Committees, ~~sub~~Sub-Committees and other bodies.
- ~~v)w~~) Take decisions and/or give advice on matters brought to ~~the~~Full Council by the Executive and other bodies or persons.
- ~~w)x~~) Carry out any other functions reserved by law or by this Constitution to Full Council, including those “local choice” functions reserved to Full Council under this part of the Constitution.

4 Chairing the Full Council

- 4.1 The Lord Mayor will preside at meetings of the ~~full~~Full Council. In the absence of the Lord Mayor,₁ the Deputy Lord Mayor will preside. In the absence of both, ~~then~~ the Full Council will elect a Member to preside for that meeting. Any powers or duties of the Lord Mayor, as Chair, in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

4.2 The Lord Mayor will cease to be Lord Mayor if they resign, isare dismissed by a vote of Full Council, ~~ceases~~cease to be a Member of the Council, or isare unable to act as a Member of the Council. They will continue to act as Lord Mayor (whether or not remaining a Councillor) after an election until their successor has been appointed. ~~If the Lord Mayor is no longer a Councillor they may not vote other than to exercise a casting vote.~~

4.3 The Lord Mayor shall:

- ~~a) —~~
 - a) uphold and promote the purpose of the Constitution, and interpret the Constitution when necessary, in consultation with the Monitoring Officer;
 - ~~b) —~~
 - b) preside over meetings of the Council so that its business can be carried out fairly and efficiently and with regard to the rights of Councillors and the interests of the local community;
 - ~~c) —~~
 - c) ensure that ~~the~~Full Council ~~meeting is~~meetings are a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Executive are able to hold the Executive ~~and~~ Committee Chairs to account;
 - d) promote public involvement in the Council's activities.

4.4 The ruling of the Lord Mayor, as to the construction or application of any of these Rules, will be final. In the event that a circumstance arises that is not covered by the Council Procedure Rules, the ruling of the Lord Mayor shall be final. In the event that circumstances arise outside the meeting which would ordinarily require a decision of, or action by, the Lord Mayor, the Lord Mayor is enabled to take such action as they consider appropriate.

5 Full Council Meetings

5.1 Meetings of Full Council are business meetings, where the Full Council transacts its essential business. Whilst there are three ~~types~~types of Full Council meeting, this ~~constitution~~Constitution will list "Budget Council" as a fourth meeting type due to the different Procedure Rules to be followed:

- a) The Annual Meeting;
- b) The Budget Council;
- c) Ordinary Meetings;
- d) Extraordinary Meetings.

6 Rules of Procedure and Debate

- 6.1 These Council Procedure Rules will apply to all meetings of the Full Council unless expressly stated otherwise.

All time limits for speeches are subject to any required reasonable adjustments, which shall be determined by the Lord Mayor upon request.

7 Notice of and Summons to Meetings

- 7.1 The ~~Chief Operating Officer~~Head of Paid Service will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules in Appendix 7 of this Constitution.

- 7.2—At least five ~~working days~~working days before a meeting, the ~~Chief Operating Officer~~Head of Paid Service will send a summons signed by them to every Member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

8 Quorum

- 8.1—The quorum for all meetings of the Full Council is one ~~quarter~~half of the whole number of Members of the Council.

- 8.2—If at any time during the meeting of the Full Council, the Lord Mayor declares there is not a quorum present, the meeting stands adjourned. The consideration of any business not transacted will be deferred to a time fixed by the Lord Mayor at the time the meeting is adjourned, or if the Lord Mayor does not fix a time, to the next ordinary meeting of the Full Council.

9 —Duration of Meetings

- 9.1— All Ordinary Meetings, Budget Council and Extraordinary Meetings will finish no later than 3 hours ~~and 40 minutes~~ after the start time of the meeting, unless extended by agreement of the Council. The 3 hours ~~and 40 minutes~~ will not include any periods of adjournment and ~~—~~or breaks taken by the Lord Mayor. For clarity, this rule does not apply to Annual Council ~~and Extraordinary~~ meetings ~~of Council~~.
- 9.2— The Lord Mayor will remind Council ~~when three~~if 2 hours and ~~30~~50 minutes ~~has lapsed~~have elapsed (“the guillotine warning”).
- 9.3— A motion to extend the meeting which has been duly proposed and seconded, before the allocated time has elapsed shall be put to the vote without debate, and if approved by Council the meeting shall continue for no more than 30 additional minutes.
- 9.4— ~~All~~
- 9.4 Once the guillotine warning is reached, all outstanding items of business will be deemed to have been proposed and seconded and will be voted on individually per agenda item without debate prior to the expiry of the meeting time.

10 ~~—~~Public Participation

- 10.1— The Public Participation ~~Rules~~/Protocol is set out at Appendix 8 of this Constitution.
- 10.2— The time spent on this item shall not, except at the discretion of the Lord Mayor, exceed 30 minutes.
- 10.3— ~~Public~~ The right to public participation applies to ~~ordinary~~all meetings, ~~budget council and extraordinary meetings only~~. of Full Council except the Annual Meeting.
- 10.4— Any member of the public shall be entitled to ~~address the Council for up to 3 minutes or to ask any Member of~~ make a statement to the Council ~~or to question the Council’s Leader, or any Executive Member, for up to 3 minutes~~.

10.5— In order to exercise this right prior notice must be given to the Head of Democratic Governance before 5:00 pm 2 working days before the meeting.

10.6— At an ~~ordinary meeting~~Ordinary Meeting any ~~address~~statement or question(s) from a member of the public may only be on any matter ~~directly relevant to the business of Council or for which the City council has a direct responsibility or which affect the city.~~

10.7— In the case of the Budget Council meeting, any public participants must address business on the agenda in so far as it may relate to the setting of the budget for the coming financial year, or any other item included on the agenda of the Budget Council meeting.

~~10.8~~— In the case of an extraordinary meeting public participants must only address the business on the agenda.

~~10.8 10.9— In the light of the special nature of the annual meeting the public participation rights given by this Rule will not apply.~~

~~10.10— In exercising their public participation rights No person may register to make a statement or ask a question at a meeting before the publication of the Agenda for that meeting, and no person may register to make more than one statement or ask more than one question at any meeting.~~

10.9 In making a statement or asking a question, a member of the public is entitled to express views, positive or negative, about the performance of the Council but must not:

- a) Say anything which is defamatory or discriminatory;
- b) Make any personal attack on any Officer and ~~or~~ Member; or
- c) Disclose confidential or exempt information including personal information.

10.11— 10 Any questions ~~to Council~~ shall be put and answered without discussion, either by a direct answer or, on questions which could not reasonably be dealt with at the meeting, by a written answer which will be passed on to Members to answer within ten working days.

~~10.12— No other discussion will take place on any matter raised by a member of the public when addressing the Council. When the speaker has~~

~~finished, the Lord Mayor will announce how the issues raised by the participant will be dealt with. The options most usually being:~~

- ~~a) to note the comments made;~~
- ~~b) to refer the issues to the Executive or another appropriate Committee for consideration; or~~
- ~~c) to take into account the comments made as part of any debate on related decisions to be made later on the agenda.~~

10.11 The Lord Mayor shall determine the order of Public Participants for each meeting, following the closure of registrations for Public Participation. In the event that the Public Participation item at any given meeting is oversubscribed, the Lord Mayor shall have absolute discretion as to which ten Public Participants shall be permitted to make a statement or ask a question. Those persons who are consequently unable to participate shall be entitled to submit their comments or question(s) in writing, and these will be circulated to the Council after the meeting.

11 — Removing Election and Term of the Leader of the Council and Members of the Executive

11.1 — _____ The Leader of the Council will be elected by Council and will hold office ~~for a period of four years or until the next all-out city council election and can only be~~ whole-Council elections unless they resign, are removed during the period as Leader of office their Group, or are removed under the provisions of this Constitution, by resolution of Council in the circumstances below.

11.2 — _____ Members of the Executive are appointed directly by the Leader of the Council and therefore their position as members of the Executive falls if the Leader is removed from Office by Council. ~~In all cases, if the motion to remove the Leader is successful the Leader and Executive Members continue to be City of York Councillors until either the next council elections or they chose to resign their position as councillor.~~

11.3— ~~___~~ If Council resolves to remove the Leader of the Council, and in turn the members of the Executive, it shall elect a new Leader of the Council at the same ~~Council meeting as its next item of business.~~ Full Council meeting as its next item of business. If Council is, for any reason, unable to elect a new Leader of the Council, the Lord Mayor shall convene an Extraordinary Meeting of the Council for the purpose of electing a new Leader as soon as is practicable. In the interim, the Head of Paid Service shall be empowered to utilise their urgency powers as required.

11.4 If whole-Council elections give rise to a likely change in leadership, the Leader-elect shall be empowered to act as Leader pending the decision of Annual Council; if whole-Council elections do not give rise to a likely change in leadership, the existing Leader or, in the event of their non-return, any successor appointed by their Group, shall be empowered to act as Leader pending the decision of Annual Council. In the event that, in the opinion of the Head of Paid Service, whole-Council elections result in no clear Leader, the Head of Paid Service shall be empowered to utilise their urgency powers as required until the Annual Council meeting.

12 Removing the Leader of the Council

Notice of Motion to remove the Leader of the Council

~~11.4~~—12.1 Notice of motion to remove the Leader of the Council shall be:

- a) Given in writing; and
- b) Signed by a proposer and a seconder who are both City of York Councillors; and
- c) Received by the ~~Chief Operating Officer~~Head of Paid Service; and
- d) State why the signatories consider that the Leader of the Council should be removed

~~11.5~~—12.2 If the ~~Chief Operating Officer~~Head of Paid Service receives the notice of motion less than 15 working days but not less than ~~56~~ clear working days, before the next scheduled Full Council meeting, the motion will be considered at that Council meeting.

If notice is received less than 6 clear working days before the next scheduled Full Council meeting, an Extraordinary Meeting of Full

Council will be convened to consider the motion.

~~11.6~~—~~12.3~~ If the notice of motion is received more than 15 clear working days before the next scheduled Full Council meeting, the ~~Chief Operating Officer~~Head of Paid Service shall within 5 working days of receipt, summon an Extraordinary ~~meeting~~Meeting of Council for the purposes of considering the motion. Unless required by law, no other business shall be conducted at that meeting, other than election of a new Leader of the Council, should the motion succeed. The Extraordinary meeting shall take place within 10 working days of the summons.

Duties of a newly Elected Leader of the Council

~~11.7~~—~~12.4~~ A new Leader of the Council elected under these provisions shall, within 5 working days of their election:

- a) appoint a Deputy Leader;
- b) ensure that areas of responsibility are allocated by the Executive to each member of the Executive; and
- c) inform the ~~Chief Operating Officer~~Head of Paid Service of the names of the Deputy Leader and the areas of responsibility of Members of the Executive.

13 Budget Amendments

13.1 From time to time it may be considered necessary or desirable to amend the budget agreed at the Budget Council by way of a Budget Amendment. In the event of such an amendment, a report shall be prepared and submitted to an Ordinary Council meeting or an Extraordinary Council meeting by the Chief Finance Officer, setting out the details of the proposed Budget Amendment.

13.2 Once submitted to Council, the proposed Budget Amendment will be subject to amendment in accordance with the rules set out in Procedure Rule B12 below and shall be debated in accordance with the rules on debates for motions, set out in Procedure Rules B13 to B21 below, save that all votes on the budget amendment shall be carried out as named votes.

Procedure rules for Annual ~~meeting~~Meeting of the Council

A1 Annual Meeting of the Council.

- 1 ~~1~~—The date and time of the Annual Meeting will be determined by the ~~Chief Operating Officer~~Head of Paid Service following consultation with the Lord Mayor Elect and the Leader of the Executive and Political Group Leaders.
- 2 In a year when there is an ordinary election of councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will ~~normally~~ take place in March, April, or May.

A2— ~~_____~~ Agenda for the Annual Meeting

- 1—~~_____~~ At the Annual Meeting of the Council, the order of business shall be as follows:
 - ~~a) _____~~ a) —apologies for absence
 - ~~a)b) _____~~ declarations of interest;
 - ~~c) _____~~ ~~b) —to—~~
 - ~~i) _____~~ elect the Lord Mayor for the ensuing municipal year;
 - ~~e) —to ii) _____~~ appoint a Deputy Lord Mayor for the ensuing municipal year; and
 - ~~d) —to— iii) _____~~ appoint a Sheriff for the ensuing municipal year;
 - ~~b)d) _____~~ ~~e) —~~ at the first Annual Meeting following local elections to appoint a Member as the Executive Leader;
 - ~~e) _____~~ ~~f) —~~ to approve the number and size of the Council Committees, including any consequent changes to the Constitution;
 - ~~e)f) _____~~ to approve the ~~size and membership~~allocation of places of the Council Committees in accordance with the political balance rules; to receive and note Group nominations for those places, and to elect Members to any spare places (where applicable);

- ~~e)g)~~ g) —to approve any new terms of reference for those committees;
- ~~e)h)~~ h) —~~to appoint~~ to approve the allocation of Chairs ~~and Vice-Chairs (where appropriate)~~ of the Council's Committees for the ensuing municipal year;
- ~~f)i)~~ i) —to approve the allocation of places of Council appointments ~~of Council~~for representatives on outside bodies for the ensuing municipal year ~~except, to receive and note~~ Group nominations for those places, and to receive and note nominations for places where ~~this~~ the allocation is ~~the~~ a function of the Executive or is delegated to another person or body under the Council's Constitution;
- ~~g)j)~~ j) —to agree a schedule for the allocation of motions for Ordinary Meetings during the forthcoming Municipal year; and
- k) ~~k)~~ —to consider any business brought before the Council by the Lord Mayor on grounds of urgency in accordance with Section 100B(4)(b) and ~~paragraph 4 (5) of schedule 12 of the Local Government~~ Act 1972.

A3 — Rules for the conduct of the meeting

- 1 1 —Unless otherwise directed by the Lord Mayor, the following rules for Ordinary ~~meetings~~ Meetings of Council ~~do~~ apply to Annual Council:
- Points of order;i
 - Personal explanation;i
 - Voting;i
 - Minutes;i
 - Exclusion of the public;i
 - Misconduct by Members;i
 - Disturbance by the public; and
 - Filming and use of social media during meetings.i

A4 — Voting on Appointments

- 1 1 —If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

2— In the event of a tie, the Lord Mayor would exercise a casting vote.

A5—Duration of meetings

1— ~~The time limit of 3 hours and 40 minutes does not apply, unless they have ceased to Annual meetings of the Council. be a Councillor.~~

Procedure rules for Ordinary ~~meetings~~Meetings of the Council

B1 Ordinary Meetings

1—

1 The Council will hold Ordinary Meetings for the transaction of general business. The arrangements for these meetings, including the venue and time of such meetings, shall be determined by the ~~Chief Operating Officer in~~Head of Paid Service, following consultation with the Leaders of Political Groups.

2 ~~Normally~~ Ordinary Meetings of the Council will be held in an accessible venue. They will commence at 6.30 pm ~~at the Guildhall, different, unless suitable alternative arrangements may have been made with the agreement of the Lord Mayor, in which case such arrangements will be notified to all Members ten clear days before the meeting.~~

B2 —Duration of Meetings

1 ~~1—~~ All Ordinary Meetings will finish no later than 3 hours ~~and 40 minutes~~ after the start time of the meeting, unless extended by agreement of the Council. The 3 hours ~~and 40 minutes~~ will not include any periods of adjournment and ~~+/or~~ breaks taken by the Lord Mayor.

2— The Lord Mayor will issue the guillotine warning to remind Council ~~when three~~if 2 hours and ~~30~~50 minutes has lapsed.

3— A motion without notice to extend the duration of the meeting, which has been duly proposed and seconded, before the ~~allocated time has elapsed~~guillotine warning, shall be put to the vote without debate.

4— All

- 4 ~~Once the guillotine warning is reached, all~~ outstanding items of business will be deemed to have been proposed and seconded and will be voted on individually per agenda item without debate prior to the expiry of the meeting time.

B3 Agenda for Ordinary Meetings

- 1 The order of business at every Ordinary Meeting of the Council shall ~~be include the following items:~~
- a) to choose a person to preside if the Lord Mayor ~~or and~~ Deputy Lord Mayor ~~is are~~ absent;
 - ~~b) to receive apologies for absence;~~
 - ~~c) Public Participation;~~
 - ~~b)d) declarations of interest;~~
 - ~~e)e) to approve as a correct record and sign the minutes of the last meeting or meetings of the Council;~~
 - ~~d)f) Lord Mayor's Business;~~
 - ~~e) Public Participation;~~
 - ~~f) to dispose of any business standing adjourned from any previous meeting of the Council;~~
 - g) to receive without discussion petitions which Members wish to present to Full Council;
 - h) to receive and consider a written report from the Leader on the work of the Executive, and to ask ~~them~~ questions ~~thereon in~~ respect of any matter;
 - ~~i) to receive and consider a written report from the Deputy Leader on the work of the Executive, to ask them questions thereon;~~
 - ~~j)i) to debate such -recommendations requiring Full Council approval as may have been made by the Executive;~~
 - ~~k) to consider motions;~~
 - ~~l) to ask questions of the Leader, Deputy Leader or Executive members in respect of any matter for which they have responsibility;~~
 - ~~m) alternately to receive and consider a written report from Executive Members in an agreed rotation as set out in Rule B5 and to question such Members thereon;~~
 - ~~n)j) to receive and consider a written report from either~~ the Chair of Corporate Services, Climate Change, and Scrutiny

- Management Committee, or from the Audit and Governance Committee, including such recommendations for approval as may have been made by that Committee under Rule B8;
- ~~e)k)~~ to receive and consider and report on recommendations of other Scrutiny Bodies;
- ~~p)l)~~ to receive and consider recommendations of Committees (other than Scrutiny Bodies) under Rule B8;
- ~~q) to make any changes in the membership of the Executive, Committees and outside bodies, together with changes to relevant Chairs and Vice Chairs;~~
- ~~e)m) r)~~ to consider any other business reports from Officers or the Executive set out in the notice convening the meeting;
- ~~r)n) s)~~ to consider any business, brought before ~~the~~Full Council by the Lord Mayor on the grounds of urgency in accordance with Section 100B(4)(b) of the Local Government Act 1972; and
- o) to consider motions on notice and urgent motions.

- 2— The order of business may be determined in advance by the Head of Paid Service; or may be varied at the Lord Mayor's discretion; or by resolution passed on a motion duly moved, seconded, and decided without discussion.

B4— Public Participation

- ~~1— The time spent on this item shall not, except at the discretion of the Lord Mayor, exceed 30 minutes.~~
- 1 The Public Participation Protocol is contained in Appendix 8 of this Constitution, and the rules are set out at section 10 of the Introduction above.

B5 Lord Mayor's Business

- 1 The time for
- ~~2— Any member of the public shall be entitled to address the Council for up to 3 minutes or to ask any Member presentation of the Council a question.~~
- ~~3— In order to exercise this right prior notice must be given to the Head of Democratic Governance before 5:00 pm 2 working days before the meeting.~~

-
- ~~4 — At an ordinary meeting any address or question from a member report of the public may be on any matter directly relevant to the business of Council or the City.~~
- ~~5 — In exercising their public participation rights a member of the public is entitled to express views positive or negative about the performance of the Council but must not:~~
- ~~a) Say anything which is defamatory or discriminatory~~
 - ~~b) Make any personal attack on any Officer and / or Member~~
 - ~~c) Disclose confidential or exempt information including personal information.~~
- ~~6 — Any questions to Council shall be put and answered without discussion, either by a direct answer or, on questions which could not reasonably be dealt with at the meeting, by a written answer which will be passed on to Members to answer within ten working days.~~
- ~~7 — No other discussion will take place on any matter raised by a member of the public when addressing the Council. When the speaker has finished, the Lord Mayor will announce how the issues raised by the participant will be dealt with. The options most usually being: Mayor's Business shall be no longer than five minutes.~~
- ~~a) to note the comments made;~~
 - ~~b) to refer the issues to the Executive or another appropriate Committee for consideration; or~~
 - ~~c) to take into account the comments made as part of any debate on related decisions to be made later on the agenda.~~

B5**B6 Petitions presented by Members**

- 1 A Member may submit a petition for inclusion on the Full Council agenda by giving notice of the petition to the Head of Democratic Governance ~~not no~~ later than midday on the eighth working day before the day of the Full Council meeting at which it is to be received. Members will be permitted to speak for up to one minute to present a petition.

- 2 Petitions will be formally received without discussion and will stand referred to ~~Corporate Services, Climate Change and Scrutiny Management Committee and~~ the appropriate decision maker, and the Member submitting the petition will be informed of any meeting considering the petition.

~~B6~~ — B7 Report of the Leader and Executive

- 1 ~~The maximum time limits for this item are as follows:~~
- ~~a) The presentation of the Leader's report will not exceed 5 minutes;~~
 - ~~b) Leaders of Opposition groups on the Council will have up to 5 minutes each to respond;~~
 - ~~c) The Leader will have 5 minutes to respond thereafter.~~
- 2 — The Leader will present a written report on the work of the Executive. In the absence of the Leader, the Deputy Leader will present the report. In the absence of both the Leader and Deputy Leader, an Executive Member will present the report. —
The maximum time limits for this item are as follows:
- ~~B7~~a) The presentation of the Leader's report will not exceed 3 minutes; and
 - b) Leaders of Opposition groups on the Council will have up to 3 minutes each to respond;

B8 Questions and comments on the Leader's~~Leader and Executive's~~ report

- 1 — A maximum of 10~~35~~ minutes will be permitted for questions and comments on the Leader's~~Leader and Executive's~~ report and/or the work of the Executive.
- 2 — A Member of the Council may ask any question or make any comments, together with one supplementary question or comment directly arising from an item related to the work of the ~~Leader's report~~Executive.

3 A maximum of ~~two~~one other ~~Members~~Member of the Council may ~~each~~ ask one further supplementary question or make one supplementary comment. All supplementary questions or comments must arise from the response of the Leader.

~~4 The Leader may respond directly to any question asked or comment made or may agree to submit a written answer to be circulated to all Members of the Council within five working days.~~
Executive Member.

~~B8~~ Report of Deputy

~~3~~ The Leader

~~1 A maximum of 10 minutes will be permitted for questions and comments on the Deputy Leader's report.~~

~~2 The Deputy Leader will present a written report on the work of the or relevant Executive. They will formally move receipt of the report but will not otherwise speak to it.~~

~~3 A Member of the Council may ask any question or make any comments together with one supplementary question or comment directly arising from an item of the Deputy Leader's report.~~

~~4 A maximum of two other Members of the Council may each ask one further supplementary question or make one supplementary comment. All supplementary questions or comments must arise from the response of the Deputy Leader.~~

~~5 The Deputy Leader may respond directly to any question asked or comment made or may agree to submit a written answer to be circulated to all Members of the Council within five working days.~~

~~B9~~ Report of Executive Member

~~1 At each Council meeting an Executive Member, decided by rotation, will submit a written report. The Executive Member will formally move their report but will not deliver a speech in support of it.~~

~~B10~~ Questions and comments on the Executive Member's report

- ~~1 — A maximum of 10 minutes will be permitted for questions and comments on the Executive Member's report.~~
- ~~2 — A Member of the Council may ask any question or make any comments together with one supplementary question or comment directly arising from an item of the Executive Member's report.~~
- ~~3 — A maximum of two other Members of the Council may each ask one further supplementary question or make one supplementary comment. All supplementary questions or comments must arise from the response of the Executive Member.~~
- ~~4 — The Executive Member may respond directly to any question asked or comment made or may agree to submit a written answer to be circulated to all Members of the Council within 5 working days.~~

~~B11 — General Questions to Leader and Executive Members~~

- ~~1 — A maximum of 15 minutes will be permitted for questions under this Rule.~~
- ~~2 — A Member of the Council may ask the Leader or any Executive Member any question together with one supplementary question on any matter within their portfolio responsibility.~~
- ~~3 — A maximum of two other Members of the Council may each ask one further supplementary question. All supplementary questions must arise from the response of the Leader or Executive Member.~~
- ~~4 — The Leader or Executive Member may respond directly to any question asked or may agree to submit a written answer to be circulated to all Members of the Council within 5 working days.~~

~~B12 — Committees of Council~~

- ~~1- The Chair of a Committee will present any recommendations of that Committee requiring confirmation to Full Council, and move that they be received and approved. In the absence of the Chair, the Vice Chair and only following that may move the recommendation, and only in~~

the absence of both the Chair and Vice Chair may another Member of the Committee ~~may~~ move the recommendation.

- a) When the recommendations of a Committee requiring confirmation have been presented to Full Council and duly moved and seconded, they will be open to debate;
 - b) Any Member may without notice move references back of any item requiring confirmation by Full Council.
- 2 The Chair of the Committee has the final right of reply to any amendment or motion moved under this Rule.

B10B13 Motions on Notice

Scope

- 1 Motions must be about matters for which the council has a responsibility or which affect the ~~city~~City. For functions which can be only carried out by the Executive, Full Council cannot take decisions but can recommend a course of action for the Executive to consider.
- 2 Notice of every motion to be considered by Full Council, must be given in writing to the Head of Democratic Governance no later than midday on the eighth working day before the day of the Full Council meeting at which it is to be considered. This Rule does not apply to motions which may be moved without notice under Rule ~~B10~~B11 or to recommendations brought before the Full Council by the Executive or a Committee.
- 3 No Council meeting will receive more than 43 Motions on notice at any ~~one~~single meeting.
- 4 Motions may only be submitted in accordance with the schedule for allocation of motions approved at Annual Council.
- 5 Motions will be considered in the order determined by the Lord Mayor based on an appropriate order for the effective conduct of business.

- 6— If notice is given of any original motion that, in the opinion of the ~~Chief Operating Officer~~Head of Paid Service (acting in the capacity as proper officer) is out of order, illegal, irregular or improper, the ~~Chief Operating Officer~~Head of Paid Service shall immediately submit such notice to the Lord Mayor, and it shall not be accepted ~~and/or~~ placed on the agenda without the Lord Mayor's sanction. In the event of non-acceptance, the ~~Chief Operating Officer~~Head of Paid Service shall inform the Member who submitted the notice.
- 7— A notice of motion would be deemed out of order if it required the Council to do something which it patently cannot.
- 8— A notice of motion would be deemed illegal if it sought action that was ultra vires.
- 9— A notice of motion would be deemed irregular or improper if for example it was offensive or defamatory.
- 10— In all of the above circumstances or in other such circumstance whereby a notice of motion is rejected, the ~~Chief Operating Officer~~Head of Paid Service will retain a formal record of the rejected notice.

Motion to rescind a previous decision

- 11— A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least one third of the Members of the Council.

Motion similar to one previously rejected

- 12— A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least one third of the Members of Council. Once the motion or amendment is dealt with, no Member can propose a similar motion or amendment for six months.

B14B11 Motions without Notice

- 1 All motions and amendments not requiring prior notice must, if the Lord Mayor so requests, be put in writing and handed to the Lord Mayor, before they are discussed or put to the meeting.
- 2 The following motions may be moved without notice:
 - a) to appoint a Chair of the meeting at which the motion is moved;
 - b) in relation to the accuracy of the minutes;
 - c) to change the order of business in the agenda;
 - d) to refer something to an appropriate body or individual;
 - e) to appoint a committee or Member arising from an item on the summons for the meeting;
 - f) to receive reports or adopt recommendations of the Executive, committees or Officers and any resolutions following from them;
 - g) that leave be given to withdraw a motion;
 - h) to proceed to the next business (such a motion may only be moved by a Member who has not already participated in the debate);
 - i) to adjourn a meeting (such a motion may only be moved by a Member who has not already participated in the debate);
 - ~~j) to suspend a particular Council Procedure Rule;~~
 - ~~k)j) to exclude the public and press in accordance with the Access to Information Procedure Rules;~~
 - ~~k) to not hear further a Member ~~named under Rule B28~~ or to exclude them from the meeting;~~
 - ~~m)l) to give the consent of ~~the~~Full Council where its consent is required by this Constitution;~~
 - ~~n)m) to extend the ~~duration of the~~ meeting ~~by 30 minutes~~, such a motion ~~may only be moved once during any meeting, and~~ must be moved and seconded before the Lord Mayor ~~announces thatdelivers~~ the guillotine ~~has fallenwarning~~, and will have the effect of suspending the relevant standing order;~~
 - ~~o)n) to extend any other time limit set out in these Rules;~~
 - ~~; and~~
 - ~~o) ~~B15~~to suspend any other particular Council Procedure Rule, except Rule B21(3).~~

B12 Notice of amendments

- 1 Written notice of every amendment, must be delivered to the Head of Democratic Governance no later than midday on the third working day before the day of Council meeting at which it is to be considered and must also contain an indication of the financial and legal impact of the amendment. Wherever possible the amendment will be circulated to all Members in advance of the Council meeting.
- 2 An amendment must be relevant to the motion and must:
 - a) ~~propose leaving out words, or~~
 - b) ~~propose leaving out words and~~ /or ~~inserting or adding others, or~~
 - c) ~~propose inserting or adding words.~~
- ~~3 The effect of an amendment and~~ must not ~~be to~~ negate the effect of the original motion ~~before Council.~~
or otherwise fail to adhere to the rules governing the validity of motions.
B16
- 3 In the event that an amendment fails to adhere to the above, the Head of Paid Service shall immediately inform the Lord Mayor and the Member who submitted the amendment, and the amendment shall not be accepted.

B13 Rules of Debate

General

- 1 The decision of the Lord Mayor, in consultation with the Monitoring Officer, is final on all matters of order or personal explanation ~~in consultation with the Monitoring Officer.~~
- ~~2 When speaking, a Member is to stand, if able to, and address the Lord Mayor as Lord Mayor.~~
- ~~3 When the Lord Mayor speaks or rises to speak during a debate, any Member then speaking or seeking to speak is to sit down.~~
- 42 If two or more Members indicate that they wish to speak, the Lord Mayor will call one and the other(s) will wait until called by the Lord Mayor. ~~When a Member is speaking, the others are to remain sitting unless rising to make a point of order or a personal explanation.~~

5
3

Members may speak ~~once only~~ on the matter under discussion ~~except for in~~ the following ~~reasons~~circumstances:

- a) to move an amendment;
- b) to speak once on ~~an~~any amendment moved by another Member;
- ~~b) to move a new amendment if the motion has been amended since they last spoke;~~
- c) to speak ~~on the main issue, if the Member first spoke on an amendment moved by another Member (whether or not it was carried);~~once on the substantive motion;
- d) as the mover of ~~at the substantive motion (but not of an amendment)~~, to exercise ~~the~~their right to reply at the end of the debate on the motion or any amendment before it is put to the vote;
- e) as the seconder of a motion or amendment, having reserved (when seconding the motion or amendment) the right to speak until later in the debate;
- f) to make a ~~point~~Point of ~~order~~Order (any point of order ~~must~~should, wherever possible, refer to the relevant Standing Order or statutory provision) or ~~personal explanation~~Personal Explanation.

B17B14 Content and Time Limits

- 1 Speeches must be directed to the question under discussion or to a ~~personal explanation~~Personal Explanation or ~~point~~Point of ~~order~~Order.
- 2 When moving a motion, a Member may speak for a maximum of 5 minutes.
- 3 No other speeches ~~(including the moving of amendments and the right to reply)~~ may take more than 3 minutes without the consent of the Council, ~~(which will be determined by a vote on a motion without discussion)~~ unless otherwise provided in this Constitution.

B18~~Altering~~B15 Withdrawal and ~~withdrawing~~Alteration of motions

~~1 With the consent of the Council, indicated without discussion, a Member may alter a motion or amendment of which they have given notice.~~

21 A motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Council (indicated without discussion). No Member may speak after the mover has asked permission for its withdrawal, unless permission to withdraw the motion or amendment is refused.

B19

2 With the consent of the Council, indicated without discussion, the mover may make minor alterations to a motion or amendment, such alteration to be provided in writing by the mover to ensure clarity, if requested by the Lord Mayor. Only alterations which could be made as an amendment may be made.

B16 Order of debate

- 1 No speeches may be made after the mover has moved a proposal and explained the purpose of it, and until the motion has been seconded.
- 2 When seconding a motion or amendment, a Member may reserve their speech until later in the debate.
- 3 When a motion is under debate no other motion may be moved except:
 - a) to amend the motion;
 - b) to proceed to the next business (such a motion may only be moved by a Member who has not already participated in the debate);
 - c) that the question now be put (such a motion may only be moved by a Member who has not already participated in the debate);
 - d) that a Member be no longer heard;
 - e) that a Member leave the meeting;
 - f) to exclude the public and press from the meeting under the terms of the Local Government Act 1972;
 - g) to extend the time of the meeting or the time for the agenda item.

- 4 No Member may move more than 1one amendment to any motion or substantive question before ~~the~~Full Council unless the further amendment comprises new material which is not related to the subject of the previous amendment.
- 5 Only 1one amendment may be moved and discussed at a time unless the Lord Mayor rules otherwise, and no further amendment is to be moved until the Council has reached a decision on the amendment under discussion.
- 6 When the Council has reached a decision on a motion or amendment, the Lord Mayor will refuse to put at the same meeting any subsequent motion or amendment which, if carried, would substantially contradict, override, or repeat the former one.
- 7 If an amendment is lost, other amendments may be moved on the original motion.
- 8 If an amendment is carried, the amended motion replaces the original motion on which any further amendments are moved.

B20B17 Right of reply

- 1 ~~1~~—The mover of a motion has a right of reply at the end of the debate on the motion immediately before it is put to the vote. -If an amendment has been moved, the mover of the original motion also has a right of reply at the close of the debate on the amendment but may not otherwise speak on the amendment. -The mover of the amendment has no right of reply to the debate on their amendment.

B21

B18 Closure motions

- 1 A Member who has not spoken on the substantive issue may move without comment at the end of another Member's speech one of the following:
 - a) "That the Council proceed to the next business"
 - b) "That the question be now put" or "Move to the vote"
 - c) "That the Council now adjourn"

- 2 If the motion is seconded, the Lord Mayor may do one of the following:
- a) on a motion to proceed to the next business, unless in the Lord Mayor's opinion the matter has not been sufficiently discussed, they may put to the vote the motion to proceed to the next business. If that vote is carried the Lord Mayor shall give the mover of the original motion the right of reply before putting that motion to the vote;
 - b) on a motion that the question be now put, unless in the Lord Mayor's opinion the matter has not been sufficiently discussed, they may put to the vote the motion that the question be now put. If that vote is carried, the Lord Mayor shall give the mover of the original motion the right of reply before putting that motion to the vote;
 - c) on a motion to adjourn the meeting, the Lord Mayor may put the adjournment motion to the vote without giving the mover of the original motion their right of reply on that occasion.

B22B19 Points of Order

- 1 A member who believes that there is some irregularity in the ~~constitution~~interpretation of the Constitution or conduct of the meeting may rise on a ~~point~~Point of ~~order~~Order. Such irregularities may include:
- a) discussion of a question not before the Council;
 - b) the use of improper or offensive language;
 - c) interjection of remarks while a Member is speaking;
 - d) that a quorum is not present; or
 - e) breach of any other Procedure Rule or law.
- 2 When a Member rises on a ~~point~~Point of ~~order~~Order, they must ~~state~~outline at the outset the rule or law which they consider to have been breached. The Member raising the ~~point~~Point of ~~order~~Order must then sit down immediately while the Lord Mayor gives a ruling.
- 3 A Member against whom a ~~point~~Point of ~~order~~Order is being raised must ~~sit down~~stop speaking until the Lord Mayor has ruled on the matter.

- 4 If the Lord Mayor rules that the language used by a Member is improper, it is the duty of the Member to withdraw it.

B23B20 Personal Explanation

- 1 A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which appears to have been misunderstood or is being misquoted in the present debate. The ruling of the Lord Mayor on the admissibility of a personal explanation will be final.

B24 B21 Voting

- 1 All matters will be determined by a show of hands, or use of the electronic voting system if available, unless at least three Members of the Council demandrequest that the namesa named vote be recordedconducted. In that event, the Monitoring Officer will ensure that the names and votes of the Members present are recorded and included in the Minutes of the meeting.
- 2 If there are equal numbers of votes for and against, the Lord Mayor will have a second or casting vote. There will be no restriction on how the Lord Mayor chooses to exercise a casting vote.
- ~~2 If the Lord Mayor indicates that electronic voting is not available then votes may be taken by a show of hands~~
- 3
- ~~3 If there are equal numbers of votes for and against, the Lord Mayor will have a second or casting vote. There will be no restriction on how the Lord Mayor chooses to exercise a casting vote.~~
- 4 Any Member is entitled to have their own vote recorded in the Minutes whether or not a full recorded vote is taken.
- 5
- 4 Details of all motions and amendments that are lost will be duly recorded in the published minutes of the meeting.

B25B22 Voting on Appointments

- 1 If there are more than 2two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be

taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

- 2 In the event of a tie, the Lord Mayor would exercise a casting vote.

B26B23 Minutes

- 1 The Lord Mayor will sign the minutes of the proceedings at the next suitable ~~ordinary meeting~~Ordinary Meeting of the Council. The Lord Mayor will move that the minutes of the previous meeting be signed as a correct record. The only ~~part~~aspect of the minutes that can be discussed is their accuracy.

B27

B24 Exclusion of Public

- 1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Appendix 7 of this Constitution or Rule ~~B25~~B26 (Disturbance by Public~~)).~~
- 2 If any question arises at any meeting of the Council relating to the appointment, dismissal, promotion, conduct, remuneration or conditions of service of any member of the Council's staff no discussion shall take place until the meeting has considered whether or not to exclude the public and press in accordance with the Access to Information Procedure Rules.

B28B25 Misconduct by Members

- 1 If any Member at a meeting of the Council disregards the authority of the Lord Mayor or is guilty of obstructive or offensive conduct the meeting may, on a motion without notice being duly moved, seconded, and carried, resolve that the Member should not be heard and should leave the meeting. Such a motion need not be in writing and is put without discussion. If the motion is carried, the Member must leave the meeting immediately.
If the Member refuses to leave the meeting, the Lord Mayor shall adjourn the meeting to allow for the removal of the Member, and may if necessary relocate the meeting to a suitable alternative venue.

B29B26 Disturbance by Public

- 1 If a member of the public interrupts the proceedings of any Council meeting, they will be warned by the Lord Mayor. If the disruption continues, the Lord Mayor may order them to leave the meeting. In the event of general disturbance in any part of the Council ~~Chamber~~meeting, the Lord Mayor may order that part to be cleared.
- ~~2~~ —
2 In the event of general disturbance which in the opinion of the Lord Mayor makes the orderly conduct of business impossible, the Lord Mayor may suspend the meeting for as long as necessary: , or may relocate the meeting to an alternative venue, or may abandon the meeting in which case all remaining business will be considered at a time and date fixed by the Lord Mayor. If they do not fix a date, the remaining business will be considered at the next Ordinary Meeting.

B30B27 Filming and Use of Social Media during Meetings

- 1 Filming and use of social media is permitted during meetings in accordance with a protocol approved by the Council so long as there is no disturbance to the conduct of the meeting.

B31B28 Suspension of Council Procedure Rules

- 1 All of these Council Rules of Procedure except ~~B24 (4)~~ B21 (3) (the right for an individual Member to have their vote recorded) may be suspended by motion on notice identifying the Procedure Rule which is to be suspended. Such a motion may only be moved without notice if at least 24 Councillors are present in the room at the time. Suspension can only be for the duration of the meeting.

Procedure rules for Budget Council

C1 Budget Council

- 1 The ~~order of~~ business to be conducted at Budget Council shall be:
 - a) to consider any business raised by the Lord Mayor;
 - b) to hear any public participants in ~~relation to business associated with setting the Council's budget for the coming financial year~~accordance with paragraph 10 above and C3 (1) below;
 - c) to receive any petitions presented by Members in relation to business associated with setting the Council's budget for the coming financial year;
 - d) to consider and determine the Executive's recommendations on setting the following budgets ~~for the coming financial year~~;
 - i) ~~revenue budget~~Revenue Budget (including fees and charges and Housing Revenue Account estimates ~~);~~ for the coming financial year; and
 - ii) ~~capital programme~~Capital Programme;
 - e) to agree a Council Tax resolution for the coming year based on the above agreed budget; ~~and~~
 - f) to consider and determine the Executive's recommendations in relation to the Treasury Management Statement and Prudential Indicators, as necessary;
 - g) to consider any other ~~-business~~ set out in the notice convening the meeting; and

- h) to consider any business, brought before the Council by the Lord Mayor on the grounds of urgency in accordance with Section 100B(4)(b) of the Local Government Act 1972.

C2 –Duration of Meetings

- 1 All Budget Meetings will finish no later than 3 hours ~~and 40 minutes~~ after the start time of the meeting, unless extended by agreement of the Council. The 3 hours ~~and 40 minutes~~ will not include any periods of adjournment and / or breaks taken by the Lord Mayor.
- 2 The Lord Mayor will remind the Council ~~when three~~if 2 hours and ~~30~~50 minutes has lapsed.
- 3 A motion to extend the meeting which has been duly proposed and seconded, before the allocated time has elapsed shall be put to the vote without debate.
- 4 All outstanding items of business will be deemed to have been proposed and seconded and will be voted on individually per agenda item without debate prior to the expiry of the meeting time.

C3 Public Participation

- 1 The time spent on this item shall not, except at the discretion of the Lord Mayor, exceed 30 minutes. The Public Participation Protocol is contained in Appendix 8 of this Constitution, and the rules are set out at section 10 of the Introduction above.
- ~~2 Any member of the public shall be entitled to address the Council for up to 3 minutes or to ask any Member of the Council a question.~~
- ~~3 In order to exercise this right prior notice must be given to the Head of Democratic Governance before 5:00 pm 2 working days before the meeting.~~
- ~~4 Any public participants must address business on the agenda in so far as it may relate to the setting of the budget for the coming financial year.~~
- ~~5 In exercising their public participation rights a member of the public is entitled to express views positive or negative about the performance of the Council but must not:~~

- ~~a) Say anything which is defamatory or discriminatory~~
- ~~b) Make any personal attack on any Officer and / or Member~~
- ~~c) Disclose confidential or exempt information including personal information.~~

~~6 Any questions to Council shall be put and answered without discussion, either by a direct answer or, on questions which could not reasonably be dealt with at the meeting, by a written answer which will be passed on to Members to answer within ten working days.~~

~~7 No other discussion will take place on any matter raised by a member of the public when addressing the Council. When the speaker has finished, the Lord Mayor will announce how the issues raised by the participant will be dealt with. The options most usually being:~~

- ~~a) to note the comments made;~~
- ~~b) to refer the issues to the Executive or another appropriate Committee for consideration; or~~
- ~~c) to take into account the comments made as part of any debate on related decisions to be made later on the agenda.~~

C4 Petitions presented by Members

- 1 The rules of Petitions as detailed at B1 apply to Budget Council, but subject to the following amendment:
 - petitions presented by Members must be in relation to business associated with setting the Council's budget.

~~C5~~ **Content and Time Limits**

- 1 ~~1~~ The Leader of the Council and the Leaders of other Groups on the Council ~~are not time limited~~ may speak when they are proposing a motion or an amendment at Budget Council, in relation to the setting of the budget, but each Leader's speech will not exceed 15 minutes in doing so.

- ~~2~~ 2 No other speeches (including the moving of amendments and the right to reply) may take more than three minutes without the consent

of the Council, which will be determined by a vote on a motion without discussion.

3 Speeches must be directed to the question under discussion or to a personal explanation or point of order.

~~31 3 Speeches must be directed to the question under discussion or to a personal explanation or point of order.~~

~~C6~~ Voting

1 1 All votes relating to the setting of the annual budget must be named votes and elected Members will be required to vote for, against or abstain.

2 Any matters votes not relating to the setting of the budget will be determined by a show of hands, or use of the electronic voting system if available, unless at least three Members or more of the Council demand request that a named vote be conducted. In that event, the Monitoring Officer will ensure that the names and votes of the Members present are recorded and included in the Minutes of the meeting. the names be recorded. In that event, the Monitoring Officer will ensure that the names and votes of the Members present are recorded and included in the Minutes of the meeting. Any Member is entitled to have their own vote recorded in the Minutes whether or not a full recorded vote is taken.

3 If there are equal numbers of votes for and against, the Lord Mayor will have a second or casting vote. There will be no restriction on how the Lord Mayor chooses to exercise a casting vote.

~~2 If the Lord Mayor indicates that the electronic voting system is not operating then votes may be taken by a show of hands.~~

~~3 Unless otherwise directed by the Lord Mayor, all votes taken at Budget Council will be named votes and elected Members will be required to vote for, against or abstain.~~

4

~~4 If there are equal numbers of votes for and against, the Lord Mayor will have a second or casting vote. There will be no restriction on how the Lord Mayor chooses to exercise a casting vote.~~

- 5 Details of all motions and amendments that are lost will be duly recorded in the published minutes of the meeting.

C7 Rules for the conduct of the meeting

- 1 All of the rules relating to Ordinary Meetings shall apply to Budget Council unless otherwise directed by the Lord Mayor, subject to it addressing the business on the agenda. This includes application of the rules to suspend Council Procedure Rules as detailed at ~~B31~~B28.

Procedure rules for Extraordinary meetings of the Council

D1 Extraordinary Meetings

- 1 Schedule 12 of the Local Government Act 1972 allows extraordinary meetings of the Council to be called by the Lord Mayor. In addition, any five Members of the Council may sign and present to the Lord Mayor a requisition calling for an extraordinary meeting. If the Lord Mayor refuses to call a meeting or does not call for one within seven days of being presented with the requisition, then any five Members of the Council may call an extraordinary meeting of the Council.

- 2 Extraordinary ~~meetings~~Meetings of the Council will only deal with the business for which the meeting has been called.

~~D2—Public Participation~~

- ~~1 The time spent on this item shall not, except at the discretion of the Lord Mayor, exceed 30 minutes.~~
- ~~2 Any member of the public shall be entitled to address the Council for up to 3 minutes or to ask any Member of the Council a question.~~
- ~~3 In order to exercise this right prior notice must be given to the Head of Democratic Governance before 5:00 pm 2 working days before the meeting.~~
- ~~4 For any extraordinary meeting public participants must only address the business on the agenda.~~
- ~~5 In exercising their public participation rights a member of the public is entitled to express views positive or negative about the performance of the Council but must not:~~
 - ~~a) Say anything which is defamatory or discriminatory~~
 - ~~b) Make any personal attack on any Officer and / or Member~~
 - ~~c) Disclose confidential or exempt information including personal information.~~
- ~~6 Any questions to Council shall be put and answered without discussion, either by a direct answer or, on questions which could not reasonably be dealt with at the meeting, by a written answer which will be passed on to Members to answer within ten working days.~~
- ~~7 No other discussion will take place on any matter raised by a member of the public when addressing the Council. When the speaker has finished, the Lord Mayor will announce how the issues raised by the participant will be dealt with. The options most usually being:~~
 - ~~a) to note the comments made;~~
 - ~~b) to refer the issues to the Executive or another appropriate Committee for consideration; or~~
 - ~~c) to take into account the comments made as part of any~~

~~debate on related decisions to be made later on the agenda.~~

~~D3~~—D2 Rules for the conduct of the meeting

- ~~1~~—All of the rules relating to Ordinary Meetings shall apply to Extraordinary Meetings unless otherwise directed by the Lord Mayor, subject to it addressing the business on the agenda.

~~D4~~—D3 Duration of ~~meetings~~Meetings

- ~~1~~—1—The time limit of 3 hours and 40 minutes does not apply to Extraordinary meetings of the Council. All Extraordinary Meetings will finish no later than 3 hours after the start time of the meeting, unless extended by agreement of the Council. The 3 hours will not include any periods of adjournment and/or breaks taken by the Lord Mayor.
- ~~2~~—The Lord Mayor will issue the guillotine warning to remind the Council if 2 hours and 50 minutes has lapsed.
- ~~3~~—A motion without notice to extend the duration of the meeting by a maximum of 30 minutes, which has been duly proposed and seconded before the guillotine warning, shall be put to the vote without debate.
- ~~4~~—Once the guillotine warning is reached, any remaining business will be deemed to have been proposed and seconded and will be voted on individually per agenda item without debate prior to the expiry of the meeting time.

City of York Council

Committee Minutes

Meeting	Licensing and Regulatory Committee
Date	8 October 2024
Present	Councillors Melly (Chair), Cuthbertson (Vice-Chair), Baxter, Clarke, Hook, Kilbane, Knight [until 6.31pm], Mason [until 6.34pm], D Myers [from 4.35pm], Nicholls, Ravilious, Smalley and Warters [from 4.37pm]
In Attendance	Sandra Branigan, Senior Lawyer Matt Boxall, Head of Public Protection Lesley Cooke, Licensing Manager David Cowley, Taxi Licensing Manager
Apologies	Councillors Widdowson and Wilson

PART B - MATTERS REFERRED TO COUNCIL**64. Taxi Licensing - New Taxi Licensing Policy (5.05pm)****[See also under Part A]**

Members considered a report which sought their recommendation for approval by Council of a new Taxi Licensing Policy. The Chair explained that the policy was the culmination of three years' work and thanked those involved for their work on the policy. She then explained that different aspects of the policy would be considered one at a time.

The Head of Public Protection introduced the policy noting the aim for consideration by Council on 21 November 2024. He noted the Statutory Taxi and Private Hire Vehicle Standards and Best Practice Guidance and thanked respondents for their feedback during consultation.

The Head of Public Protection noted the Statutory Taxi and Private Hire Vehicle Standards, Best Practice Guidance and consultation responses for vehicle age limits noting the wording of the section in the policy at paragraph 25 of the published report. In response to Member questions, he and the Taxi Licensing Manager explained that:

- Euro 6 vehicles were 7-9 years old.
- The oldest vehicle on the fleet was 18 years old, which

was a Euro 5 or 4. Vehicles were currently inspected every year and had a secondary MOT check. The number of suspensions from the last inspection was noted. The suspensions were for mechanical problems and the vehicles were put back on the road once the mechanical problems had been rectified.

- There was 11 private hire Wheelchair Accessible Vehicles (WAV) and 12 hackney carriage WAV on the fleet over 10 years old. There was currently 90 WAV.
- Euro 6 WAV were not subject to the age criteria and 5 WAV would be replaced over the next 5 years.
- 23 WAV were Euro 5.
- The council grant to help taxi vehicles had been taken up and the government grant for electric vehicles ranged from £3500 to £7000.
- Hackney carriage vehicles were under a special licence and would have to be Euro 6
- The profile of existing vehicles was 50-60 new vehicles over the last two years. When the policy would come into effect, there would be 75 vehicles over 10 years of age and 12 hackney carriage vehicles over 10 years of age.

At this point Cllr Mason proposed that Euro 5 hackney carriage WAV be given an extra number of years and subject to checks every 6 months. This was seconded by Cllr Warters.

- There was an annual inspection of vehicles and tests could be undertaken up to three times per year.

The Head of Public Protection noted the Statutory Taxi and Private Hire Vehicle Standards, Best Practice Guidance and consultation responses for window tinting. Regarding the consultation responses, 51% of respondents said that they would 'feel safe' in a taxi/private hire vehicle with tinted windows and of the results, of the 89 respondents who identified as female, 47% said they would 'not feel safe'. The Head of Public Protection reported that the new policy proposed 30% light transmission the current policy was 50%. In response to Member questions, he and the Taxi Licensing Manager explained that:

- Customers had the right to use any vehicle at any rank.
- Regarding the possible introduction of CCTV in vehicles that didn't meet the 30% light transmission threshold, this would bring in other aspects regarding who was the data controller and it would make the council the data

controller.

- New vehicles had different levels of tint, and most were 30% light transmission, and the council would offer free tint checks at Hazel Court.
- There were no crime statistics available related to a link between crime and tinted windows.

The Head of Public Protection noted the Statutory Taxi and Private Hire Vehicle Standards, Best Practice Guidance and consultation responses for vehicle colour. Referring to the consultation responses he noted that 51% of respondents strongly agreed or agreed with the proposal that 'taxis should be black to help with public safety' and of the 89 respondents who identified as female, over 61% agreed. He further noted that two thirds of respondents (66.6%) who identified as having a mental or physical condition lasting more than 12 months agreed or strongly agreed that hackney carriages should be black.

In response to Member questions, he and the Taxi Licensing Manager explained that:

- The safety aspect of hackney carriage vehicles being black was that they could be hailed.
- Regarding the 2009 Magistrate Court decision, the reason why the judge determined that the condition on the driver could not be upheld was there had not been enough consultation. Extensive consultation with protected groups had been undertaken with the policy under consideration.
- Conditions could not be Imposed on vehicles not licensed in York.
- Having black and livery was to make vehicles more identifiable.

[At this point the Senior Lawyer advised that the 2009 case did not set a legal precedent and there was no legal reason why a colour could not be imposed].

- With reference to it being hard to find black WAV, the policy was not asking current licence proprietors to change colour within three years. The fleet at present would be progressively replaced.
- There would be a natural progression of vehicles reaching 10 years and proposing a uniform fleet was for public safety.

The Head of Public Protection explained the consultation responses on vehicle signage noting that 92% of respondents

strongly agreed or agreed with the proposal that licensed vehicles should display the licence number, licensing authority and operator details on the vehicle so passengers can easily identify it at any time as a City of York licensed vehicle and 100% of the respondents who identified as female agreed. The Licensing Manager noted that paragraph 32 of Annex 3 should be amended to: 'Every *private hire* vehicle shall display a licence plate, supplied by the Council, externally on the rear of the vehicle. The licence plate issued by the Council should be securely fixed to the rear of the vehicle so that it is clearly visible. The licence plate will remain the property of the Council and must be returned to the Council immediately upon a change of vehicle or when requested upon the suspension, revocation or expiry of a vehicle licence.' This was agreed by the committee.

The Taxi Licensing Manager explained the proposed vehicle signage. In response to Member questions, he and the Head of Public Protection explained that:

- Regarding specific colours in other councils, vehicles had been resprayed or wrapped in vinyl.
- Currently hackney carriage vehicles could be any colour and there was an exemption for executive vehicles.

[The meeting adjourned from 5.55pm to 6.03pm]

The Head of Public Protection noted the Statutory Taxi and Private Hire Vehicle Standards, Best Practice Guidance, and consultation responses for the knowledge test. He noted the York knowledge test. In response to Member questions, he and the Taxi Licensing Manager explained that:

- The consultation responses from respondents identifying as female were not significant to be included in the report.
- Cycle awareness could be part of the knowledge test.
- Regarding the proposed condition for large operators having WAV, if a WAV was not available, they would need to provide information on what was being done to address the matter. The consultation response on this was noted. The Chair noted that she had received correspondence of the lack of WAV.
- Regarding the policy proposing that that operators with
- over 99 vehicles have a WAV in operation 24 hours a day. If, in
- exceptional circumstances, where a WAV is unavailable, the operator must notify the council and provide details of the steps being taken to ensure availability,' 99 vehicles

was the largest number that came under a private hire operators licence. There were four companies with over 99 vehicles. It was noted that the Taxi Licensing Manager and Access Officer had been at WAV for smaller companies.

- The availability of WAV would be monitored as part of the operator checks with tool place annually.
- The taxi companies worked together and sub contracted work if they didn't have a WAV available.

The Head of Public Protection explained the arrangements for subcontracting and noted the consultation response of 79% of respondents strongly agreeing or agreeing with the proposal that operators must provide customers with the details of the replacement driver and enable the customer to change or cancel the booking without charge when a taxi operator needs need to ask another operator to pick the customer up. He was asked and explained that with the new system, drivers' journeys were recorded, the records were kept, and the council could access the records.

Regarding licence penalty points, the Head of Public Protection explained that there was a current limit of 7 points which would lead to the review of a licence for consideration of revocation. He noted the proposal that *'Existing licence holders reaching up to and including 9 points on a DVLA licence for minor motoring convictions will receive a warning and will be required to attend appropriate training and practical driving test using one of the Council's approved testers and at their own cost.'* He added that each case would be determined on its own merits. He was asked and noted that the taxi trade said that the current policy was too stringent. He highlighted the proposal for the determination of private hire operators licences to be undertaken by a sub-committee. He clarified point 27 at annex 3 of the which referred to pedicabs.

In answer to Member questions the Head of Public Protection and Taxi Licensing Manager explained that:

- Regarding carrying children, vehicles were allowed to carry children if they had the correct car seat.
- There was a requirement for information regarding CCTV to be displayed in the vehicle. If the council required CCTV this would make the council the data controller for which there would be Human Resource (HR) implications.
- The council could set the hackney carriage fares if the trade approached the council to do so. If one of the taxi

associations decided it did not want to increase fares, then the council would look into the matter.

[Cllr Knight left at 6.31pm]

- A number of other councils had the 9 penalty points threshold.
- The use of the advanced driving test for existing licence holders reaching 9 points was to meet the criteria for the 'fit and proper test'.
- The 72 hour period for drivers to report accidents to the Licensing Section was done under DVSA requirements.

[Cllr Mason left the meeting at 6.34pm]

[The meeting adjourned from 6.34pm until 6.41pm]

It was clarified that the council could set hackney carriage fares, and this had been amended at point 62.3 of the policy. The trade could approach the council regarding hackney carriage fares if there was a major change such as a fuel increase and the council could increase hackney carriage fares.

The Committee had the following options available to them in making their decision:

Option 1: take into consideration the representation/comments from the licensed trade and public consultation and recommend that Council approve the draft Taxi Licensing Policy appended to this Report at Annex 3. The policy would take effect upon adoption at the meeting of Council on 21 November 2024 with certain conditions being implemented at a later, specified date as follows:

- Sections 13.6 & 14.4 (colour of vehicles) and Section 26.3 (euro emissions standards), Officers recommend implementation the day after full Council approval and adoption of the policy, i.e. on 22nd November 2024,
- The proposed implementation date for Section 26.6 (vehicle renewals, euro emissions standards for existing vehicles) is after 36 months of adoption, i.e. 22 November 2027.

Option 2: take into consideration the representation/comments from the licensing trade and public consultation and make further amendments to the Taxi Licensing Policy appended to this Report at Annex 3 and recommend that Council approve

the amended draft Taxi Licensing Policy at the meeting on 21 November 2024. The policy would take effect upon adoption at the meeting of Council on 21 November 2024 with certain conditions being implemented at a later date to be specified.

Cllr Kilbane proposed Option 2, to take into consideration the representation/comments from the licensing trade and public consultation and make further amendments to the Taxi Licensing Policy appended to this Report at Annex 3 and recommend that Council approve the amended draft Taxi Licensing Policy at the meeting on 21 November 2024 with the following amendments:

The vehicle renewals, euro emissions standards for existing vehicles three years for vehicles and an extra three years for WAV from the date that the policy was approved by Council. The increase from 7 to 9 penalty points for existing licence holders.

Point 27 of Annex 3 Code of Conduct for Pedicab Proprietors to change to 'The licensed vehicle shall be a licensed hackney carriage pedicab not licenced of any other Council.'

The policy would take effect upon adoption at the meeting of Council on 21 November 2024 with certain conditions (the wording of which was delegated to officers in consultation with the Chair and Vice Chair) being implemented at a later date to be specified. This was seconded by Cllr Smalley.

Officers clarified the implementation dates with the implementation date of the policy being 22 November following adoption by the Council on 21 November 2024. Regarding the colour of vehicles, it was clarified that for hackney carriage vehicles this would be black for new vehicles coming in and for existing vehicles whenever the car was due for replacement, for example for a three year old euro 6 diesel hackney carriage saloon, this would be seven years. The Chair explained that the requirement for colour was for public safety.

Following a vote with ten voting in favour of option 2, one against and no abstentions it was:

Resolved: To recommend that Council approve the amended draft Taxi Licensing Policy, at the meeting on 21 November 2024. The policy would take effect upon adoption at the meeting of Council on 21 November 2024 with certain conditions (the wording of which was delegated to officers in consultation with the Chair and Vice Chair) being implemented at a later

date to be specified as follows:

- Sections 13.6 & 14.4 (colour of vehicles) and Section 26.3 (euro emissions standards), Officers recommend implementation the day after full Council approval and adoption of the policy, i.e. on 22nd November 2024, and
- The proposed implementation date for Section 26.6 (vehicle renewals, euro emissions standards for existing vehicles) is after 36 months (3 years) of adoption, i.e. 22 November 2027 and 72 months (6 years) of adoption for Euro 5 WAV.

Reason: To ensure the Taxi Licensing Policy complies with Statutory Standards and Best Practice Guidance (or departures from the policy can be locally justified) thereby aiming to make taxi journeys in York even safer, more environmentally friendly and provide greater customer choice particularly for disabled passengers.

Cllr Melly, Chair

[The meeting started at 4.30pm and finished at 7.00pm].



Meeting:	Council
Meeting date:	21 November 2024
Report of:	Director – Environment, Transport and Planning
Portfolio of:	Licensing and Regulatory Committee, Chair Cllr Rachel Melly

Decision Report: New Taxi licensing Policy

Subject of Report

1. This report seeks approval by Council of a new Taxi Licensing Policy. It follows a resolution by Members of the Licensing and Regulatory Committee on 8th October 2024, that Council should approve the policy in its amended form as contained in Appendix 1. NB Ten Members of the committee voted for the resolution, one against and there were no abstentions.
2. The reason for the resolution was ‘to ensure the Taxi Licensing Policy complies with Statutory Standards and Best Practice Guidance (or any departures can be locally justified) thereby aiming to make taxi journeys in York even safer, more environmentally friendly and provide greater customer choice particularly for disabled passengers’. The policy, if approved will take effect from 22 November 2024, although there are some aspects (see for example the provisions relating to vehicle standards at paragraph 13 of this report) which will not take effect for existing licence holders until a later date.

Benefits and Challenges

3. On 8 October 2024 the Licensing and Regulatory Committee considered a detailed report providing the benefits and challenges and implications of the proposed new Taxi Licensing Policy. A link to the officer report for that meeting (which is 194 pages and so has

not been appended) can be found in the background papers at the end of this report.

4. The key benefit of the proposed new policy is that it fully aligns the Council's Taxi Licensing Policy to the Statutory Taxi and Private Hire Vehicle Standards (Statutory Standards) made under the Policing and Crime Act 2017. The Department for Transport (DfT) expects the Statutory Standards to be implemented unless there is a compelling local reason not to. For the avoidance of doubt, most of the Statutory Standards, have already been implemented into the existing policy. The consultation undertaken as part of this process was used to help establish whether there were any 'compelling reasons' not to introduce the remaining requirements, particularly where they add additional burdens on to the trade (such as the requirement for additional DBS checks). Members identified no compelling reasons not to follow the Statutory Standards.
5. The Department for Transport (DfT) have also issued 'Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England' (Best Practice Guidance). This covers many of the 'other aspects' of taxi licensing policy that have caused difficulty to licensing authorities in the past or that seem of particular significance such as accessibility, driver licencing (including knowledge tests) and vehicle licensing (including environmental considerations and age limits). Members of the Licensing and Regulatory committee largely recommended that the Best Practice Guidance was followed in accordance with the recommendations in the report For ease of reference, where Members have recommended departing from the Best Practice Guidance, this has been highlighted below.
6. To offset the challenge of compliance with higher standards, for example in respect of replacing vehicles to more environmentally friendly and/or wheelchair accessible vehicles, it will be seen that the proposed new policy provides additional time (3 years) for existing drivers to comply. Members also discussed the challenge of operators increasingly using legislation and technology to lawfully enable their drivers and vehicles licensed by other Local Authorities to work in York.

Policy Basis for Decision

7. The decision taken contributes towards the Council Plan priorities to provide 'a fair, thriving and green economy for all' and 'sustainable accessible transport for all'.

Financial Strategy Implications

8. There are no financial strategy implications.

Recommendation and Reasons

9. That, in accordance with Option 1 below, Council approves the new policy as recommended by Members of the Licensing and Regulatory Committee to ensure the Taxi Licensing Policy complies with Statutory Standards and Best Practice Guidance (or any departures can be locally justified) thereby aiming to make taxi journeys in York even safer, more environmentally friendly and provide greater customer choice particularly for disabled passengers.

Background

10. The Council introduced its first Taxi Licensing Policy in April 2016 with the existing version being approved in October 2019. It was intended that the policy would be fully reviewed and re-published every 5 years, or sooner if there was significant reason to do so. The existing policy was informed in part by a previous version of the 'Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England' issued by the Department for Transport in 2010. However, the introduction of Statutory Standards and other local considerations has meant the Taxi Licensing Policy has been reviewed several times since. A summary of the key changes to the existing policy and other considerations, particularly where the Best Practice Guidance is not recommended to be followed, is set out below:

Statutory Standards including DBS checks

11. As stated above, Licensing and Regulatory Committee recommended changing the existing policy to reflect the remaining Statutory Standards. In summary, this includes the requirement for i) all drivers to subscribe to the disclosure and barring update service, ii) the introduction of a basic DBS check for all hackney vehicle proprietors, iii) for private hire operators to have sight of a basic DBS check for booking and dispatch staff and iv) the introduction of 5 year licences for private hire operators.

Vehicle emission standards and legacy rights

12. The Best Practice Guidance states *‘Licensing authorities should not impose age limits for the licensing of vehicles instead they should consider more targeted requirements to meet their policy objectives on emissions, safety rating and increasing wheelchair accessible provision where this is low’*. (Best Practice Guidance 8.4). To encourage the use of more environmentally friendly vehicles, the new policy provides that following approval by Council, (newly licensed) vehicles will only be licensed if their emission levels are Euro VI or better. Furthermore, despite the Best Practice Guidance, the policy contains an upper age limit for petrol, diesel and hybrid cars i.e. vehicles only being licensed up to ten years old. This is to prevent vehicles continuing to be used after their emission performance has deteriorated. However, the policy proposed no such age limits for wheelchair accessible vehicles (of Euro VI standard or better) or for more environmentally friendly ULEVs such as plug in electric vehicles. This is to encourage drivers to licence wheelchair accessible and/or more environmentally friendly vehicles in future.
13. In relation to legacy rights for *existing* vehicles it is recommended that all licensed vehicles which do not currently meet the standards will keep their licence for a maximum of three years from the introduction of the policy i.e. 22 November 2027. This has been extended further for wheelchair accessible vehicles which do not meet the new emission standards to 22 November 2030.

Tinted windows

14. The new policy recommends following the Best Practice Guidelines in respect of tinted windows i.e. *‘licensing authorities should not require the removal of windows rear of the B-pillar if they have a minimum light transmission of 30% or above’*. This will ensure that a wide range of vehicles with standard tints will be licensable, but will not allow blacked out or significantly opaque rear windows.

Hackney carriage vehicle colour, signage/vehicle livery

15. The Best Practice Guidance states that *‘members of the public can often confuse private hire vehicles with taxis, failing to realise that they are not available for immediate hire and that a private hire*

vehicle driver can only fulfil pre-booked requests. Greater differentiation in signage will help the public to distinguish between the two elements of the trade. To achieve this, licensing authorities should seek to differentiate the profile of private hire vehicles as these can only be legally engaged through a booking with a licensed operator'. It goes on to state 'To assist the differentiation further, licensing authorities which require taxis to be a particular colour should prevent private hire vehicles from being that same colour...' Adding 'Licensing authorities' private hire vehicle signage requirements should be limited to the authority licence plate or disc and a "pre-booked only" door sign... This approach enables passengers to be given the clear and consistent message that you should only get in a vehicle that 'has a taxi sign on the roof' unless you have pre-booked a private hire vehicle and have received information from the operator to identify it.' (Best Practice Guidance 8.12).

16. In the consultation, 51% of respondents strongly agreed or agreed with the proposal that 'taxis should be black to help with public safety', and of the respondents who identified as female, over 61% agreed. Furthermore, two thirds of respondents (66.6%) who identified as having a mental or physical condition lasting more than 12 months agreed or strongly agreed that hackney carriages should be black. The Licensing and Regulatory Committee therefore recommends that all newly licensed Hackney Carriage vehicles should be black (and conversely that private hire vehicles should not be black). NB This provision will only apply as vehicles are replaced naturally or in accordance with the vehicle emission policy. It will not require an immediate change of colour to existing vehicles.
17. Following the consultation responses, the Licensing and Regulatory Committee also recommended that private hire vehicles display the licence number, licensing authority and operator details on the vehicle so passengers can easily identify it at any time as a City of York licensed vehicle. This is over and above the recommendations of the Best Practice Guidance.

Knowledge test

18. Again following the consultation responses, the Licensing and Regulatory Committee recommend that the new Taxi licensing Policy continues to include topographical testing for hackney and

private hire drivers, despite the recommendation in the Best Practice Guidance that it is not necessary for private hire drivers due to the fact that journeys are pre-booked and can be planned using satellite navigation.

Wheelchair accessible vehicles

19. The policy proposes that operators with over 99 vehicles have a wheelchair accessible (WAV) in operation 24 hours a day. If, in exceptional circumstances, where a WAV is unavailable, the operator must notify the council and provide details of the steps being taken to ensure availability'. The Licensing and Regulatory Committee recognised that this is a novel approach to encourage more wheelchair accessible vehicles are available. It is not an example of a way to encourage more accessible vehicles cited in the Best Practice Guidance. However, over 74% of respondents to the consultation strongly agreed or agreed with the proposal.

Subcontractor bookings

20. The De-Regulation Act 2015 allows private hire operators to subcontract bookings to other operators (even if they are licensed elsewhere). In practice, operators typically subcontract bookings to drivers and vehicles of other authorities in which the operator is also licensed. NB. App based technology also enables private hire operators with licences in other authorities to book drivers and vehicles licensed in other authorities without the need for any physical subcontracting. Neither the Statutory Standards nor the Best Practice Guidelines consider information requirements in relation to sub-contracted bookings.
21. Because Taxi Licensing policies differ between Local Authorities based on the local circumstances, this can mean that different standards apply depending on where the vehicle driver and operator are licensed. It has been noted that the new policy proposes departing from Best Practice Guidance in some instances due to local opinion obtained through consultation.
22. The new policy provides that where operators sub-contract bookings, they must provide customers with the details of the replacement driver and enable the customer to change or cancel the booking without charge.

DVLA points

23. For greater consistency with other local authorities, the Licensing and Regulatory Committee recommend that the new policy provides that new applicants are required to have fewer than 7 penalty points on their DVLA driving licence. However, it enables existing licensed drivers who accrue up to 9 points to undertake training and practical testing (at their own cost) which demonstrates that they have the ability to drive at an appropriate level of safety. This is to ensure consistency with the requirements of other Local Authority areas.

Unmet demand surveys

24. The new policy recommends following the Best Practice Guidance on surveys to measure unmet demand of hackney carriages (used to make a determination to restrict the number of hackney carriage licences, and if so by how many). Under the new provisions, these would now be conducted every five years as opposed to three years in the existing policy.

Consultation Analysis

25. The report to the Licensing and Regulatory Committee held on 8 October 2024 highlighted the extensive consultation undertaken, and the specific interest groups contacted directly. There were 573 responses from the website survey and ten detailed email and written responses. These consisted of seven from the taxi trade (including two Associations) and three from other agencies/bodies / members of the public. The York Access Forum was also consulted. As highlighted above, the results of the consultation helped shape many of the recommendations particularly in respect of changes to the existing policy or departing from Best Practice Guidance.

Options Analysis and Evidential Basis

26. Option 1 – That Council approves the proposed new Taxi Licensing Policy as recommended by the Licensing and Regulatory Committee. The analysis and evidential basis being outlined above and in detail in the report to the Licensing and Regulatory committee contained in the background papers.

27. Option 2 – Council does not approve the new policy as recommended the Licensing and Regulatory Committee giving reasons for the decision.

Organisational Impact and Implications

28. The implications arising from the report are as follows:
29. **Financial** – Chief Finance Officer’s comment. There are no direct financial implications for the council. However, Taxi licensing fees are required to recover costs. Fees are reviewed annually to ensure that they reflect actual costs to the Council.
30. **Human Resources (HR)** – Head of HR’s comment. There are no HR implications.
31. **Legal** – Head of Legal comment. An up to date policy which clearly states the way in which the Council will undertake its statutory duties assists with robust and consistent decision making thus ensuring fairness and transparency for both the trade and public.

Licensing authorities must give due regard to the Statutory Standards when setting their taxi and private hire vehicle licensing policies and procedures. They should also take into account the non-statutory best practice guidance but may depart from it with adequate justification.

Decisions on individual licensing matters determined under the policy are subject to appeal to the magistrates court applying the relevant law. The Council’s decision on the adoption of its taxi licensing policy is subject to judicial review.

32. **Procurement**. There are no procurement implications.
33. **Health and Wellbeing** - The emissions standards are aimed at improving air quality. Taxi drivers are amongst the groups most likely to be affected by poor air quality arising from vehicle emissions.
34. **Environment and Climate action** - Director of Transport, Environment and Planning, and Head of Carbon Reduction’s comment. The changes to vehicle standards in particular are aimed at having a positive impact on the environment and climate action.
35. **Affordability** - Director of Customer and Communities comment. The policy sets out details of the way in which hackney carriage fares are set and reviewed by the Council. The Council will pay particular regard to the needs of the travelling public, with

reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers the ability to earn a sufficient income and so incentivise them to provide a service when it is needed.

36. **Equalities and Human Rights** - It is recognised that licensed taxis and private hire vehicles are a particularly important method of transport for disabled people and other vulnerable passengers, including school children because of the door-to-door service they provide. A detailed equalities impact assessment accompanied the Licensing and Regulatory Committee report. The policy includes a robust approach to safeguarding including ongoing checks on drivers and compulsory training.
37. **Data Protection and Privacy** – Information Governance comment. The data protection impact assessment (DPIAs) screening questions were completed for the recommendations and options in this report and as there is no personal, special categories or criminal offence data being processed to set these out, there is no requirement to complete a DPIA at this time. However, this will be reviewed following the approved recommendations and options from this report and a DPIA completed if required.
38. **Communications** - The policy will be available on the City of York Council website in an accessible format.
39. **Economy** - Head of City Development. The implications of the policy on the taxi trade and those who rely upon it have been highlighted throughout the report.
40. **Other** – There are no other implications.

Risks and Mitigations

41. Operating with a taxi policy which fails to follow the Statutory Standards and/or the Best Practice Guidance without local justification means that the impact of adverse local publicity and/or a successful challenge in a local court is 'moderate' and the likelihood is 'possible'. This gives a risk score of '14', and is a yellow risk on the Council's Risk Management Matrix. Having an updated/approved policy means that the likelihood reduces to 'remote' which gives a risk score of '6' and is a green risk.

Wards Impacted

42. All wards will be impacted by the policy.

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Background papers

Agenda report pack for the Licensing and Regulatory Committee – Tuesday 8th October 2024

<https://democracy.york.gov.uk/documents/g14535/Public%20reports%20pack%20Tuesday%2008-Oct-2024%2016.30%20Licensing%20and%20Regulatory%20Committee.pdf?T=10>

Department for Transport - Statutory taxi and private hire vehicle standards - Updated 25 November 2022

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards/statutory-taxi-and-private-hire-vehicle-standards>

Department for Transport - Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - Updated 17 November 2023

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england>

Annexes

Annex 1 – New Taxi Licensing Policy

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Hackney Carriage & Private Hire

Licensing Policy

Further copies of this Policy can be obtained via:

Email: licensing@york.gov.uk

Telephone: 01904 552422

Website: www.york.gov.uk/licensing

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Introduction

1. Powers, Duties, Implementation & Review

- 1.1 In March 1996 City of York Council (The Council) adopted Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act). This legislation, together with the provisions of the Town Police Clauses Act 1847 (the 1847 Act), places on the Council the duty to carry out its licensing function in respect of hackney carriage and private hire licensing. As such the Council is responsible for the licensing of private hire drivers, vehicles and operators and hackney carriage drivers and vehicles. The Council is also responsible for the setting of Byelaws in relation to hackney carriage drivers and vehicles.
- 1.2 This document sets out the policy that the Council will apply when making decisions about new applications and licences currently in force.
- 1.3 In formulating this policy the Council has considered the advice contained in the 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' issued by the Department for Transport (DfT), first published in March 2010, (updated November 2023) and the Statutory Taxi and Private Hire Vehicle Standards issued by the DfT in July 2020 (updated November 2022). The DfT also carried out consultation with an extensive range of stakeholders, including taxi operators and drivers, passengers, disabled passengers and local businesses.
- 1.4 In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy and the objectives set out in point 3.1.
- 1.5 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from the policy, clear and compelling reasons will be given for doing so.
- 1.6 This policy was considered by the Licensing and Regulatory Committee on (8th October 2024) and was approved by the Council on (date to be determined by Council) and take effect from this date. Certain provisions within the policy will not take effect until a date specified with the relevant provision. In exercising the taxi licensing functions of the Authority, the

relevant Committee and Authorised Officers shall have regard to this Policy and to the standard conditions contained within the Appendices when considering each licence application and shall apply such conditions as they think fit in each case.

- 1.7 The Council will keep this policy under review and will consult where appropriate on proposed revisions. Reviews will take place in line with the requirements to undertake unmet demand surveys, once every five years.
- 1.8 The Council expects licence holders to comply with the terms and spirit of this policy immediately or, where appropriate, from the renewal of a current licence. Where it is not possible to comply with part of the policy due to an outstanding action required by the Council information will be provided as to an implementation date for that part.
- 1.9 From the effective date, this Policy will replace and supersede all existing policies in relation to hackney carriage and private hire licensing. There have been no changes to the Byelaws relating to hackney carriage drivers and vehicles.
- 1.10 The first purpose of the Local Authority when licensing hackney carriage and private hire, vehicles, drivers and operators is public protection. This will however be construed in its widest sense. The Council is aware that the public should have reasonable access to safe and comfortable hackney carriage and private hire vehicles because of the role they play in the local transport system.
- 1.11 A hackney carriage is a public transport vehicle with no more than eight passenger seats, which is licensed to 'ply for hire'. This means that it may stand at designated taxi ranks or be hailed in the street by members of the public. A private hire vehicle can only be licensed if it is constructed or adapted to seat up to eight passengers, they must be booked in advance through an operator and may not ply for hire in the street. In this policy, the term 'hackney carriage' and 'private hire' are used specifically in relation to the relevant licences. The term 'taxi' is used in relation to 'hackney carriage' and 'private hire' generically unless otherwise stated.

2. Profile of York

- 2.1 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. More than 201,700 people live in the Council area (2022 est. from Office of National Statistics). In 2017, York was declared the first 'human rights city' to act as 'a catalyst for York people, businesses and organisations to champion a vibrant, diverse, fair and safe city'. In 2019, the Council declared a climate emergency. Whilst the over-riding objective is public protection, for these reasons public protection is construed in its widest sense, and any of the requirements in this policy are set in this wider context.

- 2.2 The Council is striving to reduce the number of people using their own car for journeys which can be made by other means, including encouraging the use of taxis as an alternative to a private car, and an enabler for households to not have to own their own car (see para 2.5 below for the taxis we are encouraging). As well as the environmental benefits, the approach is intended to free up the road network for improved public transport and for those who need to use private vehicles because there are no alternative means for their particular journey. The Council's transport strategy prioritises sustainable means of travel, walking first, then cycling, then bus use, and then taxi travel where possible. People with protected characteristics sit at the top of every level within the transport hierarchy. Taxis provide a flexible form of public travel within the transport hierarchy and in situations where other forms of transport are not available including rural areas and late evenings. They take residents to work, school, medical appointments, shopping and entertainment in the city centre and retail parks amongst many other places. It is recognised that taxis play a crucial role in assisting disabled people to live more independently, giving them greater control over their lives, as well as providing a vital service to vulnerable members of the community including lone women because of the door-to-door service they provide.
- 2.3 York remains a nationally and internationally prominent City for a range of reasons. Not only is it an historic centre for England, and an important location for the Church of England. It is one of the most visited destinations in the country. As such, hospitality, tourism and leisure are key industries. Our visitors also rely on taxis. York races, and other events such as a leading Christmas Market increase the demand for taxi journeys at certain times of the year. The city is also a centre of academic excellence, with two universities, and two colleges of further education – taxis are an important means of transport for students.

- 2.4 The city is home to a major railway station on the main east coast railway line linking London and Edinburgh and other major towns and cities in the county. It is recognised that taxis play a key role in transporting people at the beginning and end of their train journey.
- 2.5 This policy therefore supports the important contribution that the hackney carriage and private hire trade make to the local transport system within the authority area. The policy however encourages the use of wheelchair accessible vehicles and electric vehicles, over and above other vehicles. In as far as it is legally permitted the policy encourages the use of locally licensed drivers and vehicles and acknowledges those who are licensed by other authorities which at least meet the standards in this policy. For the avoidance of doubt, we acknowledge the so called 'right to roam' for drivers (and vehicles) who meet the standards of this policy. However, we do not encourage 'licence shopping' by Private Hire operators using 'sister operators' (i.e. private hire operator licences obtained in other authority areas where they do not routinely undertake private hire work) to enable drivers who do not meet our standards to licence there and predominantly work in York regardless.

3. Objectives

- 3.1 The Council shall seek to promote the following objectives:
- a) Protect the interests of the travelling public by ensuring:
 - i) that safe, clean, reliable, and where possible, accessible vehicles are available for all who require them.
 - ii) drivers of such vehicles and private hire operators are 'fit and proper' persons.
 - iii) compliance with legislation including that relating to equalities and reporting of safeguarding concerns for children and vulnerable adults.
 - b) Provide clarity to licence holders and applicants with regard to the Council's expectations and the decision making process.
 - c) Provide the travelling public access to an efficient and effective public

transport service. This includes ensuring that drivers have local knowledge of the city to help passengers avoid congestion, whilst respecting and supporting the objectives within York's Transport Strategy and the emerging Movement & Place Plan, (including using the outer ring road and A64 when this is the quickest option) and temporary changes to the road network caused by roadworks, and events such as the races as well as the city centre pedestrian zone. In doing so avoiding unnecessary prolonging of journeys.

- d) The protection of the environment and encouraging environmental sustainability particularly through vehicle emission standards and the objectives within York's transport strategy.
- e) Encourage high standards of professionalism in the hackney carriage and private hire trade and encourage new entrants with the necessary attributes into the profession.

3.2 This policy shall apply in respect of applications, renewals, transfers and any other related matters connected to the following licences:

- a) Hackney carriage drivers
- b) Hackney carriage vehicles
- c) Private hire drivers
- d) Private hire vehicles
- e) Private hire operators

4. Licensing Methods

4.1 The methods the Council shall use are as follows:

- a) Setting the standards for the licensing of drivers, vehicles and operators.
- b) Annual licensing and inspections of vehicles, with appropriate follow up action.
- c) Routine inspection of insurance policies and Certificates of Compliance / MOT certificate, with appropriate follow up action.

- d) Checks on driver's medical health, driving ability, criminal records and rights to work.
- e) Making sure drivers are adequately trained on matters such as safeguarding, equalities, disability awareness, knowledge of the city, road networks, conditions attached to licences and legal requirements.
- f) Investigate complaints with appropriate follow up action.
- g) Liaison with the Police and other agencies regarding issues of mutual concern in relation to offences or the conduct of licence holders.
- h) Liaison with the hackney carriage and private hire trade as and when required.
- i) Taking enforcement and/or disciplinary action including the issue of prosecution proceedings, verbal and written warnings, simple cautions, fixed penalty tickets and similar, suspension or revocation of licences for breaches of legislation or conditions.
- j) Conditions added to licences.
- k) The issue of guidance notes.

5. Decision Making

- 5.1 The Licensing and Regulatory Committee has been established by the Council, this Committee makes recommendation to Council with regards to Policy matters relating to hackney carriage and private hire licensing. A Sub-Committee (three Members) of this Committee may be established if required, and if it is in the public interest to do so, to determine to:
- Grant or renew an application for a hackney carriage or private hire vehicle licence;
 - Grant or renew an application for a hackney carriage or private hire driver's licence;
 - Grant or renew an application for a private hire operator's licence;
 - Refuse an application for the grant or renewal of a hackney carriage or private hire vehicle licence;
 - Refuse an application for the grant or renewal of a hackney carriage or private hire driver's licence;
 - Refuse an application for the grant or renewal of a private hire operator's licence;
 - Suspend or revoke a hackney carriage or private hire vehicle licence;
 - Suspend or revoke a hackney carriage or private hire driver's licence;

or

- Suspend or revoke a private hire operator's licence.

5.2 Officers within the Licensing Section have delegated powers to determine to:

- Grant or renew an application for a hackney carriage or private hire vehicle licence;
- Grant or renew an application for a hackney carriage or private hire driver's licence;
- Grant or renew an application for a private hire operator's licence;
- Refuse an application for the grant or renewal of a hackney carriage or private hire vehicle licence;
- Refuse an application for the grant or renewal of a hackney carriage or private hire driver's licence;
- Refuse an application for the grant or renewal of a private hire operator's licence;
- Suspend or revoke a hackney carriage or private hire vehicle licence;
- Suspend or revoke a hackney carriage or private hire driver's licence;
- or
- Suspend or revoke a private hire operator's licence.

Workshop technicians within Fleet Services also have delegated authority to suspend a vehicle licence if the vehicle fails an inspection or no longer complies with the vehicle licence conditions.

5.3 Decision to refuse to grant, refuse to renew, suspend or revoke a vehicle licence will be taken if the vehicle is not considered to be fit, for example:

- vehicle fails an inspection;
- vehicle fails to attend an inspection;
- vehicle no longer complies with the vehicle licence conditions;
- required documentation relating to the vehicle is not submitted when requested, for example insurance or MOT certificate;
- the vehicle has been involved in an accident and is no longer considered roadworthy.

5.4 Decision to refuse to grant, refuse to renew, suspend or revoke a driver's licence will be taken if the applicant or licensed driver is not considered to be a fit and proper person to hold a licence.

- 5.5 Decision to refuse to grant, refuse to renew, suspend or revoke an operator's licence will be taken if the applicant or licensed operator is not considered to be a fit and proper person to hold a licence.

6. Rights of Appeal

- 6.1 An applicant or licence holder has the right to appeal any decision to:
- refuse to grant
 - refuse to renew
 - suspend
 - revoke
- a licence.
- 6.2 A licence holder has the right to appeal any conditions place on a licence.
- 6.3 An appeal must be lodged with the Magistrates Court within 21 days of the Council's decision notice being served.

7. Consultation & Partnership Working

- 7.1 In preparing this policy the Council has consulted with the following agencies:
- a) Licence holders
 - b) Hackney carriage and private hire trade associations
 - c) North Yorkshire Police
 - d) Equality Groups
 - e) Disability Groups
 - f) Highways Authority (both local and county)
 - g) School Transport
 - h) Children and Adult Safeguarding
 - i) Other Council Departments
 - j) Service Users
 - k) Business representatives
- 7.2 To promote the policy objectives the Council will work in partnership with the Council sections and other agencies including:
- a) School Transport
 - b) Children and Adult Safeguarding

- c) City of York Council, iTravel, Highways, Transport and Air Quality teams
- d) Business Improvement District
- e) Carbon Reduction Team
- f) City of York Council Access Officer
- g) North Yorkshire Police
- h) Driver and Vehicle Standards Agency (DVSA)
- i) HM Revenue and Customs
- j) Department of Works and Pensions
- k) Home Office Immigration Services

7.3 We will seek the views of hackney carriage and private hire trade associations (see paragraph 9 below).

8. Equalities

8.1 The Council is committed to ensuring equality in employment and service delivery. To achieve this the Council is aware of its public sector equality duty under the following legislation:

- a) Sex Discrimination Act 1975
- b) Race Relations Act 1976/2000
- c) Equality Act 2010
- d) The Gender Recognition Act 2004
- e) Human Rights Act 1998

9. Hackney Carriage and Private Hire Associations

9.1 The Council will only meet with and seek the views of hackney carriage and private hire association and professional bodies representing York's taxi trade if they meet the required minimum requirements:

- the association should be properly constituted;
- regular elections take place to determine the committee;
- Annual General Meetings take place, at which minutes are taken; and
- there is a current list of members of the association.

9.2 Information as to the associations committee, membership and meetings should be provided to the Council on request.

Vehicles

A licensed vehicle is always a licensed vehicle and cannot be driven by anyone other than a licensed person.

10. Specifications

- 10.1 The Council accepts that there are a wide range of vehicles available that are suitable for use as a hackney carriage or private hire vehicle. In accordance with Best Practice Guidance, all vehicles therefore shall have an appropriate 'type approval' which is either:
 - a) European Community Whole Vehicle Type Approval;
 - b) M1 Low Volume Type Approval;
 - c) M1 UK National Small Series Type Approval; or
 - d) Individual Vehicle Approval (IVA)
- 10.2 As a guide, most large volume production vehicles produced in the UK and EU States after 1987 will satisfy UK and/or European Whole Type Approval. Specialist vehicles or any vehicle that has been structurally modified, converted or imported from a non-EU State since its original manufacture will require separate ITA and /or Department of Transport Approval and such documentation must be submitted with an application.
- 10.3 Vehicles will be licensed for the carriage of not more than eight passengers. Vehicles may be licensed to carry fewer than four passengers subject to compliance with specifications relating to passenger comfort and vehicle conditions.
- 10.4 A vehicle will not normally be granted a licence if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or has been disposed of under insurance salvage agreement, (categories A and B); with regards to categories S (formerly category C) and N (formerly category D), it will be dependent on the level of damage. An independent inspection may be requested. This must be undertaken by an approved assessor who is recognised by Hire Purchase Investigation (HPI) provisions and the Council.

10.5 The suitability of a vehicle is determined by the mechanical and general condition of the vehicle under the following points, and additional matters subject to byelaws and vehicle conditions:

- a) Vehicle exterior
- b) Inside the boot
- c) Interior of the vehicle
- d) Engine bay
- e) Wheels and tyres
- f) Underside
- g) Roller brake test

10.6 Vehicles must carry a spare wheel and the tools required to undertake a change of wheel. Exemption from this requirement will be granted under the following circumstances:

- a) The use, in emergency only, of a space-saver tyre, run flat tyres (when punctured) or puncture repair kit for all vehicles that are manufactured and delivered with such tyres or kits as standard.
- b) That in the event of a space-saver tyre, run flat tyres (when punctured) or puncture repair kit being used, it is only to complete a fare and must comply precisely with the manufacturers' recommendations. Any such defective wheel should be replaced before taking another fare to ensure passenger safety.
- c) In cases where a rear loading wheelchair accessible conversion or a LPG conversion where the tank occupies the usual site of the spare wheel, is considered suitable, the vehicle should be exempt from the requirement to carry a spare wheel matching those fitted to the vehicle. This would be subject to the vehicle meeting the luggage criteria and being approved by the specialist converters. In these instances, an alternative space saver tyre or puncture repair kit must be carried on the vehicle for emergencies.

- d) All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle and an appropriate means of changing the wheel.

11. Limitations on Numbers

- 11.1 No powers exist for the licensing authority to limit the number of private hire vehicles that they licence.
- 11.2 The current legal provision on quantity restrictions for hackney carriages is set out in section 16 of the Transport Act 1985. This provides 'that the grant of a licence may be refused for the purpose of limiting the number of hackney carriages in respect of which licences are granted, if, but only if, the person authorised to grant the licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.
- 11.3 The Council does restrict the number of hackney carriage licences issued. Unmet demand surveys are carried out every five years with new licences released when required.

12. Hackney Carriage Vehicle Licence Waiting List

- 12.1 As the Council restricts the number of hackney carriage licences issued a waiting list of people who have shown an interest in holding a vehicle licence is in place.
- 12.2 People wishing to have their name entered onto the list must put their request in writing to the Licensing Section. Their name will be entered at the end of the list.
- 12.3 It is the responsibility of the person whose name is entered on the list to notify the Licensing Section if they change address. This must be done in writing.
- 12.4 The Council will write to everyone on the waiting list once every five years, to confirm their position on the list, and ask for written confirmation that they wish to remain on the list. If written confirmation is not received by the date specified their name will be removed from the list.

13. Private Hire Vehicles

- 13.1 A private hire vehicle is a motor vehicle constructed or adapted to seat no more than eight passengers which is provided for hire with the services of a driver for the purpose of carrying passengers. Every hiring of a private hire vehicle must be pre-booked through a licensed private hire operator. Any vehicle used as a private hire vehicle must be licensed under the provisions of the 1976 Act.
- 13.2 Before granting a private hire vehicle licence the Council must be satisfied that the vehicle meets the following criteria:
- a) Is suitable in type, size and design for use as a private hire vehicle.
 - b) Is not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage.
 - c) Is in a suitable mechanical condition.
 - d) Is safe.
 - e) Is comfortable.
- 13.3 Conditions may be attached to the grant of a licence as are considered reasonably necessary.
- 13.4 In addition to the legislative requirements the Council has approved conditions relating to the specifications of the vehicle and other matters. Standard conditions are attached at Appendix 1.
- 13.5 General conditions are also attached to private hire vehicles licences relating to the identifications of the vehicle, (including door signs and artwork) and safety issues. These are attached at Appendix 2.
- 13.6 From (22nd November 2024) private hire vehicle must be any colour other than black. This requirement will apply to currently licensed vehicles upon change of vehicle. Private hire vehicles that have been granted the 'Private Hire Vehicle Licence Plate and Signage Exemption' (Executive Vehicles), will be exempt from this requirement.
- 13.7 Vehicle side plates (door signages) must comply with the requirements of

the standard conditions at Appendix 1.

13.8 Artwork for vehicle side plates (door signage) must be submitted to the Council's Licensing Section for approval and must comply the following guidelines:-

- a) The design of the side plate must be uncluttered and must clearly show the information required by the private hire conditions.
- b) All lettering must be in solid block print, not just an outline and contrast in colour from the background so as to be easily read from a distance.
- c) Side plates may include the private hire company logo.
- d) Advertising of third-party products or services is not permitted on side plates.
- e) Side plates must not contain any offensive or indecent information.
- f) Faded and damaged licence plates and livery must be replaced.

14. Hackney Carriage Vehicles

- 14.1 A Hackney Carriage is a wheeled vehicle (motorised, horse drawn carriage and pedicabs) used in standing or plying for hire that is required to have a numbered plate fixed upon it. The legal definition of a hackney carriage is contained in the Town Police Clauses Act 1847.
- 14.2 A Hackney Carriage Vehicle can ply for hire and wait at a hackney carriage stand (rank).
- 14.3 Conditions can be imposed upon the grant of a Hackney Carriage Vehicle proprietor's licence and the Council has Byelaws to control the conduct of both the proprietors and the drivers. Standard conditions and Byelaws are attached at Appendix 3 and 4.
- 14.4 From the (22nd November 2024) Hackney Carriage Vehicles must be a single colour, black. This requirement will apply to currently licensed vehicles upon change of vehicle.

- 14.5 The Council has determined that it will issue a maximum of ten licences to pedicabs. As a pedicab is a licensed vehicle the rider must hold a hackney carriage drivers' licence. Pedicabs can ply for hire, for safety reasons it is recommended that they only rank at Tower Street and at the rear of Duncombe Place during the day. The 'Code of Conduct' for riders and proprietors and standard conditions are attached at Appendix 5.
- 14.6 The Council has previously licensed horse drawn carriages who offered a toured route of the city, part of this route allowed access through the pedestrian zone, they were also allowed to rank at Duncombe Place. Due to the expansion of the pedestrian zone and the provision of counter terrorism measures across the city this route is no longer available, and due to the provision of loading bays and blue badge holders parking there is no longer provision for them to rank at Duncombe Place. If any applications are received for a horse drawn carriage in the future engagement with relevant Council sections and partner agencies will take place. If required a consultation will be undertaken before a decision is made.

15. Accessibility

- 15.1 The combination of the service they offer, and door to door operation means taxis and private hire vehicles are an essential mode of transport for many people with accessibility needs.
- 15.2 If the Council determines to grant and/or release any new hackney carriage vehicle licences, one of the requirements will be that the vehicle must be wheelchair accessible.
- 15.3 The Council recommends that private hire operators understand the importance of having wheelchair accessible vehicles as part of their fleet which are available to be booked 24/7. There is a standard condition in relation to availability of wheelchair accessible vehicles for the largest operators (i.e. those operating more than 99 vehicles).
- 15.4 Licensed drivers will be aware of the legal requirement to carry guide, hearing or prescribed assistance dogs within the licensed vehicle. The dog will remain with the passenger and no additional charge will be made for carrying the dog.

- 15.5 Any licensed driver who has a medical condition preventing them from loading a wheelchair or carrying a dog may apply to the Council for a medical exemption. Written confirmation of the medical condition will be required from the licensed driver's doctor before an exemption is issued.
- 15.6 Where an exemption certificate has been issued and is properly displayed in the vehicle, the driver will be exempted from such duties as appropriate. Exemptions are specific to an individual driver and will not provide a defence for any other driver of a designated vehicle.
- 15.7 All licenced vehicles have the capability of securing a folding wheelchair in the luggage compartment, an additional payment cannot be charged for this service.

16. Insurance

- 16.1 All proprietors are required to ensure that at all times during the duration of a licence there shall be in force a Policy of Insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, in relation to the vehicle being used for private hire or hackney carriage purposes.
- 16.2 The proposer of the insurance must be the proprietor of the licensed vehicle. The Certificate of Insurance or Cover Note must clearly state the named driver(s) and vehicle details (NB This does not require proposer/proprietor to be a named driver).
- 16.3 In the case of a vehicle covered by a block insurance policy, the Certificate or Cover Note must be produced showing that there is insurance in force in relation to the use of the hackney carriage or private hire vehicle to which the application for the grant of licence relates.
- 16.4 It is an offence to drive a licensed vehicle without the appropriate insurance being in place. Requests to produce insurance may be made during the term of the licence. These requests must be complied with in accordance with the time scales stipulated in the request. Failure to comply with a request could lead to the vehicle licence being suspended or revoked.

17. Proprietor / Joint ownership of vehicles

- 17.1 A person applying for a vehicle licence must be the proprietor of the vehicle to which the application relates. If the applicant is not the sole proprietor, they must name all joint proprietors including anyone involved in the day-to-day usage of the vehicle.
- 17.2 The V5 Vehicle Registration Document must be in the name of the applicant or in the name of applicant's company, the company name must be detailed on the application form. The applicant should include on the application details of any other person (or company) involved in the keeping, employing or letting for hire of the vehicle.
- 17.3 For vehicles which have more than one owner, documentation must be produced by the principal/lead owner, prior to the licence being granted, which clearly identifies names and address of each owner. This includes documentation such as a bill of sale (receipt), sales invoice or hire purchase agreement, and where appropriate a formal Statutory Declaration to evidence ownership completed in accordance with 21.5 of this Policy.

18. Advertising

- 18.1 Where vehicle licence conditions permit, vehicle licence holders may place advertising material in or on their vehicle in accordance with their licence conditions. Approval must first be sought from the Licensing Office. Conditions under which advertising on vehicles will be permitted are attached at Appendix 6.

19. Vehicle Testing

- 19.1 The Council needs to be satisfied that all vehicles it licences are safe. All vehicles are required to undergo an inspection conducted by an approved mechanic at the Council's workshop at the Eco Depot, Hazel Court, York, prior to being licensed and annually thereafter. If required, the Council will approve an inspecting centre in relation to the inspection of stretched limousines.
- 19.2 Vehicles exceeding five years old on the day the vehicle licence is issued (calculated from the date of first registration with the DVLA), will be subject to two vehicle inspections in every 12-month period. One inspection shall

be the initial grant or annual inspection conducted by the Council, the second inspection will take place approximately 6 months from the date of the initial grant of the vehicle licence or annual inspection at a date determined by the Council and can be completed by:

- a) presenting the vehicle for inspection by the Council's vehicle examiner within a time scale determined by the Council;
- or
- b) successfully completing a MOT test within a time scale determined by the Council.

19.3 The vehicle inspection carried out by the Council will consist of two parts which will comprise a mechanical examination and an inspection of the condition and fittings of the vehicle, to ensure that the vehicle conforms with the standard conditions attached to the taxi and private hire vehicle licences.

19.4 The purpose of the mechanical examination is to ensure that the vehicle is in a roadworthy condition. It should be noted that the Council Testing Standards for roadworthiness is that of an MOT. The remainder of the inspection is to ensure that the vehicle is both safe and comfortable and suitable for transporting members of the public in accordance with this policy and vehicle licence conditions. Any vehicle failing the test will be required to have a retest. If appropriate the licence will be suspended.

19.5 It will be the proprietor's responsibility to ensure that their licensed vehicle is roadworthy, maintained to the Council's standards and fit for purposes of hire and reward at all times.

20. Taximeters

20.1 It is a legal requirement that taximeters must be fitted within hackney carriage vehicles, but optional for private hire vehicles.

20.2 Taximeters must be approved by the Council. Vehicles equipped with a taximeter must submit the meter for a periodic test.

20.3 Taximeters must be sealed, if approved by the Council, this may be done by the person undertaking the calibration and providing a certificate of calibration at the time of the vehicle examination.

21. Application Procedure

- 21.1 The application procedure for a vehicle licence is not legally prescribed but is a matter for each Council to determine. The Council require an application to be made on the specified application form available from the Licensing office or at www.york.gov.uk/licensing.
- 21.2 Applications will normally be processed within 10 working days unless it has to be determined by Committee / Sub-Committee, in which case it will normally be determined within 20 working days. Applications will not, however, be determined until the Council has received all relevant documentation and the vehicle has passed the inspection.
- 21.3 The Council shall consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are completed.
- 21.4 As part of the application the applicant(s) will submit a basic disclosure from the Disclosure and Barring Service (DBS), which must be dated within the last 12 months, unless they are licensed with the Council as a hackney carriage and/or private hire driver.
- 21.5 Acceptable forms of proof of ownership are:
- a) Where a vehicle has been purchased for a car dealership (garage), a bill of sale which is dated, contains the full name and address of the seller, the purchaser and full description of the vehicle including make, model and registration number.
 - b) Where a vehicle licence proprietor has purchased a vehicle by way of private sale, the seller and purchaser shall sign a formal Statutory Declaration clearly identifying ownership of the vehicle. Such a declaration shall be given under oath in the presence of a solicitor.
 - c) A Hire Purchase Agreement which is dated, contains the details of the vehicle and the full details of the person(s) to who the agreement applies.
 - d) A lease agreement containing full details of the vehicle, the lessee and

the lessor.

22. Executive Vehicles

- 22.1 The 1976 Act gives local authorities the discretion to grant a proprietor an exemption from the requirements to display licence plates on their licensed private hire vehicle. Each application for an exemption is considered by the Taxi Licensing Manager on its own merits. The overriding consideration will be public safety.
- 22.2 If granted an Exemption Notice will be issued to the proprietor. The Exemption Notice shall be granted for a period of no more than one year. A copy of the Exemption Notice shall be carried in the vehicle at all times and shall be produced to an Authorised Officer on request.
- 22.3 The Exemption Notice is granted subject to the licensed private hire vehicle being operated in accordance with standard conditions and any additional conditions. Failure to comply with these conditions may result in the withdrawal of the Exemption Notice. The Council has developed a licensing regime for such vehicles, which is set out in Appendix 2, along with additional conditions.

23. Stretch Limousines & Novelty Vehicles

- 23.1 The Council recognises the role of stretched limousines, their use generally includes all private hire work plus special occasions such as days at the races, stag and hen parties and school proms. The licensing regime for executive vehicles will apply.
- 23.2 Most stretched limousines are imported for commercial purposes and are required to have undertaken an Individual Vehicle Approval (IVA) test. The IVA Scheme is an inspection scheme for vehicles that are not approved to British and European Standards, and its purpose is to ensure that the vehicle meets modern safety standards and environmental standards before being used on public roads. When presented for IVA, the vehicle is produced with a declaration that it will never carry more than eight passengers. The importer must inform any person who may use it of this restriction. Any subsequent purchasers must also be informed of the restriction.

- 23.3 Any stretched limousines, which are offered for private hire, do require a licence. Most stretched limousines are licensed by the DVSA due to their seating capacity. If an application is received by the Council to licence such a vehicle, it will be treated on its merits.
- 23.4 Novelty vehicles, which are offered for private hire, do require a licence. If an application is received by the Council to licence such a vehicle, it will be treated on its own merits.

24. Exempt Vehicles

- 24.1 Vehicles that are used solely in connection with a funeral or are being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals, do not need to be licensed.
- 24.2 Vehicles that are used solely in connection with a wedding do not require a licence.

25. Security Measures

- 25.1 The Department of Transport Best Practice Guidance recommends that licensing authorities look sympathetically on or even actively encourage the installation of security measures such as a screen between the driver and passengers or CCTV systems as a means of providing some protection for the vehicle.
- 25.2 The installation of CCTV in licensed vehicles must first be approved by the Council. The installation is voluntary, and all costs borne by the vehicle proprietor.
- 25.3 If CCTV is installed within a licensed vehicle, the vehicle licence proprietor must make sure the requirements of the Information Commission Office (ICO) and the Data Protection Act 2018 are met with regards to controlling the recordings. The Council has an approved list of CCTV installers that meet these requirements.

26. Environmental Considerations

- 26.1 Taxi and private hire vehicles are an essential form of transport in the York area. Many people depend on such vehicles for trips when other forms of

transport are unsuitable or unavailable; these persons include the vulnerable and some schoolchildren who are likely to be more susceptible to poor air quality and respiratory illnesses. For the health and environmental reasons above, and because York has a legal duty to improve air quality, it is vital that emissions from licensed vehicles are reduced as far as practicable. Air quality can be worse inside a vehicle (because the air doesn't circulate as much as it does outside) and that taxi drivers are therefore more susceptible to the effects of poor air quality. It is therefore important that increased efforts are made to reduce emissions of toxic particulates and nitrogen dioxide, and also greenhouse gases that lead to climate change and contribute to flooding in York.

26.2 The DfT guidance asks licensing authorities to consider how their vehicle licensing policies can support any local environmental policies they may have adopted, bearing in mind the need to ensure that benefits outweigh costs (in whatever form). DfT suggest that local authorities may wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.

26.3 From the (22nd November 2024), only the following European Standards will be accepted for new private hire vehicle applications, and any subsequent replacement of these vehicles, and all replacement vehicles for both taxi and private hire:

- a petrol/diesel vehicle (or petrol / diesel hybrid vehicle) with >75g/km CO₂ that is Euro VI or better and less than 10 years old.
- an Ultra Low Emission Vehicle (ULEV*see definition) including fully electric vehicles (EVs) and Plug-in Hybrid Electric Vehicles (PHEVs) that are Euro VI or better.
- any wheelchair accessible vehicle (WAV) that is Euro VI or better. (For the avoidance of doubt, as well as petrol and diesel vehicles that are Euro VI or better, this includes, Euro VI petrol / diesel hybrids / plug-in hybrid electric vehicles (PHEVs) and all fully electric WAVs**)

*ULEVs are currently defined as having less or equal to 75 grams of CO₂ per kilometre (g/km) from the tail pipe. The CO₂ count can be ascertained using the following website - <https://www.gov.uk/get-vehicle-information-from-dvla>.

** A WAV is a vehicle constructed or converted specifically so that it can accommodate one or more person(s) seated in the wheelchair(s) when travelling on the road.

- 26.4 It will be for the applicant or the vehicle licence proprietor to demonstrate that the vehicle they wish to be licensed meets the appropriate European Standards as stated in paragraph 26.3 above.
- 26.5 Emissions from licensed vehicles could be reduced further by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at ranks. City of York Council operate a strict anti-idling policy for all vehicle types. Idling is prohibited for any private hire vehicles or taxis that are parked up and waiting, particularly at ranks, where the cumulative impact of idling taxis can be detrimental to local air quality and health.
- 26.6 From (22nd November 2027) a vehicle licence will only be renewed to vehicles meeting the requirements of paragraph 26.3 above.
- 26.7 Wheelchair Accessible Vehicles (WAV's) licensed prior to the 22nd November 2024, with European Emissions Standard - Euro V, will be considered for renewal until (22nd November 2030). From the 22nd November 2027 to the 22nd November 2030 any such vehicles are required to undergo a further inspection, in addition to the requirements of Section 19.2 of this policy, totalling three vehicle inspections in every 12-month period. The inspection will be conducted at the Council's workshop at the Eco Depot, Hazel Court, York.
- 26.8 The emission standards for taxis and private hire vehicles will be subject to review, considering the latest air quality monitoring results, to determine whether they are making sufficient progress towards achieving the health-based air quality objectives.
- 26.9 This policy is part of the Council's ambition to have an ultra-low emission taxi fleet in York that benefits people's health and creates a more pleasant environment. The Council will continue to seek opportunities to obtain further grant funding to support taxi drivers to upgrade their licensed vehicles to ultra-low emission vehicles.
- 26.10 Following the recommendations of an unmet demand survey, undertaken

in autumn 2021, and the non-renewal of three hackney carriage vehicle licences, on the 20 October 2022, the Council approved the grant of ten hackney carriage vehicle licences. Members determined that these vehicle licences will only be granted to:

- a fully electric wheelchair accessible vehicle; or
- a plug-in electric petrol hybrid wheelchair accessible vehicle*.

*These vehicles are purpose-built taxis and have CO2 emissions of less than 50g/km and can travel at least 112km (70miles) without any emissions. The vehicle must be black in colour. These vehicles are issued with vehicle licence numbers from 184 to 193.

26.11 If a hackney carriage vehicle licence becomes available, for example the licence is surrendered, revoked or not renewed, the Council will offer the licence to the person at the top of the hackney carriage vehicle licence waiting list, as this offer will be for the grant of a vehicle licence the vehicle to be licence must meet the requirements of paragraph 26.9.

27. Renewal of Licences

27.1 Vehicle licence proprietors will be invited to renew their licence prior to the expiry date. It is the licence holder's responsibility to ensure that the licence is renewed prior to its expiry.

27.2 The renewal application and all documentation required as part of the renewal process must be received prior to the expiry of the existing licence. The vehicle licence will not be renewed until all relevant documentation is received.

27.3 Vehicle licence proprietors will submit a basic disclosure from the DBS which must be dated within the last 12 months, as part of the vehicle licence renewal process unless they are licensed with the Council as a hackney carriage and/or private hire driver.

27.4 Vehicle licence proprietors who fail to submit renewal applications and relevant documentation in accordance with paragraph 27.2 will be required to reapply as a new applicant.

28. Refusal to renew, Suspension and Revocation of Vehicle Licence

28.2 As part of the renewal process and at any time during the duration of the

licence, the Council can review if the vehicle is consider fit to be used as a licensed hackney carriage or private hire vehicle.

- 28.3 If the Council determine that the vehicle is not fit to be a licensed vehicle the application to renew will be refused, or the vehicle licence will be suspended or revoked.

29. Term of Licence

- 29.1 Vehicle licences are valid for a maximum period of one year, or for such lesser period, specified in the licence as the Council thinks appropriate in the circumstances of the case.

DRAFT

Drivers

30. Licences

30.1 The Council issues driver's licences for private hire and hackney carriage drivers. The Council must be satisfied that driver applicants and licensed drivers are fit and proper persons to hold such licences.

30.2 Licences are issued subject to proof of eligibility:

- a) birth certificate;
- b) certificate of naturalisation – if born abroad but now a British citizen;
- c) immigration status and permission to work;
- d) driving licence;
- e) driving assessment (by a provider approved by the Council)
- f) safeguarding and knowledge/locality training;
- g) criminal records check;
- h) medical assessment.

31. Driving Experience

31.1 A driver's licence cannot be granted to anyone who has not held a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA) for at least 12 months. In addition, licensed drivers who hold an EC/EEA driving licence must register with the DVLA and provide proof of registration.

31.2 Applicants are required to have passed the driving assessment test, and if driving a wheelchair accessible vehicle, applicants are also required to have passed the wheelchair assessment/exercise. Applicants must produce the pass certificates.

32. Safeguarding and Knowledge / Locality Training

New Driver Applicants

- 32.1 In order to determine the fitness of a person to hold a licence, all applicants are required to undertake and pass training delivered by a training providers approved by the Council on local knowledge, regulatory framework, professional standards, safeguarding and equalities/disabilities. All applicants will also be required to pass an advanced taxi driving test and English comprehension test, delivered by providers approved by the Council. Applicants wishing to drive a wheelchair accessible vehicle will also need to pass a practical wheelchair test, delivered by providers approved by the Council. A driver licence will not be issued without the applicant first passing these training requirements. Further information can be found at Appendix 7.

Licensed Drivers

- 32.2 In order to determine that a licensed driver remains a fit and proper person to hold a licence they are required to undertake refresher training every three years, to ensure that drivers remain up to date with current industry legislation and practice. The training will be delivered by training providers approved by the Council. Further information can be found at Appendix 7.

33. Determining the Suitability of Applicants and Licensees as Drivers in Taxi and Private Hire Licensing – Convictions and Disclosure and Barring Service Check (DBS)

- 33.1 A criminal record check on a driver is an important safety measure. Enhanced Disclosure through the DBS is required as this disclosure includes details of both spent convictions, police cautions and intelligence by virtue of the Rehabilitation of Offenders Act 1974 (Exception) Order 1977.
- 33.2 The Rehabilitation of Offenders Act 1974 does not apply to applicants for hackney carriage or private hire driver licences. Applicants are required therefore to disclose all convictions, including those that would normally be regarded as spent.
- 33.3 The Councils policy with regards to ‘Determining the Suitability of

Applicants and Licensees as Drivers in Taxi and Private Hire Licensing' can be found at Appendix 8. This policy will be taken into consideration when determining the suitability of applicants and licensed drivers.

- 33.4 Before an initial application for a drivers' licence will be considered, the applicant must apply for an Enhanced Disclosure of criminal convictions through the Licensing Section of the Council. The application will not be determined until the results are received. DBS checks are not transferable, unless they have been carried out under the correct 'workforce' requirement, under the occupation as a taxi driver and are issued within six months of the licence application being submitted to the Council.
- 33.5 On receipt of an application for the grant of a drivers licence details of how to apply for a DBS will be provided. As part of the application proof of identity will be required. The applicant for a DBS will be sent the disclosure report to their home address, the Council does not receive a copy of the disclosure report, it is the responsibility of the applicant to produce the disclosure report to the Licensing Section, which will form part of the application.
- 33.6 All applicants for a new or renewed licence are required to provide details of all criminal, motoring and licensing convictions including fixed penalties, spent convictions and cautions. It is an offence to knowingly or recklessly make a false statement or to omit information required by the Council (Section 57, the 1976 Act).
- 33.7 Under Section 61(1) of the 1976 Act the Council has the power to suspend or revoke the licence of a hackney carriage or private hire driver:
- a) who since the grant of the licence has been convicted of an offence:
 - involving dishonesty, indecency or violence; or
 - under the provisions of the Act of 1847 or Part II of the 1976 Act; or
 - b) for any other reasonable cause.
- 33.8 Licensed drivers shall inform the Council, in writing, within 48 hours of any:
- convictions or finding of guilt (criminal or driving matter);
 - caution (issued by the Police or any other agency);
 - issue of a Magistrate's Court summons against them;
 - issue of a fixed penalty notice or notice of intended prosecution for any

matter;

- harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar; and
- their arrest for any offence, whether or not they are charged.

On receipt of this information the Council may have reasonable cause to issue a written warning, suspend the licence for a specified period or revoke the licence or take a decision to immediately revoke or suspend that licence.

33.9 Failure to declare convictions / cautions or information as detailed in paragraph 33.8 received during the lifetime of the licence could lead to the renewal applications being refused.

34. Disclosure and Barring Service Update Service

34.1 It is a requirement that licensed drivers subscribe to the DBS Update Service. The driver is required to keep the Update Service updated of personal details such as a change of name or address.

34.2 Information with regards to subscription to the Update Service will be supplied to new applicants as part of the applications process. Applications for the grant of a driver's licence may be refused if the applicant does not register with the Update Service.

34.3 Licensed drivers will be required to subscribe with the Update Service when they are next requested to complete a criminal record check. Applications for the renewal of a driver's licence may be refused, or a driver's licence may be suspended or revoked, if the licensed drivers does not subscribe to the Update Service.

34.4 Licensed drivers are required to evidence continuous registration with the Update Service to enable the Council to routinely check for new information every six months.

34.5 If a licensed driver is unable to register with the Update Service, they must notify the Council in writing. If required alternative DBS arrangements will be made. Licensed drivers not registered with the Update Service will be required to complete a DBS every six months. It is the responsibility of the licence holder to produce the disclosure report to the Licensing Section, driver licences may be suspended or revoked if a driver fails to produce

the disclosure within 10 working days of its receipt.

35. NR3S Register

35.1 It is a requirement of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 that a national register is provided for licensing authorities to share relevant information with regards to individuals who have had a hackney carriage or private hire driver licence revoked, suspended or an application for one refused. Central Government appointed the National Anti-Fraud Network (NAFN) as the approved provider of the national register, which is known as the National Register of Taxi Licence Refusals, Revocations and Suspensions (NR3S).

35.2 The Council has registered with NAFN to use the NR3S database, therefore:

- Where a hackney carriage / private hire drive licence is revoked or suspended, or an application for one refused, the Council will automatically record this decision on NR3S.
- All applications for a new licence or licence renewal will automatically be checked on NR3S. If a search of NR3S indicates a match with an applicant, the Council will seek further information regarding the entry on the register from the authority who has recorded it. Any information received as a result of an NR3S search, will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

35.3 The information recorded on NR3S itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

35.4 Information will be retained on NR3s for a period of 11 years.

35.5 This is a mandatory requirement for the grant or renewal of a hackney carriage and/or private hire driver's licence. The Council has published a Privacy Policy on the approach it will take to requests by other authorities for further information relating to entries on NR3S, and how information provided will be used. You can read that policy at <https://www.york.gov.uk/privacy/TaxiAndPrivateHireLicensing>.

36. Applicants who have resided or spent a period of time outside the United Kingdom (UK)

36.1 In addition to a DBS Disclosure, where an applicant has resided outside of the UK, a criminal record check from the country/countries in which they have previously resided since the age of 18 years must be provided in English. This document is usually called a 'Certificate of Good Character' and may usually be obtained from the relevant embassy. Should an applicant be unable to provide a criminal record check, they must provide a separate signed declaration detailing the attempts made to obtain a check. The declaration must also state whether they have been found guilty or have been convicted or charged with any offence against the law in any country. This declaration must be signed in the presence of a solicitor and be duly countersigned and the form stamped by the solicitor.

36.2 A criminal records check (Certificate of Good Character) will be required if a licensed driver has been out of the country for three or more continuous months. The criminal records check will be required from each country visited.

37. Medical Examination

37.1 Under Section 57 of the 1976 Act the Council requires an applicant for a hackney carriage and private hire drivers' licence to produce a certificate signed by a registered medical practitioner to the effect that they are physically fit to be a driver of such a vehicle. The Council requires the medical certificate upon an initial application for a licence. If the medical certificate produced is not satisfactory in any respect, the applicant may be required to provide additional medical evidence concerning their fitness and to submit to a further examination by a doctor selected by the Council.

37.2 In line with DfT recommendations, the Council applies the DVLA Group 2 (Group 2) driver standard for medical fitness for hackney carriage and

private hire drivers. This is a higher medical standard than that required of drivers of other motor vehicles. This is required due to the length of time the driver may spend at the wheel and the responsibility they have for the safety of their passengers and the public.

37.3 The medical practitioner must confirm that:

- a) they have examined the applicant;
- b) the applicant is registered with the practice; and /or
- c) they have had full access to the applicant's medical records;
- d) the medical examination was carried out to Group 2;
- e) they consider the applicant to be fit to act as the driver of a hackney carriage or private hire vehicle in accordance with this standard.

37.4 Licensed hackney carriage and private hire drivers shall submit a Group 2 standard medical certificate at the age of 45, 50, 55, 60 and 65. Annual medical certificates are required for all drivers over the age of 65. Drivers failing to have their medical within the required timeframe will have their licence suspended or revoked.

37.5 Licensed drivers shall submit details of any serious illness or prescription of any medication that may affect his/her ability to provide a public transport service to the Council within 14 days. At this time the Council may request that the driver undertakes a Group 2 standard medical.

37.6 Dependent on the medical history of the driver the Council may also request that the driver undertakes additional Group 2 standard medicals or further medical assessments.

37.7 If the Council is not satisfied as to the medical fitness of an applicant a hackney carriage or private hire driver's licence will not be granted. If the Council is not satisfied as to the medical fitness of a licensed driver there will be reasonable cause to suspend, revoke or refuse to renew the licence under Section 61 of the 1976 Act. This suspension may also be undertaken in accordance with Section 52 of the Road Safety Act 2006 on the grounds of public safety. This means that the suspension takes

immediate effect and although the driver may appeal, they are unable to drive pending the appeal.

38. New Applicants

- 38.1 At the time that a driver's licence is granted, the DBS Disclosure Certificate, criminal record check from abroad (if applicable) and medical form must be dated within six months preceding the issue of the licence. It will be necessary for an applicant to undertake an additional DBS Disclosure, criminal record check from abroad and medical if any of these documents are outside of this timescale.
- 38.2 New applicants who have previously held a drivers' licence must complete the full application process unless they meet the following criteria:
- a) It is three months or less since their previous drivers' licence expired – new applicants will not be required to take the safeguarding and knowledge/locality training or the driving assessment.
 - b) It is three months or less since their previous drivers' licence expired – new applicants will not be required to provide DBS criminal records check if it is six months or less since the last DBS check was undertaken and they are still subscribed to the DBS Update Service.
 - c) It is three months or less since their previous drivers' licence expired – new applicants will not be required to provide a medical certificate if it is six months or less since the last medical was undertaken.
 - d) It is one year or less since their previous drivers' licence was suspended or revoked on medical grounds – new applicants will not be required to take the safeguarding and knowledge/locality training or the driving assessment.

New applicants who meet criteria b or c above will need to sign a declaration with regards to their fitness to hold a licence.

39. Application Procedure

- 39.1 The application procedure for a drivers' licence is not legally prescribed but is a matter for each Council to determine. The Council require an application to be made on the specified application form available from the

Licensing office or at www.york.gov.uk/licensing.

- 39.2 Grant applications will normally be processed within 10 working days, unless it has to be determined by a Sub-Committee in which case it will be determined within 20 working days. Applications cannot be submitted to the Council until such time that the applicant has passed the driving assessment, the safeguarding and knowledge/locality training, a test relating to the understanding of the English language and completed the medical. The criminal records check will be completed as part of the application process with the Council.
- 39.3 The Council shall consider all applications on their own merits, once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are completed.

40. Licensed Drivers DVLA Driving Licence Records

- 40.1 In order for the Council to be able to check DVLA driving licence records as part of the on-going fit and proper assessment, the Council will appoint a company to undertake driving licence checks. These checks will confirm the drivers' entitlement to drive with the DVLA and any unspent endorsements.
- 40.2 Licensed drivers, shall within one month of the initial the grant of their licence, register with the company appointed by the Council to undertake ongoing DVLA driving licence checks.

41. Private Hire Drivers

- 41.1 Conditions can be imposed upon the grant of a private hire drivers' licence. Standard conditions are attached at Appendix 9.

42. Licensed Drivers

- 42.1 Licensed drivers shall notify the Council within 48 hours of an arrest, release, charge or conviction of a sexual offence, any offence involving dishonesty, violence or drugs and any motoring offence. Following the receipt of such information the Council will review if the licensed driver continues to be fit to hold a licence.

- 42.2 Licensed drivers must notify the Council within 48 hours of a convictions / cautions and information in accordance with paragraph 33.8. Following the receipt of such information the Council will review if the licensed driver continues to be fit to hold a licence.
- 42.3 Licensed drivers shall not smoke (cigarettes or E cigarettes) at any time whilst in the licensed vehicle, or adjacent to it, which results in smoke entering the vehicle, or allow any other person to do so.
- 42.4 Licensed drivers shall ensure they have an up-to-date knowledge of the local area, Highway Code, aspects of taxi licensing law and our policy.

43. Renewal of Licences

- 43.1 Licensed drivers will be invited to renew their licence prior to the expiry date. It is the licence holder's responsibility to ensure that the licence is renewed prior to its expiry.
- 43.2 The renewal application and all documentation required as part of the renewal process must be received a minimum of two weeks prior to the expiry of the existing licence, to enable checks of official records to be made prior to the issued of a new licence. The driver licence will not be renewed until all relevant documentation is received.
- 43.3 Drivers who fail to submit renewal applications and relevant documentation in accordance with paragraph 43.2 will be required to reapply as a new applicant.

44. Term of Licence

- 44.1 In accordance with Section 53 of the 1976 Act, as amended by Section 10 of the Deregulation Act 2015, all driver licences are valid for a maximum period of three years, or for such a lesser period, specified in the licence as the Council think appropriate in the circumstances of the case. Licensed drivers will be required to give a reason why a lesser period is appropriate.
- 44.2 DBS checks will be carried out every six months.
- 44.3 DVLA driving licence checks will be carried out annually.

44.4 Medicals will be carried out in accordance with paragraph 37.4.

45 Refusal to Renew, Suspension and Revocation of Drivers Licence

45.1 Under Common Law Police Disclosure the Police can notify the Council, if they believe there is a public protection risk, of any driver who has been arrested or charged. Following the receipt of such information the Council will review if the licensed driver continues to be fit to hold a licence.

45.2 As part of the renewal process and at any time during the duration of the licence, the Council can review if the licensed driver is fit to hold a licence, especially on the grounds of medical fitness, following notification of an arrest, release, charge or conviction. A driver's fitness is also taken into consideration following the receipt of any complaints.

45.3 If the Council determine that the driver is no longer fit to hold a licence the application to renew will be refused, or the driver's licence will be suspended or revoked.

45.4 Where the licensed driver has been served an immigration penalty or convicted of an immigration offence the licence shall be revoked.

46 Referrals and Sharing of Information

46.3 The Council will refer refusal to renew, suspension or revocations of a driver's licence to the DBS and the Police if it is thought that the driver poses a risk.

46.4 The Licensing Section will share relevant information, with regards to refusal to renew, suspension or revocations of a driver's licence, with other Council sections, for example sections that deal with the contracts for the transportation of school children and vulnerable adults, if it is thought that the driver poses a risk.

46.5 The Council will share refusal to renew, revocations or suspensions of a driver's licence with other licensing authorities. The Council will do this through the NR3S register.

47. Optional Training

- 47.1 If they wish, drivers can also undertake additional training which is provided by the Council and other training providers. Drivers can also become a 'dementia friends', further information regarding the training sessions is available on the Dementia Friends website:

<https://www.dementiafriends.org.uk/>

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Private Hire Operators

48. Requirements and Obligations

- 48.1 Any person who operates a private hire vehicle must apply to the Council for a private hire operator licence. The objective in licensing private hire operators is to ensure the protection of the public who will be using the operator's premises and the vehicles and drivers arranged through them.
- 48.2 A private hire vehicle may only be despatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.
- 48.3 A private hire operator must ensure that every private hire vehicle despatched by them is licensed and driven by a person who holds a private hire licence. It is a criminal offence to operate a private hire vehicle and/or driver without an operator's licence.
- 48.4 It is a condition of licence that the applicant operates from a premises within the controlled district of the Council.
- 48.5 Application for a private hire operator's licence must be made on the prescribed form, together with the appropriate fee. The Council will then decide whether the applicant is a fit and proper person to hold a licence.
- 48.6 Private hire operators must ensure that the artwork for door signs, which must be displayed on licensed private hire vehicles, is approved by the Council and displayed correctly.
- 48.7 Operators who hold Private Hire Operators licences in other local authority areas may sub-contract or otherwise make arrangements through technology (such as an app) for journeys to be fulfilled by that 'sister operator'. However, when undertaking journeys in the district of York i.e. which start and finish in the city, Operators are advised not to undermine this policy by using drivers who do not meet the suitability policy in respect of the number of points on their DVLA licence or having failed the safeguarding and knowledge test (unless they are booked to re-take it). Operators should also take steps to ensure that all drivers undertaking journeys which start and/or finish in York are familiar with the main routes

and destinations in the city without relying on a sat nav. This is to avoid unnecessarily prolonging journeys during periods of congestion (thereby adding to the congestion) or when the road network is altered for roadworks or events. Such drivers should also be aware of the rules relating to the city centre pedestrian zone at different times of the day.

- 48.8 It is reasonable for the public of York, when booking a private hire vehicle from a York licensed private hire operator, to expect that City of York Council has determined that the vehicle is suitable, and that the driver is a 'fit and proper' person. Therefore, for transparency and to facilitate customer choice, where a driver and vehicle licensed by another authority are dispatched, the customer should be notified in advance of the booking and offered the opportunity to cancel without charge. This also reduces the regulatory burden on the Council and the cost to the local taxi trade in dealing with complaints about drivers/vehicles who are licensed elsewhere.

49. Disclosure and Barring Service Checks

- 49.1 Applicants who are not already licensed as a private hire/hackney carriage driver will require a basic disclosure, criminal record check, from the DBS for the grant and renewal of an operator licence. On submission this disclosure must be less than one calendar month old.
- 49.2 The applicant's fitness to hold a licence will be taken into the consideration when an application is determined. Table A at Appendix 8 will be taken into consideration by the Council to determine fitness to hold a licence.

50. Booking and Dispatch Staff

- 50.1 Operators may outsource booking and dispatch functions to their staff, they cannot pass on the obligation to protect children and vulnerable adults. The operator must demonstrate to the Licensing Authority that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public.
- 50.2 Booking and dispatch staff have direct contact with users of private hire vehicles, they also determine which vehicle/driver to dispatch to undertaking a booking. Private hire operators shall keep a register of staff (including any person who dispatches a vehicle/driver on behalf of the

operator) who take booking and dispatches a vehicle/driver.

- 50.2 As a requirement of employment (including any person who dispatches a vehicle/driver on behalf of the operator), booking and dispatch staff shall complete a basic disclosure, criminal record check, from the DBS. The operator shall keep a record of the DBS in the register, evidencing that the operator has had sight of the basic DBS. If a member of dispatch staff leaves the employment of the operator and later returns to their employment, a new basic DBS certificate shall be required. The operator shall have a policy in place with regards to the frequency that basic DBS checks will be required. It is recommended that private hire operators take Table A at Appendix 8 into consideration when considering previous convictions of despatch staff.
- 50.3 Private hire operators who outsource booking and dispatch functions shall require evidence that comparable protections are applied by the company to which they outsource these functions.
- 50.4 Applicants for a private hire operator's licence and licensed operators shall provide the Council with their policy on employing ex-offenders in roles that would be entered into the register detailed at paragraph 50.1.

51. Conditions

- 51.1 The Council has power to impose such conditions on a private hire operator's licence as it considers reasonably necessary and standard conditions are set out in Appendix 10. Additional conditions apply to situations in which Operators use so called 'sister operators' to complete bookings, and to large operators operating more than 99 vehicles.

52. Insurance

- 52.1 Applicants are required to produce appropriate public liability insurance and employer liability insurance, if they have employees, annually.

53. Suitability of premises/ Planning Consent

- 53.1 Applicants are required to obtain planning consent, where necessary, for the premises from which they intend to operate. The Planning Authority will be consulted as part of the application process and their comments

may be taken into consideration when determining whether the licence should be granted.

- 53.2 Private hire operators who allow vehicles to return to the licensed operator base must provide details of where vehicles will be parked when waiting for bookings.

54. Application Procedure

- 54.1 The application procedure for an operator licence is not legally prescribed but is a matter for each Council to determine. The Council require an application to be made on the specified application form available from the Licensing office or at www.york.gov.uk/licensing.
- 54.2 Applications will normally be processed within 10 working days unless, it has to be determined by a Sub-Committee in which case it will be determined within 20 working days. Applications will not, however, be determined until the Council has received all relevant documentation.
- 54.3 The Council shall consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are completed.

55. Record Keeping

- 55.1 Section 56 of the Local Government (Miscellaneous Provisions) Act 1976 requires Private Hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator.
- 55.2 Operators are required to keep records in the form of a log sheet or computer database detailing:
- a) Bookings –
- the time and date of the request - 24 hour clock used
 - the passengers name
 - the times and dates of the booking
 - the pick-up point
 - the destination
 - the name and licence number of the driver

- the registration and licence number of the vehicle
 - the name of any individual taking the booking
 - the name of any individual who dispatches the vehicle/driver.
 - the date/time the booking was completed or cancelled.
- b) Details of all hackney carriage/private hire vehicles operating from their office (vehicle make/model, colour, registration number and licence number).
- c) Details of all hackney carriage/private hire driver's operating from his/her office (name, address and licence number).
- d) Complaints received from the public.

Full details can be found in the Private Hire Operators' Licence Conditions at Appendix 10.

55.3 Records shall be kept and maintained at all times for the following time periods, and be available for inspection at the request of an Officer of the Council or Police:

- a) bookings, not less than six months
- b) vehicles and drivers, not less than 36 months
- c) complaints, not less than 36 months

56. Change of Home Address, Partners, Directors, Secretary or Chairperson

56.1 The licensed operator will inform the Council within 14 days of any change of their home address, change of partners or directors of the company, or any change on the secretaryship or chairmanship thereof.

57. Material Change

57.1 A private hire operator's licence is not transferable, and operators must notify the Council immediately in writing of any proposed changes of the person(s) authorised to operate under the terms of the licence, or if they intend to change business address. In both cases new applications will be

required.

58. Business Name and Vehicle Side Plates

- 58.1 Applications for operator's licences cannot use the same (or similar) name as any private hire firm currently operating within the district or any name previously used within the district and registered by the operator at Companies House.
- 58.2 Vehicle side plates and artwork must comply with the conditions relating to Private Hire Vehicles as detailed in Appendix 1, conditions 1 and 2.

59. Renewal of Licences

- 59.1 Licensed operators will be invited to renew their licence prior to the expiry date. It is the licence holders' responsibility to ensure that the licence is renewed prior to its expiry.
- 59.2 The renewal application and all documentation required as part of the renewal process must be received four weeks prior to the expiry of an existing licence. This enables licence renewal application to be processed and the new licence issued prior to the expiry of the old one.
- 59.3 Licensed operators who fail to submit renewal applications and relevant documentation in accordance with paragraph 59.2 will be required to reapply as a new applicant.

60. Term of Licence

- 60.1 In accordance with Section 55 of the 1976 Act, as amended by Section 10 of the Deregulation Act 2015, an operator's licence shall remain in force for five years or for such a lesser period, specified in the licence, as the Council thinks appropriate in the circumstances of the case.

61. Refusal to Renew, Suspension and Revocation of Operators Licence

- 61.1 As part of the renewal process and at any time during the duration of the licence, the Council can review if the licensed operator is fit to hold a licence, especially following the receipt of a conviction or a notification of an arrest or charge. An operator's fitness is also taken into consideration

following the receipt of any complaints.

- 61.2 If the Council has reason to believe that an operator is not fit to hold a licence the application to renew will be refused, or the operator's licence will be suspended or revoked.
- 61.3 Where the licensed operator has been served an immigration penalty or convicted of an immigration offence the licence shall be revoked.

62. Use of Passenger Carrying Vehicles (PCV) Licensed Drivers

- 62.1 Passenger Carrying Vehicle (PCV) licensed drivers are subject to different checks from a licensed hackney carriage or private hire driver as the work normally undertaken does not present the same risk to passengers. The public are entitled to expect when making a booking with a private hire operator that they will receive a licensed private hire vehicle and driver. The use of a driver who holds a PCV licence and the use of a Passenger Carrying Vehicle (PCV) such as a minibus, to undertake a private hire vehicle booking is not permitted without the consent of the booker.
- 62.2 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats are required or to accommodate luggage, the booker should be informed that a PCV is necessary, and that a PCV licensed driver will be used who is subject to different checks and not required to have an enhanced DBS check.

Fares

63. General

- 63.1 The Council has the power to set hackney carriage fares for the journeys within their area. Fares, set by the Council, are a maximum and can be negotiated downwards by the hirer.
- 63.2 The Council will review the table of fares when requested by the Hackney Carriage Trade, or to ensure that they reflect the costs of the trade, they can be reviewed following significant changes in licensing fees and other major costs such as fuel. The Council will pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers the ability to earn a sufficient income and so incentivise them to provide a service when it is needed. All Associations acting on behalf of the hackney carriage trade must agree to any changes to fares before making the request to the Council. Any requests to review the table of fares may be referred to Committee for consideration prior to advertising the variation.
- 63.3 A notice of any variations to the maximum fare will be advertised in a local newspaper circulated in York with a date set 14 days from the publication for the making of objections to the proposed variation. If no objections are received the fare variation will have effect on a day specified at the end of the 14 day consultation period. If any objections are received the matter may be referred to Committee for consideration and a further implementation date will be set.
- 63.4 The Council is not able to set fares for private hire vehicles. It is a matter of agreement between the hirer and operator at the time of booking and the operator should make this clear. When a hackney carriage vehicle is used for private hire services the fare charged cannot exceed that which would be charged under the table of fares applicable to hackney carriages.
- 63.5 Fares are charged through the use of a taximeter in each vehicle which is calibrated to charge a switch on fee then a charge for distance travelled. The meter also registers a standing charge when a vehicle is laden but stationary. When the vehicle is hired, (subject to any directions given by the passenger), the driver is required to take the shortest route bearing in

mind likely traffic problems and known diversions and explain to the passenger any diversion from the most direct route. Alternative routes must be discussed with the passengers before being taken.

- 63.6 When a journey ends outside of the Council's area a fare greater than that shown on the meter may be charged but only if an agreement has been made with the hirer in advance. In the absence of such an agreement, only the metered fare can be charged. Failure to comply is an offence.
- 63.7 The Council encourages licensed drivers to provide alternative fare payment methods for customers, for example the use of PDQ or POS machines, so that customers can make credit/debit card payments.

64. Table of Fares

- 64.1 A table of fares will be provided to each hackney carriage licence holder, which must be displayed in each vehicle so that it is easily visible to all hirers.
- 64.2 Private hire operators will provide the Council with a current table of fares. This table must also be displayed in each private hire vehicle so that it is easily visible to all hirers.

65. Receipts

- 65.1 A driver must, if requested by the hirer, provide a written receipt for the fare paid.

66. Overcharging

- 66.1 All meters must be calibrated to the correct fare scale. It is an offence for the driver to demand more than the fare on the meter.

Fees

67. General

- 67.1 The legislation provides that the fees charged should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands and administering the control and supervision of hackney carriages and private hire vehicles.
- 67.2 The current fees payable for the grant and renewal of hackney carriage and private hire licences are available from the Licensing Section and the Council's website.

68. Variations to Fee Structures

- 68.1 The fee structure is reviewed annually as part of the budgetary process. Notice of the current scale of fees will be supplied to new applicants at the time of application.
- 68.2 A notice of any variation to the maximum fees in respect of vehicles and operators will be advertised by the Council in a local newspaper circulating in the district, with a date set 28 days from the publication for making objections to the variation of fees.
- 68.3 If no objections are received the fee variation will have immediate effect at the end of the 28 day consultation period, or at a later date as indicated by the Council. If objections are received the matter will be referred to Committee for consideration and a future implementation date set, which will not be later than two months after the initial date on which the new fee shall come into force, with or without modification after considering the objections.

69. Payments

- 69.1 Payments can be made by credit or debit card over the phone or on-line, by Bacs and by cheque made payable to City of York Council are also acceptable. If a payment is returned due to insufficient funds an administration charge shall be levied against the applicant.
- 69.2 Only credit or debit card payments will be accepted in relation to the fee

that applies to a disclosure and barring service check.

70. Payment Refunds

- 70.1 No refund will be given in respect of an unused portion of a licence, unless the Council believes there are appropriate circumstances, this will be determined on a case by case basis, for example a refund may be given to a licence holders family if the licence holders dies during the term of the licence, or a refund may be given to the holder of a drivers licence if the driver is no longer able to hold a licence on medical grounds. A refund will not be given if the remaining term of the licence is 12 months or less.

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Enforcement

71. Enforcement

71.1 Effective enforcement is needed to meet the requirements of this Policy, for the safety of the travelling public, other road users and to support residents and businesses. Where necessary, enforcement action will be taken in accordance with the principles of the Council's Enforcement Policy.

72. Joint Authorisation of Enforcement Officers

72.1 The West Yorkshire (Bradford, Calderdale, Kirklees, Leeds and Wakefield) and York licensing authorities have an agreement in place to jointly authorise enforcement officers, so that compliance and enforcement action can be taken against licence holders from each of the authority areas. Licence holders must comply with requests from officers of those authorities as if they were requests from a City of York Council Licensing officer.

72.2 The Council will seek similar arrangements with other local authorities.

73. Roadside Checks

73.1 Council officers will undertake roadside checks of licensed vehicles and drivers. If a vehicle and/or driver fails the check their licence will be suspended. The suspension will not be lifted until such time that all matters have been rectified. For the suspension to be lifted the driver with vehicle will have to attend the Council's Eco Depot for re-inspection.

74. Joint Working with the Police and/or DVSA

74.1 The Council will work jointly with the Police and/or DVSA to carry out spot checks on licensed vehicles and drivers. The check may be undertaken at the roadside or at the Vehicle Workshop at the Council's Eco Depot.

74.2 Vehicles and/or drivers failing the check will have their vehicle and/or drivers licence suspended. The vehicle licence suspension will not be lifted until all matters have been rectified and the vehicle is presented to the Vehicle Workshop at the Council's Eco Depot for re-inspection. The

driver licence suspension will not be lifted until such time that the driver has attended the Council's Eco Depot and officers are satisfied that the driver is "fit and proper".

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Appendix 1

Private Hire Vehicle Licence Conditions

1. The licensed vehicle shall display the following signs following approval by the Council:-
 - a) The licence plates issued by the Council, should be securely fixed externally to the immediate left of the number plate, or where this is not possible directly below so that it is clearly visible. The licence plates will remain the property of the Council and must be returned to the Council immediately upon change of vehicle or when requested upon the suspension, revocation or expiry of a vehicle licence. Temporary plates shall be affixed to the inside of the rear window providing they do not obscure the visibility of the driver.
 - b) A sign, placed centrally, on the rear passenger doors including the name and telephone number and/or website address of the firm and the words "PRIVATE HIRE VEHICLE – PRE BOOKED ONLY" in suitable lettering at least 50mm (2") high. The approval of the Council should be sought before the display of the sign. The sign must not include the words "FOR HIRE", "TAXI" OR "HACKNEY CARRIAGE".
 - c) A door side plates must also be displayed (one on each rear door), clearly bearing the City of York coat of arms. The coat of arms must be positioned to above of the private hire business name, with the vehicle licence number to the right of the coat of arms.
 - d) A statement of fares and the means by which these are calculated placed in a prominent position inside the vehicle.
 - e) The licence plates and door signage shall be permanently affixed to the vehicle.
2. The licensed vehicle shall permanently display a sign, issued by the Council, internally within the vehicle, showing the licence number and expiry date of the licence, which is clearly visible to all passengers. The sign will remain the property of the Council and must be returned to the Council when requested upon the suspension, revocation or expiry of a vehicle licence.

3. The licensed vehicle shall display a sign, issued by the Council, which shall be affixed to the inside of the front windscreen, near side, showing the licence number and expiry date of the licence, which is clearly visible outside of the vehicle. The sign will remain the property of the Council and must be returned to the Council when requested upon the suspension, revocation or expiry of a vehicle licence.
4. The licensed vehicle shall not display any other signs, notices, advertisements or artwork except those detailed above or otherwise approved by the Council.
5. Every licensed proprietor shall:-
 - a) provide means by which any passenger in the vehicle may communicate or talk with the driver;
 - b) keep the roof or covering watertight;
 - c) maintain the seats in a clean, secure and well maintained condition, properly cushioned and covered;
 - d) cover the floor with a proper carpet, mats or other suitable covering and maintain in a clean and sound condition;
 - e) keep the furniture and fittings in a clean and fit condition and maintain all interior door coverings and head linings in a clean and sound condition;
 - f) maintain in an operable condition all doors, hinges, handles, locks and windows.
6. The licensed vehicle shall:-
 - a) be provided with at least two doors for the use of passengers conveyed in the vehicle together with a door for the driver (excluding tailgate);
 - b) be provided with any necessary windows and means of opening or closing not less than one window on either side;
 - c) be fitted with effective means of heating and ventilation;

- d) be kept at all times in a good mechanical condition;
 - e) comply with the requirements of any statute or of any vehicle test which the Council shall enforce;
 - f) not be fitted with bull bars or any other device on the front of the vehicle intended to supplement the resistance to impact offered by the vehicles standard bumper.
7. The seating capacity of a licensed vehicle shall be determined as follows:-
- a) where separate seats for each person are provided, one person shall be counted for each separate seat provided
 - b) where the vehicle is fitted with continuous seats, one person shall be counted for each completed length of 400mm measured in a straight line lengthwise over the centre of the seat. The centre of the seat shall be determined as half the distance from the forward most point of the front edge of the seat to the rear edge of the seat. Where the seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use, such seat shall be measured as if it were not fitted with such arms
 - c) All licensed vehicles shall comply with the following minimum standard of internal space:-
 - i) the distance from the rear seat-back to the rearmost part of the seat in front of that seat or other partition shall not be less than 610mm when the seat in front is in its rearmost position without modification
 - d) In addition, licensed vehicles with a third row of seats must also comply with the following minimum standard of internal space:-
 - i) the distance from the seat-back of the third row of seats to the rearmost part of the seat in front shall be not less than 610mm when the seat in front is in its rearmost position without modification
 - ii) where there is no door adjacent to a row of seats, no passenger

must have to pass through a gap of less than 280mm at the narrowest point in order to exit the vehicle via the rear side door

iii) the middle row of seats must have at least one seat capable of adequately tilting to provide a safe exit route for passengers and meet the necessary exit dimension of 280mm, at the narrowest point, at the exit door

e) All licensed vehicles with a row of passenger seats without adjacent side doors must provide the following:-

i) means of operating signs which must provide clear instructions to operate the tilting mechanism with letters of no less than 25mm in height

ii) adequate lighting that illuminates the sign, catches and levers to operate the tilting mechanism

iii) the sign, catches and levers must be clearly visible.

8. The licensed vehicle must be of a suitable type and be in good condition. The vehicle must be maintained in such a condition as would satisfy the Councils testing standards.

9. The licensed vehicle shall not be a licensed hackney carriage or private hire vehicle of any other Council.

10. If the licensed vehicle is fitted with a taximeter, the Council's Byelaws will apply, in particular:-

a) The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the vehicle and for that purpose the letters and figures shall be capable of being suitably illuminated during the period of hiring.

b) The operator, owner or driver of a private hire vehicle shall not tamper or permit any person to tamper with the taximeter fitted to the vehicle, with the fittings thereof or with seals affixed thereto, provided this shall not prevent the taximeter being removed from the vehicle to a place of safety when the private hire vehicle is not in use.

- c) Unless the hirer wishes to engage by time, the taximeter shall be activated at the commencement of hiring and shut down immediately on completion of the hiring but the amount of fare recorded shall remain displayed to allow the hirer a reasonable opportunity to examine it.
11. No taximeter shall be used unless it has first been tested and approved by the Council. Arrangements must be made with the Council to re-test the taximeter upon a change in the scale of fares.
 12. The licensed proprietor shall immediately notify the Council of the name and address of any other proprietor or person concerned in the keeping, employing or letting for hire of the licensed vehicle.
 13. Upon a change of proprietor, the Council shall be notified within 14 days of such change by the licensed proprietor (which expression includes both Companies and Partnerships).
 14. The Council's Licensing Section shall be notified within 72 hours of the following:-
 - a) any accident or incident affecting the safety, performance or appearance of the licensed vehicle or the comfort or convenience of passengers
 - b) any alteration in the design or construction of the vehicle
 15. The licensed proprietor of a private hire vehicle shall permit the inspection of all documents relating to the licensed vehicle at all reasonable times and by prior arrangement by the Officers of the Council.
 16. Any two-way radio or PDA equipment shall be securely fixed to the vehicle.
 17. Licensed vehicles exceeding five years old on the day of licensing (calculated from the date of first registration), will be subject to two vehicle inspections in any 12 month period. One inspection shall be the initial grant or annual inspection conducted by the Council, the second inspection will take place approximately six months from the date of the initial grant or annual inspection at a date determined by the Council and can be completed by:-

- a) presenting the vehicle for inspection by the Council's vehicle examiner within a time scale determined by the Council;
 - or
 - b) successfully completing a MOT test within a time scale determined by the Council.
18. Seatbelts must be available for each passenger that the vehicle is licensed to carry. Exemption will be granted where the proprietor can prove to the satisfaction of the Licensing Officer that it is technically impossible to provide a seat belt to comply with type approval.
19. Licensed vehicles must display a sign or signs in a prominent position visible to all passengers (whether seated in the front or rear of the vehicle) reminding them of their legal requirement to wear a seatbelt.
20. Licensed vehicles must display a sign supplied by the Council inside the vehicle in a visible position to passengers, displaying the Council's details and the plate number of the vehicle. The sign will remain the property of the Council and must be returned to the Council when requested upon the suspension, revocation or expiry of a vehicle licence.
21. All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in front windows except a windscreen, which shall have a minimum light transmission value of 75%.
22. All other windows rear of the B-pillar must have a minimum light transmission value of 30% or above. Tinted films, sprays, blinds applied to the vehicle windows are not permitted.
23. Every licensed proprietor shall provide means of carrying and securing luggage and in the case of any vehicle without a secure boot so as not to exceed the height of the rear seat.
24. The licensed vehicle shall have a luggage space, separate from the passenger compartment, which is capable of holding, at a minimum, two suitcases (a larger one measuring 720mm x 460mm x 280mm and a minimum one measuring 660mm x 430mm x 280mm) and a folded wheelchair (not at the same time). This condition shall not apply to vehicles

already licensed by the Council.

25. The licensed vehicle shall not be equipped with any CCTV system unless approved by the Council.
26. Where the licensed vehicle is so constructed or adapted as to be a wheelchair accessible vehicle it shall only be driven by a licensed driver who has:
 - a) Completed and passed the Driving Standards Agency wheelchair exercise or equivalent, and
 - b) Completed and passed the City of York Council Disability Awareness Training Course (Taxi) or equivalent.
27. The licensed vehicle shall be right hand drive.

Appendix 2

Private Hire Vehicle Licence Plate and Signage Exemption Policy

1. The issues around the operating of a business involving executive vehicles has the same business, legal and public safety principles as other areas of transport licensed by the City of York Council, with public safety being paramount.
2. The Council recognises the very distinct role of executive vehicles in the arena of public transport. The distinction between the operator of standard private hire vehicles and the operator of executive vehicles is significant in terms of the type of client catered for and the type of service offered.
3. This policy sets out the requirements of the Council with regards to the operators of private hire vehicles who wish to apply for or already hold an exemption with regards to the displaying of licence plates and signage.
4. Operators who wish to use their vehicle for executive contract hire work ONLY, can apply to licence their vehicle as private hire and write to the Taxi Licensing Manager requesting an exemption from the requirements of having to display the front and rear licence plates and the door signage (operator side plates).
5. An exemption from displaying licence plates and signage is a privilege rather than a right and the benefit of the exemption will be granted at the Council's discretion. The Council has the power to withdraw the exemption if the related conditions are not adhered to.
6. The Taxi Licensing Manager will consider each application on its own merit.
7. The vehicle type is not specified, however due to the nature of the work it will undertake it is recommended that the vehicle will be:
 - (a) 4 door saloon or people carrier;
 - (b) be right hand drive; and

(c) The following types of vehicles would be considered appropriate for executive use (this list is not exhaustive and other vehicles would be considered):

- Rolls Royce
- Mercedes S class and E class
- Jaguar XJ SWB and LWB,
- BMW 5 series upwards
- Audi A5 or above
- Lexus GS and LS
- Ford Galaxy or similar

8. The vehicle will be in immaculate condition with no visible defects, dents or blemishes to the external bodywork or internal trim.
9. The service provided must only be for executives and other VIPs, weddings, tours etc. An executive is a senior manager in an organisation travelling as part of his/her employment.
10. If the vehicle is approved it will be issued with a City of York Council Vehicle Exemption Certificate once the appropriate fee is received.
11. The following conditions will form part of the exemption and must be adhered to at all times:
 - (a) The vehicle will not be engaged at all in any specific passenger service contracts for the carriage of school children, young persons or vulnerable adults.
 - (b) The vehicle will operate only in accordance with contracts entered into for a chauffeur type executive level of service. This does not include normal airport journeys and private hire work.
 - (c) The driver must follow a formal dress code, suit and collared shirt. The suit jacket may be removed in warmer weather.
 - (d) The driver will be exempt from the requirement to wear the private hire driver's badge issued by City of York Council whilst acting as driver of

the vehicle. The private hire driver's badge shall be carried on the driver's person at all times and be produced for inspection at the request of any authorised person.

- (e) It is recommended that all bookings undertaken by the vehicle shall be by means of a written contract between the Private Hire Operator and the business user.
- (f) No advertising or identification (including company logos) may be displayed on or in the vehicle at any time.
- (g) The Council's exemption certificate card will be displayed on the inside lower nearside of the front windscreen.
- (h) The Council's exemption certificate will be carried in the vehicle at all times and will be produced on request by an authorised officer.
- (i) The front and rear licence plates will be carried in the boot at all times and must be produced on request to an authorised officer.
- (j) The private hire operator's door signage (side plates) will be carried in the boot at all times and must be produced on request to an authorised officer.
- (k) The internal plate issued by City of York Council shall be displayed within the glove box lid.
- (l) No taximeter or PDU type unit will be displayed within the vehicle.
- (m) All fares will be agreed in advance with the hirer and paid after the issue of an invoice from the operator.
- (n) At the end of the hire, the driver will not take money for the journey.
- (o) A notice of fares shall be carried within the vehicle at all times and will be produced on request by the hirer or authorised officer on request.

Appendix 3

Hackney Carriage Vehicle Licence Conditions

1. The licensed vehicle may display an internal sign visible from outside the vehicle indicating the name and telephone number of any company to which the vehicle is affiliated, in a form approved by the Council.
2. The licensed vehicle shall not display any other signs or notices or any advertisements or artwork except those detailed above or approved by the Council.
3. The seating capacity of the vehicle shall be determined as follows:-
 - a) where separate seats for each person are provided, one person shall be counted for each separate seat provided;
 - b) where the vehicle is fitted with continuous seats, one person shall be counted for each completed length of 400mm measured in straight line lengthwise over the centre of the seat. The centre of the seat shall be determined as half the distance from the furthestmost point of the front edge to the seat to the rear edge of the seat. Where the seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use, such seats shall be measured as if it were not fitted with such arms;
 - c) all vehicles licensed shall comply with the following minimum standards of internal space:-
 - i) the distance from the rear seat-back to the rearmost part of the seat in front of that seat or other partition shall not be less than 610mm when the seat in front is in its rearmost position without modification;
 - d) in addition, licensed vehicles with a third row of seats must also comply with the following minimum standard of internal space:-
 - i) the distance from the seat-back of the third row of seats to the rearmost part of the seat in front shall be not less than 610mm when the seat in front is in its rearmost position without modification;

- ii) where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 280mm at the narrowest point in order to exit the vehicle via the rear side door;
 - iii) the middle row of seats must have a least one seat capable of adequately tilting to provide a safe exit route for passengers and meet the necessary exit dimension of 280mm, at the narrowest point, at the exit door;
- e) all licensed vehicles with a row of passenger seats without adjacent side doors must provide the following:-
- i) means of operating signs which must provide clear instructions to operate the tilting mechanism with letter of not less than 25mm in height;
 - ii) adequate lighting that illuminates the sign, catches and levers to operate the tilting mechanism;
 - iii) the sign, catches and levers must be clearly visible.
4. The licensed vehicle must be of a suitable type and be in good condition. The vehicle must be maintained in such a condition as would satisfy the current MOT vehicle safety and exhaust emission standards as prescribed by the Department of Transport.
 5. The licensed vehicle shall not be a licensed hackney carriage or private hire vehicle or any other Council.
 6. No taximeter shall be used unless it has first been tested and approved by the Council.
 7. The licensed proprietor shall immediately notify the Council of the name and address of any other proprietor or person concerned in the keeping, employing or letting for hire of the licensed vehicle.
 8. Upon a change of proprietor, the Council shall be notified within 14 days of such change by the licensed proprietor (which expression includes both Companies and Partnerships).

9. The Council's Licensing Section shall be notified within 72 hours of the following:-
 - a) any accident or incident affecting the safety, performance or appearance of the licensed vehicle or the comfort or convenience of passengers.
 - b) any alteration in the design or construction of the vehicle which may affect its general condition or suitability for use as a hackney carriage.
10. The licensed proprietor of a hackney carriage vehicle shall permit the inspection of all documents relating to the licensed vehicle at all reasonable times and by prior arrangement by the Officers of the Council.
11. Only one two-way radio may be operational at any one time and this shall be an approved radio used exclusively for the hackney carriage or private hire trade and properly licensed. The radio shall be securely fixed to the vehicle.
12. Licensed vehicles exceeding five years old on the day of licensing (calculated from the date of first registration), will be subject to two vehicle inspections in any 12 month period. One inspection shall be the initial grant or annual inspection conducted by the Council, the second inspection will take place approximately six months from the date of the initial grant or annual inspection at a date determined by the Council and can be completed by:-
 - a) presenting the vehicle for inspection by the Council's vehicle examiner within a time scale determined by the Council;
 - or
 - b) successfully completing a MOT test within a time scale determined by the Council.
13. Licensed vehicles must display a sign or signs in a prominent position visible to all passengers reminding them of their legal requirements to wear a seatbelt.
14. All hackney carriage vehicle licences issued with an accessible taxi condition (No's. 121 to 140 inclusive and from number 159 onwards) are subject to the following condition:-

“This licence is only valid for vehicles which satisfy the City of York Council definition of wheelchair accessible vehicles.”

15. The licence plates issued by the Council, should be securely fixed externally to the immediate left of the number plate, or where this is not possible directly below so that it is clearly visible. The licence plates will remain the property of the Council and must be returned to the Council immediately upon change of vehicle or when requested upon the suspension, revocation or expiry of a vehicle licence. Temporary plates shall be affixed to the inside of the rear window providing they do not obscure the visibility of the driver.
16. The licensed vehicle shall display a sign, issued by the Council, which shall be affixed to the inside of the front windscreen, near side, showing the licence number and expiry date of the licence, which is clearly visible outside of the vehicle. The sign will remain the property of the Council and must be returned to the Council when requested upon the suspension, revocation or expiry of a vehicle licence.
17. The licensed vehicle will be supplied with the official coat of arms decal, providing the licence number, which must be displayed at all times, placed centrally, on each front door panel.
18. Seatbelts must be available for each passenger that the vehicle is licensed to carry.
19. The roof sign of the licensed vehicle shall be connected to the taximeter so that:
 - i) when the taximeter is recording a fare the roof sign shall not be illuminated, and
 - ii) when the taximeter is switched on but is not recording a fare the roof sign shall be illuminated, and
 - iii) when the taximeter is switched off (i.e. when the licensed vehicle is not plying for hire) the roof sign shall not be illuminated.
 - iv) An illuminated roof sign with the word ‘TAXI’ to the front and rear of the

sign (where not built in), in black letters shall be fitted centrally to the front or rear of the vehicle – minimum size 450mm wide x 145mm deep x 110mm high

21. All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in front windows except a windscreen, which shall have a minimum light transmission value of 75%.
22. All other windows rear of the B-pillar must have a minimum light transmission value of 30% or above. Tinted films, sprays, blinds applied to the vehicle windows are not permitted.
23. The licensed vehicle shall have a luggage space, separate from the passenger compartment, which is capable of holding, at a minimum, two suitcases (a larger one measuring 720mm x 460mm x 280mm and a minimum one measuring 660mm x 430mm x 280mm) and a folded wheelchair (not at the same time). This condition shall not apply to vehicles already licensed by the Council.
24. The licensed vehicle shall not be equipped with any CCTV system unless approved by the Council.
25. Where the licensed vehicle is so constructed or adapted as to be a wheelchair accessible vehicle it shall only be driven by a licensed driver who has:
 - a) Completed and passed the Driving Standards Agency wheelchair exercise or equivalent, and
 - b) Completed and passed the City of York Council Disability Awareness Training Course (Taxi) or equivalent.
26. The licensed vehicle will be right hand drive.

Appendix 4

Hackney Carriage Byelaws

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the Council of the City of York with respect to Hackney Carriages in the City of York.

Interpretation

1. Throughout these byelaws “The Council” means the Council of the City of York and “The District” means the City of York.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence shall be displayed

2.
 - a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and the inside of the carriage and on the plate affixed to the rear thereof.
 - b) A proprietor or driver of a hackney carriage shall:
 - i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire.
 - ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall:
 - a) provide sufficient means by which any person in the carriage may communicate with the driver
 - b) cause the roof or covering to be kept water-tight

- c) provide any necessary windows and a means of opening and closing, not less than one window on each side
 - d) cause the seats to be properly cushioned and covered
 - e) cause the floor to be provided with a proper carpet, mat or other suitable covering
 - f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service
 - g) provide means for carrying and securing luggage within the vehicle
 - h) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver
 - i) provide a working electric light in the interior of such carriage for the use of any person hiring such carriage or being driven therein
4. The proprietor of a hackney carriage adapted to carry disabled persons shall ensure that any necessary ramps are carried at all times when the carriage is hired or is available for hire and that any electric hoist fitted to the carriage is kept maintained and in working order.
5. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say:
- a) the taximeter shall be fitted with a key, flag or other device, the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter
 - b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter
 - c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to

demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council

- d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon
 - e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage and for that purpose the letter and figures shall be capable of being suitably illuminated during any period of hiring
6. Every proprietor of a hackney carriage provided with a taximeter which is not fitted with a flag or other device bearing the words "FOR HIRE", shall cause the carriage to be provided with a roof sign constructed so as to comply with the following requirements:
- a) the sign shall be of a pattern or design to be approved by the Council, with the side facing the front of the carriage bearing the words "TAXI" or "FOR HIRE" and the side facing the rear of the carriage bearing the word "TAXI"
 - b) in each case the letters shall be plain black and be at least 2½ inches in height
 - c) the sign may indicate the name and telephone number of the proprietor or operator of the vehicle
 - d) the sign shall be clearly illuminated when the carriage is available for hire, such illumination ceasing when the carriage is not available for hire.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments and determining whether such drivers shall wear any and what badges

7. The driver of a hackney carriage provided with a taximeter shall:
- a) when standing or plying for hire keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter

- b) before beginning the journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring
 - c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half an hour after sunset and half an hour before sunrise and also at any other time at the request of the hirer
8. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fitting thereof, or with the seals affixed thereto provided that this shall not prevent the proprietor or driver from temporarily removing the taximeter from the hackney carriage to a place of safety when the hackney carriage is not in use.
9. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
- a) proceed with reasonable speed to one of the stands appointed by the Council (excepting between the hours of 7pm and 7am when the driver may ply for hire free from such requirement)
 - b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand
 - c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction, and
 - d) from time to time when any other carriage immediately in front is driven off or moved forward, cause his carriage to be moved forward so as to fill the place previously occupied by the carriages driven off or moved forward
10. A proprietor or driver of a hackney carriage when standing or plying for hire shall not make use of the services of any other person for the purpose of

importuning any person to hire such carriage.

11. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
12. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage as such appointed time and place.
13. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
14. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, he shall, when standing or plying for hire and when hired, wear that badge in such a position and manner as to be plainly visible.
15. The driver of a hackney carriage shall, when requested by any person hiring or seeking to hire the carriage:
 - a) convey a reasonable quantity of luggage
 - b) afford reasonable assistance in loading and unloading, and
 - c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which the driver may take up or set down such person
16. The driver of a hackney carriage shall not at any time smoke or burn tobacco when in their licensed vehicle.

Provisions fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares

17. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance and time unless the

hirer express at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

18. a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council resolution to be exhibited inside the carriage in the form provided by the Council.
- b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of property accidentally left in hackney carriages and fixing the charges to be made in respect thereof

19. Every proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
20. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage, be found by or handed to him:
 - a) carry it as soon as possible and in any event within 48 hours (if not sooner claimed by or on behalf of its owner) to either the office of the Council (provided that any day on which such office is closed shall be excluded from such calculation) or to a Police station in the district and leave it in the custody of the officer in charge of the office or Police station as the case may be on his giving a receipt for it, and
 - b) be entitled to receive from any person to whom the property shall be re-

delivered, an amount equal to the fare for the distance from the place of finding to the office of the Council or the Police station but not more than five pounds.

Penalties

21. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

Repeal of byelaws

22. The byelaws relating to hackney carriages which were made by York City Council and which were confirmed by the Secretary of State on 13th December 1988 and came into operation on 1st January 1989 are hereby wholly repealed.
23. The byelaws relating to hackney carriages which were made by:
 - a) Ryedale District Council on 5th March 1992 and which were confirmed by the Secretary of State and came into operation on 15th June 1992; and
 - b) Harrogate Borough Council on the 15th June 1979 and which were confirmed by the Secretary of State and came into operation on 1st October 1979,

and any byelaw relating to hackney carriages which may have been made by Selby District Council prior to 1st April 1996 and which are still subsisting, are hereby repealed in so far as they relate to this district.

IN WITNESS WHERE OF the COMMON SEAL of the COUNCIL OF THE CITY OF YORK is here to affixed this 5th day of November, one thousand nine hundred and ninety nine in the presence of:

R F Clark

Head of Legal Services to the Council of the City of York

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 14th day of February 2000

Signed by authority of the Secretary of State

E C NEVE

5th January 2000

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Appendix 5

Pedicabs

Code of Conduct for Pedicab Riders

I (insert name) hereby certify that in the course of my activities as a pedicab rider will:

1. Ensure the safety of my passengers, other road users and myself at all times and take all measures to avoid accidents and incidents.
2. Abide by the rules as set out in the Highway Code at all times.
3. At no time be under the influence of alcohol or any drugs, including prescription drugs that may affect my judgement.
4. Ensure that my passengers are offered the safety belt or lap belt before all journeys.
5. Charge a standard fare for all journeys which will be for the hire of the vehicle (not per passenger) and agree that fare with passengers prior to embarking on a journey and not to charge or demand more.
6. Ensure that all items belonging to passengers are stowed away and that scarves, coats or any other items are safely contained within the pedicab.
7. Not solicit or tout for business.
8. Not overload the pedicab. I will only take passengers if they can be seated in the pedicab. A maximum of 2 passengers can be carried at any one time.
9. Be courteous and considerate to other road users, pedestrians, taxi drivers, the Police and passengers at all times.
10. Not cause an obstruction to other vehicles or pedestrians especially around fire exits from buildings, e.g. theatres and licensed premises.
11. Wear hackney carriage driver's badge (ID badge) at all times whilst

working.

12. Carry out safety checks of brakes, steering, tyres, pedals, lights and the pedicab in general before the commencement of work each day.
13. Assist any other pedicab rider if they are experiencing difficulties or are in danger of assault.
14. Not become involved in racing of any kind.
15. Hand in any lost property to the Licensing Section within the prescribed time limit.
16. Ensure that passengers arrive at their destination safely and that I will take particular care of the vulnerable.
17. Not smoke or use a mobile phone whilst riding or allow passengers to smoke during any journey.
18. Not ride in pedestrian areas or on the pavement.
19. Not take any action that might damage the reputation of the industry or licensing authority.
20. Report and document any accidents or incidents within 72 hours to the Licensing Section.

Code of Conduct for Pedicab Proprietors

I/we, the pedicab proprietor(s) (insert name(s))
hereby certify that I/we will manage my/our operation according to the following
Code of Practice for Pedicabs Proprietors and therefore will:

1. Have in place third part public liability insurance (minimum of one million for any one event) and insurance to cover the use of the pedicab and pedicab riders to carry passengers for public hire/hire and reward covering all pedicabs owned by us and ridden by pedicab riders registered with us and licensed with City of York Council.
2. Ensure that all pedicab riders registered with us have signed the Code of Conduct for Pedicab Riders.
3. Have zero tolerance to the use of drugs and alcohol.
4. Ensure that all pedicab riders meet the standards as laid down by the City of York Council.
5. Ensure that all pedicab riders receive training in all aspects of pedicab riding.
6. Ensure that all pedicab riders pass a practical on-road test whilst carrying passengers.
7. Ensure that all vehicles are safe, legal and roadworthy (including lights and safety belts) and are specifically designed for carrying passengers.
8. Monitor street behaviour and have in place a disciplinary procedure clearly setting out the criteria under which a pedicab rider will be penalised or dismissed.
9. In the event of the dismissal of a pedicab rider, to inform the Council and all other pedicab proprietors within the authority.
10. Ensure that all pedicabs are maintained regularly and kept in a safe condition and to keep records of all maintenance carried out on each vehicle.

11. Keep operational records to ensure that you can identify which pedicab rider was on which pedicab at any one time and to pass that information to the licensing authority if so requested.
12. Take steps to protect the reputation of the pedicab industry at all times.
13. Document all incidents and accidents and report them to the licensing authority within 72 hours.
14. Ensure that all vehicles and riders can be identified as being part of our business.

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Hackney Carriage Pedicab Vehicle Licence Conditions

1. The pedicab must comply with the requirements of the Pedal Cycle (Construction and Use) Regulations 1983 and the Pedal Cycle (Safety) Regulations 2003.
2. The pedicab will be so constructed that it has a minimum of three wheels, one at the front and at least two at the rear.
3. The pedicab must be fitted with a minimum of one front position light and a minimum of two rear position lamps and two rear retro reflectors.
4. The steering wheel when turned to full lock will not affect the stability of the pedicab when turning.
5. Tyres must comply with the following requirements:
 - tread pattern clearly visible over the whole tread area
 - no exposed cords
 - the load ratings of all tyres must be suitable for a pedicab when fully loaded.
6. Any electrical installations to the pedicab must be adequately insulated, protected from passengers and any battery fitted must be of the type that does not leak.
7. A pedicab must not exceed 1250mm in width (excluding rear view mirror) or 2650mm in length.
8. There must be at least one mirror fitted to the offside of the pedicab in order to monitor other road users. A nearside mirror is also permitted.
9. The outer edge of the floor of the passenger compartment should not exceed 38cm above ground level when the vehicle is unladen and should be fitted with non-slip high visibility yellow markings. The floor covering of the passenger compartment must be of a non-slip material which can be easily cleaned. Any holds or handles to aid passenger access or egress should be clearly identified with high visibility yellow markings.
10. Any canopy or roof, when fitted, must remain fixed in position until required to be raised or lowered which will be achieved by means of a locking

mechanism to secure the canopy or roof when raised or lowered.

11. The rear seat dimensions must be adequate to accommodate one or two adults' passengers based on a width of 450mm per passenger and shall be forward facing.
12. Visibility from the passenger compartment must not be restricted by the design of the pedicab. If the canopy or roof restricts vision then clear panels should be fitted to aid vision.
13. Every pedicab licensed by the authority shall be fitted with seatbelts or lap belts which will be adequate to retain the passenger in the vehicle and must bear an EC or BSI mark.
14. The rider's controls and the surrounding area of the controls must be so designed that the rider has adequate room. The rider must be able to easily reach and quickly operate the controls and give hand signals when required. The position of the rider's seat must not be such that it restricts access or egress to the passenger compartment.
15. Fares will be subject to a minimum charge of £3 and will be agreed with any passenger at the commencement of the journey and drivers will not be allowed to charge or demand more monies at the end of that journey. A written receipt will be given to each paying passenger and a copy kept by the licensed rider/proprietor. A chart explaining the fares shall be displayed in full view of any passengers.
16. The Certificate of insurance and interior identification plate must be displayed within the view of any passengers and should remain so when roof or canopy is lowered.
17. All pedicabs shall be required to be fitted with any audible warning instrument (bell) complying with the Pedal Cycles (Safety) Regulations 2003.
18. Pedicabs and all their fittings must be maintained to standards that meet these conditions of licence throughout the validity of the licence. They must be kept clean and in good order at all times and will be subject to tests and inspections. Any pedicab found to be not properly maintained will have its licence suspended until such time as it is re-presented for inspection having

had the defect(s) rectified. All testing will be carried out by the CYTECH qualified technicians.

19. Suitable advertisements may be allowed on the exterior or interior of pedicabs subject to the approval/guidelines of the licensing authority. In addition they may display signs or notices which indicate professional skills or qualifications of the driver which enhance the pedicab service to the public.
20. The materials used to form the passenger seats should be waterproof so that they will not absorb or retain water and should be constructed of a suitable fire resistant material to BS 5852 Part 1, 1979 or equivalent.
21. The pedicab shall be of a design which has the rider to the front and passengers seated to the rear.
22. Pedicabs licensed by this authority will only operate within the Unitary Authority boundary.
23. Pedicab riders must adhere to the pedestrian area entry times which also includes the access only times.
24. Pedicabs are only allowed to pick up (rank) at the ranks on Tower Street, Piccadilly and the rearmost part of Duncombe Place rank and any other as directed by the licensing authority.
25. Each pedicab shall be licensed to carry no more than 2 passengers at any one time.
26. The licensed vehicle shall not display any other signs or notices except those detailed above or approved by the Council.
27. The licensed vehicle shall **not** be a licensed hackney carriage pedicab of any other Council.
28. The licensed proprietor shall immediately notify the Council of the name and address of any other proprietor or person concerned in the keeping, employing or letting for hire of the licensed vehicle.
29. Upon a change of proprietor, the Council shall be notified within 14 days of

such change by the licensed proprietor (which expression includes both Companies and Partnerships).

30. The Council's Licensing Section shall be notified within 72 hours of the following:
 - a) any accident or incident affecting the safety, performance or appearance of the licensed vehicle or the comfort or convenience of passengers,
 - b) any alteration in the design or construction of the vehicle which may affect its general condition or suitability for use as a hackney carriage pedicab.
31. The licence proprietor of hackney carriage pedicab shall permit the inspection of all documents relating to the licensed vehicle at all reasonable times and by prior arrangement by the Officers of the Council.
32. Every vehicle shall display a licence plate, supplied by the Council, externally on the rear of the vehicle. The licence plate issued by the Council should be securely fixed to the rear of the vehicle so that it is clearly visible. The licence plate will remain the property of the Council and must be returned to the Council immediately upon a change of vehicle or when requested upon the suspension, revocation or expiry of a vehicle licence.
33. Licensed vehicles must display a sign, supplied by the Council, inside the vehicle in a visible position to passengers, displaying the Council's details and the plate number of the vehicle. The sign will remain the property of the Council and must be returned to the Council when requested upon the suspension, revocation or expiry of a vehicle licence.

Appendix 6

Conditions under which Advertising on Hackney Carriage and Private Hire Vehicles will be Permitted

Where vehicle licence conditions permit, vehicle licence holders may place advertising material in or on their vehicle in accordance with their licence conditions. Approval must first be sought and the advertising inspected by the licensing office prior to the vehicle going into service.

1) Type of Advertising Permitted

- a) No advertising will be permitted which causes public offence.
- b) No vehicle shall display external advertising from more than one advertiser.
- c) Advertising material must comply with all aspects of Advertising Standards legislation and the published guidelines of the Advertising Standards Authority.
- d) No vehicle shall display advertising relating to:-
 - Alcohol
 - Cigarettes or other tobacco products,
 - Gambling
 - Any political or religious organisation or campaign
- e) No advertising material shall cause the vehicle to break Road Traffic Legislation or render the vehicle hazardous to its driver, passengers or other road users.
- f) All advertising artwork must be to a high standard.
- g) Artwork must be durable to the rigours of display on a vehicle in daily use.

2) Advertising Displayed on Vehicle Bodywork

Hackney carriage vehicles may display advertising material mounted or painted on the front and rear of the vehicle. The sides of the vehicle must remain free of advertising in order to give sufficient prominence to the coat of arms decal which aids identification of the vehicle as a City of York licensed hackney carriage.

Private hire vehicles may display advertising material mounted or painted on the front and rear of the vehicle. The doors must remain free of

advertising in order to give sufficient prominence to the Operator's details.

3) **Advertising in the Form of Rear Window Stickers**

In addition, One rear window sticker is permitted. The sticker can be no more than 5cm (2") high and 38cm (15") wide or 13cm (5") high and 13cm (5") wide. It must be positioned at either the:

- i) bottom left hand corner of the window;
- ii) bottom right hand corner of the window; or
- iii) top of the window.

The sticker must not obscure the driver's visibility. No other advertising window stickers may be displayed. Vehicle dealer stickers will be considered as advertising stickers, therefore, no other sticker may be displayed.

4) **Advertising Internally within the Vehicle**

Hackney carriages and private hire vehicles may display advertising within their vehicle in the form of a panel displayed in a position visible to passengers but not interfering with the driver's vision or the passenger's ability to see out of the windows.

5) **Advertising Internally within the Vehicle Via TV Screens (Digital Media Technology)**

Hackney carriage and private hire vehicles may install in-vehicle digital media technology to be used for advertising purposes and/or live feed material. To use this form of technology for advertising purposes and/or live feed material it must comply with the following conditions:

- a) Digital media systems must be approved by the licensing authority before they are installed.
- b) All broadcast material must comply with the OFCOM Broadcasting Code.
- c) All films/video material must be classified by the BBFC as U or exempt from classification.
- d) The only live feed material that can be shown is national/local news and weather.

- e) All equipment must comply with any legislative requirements in respect of Construction and Use Regulations and other legislation.
- f) All equipment must be designed, constructed and installed in such a way and in such material as to present no danger to passengers or driver, including from impact with the equipment in the event of an accident or damage from the electrical integrity being breached through vandalism, misuse or wear and tear.
- g) The equipment must not interfere with any other safety, control, electrical, computer, navigation, and satellite or radio system in the vehicle.
- h) The intensity of any screen should not be such as to be visually intrusive or dazzling. The position of the screen must not obstruct the passenger's view of the meter and the visibility of the screen to following vehicles should be minimal.
- i) Any screen shall be no larger than 15".
- j) All equipment must be installed in the driver's compartment and should not be visible from the driver position. The screen may be installed in the driver and front passenger seat headrests, or other suitable location agreed by the licensing authority.
- k) The installation must not be such as to weaken the structure or any other component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.
- l) The design must be discreet and complement the interior furnishing of the vehicle.
- m) The system must include safeguards to maintain the integrity of the system and prevent the display of unapproved material.
- n) Passengers must be able to control the volume level, including turning the sound off. The driver must have overall control of the volume to make sure it does not distract them while driving. The sound should be automatically muted when the intercom is operated.
- o) Passengers must be able to turn the screen off.
- p) A notice should be displayed within prominent view and physical reach of all passenger seats giving instructions to passengers as to adjusting the volume and turning the screen off. The notice shall be in a suitable format and design for visually impaired people and visible in low light conditions.

- q) The mute/volume control must be accessible from the nearside and offside passenger seats.
- r) Once activated the mute should continue without further activation by the passenger until the passenger leaves the vehicle.
- s) All equipment must be protected from the elements, secure from tampering and located such as to have no impact on the seating and luggage carrying capacity of the vehicle.

6) **Compliance with these Conditions**

Vehicles displaying advertising without approval contravene the vehicle licence conditions and in the case of hackney carriages, the byelaws, and if prosecuted would be liable to a fine of up to £500. The vehicle licence could also be suspended until such time as the material has been removed from the vehicle (subject to the right of appeal to the Magistrates' Court). A vehicle licence will also be suspended if artwork is incomplete due to bodywork repairs.

The licensing office will exercise this authority in the interests of the citizens and visitors to York.

Appendix 7

Hackney Carriage and Private Hire Driver Training Policy

1. Introduction

1.1 The Council recognise that the role of hackney carriage and private hire drivers is a professional one. Hackney carriage and private hire drivers transport our most vulnerable persons and are often the first point of contact for visitors.

1.2 The reason for this Policy is to ensure that the travelling public within the authority area can be confident that the drivers licensed by the Council have been trained to the highest standard.

2. Requirements

2.1 The requirements that all new applicants will have to undertake are:

- An Advanced Taxi driving test
- An English assessment in Speaking, Listening and Reading
- Local knowledge test
 - Local Tourism and routes to places within the authority for which you are applying
 - Local Conditions/policies/bylaws
- Regulatory framework (Legislation) of the private hire and hackney carriage industry and test
 - Local Government (Miscellaneous) Provisions Act 1976
 - Town Police Clauses Act 1847
 - Highways Act 1980
- Professional standards training and test:
 - Health and safety (Personal Safety/Passenger Safety)
 - Professional customer service (Assisting Customers)
 - Fares
 - How to drive safely and efficiently
 - Providing a safe and legal vehicle
 - Transport parcels, luggage and other items
- Safeguarding training and test:

- Adults safeguarding
- Children safeguarding
- Vulnerable passengers
- Equalities/disability training and test
 - Wheelchair users
 - Users with assistant dogs
 - Elderly passengers
 - Recognising non visible disability
- Practical wheelchair course (for all drivers of wheelchair accessible vehicles)

3. Testing

Training Module	Requirements
Advanced Taxi Driving Test	Practical Assessment and test (By a training provider approved by the Council)
Local Knowledge Test (Routes & Key Locations)	Requirement to undertake the training and achieve a pass rate specified by the Council.
Regulatory Framework of the Hackney Carriage and Private Hire Industry and Test	Requirement to undertake the training and achieve a pass rate specified by the Council.
Professional Standards Training and Test	Requirement to undertake the training and achieve a pass rate specified by the Council.
Safeguarding Training and Test	Requirement to undertake the training and achieve a pass rate specified by the Council.
Equalities/Disability Training and Test	Requirement to undertake the training and achieve a pass rate specified by the Council.
Practical Wheelchair Course (for all Drivers of Wheelchair Accessible Vehicles)	Practical Assessment and test (By a training provider approved by the Council)

- 3.1 All new applicants will be required to complete and pass the training programme specified by the Council.
- 3.2 The Council may use have different approved providers and/or approved methods for delivering the training and testing procedure.
- 3.3 The aspects of the training shown in section 4 of the Policy will have to be carried out by all existing drivers prior to the renewal of their licence.
- 3.4 If a module requires the training material to be given in advance; this will be provided either by the Council or the training provider when you confirm your booking onto the course.
- 3.5 The training must be completed before an application will be accepted.

4. Refresher Training

- 4.1 Once completed (by new applicants or at renewal), there will be a number of the modules which will require refresher training every three years, to ensure that all current drivers remain up to date with current industry legislation and practice, these will be:-

- Regulatory Framework of the Private Hire Industry
- Professional Standards Training
- Safeguarding Training
- Equalities/Disability Training
- Practical Wheelchair Course (for all Drivers of Wheelchair Accessible Vehicles)
- Any other training, such as any legislation changes

5. Other Reasons for Having to Complete Modules

- 5.1 There may be occasion for the licensing authority to require an existing licensed driver to complete and pass one or more of the training modules. This may be the result of a substantiated complaint, for example, about the

standard of English, the standard of driving, the standard of customer care, attitude of the driver (this list is not exhaustive) or if the licensing authority believes that a driver's standard of driving or behaviour falls below the standards required.

- 5.2 The Council firmly believes that safe, suitable and professional trained hackney carriage and private hire drivers are an asset to the region as a whole. We wish to set standards on a par or above that of our neighbouring regions to ensure the safety of the travelling public within our region.

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Appendix 8

A Policy on Determining the Suitability of Applicants and Licensees as Drivers in Taxi & Private Hire Licensing

1. Introduction

- 1.1 The Council recognises that the role of hackney carriage and private hire drivers is a professional one. Hackney carriage and private hire drivers transport our most vulnerable persons and are often the first point of contact for visitors to each authority.
- 1.2 The reason for this Policy is to ensure that the travelling public within the authority area can be confident that the drivers licensed are suitable for this role.
- 1.3 The overriding requirement of the Council when carrying out this function is the protection of the public and others who use (or can be affected by) hackney carriage and private hire services. The aim of this Policy is to ensure that public safety is not compromised.
- 1.4 The Council must ensure that applicants/licence holders are and remain fit and proper to hold a licence. This Policy will apply to all new applicant and to existing licensees on renewal. This requirement is contained within Sections 51 & 59 of the Local Government Miscellaneous Provisions Act 1976.
- 1.5 This Policy categorises the types of issues including, crime and driving convictions, that form part of the “fit & proper” test to facilitate the assessment of the potential risk to the public. As part of this assessment the Council is concerned to ensure that:
 - An individual does not pose a threat to the public.
 - The Council’s obligations to safeguard children and vulnerable adults are met.
 - The public are protected from dishonest persons.
- 1.6 The standards of safety and suitability are not set as a base minimum. They are set high to give the public the assurance it requires when using taxi services. The Council does not have to strike a balance between the

driver's right to work and the public's right to protection. The public are entitled to be protected. This means that the Council is entitled and bound to treat the safety of the public as the paramount consideration.

- 1.7 Taxis are used by almost everyone, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated. A taxi driver has significant power over a passenger who places themselves, and their personal safety, in the driver's hands.
- 1.8 As part of the assessment referred to in paragraph 4 above the Council can consider convictions and cautions but also other outcomes of actions taken by the police, other agencies and the Civil Courts.
- 1.9 Reference to convictions in this Policy also includes cautions, warnings, reprimands, all forms of fixed penalty notices, restrictive type orders and any other relevant information. These must be reported to the Council in the format and timescales stated in the relevant Policy. In addition any circumstances relating to the licensee is potentially relevant if it is relevant to their safety and suitability to hold a licence.
- 1.10 Matters which have not resulted in a criminal conviction (whether as a result of an acquittal, a conviction being quashed, a decision not to prosecute or an investigation which is continuing where the individual has been bailed) will be taken into account by the Council. In addition, complaints where there was no Police involvement will also be considered.
- 1.11 In the case of a new applicant who has been charged with any offences and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn.
- 1.12 In all cases, the Council will consider a conviction or behaviour and what weight should be attached to it, and each case will be decided on its own merits and in line with this Policy.
- 1.13 The licensing process places a duty on the Council to protect the public. Therefore it is essential that those seeking a living as a driver meet the required standards. As previous offending and other behaviour can be considered as a predictor in determining future behaviour, it is important that the Council considers all relevant factors including previous

convictions, cautions, complaints, failures to comply with licence conditions, and the time elapsed since these were committed.

2. Applying the Guidance

- 2.1 One of the purposes of this Policy is to provide guidance to an applicant or existing licence holder on the criteria to be taken into account by the Council when determining whether or not an applicant, or an existing licensee on renewal, is fit & proper to hold a hackney carriage or private hire driver's licence.
- 2.2 When determining whether or not a person is "fit & proper" to become or remain a licensed driver each case will be decided on its own merits and the Council shall only depart from this Policy in exceptional circumstances.
- 2.3 There must be clear and compelling reasons for the Council to depart from this Policy. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered exceptional circumstances nor will the impact of losing (or not being granted) a licence on the applicant and/or his family.
- 2.4 The granting of a licence places an individual in a unique position of trust, and they are expected to act with integrity and demonstrate conduct befitting of the trust placed in them. For this reason, whilst it is possible for an applicant or existing licence holder to have convictions that individually comply with the Policy, the overall offending history and conduct of the applicant/licence holder will be considered. Appropriate weight will be applied where a series of convictions/incidents have been incurred over a period of time.
- 2.5 The Policy will also be applied if any additional issue arises that would call into question a person's suitability to continue to hold a licence. If an existing licence holder's conduct falls short of the "fit and proper" standard of behaviour at any time, their licence will be revoked.
- 2.6 Where a licence would normally be granted after an elapsed period, there may be circumstances where the elapsed period will be extended.
- 2.7 Any foreign offence disclosed by the applicant/licence holder or revealed

on an enhanced Disclosure & Barring Service Disclosure will be dealt with in line with this Policy.

- 2.8 Any concerns, issues, incidents or convictions/offences not covered by this Policy will not prevent the Council from taking them into account.

3. Disclosure and Barring Service

- 3.1 Applicants and licensed drivers must comply with the requirements of section 34 of this Policy with regards to DBS checks and the Update Service.
- 3.2 Any information contained in the Enhanced DBS Certificate that identifies an individual as not suitable to work with children or vulnerable adults will normally be refused.
- 3.3 The Council is also entitled to use other records and information including any complaints history that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other Councils and information disclosed by the Police under the Home Office scheme for reporting offences committed by notifiable occupations.
- 3.4 In determining safety and suitability the Council is entitled to take into account all matters concerning that applicant or licensee. This includes not only their behaviour whilst working in the hackney carriage or private hire trade, but also their entire character including, but not limited to, their attitude and temperament.
- 3.5 Any applicant who has resided outside the UK for any period longer than 6 months within the preceding 3 years must comply with the requirements of sections 34 and 36 of this Policy with regards to DBS checks, the Update Service and certificates of good conduct.
- 3.6 It is the responsibility of the applicant/licence holder to satisfy the Council that they are a “fit and proper person” to hold a licence. Therefore the applicant/licence holder must ensure that all convictions, cautions, warnings, reprimands, fixed penalties, arrests and summonses are disclosed to the Council, including any incurred outside the UK. A failure to report such convictions, cautions, warnings, reprimands, fixed

penalties, arrests and summonses will be given significant weighting.

- 3.7 Once a licence has been granted there is a continuing requirement on the part of a licensee to maintain their safety and suitability to meet the “fit and proper” test. The Council has the powers to take action against licence holders and any behaviour, incidents, convictions or other actions on the part of the licensee which would have prevented them from being granted a licence will lead to the licence being revoked.
- 3.8 Any dishonesty by any applicant or other person acting on the applicant’s behalf which occurs in any part of the application process will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 3.9 Under the Local Government (Miscellaneous Provisions) Act 1976 section 57, the Council has the power to require an applicant to provide:
- “such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to such licence.”
- The provision of this information can help to satisfy the Council that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of “fit and proper” and “safety and suitability” go beyond this. There is the character of the person to be considered as well.
- 3.10 The character of the applicant in its entirety is the paramount consideration when considering whether they should be licensed. The Council is not imposing an additional punishment in relation to previous convictions or behaviours. The information available to them is used to make an informed decision as to whether or not the applicant is a safe and suitable person.
- 3.11 The fact that an offence was not committed when the applicant was driving a taxi or when passengers were aboard is irrelevant. Speeding, drink driving and bald tyres are all dangerous, irrespective of the situation. Violence is always serious. A person who has a propensity to violence has that potential in any situation. Sexual offences are always serious. A person who has in the past abused their position (whatever

that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour.

- 3.12 Licensees are expected to demonstrate appropriate professional conduct at all times, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
- 3.13 There are those who seek to take advantage of vulnerable people by providing services they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. The Council expects licensees to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers must feel able to check that the person offering a service is entitled to do so. Licensees must be willing to demonstrate that they are entitled to provide the service offered by, for example, showing their badge. Any applicant or licensee who does not comply with the requirements set out in this paragraph will not meet the “fit and proper” test.

4. Criminal and Driving Convictions

- 4.1 The Council considers that a period of time must elapse after a crime before a person can no longer be considered to be at risk of re-offending. The timescales set out in Table A are to reduce the risk to the public to an acceptable level.
- 4.2 In relation to single convictions Table A sets out the time periods that should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.
- 4.3 The Council will look at the entirety of the individual and in some cases the suitability will not be determined simply by a specified period of time having elapsed following a conviction or the completion of a sentence. The time periods are a relevant and weighty consideration but they are not the only determining factor.
- 4.4 In addition to the nature of the offence or other behaviour, the Council will also consider the quantity of matters and the period of time over which they were committed. Patterns of repeated unacceptable or criminal

behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

- 4.5 This Policy does not replace the Council's duty to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by this Policy the Council must consider the matter from first principles and determine the fitness of the individual.
- 4.6 Once a licence has been granted there is a continuing requirement on the part of the licensee to maintain their safety and suitability to meet the "fit and proper" test.
- 4.7 Some offences on their own are serious enough for a licence not to be granted and these identified Table A. In the case of an existing licence "refused" in the Table means "revoked".
- 4.8 Applicants and licensees should be aware that where they have been convicted of a crime which has resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.
- 4.9 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological or financial abuse.
- 4.10 The Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any "barred" list. Existing licensees who are placed on the Sex Offenders Register or on any "barred" list will have their licence revoked.
- 4.11 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as convictions.

4.12 Road Safety is a major priority to the Council. A taxi driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in their vehicle. As those passengers may be alone, and may also be vulnerable, any driving convictions or unacceptable behaviour whilst driving will weigh heavily against a licence being granted or retained.

4.13 Taxi drivers are professional drivers charged with the responsibility of carrying the public. Any motoring convictions demonstrate a lack of professionalism and will be considered seriously. Whilst it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action taken against an existing licence, subsequent convictions would indicate that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

5. Decision and Right of Appeal

5.1 Where the Council is minded to refuse an application or suspend or revoke an existing licence in line with this Policy the applicant or existing licence holder will be informed and be given an opportunity to provide any additional written evidence in support of their application or retention of their licence.

5.2 The Council, at its absolute discretion, may determine to meet with the applicant or existing licence holder for the purpose of clarifying information provided or received. The applicant can be accompanied by one individual at the meeting who is not permitted to make comment or enter into any part of the discussion.

5.3 The Applicant or existing licence holder will be notified in writing of the Council's final decision within 14 days of completion of the procedures set out in paragraphs 43 and/or 44 above.

5.4 Any person whose application is refused or licence suspended or revoked by the Council has a right of appeal to the Magistrates' Court. An Appeal must be lodged within 21 days of the decision at the appropriate Magistrates' Court. Appeal rights are contained in Section 77

of the Local Government (Miscellaneous Provisions) Act 1976 (Part II) and Section 300 of the Public Health Act 1936.

Table A

Offence	Period Elapsed
Crimes resulting in death of another person or was intended to cause the death or serious injury to another person.	No period is thought sufficient to have elapsed and the application will be refused.
Exploitation – any crimes involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victims were adults or children including, for example: slavery, child sexual exploitation, grooming, psychological, emotional, or financial abuse.	No period is thought sufficient to have elapsed and the application will be refused.
Offences involving violence (including arson, riot, terrorism offences, harassment, common assault & criminal damage) or connected with any offence of violence.	10 years
Possession of a weapon or any other weapon related offence.	7 years
Sex and indecency offences – any offence involving or connected with illegal sexual activity or any form of indecency.	No period is thought sufficient to have elapsed and the application will be refused.

Dishonesty – any offence of dishonesty, or any offence where dishonesty is an element of the offence.	7 years
Drugs supply – any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply.	10 years
Drugs use – any conviction for possession of drugs, or related to possession of drugs.	5 years
Discrimination – any conviction involving or connected with discrimination in any form.	7 years
Drink driving/driving under the influence of drugs.	7 years
Driving whilst using a hand-held telephone or other device.	5 years
Minor traffic or vehicle related offences – Offences which <u>do not involve</u>:- • loss of life, driving under the influence of drink or drugs, • driving whilst using a hand held telephone or other device • injury to any person or damage to any property (including vehicles) a. Applications for a new hackney carriage or private hire driver licence will not be granted when an applicant has 7 or more points for minor motoring convictions showing on their driving licence. b. Existing licence holders reaching 7, or up to and including 9 points on a DVLA licence for minor motoring convictions will receive a warning and will be required to attend appropriate training and practical driving test using one of the Council's approved testers and	3 years

at their own cost. (The driver will be given 2 opportunities to pass the test, failure to pass on the second attempt will result in a review of their hackney carriage / private hire drivers licence and it is likely that they will no longer be considered a 'fit and proper' person to hold a licence). c. Existing licence holders reaching more than 9 points, for minor motoring convictions and / or who have previously attended training under this policy may have their licence refused or revoked dependent on the individual circumstances of the driver concerned and offences committed. In considering such action, the intention of the policy will be to refuse or revoke a licence unless there are no concerns for public safety. Each case will be considered on its own merits.	
Major traffic or vehicle related offences – offences not covered under minor traffic or vehicle related offences and also any offence which resulted in injury to a person or damage to any property (including vehicles), driving without insurance or any offence relating to motor insurance.	7 years
Hackney carriage and private hire offences.	7 years
Vehicle use offences, for example being carried in vehicle without the owner's consent.	7 years.

Appendix 9

Private Hire Driver's Licence Conditions

1. Licensed drivers shall act in a considerate manner ensuring the safety and comfort of passengers travelling in, entering or alighting from their vehicle. The driver must conduct themselves in a civil and orderly manner in dealing with passengers, other drivers or proprietors or any other person they come into contact with when acting as a licensed driver. The driver shall be clean and tidy in appearance.
2. Licensed driver shall not smoke (cigarettes or E cigarettes) at any time whilst in the licensed vehicle, or adjacent to it, which results in smoke entering the vehicle, or allow any other person to do so.
3. Licensed driver shall not drink or eat in the vehicle whilst transporting passengers.
4. Licensed driver shall not without the express consent of the hirer, play the radio or any sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
5. Licensed drivers shall wear the badge provided by the Council at all times when operating their vehicles.
6. The badge provided by the Council shall remain the property of the Council and must be returned to the Council immediately if the licence is suspended, revoked or becomes invalid for any reason.
7. Licensed drivers shall submit a medical certificate at the age of 45, 50, 55, 60 and 65. Annual medical certificates are required for all drivers over the age of 65. Drivers failing to have their medical within the required timeframe will have their licence suspended or revoked.
8. Licensed drivers shall submit details of any serious illness or prescription of any medication that may affect his/her ability to provide a public transport service.
9. Licensed drivers will not drive when their ability to do so is impaired by

having worked excessive hours or when under the influence of drink or drugs.

10. Licensed driver shall within three days' supply to the Council:-

- i) Details of any change of address and/or telephone number.
- ii) Details of any change of private hire operator or vehicle proprietor for whom he/she is driving and the date of commencement or termination of such employment.

11. Licensed drivers shall inform the Council, in writing, within 48 hours of any:

- convictions or finding of guilt (criminal or driving matter);
- caution (issued by the Police or any other agency);
- issue of a Magistrate's Court summons against them;
- issue of a fixed penalty notice or notice of intended prosecution for any matter;
- harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar; and
- their arrest for any offence, whether or not they are charged.

or being recorded against them or any company of which they are a Secretary or Director.

12. Licensed drivers who find property that has been accidentally left in a private hire vehicle by any passenger shall deliver it to the Licensing Office of the City Council within 48 hours of its discovery.

13. Licensed drivers shall not allow any child below the age of 10 years to be conveyed in the front of a vehicle. (unless the journey is part of a contract where the appropriate risk assessment has been undertaken and safety provisions are in place)

14. Licensed drivers shall if requested by the hirer of a vehicle provide a written receipt for the fare paid.

15. The driver of a licensed private hire vehicle which has been hired by or for a disabled person with their guide, hearing or prescribed assistance dog; or by a person who will be accompanied in the licensed vehicle by such a disabled person, will carry the disabled passenger's dog and allow it to

remain with the passenger and not make any additional charge for doing so.

Any person with a medical condition that would be aggravated by carrying dogs may apply to the Council for an exemption from this requirement.

16. The driver of a licensed vehicle shall, when requested by any person hiring the vehicle:-
- a) convey a reasonable quantity of luggage
 - b) afford reasonable assistance in loading and unloading, and
 - c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which the driver may take up or set down such person.

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Appendix 10

Private Hire Operators' Licence Conditions

1. All applicants are required to complete an application form and are reminded that it is an offence to knowingly or recklessly make any false statement or omit relevant information.
2. The booking office premises of a private hire operator shall be approved by the Council and shall conform to all Planning Regulations and other legal requirements in respect of business premises. Details must be provided of where vehicles will be parked when waiting for bookings. In the event that it is found that the booking office is operating without all necessary planning consents or in breach of planning conditions, the private hire operator's licence will be deemed suspended until planning consent is obtained.
3. The current private hire operator's licence must be displayed at the business premises to which the licence relates in a prominent position at all times in view of the general public with the exception of such times as the licence is presented to the Council for amendment.
4. The licensed operators shall have in force a Public Liability Insurance Policy providing a minimum of £2,000,000 indemnity in respect of any one incident where there is public access to a booking office. This Policy will be produced to the Council annually.
5. The licensed operators, who have employees, shall have in force an Employers Liability Insurance Policy complying with the Employers Liability (Compulsory Insurance) Act 1969 covering death or personal injury arising out of any incident during the course of a person's employment. This Policy will be produced to the Council annually.
6. During the currency of the licence, the operator shall notify the Council in writing within 7 days of any temporary change of residence which is for a period in excess of 21 days.
7. The licensed operator shall inform the Council within 14 days of any change of the partners or Directors of the company, or any change on the Secretaryship or Chairmanship thereof.

8. Each operator, when disposing of any business interest, shall within 14 days give notice in writing to the Council that the business registered in his/her name has terminated.
9. The licensed operator must notify the Council and nominate a responsible person to take responsibility on an interim basis if they are absent from the business for 15 days or more.
10. The licensed operator will ensure that the Council has their most up to date contact details, including a mobile telephone number and email address. There should also be a generic email address for the company.
11. The licensed operator shall keep a record for a period of not less than 36 months, of all the hackney carriage/private hire vehicle licence number, plate number, registration number and make and model of all hackney carriages/private hire vehicles operating from his/her office. Such records shall be sent to the Council annually and be available at all reasonable times for inspection by the Council.
12. The licensed operator shall keep a record for a period of not less than 36 months, of all the hackney carriage/private hire driver's licence number, badge number, personal identity code name or number and name and address of each driver operating from their office. Such records shall be sent to the Council annually and be available at all reasonable times for inspection by the Council.
13. The operator is responsible for all persons that they employ, contract or use in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers are used (and continue to be used) in the course of their business.
14. The operator must not operate a private hire/hackney carriage vehicle unless the vehicle and driver are licensed by City of York. The operator must personally examine vehicle licences and insurance certificates to satisfy themselves as to their validity.
15. No licensed operator shall operate any private hire vehicle other than those which have been listed by an authorised officer of the Council on the operator vehicle schedule. Any alteration to the form shall only be made by an authorised officer of the Council.

16. When a licensed operator ceases to operate any vehicle specified on the operator vehicle schedule, the operator shall within 72 hours, notify the Council for amendment by an authorised officer.
17. The licensed operator shall make sure that private hire/ hackney carriage vehicles and driver's operating from their office have had their licence renewed by the Council.
18. The licensed operator shall display in a prominent position visible to customers visiting his premises at his place of business a list of fares and booking fees chargeable by the operator. The Council shall be supplied with an up to date list of fares within 14 days of any changes made.
19. The licensed operator will ensure that the licence issued by Ofcom for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the licence and the licensed operator must allow the Council access to inspect all equipment and licenses.
20. The licensed operator shall notify the Council of every private hire driver employed or used by the operator and record the same in a 'schedule of drivers'. Where an operator ceases to employ or use any licensed private hire driver, the operator shall within 72 hours, notify the Council in writing and present an up-to-date schedule of drivers to the Council for amendment by an authorised officer. The private hire driver licence must be returned to the driver.
21. The licensed operator shall keep and maintain at all times for a period of not less than six months, a record of hiring showing the particulars of every booking of a hackney carriage/private hire vehicle, including any booking accepted at the request of another operator. The record must be kept in the form of a log sheet or computer database detailing:-

a) Bookings –

- the time and date of the request – the 24 hour clock shall be used
- the passenger's name
- the times and dates of the booking
- the pick-point
- the destination
- the name and licence number of the driver

- the registration and licence number of the vehicle
 - the name of any individual taking the booking
 - the name of any individual who dispatches the vehicle/driver.
 - the date/time the booking was completed or cancelled.
- b) Details of all hackney carriage/private hire vehicles operating from his/her office (vehicle make/model, colour, registration number and licence number)
- c) Details of all hackney carriage/private hire driver's operating from his/her office (name, address and licence number)
- d) complaints received from the public
- e) Remarks (including details of any sub-contracting to another licensed operator).

All records shall be maintained and kept up to date at all times and shall be available for inspection at all reasonable times, without notice, by an Authorised Officer, the Police or DVSA. For the purpose of further investigation, records may be removed from the premises if so required or copied.

22. The licensed operator shall keep and maintained records at all times for the following time periods:
- a) bookings, not less than six months
 - b) vehicles and driver's, not less than 36 months
 - c) complaints, not less than 36 months
23. The licensed operator shall keep a register of complaints by the public for a period of not less than 36 months.
24. Upon receiving a complaint or allegation regarding any person licensed by the Council in relation to the following matters:
- a) sexual misconduct, sexual harassment or inappropriate sexual attention
 - b) racist behaviour
 - c) violence and aggression (including verbal aggression/upsetting behaviour)

- d) dishonesty
- e) breaches of equality

the licensed operator shall report it immediately to the Council when the licensing office is open.

- 25. The licensed operator is not permitted to accept bookings forwarded by their private hire drivers.
- 26. Private hire operators must provide the Council with a current table of fares, including mileage fare chart.
- 27. If used, private hire operators must make sure all meters and PDA systems are calibrated to the correct fare scale.
- 28. The licensed operator shall provide a prompt, efficient and reliable service to members of the public at all times, ensuring that when a private hire vehicle has been hired to be in attendance at an appropriate time and place, that vehicles shall, unless delayed, attend punctually at that time and place.
- 29. The licensed operator remains accountable for service delivery even upon the transfer of a booking to another licensed operator.
- 30. The maximum number of vehicles that may operate from the licensed Private Hire Booking Office are detailed on this licence, this number will not be exceeded without prior written notification to the Council.
- 31. When the licensed operator accepts a hiring for a private hire vehicle, they shall ensure that a City of York Council licensed vehicle punctually attends as near to the appointed time as possible and place or make an arrangement under Section 55A of the Local Government (Miscellaneous Provisions) Act 1976 for the booking to be carried out by another licensed operator.

Sub Contracting or otherwise using 'sister operator' licences

- 32. If the licensed operator holds an operators' licence in other licensing districts (the 'sister operators'), the operator must include the names of every private hire driver employed or used by those sister operators and the

districts in which each driver is licensed, in a 'schedule of sub-contracted drivers'.

33. When sub-contracting a 'York booking' (namely a journey that either begins or ends in the City of York district), prior to the commencement of that journey, the licensed operator must inform the customer if their booking will be sub-contracted to a private hire operator not licensed by the City of York, making it clear that City of York Council has no regulatory responsibility for that vehicle and driver, and must provide the following information to that customer:
 - i. The name of the private hire operator who will be fulfilling the booking.
 - ii. The name of the authority that has licensed the private hire operator, driver and vehicle that will be fulfilling the booking.
 - iii. The opportunity to request a City of York licensed driver (or cancel without charge).
34. Where the licensed operator sub-contracted any bookings they must keep, a full record of the booking, the record must include (kept in the form of a log sheet or computer database); including the information detailed in paragraph 21 above.
35. Upon request from any authorised officer from the Council, the licensed operator will provide such information as kept under conditions (33, 34) above within 7 days.

For Private Hire Operators operating over 99 vehicles.

36. The licensed operator must ensure that at least one wheelchair accessible vehicle is in operation at all times (except in circumstances beyond the operator's control). In the event that a vehicle is not in operation, the licensed operator must notify the Council of the reason and the steps being taken to ensure a wheelchair accessible vehicle is in operation.

Appendix 11

Hackney Carriage Ranks

Council approved Hackney Carriage ranks are located as follows:-

FULL TIME RANKS

Clifton Moor Cinema	3 cars
Duncombe Place	10 cars
Queen Street	4 cars
St. Leonard's Place	4 cars
St. Saviourgate – Rank A	12 cars
St. Saviourgate – Rank B (feeder rank)	4 cars
The Crescent (off Blossom Street)	1 car
Tower Street	4 cars

PART TIME RANKS

Midnight to 6.00 a.m.

Clifford Street (for Kuda Nightclub)	4 cars
Clifford Street (opposite side of road from Kuda Nightclub)	4 cars
Micklegate (outside The Parish)	3 cars
Toft Green	4 cars

Piccadilly – 11.00 a.m. to 6.00 a.m.	2 cars
Rougier Street – 10.30 p.m. to 6.00 a.m.	3 cars

St. Sampson's Square – 8.00 p.m. to 6.00 a.m. 8 cars

York Racecourse (Race Days only) 12 cars

The rank at York Railway Station is private and is therefore not under the control of the Council.

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Meeting	Licensing And Regulatory Committee
Date	4 November 2024
Present	Councillors Melly (Chair), Cuthbertson (Vice-Chair), Baxter, Clarke, Hook, Kilbane [withdrew for agenda item 6 Street Trading Consent Policy update], Mason, Nicholls, Ravilious, Warters and Wilson
In Attendance	Sandra Branigan, Senior Lawyer Lesley Cooke, Licensing Manager Helene Vergereau, Head of Highways Access and Development
Apologies	Councillors Knight, Smalley and Widdowson

PART B - MATTERS REFERRED TO COUNCIL

73. Gambling Act 2005 - Statements Of Licensing Policy (6.51pm)

[See also under Part A]

Members considered a report advising them of the review of the Councils Statement of Licensing Policy (the Policy) and the consultation undertaken. The report sought a recommendation to Council that the Policy be approved and permission to publish the revised Local Area Profile.

The Licensing Manager outlined the report noting the information in the annexes to the report. She noted that there had been one response from GamCare to the consultation. She noted they requested a public health approach be taken to gambling. She added that the last premises licence application was received in 2013 for a betting shop. She then outlined the options available to Members. The Chair thanks Members on the working group, officers and local partners for their work on the policy.

In response to questions from Members, the Licensing Manager explained that:

- With reference to the number of schools in the Rural West Ward, she would check the number with the council Business Intelligence Unit.

- Regarding licensed gambling premises in areas of deprivation, a new applicant and/or licence holder has to do a risk assessment looking at the risks within their area.
- Regarding government guidance, it was not known if this was one of their priorities. Officers were aware that the government had been in contact with the Gambling Commissions.
- Regulation in terms of the national lottery came under the Gambling Commission.

The Committee had the following options available to them in making their decision:

Option 1: Approve the revised Policy and make a recommendation to Council that the Policy is adopted. Authorise officers to publish the revised Local Area Profile.

Option 2: Amend the revised Policy and make a recommendation to Council that the amended revised Policy is adopted. Authorise officers to publish the revised Local Area Profile.

Cllr Cuthbertson moved and Cllr Hook Baxter seconded the recommendation as detailed in Option 1 – to approve the revised Policy and make a recommendation to Council that the Policy is adopted and to authorise officers to publish the profile. On being put to the vote it was unanimously;

Resolved: That;

- i. It be recommended to Council that the Statement of Licensing Policy be adopted.
- ii. Authorisation be given to officers to publish the Local Area Profile.

Reason: To meet the legislative requirements of the Gambling Act 2005, and recommendations within the Gambling Commissions Guidance to Licensing Authorities.

Cllr Melly, Chair

[The meeting started at 4.30pm and finished at 7.00pm].



Meeting:	Council
Meeting date:	21 November 2024
Report of:	Director of Environment, Transport and Planning
Portfolio of:	Licensing and Regulatory Committee, Chair Cllr Rachel Melly

Decision Report: Gambling Act 2005 – Statement of Licensing Policy

Subject of Report

1. The report seeks approval by Council to approve the revised Statement of Licensing Policy (the Policy) – in relation to matters under the Licensing Act 2005 (the 2005 Act). It follows a resolution by Members of the Licensing and Regulatory Committee on 4 November 2024, that Council should approve the revised Policy, which can be found at Annex 1. NB Eleven Members were present at the committee they all voted for the resolution.
2. The reason for the resolution was to ensure the council complied with the requirements of Section 349 of the 2005 Act, which requires licensing authorities to determine and publish a Statement of Licensing Policy at least every three years. The Policy, if approved must be published by the 10 January 2025.

Benefits and Challenges

3. The key benefit is that the council complies with the requirements of the 2005 Act, by reviewing and publishing a revised Policy, allowing it to fulfil its legal duty as the licensing authority.
4. The Policy must be taken into consideration when the licensing authority makes decisions in respect to the 2005 Act. New applicants for premises licence should take the Policy into consideration prior to applying. Licence holders should also take the Policy into consideration when undertaking risk assessments with regards to the operation of their premises.

5. The Gambling Commissions Guidance to Licensing Authorities, recommends that licensing authorities complete their own assessment of the local environment as a means of 'mapping out' the key characteristics of the local area. The Guidance refers to such an assessment as a Local Area Profile. On the 4 November 2024 Members of the Licensing and Regulatory Committee authorised officers to publish the revised Profile. As stated in paragraph 4, new applicants and licence holders should take the Profile into consideration, prior to submitting an application and/or when undertaking risk assessments with regards to the operation of their premises.

Policy Basis for Decision

6. By complying with the requirements of the 2005 Act the Council are supporting new and existing licence trade, as well as residents and businesses. The functions support the Council's Plan 'One City, for all'.

Financial Strategy Implications

7. There are no financial strategy implications.

Recommendation and Reasons

8. That in accordance with Option 1 below, Council approves the new Statement of Licensing Policy as recommended by Members of the Licensing and Regulatory Committee.

Reason – To Meet the legislative requirements of the Gambling Act 2005.

Background

9. The 2005 Act has three licensing objectives:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way;

- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

These objectives must be taken into consideration by the Gambling Commission and Local Authorities as a Licensing Authority.

10. Under the 2005 Act as a Licensing Authority the Council is responsible for issuing premises licences, where an individual or company uses premises or causes or permits premises to be used to offer gambling (only holders of operator's licence can apply for a premises licence). Premises licences can authorise the provision of facilities on:
 - a) casino premises
 - b) bingo premises
 - c) betting premises, including tracks and premises used by betting intermediaries
 - d) adult gaming centre (AGC) premises (for category B3, B4, C and D machines)
 - e) family entertainment centre (FEC) premises (for category C and D machines) – the licensing authority may issue a FEC gaming machine permit, which authorises the use of category D machines only.
11. The 2005 Act defines the responsible authorities that must be notified of applications for premises licences, and that are entitled to make representation to a licensing authority.
12. The Council is responsible for issuing permits for gaming machine. Gaming machine provisions by premises can be found on the Gambling [Commissions](#) website. The Commission and Licensing Authorities cannot set different limits or further expand or restrict the categories of machines that are permitted.
13. The Council is also responsible for registered societies to run small society lotteries.
14. The holder of an operating licence may notify a Temporary Use Notice (TUN) to a Licensing Authority to allow premises (such as hotels and conference centres) to be used temporarily for providing facilities for gambling. TUNs are often used to run poker tournaments. The Council has never received a TUN.

15. Where betting on a track on eight days or fewer in a calendar year, betting may be permitted by an Occasional Use Notice (OUN) without the need for a full premises licence. OUNs allow licensed betting operators to provide betting facilities at genuine sporting events, such as point-to-point racecourses. OUNs are submitted to Licensing Authorities. The Council has received 11 OUNs.
16. In April 2023 the Department for Culture, Media and Sport (DCMS) published a Gambling Act Review white paper for the previous Government. This work is now on pause while the new Government considers the full range of gambling policy. The Labour manifesto included comments on gambling, with a focus on reducing gambling-related harm. The DCMS are awaiting ministerial steer on the prioritisation of different measures.

The Statement of Licensing Policy

17. As stated above it is a requirement of Section 349 of the 2005 Act that licensing authorities determine and published a Policy at least every three years. City of York first published a Policy in January 2007, this Policy has been revised and published on a further five occasions, January 2010, 2013, 2016, 2019 and 2022. The current Policy was approved by Council on the 9 December 2021 and published on 10 January 2022.

Local Area Profile

18. The Business Intelligence Hub, on behalf of the licensing authority, produced the first Profile in September 2018, this was reviewed in October 2021 and again in October 2024.
19. An effective profile is likely to take account of a wide range of factors, data and information held by the licensing authority and its partner. Good profiles will increase awareness of local risks and improved information sharing, to facilitate constructive engagement with licensees and more coordinated response to local risks.
20. The reviewed Profiles can be found at Annex 2.

Consultation Analysis

21. The report of the Licensing and Regulatory Committee highlighted the consultation undertaken. One response was received to the consultation from GamCare, who requested a 'public health approach to gambling'. The response has been shared with the Director of Public Health.

Options Analysis and Evidential Basis

22. Option 1 – That Council approves the new Statement of Licensing Policy as recommended by Members of the Licensing and Regulatory Committee.
23. Option 2 – Council does not approve the new Statement of Licensing Policy as recommended by Members of the Licensing and Regulatory Committee, giving reasons for the decision.

Analysis

24. Public Health are now working closely with the Licensing Authority. Appendix 1 'Gambling Related Harm, of the Policy has been added due to information provided by Public Health Colleagues. Information within this Appendix provides estimated levels of gambling harm for York.
25. The Gambling Commission has welcomed Public Health's engagement with Licensing Authorities on gambling matters.
26. There are currently 18 premises licence in force which authorise the following licensable functions:
 - 1 adult gaming centre
 - 1 bingo premises
 - 1 betting premises (track)
 - 15 betting premises (other) – bookmakers
27. Since the 2005 Act came into force in 2007, 62% of premises licence have been surrendered:
 - 8 adult gaming centres
 - 2 bingo premises
 - 19 betting premises (other) – bookmakers (two have surrendered in the last three years)

28. 192 premises currently have gaming machines:
- 138 notifications of 2 or less machines
 - 37 premises machine permits
 - 17 club machine permits
29. 163 small society lotteries registrations are in place.

Organisational Impact and Implications

30. The implications arising from this report are:
- **Financial:** - The Chief Finance Officer contacted. There are no direct financial implications associated with this report. Premises licence holders are required to pay an annual fee, a statutory maximum fee level is set, holders of gaming machine permit and lottery registrations are also required to pay an annual fee which is statutory.
 - **Human Resources (HR):** - The Head of HR contacted. There are no HR implications associated with this report.
 - **Legal:** As stated in paragraph 2 above, it is a legal requirement of the Gambling Act that the Policy is reviewed. The final decision to adopt or revise the Policy under the Act must be made by Full Council. Failure to comply with these requirements could result in the Council being unable to fulfil its legal duty as the licensing authority and the Council could be open to legal challenges. The Policy must be taken into consideration when the Licensing Authority makes decisions in respect of matters relating to the Gambling Act 2005. A Statement of Licensing Policy can be subject to judicial review.
 - **Procurement:** - Head of Procurement contacted. There are no procurement implications associated with this report.
 - **Health and Wellbeing:** - Director of Public Health contact. Public Health has provided data which can be found in Appendix 1 of the Policy. Information within this Appendix provides estimated levels of gambling harm for York
 - **Environment and Climate action:** - Director of Transport, Environment and Planning, and Head of Carbon Reduction contacted. There are no environment and climate actions implication associated with this report.
 - **Affordability:** - Director of Customer and Communities Contacted. This Policy protects children and other vulnerable persons from being harmed or exploited by gambling.

- **Equalities and Human Rights:** - Assistant Director of Customer, Communities and Inclusion contacted. An Equalities Impact Assessment has been completed and can be found at Annex 3.
- **Data Protection and Privacy:** information.governance@york.gov.uk contacted. The data protection impact assessment (DPIAs) screening questions were completed for the recommendations and options in this report and as there is no personal, special categories or criminal offence data being processed to set these out, there is no requirement to complete a DPIA at this time. However, this will be reviewed following the approved recommendations and option this report and a DPIA completed if required. This has been logged under the reference AC-10584 with our Corporate Governance Team.
- **Communications:** - Head of Communications contacted. There are no communications implications associated with this report, the Policy and Local Area Profile will be available on the Council's website in an accessible format. Communications will be available if a reactive response is required.
- **Economy:** - Head of City Development contacted. There are no economy implications associated with this report.

Risks and Mitigations

31. The Council cannot lawfully fulfil its legal duty as a licensing authority if it fails to comply with the requirements of Section 349 of the 2005 Act, meaning the impact of a successful legal challenge is 'major' and the likelihood is 'possible'. This gives a risk score of '19' and is an orange risk on the Council's Risk Management Matrix. Complying with Section 349 by reviewing and publishing a Statement of Licensing Policy every three years means the impact reduces to 'minor' and the likelihood reduces to 'remote', which gives a risk score of '2', and is a blue risk.

Wards Impacted

32. All wards will be impacted by the Policy.

Contact details

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Date:	08/11/2024

Background papers

[Gambling Act 2005](#)

Gambling Commission – [Guidance to licensing authorities Report](#) taken to Licensing and Regulatory Committee on 4 November 2024

Annexes

Annex 1: Revised Statement of Licensing Policy 2026

Annex 2: Revised Local Area Profile

Annex 3: Equalities Impact Assessment



Statement of Licensing Policy 2025

Gambling Act 2005

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Part A

1. Introduction

- 1.1 This Statement of Licensing Policy was prepared under Section 349 of the Gambling Act 2005 (the Act).
- 1.2 Under the Act City of York Council (the Council) is the Licensing Authority for the for the purposes of the Act for the administrative area of the City of York.
- 1.3 The policy was approved by Council on XX XXXXXXXX 2024.
- 1.4 The Act specifies that any decision taken by the Council in regard to the determination of licences, permits and registrations should aim to permit the use of premises for gambling in so far as it is reasonably consistent with the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Council will also follow any regulations and statutory guidance issued in accordance with the Act and will have regard to any codes of practice and relevant issued by the Gambling Commission.

- 1.5 In making decisions about premises licence, the Council is aware that it should aim to permit use of premises for gambling in so far as it thinks it is:
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the council's statement of licensing policy.

2. Purpose

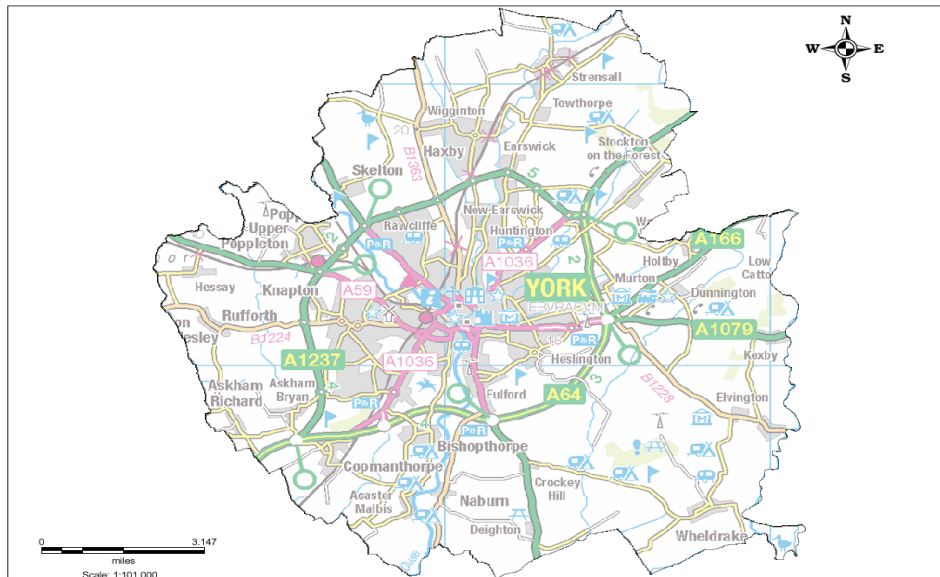
- 2.1 The Act requires that a Statement of Licensing Policy is published at least every three years.
- 2.2 In preparing this policy the Council consulted a wide range of organisations and stakeholders, these include:
- The responsible authorities:
 - North Yorkshire Police
 - North Yorkshire Fire and Rescue Service
 - Gambling Commission
 - HM Revenue and Customs
 - City of York Council, Children Services
 - City of York Council, Development Control (Planning)
 - City of York Council, Public Protection (Environmental Protection)
 - Licensed premises
 - Bodies that represent the licence trade
 - Bodies that represent local businesses
 - Bodies that represent gambling harm
 - Ward councillors
 - Parish Councils
 - City of York Council, Public Health
 - City of York Council, Adult Services
- 2.3 The consultation took place between 22 July to 13 October 2024.

3. Profile of York

- 3.1 City of York Council is a unitary authority covering an area of 105 square miles and a population of more than 206,780 (2023 mid-year est.) which includes a small black and minority ethnic population. It comprises the urban area of York that is surrounded by many small rural and semi-rural settlements covered by parish councils.
- 3.2 York is nationally and internationally a prominent city for a range of reasons. Not only is it an historic centre for England and an important location for the Church of England, it is also one of the most visited tourist destinations in the country. York has excellent rail links around the UK with over 10 million passengers every year. It is also a centre of academic excellence, with around 27,000

students making up approximately 13% of York's population in term time.

- 3.3 Tourism and leisure are important industries for York, attracting over 8.9 million visitors a year, of which the total value to York's economy is £1.7 billion. The visitor economy supports 17,000 jobs in the city and a fifth of York's visitors stay overnight with £249 million of direct spend from visitors going towards accommodations.
- 3.4 This level of tourism can, however, present challenges to the city in balancing the requirements of residents against these economic benefits that tourism can bring.
- 3.5 As an historical centre the city has many museums and historical buildings. The city offers a wide range of premises providing entertainment activities and supplying alcohol, outstanding restaurants, licensed entertainment venues, including four cinemas and five theatres, numerous high quality traditional and historic public houses, and bars. Other premises, such as York Racecourse and a bingo hall, provide alcohol and entertainment as part of their overall activities.
- 3.6 City of York Council Authority Area



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4. Links to other Plans, Policies, Strategies and Guidance

Council Plan

- 4.1 The Council's decision making, and work plans are underpinned by a set of policies, strategies and plans. A list of these policies is available on the Council's website www.york.gov.uk/CouncilPlan.

In particular the 'Council Plan 2023 to 2027 One City For All' which sets the core commitments and priorities for the Council, which are as follows:

Core Commitments

- Equalities and Human Rights – equality of opportunity
- Affordability – tackling the cost-of-living crisis
- Climate – environment and the climate emergency
- Health – health and wellbeing

Priorities

- Health and wellbeing: a health generating city, for children and adults.
- Education and skills: high quality skills and learning for all.
- Economy and good employment: a fair, thriving, green economy for all.
- Transport: sustainable accessible transport for all.
- Housing: increasing the supply of affordable housing.
- Sustainability: cutting carbon, enhancing the environment for our future.
- How the council operates.

These are supported by the Health and Wellbeing Strategy, York Economic Strategy and the Children and Young People's Plan. These strategies provide a crucial focal point for the identification of local issues.

Tourism

- 4.2 In developing this Policy the Council has taken into account York Tourism Strategy 'A vision for tourism in York: 2032', prepared by York Tourism Advisory Board with partners and stakeholders, including the Council. The Strategy is focused on five Key Priorities

with specific ambitions for the city:

1. A Regenerative Visitor Economy: York is a responsible, robust and profitable destination with a regenerative visitor economy.
2. Green York: Our businesses and visitors' commitment proactively contributes to York's transition to net zero carbon emissions by 2030.
3. Culture: York is renowned for its heritage, culture and cutting-edge approach to creativity, which attracts cultural tourists and supports the city's regenerative visitor economy.
4. Residents and Localhood: Local people experience the very best of their city alongside its visitors, with tourism contributing to the quality of life in York and beyond.
5. Skills and recruitment: The visitor economy is a first-choice career for school leavers and graduates, businesses invest in upskilling, training and career development, and commitment to equality, diversity and inclusion.

The Our City Centre York Vision

- 4.3 The Council are currently developing The Our City Centre York Vision. The themes covered by the vision are:

- a family friendly and affordable city centre
- an attractive and active city centre
- making tourism work for York
- embracing our riverside
- a safe city centre which is welcoming and accessible to all
- thriving businesses and productive buildings
- celebrating heritage and making modern history

Further information can be found on the Councils website:

www.york.gov.uk/MyCityCentreYorkVision

Crime and Disorder

- 4.4 Under the Crime and Disorder Act 1998 the Council 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 Council

will have regard to the likely impact of licensing on related crime and disorder in the authority area, particularly when considering the location and impact of the operation and management of all new licence applications and variations of existing licences.

Counter Terrorism

- 4.5 In January 2022 the Home Office, through the Protect Duty consultation, has pledged to consider legislative approaches requiring venue operators to consider the risk of terrorist attacks, and to take proportionate and reasonable measures to prepare and protect the public. Whilst legislation is being considered by the Government, operators of venues may find it beneficial to refer to the Protect Duty consultation response documents until such laws are enacted. <https://www.gov.uk/government/consultations/protect-duty/outcome/government-response-document>
- 4.6 Further information, including e-learning, is available on Protect UK website: www.protectuk.police.uk.

Equalities Act 2010

- 4.7 Applicants and licensees must make themselves familiar with their responsibilities under the Equalities Act and relevant guidance for businesses, which can be found on the Equality and Human Rights Commission website: www.equalityhumanrights.com

Regulators' Code 2014

- 4.8 The Regulators' Code came into statutory effect on 6 April 2014 under the Legislative and Regulatory Reform Act 2006 and provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate. Nearly all regulators, including local authorities and the fire and rescue service authorities, must have regard to it when developing policies and procedures that guide their regulatory activities.

5. Declaration

- 5.1 This policy will not override the right of any person to make an application, make representation about an application or apply for a

review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

- 5.2 In producing the final statement, the council has had regard to the licensing objectives of the Act, the Guidance to Licensing Authorities issued by the Gambling Commission and any responses from those consulted on the statement.

6. Responsible Authorities

- 6.1 The Council is required by regulations to state the principles it will apply to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 6.2 In accordance with the regulations the Council designates City of York Council's Children's Social Care for this purpose.
- 6.3 The contact details of the responsible authorities under the Act are available on the Councils website or from the Licensing Section.

7. Interested parties

- 7.1 Interested parties can make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Act as follows:
- “For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person-
- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
 - (b) has business interests that might be affected by the authorised activities; or
 - (c) represents persons who satisfy paragraph (a) or (b)”.

- 7.2 The council is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles are:
- Each case will be decided upon its merits. The council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
 - Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (eg an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
 - If individuals wish to approach councillors to ask them to represent their views, then care should be taken that the councillors are not part of the Gambling & Licensing Sub Committee dealing with the licence application. If there are any doubts, then please contact the Licensing Section.

8. Exchange of Information

- 8.1 The council is required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 8.2 The principle that this council applies is that it will act in accordance with the provisions of the Act in its exchange of information which

includes the provision that the Data Protection Act 2018 will not be contravened. The council will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

- 8.3 Should any protocols be established as regards information exchange with other bodies, then they will be made available.

9. Enforcement

- 9.1 The council is required by regulation under the Act to state the principles to be applied by the council in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

- 9.2 In carrying out its enforcement duties with regards to the inspection of premises, and the powers to institute criminal proceedings in respect of certain offences under the Act the council will endeavour to be:

- **Proportionate:** regulators should only intervene when necessary, remedies should be appropriate to the risk posed and costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open and keep regulations simple and user friendly;
- **Targeted:** regulation should be focused on the problem and minimise side effects.

- 9.3 The council will endeavour to avoid duplication with other regulatory regimes so far as possible.

- 9.4 The main enforcement and compliance role for the council in terms of the Act is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. Concerns about manufacture, supply or repair of gaming machines

are not dealt with by the council but will be notified to the Gambling Commission. In circumstances where the council believes a premises requires a premises licence for gambling activities and no such licence is in force, the council will alert the Gambling Commission.

- 9.5 The council also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 9.6 The council's enforcement/compliance protocols/written agreements are available upon request.

10. Licensing authority functions

- 10.1 Licensing authorities are required under the Act to:
- be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences;
 - issue provisional statements;
 - regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits;
 - issue club machine permits to commercial clubs;
 - grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
 - receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
 - issue licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
 - register small society lotteries below prescribed thresholds;
 - issue prize gaming permits;
 - receive and endorse temporary use notices;
 - receive occasional use notices;
 - provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
 - maintain registers of the permits and licences that are issued under these functions.

- 10.2 The council will not be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

Part B – Licensing Objectives

11. Preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime.

- 11.1 The Gambling Commission will take the lead role in keeping gambling free from crime by vetting applicants for operator and personal licences. The council will have to be satisfied that the premises will not adversely affect the licensing objective and is compliant with the Commission's Guidance, codes of practice and this policy statement.
- 11.2 The council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, a gambling premises. As part of the application, the applicant will provide evidence to demonstrate that in operating the premises they will have regard to the licensing objective.
- 11.3 Examples of the specific steps the council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part D of this policy.

12. Ensuring that gambling is conducted in a fair and open way

- 12.1 The Gambling Commission is the body primarily concerned with ensuring that operators conduct gambling activities in a fair and open way, except in the case of tracks.
- 12.2 The council will notify the Gambling Commission of any concerns about misleading advertising or absence of required game rules, or any other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.
- 12.3 Examples of the specific steps the council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part D of this policy.

13. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Protection of Children

13.1 Persons under 18 cannot be admitted to many types of gambling premises. This objective means preventing children from taking part in most types of gambling.

13.2 Section 45 of The Act provides the following definition for child and young person:

Meaning of “child” and “young person”

- 1) In this Act “child” means an individual who is less than 16 years old.
- 2) In this Act “young person” means an individual who is not a child but who is less than 18 years old.

13.3 Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:

- casinos, betting shops and adult gaming centres are not permitted to admit anyone under 18;
- bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18;
- family entertainment centres and premises licensed to sell alcohol for consumption on the premises can admit under 18s, but they are not permitted to play category C machines which are restricted to those over 18;
- clubs with a club premises certificate can admit under 18s, but they must have policies to ensure those under 18 do not play machines other than category D machines;
- All tracks can admit under 18s, but they may only have access to gambling areas on days where races or other sporting events are taking place or are expected to take place. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.

- 13.4 The council will have regard to any code of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises.
- 13.5 The council will consider whether specific measures are required at particular premises, with regard to this licensing objective. These measures may include supervision of entrances / machines, segregation of areas, etc. Examples of the specific steps the council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part D of this policy.

Protection of Vulnerable Person

- 13.6 The Gambling Commission has published a ‘vulnerability statement’, which details their approach to identifying and supporting vulnerable consumers throughout the customer journey:
<https://www.gamblingcommission.gov.uk/about-us/guide/vulnerability-statement>
- 13.7 It is difficult to define the term ‘vulnerable person’. The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition, but will, for regulatory purposes assume that this group includes:
- people who spend more money and/or time gambling than they want to
 - people who gamble beyond their means
 - people who may not be able to make informed or balanced decisions about gambling, for example because of health problems, learning disability, or substance misuse relating to alcohol or drugs.
- 13.8 The Gambling Commissions Code of Practice clearly describes the policies and procedures that operators should put in place regarding:
- combating problem gambling
 - access to gambling by children and young persons
 - information on how to gamble responsibly and help for problem gamblers
 - customer interaction

- self exclusion
- employment of children and young persons.

13.9 The council may consider any of the measures detailed below as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet
- training for staff members which focuses on an employee's ability to detect a person who may be vulnerable and providing support to vulnerable persons
- self exclusion schemes
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- posters and leaflets with GamCare Helpline and website displayed in prominent locations
- external advertising to be positioned or designed not to entice passersby.

13.10 It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 3, that licensees must have and put into effect policies and procedures intended to promote socially responsible gambling.

13.11 The LCCP say that licensees must make an annual financial contribution to one or more organisation(s) which between them research into the prevention and treatment of gambling-related harm, develop harm prevention approaches and identify and fund treatment to those harmed by gambling.

13.12 Contact information for organisations that offer help/support for those who are affected by problems with gambling can be found at Appendix C.

Part C – Premises Licences

14. General Principles

- 14.1 The council will issue premises licences to allow those premises to be used for certain types of gambling. These are:
- (a) casino premises,
 - (b) bingo premises,
 - (c) betting premises including tracks and premises used by betting intermediaries,
 - (d) adult gaming centre premises, or
 - (e) family entertainment centre premises.
- 14.2 Premises licences are subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities can exclude default conditions and attach others, where it is believed to be necessary.
- 14.3 The Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The council will also have regard to these Codes of Practice.

Decision-Making

- 14.4 The council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:
- is in accordance with any relevant code of practice issued by the Gambling Commission;
 - is in accordance with any relevant guidance issued by the Gambling Commission;
 - is reasonably consistent with the licensing objectives; and
 - is in accordance with the council's statement of licensing policy.
- 14.5 It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" and that unmet demand is not a criterion for a licensing authority.

- 14.6 It should be noted that this policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

Composition of a Licensing Sub-Committee

- 14.7 The Licensing Sub-Committee shall comprise of any three elected members who serve on the Licensing and Regulatory Committee (Licensing Committee).
- 14.8 The Council's Code of Conduct requires Members to register and declare their financial and other interests and sets out consequences for the Member's participation in the decision-making process in respect of an application, in the light of those interests.

Representations

- 14.9 Where representations are received the council will consider whether they are relevant, vexatious, frivolous or if they would influence the council's determination of the application. The Head of Service together with the relevant Director will determine if any representation meets this criteria.
- 14.10 The council will take into consideration Gambling Commission Guidance for Licensing Authorities, Licence Conditions and Codes of Practice when determining applications for premise licences.

Definition of "premises"

- 14.11 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, the council should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions

relating to access between premises are observed.

- 14.12 The council will take particular care in considering applications for multiple licences for a building, and those relating to a discrete part of a building used for other purposes. The council will assess entrances and exits of a premise covered by one or more licences to satisfy itself that they are genuinely separate and identifiable so that the separation of different premises is not compromised and that people do not drift into a gambling area.
- 14.13 In considering whether different areas of a building are genuinely separate premises the council will take into account factors which may include:
- do the premises have a separate registration for business rates?
 - are the premises' neighbouring premises owned by the same person or someone else?
 - can each of the premises be accessed from the street or a public passageway?
 - can the premises only be accessed from any other gambling premises?
- 14.14 The council will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

Location

- 14.15 The council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. The council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. With regards to these licensing objectives, it is the council's policy, upon receipt of any relevant representation to look at specific location issues which include:
- the possible impact that a gambling premises may have on any sensitive premises that provide services to children or young people or vulnerable people; e.g. a school, vulnerable adult centre;
 - the possible impact a gambling premises may have on a residential area where there is a high concentration of families

- with children;
- the nature and size of the gambling activities taking place;
- any levels of crime in the area.

14.16 If refusing an application the council would need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives.

Local Risk Assessments

14.17 Since 6 April 2016, it has been a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises, and have policies, procedures and control measure to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement. The local risk assessment should be kept on the individual premises and made available for inspection by an authorised officer.

14.18 The LCCP say that licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances, including those identified in this policy statement;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

14.19 The council will expect the local risk assessment to consider as a minimum:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- the demographics of the area in relation to vulnerable groups;
- whether the premises is in an area subject to high levels of crime and/or disorder.

- 14.20 Local risk assessments should show how vulnerable people, including people with gambling dependencies, are protected, such as:
- Information on self-exclusions.
 - Information on underage gambling.
 - Staff training.
 - Signage and documents relating to games rules, gambling care providers and other relevant information.
- 14.21 Local risk assessments should show how children and young people are protected, such as:
- The proximity of institutions, places or area where children and young people frequent such as schools, parks, playgrounds, youth clubs and venues such as museums, bowling allies, cinemas, etc.
 - The proximity of places where children and young people congregate such as shops and cafes.

Local Area Profile

- 14.22 In order to assist applicants the Council has published a 'Local Area Profile'. This profile has been approved by the Licensing and Regulatory Committee; it is available on the Councils website: <https://www.york.gov.uk/GamblingAct>
- 14.23 The local area profile should be taken into consideration by applicants when they are submitting an application. It should also be taken into consideration by licence holders when they review their local risk assessments.
- 14.24 The information provided at Appendix A relating to 'Gambling Related Harm' should also be taken into consideration by applicants and licence holders. This information is taken from the interactive maps published by the GambleAware.

Duplication with other regulatory regimes

- 14.25 The council seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. The council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its

consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

Conditions

- 14.26 The Secretary of State has set mandatory and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice on Operator's Licences which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with.
- 14.27 If the council is minded to impose conditions because there are regulatory concerns of an exceptional nature, then any additional licence conditions must relate to the licensing objectives.
- 14.28 Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for, and/or related to the area where the premises is based;
 - fairly and reasonably related to the scale and type of premises;
 - consistent with the licensing objectives; and
 - reasonable in all other respects.
- 14.29 Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of measures this licensing authority will consider utilising should it be necessary, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The council will also expect the licence applicant to offer their own suggestions as to ways in which the licensing objectives can be met effectively.
- 14.30 Where certain measures are not already addressed by the mandatory/default conditions or by the applicant and there remains a demonstrable risk to the licensing objectives in the circumstances of a particular case, the council may consider licence conditions to cover issues such as:

- proof of age schemes
- CCTV
- entry controls
- supervision of entrances / machine areas
- signage / notices
- specific opening hours
- physical separation of areas
- location of entry
- requirements that children must be accompanied by an adult
- Enhance Disclosure and Barring Service checks of the applicant and/or staff
- self-barring schemes
- provision of information for organisations such as GamCare (leaflets / helpline numbers)
- measures and training for dealing with children on the premises

This list is not mandatory or exhaustive and is merely indicative of examples of measures which may satisfy the requirements of the council and the responsible authorities to meet the licensing objectives.

14.31 It is noted that there are conditions which the council cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

14.32 The council will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;

- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

Door Supervisors

14.33 The council will consider whether there is a need for door supervision in terms of the licensing objectives of the protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted that the door supervisors at casinos or bingo premises are not required to be registered by the Security Industry Authority (SIA) under the Private Security Act 2001. Where door supervisors are provided at these premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a Disclosure and Barring Service check on potential staff and for such personnel to have attended industry recognised training. Door supervisors not directly employed by a casino or bingo operator do have to be SIA registered.

15. Adult Gaming Centres (AGCs)

- 15.1 Under the Act a premises holding an adult gaming centre licence will be able to make category B, C and D gaming machines available for use on the premises. No one under the age of 18 is permitted to enter such premises.
- 15.2 The council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 15.3 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commissions

Codes of Practice or by the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 14.30.

16. Licensed Family Entertainment Centres (FECs)

- 16.1 Licensed FECs are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section for adult only gaming machines with higher stakes and prizes. Licensed FECs will be able to make available unlimited category C and D machines where there is a clear segregation in place, so children do not access the areas where the category C machines are located.
- 16.2 The council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 16.3 Where category C or above machines are available in premises to which children are admitted then the council will ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where category C machines are located;
 - access to the area where machines are located is supervised at all times;
 - the area where the machines are located is arranged so that it can be observed by staff; and
 - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

17. Casinos

- 17.1 The Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games.

Casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines. Large and small casinos can also provide betting machines.

Number of casinos in Great Britain

- 17.2 Legislation stipulates the number of casino premise licences that can be issued and the areas where they can be located. A casino will not be allowed within City of York Council Authority area until such time that there is a change in legislation.

No Casinos resolution

- 17.3 The council has not passed a 'no casino' resolution under Section 166 of the Act but is aware that it has the power to do so. Should the council decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

18. Bingo premises

- 18.1 There is no legal definition for bingo, or a standard set of rules under which the game is played. Bingo is equal chance gaming. From a licensing point of view there is a category of premises licence specifically for bingo premises which is used by traditional commercial bingo halls for both cash and prize bingo. In addition, this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions in the Act.
- 18.2 The council is aware that children and young persons are permitted in bingo premises but may not participate in the bingo. Where category C or above machines are available for use, they must be separated from areas where children and young persons are allowed.
- 18.3 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commissions Codes of Practice or by the applicant, the council may consider

licence conditions to address such issues, examples of which are provided at paragraph 14.30.

19. Betting premises

- 19.1 The Act contains a single class of licence for betting premises however within this single class there are different types of premises which require licensing such as high street bookmakers, bookmakers located in self contained facilities at racecourses as well as the general betting premises licences that track operators will require.

Betting machines

- 19.2 Section 181 of the Act states:
“A condition of a betting premises licence may relate to –
a) the number of machines used on the premises for the purpose of making or accepting bets;
b) the nature of those machines;
c) the circumstances in which those machines are made available for use.”
- 19.3 When considering whether to impose a condition on a licence the council will consider the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.
- 19.4 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commissions Codes of Practice or by the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 14.30.

20. Tracks

- 20.1 The Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place. Betting is a major gambling activity on tracks, multiple betting outlets are usually located on tracks such as ‘on-course’ betting operators who come to the track just on race days to provide betting for the races taking place on that track. There can also be ‘off-course’ betting operators who may

operate self contained facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track.

- 20.2 All tracks will require a primary betting premises licence that the track operator will hold. It should be noted that track operators do not require an operator's licence from the Gambling Commission although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.
- 20.3 Tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. This allows track venues to develop leisure facilities. The council will consider each individual case on its merits before deciding if this is necessary.
- 20.4 If any off-course operators are permitted to provide betting facilities under the authorisation of the track operator's premises licence, then it will be the responsibility of the premises licence holder to ensure the proper conduct of such betting within the premises boundary.
- 20.5 Children and young person's will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

Gaming machines

- 20.6 Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Betting machines

- 20.7 Section 181 of the Act states:
"A condition of a betting premises licence may relate to –
a) the number of machines used on the premises for the purpose of making or accepting bets;
b) the nature of those machines;

- c) the circumstances in which those machines are made available for use.”
- 20.8 When considering whether to impose a condition on a licence the council will consider the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.
- 20.9 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commissions Codes of Practice or by the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 14.30.

21. Travelling Fairs

- 21.1 The Act defines a travelling fair as “wholly or principally” providing amusements and they must be on site that has been used for fairs for no more than 27 days per calendar year.
- 21.2 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize machines, without the need for a permit, as long as the gambling amounts to no more than an ancillary amusement at the fair.
- 21.3 The council will work with neighbouring authorities to ensure that land which crosses the council boundary is monitored so that the statutory limits are not exceeded.

22. Provisional Statements

- 22.1 Developers may wish to apply to the council for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 22.2 Section 204 of the Act provides for a person to make an application to the council for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

22.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

22.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

22.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The council will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be considered unless:

- they concern matters which could not have been addressed at the provisional statement stage: or
- they reflect a change in the applicant's circumstances.

22.6 In addition, the council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the council's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and the council notes that it can discuss any concerns it has with the applicant before making a decision.

23. Reviews

- 23.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the council to decide whether the review is to be carried out. This will be based on whether the request for the review is relevant to the matters listed below:
- any relevant Code of Practice issued by the Gambling Commission;
 - any relevant guidance issued by the Gambling Commission;
 - that it is reasonably consistent with the licensing objectives; and
 - is in accordance with this authority's Gambling Act 2005 - Statement of Licensing Policy.
- 23.2 The request for the review will also be subject to consideration by the council as to whether the request is frivolous or vexatious; whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence or whether it is substantially the same as previous representations or requests for review and there has been no change in circumstances.
- 23.3 The council can also initiate a review of a particular premises licence, or a particular class of premises licence based on any reason which it thinks is appropriate.

Part D – Permits / Temporary & Occasional Use Notice

24. Unlicensed Family Entertainment Centre gaming machine permits (UFECs)

- 24.1 UFECs are premises which provide category D gaming machines along with various other amusements such as computer games and penny pushers but is not required to hold a premises licence. It will require a permit to be able to provide category D machines. A permit allows any number of these machines to be available at the premises, subject to other consideration such as health and safety and fire safety regulations. Given that category D machines have no age restrictions, these premises will appeal to children and young persons. Therefore, the council will give particular weight to matters relating to child protection issues.
- 24.2 The Act states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25.
- 24.3 City of York Council Statement of Principles:
- The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises or children causing perceived problems on / around the premises. The council will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in UFECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

25. Gaming Machines Permits in Premises Licensed for the Sale of Alcohol

Automatic Entitlement: two machines

25.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of categories C and/or D. The premises merely need to notify the council. The council can remove the automatic authorisation in respect of any premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of Section 282 of the Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

25.2 It should be noted that the council cannot attach conditions to this type of permit.

Permit: more than two machines

25.3 If a premises wishes to have more than two machines, then it needs to apply for a permit and the council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and “*such matters as they think relevant.*” Any determination will be made by the Head of Service in conjunction with the relevant Director.

25.4 The council considers “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling, and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure under 18 year olds do not have access to the adult only gaming machines. Measures which

may satisfy the council include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare. Compliance with the Gambling Commissions Code of Practice for Gaming Machines Permits will be a condition of any permit issued.

- 25.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as an Adult Gaming Centre premises licence.
- 25.6 The council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 25.7 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

26. Prize Gaming Permits

- 26.1 The Act (Section 288) defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered, and the prizes are displayed on the walls.
- 26.2 The Act states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- 26.3 City of York Council Statement of Principles:

The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. The

efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises or children causing perceived problems on / around the premises. This council will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes as set out in regulations; that the applicant has no relevant convictions (as set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

26.4 In making its decision on an application for this permit the council does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

26.5 It should be noted that there are conditions in the Act by which the permit holder must comply, but that the council cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

26.6 Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

27. Club Gaming and Club Machine Permits

27.1 A members' club or miners' welfare institute may apply for a 'Club

Gaming Permit' or a 'Club Gaming Machine Permit'. A commercial club may apply for a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (three machines of categories B3A, B4, C or D), equal chance gaming and games of chance as set-out in regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (three machines of categories B3A, B4, C or D). Only one category B3A machine can be sited as part of this entitlement.

- 27.2 To qualify for these special club permits a member's club must have a least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.
- 27.3 The council may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young person's;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the police.
- 27.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming;
 - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or

(c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

- 27.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

28. Temporary Use Notices (TUNs)

- 28.1 TUNs allow the use of premises, on not more than 21 days in any 12 month period, for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 28.2 The council can only grant a TUN to a person or company holding a relevant operating licence, ie a non-remote casino operating licence.
- 28.3 TUNs allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner, which in practice means poker tournaments.
- 28.4 There are a number of statutory limits as regards TUNs. The meaning of "premises" in Part 8 of the Act is discussed in the Gambling Commissions Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".
- 28.5 In consideration whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 28.6 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

29. Occasional Use Notices (OUNs)

- 29.1 The Act provides that where there is betting on a track on eight days or fewer in a calendar year, betting may be permitted by an OUN without the need for a full premises licence.
- 29.2 The council has very little discretion as regards these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

Appendix A Gambling Related Harm

The following information is taken from GambleAware who have published interactive maps which are designed for use by local authorities.

The interactive maps can be found at:

www.begambleaware.org/gambleaware-gb-maps

The profile provided for York explores the estimated levels of gambling harm, and the use of treatment, support and advice. These projections are based on the Annual GB Treatment and Support Survey 2022.

- The Problem Gambling Severity Index (PGSI) measure levels of gambling behaviour which may cause harm to an individual ranging from low-risk gambling (score of 1-2), moderate-risk gambling (3-7), and problem gambling (8+).
- Estimated that 1 in 8 people in York have a PGSI score of 1 or more (12.0%), this is compared to 5.9% across GB. 1 in 20 (5.0%) have a PGSI score of 3+, compared to 5.9% across GB. 1 in 46 (2.2%) have a score of PGSI 8+, compared to 2.9% across GB*.
- £3.2 million is the estimated fiscal cost of 'problem gambling' in York**.
- 12.7% of those who have a score of PGSI 1+ would like treatment, support or advice to deal with their gambling. This rises to 63.9% among PGSI 8+ in York.
- % of people PGSI 1+ accessing treatment, support or advice:
 - PGSI 1+ - 13.6% York – 14.8% GB
 - PGSI 3+ - 31.1% York – 32.1% GB
 - PGSI 8+ - 67.9% York – 65.5% GB

*The PGSI is a standardised measure of at-risk behaviour in gambling. Estimates of the PGSI and the access to services in your area have been modelled on a nationally representative survey of 18,000 adults in GB. Estimates vary due to the various methodological and technical differences. Figures from our annual Treatment and Support survey are likely to be in the upper bound.

****This is based on the annual fiscal cost of ‘problem gambling’ (PGSI 8+) estimated by the National Institute of Economic and Social Research (NIESR) in 2023.**

The Office for Health Improvement and Disparities commissioned researchers at the Universities of Sheffield and Glasgow to produce estimates of the number of adults who gamble in England who might benefit from treatment or support. The main findings, methodology and prevalence estimates can be found at:

<https://www.gov.uk/government/publications/gambling-treatment-need-and-support-prevalence-estimates>

The findings estimates the:

- number of adults in England who might benefit from gambling treatment or support, and
- number of children in England living in the same household as adults who might benefit from gambling treatment or support,

by area and treatment or support intensity, from combined 2015, 2016 and 2018 data. The data can be found at:

Estimated number of adults who might benefit from some type of gambling treatment or support by treatment or support intensity: York

5 – intensive residential treatment	92
4 – psychologist-led CBT	544
3 – psychosocial interventions delivered in 3 rd sector	631
2 – extended brief interventions	4,537
1 – brief action	533

Estimated rate of adults per 100,000 adult population who might benefit from some type of gambling treatment or support by treatment or support intensity: York v England v Region (Yorkshire & the Humber):

- Compared with regional and national averages York had **lower** estimates for the rate of adults who might benefit from the following types of gambling treatment: Brief advice; Psychosocial interventions delivered in the third sector; Psychologist-led cognitive behavioural therapy (CBT) and Intensive residential treatment.

- Compared with regional and national averages York had a **higher** estimate for the rate of adults who might benefit from Extended brief interventions.
- None of the differences between York and the regional and national averages were statistically significant.

Rate per 100,000 adult population of adults who benefit from some type of gambling treatment or support by treatment or support by intensity: York v England v Region (Yorkshire and the Humber)

	York	England	Region
1 – brief advice	317	366	359
2 – extended brief interventions	2601	2188	2289
3 – psychosocial interventions delivered by a 3 rd sector	362	366	394
4 – psychosocial-led cognitive behavioural therapy (CBT)	312	547	584
5 – intensive residential treatment	53	88	95

Estimated number of children in England living in the same household as adults who might benefit from gambling treatment or support: York

5 – intensive residential treatment	43
4 – psychologist-led CBT	301
3 – psychosocial interventions delivered in 3 rd sector	356
2 – extended brief interventions	2,436
1 – brief action	294

Appendix B**Useful Publications and Tools**

Gaming machines fall into categories depending on the maximum stake and prize available. Details of the categories and permitted premises where gaming machines can be located can be found at:

<https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/gaming-machine-categories>

The Local Government Association, in conjunction with Public Health England, has published guidance for local authorities with regards to tackling gambling related harm. The guidance can be found at:

www.local.gov.uk/publications/tackling-gambling-related-harm-whole-council-approach

The Association of Directors of Public Health Yorkshire and Humber have published a framework to reduce gambling harms and it is designed as a practical aid for local authorities in addressing the issue. The framework can be found at: www.yhphnetwork.co.uk/

The Association of Directors of Public Health have published a position statement – Protecting the public from being harmed or exploited by gambling and the gambling industry. The statement can be found at: <https://www.adph.org.uk/2022/06/protecting-the-public-from-being-harmed-or-exploited-by-gambling-and-the-gambling-industry/>

The Office for Health Improvement and Disparities and Public Health England have published Gambling-related harms: evidence review, looking at the prevalence, risk factors and public health harms associated with gambling and the economic and social burden. The evidence can be found at: <https://www.gov.uk/government/publications/gambling-treatment-need-and-support-prevalence-estimates>

The Office for Health Improvement and Disparities have published the economic and social cost of harms associated with gambling in England. The evidence can be found at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1128002/The-economic-cost-of-gambling-related-harm-in-England_evidence-update-2023.pdf

Appendix C Useful Contacts

Gambling Commission

Website - www.gamblingcommission.gov.uk/
Tel - 0121 2306666
Email - info@gamblingcommission.gov.uk
Address - Gambling Commission
 4th Floor, Victoria Square House
 Birmingham, B2 4BP

National Gambling Helpline - 0808 8020133

GambleAware

Website - www.begambleaware.org/
Email - info@gambleaware.org
Address - GambleAware
 5th Floor, Lincoln House
 296-32 High Holborn
 London, WC1V 7JH

GamCare

Website - www.gamcare.org.uk/
Tel - 020 7801 7000
Email - digital@gamcare.org.uk
Address - GamCare
 1st Floor
 91-94 Saffron Hill
 London, EC1N 8QP

NHS- help for problem gambling

Website - www.nhs.uk/live-well/healthy-body/gambling-addiction/

NHS Northern Gambling Service

Website - <https://gamblingunderstood.co.uk/>

Primary Care Gambling Service

Website - www.primarycaregamblingservices.co.uk
Tel - 0300 0300 111

GamLearn

Website - www.gamlearn.org.uk

Gamblers Anonymous

Website - <https://gamblersanonymous.org.uk>

Advisory Broad for Safer Gambling

Website - www.gamblingcommission.gov.uk/absq

Citizens Advice

Website - www.citizensadvice.org.uk/
Adviceline (England) - 0800 1448848

Support Victims in North Yorkshire

Website - www.supportingvictims.org/support-services/gambling/
Tel - 0808 1689293

Chapter One

Website - www.chapter-one.org

Business Intelligence Hub

Gambling Act 2005 Local Area Profile York

Author: Business Intelligence Hub
Date: 04/09/2024

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1. Introduction

Local authorities are responsible for processing applications related to gambling premises. The Gambling Act 2005 encourages the consideration of licences, should they meet the three main licensing objectives; which are:

- a) prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- b) ensure that gambling is conducted in a fair and open way
- c) protect children and other vulnerable persons from being harmed or exploited by gambling

Local authorities have no legal requirement to create local area profiles; however, they can be seen as a useful tool when it comes to carrying out assessments on a local area. Local area profiles display relevant information regarding certain topic areas/policies, in this case the Gambling Act 2005. In order for the profile to be most effective, the content must be relevant - key characteristics relating to the specific area/policy can increase awareness of issues within the local area that can be connected to that specific policy.

Using a gambling related local area profile helps present useful information to the local authority that highlights potential and current issues within the local area. The highlighted issues should be considered before any gambling related decisions are made, such as authorising premise licences. Adhering to the licensing objectives is something that the local area profile contributes towards. This local area profile will look at York's resident information such as areas of deprivation, crime and disorder and how they can relate to gambling, as well as how these factors can help identify and inform current and potential gambling related risks within the local area.

The general aims of the following Gambling Act 2005 local area profile are:

- a) to identify the areas within the City of York mostly likely to be at risk of gambling related harm, which may help to identify possible persons who could be at risk of gambling related harm*
- b) to provide sufficient and relevant information to inform local authorities where current and potential gambling related issues are present so controls and measures can be put in place to minimise these issues/risks*
- c) to inform the local authority of information relevant to York in order to provide a footing for the decision making process in gambling contexts*

2. York Open Data

York Open Data is a platform created by the City of York Council which holds over 1000 different datasets, all of which are related to the City itself. All of the information is available for the public to access and manipulate. The ranges of datasets on the platform are vast, some of which have helped with the creation of this profile; particularly the York Profile and individual Ward profiles.

3. York Information

York is part of the Yorkshire and Humber region and a City within North Yorkshire. York and its unitary local authority (City of York Council) provide local council services to around 204,551 residents over an area covering and estimated 105 square miles. The City is made up by 21 Wards, all of which have their own Councillor(s).

The student population in York is a huge contributor to York's overall population with 26,694 full time students between the two Universities in York, The University of York and York St. Johns University (2021 Census). York is a popular tourist destination with vast amounts of visitors both from the UK and from overseas. The City is easily accessible, with York seen as a major railway centre frequently providing services to and from all corners of the UK. Visitors from overseas are able to access the city with ease due to the rail service from Manchester Airport and Leeds Bradford Airport just a 30 mile road journey.

3.1 Hostels/Supported Housing & Drug/Alcohol Facilities

Within the 21 York Wards there are 5 hostels, all catering for different groups of people. Fishergate has 2 hostels within its Ward, similarly with Guildhall Ward who also has 2, with Holgate Ward being responsible for 1.

In addition to this, York has a Drug and Alcohol Service which provides help for individuals, families and local communities with issues involving substance misuse. This particular service can be found on Blossom Street, within the Micklegate Ward.

3.2 Education

Understanding and being aware of the whereabouts of educational facilities should be instrumental in regards to making gambling related decisions, particularly in terms of gambling premises, as children are seen as a vulnerable group of people in gambling terms. The table below shows the schools which are in the catchment area of each Ward and alongside is the licensed gambling premises in that Ward (excluding alcohol licensed premises with gaming machine & club gaming and pub gaming licenses).

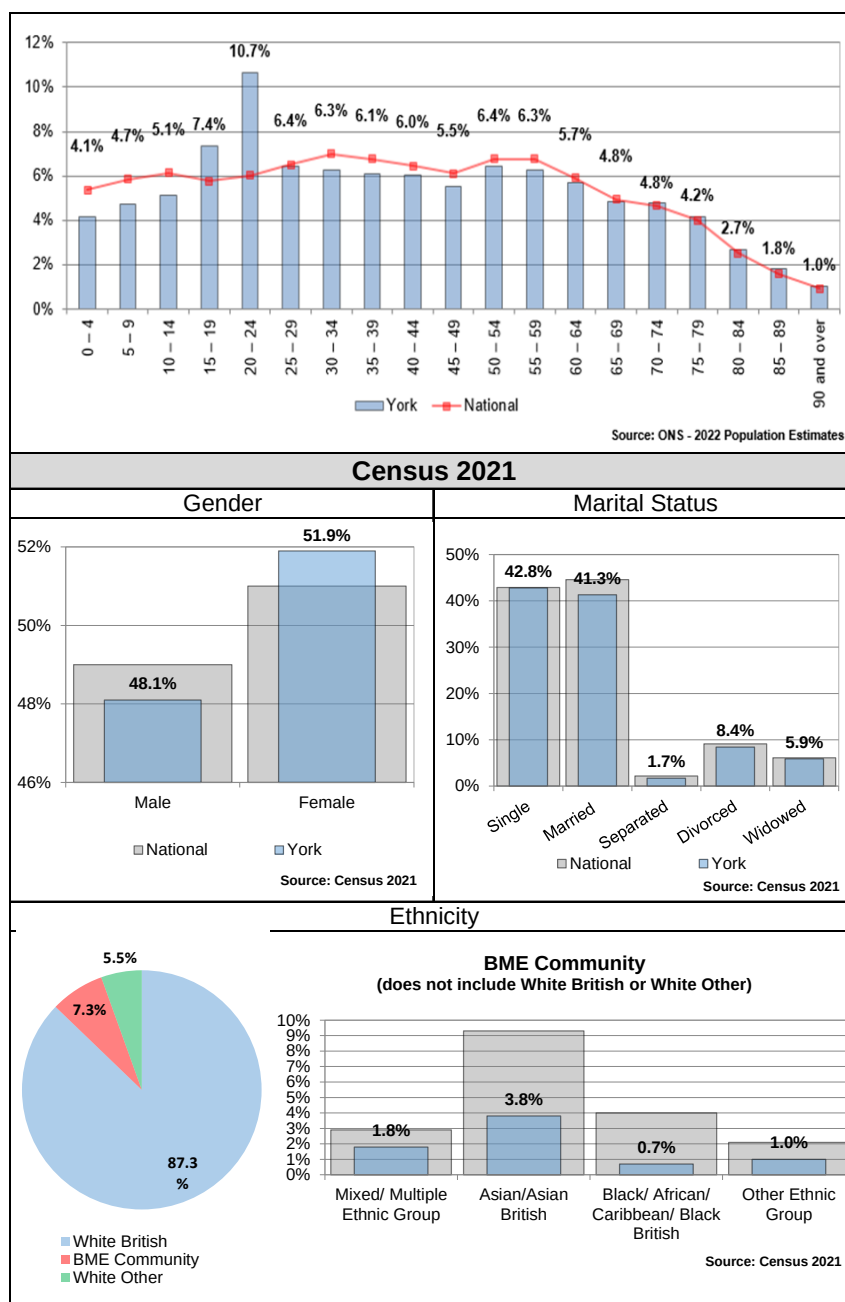
Ward	Schools in Catchment Area		Licensed Premises		
	Primary	Secondary	Betting Shops	Adult Gaming	Bingo
Acomb	3	2	1	0	0
Bishopthorpe	3	2	0	0	0
Clifton	2	1	2	0	1
Copmanthorpe	1	1	0	0	0
Dringhouses & Woodthorpe	4	2	0	0	0
Fishergate	2	2	0	0	0
Fulford & Heslington	3	1	0	0	0
Guildhall	6	4	5	1	0
Haxby & Wigginton	3	1	1	0	0
Heworth	5	2	1	0	0
Heworth Without	1	1	0	0	0
Holgate	7	2	0	0	0
Hull Road	5	2	1	0	0
Huntington & New Earswick	5	2	1	0	0
Micklegate	4	2	1 betting track	0	0
Osballdwick and Derwent	4	3	0	0	0
Rawcliffe and Clifton Without	5	2	0	0	0
Rural West York	7	3	0	0	0
Strensall	3	1	0	0	0
Westfield	4	1	3	0	0
Wheldrake	4	1	0	0	0

4. Demographics

4.1 Demographic profile

The York Open Data platform creates demographic York profiles on a quarterly basis – it has the ability to do this by using both Census information (most recently 2021) and Office for National Statistics (ONS) estimates. The York profile on the platform provides information relating to population, households, economy and health just to name a few. York has 204,551 residents, 51.4% female and 48.6% male – percentages which are consistent with the whole of North Yorkshire. York residents include 7.3% from a black and minority ethnic community group, 83.6% are in good health, with 17.1% stating that they have some limitation in day to day activities.

York Profile Population Breakdown



More information on York Ward Profiles can be found on the York Open Data web page here: <https://data.yorkopendata.org/dataset/york-ward-profiles-2021-22-q1>

5. Crime and Disorder

City of York Council works alongside North Yorkshire Police in an attempt to combat and reduce crime in the local area. In the year ending March 2024 the crime rate in York was greater than the average crime rate of North Yorkshire Police Force on the whole. It is still however lower than the average crime rate for England & Wales.

Below is a breakdown of the reported crime in York – year ending March 2024.

Offence	Numbers of offences – 12 months ending		% change (+/-)
	31 Mar 23	31 Mar 24	
All other theft offences	1130	1084	-4.07%
Bicycle theft	825	903	9.45%
Criminal damage and arson	1502	1492	-0.67%
Domestic burglary	375	407	8.53%
Drug offences	353	403	14.16%
Homicide	2	0	-100.00%
Miscellaneous crime against society	200	212	6.00%
Non-domestic burglary	219	273	24.66%
Possession of weapons offences	104	119	14.42%
Public order offences	1416	1055	-25.49%
Robbery	76	80	5.26%
Sexual offences	614	524	-14.66%
Shoplifting	1510	2222	47.15%
Theft from the person	140	121	-13.57%
Vehicle offences	523	603	15.30%
Violence with injury	1879	1648	-12.29%
Violence without injury	3738	3411	-8.75%
Total	14606	14557	-0.34%

Source: iQuanta

Further information in relation to crime is available online from North Yorkshire Police for York Outer and York Inner, which provides interactive maps showing crimes and statistics within the City of York Council authority area.

5.1 Crime and gambling

In Great Britain, in 2020 42% of people agreed with the statement that gambling was associated with criminal activity, which is comparable with the figure reported in 2019 (43%), just over a 1% decline on the previous year (Gambling Commission 2020).

In the year ending December 2020 (ONS 2020), in England and Wales the types of crime that people predominantly associate with gambling are theft to continue gambling (24.5%), fraud (6.0%), drug dealing/trafficking/prostitution (3.4%) and money laundering (1.9%).

In comparison to this, 29% of people in Great Britain agree that gambling is fair and can be trusted, just over a 4% decline on the 2017 figures (Gambling Commission 2020).

The above statements and figures suggest that people's perceptions of gambling are deteriorating, with an increase of people with negative perceptions and a decline of positive perceptions – indicating that gambling related crime is arguably a growing problem in Britain. The rates of crime have very marginally decreased in York from the previous 12 months due to the coronavirus pandemic. Despite this, York's crime contribution to North Yorkshire's overall crime number has decreased from 32.6% year ending March 2020 to 29.6% year ending March 2021.

6. Gambling

6.1 Gambling premises

Similar to the majority of towns and cities in the UK, there are numerous premises where gambling is present in York, such as high street bookmakers (betting shops), bingo premises, arcade premises and pubs/clubs who hold permits for gaming or machines. In addition to this, York is home to York Racecourse which is the 3rd biggest horse racing track in Britain in terms of prize money and hosts up to 350,000 visitors per year. A breakdown of the gambling premises currently known to York can be found below – including all different types of premises that are present.

City of York Council Gambling Premises & Count		
Premise Type		Count from 31/3/2024
Bingo venues		1
Betting shops		15
Adult gaming centres		1
Family entertainment centres		
	Licensed	N/A
	Permitted	N/A
Betting track		1
Casinos		0
Total		18

Source: Gambling Commission

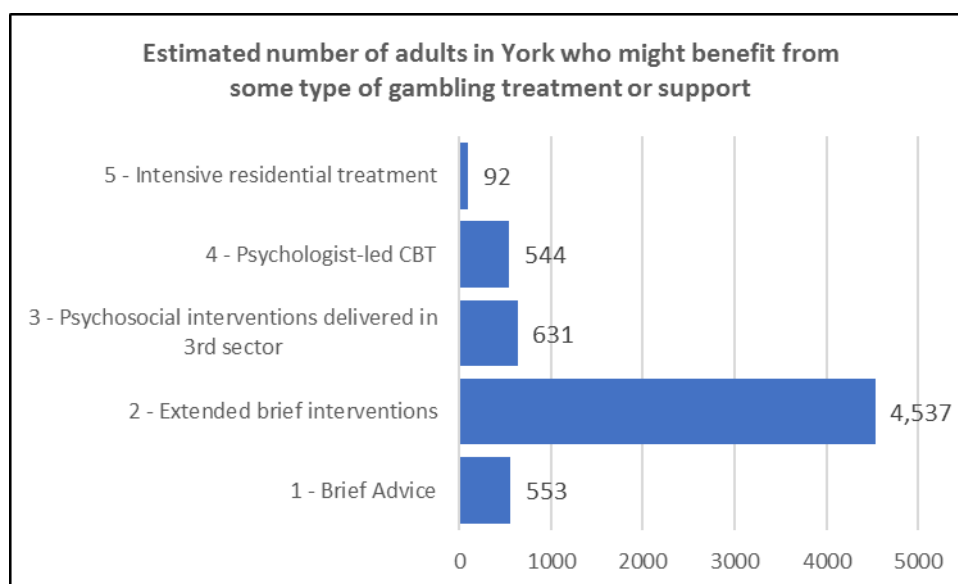
As the table above shows, there has been around a 10% reduction in betting shops in York since the last report in 2021, though there still remains plenty of opportunities to gamble within York. With there being many opportunities available, there are risks that

become apparent. There are many risks associated with gambling, whether it be personal risk such as debt or crime or risk on a larger scale, to the extent where families and relationships are affected, jobs are lost and potentially homes, all as a result of uncontrolled gambling.

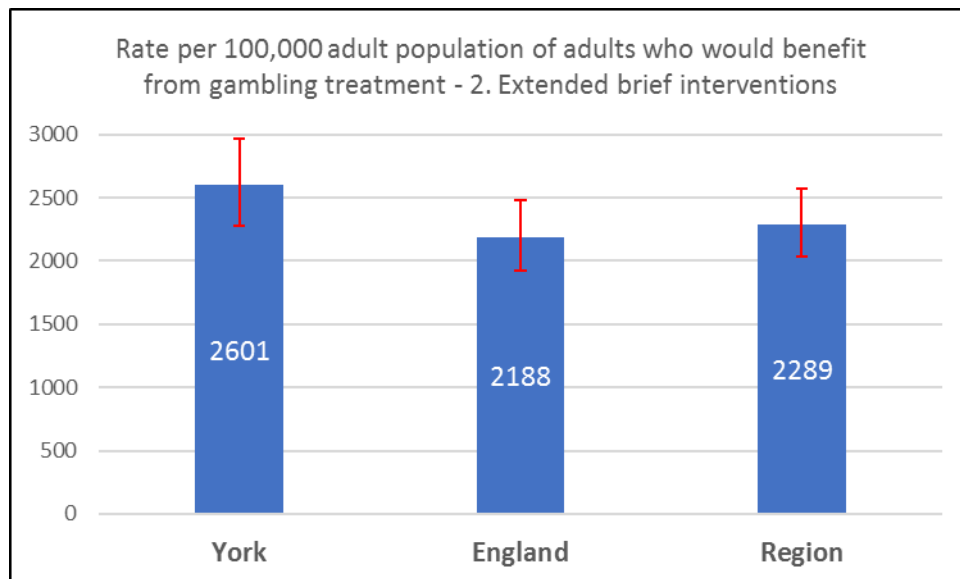
In relation to this local area profile and the Gambling Act 2005, identifying areas/persons at risk of being harmed or exploited by gambling is a priority. Problem gamblers are not the only ones who can experience gambling related harm – this could relate to family members, friends, employers, the community as well as the individual.

Identifying a problem gambler is difficult as there are no specific criteria to identify a person. The gambling commission does not define a vulnerable person in the context of a problem gambler.

In York the estimates of the numbers of adults who might benefit from each the following types of gambling treatment are: Brief advice (553 people, 95% Confidence Interval range is 394 to 763 people); Extended brief interventions (4,537, 95% CI range: 3,964 to 5,175); Psychosocial interventions delivered in the third sector (631, 95% CI range: 449 to 894) ; Psychologist-led cognitive behavioural therapy (CBT) (544, 95% CI range 400 to 743) and Intensive residential treatment (92, 95% CI range 45 to 192)



The table above shows the highest proportion to be those that would benefit from Extended brief interventions. The table below compares the York figure for this type in comparison to the region and England. Out of the 5 treatment types this is the only one where York is above the region and England, all other treatment areas are below them.



6.2 Gambling statistics

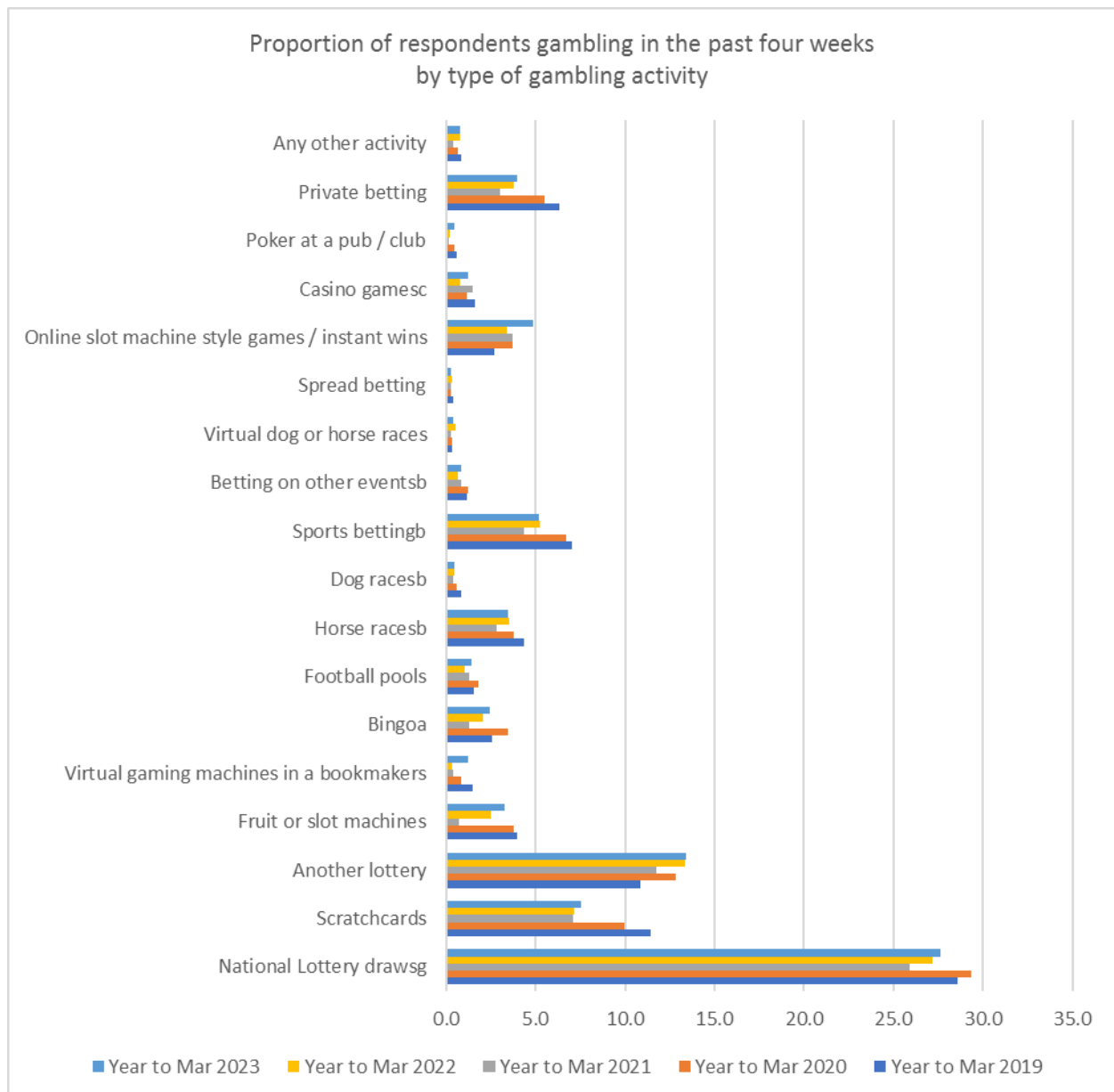
From the latest Statistics produced by the Gambling Commission on gambling participation (year to March 2023), there were several key findings:

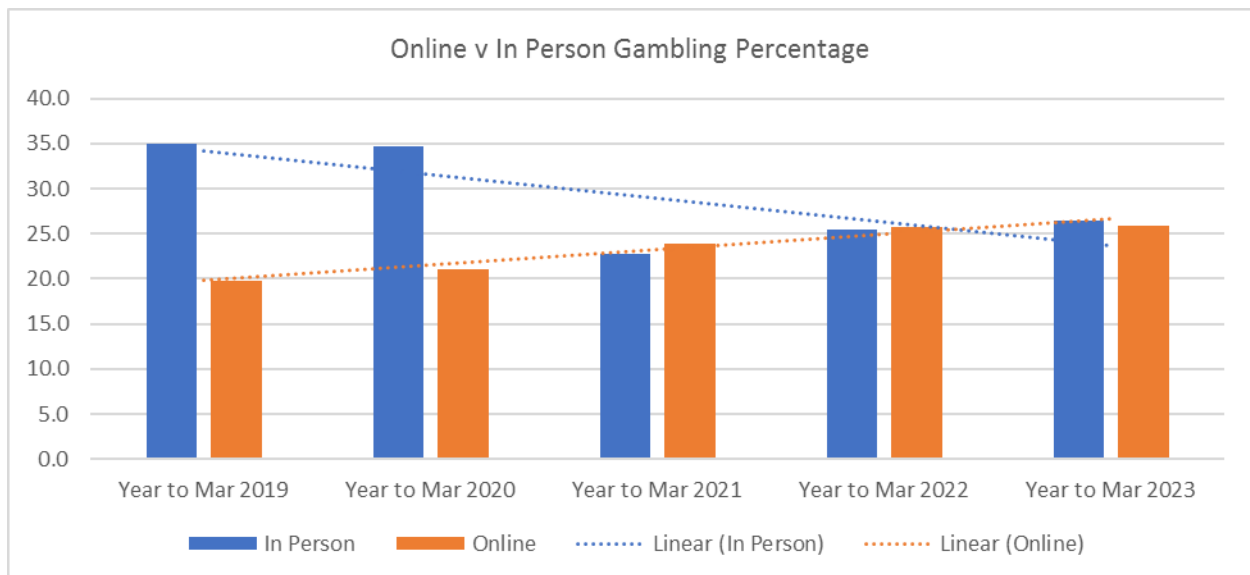
- Overall participation in any gambling activity (in the last four weeks) was 43.5% the same as the 2022 figure for the same period. There was a drop in 2021 to 40.0% with the previous 2 years figures being around 46%.
- Online gambling participation rate is 26% (a 6% increase compared to 2019), this trend probably started due to Covid restrictions and has continued.
- In person participation is 26.5% (1% increase on 2022). The figures are starting to increase slightly, but still remain lower than the 2019 figure of 35%.
- Much of the online increase can be explained by increasing proportions of respondents playing National Lottery draws online.
- The overall problem gambling rate is steady 0.3%.
- The moderate risk rate has increased to 1.2% (an increase of 0.3% on 2022). There was a significant drop in 2021 to 0.6% from 1.5% in 2020.

The most recent Gambling participation behaviour, awareness and attitudes report was published in 2020. Key statistics and findings below:

- The National Lottery draws remain the most popular gambling activity, followed by other lotteries and scratchcards.
- 0.8% of all respondents identified as moderate risk problem gamblers, and 2.7% identified as at-risk gamblers.
- The use of mobile phones for online gamblers has remained steady at 50%.
- On average, online gamblers held 3 accounts each (same as 2018).
- 5% of gamblers have ever self-excluded (1% decrease from 2018).
- 52% of online gamblers (with a social media account) were prompted to spend money on a gambling activity due to adverts they had seen on a social media platform, 3% of gamblers follow gambling companies on social media.
- 29% of people think gambling is fair and can be trusted (steady since 2018).

- 43% of people think that gambling is associated with crime.
- There has been an increase in participation in online slot machine-style games and instant wins (3.1%; a 1.9 percentage point increase from 2018).





7. Index of Multiple Deprivation

7.1 Index of Multiple Deprivation

City of York has low levels of deprivation in comparison to other districts in the Index of Multiple Deprivation (IMD). The IMD provides a measure for deprivation in small areas

(Lower Super Output Areas (LSOAs)). To measure an areas' deprivation level, seven factors with their individual weights (%) are considered in order to create the IMD:

- Income Deprivation (22.5%)
- Employment Deprivation (22.5%)
- Education, Skills and Training Deprivation (13.5%)
- Health Deprivation and Disability (13.5%)
- Crime (9.3%)
- Barriers to Housing and Services (9.3%)
- Living Environment Deprivation (9.3%)

Information relating to each individual factor is gathered and ranked before they are all combined to create an overall IMD score. Once each individual area has been scored, they are ranked – York is ranked 267 out of 317 lower tier local authority districts on average IMD score (1 is most deprived) so York is the 51st least deprived district in England. York has risen 17 places in the rankings since 2015 when it was the 68th least deprived district.

York is the least deprived upper tier local authority out of 15 in the Yorkshire and Humber region based on 2019 average IMD score. This is the same regional ranking as in 2015.

In 2019 York is the second least deprived lower tier local authority out of 21 in the Yorkshire and Humber region based on 2019 average IMD score. This is the same regional ranking as in 2015. (Harrogate is the least deprived district in the Yorkshire and Humber Region).

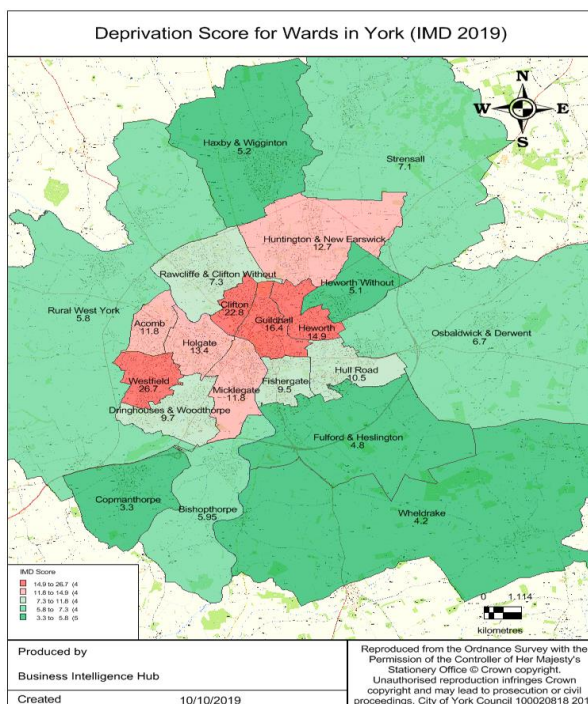
In 2019 York has 1 LSOA falling in the most deprived 10% (decile) nationally and 41 LSOAs falling in the least deprived decile nationally. About a third of LSOAs in York fall in the least deprived decile nationally. York has 6 LSOAs falling in the most deprived 20% (quintile) nationally and 62 LSOAs in the least deprived quintile nationally. About half of LSOAs in York fall in the least deprived quintile nationally.

7.2 York areas of deprivation

The map and table below show all of the York Wards and their most recent IMD score, as well as previous year's scores.

Indices of Multiple Deprivation 2015: York Wards

	2015	2019
Ward	IMD score	IMD score
Acomb	12.19	11.76
Bishopthorpe	5.4	5.87
Clifton	24.7	22.79
Copmanthorpe	2.43	3.29
Dringhouses & Woodthorpe	9.64	9.65
Fishergate	9.14	9.5
Fulford and Heslington	5.29	4.77
Guildhall	18.74	16.38
Haxby and Wigginton	4.76	5.25
Heworth	15.81	14.92
Heworth Without	5.53	5.09
Holgate	14.08	13.36
Hull Road	13.02	10.51
Huntington and New Earswick	12.39	12.67
Micklegate	15.64	11.8
Osbalwick and Derwent	6.87	6.67
Rawcliffe and Clifton Without	7.48	7.3
Rural West York	6.67	5.83
Strensall	7.85	7.14
Westfield	25.8	26.66
Wheldrake	4.6	4.16

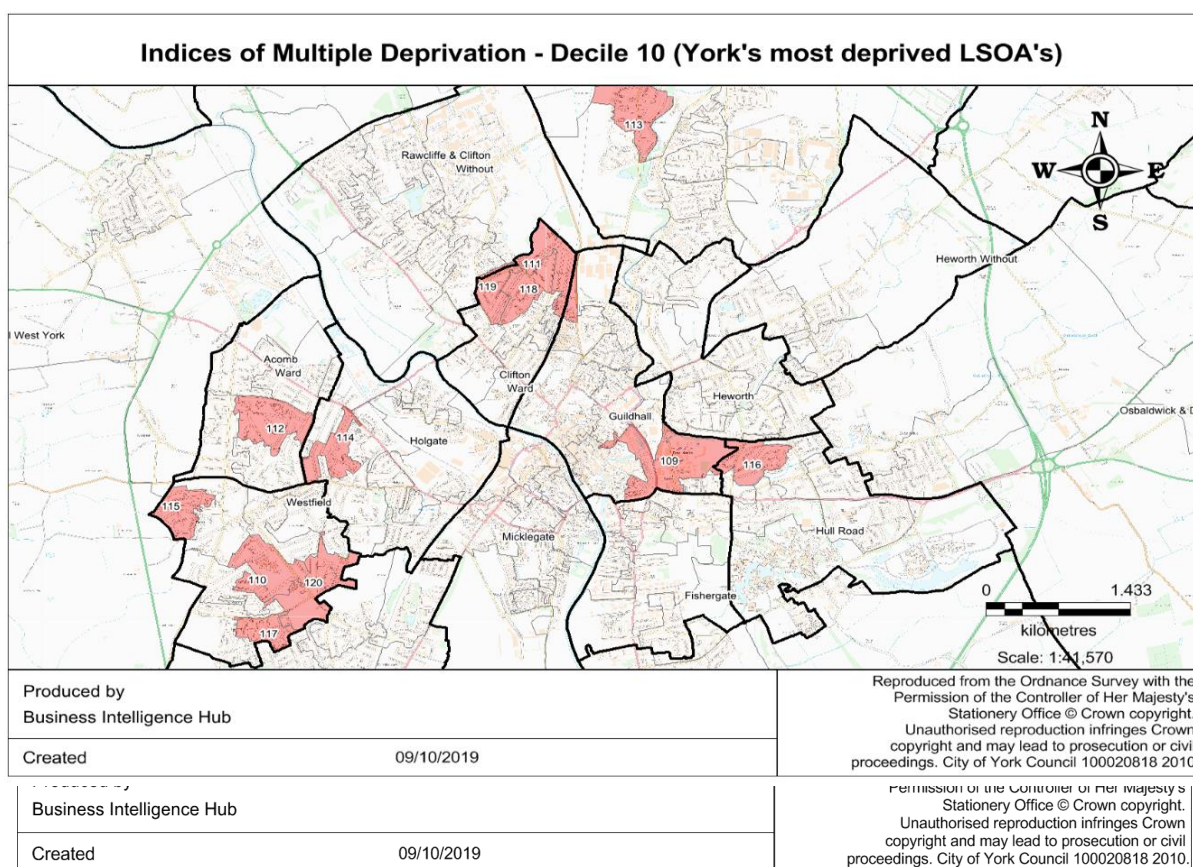


From the above information, it shows Westfield, Clifton and Guildhall to be the most deprived Wards in York. Westfield contains 1 LSOA that features in the most deprived 10% nationally. York has a further 5 LSOAs which are present in the most deprived 20% nationally – 2 LSOAs in Clifton, 2 LSOAs in Westfield and 1 LSOA in Hull Road.

As of the 2019 IMD, these are the 10 LSOAs in York with the greatest deprivation levels:

LSOA

1. York 018B Westfield (E01013443)
2. York 009D Clifton (E01013349)
3. York 009C Clifton (E01013347)
4. York 018F Westfield (E01013448)
5. York 015C Hull Road (E01013399)
6. York 018C Westfield (E01013444)
7. York 016B Holgate (E01013394)
8. York 004D Huntington & New Earswick (E01013410)
9. York 012A Acomb (E01013335)
10. York 009E Clifton (E01013350)

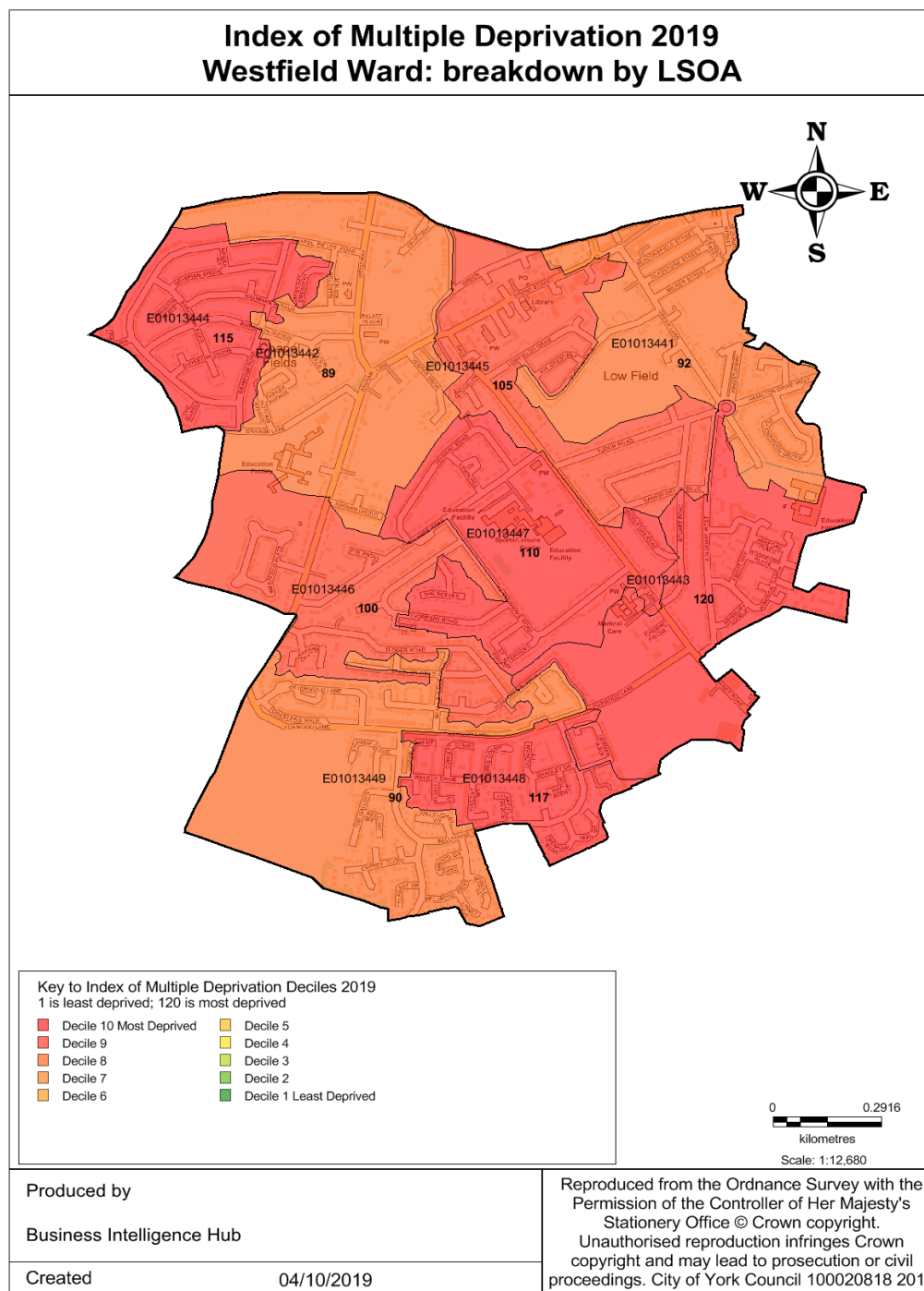


Westfield has 14,086 residents with 3.5% from a black and minority ethnic community group. 80.1% are in good health, with 19.2% stating that they have some limitation in day to day activities.

Westfield Ward holds 3 LSOAs out of the 10 most deprived LSOAs in York:

1. York 018B Westfield (E01013443)
2. York 018F Westfield (E01013448)
3. York 018C Westfield (E01013444)

This includes 1 LSOA ranked in the most deprived 10% nationally - York 018B Westfield (E01013443) & 2 LSOAs ranked in the most deprived 20% nationally - York 018F Westfield (E01013448) & York 018C Westfield (E01013444).

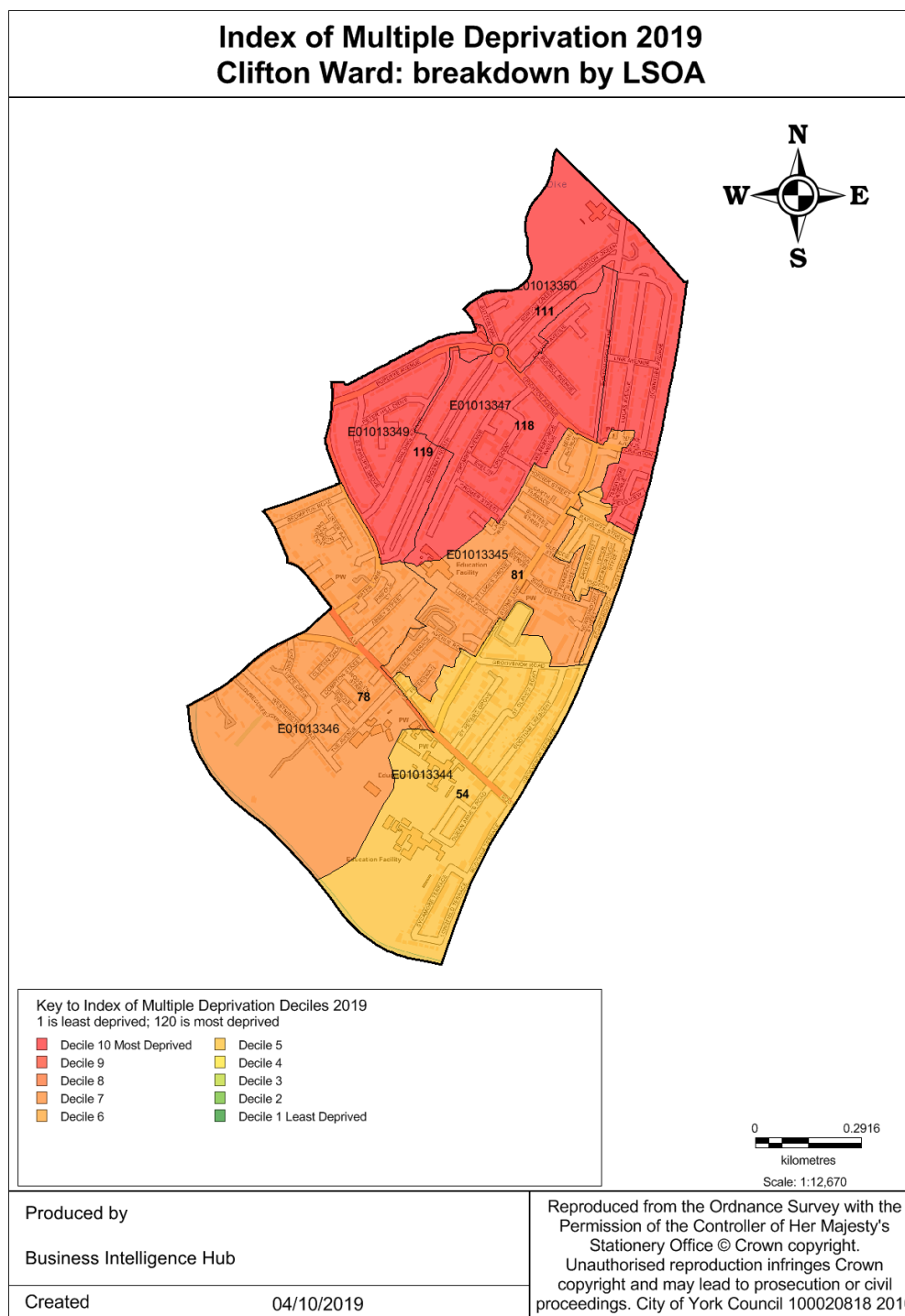


Clifton has 9,456 residents with 9.1% from a black and minority ethnic community group. 82.7% are in good health, with 18.5% stating that they have some limitation in day to day activities.

Clifton Ward holds 3 LSOAs out of the 10 most deprived LSOAs in York:

1. York 009D Clifton (E01013349)
2. York 009C Clifton (E01013347)
3. York 009E Clifton (E01013350)

Two these LSOAs are ranked in the most deprived 20% nationally - York 009D Clifton (E01013349) & York 009C Clifton (E01013347).

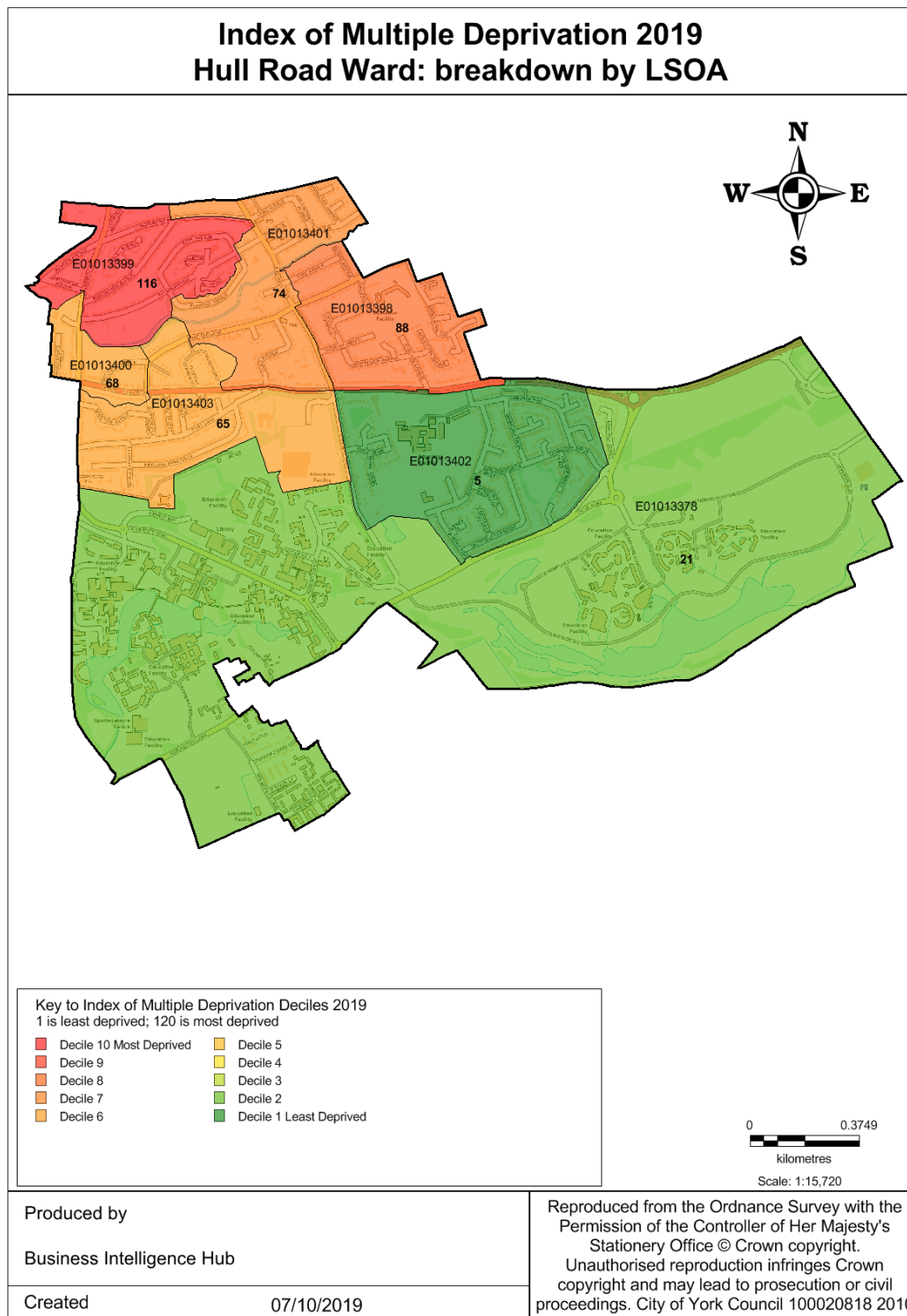


Hull Road has 15,358 residents with 15.8% from a black and minority ethnic community group. 86.8% are in good health, with 17.3% stating that they have some limitation in day to day activities.

Hull Road Ward holds 1 LSOA out of the 10 most deprived LSOAs in York:

1. York 015C Hull Road (E01013399)

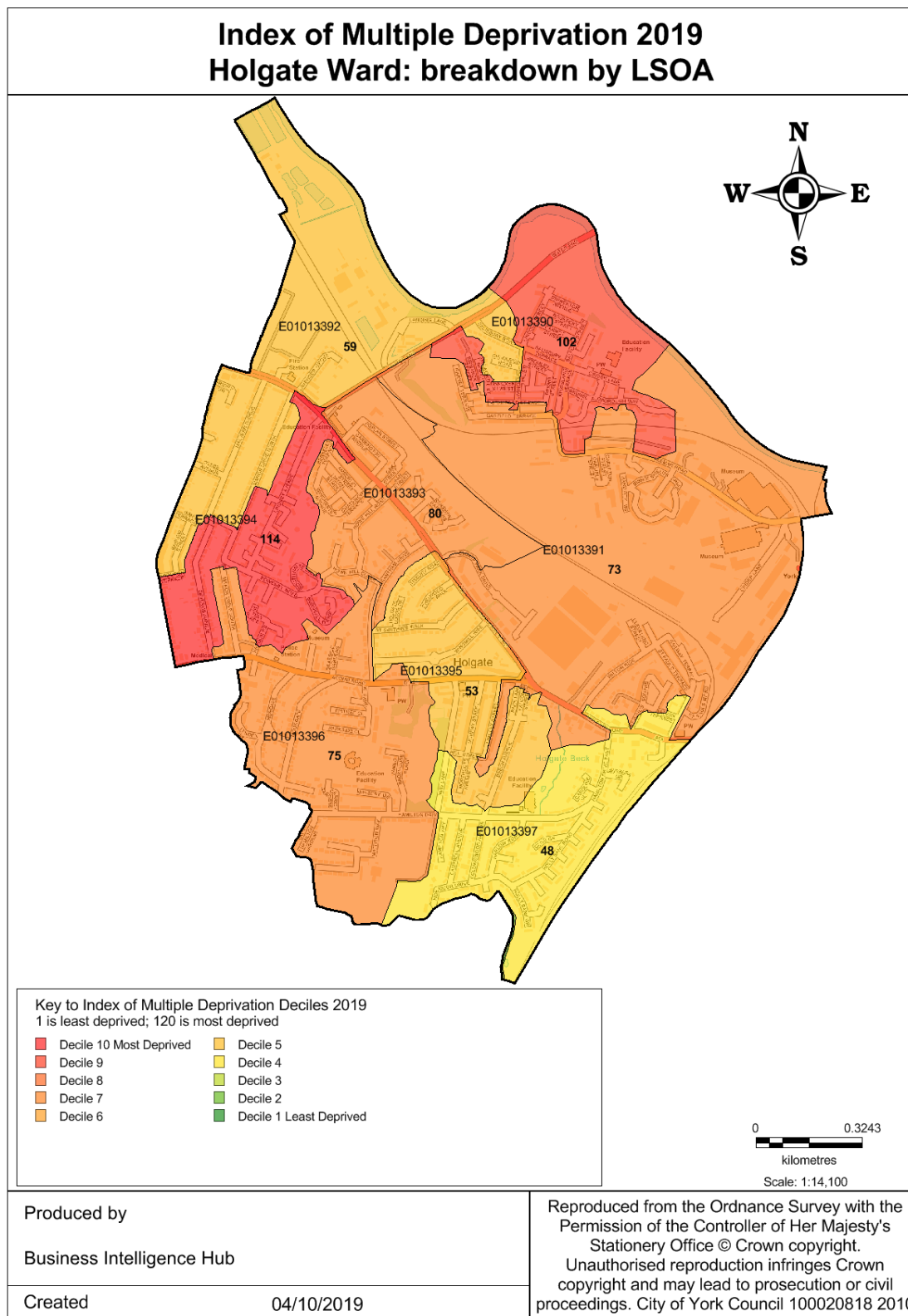
This LSOA is ranked in the most deprived 20% nationally – York 015C Hull Road (E01013399).



Holgate has 11,954 residents with 5.3% from a black and minority ethnic community group. 83.7% are in good health, with 16.4% stating that they have some limitation in day to day activities.

Holgate Ward holds 1 LSOA out of the 10 most deprived LSOAs in York:

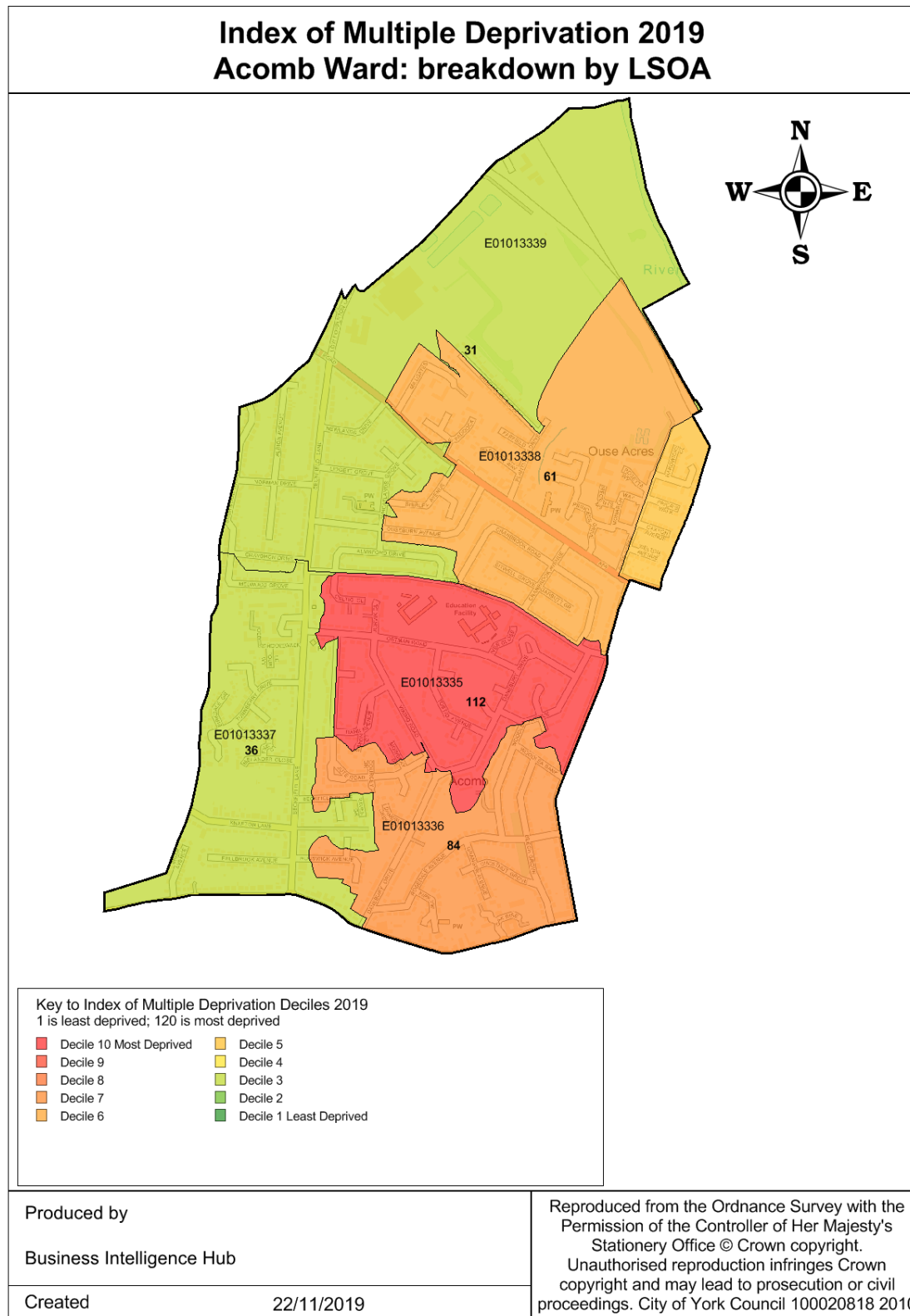
1. York 016B Holgate (E01013394)



Acomb has 9,248 residents with 3.6% from a black and minority ethnic community group. 82.8% are in good health, with 16.5% stating that they have some limitation in day to day activities.

Acomb Ward holds 1 LSOA out of the 10 most deprived LSOAs in York:

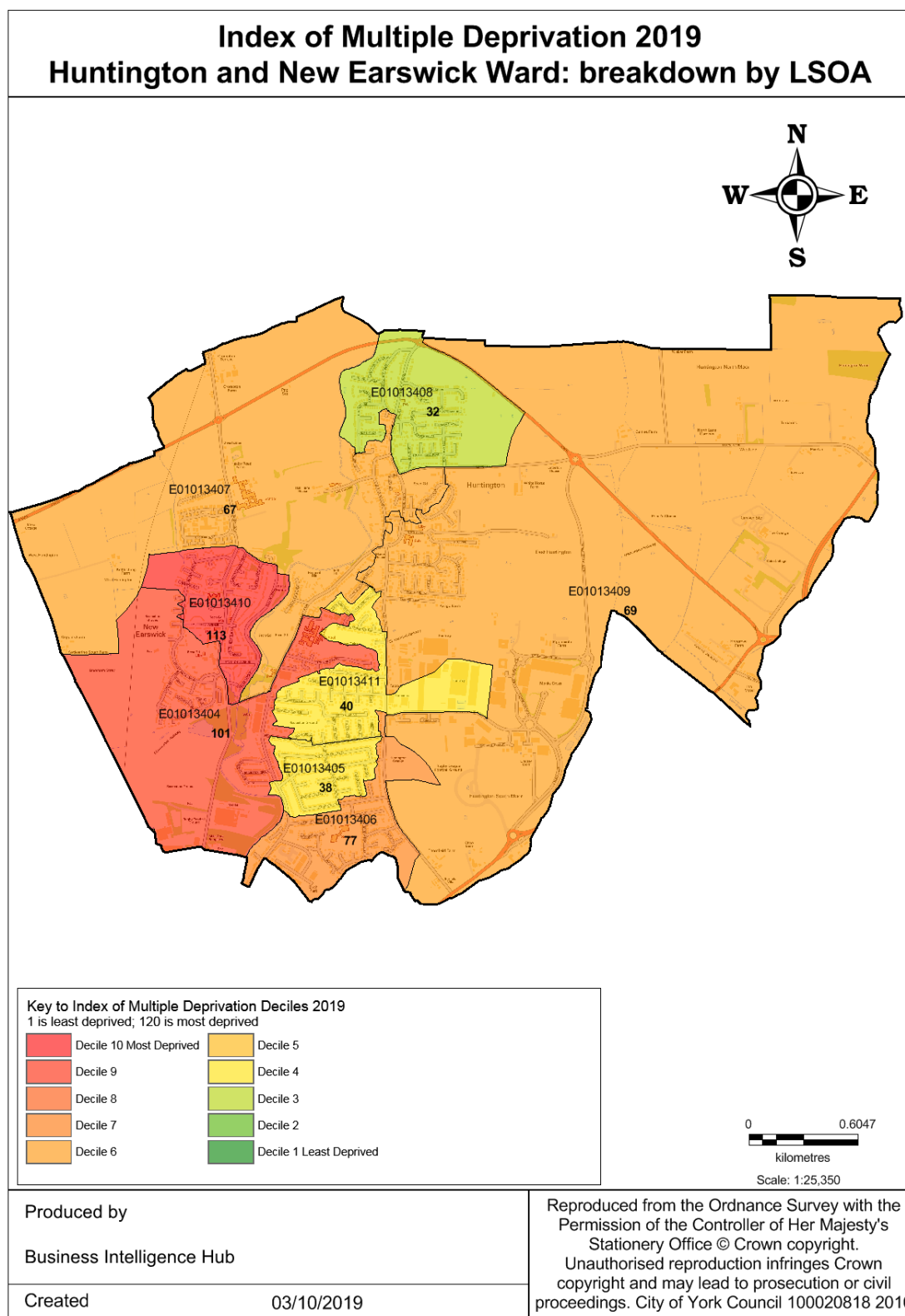
1. York 012A Acomb (E01013335)



Huntington and New Earswick has 12,354 residents with 3.8% from a black and minority ethnic community group. 79.4% are in good health, with 19.3% stating that they have some limitation in day to day activities.

Huntington & New Earswick holds 1 LSOA out of the 10 most deprived LSOAs in York:

1. York 004D Huntington & New Earswick (E01013410)



8. Sources of Data

1. York Open Data – York Profile <https://data.yorkopendata.org/dataset/york-profile>
2. York Open Data – Ward Profiles
https://data.yorkopendata.org/dataset?sort=metadata_modified+desc&tags=ward+profiles
3. Statistics on gambling participation and problem gambling – Annual Report June 2021 (Gambling Commission)
4. Gambling participation: activities and mode of access - May 2023
5. Gambling participation in 2019: behaviour awareness and attitudes – Annual Report Feb. 2020 (Gambling Commission)
6. Office for National Statistics (ONS) <https://www.ons.gov.uk/>
7. Civica – City of York Council

City of York Council

Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Place		
Service Area:	Public Protection (Licensing)		
Name of the proposal:	Statement of Licensing Policy (Gambling Act 2005)		
Lead officer:	Lesley Cooke		
Date assessment completed:	16 October 2024		
Names of those who contributed to the assessment:			
Name	Job title	Organisation	Area of expertise

Step 1 – Aims and intended outcomes

1.1	What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.
	Under Gambling Act 2005 local authorities are responsible for issuing premises licences, permits and notices in respect of gambling premises. There are currently 20 premises licences in force, for the following: • 1 adult gaming centre • 1 bingo premises • 1 betting premises (track) • 17 betting premises (other) – bookmakers 18. The number of licensed premises has reduced by a third in the last three years. Nine bookmakers and one bingo hall have surrendered their premises licences. There are currently 187 premises that hold authorisations that allow the provision of gaming machines on the premises. The council are required to adopt and review a Statement of Licensing Policy (a policy) at least every three years, but it can be reviewed at any time. It was last reviewed and implemented in January 2022. Councillors also approved a 'local area profile' to help licensees risk assess the issues in the area to mitigate the potential harms gambling may cause.

1.2	Are there any external considerations? (Legislation/government directive/codes of practice etc.)
	Gambling Act 2005 (the Act) Gambling Commission Codes of Practice Gambling Commission Guidance for Local Authorities (April 2021) In exercising most of their functions under the Act, the licensing authority must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are: • Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime; • Ensuring that gambling is conducted in a fair and open way; • Protecting children and other vulnerable persons from being harmed or exploited by gambling. The Gambling Commissions codes of practice give practical guidance in implementing the act, some of the aspects of the code i.e. the social responsibility aspects are mandatory in that a licence will not be granted unless they are in place. The Guidance for local authorities includes ‘national conditions’ tailored to particular types of gambling premises.
1.3	Who are the stakeholders and what are their interests?
	Generally speaking, the stakeholders are licence holders, responsible authorities, other parties including residents and visitors to the city they share a common interest in that York is safe, vibrant and inclusive city. Under Section 157(h) of the Gambling Act 2005, the Local Authority is required to designate a body which is competent to advise about the protection of children from harm. In accordance with the Guidance issued to local authorities, the authority designates CYC’s Children’s Social Care.

1.4	What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2023- 2027) and other corporate strategies and plans.
	The purpose of the policy is to recognise that gambling is a leisure activity enjoyed by many people, and to ensure that it remains safe and fun for them. However, for some people gambling is harmful and impacts on 'affected others' including family, friends and the wider community. The Policy may be referred to by officers and members of committees when determining licensing applications and is available for all parties when applying for licences and submitting representations in order to ensure the objectives of the Act (outlined above) are achieved. The implementation of a Statement Policy will support the Council's plan of a prosperous city for all, where local businesses can thrive and a council that listens to residents.

Step 2 – Gathering the information and feedback

2.1	What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.	
Source of data/supporting evidence		Reason for using
York Open Data		To help prepare the 'Local Area Profile' York Open Data is a platform created by the City of York Council which holds over 1000 different

	datasets, all of which are related to the City itself. All of the information is available for the public to access and manipulate. The ranges of datasets on the platform are vast, some of which have helped with the creation of this profile; particularly the York Profile and individual Ward profiles
Gambling Commission Annual Report (June 2022-2023)	Statistics on gambling and problem gambling
Gambling Commission Statistics and Research	Official statistics in relation to gambling including 'understanding why people gamble'.
GambleAware Annual GB Treatment and Support Survey 2023 Gambling Harms amongst People living with Disabilities, Neurodiversity, and/or Mental Health Challenges: Scoping Study LGBTQ+ People and Gambling Harms: Scoping Review	Statistics on those receiving treatment and support for gambling including by age and gender. Existing Knowledge: Inequalities Gambling Harms, Mental Health Challenges and Disability. Latest available evidence to explore gambling harms within the LGBTQ+ population.
Royal College of Psychiatrists ' Gambling Disorder ' (this is due to be reviewed in December 2024)	Information for anyone who is worried about their gambling or knows someone whose gambling has become a problem.
A 10-week consultation was undertaken as part of the review of the Statement of Licensing Policy.	The following were invited to participate in the consultation: • BACTA • Gamcare • Gamblers Anonymous UK • GambleAware • Health Watch North Yorkshire • Association of British Bookmakers • British Bingo

	Association • National Casino Forum • Racecourse Association • Horserace Betting Levy Board • HM Revenue & Customs • British Beer & Pub Association • York City Branch CIU • Yorkshire & Humber TUC • York CVS • York & North Yorkshire Chamber of Commerce • York Citizens Advice Bureau • Older Citizens' Advocacy York • York Age Concern • York Older Peoples Assembly • Clifton Moor Business Association • Vangarde Shopping Park • York Designer Outlet • Coppergate Centre • Federation of Small Businesses • York Professionals • Make it York • York High Street Forum • BID • Gambling Commission • North Yorkshire Police • North Yorkshire Fire & Rescue Service • City of York Council Public Protection • City of York Council Public Health • City of York Council Children Services • City of York Council Adult Services • City of York Council Development Control • Ward Councillors • Parish Councils • York & North Yorkshire Combined Authority • Police, Fire & Crime Commissioner • Yorks MPs • Premises Licence Holders One response was received from GamCare, and the links they provided were incorporated into the revised policy.

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.	
Gaps in data or knowledge		Action to deal with this
Some groups choose not to engage with the consultation.		We try to engage with as many parties as possible through the consultation process. We detailed at point 2.1 how we work closely with other CYC section and agencies to get a broad scope of matters.

Step 4 – Analysing the impacts or effects.

4.1	Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.		
Equality Groups and Human Rights.	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	The GambleAware survey identified that the participation in gambling remained much higher among the middle age groups (35-64) – 68%. Followed by those aged 65+ – 61%. However, those aged under 35 remain least likely to participate in gambling.	Positive	Medium

	The Statement of Gambling Policy together with the local area profile (which includes the age profile of the people of York) are designed to help gambling premises mitigate the risks from gambling and to aid the local authority in making licensing decisions – it will have a positive impact.		
Disability	The GambleAware, through the Scoping Study, wishes to commission research to build knowledge and lived experience of gambling harm amongst disabled people, neurodiversity, and/or mental health challenges. There is evidence that the burdens of gambling harms are higher amongst these communities, and that these communities may be more likely to gamble. The Statement of Gambling Policy together with the local area profile are designed to help gambling premises mitigate the risks from gambling and to aid the local authority in making licensing decisions – the outcome of the Scoping Study will aid Licensing Authorities when developing Gambling Policy and local area profiles it will have a neutral impact. Oregon Health Authority has published a report relating to ‘Problem Gambling and Disabilities’ which advises that neurocognitive disorders such as Parkinson’s and Huntington’s Disease, and Traumatic Brain Injury may have risk groups associated with problem gambling.	Neutral	Low
Gender	The GambleAware Survey identified that there are roughly equal numbers of men and women who are non-gamblers or	Positive	Medium

	non-problem gamblers. But in every category of gamblers from 'low risk gamblers' to 'problem gamblers', there approximately twice as many men as women. 17% of gamblers with a risk score are men, 10% are women. The Statement of Gambling Policy together with the local area profile (which includes the gender profile of the people of York) are designed to help gambling premises mitigate the risks from gambling and to aid the local authority in making licensing decisions - it will have a positive impact.		
Gender Reassignment	The GambleAware scoping review results yielded mixed evidence regarding the prevalence of gambling and gambling harms amongst sexual minority population, as few studies examined the impact of gambling harms across LGBTQ+ communities. The Statement of Gambling Policy together with the local area profile are designed to help gambling premises mitigate the risks from gambling and to aid the local authority in making licensing decisions – due to the limited and mixed evidence from the scoping review relating to the prevalence of gambling and gambling harms amongst sexual minority populations it will have a neutral impact.	Neutral	Low
Marriage and civil partnership	There are no known findings/impacts specific to this group	0	Low
Pregnancy and maternity	There are no known findings/impacts specific to this group	0	Low
Race	The GambleAware Survey identified that adults from Black and Racially Minoritised Communities (BAME) backgrounds	Positive	Low

	were less likely to participate in gambling overall than their white counterparts, but among those who did, they recorded higher scores on the PGSI (problem gambling severity index score) scale. The Statement of Gambling Policy together with the local area profile (which gives the race profile of the people of York) are designed to help gambling premises mitigate the risks from gambling and to aid the local authority in making licensing decisions - it will have a positive impact.		
Religion and belief	There are no known findings/impacts specific to this group	Positive	Low
Sexual orientation	The GambleAware scoping review results yielded mixed evidence regarding the prevalence of gambling and gambling harms amongst sexual minority population, as few studies examined the impact of gambling harms across LGBTQ+ communities. The Statement of Gambling Policy together with the local area profile are designed to help gambling premises mitigate the risks from gambling and to aid the local authority in making licensing decisions – due to the limited and mixed evidence from the scoping review relating to the prevalence of gambling and gambling harms amongst sexual minority populations it will have a neutral impact.	Neutral	Low
Other Socio-economic groups including:	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		

Carer	There are no known findings/impacts specific to this group	0	Low
Low income groups	The Local area profile gives details of index of deprivation by ward and details of the most deprived areas of York. Westfield, Clifton, Hull Road, Holgate and Huntington and New Earswick, are the most deprived areas of York. The Statement of Gambling Policy together with the local area profile are designed to help gambling premises mitigate the risks from gambling and to aid the local authority in making licensing decisions - it will have a positive impact.	Positive	Medium
Veterans, Armed Forces Community	There are no known findings/impacts specific to this group	0	Low
Other	The Royal College of Psychiatrists report that roughly 1 in every 100 people have a gambling disorder i.e. 'feel they have lost control', 'continues to gamble despite negative consequences' and 'sees gambling as more important to them than any other interest or activity. The local area profile gives further detail on the links (or perceptions) of gambling and crime and further detail on gambling behaviour. The Statement of Gambling Policy together with the local area profile are designed to help gambling premises mitigate the risks from gambling and to aid the local authority in making licensing decisions - it will have a positive impact.	Positive	Medium

Impact on human rights:		
List any human rights impacted.	None	

Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

High impact (The proposal or process is very equality relevant)	There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.
Medium impact (The proposal or process is somewhat equality relevant)	There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights
Low impact (The proposal or process might be equality relevant)	There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?
As noted above, introducing a local area profile (which is not legally required, but recognised under the Gambling Commission Code of Practice to have a 'significant impact') is designed to help gambling premises mitigate the risks from gambling and to aid the local authority in making licensing decisions.	

Step 6 – Recommendations and conclusions of the assessment

6.1	Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:
- No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.	

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

Option selected	Conclusions/justification
No major change to the proposal	As noted throughout, the Statement of Gambling Policy together with the local area profile are designed to help gambling premises mitigate the risks from gambling and to aid the local authority in making licensing decisions - it will have a positive impact.

Step 7 – Summary of agreed actions resulting from the assessment

7.1 What action, by whom, will be undertaken as a result of the impact assessment.			
Impact/issue	Action to be taken	Person responsible	Timescale
N/a			

Step 8 - Monitor, review and improve

8. 1	How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?
	It is a legal requirement that the Policy is reviewed at least once every three years. The current GambleAware survey is under way and, although the results will be provided too late for this particular review, that data will be considered in all future reviews.



Meeting:	Council
Meeting date:	21/11/2024
Report of:	Bryn Roberts, Director of Governance and Monitoring Officer
Portfolio of:	Cllr Douglas, Leader of the Council

Decision Report: 2025/26 Corporate Calendar

Subject of Report

1. This report presents for consideration and approval by Council the draft Corporate Calendar of meetings from May 2025 to May 2026, attached as Annex A.

Benefits and Challenges

2. Approval of the Corporate Calendar will enable forward planning for the upcoming municipal year and provide a framework for the Council's democratic and decision-making functions.
3. Non-approval of the Calendar may delay forward planning and the maintenance of an appropriate schedule of municipal meetings.

Policy Basis for Decision

4. An appropriate Corporate Calendar of meetings provides an essential framework for the democratic and decision-making functions required to support the delivery of the Council Plan and other key corporate priorities.

Recommendation and Reasons

5. It is recommended that:
 - i. The Corporate Calendar of meetings for 2025/26, attached as Annex A, be approved.

- ii. That the Director of Governance be authorised to make any changes to the Calendar as may prove necessary from time to time.

Reasons:

- i. To provide a framework for the democratic and decision-making functions which will underpin delivery of the Council's corporate priorities.
- ii. To ensure that the calendar of meetings is implemented to assist with the forward planning and better management of meetings.

Background

- 6. Council previously approved the 2024/25 Corporate Calendar at its meeting of 21 March 2024, and is now asked to approve the annual Corporate Calendar of meetings for 2025/26. Such approval is common practice at many local authorities and provides elected Members the collective opportunity to comment upon the cycle, pattern, and proposed dates for meetings prior to formalising. Equally, it provides absolute clarity to Members and the public regarding proposed arrangements.
- 7. The Calendar has been scheduled with the following general principles in mind:
 - i. Maintaining the existing number and frequency of meetings of each Committee from the 2024/25 Calendar.
 - ii. Each Committee meets wherever possible on the same day of the week.
 - iii. Avoiding clashes between meetings wherever possible.
 - iv. Maintaining summer and Christmas breaks in August and mid-December to early January respectively, and for school holidays and half-terms as far as possible.
 - v. Meetings have been scheduled to enable the timely consideration of ordinary business, with flexibility for additional meetings to be called if necessary.

8. Once agreed by Council, provisional room bookings will be confirmed and the Calendar will be published on the Council's website. A further report will follow in the coming months with proposed meeting dates for the 2026-27 municipal year.

Consultation Analysis

9. The Calendar was circulated to appropriate officers and to all Members in October 2024 for consultation. The draft presented to Council incorporates suggestions made during the consultation.

Options

10. The following options are available to Council:
 - i. Approve the draft Calendar. This is the recommended option.
 - ii. Not approve the draft Calendar. This option is not recommended.

Organisational Impact and Implications

11. There are no known organisational implications associated with the preparation of the annual calendar of meetings, other than potential resource implications for Members and Officers if the calendar was not appropriately scheduled and spaced.

Risks and Mitigations

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

Wards Impacted

13. All wards.

Contact details

For further information please contact the authors of this Decision Report.

Author

Name:	Bryn Roberts
Job Title:	Director of Governance and Monitoring Officer
Service Area:	Corporate Services
Report approved:	Yes
Date:	11/11/2024

Co-author

Name:	Lindsay Tomlinson
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Service Area:	Corporate Services
Email:	lindsay.tomlinson@york.gov.uk
Report approved:	Yes
Date:	11/11/2024

Background papers

No background papers were used in the preparation of this report.

Annexes

Annex A: Draft 2025/26 Corporate Calendar

May 2025

Annex A

April '25							June '25						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
		1	2	3	4	5	1	2	3	4	5	6	7
6	7	8	9	10	11	12	8	9	10	11	12	13	14
13	14	15	16	17	18	19	15	16	17	18	19	20	21
20	21	22	23	24	25	26	22	23	24	25	26	27	28
27	28	29	30				29	30					

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
27	28	29	30	1 Executive 17:30	2	3
4	5 Bank Holiday	6 EMDS Children 10:00 CCCSC 17:30	7 EMDS Finance 10:00 HWBB 16:30	8 Licensing Hearing 10:00* EMDS Housing 10:00 Planning A 16:30	9 Corporate Appeals 10:30	10
11	12 Licensing Hearing 10:00* CSCCSM 17:30	13 EMDS Transport 10:00 Joint Standards 16:00	14 EMDS Leader 10:00 A&G 17:30	15 Licensing Hearing 10:00am*	16 EMDS Economy 11:00	17
18	19 Licensing Hearing 10:00am* Planning B 16:30	20 EMDS Environment 10:00 EPAT 17:30	21 EMDS Health 10:00 HHASC 17:30	22 Annual Council 11:00	23	24
25	26 Bank Holiday	27 Half Term CSCCSM Calling in* 17:30	28 Half Term	29 Half Term	30 Half Term	31
1	2	Notes *(If required)				

June 2025

Annex A

May '25							July '25						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
				1	2	3			1	2	3	4	5
4	5	6	7	8	9	10	6	7	8	9	10	11	12
11	12	13	14	15	16	17	13	14	15	16	17	18	19
18	19	20	21	22	23	24	20	21	22	23	24	25	26
25	26	27	28	29	30	31	27	28	29	30	31		

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Licensing Hearing 10:00am* SMUC 17:30	3 EMDS Children 10:00 CCCSC 17:30	4	5 Licensing Hearing 10:00am* Executive 17:30	6	7
8	9 Licensing Hearing 10:00am* CSCCSM 17:30	10 EMDS Transport 10:00 Licensing & Regulatory 17:30	11 HHASC 17:30	12 Licensing Hearing 10:00am* EMDS Housing 10:00 Planning A 16:30	13 Corporate Appeals 10:30	14
15	16 Licensing Hearing 10:00am* Corporate Parenting Board 17:00	17 EMDS Environment 10:00 SACRE 18:00	18 EMDS Leader 10:00 EMDS Finance 10:00	19 Licensing Hearing 10:00am* Planning B 16:30	20	21
22	23 Licensing Hearing 10:00am* Shareholders Committee 16:30	24 EPAT 17:30	25 EMDS Health 10:00	26 Licensing Hearing 10:00am*	27 EMDS Economy 11:00	28
29	30 Licensing Hearing 10:00am* CSCCSM Calling In* 17:30	1	2	3	4	5
6	7	Notes *(If required)				

July 2025

Annex A

June '25							August '25						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7						1	2
8	9	10	11	12	13	14	3	4	5	6	7	8	9
15	16	17	18	19	20	21	10	11	12	13	14	15	16
22	23	24	25	26	27	28	17	18	19	20	21	22	23
29	30						24	25	26	27	28	29	30
							31						

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	1 EMDS Children 10:00 CCCSC 17:30	2 Planning A 16:30	3 Licensing Hearing 10:00am* Executive 17:30	4	5
6	7 Licensing Hearing 10:00am* CSCCSM 17:30	8 EMDS Transport 10:00 A&G 17:30	9 EMDS Housing 10:00 HHASC 17:30	10 Licensing Hearing 10:00am* Planning A 16:30	11 Corporate Appeals 10:30	12
13	14 Licensing Hearing 10:00am* Licensing and Regulatory 17:30	15 EMDS Environment 10:00 Planning B 16:30 SACRE 18:00	16 EMDS Leader 10:00 EMDS Finance 10:00 HWBB 16:30	17 Council 18:30	18	19
20	21 Licensing Hearing 10:00am* Joint Standards 16:00	22 EMDS Economy 11:00 Planning B 16:30	23 Summer Break	24 Summer Break Licensing Hearing 10:00am*	25 Summer Break	26
27	28 Summer Break Licensing Hearing 10:00am* CSCCSM Calling In* 17:30	29 Summer Break EPAT 17:30	30 Summer Break EMDS Health 10:00	31 Summer Break	1	2
3	4	Notes *(If required)				

August 2025

Annex A

July '25							September '25						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
		1	2	3	4	5		1	2	3	4	5	6
6	7	8	9	10	11	12	7	8	9	10	11	12	13
13	14	15	16	17	18	19	14	15	16	17	18	19	20
20	21	22	23	24	25	26	21	22	23	24	25	26	27
27	28	29	30	31			28	29	30				

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
27	28	29	30	31	1 Summer Break	2
3	4 Summer Break	5 Summer Break	6 Summer Break	7 Summer Break	8 Summer Break Corporate Appeals 10:30	9
10	11 Summer Break	12 Summer Break	13 Summer Break	14 Summer Break	15 Summer Break	16
17	18 Summer Break	19 Summer Break	20 Summer Break	21 Summer Break	22 Summer Break	23
24	25 Bank Holiday Summer Break	26 Summer Break	27 Summer Break	28 Summer Break	29 Summer Break	30
31	1	Notes *(If required)				

September 2025

Annex A

August '25							October '25						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1	2				1	2	3	4
3	4	5	6	7	8	9	5	6	7	8	9	10	11
10	11	12	13	14	15	16	12	13	14	15	16	17	18
17	18	19	20	21	22	23	19	20	21	22	23	24	25
24	25	26	27	28	29	30	26	27	28	29	30	31	
31													

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
31	1 Licensing Hearing* 10:00am SMUC 17:30	2 EMDS Children 10:00 CCCSC 17:30	3 A&G 17:30	4 Licensing Hearing* 10:00am Executive 17:30	5	6
7	8 Licensing Hearing* 10:00am CSCCSM 17:30	9 EMDS Transport 10:00 Planning B 16:30	10 EMDS Housing 10:00 HHASC 17:30	11 Licensing Hearing* 10:00am Planning A 16:30	12 Corporate Appeals 10:30	13
14	15 Licensing Hearing* 10:00am Corporate Parenting Board 17:00	16 EMDS Environment 10:00 Joint Standards 16:00	17 EMDS Leader 10:00 EMDS Finance 10:00	18 Council 18:30	19	20
21	22 Licensing Hearing* 10:00am Planning A 16:30	23 EMDS Economy 11:00 EPAT 17:30	24 EMDS Health 10:00 HWBB 16:30	25 Licensing Hearing* 10:00am Planning B 16:30	26	27
28	29 Licensing Hearing* 10:00am CSCCSM Calling In* 17:30	30 EMDS Children 10:00 CCCSC 17:30	1	2	3	4
5	6	Notes *(If required)				

October 2025

Annex A

September '25							November '25						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6							1
7	8	9	10	11	12	13	2	3	4	5	6	7	8
14	15	16	17	18	19	20	9	10	11	12	13	14	15
21	22	23	24	25	26	27	16	17	18	19	20	21	22
28	29	30					23	24	25	26	27	28	29
							30						

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	29	30	1	2 Licensing Hearing* 10:00am Executive 17:30	3	4
5	6 Licensing Hearing* 10:00am CSCCSM 17:30	7 EMDS Transport 10:00 Licensing & Regulatory 17:30	8 EMDS Housing 10:00 HHASC 17:30	9 Licensing Hearing* 10:00am Planning A 16:30	10 Corporate Appeals 10:30	11
12	13 Licensing Hearing* 10:00am Shareholders Committee 16:30	14 EMDS Environment 10:00 SACRE 18:00	15 EMDS Leader 10:00 EMDS Finance 10:00	16 Licensing Hearing* 10:00am Planning B 16:30	17	18
19	20 Licensing Hearing* 10:00am	21 EMDS Economy 11:00 EPAT 17:30	22 EMDS Health 10:00	23 Licensing Hearing* 10:00am	24	25
26	27 Half Term CSCCSM Calling In* 17:30	28 Half Term	29 Half Term	30 Half Term	31 Half Term	1
2	3	Notes *(If required)				

November 2025

Annex A

October '25							December '25						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
			1	2	3	4		1	2	3	4	5	6
5	6	7	8	9	10	11	7	8	9	10	11	12	13
12	13	14	15	16	17	18	14	15	16	17	18	19	20
19	20	21	22	23	24	25	21	22	23	24	25	26	27
26	27	28	29	30	31		28	29	30	31			

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	29	30	31	1
2	3 Licensing Hearing* 10:00am	4 EMDS Children 10:00 CCCCS 17:30	5 HHASC 17:30	6 Licensing Hearing* 10:00am Executive 17:30	7 Corporate Appeals 10:30	8
9	10 Licensing Hearing* 10:00am CSCCSM 17:30	11 EMDS Transport 10:00 Joint Standards 16:00	12 EMDS Housing 10:00 A&G 17:30	13 Licensing Hearing* 10:00am Planning A 16:30	14	15
16	17 Licensing Hearing* 10:00am CSCCSM Calling In* 17:30	18 EMDS Environment 10:00 Licensing & Regulatory 17:30	19 EMDS Leader 10:00 EMDS Finance 10:00 HWBB 16:30	20 Licensing Hearing* 10:00am Planning B 16:30	21	22
23	24 Licensing Hearing* 10:00am SMUC 17:30 Corporate Parenting Board 17:00	25 EMDS Economy 11:00 EPAT 17:30	26 EMDS Health 10:00	27 Council 18:30**	28	29
30	1	Notes *(If required) ** May change subject to venue confirmation				

December 2025

Annex A

November '25							January '26						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1					1	2	3
2	3	4	5	6	7	8	4	5	6	7	8	9	10
9	10	11	12	13	14	15	11	12	13	14	15	16	17
16	17	18	19	20	21	22	18	19	20	21	22	23	24
23	24	25	26	27	28	29	25	26	27	28	29	30	31
30													

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
30	1 Licensing Hearing* 10:00am	2 EMDS Children 10:00 CCCSC 17:30	3 EMDS Housing 10:00 HHASC 17:30	4 Licensing Hearing* 10:00am EMDS Transport 10:00 Executive 17:30	5 EMDS Economy 11:00	6
7	8 Licensing Hearing* 10:00am CSCCSM 17:30	9 EMDS Environment 10:00 EPAT 17:30	10 EMDS Health 10:00 EMDS Leader 10:00	11 Licensing Hearing* 10:00am Planning A 16:30	12 Corporate Appeals 10:30	13
14	15	16	17 EMDS Finance 10:00	18 Planning B 16:30	19 CSCCSM Calling In 17:30	20
21	22 Christmas Break	23 Christmas Break	24 Christmas Break	25 Bank Holiday Christmas Break	26 Bank Holiday Christmas Break	27
28	29 Christmas Break	30 Christmas Break	31 Christmas Break	1	2	3
4	5	Notes *(If required)				

January 2026

Annex A

December '25							February '26						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6	1	2	3	4	5	6	7
7	8	9	10	11	12	13	8	9	10	11	12	13	14
14	15	16	17	18	19	20	15	16	17	18	19	20	21
21	22	23	24	25	26	27	22	23	24	25	26	27	28
28	29	30	31										

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	29	30	31	1 Bank Holiday Christmas Break	2 Christmas Break	3
4	5	6	7	8	9	10
11	12 Licensing Hearing* 10:00am Corporate Parenting Board 17:00 CSCCSM Calling In - 17:30	13 EMDS Children 10:00 EMDS Economy 11:00 CCCSC 17:30	14 EMDS Housing 10:00 HHASC 17:30	15 Licensing Hearing* 10:00am Planning A 16:30	16 Corporate Appeals 10:30	17
18	19 Licensing Hearing* 10:00am CSCCSM 17:30	20 EMDS Transport 10:00 Joint Standards 16:00	21 EMDS Leader 10:00 EMDS Finance 10:00 HWBB 16:30	22 Licensing Hearing* 10:00am Budget Executive 17:30	23	24
25	26 Licensing Hearing* 10:00am SMUC 17:30 EPAT 17:30	27 EMDS Environment 10:00 SACRE 18:00	28 EMDS Health 10:00 A&G 17:30	29 Licensing Hearing* 10:00am Planning B 16:30	30	31
1	2	Notes *(If required)				

February 2026

Annex A

January '26							March '26						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
				1	2	3	1	2	3	4	5	6	7
4	5	6	7	8	9	10	8	9	10	11	12	13	14
11	12	13	14	15	16	17	15	16	17	18	19	20	21
18	19	20	21	22	23	24	22	23	24	25	26	27	28
25	26	27	28	29	30	31	29	30	31				

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Licensing Hearing* 10:00am Shareholders Committee 16:30	3 EMDS Children 10:00 Licensing & Regulatory 17:30	4 EMDS Housing 10:00 Provisional Budget Executive 1	5 Licensing Hearing* 10:00am Executive 17:30	6	7
8	9 Licensing Hearing* 10:00am CSCCSM Calling In 17:30	10 EMDS Transport 10:00 EMDS Environment 10:00	11 EMDS Leader 10:00 EMDS Finance 10:00 Planning A - 16:30	12 Licensing Hearing* 10:00am Budget Council 18:30	13 Corporate Appeals 10:30	14
15	16 Half Term	17 Half Term	18 Half Term	19 Half Term	20 Half Term	21
22	23 Licensing Hearing* 10:00am Provisional Budget Council 18:30	24 EMDS Economy 11:00 Planning B 16:30	25 EMDS Health 10:00 SMUC 17:30	26	27	28
1	2	3	4	5	6	7
8	9	Notes *(If required)				

March 2026

Annex A

February '26							April '26						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7				1	2	3	4
8	9	10	11	12	13	14	5	6	7	8	9	10	11
15	16	17	18	19	20	21	12	13	14	15	16	17	18
22	23	24	25	26	27	28	19	20	21	22	23	24	25
							26	27	28	29	30		

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Licensing Hearing* 10:00am CSCCSM 17:30	3 EMDS Children 10:00 CCCSC 17:30	4	5 Licensing Hearing* 10:00am Executive 17:30	6	7
8	9 Licensing Hearing* 10:00am	10 EMDS Transport 10:00 SACRE 17:30	11 EMDS Housing 10:00 A&G 17:30	12 Licensing Hearing* 10:00am Planning A 16:30	13 Corporate Appeals 10:30	14
15	16 Licensing Hearing* 10:00am Corporate Parenting Board 17:00	17 EMDS Environment 10:00 Joint Standards 16:00	18 EMDS Leader 10:00 EMDS Finance 10:00 HWBB 16:30	19 Licensing Hearing* 10:00am Planning B 16:30	20	21
22	23 Licensing Hearing* 10:00am CSCCSM Calling In* 17:30	24 EMDS Economy 11:00 EPAT 17:30	25 EMDS Health 10:00 HHASC 17:30	26 Council 18:30	27	28
29	30 School Holiday	31 School Holiday	1	2	3	4
5	6	Notes *(If required)				

April 2026

Annex A

March '26							May '26						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7							1
8	9	10	11	12	13	14	3	4	5	6	7	8	2
15	16	17	18	19	20	21	10	11	12	13	14	15	9
22	23	24	25	26	27	28	17	18	19	20	21	22	23
29	30	31					24	25	26	27	28	29	30
							31						

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	31	1 School Holiday	2 School Holiday	3 Bank Holiday School Holiday	4
5	6 Bank Holiday School Holiday	7 School Holiday Licensing Hearing* 10:00am	8 School Holiday	9 School Holiday Licensing Hearing* 10:00am	10 School Holiday	11
12	13 Licensing Hearing* 10:00am Planning A 16:30	14 EMDS Children 10:00 CCCSC 17:30	15 EMDS Economy 11:00 EMDS Housing 10:00 HHASC 17:30	16 Licensing Hearing* 10:00am Executive 17:30	17	18
19	20 Licensing Hearing* 10:00am SMUC 17:30	21 EMDS Transport 10:00 SACRE 18:00	22 EMDS Leader 10:00 EMDS Finance 10:00	23 Licensing Hearing* 10:00am Planning B 16:30	24 Corporate Appeals 10:30	25
26	27 Licensing Hearing* 10:00am CSCCSM Calling In* 17:30	28 EMDS Environment 10:00 EPAT 17:30	29 EMDS Health 10:00	30	1	2
3	4	Notes *(If required)				



Meeting:	Council
Meeting date:	21/11/2024
Report of:	Director of Governance
Portfolio of:	Cllr Katie Lomas, Executive Member for Finance, Performance, Major Projects, Human Rights, Equality and Inclusion.

Decision Report: Pay Policy Statement 2024 - 25

Pay Policy Statement and Transparency Information

1. The purpose of the report is to present for approval the Council's Pay Policy Statement for 2024-2025.
2. In addition, to provide the information required under The Local Authorities (Data Transparency) Code 2015.
3. To advise that a further Pay Policy Statement & Transparency Information Report may be required during the year as a result of the senior management structure review currently taking place.

Pros and Cons

4. The Council is required to produce and publish a Pay Policy Statement annually.

Policy Basis for Decision

5. To comply with the statutory guidance issued under Section 40 of the Localism Act 2011. Approval of the Pay Policy Statement is required by full Council.

Recommendation and Reasons

6. For the Council to approve the Pay Policy Statement for 2024 – 2025.

Reason: In order to fulfil the requirements of Section 38 – 43 of the Localism Act 2011 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.

Background

7. 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.
8. The Pay Policy Statement has been produced following the requirements of the Act and guidance issued by the Secretary of State for Communities. It has to be published before 31 March each year.
9. The Council is continually looking at how it can improve the information it provides, building on the changes made in 2022 to consolidate the Pay Policy Statement and additional reports for organisation and senior salary information required by The Local Authorities (Data Transparency) Code 2015. This format aims to provide improved transparency, consistency and clear presentation of data which can easily be accessed by the public.

Consultation Analysis

10. Approval of the Pay Policy Statement for 2024-25 is by full Council, consultation with other management bodies is not required.

Options Analysis and Evidential Basis

11. Whist Members have the option to approve or not approve the report the report merely provides factual information required by the Act and Code.
12. The information included in the report is taken from 1 February 2024, however, should the senior management structure review result in

changes then an update to the Pay Policy Statement and Transparency Information will be required.

13. It should be noted that apprentices have been excluded from the calculation for the pay multiple in the statement as they are employed on training contracts and paid outside of the Council's grading structures. School staff are also excluded from this statement.
14. The Council is a Living Wage employer and follows the wage level set by the Living Wage Foundation for 'Outside London'. The Council will apply the new 2024 -25 rate of £12 per hour from 1 April 2024. The new rate is equivalent to an annual salary of £23,151 per annum. For the majority of staff in the Council their basic pay will be above the Living Wage rate, but the Council's Living Wage supplement is in place if needed, to bridge any gap between basic pay and the Living Wage rate.
15. The Council is required to publish its pay multiple (the ratio between the highest paid base salary in the Council and the median salary) as part of the Pay Policy Statement. The ratio is based on the salary of the highest paid permanent role: that of the Chief Operating Officer. The median average has been used for calculating the pay multiple. The ratio at 1 February 2024 is 5.08:1.

Organisational Impact and Implications

16. **Financial** - There are no financial implications.
17. **Human Resources (HR)** – There are no human resources implications.
18. **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.
19. **Procurement** – There are no procurement implications.
20. **Health and Wellbeing** – An approach to council pay which aims to support staff on lower incomes through the real living wage will have positive health and wellbeing impact on the public's health, as will a transparent and cautious approach to the 'pay multiple', which is in line with reducing inequalities in the city and our goals in the Health and Wellbeing Strategy.

21. **Environment and Climate action** – There are no implications as there is no policy change.
22. **Affordability** - If the Living Wage is to continue then this report will have a positive effect on those employees on a lower income.
23. **Equalities and Human Rights** - The Council recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions). The information provided in this report is required by the stated Act and Code. However, further information on equalities in pay can be seen in the Council's Gender Pay Gap reports published annually.
[CYC Gender Pay Gap - Datasets - York Open Data](#)
24. **Data Protection and Privacy** – Data protection impact assessments (DPIAs) are an essential part of our accountability obligations and is a legal requirement for any type of processing under UK GDPR. Failure to carry out a DPIA when required may leave the council open to enforcement action, including monetary penalties or fines. DPIAs helps us to assess and demonstrate how we comply with all of our data protection obligations. It does not have to eradicate all risks but should help to minimise and determine whether the level of risk is acceptable in the circumstances, considering the benefits of what the council wants to achieve. As there is no personal data, special categories of personal data or criminal offence data being processed to inform the decision in this report, there is no requirement to complete a DPIA for it. This is evidenced by completion of DPIA screening questions. However, there will need to be consideration and completion of DPIAs where required, within the work required to implement the approved decision(s) from this report.
25. **Communications** – The Council's Pay Policy Statements and Transparency information is published on the Council's website at: <https://data.yorkopendata.org/group/transparency> This year's information will be published following approval by Full Council.

26. **Economy** - Whilst there are no direct economy implications relating to the publication of the Pay Policy Statement, it is positive to note that the Council is a Living Wage Foundation accredited employer. This enables the Council, as a key employer in York, to lead by example in encouraging other local employers to consider paying their staff the Real Living Wage. This supports ambitions within the York Economic Strategy 2022-2032 to improve living standards and livelihoods for all of York's residents and businesses and to promote 'an economy driven by good business'.
27. **Specialist Implications Officer – (Director of Governance and Monitoring Officer)**. There are no further implications.

Risks and Mitigations

28. There are no significant risks associated with production of the Pay Policy Statement.

Wards Impacted

29. There are no wards impacted by this report.

Contact details

For further information please contact the authors of this Decision Report.

Author

Name:	Judith Bennett
Job Title:	Pay, Reward and Policy Manager
Service Area:	Human Resources
Telephone:	01904 551716
Report approved:	Yes
Date:	12/2/2024

Background papers: None

Annexes

Annex 1: Pay Policy Statement and Transparency Information 2024-25

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**Pay Policy Statement
and
Transparency Information**

1 April 2024 to 31 March 2025

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Introduction

This document contains information about the Council's workforce, in particular the annual Pay Policy Statement for 2024/25 as required by the Localism Act 2011, and other information required under the Local Authorities (Data Transparency) Code 2015.

The Council has taken the following action to ensure that this Policy Statement is easily accessible to the public:

- it is published on the Council's open data website in a readily accessible place - Senior Salary information, under Governance and Transparency.
- it can also easily be found under global web searches.



Localism Act 2011 - Pay Policy Statement

The following section sets out the Council's Pay Policy in relation to the remuneration of its Chief Officers and employees - in accordance with Section 38 of the Localism Act 2011.

The policy is subject to annual review and must be approved by the Council each financial year. This statement is valid from 1st April 2024 to 31st March 2025. The structures and pay rates quoted are correct as of 1st February 2024.

Subject to specific circumstances it may be necessary to amend the Pay Policy statement during the financial year. Any changes or amendments made will be subject to full Council approval.

The policy will be published on the Council's website as soon as reasonably practicable after Council approval or amendment.

The arrangements set out within this document do not extend to those members of staff who are employed within schools. This is because the scope of the Localism Act does not require Councils to consider individual schools.

The Council is mindful of its duty as defined in the Equality Act 2010. This Pay Policy Statement forms part of a range of pay policies to promote equality in pay practices and assists in ensuring that the Council is promoting transparency of senior managers' pay and a fair approach to pay related equalities objectives.

Definition of officers covered by the Policy Statement

This Policy Statement covers the following posts:

Statutory Chief Officers:

- Head of Paid Service & Returning Officer - Chief Operating Officer
- Monitoring Officer - Director of Governance
- Director of Children's Services – Corporate Director Children & Education
- Director of Adult Social Services - Corporate Director Adult Social Care & Integration
- Chief Finance Officer (S151) - Chief Finance Officer
- Director of Public Health - Director of Public Health

Non-statutory Chief Officers:

- Corporate Director Economy and Place
- Director Environment, Transport & Planning
- Director Economy, Regeneration & Housing
- Director Customer & Communities
- Director of Adults Safeguarding
- Director of Children's Safeguarding
- Assistant Director Policy and Strategy
- Assistant Director Education
- Assistant Director (Consultant) in Public Health
- Assistant Director Communities and Equalities
- Assistant Director Adult Services

Policy on remunerating Chief Officers

The Council has a policy for remunerating Chief Officers based on job evaluation and a grade structure. No changes to this are proposed to this during 2024- 2025.

The grade and salary structure for Chief Officers and the Chief Operating Officer is:

Pay rates as of 1st April 2023

Chief Operating Officer	4	£159,511
	3	£157,363
	2	£155,216
	1	£150,920
Corporate Directors	4	£119,721
	3	£115,946
	2	£112,312
	1	£108,789
Directors	4	£106,857
	3	£103,310
	2	£99,884
	1	£96,574
Assistant Directors	4	£87,761
	3	£84,667
	2	£81,934
	1	£79,194

Any annual increase to the salary scales is in accordance with awards negotiated nationally by the respective National Joint Councils and applicable from 1st April annually.

Progression through the salary scale for the Chief Operating Officer is dependent upon performance and approval by the Leader of the Council.

Progression through the salary scale for Chief Officers is dependent upon performance and achievement of objectives, approved by the line manager.

Salary on Appointment of Chief Officers

The appointments sub-committee, subject to Pay Policy and job evaluated range for the post, determines the salary level and package offered to the successful candidate.

Chief Officer pay packages over £100k in value are subject to approval by the Council's Staffing Matters & Urgency Committee.

Bonus and Performance related payments

The Council does not make any such payments.

Pension Contributions

Employer pension contributions are set by the relevant pension fund.

Benefits in Kind

There are no benefits in kind.

Travel and other expenses

Any necessary travel and expenses are reimbursed through normal Council procedures.

Election Duties undertaken by Chief Officers

Fees for election duties undertaken by Chief Officers are not included in their salaries. The Chief Operating Officer is the Returning Officer and receives payments for elections. For local elections, fees are set locally. For national elections, fees are set by the Cabinet Office.

Termination payments of Chief Officers including redundancy and pension discretion

The Council applies its normal redundancy payments arrangements to Chief Officers and does not have separate provisions for them. 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 Chief Officers are published in the authority accounts as required under the Accounts and Audit (England) Regulations 2015.

Approval of any pension discretions are made by the Staffing Matters and Urgency Committee.

Chief Officer Severance packages over £100k in value are subject to approval by the Council's Staffing Matters and Urgency Committee.

Remuneration of other non-chief officer staff

In addition to the separate arrangements for the Chief Operating Officer and Chief Officers, the Council has staff employed under terms and conditions set for the following groups:

- Local Government Services Employees
- Soulbury Officers
- Educational Psychologists
- Workshop for the Blind
- Teachers (non-school based)
- The council also employs staff who have separate terms and conditions subject to the Transfer of Undertaking and Protection of Employment (TUPE) Regulations.

Increases to the Council's salary scales for non-chief officer groups are in line with annual salary awards negotiated nationally by the respective National Joint Councils.

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 Council operates a grading structure for Local Government Services employees. This runs from Grade 2 to 13 and the lowest paid employees, excluding apprentices, are situated within this structure at Grade 2.

The Council is a Living Wage Foundation accredited employer which means its lowest pay point complies with its outside London Living Wage rate. From 1st April 2024 this rate of pay will be £12.00 per hour (£23,151 per annum). A Living Wage supplement is in place if needed to bridge any gap between basic pay and the Living Wage rate.

Apprenticeship Pay

The Council's pay rates for apprentices are:

- Year 1 (the first 12 months of their training) – the equivalent of the National Minimum Wage for 18 to 20 year olds.
- Year 2 and beyond (from 12 months in training) – the equivalent of the National Minimum Wage for 21 year olds.
- Apprentices aged 23 and above in their second year (or subsequent) of their apprenticeship are paid the National Living Wage.
- Rates increase annually in April following any changes made to the National Minimum and National Living Wage rates.

Policy on the relationship between Chief Officer Remuneration and that of other staff

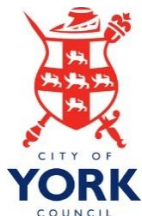
At the time of this report the highest salary in this Council is £159,511 which is paid to the Chief Operating Officer. The median salary in this council is £31,391 (Apprentices have been excluded from the calculation for the median.) The ratio between the two salaries, the 'pay multiple' is 5.08:1. 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.

Amendments to the policy

No amendments to the Pay Policy are anticipated during the year.

Policy for future years

This Policy Statement will be reviewed each year and presented to full Council for consideration.



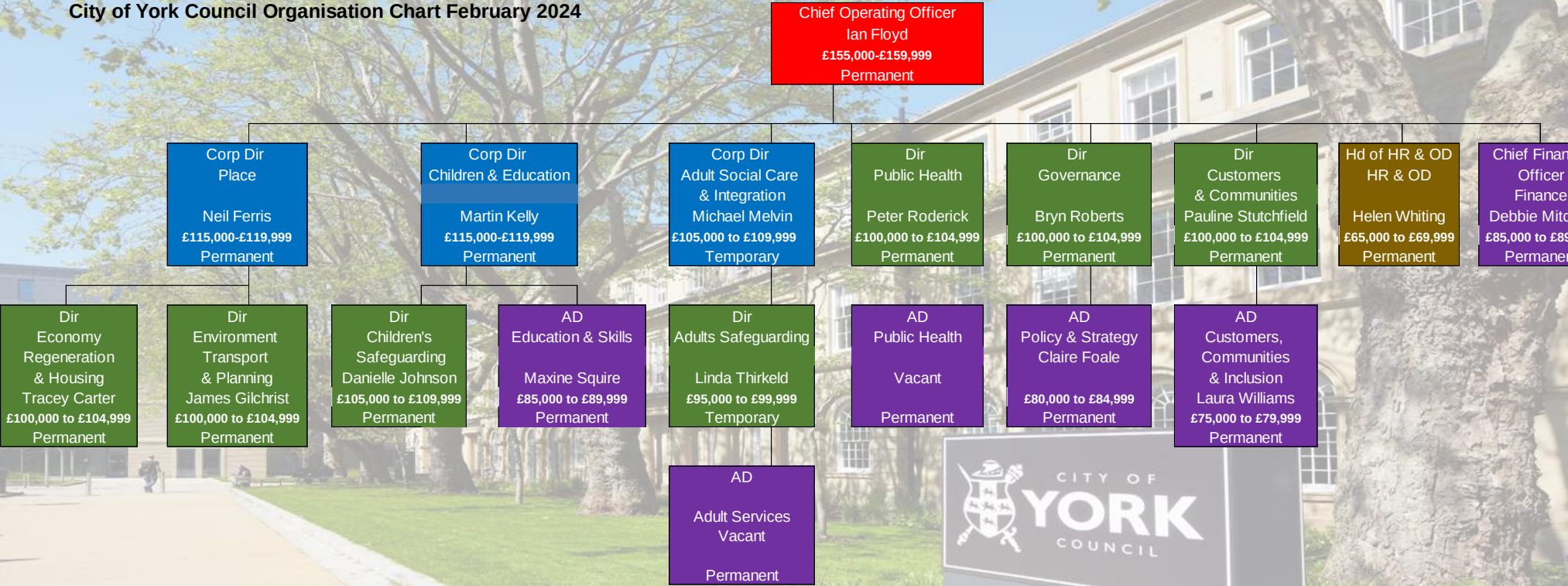
Transparency Information

The following section provides information as required under the Local Authorities (Data Transparency) Code 2015.

The Council is currently undertaking a review of the senior management structure which may result in changes to structure, roles and the job holders currently reported on in the following section. An update to this report will be made following agreement of any changes made as a result of the review.

Organisation Chart (See further notes below)

City of York Council Organisation Chart February 2024



Notes for the Organisation Chart

The chart shows the council's senior staff. The information shown is in the order of:

Job Title
Department
Name of job holder
Salary in £5,000 brackets
Contract status

The grades are colour coded within the above organisation chart, and the salary ceilings for these grades are as follows:

COO	up to £159,511
Corp Dir	up to £119,721
Dir	up to £106,857
AD	up to £87,761
G13	up to £72,736

The senior staff can be contacted by:

 Email using: firstname.lastname@york.gov.uk

 Telephone: 01904 551550

More information on service responsibilities can be found at: [Council Management Team – City of York Council](#)

Employees with remuneration over £50,000.

The Council has 212 employees with remuneration over £50,000. This includes the roles reported in the organisation chart. These employees are covered by the national pay arrangements for Chief Operating Officers, Chief Officers, Soulbury Officers, Educational Psychologists, Teachers (non-school based) and Local Government Service Employees.

The following list shows the job titles of roles with remuneration over £50,000 in £5,000 brackets:

£50,000 to £54,999	115
Approved Mental Health Professional (AMHP)	
Approved Mental Health Professional (AMHP)	
Approved Mental Health Professional (AMHP)	
Approved Mental Health Professional (AMHP)	
Asset Manager	
Assistant Service Manager - Mental Health	
Bereavement Services Manager (Gd 11)	
Business Change Manager	
Category Manager G11 (Career Grade)	
Category Manager G11 (Career Grade)	
Communities Team Manager	
Community Safety Manager (Neighbourhood Safety)	
Community Safety Manager Crime & Night Time Economy	
Community Sports Development Manager	
Customer & Resident Services Manager	
Democratic Services Manager	
Design and Sustainability Manager	
DM Team Leader	
Education Psychologist	
Facilities Manager (TFM) West Offices	
Flood Risk Manager	
General Licensing Manager	
Healthy Child Service Manager (G11)	
Healthy Child Service Manager (G11)	
Highways Asset Manager	
Highways Engineering Design Manager	
Housing ICT Programme Business Change Manager (Secondment)	
Housing Management Services Manager	
Housing Options and Support Services Manager	
HR Performance and Change Manager	
HR Performance and Change Manager	
HR Performance and Change Manager	
Improvement and Transformation Service Manager	
Independent Reviewing Officer - Carers & Placements (G11)	
Independent Reviewing Officer (G11)	
Independent Reviewing Officer (G11)	
Independent Reviewing Officer (G11)	
Independent Reviewing Officer (G11)	
Independent Reviewing Officer (G11)	
Information and Social Action Manager (G11)	

Information, Governance and Feedback Team Manager
Investment Manager - Housing Maintenance
Lead Nurse for Safeguarding
Learning Disability Service Manager
M and E Engineering Services Manager
Parking Services Manager
Practice Manager - Specialist Learning and Employment Adviser
Principal Accountant
Principal Accountant
Principal Building Control Surveyor
Programme Manager
Programme Manager
Public Health Specialist Practitioner Advanced
Public Health Specialist Practitioner Advanced
Public Health Specialist Practitioner Advanced
Public Health Specialist Practitioner Advanced
Public Health Specialist Practitioner Advanced
Public Health Specialist Practitioner Advanced (Family Hub)
Public Health Specialist Practitioner Advanced (PH003)
Public Protection Manager - Regulatory Advice
Registration Services Manager
Resourcing Manager
Resourcing Manager
Revenues and Benefits Manager
School Business Support Manager
Senior Investigator
Senior Investigator
Senior Investigator - Secondment
Senior Lawyer - Contract Commercial
Senior Lawyer - Contract Commercial
Senior Lawyer - Litigation
Senior Lawyer - Litigation
Senior Lawyer - Planning
Senior Lawyer - Planning
Senior Lawyer - Property
Senior Lawyer - Property
Senior Lawyer - Social
Senior Lawyer - Social
Senior Regeneration Project Delivery Manager
Senior Solicitor - Employment & Education
Senior Transport Project Manager
Senior Transport Project Manager
Senior Transport Project Manager
Service Manager
Service Manager - Assessing Carers
Service Manager - Child Exploitation Lead
Service Manager - CiN 3
Service Manager - CiN Team 4
Service Manager - MASH
Service Manager - MASH
Service Manager - R&A 1
Service Manager - R&A 1
Service Manager - R&A 2
Service Manager - R&A 3

Service Manager - R&A 3	
Service Manager - R&A 3	
Service Manager - Social Work 1	
Service Manager - Social Work 2	
Service Manager Independent Review Service	
Service Manager Independent Review Service	
Strategic Manager - Employability and Work Programmes	
Strategic Planning Policy Manager	
Strategy & Contract Manager	
Supported Housing Service Manager	
Sustainable Transport Manager	
Team Manager - ASC Community Team	
Team Manager - Hospital Team	
Team Manager - Intensive Support Services	
Team Manager - Physical Disability and Sensory Impairment	
Team Manager Adoption	
Team Manager- Learning Disabilities	
Team Manager- Learning Disabilities	
Technical Accountant	
Transport Major Projects Regulatory Coordinator	
YOT Manager	
£55,000 to 59,999	27
Corporate Business Partner - Acting Up	
Court Business Partner (Acting Up)	
Education Psychologist	
Education Psychologist	
Finance Manager	
Head of Active and Sustainable Transport - Acting Up	
Head of Agency - One Adoption North and Humber (Regional Adoption Agency)	
Head of Corporate Parenting	
Head of Fleet and Operations	
Head of Highway Access and Development	
Head of Highway Asset Management - Secondment	
Head of Inward Investment and Business Growth	
Head of Operations and Partnerships COM	
Head of Operations and Partnerships LD PFA	
Head of Operations and Partnerships MH P2R	
Head of Procurement	
Head of Programmes and ITS	
Head of Provider Services All Age Care and Support	
Head of Provider Services All Age Learning Disabilities and Autism	
Head of Safeguarding Interventions	
Head of Strategic Planning & Policy	
Head of Transformation and Improvement	
Healthy and Sustainable Homes Manager	
Housing Delivery Programme Manager	
ICT Digital Portfolio and Change Manager	
ICT Infrastructure and Security Manager	
Service Improvement Manager	
£60,000 to 64,999	33
Corporate Business Partner	
Education Psychologist	
Education Psychologist	
Education Psychologist	

Education Psychologist	
Finance Manager	
Head of Assessment MASH and Targeting Interventions	
Head of Business and Administrative Support Services	
Head of Business Intelligence	
Head of Carbon Reduction	
Head of Communications and Marketing	
Head of Community Safety	
Head of Economy	
Head of Education Support Services	
Head of Facilities Management & Property Services	
Head of Highways and Transport	
Head of Housing Management Services	
Head of Housing Strategy and Performance	
Head of ICT Support	
Head of Innovation and Children's Champion	
Head of Public Health (Healthy Child Service)	
Head of Regeneration	
Head of Service Resources - Fostering and Residential Care	
Head of York Learning	
Major Transports Projects Manager	
Regional Investigations and eCrime Manager	
School Improvement Adviser 0-11	
School Improvement Adviser 11-19	
School Inclusion Advisor	
Senior Education Psychologist	
Service Manager - Strategic Services	
Specialist Senior Educ Psychologist	
£65,000 to £69,999	12
Head of All Age Commissioning	
Head of Communities	
Head of Democratic Governance	
Head of Human Resources & Organisational Development	
Head of Integrated SEND (0 - 25)	
Head of Legal	
Head of Planning & Development Services	
Head of Property	
Head of Public Protection	
Head of Quality Assurance, Safeguarding and Principal Social Worker	
Head of Service - Finance (Deputy s151 Officer)	
Team Leader - Specialist Teaching Team	
£70,000 to £74,999	10
Head of City Development	
Head of Customer, Resident & Exchequer Services	
Head of Environmental Services	
Head of Housing Delivery & Asset Management	
Head of Primary School Improvement	
Nurse Consultant in Public Health	
Principal Educational Psychologist	
Principal Social Worker Safeguarding	
Shared Head of ICT York and Harrogate	
Virtual School Head	
£75,000 to £79,999	1
Assistant Director Communities and Inclusion	
£80,000 to £84,999	1

Assistant Director Policy & Strategy	
£85,000 to £89,999	2
Assistant Director Education & Skills	
Chief Finance Officer	
£95,000 to £99,999	1
Director of Adults Safeguarding - Acting Up	
£100,000 to £104,999	5
Director Customer and Communities	
Director Economy, Regeneration and Housing	
Director Environment, Transport and Planning	
Director of Governance	
Director of Public Health	
£105,000 to £109,999	2
Corporate Director of Adults and Integration - Acting Up	
Director of Childrens Safeguarding	
£115,000 to £119,999	2
Corporate Director Children and Education	
Corporate Director Economy & Place	
£155,000 to £159,999	1
Chief Operating Officer	

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Full Council

21 November 2024

Director of Governance and Monitoring Officer
(Portfolio of the Executive Leader)

Use of General Exception (Urgency) and Special Urgency Procedures

Summary

1. To report to Council on the use of Special Urgency procedures, as required by legislation, and as set out within the City of York Council Constitution.
2. To report, for information, the instances where General Exception (i.e. Urgency) Procedures were used.

Background

3. Prior to taking a Key Decision, the Council's Executive must give notice of the intention to take the decision, and this notice must be given at least 28 clear calendar days before the decision is made.
4. Where publication of the intention to make a Key Decision is impracticable within the required 28-day timeframe, then the General Exception (urgency) rules, as set out at paragraph 14.1 of the Appendix 7 in the Council's constitution, may be applied.
5. If a decision is sufficiently urgent, the requirement to give five clear days' notice of the decision may be waived by invoking the Special Urgency procedure. As the City of York Council constitution stipulates that both Key Decisions and those Non Key Decisions taken by the Executive collectively or by an individual Executive Member may be called in, then the use of Special Urgency procedures is reported in respect of both Key and Non Key Decisions.

6. In accordance with the Access to Information Procedure Rules (Rule 17) and paragraph 19 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the use of the Special Urgency procedure in relation to Executive decisions is to be reported quarterly to Council.
7. The Access to Information Procedure Rules set out at Appendix 7 of the Council's Constitution, provide that a quarterly report should be submitted to Council detailing the instances where Special Urgency procedures have been used in the preceding three months.
8. There has been one instance of the Special urgency procedures being used in the preceding four months, since last reported to Council in July 2024. The details of that decision are set out in Annex A to this report.
9. There have been no instances of the General Exception rules being used in the preceding four months in respect of a Key Decision, since last reported to Council in July 2024.

Implications

Financial – None.

Human Resources (HR) – None.

Equalities – No implications arising from the report.

Legal – The report ensures compliance with the legislative requirement to report on the use of Special Urgency procedures.

Crime and Disorder, Information Technology and Property – None directly arising from this report.

Options

N/A

Recommendations

10. Council is requested to note the report.

Reasons for the Recommendations

To comply with legislative and constitutional requirements, and ensure full transparency.

Author Lindsay Tomlinson, Head of Democratic Governance

Chief Officer responsible for the report: Bryn Roberts, Director of Governance and Monitoring Officer

**Report
Approved**

☒

Date 13
November
2024

Specialist Implications Officer(s): None

Wards Affected: List wards or tick box to indicate all

All ☒

For further information please contact the author of the report

Background Papers: City of York Council constitution CYC Constitution

Annexes:

Annex A - Log of decisions taken under Urgency Procedures and Special Urgency Procedures, July to November 2024.

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Forward Plan Published	Meeting Date	Item	Meeting	Key or Non-Key	General Exception (Urgency) or Special Urgency	Information
06 November 2024	14 November 2024	York Christmas Market 2024 and Blue Badge Access	Executive	Non-Key	U	Urgent request from Executive

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**Appointments and Changes to Membership of Committees,
Working Groups and Outside Bodies 2024-25**

To note and confirm:

Committees

**Decision Session - Executive Member for Finance, Performance,
Major Projects, Human Rights, Equality and Inclusion**

Cllr Baxter removed as Executive Member (job-share) and Cllr Lomas to be appointed full time.

Executive

Cllr Baxter removed

Shareholder Committee

Cllr Kilbane to replace Cllr Douglas as committee member

Outside Bodies

**West Yorkshire Combined Authority - Merger of Business,
Economy & Innovation Committee with Employment & Skills
Committee to form Economy Committee**

Cllr Kilbane appointed

**Yorkshire Purchasing Organisation - Audit & Governance Sub
Committee**

Cllr Merrett appointed

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