

**Notice of a public meeting of
Executive**

To: Councillors Carr (Chair), Aspden (Vice-Chair), Ayre, Gillies, Rawlings, Runciman, Steward and Waller

Date: Thursday, 26 January 2017

Time: 5.30 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

A G E N D A

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democracy Support Group by **4:00 pm on Monday 30 January 2017**.

*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Corporate and Scrutiny Management Policy and Scrutiny Committee.

1. Declarations of Interest

At this point, Members are asked to declare:

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

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

2. Minutes (Pages 1 - 22)

To approve and sign the minutes of the last Executive meeting held on 7 December 2016.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Wednesday 25 January 2017**. Members of the public can speak on agenda items or matters within the remit of the committee.

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

Filming, Recording or Webcasting Meetings

“Please note this meeting will be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council’s protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/download/downloads/id/11406/protocol_f_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

4. Forward Plan (Pages 23 - 32)

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

5. Taxi Licensing Policy (Pages 33 - 144)

This report seeks final approval of a Taxi Licensing Policy and conditions relating to hackney carriage vehicles and drivers, and private hire vehicles, drivers and operators. The Policy was considered and agreed by the Gambling, Licensing and Regulatory Committee on 25 April 2016.

6. York Castle Gateway (Pages 145 - 212)

This report sets out progress to date on the Castle Gateway project and opportunities to partner with other stakeholders to deliver the regeneration aims for the area. It also seeks to establish the principles and parameters of the Area of Opportunity policy for inclusion in the Local Plan.

Please note that Annex 7b (Arup Feasibility Study for Castle Car Park – Appendices) is available on line.

7. Disposal of Land for the Proposed Clifford's Tower Visitor Centre (Pages 213 - 246)

This report sets out proposals to dispose of the freehold of a small portion of land around Clifford's Tower to enable English Heritage to develop a Visitor Centre following award of planning permission for the scheme. The report also seeks permission to grant a short term lease for a plot of land to deliver public realm area next to the visitor centre.

8. City of York Local Plan - Update Report (Pages 247 - 268)

This report provides an update on the emerging Local Plan and in particular on the initial consideration of the newly submitted MOD sites against the Local Plan Site Selection methodology following the report to Executive on 7 December 2016.

9. Reinstatement of Gritting Routes (Pages 269 - 280)

This report presents a proposal in respect of the costs and actions required to reinstate streets previously gritted by the Council.

10. Proposed Long Term Leases - West Bank Park, Glen Gardens, Scarcroft Green and Clarence Gardens (Pages 281 - 294)

This report seeks an Executive decision on granting long term leases to the following clubs/associations using the bowling/croquet facilities at West Bank Park; Glen Gardens Bowling Green; Clarence Gardens and Scarcroft Green.

11. Report on Work of the Financial Inclusion Steering Group 2015/16 and 2016/17 Update (Pages 295 - 306)

This report covers the work in 2015/16 and 2016/17 to date of the Financial Inclusion Steering Group.

12. Lord Mayoralty 2017-18 (Pages 307 - 310)

This report asks Members to consider which of the political groups should be invited to appoint the Lord Mayor for the 2017-18 municipal year and invite the group with the most points for the Mayoralty to nominate a Lord Mayor for the 2017-18 municipal year.

13. Developing the Council's Strategic Relationship with Academies and Multi-Academy Trusts (Pages 311 - 338)

This report outlines the implications of the accelerating pace of academisation in York which is requiring the local authority (LA) to review and develop its strategic working relationship with schools and other partners. In order to develop the council's strategic position it is important for the LA to retain an objective relationship with all schools and multi-academy trusts. This will allow the LA to work in partnership with all schools so that it can act effectively as the champion for children, families and communities.

14. Urgent Business

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

Democracy Officer

Name: Jill Pickering

Contact details:

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

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

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City of York Council

Committee Minutes

Meeting	Executive
Date	7 December 2016
Present	Councillors Carr (Chair), Aspden (Vice-Chair), Ayre, Gillies, Rawlings, Runciman, Steward and Waller
Other Member participating in the meeting	Councillors Craghill and Looker
In attendance	Councillor Warters

Part A - Matters Dealt With Under Delegated Powers

80. Declarations of Interest

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

Cllr Waller declared a personal, prejudicial interest in relation to agenda item 12 (Discretionary Rate Relief Awards 2017-19) as the Treasurer of a Community Centre which had successfully applied for rate relief and he took no part in the discussion or voting thereon.

Cllr Ayre declared a personal interest in relation to agenda item 6a (Burnholme Health and Wellbeing Campus: Key Decisions) as his daughter attended the on site Nursery.

81. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of Annexe A to agenda item 8 (Community Stadium Update Report) on the grounds that the annex contained information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. This information was classed as exempt under Paragraph 5 of Schedule 12A to Section 100A of the

Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

82. Minutes

Resolved: That the minutes of the last Executive meeting held on 24 November 2016 be approved and signed by the Chair as a correct record.

83. Public Participation

It was reported that there had been four registrations to speak at the meeting under the Council's Public Participation Scheme, one of which had subsequently withdrawn, and that one Member of Council had also requested to speak. The registrations were in respect of the following items:

Lowfield Green Development: Moving forward to deliver a care home, health facility and housing

James Newton spoke to represent YorSpace a co-construction group in respect of the self build and community build options on the site. He confirmed that YorSpace had the appropriate skills and background to provide low cost starter homes as part of the development. He asked the Council to work with the group as a preferred bidder to support the provision of 100% low cost in perpetuity homes.

Cllr Warters spoke to express caution regarding approval of the preferred spatial plan for 162 properties on this site, particularly as it had previously been stated that development would only take place on the existing buildings footprint. He requested Members to support the 95 home option.

Park and Ride Service Operator Specification

The Chair confirmed that Dave Merrett, the registered speaker on this item, had been unable to attend the meeting; however his emailed comments, relating to the amendment of two recommendations had been circulated.

Community Stadium Update Report

Brian Watson referred to the Stadium update report, in particular the financial support and rent paid by York City Knights and he questioned the income streams for the club at the new Stadium. He also raised concerns regarding the project timetable.

Gwen Swinburn, a local resident, referred to research she had undertaken in relation to the Stadium procurement, highlighting nine points where she felt there had been a material change to the project from the original tender. She asked Members to examine her concerns and report back, prior to taking any further decisions on the project.

Cllr Warters referred to the possible implications of the forthcoming Judicial Review Claim. He expressed support for the sale of the Community Stadium site and the upgrading of the existing Bootham Crescent ground.

84. Forward Plan

Members received and noted details of the items that were on the Forward Plan for the next two Executive meetings, at the time the agenda had been published.

85. Older Persons' Accommodation Programme Update

Consideration was given to a high level update report on the Older Persons' Accommodation Programme, in particular progress made following agreement of the Business Case for the Programme in July 2015. Officers highlighted the key milestones and risks in the Programme and Members noted that capital receipts from the sale of the older persons' homes had exceeded expectations.

Resolved: That Executive:

- (i) Note the contents of the update report.
- (ii) Agree that six monthly progress reports on the Programme be given to Executive.¹

Reason: So that Executive can be assured that the Older Persons' Accommodation Programme is progressing.

Action Required

1. Add six monthly update reports to Council's Forward Plan.

RW

85a Burnholme Health & Wellbeing Campus: Key Decisions to further progress this development

[See also Part B minutes]

Members considered the first of the reports on the Older Persons' Accommodation Programme relating to the Burnholme Health and Wellbeing Campus, in particular the next phase of delivery and the future for the former Burnholme Community College site.

Officers reported on the recent approval of the planning application for the refurbishment of community and library facilities and the retention of the playing fields and provision of land for the development of the Care Home. They also highlighted that the current uses of the site had continued to operate on the site.

Members were made aware that urgent maintenance work on the sports hall roof was required and noted that development of the land would release funds for the improvement of the community library and sports facilities. Officers also drew attention to the implications and key risks associated with the project.

In answer to Members questions, Officers confirmed that negotiations were ongoing with the Explore Library Service regarding the long term management of the community and library facilities, with other options under consideration should this not prove successful. Officers also confirmed that, since the report had been written, confirmation had been received that appropriation of Area B would no longer be required as the playing field use would be continued.

Members expressed their support for investment in the library facility to provide a more sustainable service and welcomed the retention of uses on the site. Following further discussion it was

Resolved: That Executive agree to:

- (i) Approve capital investment in the refurbishment and redevelopment of

Community and Library facilities, subject to DfE consent to the sale of redundant land to the south of the Site.

- (ii) Approve capital investment in urgent repairs and capital works to the sports facilities on the Site. ^{1.}
- (iii) Request that reports are brought to Executive in 2017 to:
 - Agree the management arrangements for the Community and Library facilities.
 - Agree further investment in the Sports facilities and arrangements for their management.
 - Confirm the appointment of the preferred bidder for the provision of the care home on the Site and any land sales associated with that appointment.
 - Provide details of the health facilities that can be provided on the Site, the structure of the partnership which will deliver them and any land sales associated with delivering these facilities.
 - Agree to receive the recommendation, where relevant, to sell land for housing to the preferred developer. ^{2.}

Reason: (i) & (ii) To progress to delivering the Burnholme Health & Wellbeing Campus including the delivery of a Care Home as part of the Older Persons' Accommodation Programme.

- (iii) So that the elements of the Burnholme Health & Wellbeing Campus can progress.

Action Required

1. Progress the refurbishment, urgent repairs and development of facilities.

MF, RW

2. Timetable reports on Council's Forward Plan to agree the matters listed.

MF, RW

85b Haxby Hall Older Persons' Home: A Sustainable Future

Members considered the second Older Persons' Programme report which reviewed the options available for the future use of services and land to deliver a sustainable future for the Haxby Hall home at York Road, Haxby.

Consideration was given to the following options, full details and an analysis of each were set out in the report:

Option A: Continue with current plan to consult on closure and, subject to any decision to close, sell the site

Option B: The Council redevelops the site itself

Option C: Transfer of services with guarantee of redevelopment.

Officers drew attention to the current facilities and operating costs at the home, confirming that the Council were unable to provide nursing care on site and that closure of the home would require residents moving to alternative accommodation.

Members expressed support for the transfer of property and services which would ensure that the site was redeveloped with increased capacity and provide both residential and nursing accommodation and provide a continuing connection with the local community.

In answer to Members questions Officers confirmed that the preferred option would remove risks from the authority in running a single care home, remove regulatory risks and any financial benefits the authority would gain from the older persons' programme would be lost.

Following further discussion it was

Resolved: That Executive agree to:

- (i) Note the review of options for the future of Haxby Hall.
- (ii) Approve Option C for the Council to seek a partner to take over its ownership and management with a commitment to build a new care home on the site in the near future and that this option is the subject of consultation with residents, relatives, interested parties and staff of Haxby Hall.

- (iii) Agree that a six week period of consultation is undertaken with residents, relatives, interested parties and staff of Haxby Hall to explore the option to seek a partner to take over its ownership and management with a commitment to build a new care home on the site in the near future and that a further report on the outcome of this consultation be received at the Executive before a final decision to transfer is made. ¹.

Reason: To progress to deliver a sustainable future for Haxby Hall as a care home, as part of the Older Persons' Accommodation Programme

Action Required

1. Undertake necessary consultation, following which report back to the Executive.

MF,RW

85c Lowfield Green Development: Moving forward to deliver a care home, health facility and housing

[See also Part B minutes]

Consideration was given to the final report of the Older Persons' Accommodation Programme, relating to the Lowfield Green development which set out the business case to enable the programme to move forward for delivery of a care home, health facilities and housing.

Feedback on the public engagement in respect of the spatial plan for the site was presented which it was noted had been supported by the majority of residents. However, Officers reported on opposition to the scheme from a small number of residents on the north and south west boundaries of the site and confirmed receipt of a petition signed by 44 households in opposition to the scheme.

Officers confirmed that, following concerns raised, amendments had been made to the scheme which would ensure that there was no 'cut through' from Tudor Road to Dijon Avenue. A review of the house layout and other uses on the north west boundary would be undertaken. Officers also confirmed support for self and community building options and referred to interest from YorSpace which would be explored further.

Cllr Waller, as one of the Ward Member, expressed his support for provision of older persons' accommodation and health facilities to the east of the city. He also asked that local residents were kept fully informed of the proposals and timetable for development.

The Executive Member thanked Officers for bringing the scheme forward and noted the Local Members comments. Members also confirmed support for the proposed use of the site, in particular affordable housing and engagement with YorSpace for self-build housing.

Resolved: That the Executive:

- (i) Note the feedback from public engagement regarding plans for the redevelopment of the Lowfield site in Acomb following agreement by Executive in July 2016 to move forward with the development of the Lowfield School Site.
- (ii) Agree the spatial plan prepared for the Site as described in the report in order to deliver approximately 162 new homes, a care home, newly built accommodation for health & other public services as well as public open space and an estimated capital receipt of £4.5m, with appropriate adjustments made to the arrangement of homes to the north west boundary of the Site in order to facilitate integration and to the traffic flows through the site to prevent a through-traffic route being opened up between Tudor Road and Dijon Avenue.
- (iii) Agree that the Older Persons' Accommodation Programme includes the procurement of a new residential care facility on the Site as part of the wider Lowfield Green development.
- (iv) Agree to:
 - i. procure a developer/operator to construct and operate a Care Home containing approximately 70 beds on approximately 1.4 acres of the Site;
 - ii. the developer/operator to be chosen through a competitive process which complies with both

the EU Public Contract Regulations and our own Contract Procedure Rules;

- iii. dispose of approximately 1.4 acres of the Site to the developer of the Care Home by way of a long lease in return for payment of a premium/capital sum;
 - iv. impose a condition within the lease that the site of the Care Home can only be used as a Care Home for a specified period;
 - v. procure a contract under which the Council would seek to purchase access to a specified number of beds in the Care Home at a specified rate for a specified number of years;
 - vi. the undertaking by the Council of road construction and other enabling works estimated to cost approximately £993,000 in order to facilitate construction of the Care Home and development of adjoining land for housing; and
 - vii. the cost of this procurement and the necessary enabling works initially being paid out of the Older Persons' Accommodation Programme budget and later by receipts from the disposal of land on the Site.
- (v) Agree to receive the recommendation to dispose of land for the Care Home to the preferred bidder by way of long lease in accordance with the Council's Financial and Contract Procedure Rules.^{1.}
- (vi) Agree to the preparation and submission of a planning application (relating to new access routes to the site and other necessary elements of the plan) in order to facilitate the development of the Care Home with the cost of preparing the planning application to be initially funded from the Older Persons' Accommodation Programme and subsequently from future receipts from the disposal of land on the Site.^{2.}

- (vii) Agree to seek a developer/s or alternatively for the Council to undertake development for housing of approximately 8 acres on the Site.
- (viii) Agree to receive the recommendation, where relevant, to sell approximately 8 acres of the Site for housing development to the preferred developer/s in accordance with the Council's Financial and Contract Procedure Rules.^{3.}
- (ix) Agree to sell plots of land for use by self-builders and community housing to provide homes on approximately 1 acre of the Site in accordance with the Council's Financial and Contract Procedure Rules.^{3.}
- (x) Agree to work in partnership with a health care/service partner and North Yorkshire Police to develop a health and public service facility on approximately 1 acre of the Site.^{3.}
- (xi) Agree to receive the recommendation, where relevant, to sell or lease land for health and other public service users in accordance with the Council's Financial and Contract Procedure Rules.^{3.}
- (xii) Request that reports are brought to Executive in 2017 to:
 - Provide details of the health facilities that can be provided on the Site and the structure of the partnership which will deliver them.
 - Provide details of the police facilities that can be provided on the Site and the structure of the partnership which will deliver them.
 - Provide details of the football facilities that can be created on land off Tadcaster Road.^{4.}

Reason: (i) to (xi) To progress with the Lowfield Green development and deliver additional care, health and housing facilities for the residents of York.

- (xii) So that the elements of the Lowfield Green development can progress.

Action Required

- | | |
|--|--------|
| 1. Proceed with the procurement of a developer/operator for the site on the lines stated. | MF, RW |
| 2. Arrange for preparation and submission of a planning application for the site. | MF, RW |
| 3. Seek a developer/s for the housing site, sell plots on approx 1 acre of the site and work with health care/services partners to develop facility. | MF,RW |
| 4. Schedule reports on Council's Forward Plan for listed information. | RW |

86. Park & Ride Service Operator Specification

Consideration was given to report which set out the options for altering the Park and Ride specification to address the, previously raised, concerns of potential suppliers and in order to increase the likelihood of securing viable bids for the contract.

Officers confirmed that the key issue identified by the operators had been a desire for the Council to increase the level of commercial flexibility available for bidders, in particular the issues set out at Table A in the report.

Consideration was given to three options, details of which were set out in the report at paragraph 13, each of which had been analysed at paragraphs 14 to 25.

In answer to Members questions, Officers confirmed that when assessing tenders scores would be increased for the use of low emission vehicles in city centre air quality hotspots. It was noted that a requirement to use low emission vehicles would affect the procurement and value for money and Officers highlighted the battery replacement costs.

Members noted the comments submitted by Dave Merrett, in relation to the amending of the recommendations to ensure that the six Park and Ride routes used ultra low emission vehicles and that selected extra service stops were provided on week day evenings.

Resolved: That the Executive:

- (i) Approve Option 2 in the report, noting the increased flexibility that this gives to the Park & Ride operators; and

- (ii) Authorise Council officers to commence a new tendering exercise, at the earliest possible opportunity, to secure an operator for the York Park & Ride service from February 2018. ¹.

Reason: To ensure continued operation of the York Park & Ride service and to ensure delivery of the most economically advantageous Park & Ride contract moving forwards.

Action Required

1. Await outcome of CSMC Call-In meeting. AB, NF

87. Community Stadium Update Report

Members considered an update report, circulated at the meeting and contained in the republished agenda, on the progress of the Community Stadium and Leisure Facilities Project since the last report to Executive in March 2016.

The report updated on the Judicial Review Claim, the latest position with all Community Partners and Sports Clubs, the procurement exercise and the key risks and timetable.

Officers confirmed the Court Hearing date for the Judicial Review as 18 January 2017 and reported on the implications for the project and timetable. It was also noted that ownership of the York City Knight's Rugby Club (YCK) had transferred to a new owner on 1 December 2016. It was noted that whilst the original 2012 support agreement for the Knight's had ended, further support would be required until the new Stadium was operational. Whilst no financial support would be paid directly to YCK, the proposal meant that the team did not incur any liability for operating costs associated with the use of Bootham Crescent when matches were played.

Members were also informed that, whilst it was understood that ISG, Greenwich Leisure Limited's (GLL) building contractor had withdrawn from the scheme, no formal notification had been received, however the firm's contract was with GLL who would need to procure a new contractor, if required.

The Executive Member expressed his continued support for the Community Stadium project and the Council's commitment to

deliver the project for the city. He also reported on recent meetings with the Yearsley Pool Action Group and confirmed that a recommendation for the future operation of the pool would be reported back in early 2017. With reference to early speakers comments he confirmed that the concerns raised would be examined and that it would not be financially viable to redevelop Bootham Crescent.

Members also confirmed their commitment to the delivery of the scheme and acknowledged that should there be any further changes consideration would be given to all options.

Resolved: That Executive agree to:

- (i) Approve the proposed York City Knights RLFC (YCK) financial support towards first team playing arrangements at Bootham Crescent, as set out at table one of this report. This being Council financial support payable per YCK game played at Bootham Crescent up to a net cost of £45,000 per Rugby League season, paid from the existing Project budget.
- (ii) Note the financial position of the Project and the associated financial risks present until Financial Close can be met, as set out at paragraphs 57 to 60 of the report.
- (iii) Note the latest position of the Project's Community Partners and Sport Clubs, as set out in the report.
- (iv) Note the current anticipated Project timetable for delivery of the New Stadium Leisure Complex, as set out at table two of the report.
- (v) Note the position of the ongoing Yearsley Swimming Pool Review and that a further recommendation report on this matter will be brought to Executive early in 2017.

- (vi) Note the highlighted Project risks that have changed since the March 2016 Executive Report, as summarised at table three of the report.¹

Reason: To ensure continued progress of the Project.

Action Required

- 1. Provide agreed YCK financial support. IF, MW

88. City of York Local Plan - Update on Preferred Sites Consultation and Next Steps

Consideration was given to an update report on the Local Plan, following the Preferred Sites consultation which had taken place between July and September 2016. A summary of the consultation responses had been reported together with an update on the Sub National Household Projections and the announcement by the Ministry of Defence that they would be disposing of a number of military sites including three sites in the city.

The report had also been considered by the Local Plan Working Group at their meeting on 5 December and the draft minutes and recommendations of that meeting had been circulated at the meeting.

Officers highlighted the effect the changes in housing projections and the disposal of the MoD sites would have in relation to the Local Plan and confirmed that further work was required to evaluate these changes, which could result in up to 6 months delay. In answer to Members questions Officers confirmed that they were in regular contact with the Department for Communities and Local Government in relation to the delays which had been acknowledged were outside the authority's control.

Following further discussion it was

Resolved: That Executive agree to:

- (i) Note progress on the production of a sound Local Plan following the Preferred Sites Consultation, and the additional issues arising post consultation that require further consideration.

- (ii) Instruct Officers to produce a further report on housing need following the DCLG release of the Sub National Household Projections (SNHP) and the consideration of the alternative objective assessment of housing needs submitted through the Preferred Sites Consultation.
- (iii) Instruct Officers to produce a report highlighting the implications of the disposal of MOD land for the supply of housing land within the Local Plan.
- (iv) Request from Officers a further detailed report highlighting implications to the Local Development Scheme.
- (v) Note the impact of the additional costs that will arise and to the requirement to consider as part of the future years budget process.¹

Reason: (i) to (iv) To produce an National Planning Policy Framework compliant Local Plan.

- (vi) To ensure the costs of developing the Local Plan are clearly budgeted.

Action Required

1. Prepare further reports as listed and undertake consultation, prior to a report back.

MG

89. York Music Hub and York Arts Education

Members considered a report which proposed new delivery arrangements for the York Music Hub and York Arts Education to provide music opportunities for children and young people in York.

The report set out the background to the Music Hub partnership and the Arts Education activities. Details of the current delivery of the services was set out and it was acknowledged that the Council was no longer best placed to provide these services without a management infrastructure capable of supporting them. It was noted that initial consultation had been undertaken with staff and unions and that formal consultation would be undertaken if the proposals progressed.

Officers confirmed that support would be provided to the bodies when bidding for future funding.

Resolved: That Executive agree that:

- (i) The council ask Arts Council England to novate the council's existing contract for delivery of music opportunities for children and young people to the new York Music Hub.
- (ii) The council transfer its delivery staff to a new community interest company (York Arts Education), spun out from the council, to act as the York Music Hub's delivery partner, subject to negotiation of an appropriate contract as set out in paragraph 19 of the report.
- (iii) The council provide a guarantee to York Arts Education with respect to future redundancy liabilities as set out in paragraph 36 of the report.
- (iv) Delegated authority be given to the Head of Legal Services to draw up appropriate legal agreements to enact these decisions.¹

Reason: To support the continued development of excellent music opportunities for children and young people in York.

Action Required

1. Proceed with arrangements for transfer of delivery of these services on the terms stated.

CC, GM

90. Review of Fees and Charges

Members considered a report which sought their approval to increase the following range of Council's fees and charges, with effect from 1 January 2017:

- Registrars
- Community Centres
- Bereavement Services
- Waste Services
- Parks & Open Spaces
- Housing Services and
- Planning

It was noted that additional income of £70k would be generated in 2017/18 from these increases, mainly from Bereavement Services and Allotments, if the proposed transfer to a community organisation was not completed. Also that a number of additional service areas were to be examined as part of the budget strategy.

Consideration was then given to the following options:

1– Agree the fees and charges as set out in the annexes to the report.

2 – Agree a different increase to that proposed.

Following discussion it was

Resolved: That the Executive approve option 1 to increase the relevant fees and charges, with effect from 1 January 2017, as set out in the annexes to the report.¹

Reason: To enable the Council to effectively manage its budget.

Action Required

1. Implement new charges as from 1 January 2017. JC

91. Discretionary Rate Relief Awards 2017-2019

Consideration was given to a report which provided details of new applications received in respect of Discretionary Rate Relief (DRR) for the period 1 April 2017 to 31 March 2019, at Annex B of the report.

Members noted the qualifying criteria and that the Council's budget for DRR in 2017/18 was £83k. With increases in value of existing awards, together with the new applications, this would increase the total value of the awards to £48.1k for the forthcoming year.

Officers reiterated that organisations were supported through the application process and advice provided to those whose applications were likely to be declined.

Consideration was given to the following options:

Option 1 – Approve the new applications for discretionary rate relief set out at Annex B;

Option 2 – Decline the new applications for discretionary rate relief set out at Annex B.

Resolved: That Executive approve all of the new applications for discretionary rate relief set out at Annex B of the report.¹

Reason: To provide a transparent process for awarding discretionary rate relief.

Action Required

1. Award DRR to agreed organisation from 1 April 2017.

DW

92. City of York Safeguarding Adults Annual Report 2015/16

Consideration was given to the Annual Report of the City of York Safeguarding Adults Board, which illustrated the work being undertaken across the city to prevent and reduce the impact of abuse on adults with care and support needs. This followed ratification of the Report by the Board, the Health and Wellbeing Board and the Health and Social Care Policy and Scrutiny Committee.

Officers reiterated the need for corporate ownership of adult safeguarding and confirmed that as good practice a Peer Challenge focussing on Safeguarding had been scheduled for January 2017.

Resolved: That the Executive:

- (i) Accept and endorse the Safeguarding Board Annual report and its contents;
- (ii) Agree that the Health Overview and Scrutiny Committee and the Health and Wellbeing Board will be regularly updated as to progress made by Safeguarding Adults Board;
- (iii) Receive a further update following the peer review of CYC safeguarding adults services in January 2017.¹

Reason: To update the Executive on the work being undertaken across the city to prevent and reduce the impact of neglect and abuse on adults with care and support needs.

Action Required

1. Provide SAB updates to HO&SC and HWBB and schedule report on Forward Plan for Executive following Peer Review. MM

Part B - Matters Referred To Council

93. Burnholme Health & Wellbeing Campus: Key Decisions to further progress this development

[See also Part A minutes]

Members considered the Older Persons' Accommodation Programme relating to the Burnholme Health and Wellbeing Campus and the next phase of delivery and future for the former Burnholme Community College site.

In particular Members considered the proposal to invest in refurbished community, library and sports facilities and noted that the development of land for a Care Home, health facilities and housing would release funds for the refurbishment.

Members also noted the key risks and implications in relation to the delivery of the project and it was

Recommended: That Council agree to:

- (i) Add the estimated £4.727m of costs for the community and library facilities to the Capital Programme with the costs to be funded from the capital receipt received from the future disposal of surplus development land on the Site subject to obtaining DfE consent necessary for such disposal. No capital costs will be incurred until official confirmation of the DfE consent has been received.

- (ii) The estimated £200,000 of costs for urgent repairs and works to the sports facilities are added to the Capital Programme with the costs initially being funded from capital held for the use of the Older Persons' Accommodation Programme and subsequently being paid back from the capital receipt received from the disposal of development land on the Site.¹

Reason: To progress to delivering the Burnholme Health & Wellbeing Campus including the delivery of a Care Home as part of the Older Persons' Accommodation Programme.

Action Required

1. Refer to Council.

JP

94. Lowfield Green development: Moving forward to deliver a care home, health facility and housing

[See also Part A minutes]

Consideration was given to the Lowfield Green development report which provided the business case to enable the programme to move forward for delivery of a care home, health facilities and housing as part of the Older Persons' Accommodation Programme.

Members noted the key risks and implications in relation to the delivery of the project and it was

Recommended: That Council agree the estimated £993,000 of costs for the enabling works and the access road needed to facilitate the development are added to the Capital Programme with costs initially being funded from capital held for the use of the Older Persons' Accommodation Programme and subsequently being paid back from the capital receipt received from the disposal of development land on the Site.¹

Reason: To progress with the Lowfield Green development and deliver additional care, health and housing facilities for the residents of York.

Action Required

1. Refer to Council.

JP

Cllr D Carr, Chair

[The meeting started at 5.30 pm and finished at 7.45 pm].

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Forward Plan: Executive Meeting: 26 January 2017

Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 9 February 2017

Title and Description	Author	Portfolio Holder
<p>Steps Towards a Single Health & Safety (H&S) Organisation - Options for Change</p> <p>Purpose of Report: The Joint Head of H&S for York and North Yorkshire Councils has spent time reviewing and implementing best practice across both H&S services. To ensure resilience and best use of resources staff have started working informally as one workforce so resources and skills can be moved/shared across both services.</p> <p>On 9th May 2016 the Executive Member for Environment agreed the establishment of closer organisational arrangements supported by formal secondment agreements for City of York Council (CYC) staff to North Yorkshire County Council (NYCC) supported by an service level agreement (SLA) to ensure that the form, resilience and quality of H&S service received by CYC is at least maintained if not improved. In November 2016 he will receive a progress update report to ensure progress is as expected and delivering planned benefits of closer working.</p> <p>It was agreed in May 2016 that this arrangement would be short term to last no more than a year, and during this time an options paper and business case will come to the CYC and NYCC Executives to set up a formally constituted shared organisation with the options around the various service delivery models available to do so, including 'no change'. It is planned to bring the options paper to the Executives in January 2017.</p>	Stuart Langston	Executive Member for Environment

<p>North and Humber Regional Adoption Agency Options</p> <p>Purpose of Report: This report outlines a proposal that City of York Council will host a regional adoption agency. The report outlines the national and local context of the regionalisation of adoption services. It considers the four options for a legal basis for a North and Humber Regional Adoption Agency. It considers the risks and benefits for City of York Council in hosting a Regional Adoption Agency.</p> <p>Members will be asked to:</p> <ul style="list-style-type: none"> • agree to City of York hosting the North and Humber Regional Adoption Agency • agree legal basis for North and Humber Regional Adoption Agency 	Mary McKelvey	Executive Member for Education, Children and Young People
<p>Council's Response to the Independent Flood Inquiry Report and Investment for Floods in the City's Infrastructure</p> <p>Purpose of Report: Members will receive the Independent Flood Inquiry report and the proposals on how we will respond. The proposals will highlight the improvements and the engagement process with the public and the Environment Agency on the appropriate governance structure around the programme of work that will enable the city to steer and shape the decisions on investment and projects.</p> <p>Members will be asked to review and approve the Council's proposal on how we will respond to the Independent Inquiry report and to approve our engagement process on the governance structure.</p>	Steve Wragg	Executive Member for Environment

<p>Sale of land at Fordlands Road as part of the Older Persons' Accommodation Programme</p> <p>Purpose of Report: To agree the sale of the former older persons' home site on Fordlands Road, Fulford to a purchaser who will develop a residential and nursing care home on the site, as part of the Older Persons' Accommodation Programme.</p> <p>Members are asked to consider accepting the offer for the sale of the site.</p>	<p>Roy Wallington</p>	<p>Executive Member for Adult Social Care & Health</p>
<p>Capital Programme Budget 2017/18</p> <p>Purpose of Report: To present the capital programme, including detailed scheme proposals.</p> <p>Members are asked to recommend the proposals to Full Council</p>	<p>Emma Audrain</p>	<p>Executive Member for Finance & Performance</p>
<p>Q3 Capital Programme Monitor</p> <p>Purpose of Report: To provide Members with an update on the capital programme.</p> <p>Members are asked to note the issues, recommend to full Council any changes as appropriate.</p>	<p>Emma Audrain</p>	<p>Executive Member for Finance & Performance</p>
<p>Q3 Finance & Performance Monitor</p> <p>Purpose of Report: To provide Members with an update on finance and performance information.</p> <p>Members are asked to note the issues.</p>	<p>Debbie Mitchell</p>	<p>Executive Member for Finance & Performance</p>

<p>Financial Strategy</p> <p>Purpose of Report: To present the Financial Strategy, including detailed revenue budget proposals.</p> <p>Members are asked to recommend the proposals to Full Council.</p>	Sarah Kirby	Executive Member for Finance & Performance
<p>Treasury Management Strategy Statement and Prudential Indicators</p> <p>Purpose of Report: To set out the treasury management strategy, including the annual investment strategy and the minimum revenue provision policy statement and prudential indicators.</p> <p>Members are asked to recommend the strategy to Full Council.</p>	Debbie Mitchell	Executive Member for Finance & Performance

Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 16 March 2017

Title and Description	Author	Portfolio Holder
<p>Options for the Disposal of 29 Castlegate Members are asked to consider and make a decision on the options for the disposal of 29 Castlegate.</p>	Tracey Carter	Executive Member for Finance & Performance
<p>Oakhaven Extra Care Facility: Appointment of Preferred Bidder Purpose of Report: To seek Member agreement to appointment the preferred bidder for the provision of an Extra Care facility at Oakhaven in Acomb.</p>	Roy Wallington	Executive Member for Adult Social Care and Health
<p>Delivering a OnePlanetCouncil Purpose of Report: To provide an update on how the council is working towards becoming a OnePlanetCouncil, including progress towards the new OnePlanetCouncil Policy, new OnePlanetCouncil Action Plan (Phase 1 and Phase 2) and delivery of the new Carbon and Resource Smart Management Plan. Executive are asked to note the content of the report.</p>	Jacquie Warren	Executive Member for Environment
<p>City of York Safeguarding Children Board Annual Report 2015/16 Purpose of Report: The Annual Report is a statutory requirement of the safeguarding children board. It outlines the work of the board over the past year and highlights priority areas for the following year. Members are asked to note the report.</p>	Jon Stonehouse	Executive Member for Education, Children and Young People

<p>Additional Primary School Places for South Bank</p> <p>Purpose of Report: This paper provides the Executive with an update on the plans to add additional school places to Scarcroft Primary School after their decision to approve the use of basic need funding to remodel the interior of the school. It was agreed that after a thorough feasibility study the Executive would receive a further paper outlining the options to address the school's lack of outdoor space. This feasibility study, including a period of public consultation has taken place and this paper will provide information about the options explored and will seek permission to release basic need funding to the South Bank Multi Academy Trust to remodel Scarcroft Primary School to allow it to provide 15 additional school places per year in to reception from September 2017.</p> <p>The Executive will be asked to agree the preferred option to release basic need funding to Scarcroft Primary School to remodel the interior of the school and to add additional outdoor space by remodelling its car park, allowing space for a mini MUGA (Multi Use Games Area) to be built.</p>	<p>Maxine Squire and Mark Ellis</p>	<p>Executive Member for Education, Children and Young People</p>
<p>Yearsley Pool Review</p> <p>The Council set out its commitment to provide a sustainable long-term operational solution for Yearsley Pool. The purpose of this report is to provide the Executive with the findings and recommendations of the review.</p> <p>The Executive is asked to agree the long-term management arrangements for Yearsley Pool following the opening of the new stadium leisure centre at Monks Cross.</p>	<p>Andrew Laslett</p>	<p>Executive Member for Culture, Leisure & Tourism</p>

<p>Burnholme Care Home: the appointment of a preferred bidder and the sale of land to facilitate the development.</p> <p>Purpose of Report: for Members to receive details of the appointment of the preferred bidder for the construction and provision of Care Home services on the Burnholme site in Heworth ward and for Members to agree to the sale of the land associate with this appointment.</p> <p>The Executive is asked to (1) receive details of the appointment of the preferred bidder for the construction and provision of Care Home services on the Burnholme site in Heworth ward; and (2) to agree to the sale of the land associate with this appointment.</p>	Roy Wallington	Executive Member for Adult Social Care & Health
<p>Adults' Transport – Options and Approaches</p> <p>The Adults Transport Vision (as agreed in March 2015) proposed that CYC should consider implementing a more personalised approach to transport whereby existing adult customers are able to exercise greater choice and control over their transport arrangements - in line with the principles of the Care Act 2014. Prevention is a primary aim, ensuring new adult customers only access commissioned transport provision as an option of last resort.</p> <p>The Executive is asked to approve a recommended option for the future provision of transport for adult customers.</p>	Adam Gray	Executive Member for Adult Social Care & Health

Table 3: Items slipped on the Forward Plan

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage
<p>Steps Towards a Single Health & Safety (H&S) Organisation - Options for Change</p> <p>Purpose of Report: The Joint Head of H&S for York and North Yorkshire Councils has spent time reviewing and implementing best practice across both H&S services. To ensure resilience and best use of resources staff have started working informally as one workforce so resources and skills can be moved/shared across both services.</p> <p>On 9th May 2016 the Executive Member for Environment agreed the establishment of closer organisational arrangements supported by formal secondment agreements for City of York Council (CYC) staff to North Yorkshire County Council (NYCC) supported by an service level agreement (SLA) to ensure that the form, resilience and quality of H&S service received by CYC is at least maintained if not improved. In November 2016 he will receive a progress update report to ensure progress is as expected and delivering planned benefits of closer working.</p>	Stuart Langston	Executive Member for Environment	9 Jan 16 (Executive Member for Environment Decision Session)	9 Feb 17	Due to an administrative inputting error

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage
<p>It was agreed in May 2016 that this arrangement would be short term to last no more than a year, and during this time an options paper and business case will come to the CYC and NYCC Executives to set up a formally constituted shared organisation with the options around the various service delivery models available to do so, including 'no change'. It is planned to bring the options paper to the Executives in January 2017.</p>					
<p>Council's Response to the Independent Flood Inquiry Report and Investment for Floods in the City's Infrastructure Purpose of Report: Members will receive the Independent Flood Inquiry report and the proposals on how we will respond. The proposals will highlight the improvements and the engagement process with the public and the Environment Agency on the appropriate governance structure around the programme of work that will enable the city to steer and shape the decisions on investment and projects.</p>	Steve Wragg	Executive Member for Environment	26 Jan 2017	9 Feb 2017	<p>The Chair of the Independent Flood Inquiry has advised the publication of the report will be slightly delayed. This is to allow key relevant Agencies to check the report for factual accuracy before it is formally published.</p>

<p>Options for the Disposal of 29 Castlegate</p> <p>Purpose of Report: To present to Executive options for the disposal of 29 Castlegate following the decision to relocate and reconfigure services currently operating from the building.</p>	Tracey Carter	Executive Member for Finance & Performance	26 Jan 16	16 Mar 17	To allow time for the accurate valuation of disposal options.
<p>Oakhaven Extra Care facility: Appointment of Preferred Bidder</p> <p>Purpose of Report: To seek Member agreement to appointment the preferred bidder for the provision of an Extra Care facility at Oakhaven in Acomb.</p>	Roy Wallington	Executive Member for Adult Social Care and Health	26 Jan 16	16 Mar 17	Due to delays in agreeing the preferred procurement route and subject to receipt of satisfactory bids, officers will not be in a position to recommend a preferred bidder until the Executive meeting on 16 March 2017.



Executive**26 January 2017**

Report of the Director of Economy and Place

Portfolio of the Executive Member for Transport and Planning

Taxi Licensing Policy**Summary**

1. In accordance with the requirements of the Council's Constitution, this report seeks the Executive's formal adoption of the new and consolidated Taxi Licensing Policy. It advises on the consultation undertaken, the amendments to the draft policy following the consultation and proposed amendments to the policy following earlier approval by Gambling, Licensing and Regulatory Committee (GLR Committee).

Recommendations

2. Members are asked to approve option 1 of this report and adopt a Taxi Licensing Policy.

Prior to their approval of the Taxi Licensing Policy GLR Committee took into consideration the responses received to the public consultation and the representations made at committee.

Reason: This will allow the Council to have all policies and conditions contained in one formal Taxi Licensing Policy.

Background

3. Unlike other licensing regimes, there is no statutory requirement for local authorities to have hackney carriage and private hire policies. Local authorities are however entitled to adopt such policies as they are an integral part of the decision-making process. A policy guides, but does not bind, a local authority.
4. The Council has approved a number of policies and conditions, and these have not been contained in one formal document. Individual

decisions on applications for licences (including the imposition of appropriate conditions) are non-Executive functions that are undertaken by the GLR Committee. Standard conditions have been agreed over many years by the GLR Committee as ancillary to the regulatory function. Policies and conditions previously agreed have only been available within committee reports and minutes, with relevant policies and all conditions being available in guidance notes to new applicants and the existing licensed trade. The council now seeks approval of an over-arching Taxi Licensing Policy in part to consolidate, and in part to update practices in line with legislative changes. As it is not a formal statutory requirement that a Taxi Policy is adopted by a Council, unlike the requirements of the Licensing Act 2003 'Statement of Licensing Policy', (which is approved by Full Council), formal adoption of the Council's new overarching Taxi Licensing Policy requires a decision of the Executive to accord with the Constitution.

5. Since the introduction of the Deregulation Act 2015 and through the joint work undertaken with the West Yorkshire and York Combined Authority Group, some new policies and procedures were identified and proposed. As part of the work of the Combined Authority Group officers are working on standardise policies and conditions on a number of issues such as fit and proper person requirements, cross border enforcement authorisation and child sexual exploitation (CSE) training for drivers (at this time York is the only authority who has not fully implement CSE training for drivers).
6. A report was taken to GLR Committee on 8 February 2016 asking for approval to formally consult on a proposed Taxi Licensing Policy. This proposed policy consolidated all of the Council's existing policy documents along with proposed new policies into a single Taxi Licensing Policy. GLR Committee Members authorised officers to formally consult on the proposed policy.
7. The consultation asked respondents for their views/comments on the proposed policy. Where it was felt appropriate amendments were made to the Taxi Licensing Policy in relation to the comments received as part of the public consultations. Further information regarding the consultation responses can be found within Annex 1.
8. A further report was taken to the GLR Committee on 25 April 2016 asking for Members to approve the Council's Taxi Licensing Policy. Members took into consideration the comments received from the public consultation and the representations made at the committee.

Members proposed two amendments to be made to the Policy, and approved the Policy.

Deregulation Act 2015

9. The Deregulation Act 2015 received Royal Assent on the 26 March 2015, Sections 10 and 11 took effect from the 1 October 2015, they amended the provisions in the Local Government (Miscellaneous Provisions) Act 1976 in two ways:

Duration of Licences

- Introduction for Private Hire and Hackney Carriage drivers licences to be granted for a 3 year period. The option to grant for a lesser period will only be available to the council where it is appropriate to the particular circumstances of the case. The Council has currently granted licences for a maximum of one year.
- Introduction for Private Hire Operators Licences to be granted for a 5 year period. The option will only be available to the council to grant a licence for a lesser period, where it is appropriate in the particular circumstances of the case. The Council has granted operators licences on an annual basis.

Private Hire Vehicle Sub Contracting

- The ability of a private hire operator to sub-contract bookings to another legitimate private hire operator who may be outside the boundary of the City of York Council authority area and therefore licensed by another authority. This is causing concern amongst the trade and local authorities in relation to increased and more complex enforcement.
10. The implications of allowing cross-border sub-contracting (which was previously unlawful) are potentially wide ranging. They mean that a customer could contact an operator within the authority area and order a private hire vehicle, the operator who takes the booking may then pass the work to another company who may be licensed by another authority area, without first obtaining the consent of the customer. This means that vehicles used to fulfil contracts may be subject to different standards than vehicles licensed within our area. It may also lead to a significant move within the licensed trade to

seek out the cheapest area to licence their vehicle, then simply refer all bookings to their operator based in the cheaper area.

11. Sub-contracting is lawful by virtue of the Deregulation Act and cannot be restricted by the Council. The Council is however focussing efforts to promote cross-border enforcement, in light of the potential implications as a consequence of this change in legislation.
12. Members are also advised that in respect of private hire vehicles, the vehicle, driver and operator must be licensed by the same Authority. However, it is lawful for a private hire vehicle to work in an Authority area, even if they are licensed by another Authority, provided that the vehicle is booked through the licensed operator for that vehicle, and not directly with the driver. This was the legal position even before the Deregulation Act came into force.

Consultation

13. An eight week consultation was carried out on the Taxi Licensing Policy, from 12 February to 8 April 2016.
14. The Council consulted the holders of hackney carriage vehicle and driver licences, and private hire vehicle, driver and operator licences. This was done by direct mailing and use of the Council's website.
15. The Council also consulted:
 - Hackney Carriage and Private Hire Associations
 - North Yorkshire Police
 - City of York Council Network Management
 - City of York Council Children Services
 - City of York Council Adult Services
 - City of York Council Public Health
 - York District Hospital
 - Make it York
 - North Yorkshire County Council School Transport
 - Ward Councillors
 - Parish Councils
 - Groups that represent disabled people
 - Groups that represent elder people
 - CAB

This was done by email and use of the Council's website.

16. In total 17 responses were received to the consultation, 13 from the licence trade (including two Associations) and four from other agencies/bodies. These responses can be found at Annex 1.
17. A further two responses were received after the consultation period ended. These can be found at Annex 2. Due to the late submission they were not included within Annex 1 when it was placed before the GLR Committee, and Members determined whether to take these late responses into consideration. All matters within the report were taken into consideration.
18. Seven representatives of the licence trade addressed the GLR Committee on the 25 April 2016.
19. Since the GLR Committee approved the Taxi Licensing Policy further representations have been received from the licence trade, in relation to two points:
 - a) Representations have been received relating to the wording of a licence condition which is attached to private hire vehicle and operator licences, from the following members of the hackney carriage and private hire trade, additional information can be found in the Analysis at paragraphs 23 - 31:
 - Independent Taxi Association York (over 60 members)
 - York Station Taxis Ltd (141 signatures with request)
 - Getaway Cars
 - Fleetways (33 signatures with request)
 - Executive Cars York
 - York Private Hire Association
 - Streamline (106 signatures with request)
 - Six Five Nine Cars Ltd
 - York and Ebor Cars
 - Telecars Taxis (York) Ltd
 - b) Representations have been received in relation to the policy requirement relating to licensed vehicle insurance from 13 members of the hackney carriage trade and the Independent Taxi Association York, additional information can be found in the Analysis at paragraphs 38 - 46.

Options

20. Option 1, take into consideration the representation/comments from the licensed trade and approve the Taxi Licensing Policy in the amended form appended to this Report. Prior to their approval of the Taxi Licensing Policy GLR Committee took into consideration the responses received to the public consultation and the representations made at committee.
21. Option 2, take into consideration the representation/comments from the licensed trade and make further amendments to the Taxi Licensing Policy prior to approval.

Analysis

Duration of Driver Licenses

22. Of the responses to the policy from the licence trade three related to the issuing of three year driver licences from 1 April 2016. It is a requirement of Section 10 of the Deregulation Act 2015, which took effect from the 1 October 2015, that driver licences are issued for a period of three years, or for such a lesser period as the district council think appropriate in the circumstances of the case. Following the consultation an amendment was made to the policy in relation to the refund of fees to state:

‘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.’

Vehicle Licence Condition

23. A further three responses to the policy from the licence trade objected to the wording of condition 1(b) of the Private Hire Vehicle Licence Conditions, within Appendix 1 of the Policy, which states:
 1. The licensed vehicle shall display the following signs:
 - a)
 - b) A sign 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”) but not more

that 100mm (4") 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".

24. The representation from the licence trade detailed at paragraph 19(a) also relate to the wording of this condition.
25. By way of background, the standard condition previously imposed on the licences by the Licensing Authority required a telephone number to be shown on the vehicle door sign. Following consideration of a request from a private hire operator applicant in September 2015, that asked for the requirement for a telephone number on the door sign to be removed, the wording of the standard condition was amended to include 'and/or website address'. At that time the amendment to the standard condition was approved by the Director of Communities and Neighbourhoods, in consultation with the Chair of the GLR Committee. Licences subsequently issued by the Licensing Authority then included the amended condition.
26. The licence trade are aggrieved that they were not formally consulted at that time by the Council prior to agreeing to the above change. They believe this was a major variation. However, in any event during and after the consultation on the proposed Policy, (which included the amended condition 1(b)), the licence trade have had the opportunity to make representations to the GLR Committee and requested that the condition should be reverted back to the original, requiring a telephone number.
27. The GLR Committee had regard to the representations made by the Taxi trade and resolved that the condition need not require only a telephone number to be shown on the door sign. Your officers do not consider a condition requiring only a telephone number to be necessary and the proposed standard condition 1(b) is included in Appendix 1 of the proposed Policy annexed to this report.
28. The further representation received from the licensed trade, as detailed at paragraph 19(a), believe that the condition should be reverted back for the following reasons:
 - This will ensure that only bone-fide York licensed Taxi and Private Hire firms can operate in York.

- Those firms will have a person in an office who can deal with bookings, queries and complaints.
- Only York licensed drivers and vehicles can be used.
- They can accept pre-booked work.
- This will banish 'app-only' companies operating in York.
- Customers and the general public can immediately contact the company by telephone to register any complaints/concerns.
- Customers can contact the operators office in relation to lost property and be assured that the property is safe.
- Concerns for elderly or vulnerable people who may not have access or the ability to use a computer or have an email address.
- By not having a telephone number there is no ability to speak to someone straight away.

29. Officers have contacted other licensing authorities within North and West Yorkshire to compare their requirements for private hire vehicle door signage, and they are as follows:

Council	Requirement
Hambleton	There is no requirement for a telephone number and/or website to be displayed.
Harrogate	As above.
Ryedale	As above.
Leeds	As above.
Bradford	Private hire operators can design their own door signage and it is optional if they include a telephone number and/or website address.
Kirklees	As above.
Scarborough	There is a requirement for a telephone number of the operator.
Selby	There are no requirements for door signage.

Wakefield	As above.
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Operator's Licence Condition

30. The three responses also objected to condition 21 in the Operator's Licence, within Appendix 10 of the Policy. Having revisited Condition 21 since the GLR Committee meeting, your Officers do not consider it necessary for this condition to be imposed on the Operator's Licence as it is more appropriately covered in the Private Hire Vehicle Conditions, and so it is recommended that condition 21 be deleted from the standard Operators Licence Conditions. This amendment has been made at Appendix 10 to the proposed Policy annexed to this Report.
31. In addition, it is recommended that Condition 22 be deleted, and instead, the requirement that any artwork on a vehicle be first approved by the Council be included within Condition 2 to the Private Hire Vehicle Licence. These amendments have been made at Appendix 1 and Appendix 10 to the proposed Policy annexed to this Report.

Environmental Considerations

32. Section 23 of the policy relates to 'Environmental Considerations', and the introduction of European Standards for licensed vehicles. There were 11 responses from the licence trade. The main concern regarding the introduction of European Standards relate to the increase cost of replacing a licensed vehicle. This section was included within the policy at the request of the Council's Public Protection Air Quality Officers to assist the Council to meet its' health-based air quality objectives.
33. The policy does not propose to make all diesel vehicles Euro 6 after the 1 June 2017. It proposes that at the point of change of vehicle, the vehicle to be licensed will meet either Euro 5 petrol or Euro 6 diesel, from the 1 June 2017 for taxis and 1 November 2017 private hire vehicles.
34. A guide to the age of vehicles in relation to the Euro Standards:
 - New private hire vehicles from 1 November 2016

- Euro 5 petrol – can purchase any petrol vehicle up to 7 years and 2 months old
- Euro 6 diesel – can purchase any diesel vehicle up to 2 years and 2 months old
- Can purchase any ultra low emission vehicle (CO₂ 75g/km)
- Replacement vehicles after 1 June 2017
 - Euro 5 petrol – can purchase any petrol vehicle less than 7 years and 9 months old
 - Euro 6 diesel – can purchase any diesel vehicle less than 2 years and 9 months old
 - Can purchase any ultra low emission vehicle (CO₂ 75g/km)

(Note: Some vehicles slightly older than these guideline dates may meet the correct emission standards depending on when manufacturers released the new models for sale. For example some vehicles sold earlier in 2013 may have achieved Euro 6)

35. Following the consultation an amendment was made to the policy in relation to Euro Standards and wheelchair accessible vehicles, paragraph 23.5 of the policy now also includes:

- Diesel wheelchair accessible vehicles – Euro V diesel vehicles class*

*this only applies to replacement vehicles and if the following criteria is met:

- The vehicle licence was granted prior to the 1 May 2016 to a wheelchair accessible vehicle;
- The replacement vehicle is wheelchair accessible;
- The vehicle licence is renewed annually;
- Ownership of the vehicle remains in the name of the vehicle licence proprietor whose name was on the licence on the 1 May 2016;

If the above criteria are met a vehicle licence proprietor may replace the licensed wheelchair accessible vehicle as many times as necessary until this policy is amended.

Non Licence Trade Responses

36. A total of four responses to the policy were received from other agencies/bodies:

- (a) City of York Council, Health Improvement Manager – support the health and safety and air quality elements of the policy. The wording of paragraph 2.3 has been strengthened to highlight a range of impairments. An additional section, 38 ‘Optional Training’ has been included within the Policy highlighting that the Council offers training in equalities and dementia friends.
- (b) York Blind and Partially Sighted Society – would like to see more robust requirements with regards to eye sight tests. The Council policy is in line with the Department for Transport Best Practice Guidance, that drivers must complete a medical to DVLA Group 2 standard. If required the Councils can also request that a driver has additional Group 2 standard medicals or further medical assessments.
- (c) York Green Party – would like to of seen the introduction of different air quality matters.
- (d) York Teaching Hospitals NHS Foundation Trust – encourage and support the work of the Council is developing as part of its commitment to sustainability and clear air through its taxi policy.

GLR Committee Consideration

- 37. GLR Committee Members considered the report and matters raised by licence trade. They agreed that two amendments were required to the policy relating to side plates lettering size and the inclusion of drivers’ wellbeing. They resolved that, subject to the agreed amendments detailed, the policy be adopted, to allow the Council to introduce a Taxi Licensing Policy. These amendments are included in the proposed Policy annexed to this Report.

Licensed Vehicle Insurance

- 38. The representation from the licence trade detailed at 19(b) above raises a new issue that was not raised at the GLR Committee, concerning the proposed new policy requirement for insurance for licensed vehicles to be in the name of the owner of the vehicle as well as the driver.

Background to Reason for the Insurance Requirement

Hackney Carriage Licence Plates

39. Legislation entitles the vehicle proprietor(s) to have their name entered onto the vehicle licence (the licence is issued in respect of the vehicle to its owner, as opposed to the licensed driver of the vehicle). As the Council restricts the number of hackney carriage vehicle licences issued, such licenses (sometimes referred to as plates) have a premium value, the hackney carriage “plate” is a valuable asset, which is known, in some cases to have been worth over £50k. The “plate” holder will not necessarily be the driver of the vehicle, but will hold the “plate” as an asset. As a consequence of the limitation on the number of hackney carriage plates, it is common practice in York that where a licensed driver wants the benefit of a hackney carriage “plate”, they will sell a vehicle to the “plate” holder for a nominal payment, sometimes as little as £10.00, and the “plate” holder will change his licensed vehicle in accordance with the Hackney Carriage Vehicle Licence to his newly purchased vehicle. It is also possible for a vehicle to be jointly owned by a number of proprietors.
40. For these reasons, it is important that the Licensing Authority has sufficient documentary evidence that the “plate” holder is the proprietor of the vehicle being licensed. Where a vehicle has been purchased by a “plate” holder through a private sale, documentation can be limited. In the past, the evidence of ownership required by the Licensing Authority consisted of a “bill of sale”. In private vehicle sales the “bill of sale” can be as basic as a handwritten note that states that the vehicle has been sold to the vehicle licence holder.
41. Relying on this limited evidence has given rise to situations whereby the ownership of the vehicle is disputed, and the Licensing Authority has become involved in these protracted disputes as the parties have sought determination from Members as to the identity of the proprietor, and the matter has also been referred to the County Court to seek a declaration as to ownership. Following consideration of such a dispute in 2015, GLR Committee resolved that Officers look at whether additional documentation could be required in the licensing process to address the issue of evidence of ownership of the vehicle.

42. Over the last 7 years the Council has been asked to resolve claims relating to the rightful owner of licensed hackney carriage vehicles on five occasions.
43. When disputes in ownership have arisen the driver produces documents such as the vehicles registration (V5) and insurance stating they are both in their name. Within the new policy it was therefore proposed that it be a requirement that:
- The vehicle registration document (V5) must be held in the name of the principal/lead vehicle licence proprietor.
 - All vehicles must have a current valid policy of insurance at all times appropriate to the vehicle. This policy must be held by the vehicle licence proprietor and must be in place before a licence can be granted. For vehicles where there are multiple proprietors the insurance must be in the name of the principal/lead proprietor.
44. The representation received from the trade relate to the requirement that the insurance for the vehicle must be held by the vehicle licence proprietor. A number of vehicle licence proprietors never drive the licensed vehicle, the vehicle is rented out to licensed drivers and therefore the insurance is usually in the driver's name. This new requirement would put additional costs on both the vehicle licence proprietor and driver, insurance premiums are very high for vehicle licence proprietors as they have not previously held licensed vehicle insurance and therefore have not accumulated 'no claims' discounts. In some cases insurance premiums are increasing by over £2k per year.
45. To address this issue it is now proposed that Section 13 of the policy is changed to state:

13. Insurance

- 13.1 All vehicles must have a current valid policy of insurance at all times appropriate to the vehicle.
- 13.2 It is an offence to drive a vehicle without the appropriate insurance 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.

46. It will also be a requirement of the policy, within Section 18, that where the vehicle licence proprietor has purchased the vehicle by way of private sale, both the seller and purchaser provide to the Council a formal Statutory Declaration clearly identifying ownership of the vehicle. Such a declaration is given under oath in the presence of a solicitor, and is considered to provide sufficient evidence as to ownership for the purposes of the Licensing Authority.

Staffing Matters and Urgency Committee

47. On the 21 December 2016 Staffing Matters and Urgency Committee, determined an application for the renewal of a private hire operator's licence. It is not usual practice for an application of this nature to be determined by Members as this function has been delegated to Officers. However due to the public interest in this particular operator it was deemed to be more appropriate to determine the application at a public committee meeting.
48. Members of this Committee asked Officers to amend paragraphs 18.2, 33.2 and 43.2 of the Taxi Licensing Policy, which state:

“Applications will be processed within 10 working days, applications will not, however, be determined until the Council has received all relevant documentation.”

To also include a reference to application that may need to be determined by Committee, these paragraphs have been amended to state:

“Applications will normally be processed within 10 working days, unless it has to be determined by Committee in which case it will be determined within 30 working days. Applications will not, however, be determined until the Council has received all relevant documentation.”

Proposed Taxi Licensing Policy

49. The proposed policy is attached at Annex 3.

Council Plan

50. The provision of hackney carriage and private hire licensing supports the council plan of a prosperous city for all, where local businesses can thrive.

Implications

51. The direct implication arising from this report are:
- **Financial** – There are no direct financial implications for the Council, however as a result of the adoption of Euro Standards for vehicles, this could result in an increased cost for the licence trade.
 - **Human Resources (HR)** – There are no HR implications.
 - **Equalities** – An equalities impact assessment has been undertaken in relation to the Taxi Licensing Policy
 - **Legal** - There is no statutory requirement to adopt a Taxi Policy however, it is best practice to do so. Whilst an adopted policy will be a consideration in determining applications it must not be applied in a prescriptive way which could fetter the discretion of the Licensing Authority in respect of individual applications.
 - **Crime and Disorder** – There are no crime and disorder implications. The legislation and the policy address issues relating to public safety.
 - **Information Technology (IT)** – There are no IT implications.
 - **Property** – There are no property implications.
 - **Other** – There are no other implications.

Risk Management

52. There are no known risks associated with this report.

Contact Details

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Chief Officer Responsible for the report:

Mike Slater
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Report
Approved



Date 04/01/17

Specialist Implications Officer(s)

Alison Hartley
Senior Solicitor
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Wards Affected:

All



For further information please contact the author of the report

Background Papers:

Agenda and minutes for Gambling, Licensing and Regulatory
Committee on the 25 April 2016

<http://democracy.york.gov.uk/ieListDocuments.aspx?CId=606&MId=8636&Ver=4>

Annexes

Annex 1 – Consultation Responses

Annex 2 – Late Responses

Annex 3 – Taxi Licensing Policy

Consultation Responses

	Respondents Name	Respondents Comments	CYC Response
1.	Mr B Marshall – private hire vehicle licence proprietor and driver	<p>I notice that the council is committed to ensuring the equality in employment and service delivery. To achieve this the council is aware of its duty under the following legislations:</p> <ul style="list-style-type: none"> a) Sex Discrimination Act 1975 b) Race Relations Act 1976/2000 c) Equality Act 2010 d) Human Rights Act 1988 <p>I have a few issues with the statement:</p> <p>1. As part of the exemption for executive vehicles ‘the driver must follow a formal dress code, suit, collared shirt or tie. The suit jacket may be removed in warmer weather. Female drivers must follow the equivalent dress code but will not be required to wear a tie.</p> <p>Is this not positive discrimination on the grounds of sex?</p> <p>2. Hackney carriage vehicle licence waiting lists. In 2000 the Military covenant was brought into law, in it the Government states that:</p> <ul style="list-style-type: none"> • No disadvantage due to service in the provision and continuity of public service. • No disadvantage in dealings with wider society, e.g. in assessing commercial services, or in pursuing careers outside the Armed Forces (as spouses Reservists or Veterans). <p>As an ex member of the armed forces I believe that I and</p>	<p>The requirement to wear a tie has been removed.</p>

		<p>others like are being discriminated against by the City of York Council and in particular Taxi Licensing by ignoring this law.</p> <p>I have written to York council on this matter before and never received a reply. Is it not government policy that veterans should not be discriminated against? Yet if I leave the armed forces I must go to the bottom of a list that I am prohibited against being on by military service.</p> <p>As a member of the armed forces I could not be on the hackney drivers waiting list for example, so I am disadvantaged in my case by 22 years.</p> <p>I and the government (of which York council is part) believe that my service to this country should be recognised and not place me at a disadvantage by the system currently employed, and the new system will be worse.</p>	<p>Council officers are not aware of this letter.</p> <p>The council will accept anyone onto the waiting list.</p> <p>The current waiting list uses a complex points system, points are allocated using the following criteria:</p> <ul style="list-style-type: none"> • All applicants – on point for every full month on the list. • Holders of a hackney carriage or private hire driver's licence – one extra point for every month on the list, except for licensed drivers who currently hold or have previously held a hackney carriage vehicle licence issued by one of the constituent local authority areas which make up the City of York Council area. • Holders of a hackney carriage or private driver's licence – one point for every full year in which a driver's licence has been held prior to joining the list or the list being established. <p>The proposed new waiting list will be simplified and not operated on a points</p>
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		<p>By Over limiting the amount of hackney cars problems are being created at taxi ranks all over York, every weekend there are massive queues at the taxi ranks, which are hotbeds for trouble, while the hackney drivers illegally rank outside clubs then to go to the ranks later.</p> <p>Try to find a hackney at the station on race days you can't because there is more money to be made at the races.</p> <p>This whole section needs to be re-assessed. As hackney plates not the property of the council, if so then why permit the sale of plates (turning a blind eye) if I sold a council house no doubt you would complain and say it is illegal to sell council property. This should be stopped so that when somebody retires his plate goes to the next person in line not the next person with £40,000. Some of whom I am lead to believe have never driven or will never drive a taxi.</p> <p>This list should be accessible online so you can monitor your progress.</p> <p>One final point Uber is coming to York (sooner or later), if the hackney situation is not sorted out it will be finished for all.</p>	<p>system and will be refreshed every 5 years.</p> <p>As the council restricts the number of hackney carriage vehicle licences issued an unmet demand survey is carried out once every three years.</p> <p>This would require a change in legislation. Current legislation permits the transfer of vehicle licences.</p> <p>The list cannot be published as it contains personal information.</p>
2.	Mr W Brolly – hackney carriage vehicle licence proprietor and driver	<p>In respect of the draft policy, I would suggest that, if it were possible, to make the licenses 3 years, and to be given the choice to do it annually, if not, it would mean a lot of expense to many drivers.</p> <p>As for Euro 5 and especially Euro 6, can wheelchair accessible</p>	<p>It is a requirement of the Deregulation Act 2015 that driver licences are issued for a period of three years, or for such a lesser period as the district council think appropriate in the circumstances of the case.</p> <p>The council understands the concerns,</p>

		vehicle be made exempt from this as the cost for one of these vehicles is, as at this time, £60,000 including finance, there is no way we can afford that capital outlay especially when a saloon costs in the region of £8,000.	the policy has been amended in relation to wheelchair accessible vehicles to permit Euro 5 diesel on change of vehicles.
3.	Mr D Thornton – hackney carriage vehicle licence proprietor and driver	<p>48.4 (now 50.4) For hackney carriages the fare cannot exceed the table of fares. It should then say, <u>but only for journeys within the controlled district</u>.</p> <p>48.5 (now 50.5) When a journey ends..... It should say when a journey ends <u>or starts</u>, outside of the councils area. (a private hire booking undertaken by a hackney).</p> <p>19. Tinted windows. (rearward of the driver) this goes against the Best Practice Guidance from the Government. Why is this condition necessary? How does it improve public safety? most councils allow this, including London.</p> <p>24. 'his desire to engage by time'. What would we charge per hour? Is that up to the driver to decide? In fare charts a long time ago a table of hourly rates was shown. Either this option of a 'by time only' element in this byelaw wants removing, or a table of hourly rates should be included in the fare chart.</p>	<p>This is covered within paragraph 48.5 (now 50.5) of the policy.</p> <p>The legislation does not allow this.</p> <p>This requirement is in place for public safety reasons to enable clear view into all areas of the vehicle.</p> <p>The hackney carriage byelaws have not been changed. Fare rates are calculated on a combination of distance and time.</p>
4.	Mr M Heaney – hackney carriage and private hire vehicle licence proprietor and driver, and private hire operator	<p>I would like to pass my opinions and dislike of your new proposal to make nay diesel car after June 2017 euro 6 only, take my case for instance I started Executive Cars York about 14 months ago, at that time I put about £30,000 into the business buying the Mercedes S class, making a very nice website, promoting the website, advertising etc, in total about £32,000. I now find that if I wish to change my car after June next year a current Euro 6 Mercedes S class in the specifications I currently have will be about £74,000, how the hell you think I am going to afford to buy this is beyond me.</p> <p>Euro 6 only came out in September 2015 and most</p>	<p>The policy does not propose to make all diesel cars Euro 6 after June 2017. It proposes that at the point of change of vehicle, new vehicles should meet either Euro 5 petrol or Euro 6 diesel. The prices of Mercedes S class vehicles have not significantly changed from Euro 5 to Euro 6. Since Mr Heaney bought all his cars relatively recently, he is unlikely to wish to change these in the near future so will not be affected by the emissions policy</p>

		<p>manufacturers have struggled to meet this because of this there are no vehicles to buy. On top of this I have just bought a taxi plate for £40,000, at the same time I bought a London taxi and completely reconditioned this vehicle at a cost of £6,000 plus the purchase price of £4,000, if I had to change this vehicle to Euro 6 this would be £43,000.</p> <p>I have already made a significant investment in our taxi trade in York, I think I am quite an ambassador for the trade in York all my cars are absolutely immaculate but the job just doesn't justify the amount of money you are asking us to invest in vehicles, I am currently deciding whether to sell everything and move out of the trade in York and maybe move to another city where I could carry on the profession I love and still make a profit.</p> <p>I think you will drive the industry further into the hands of non taxi drivers looking for an outlet for dirty money, I think the future for the trade is bleak. In the future drivers will be forced to rent a drive at an unaffordable rent from the criminal fraternity. I hope you see sense and reverse this proposal before the last remaining few professional taxi drivers get out of the York taxi industry, I understand it is all about emissions and I agree with that, but taxis currently account for about 0.1 percent of all emissions in the city, can I just ask are York City Council changing their entire fleet over to Euro 6, I don't think so, are you as employees of York City Council changing all your cars for Euro 6, I don't think so, every day I sit in the traffic in the centre of York following year 2001 buses spewing crap out everywhere, and as for the tour buses oh my god how they pass a test is beyond me, anyway I hope you read this and not just confine it to the bin.</p>	<p>until this point.</p> <p>Euro 6 vehicles have been available since 2013. Vehicle type approval was necessary to all manufactures from Sept 2014. From Sept 2015 it became compulsory for any remaining manufacturers which had not already achieved Euro 6 emission standards to achieve this for all new vehicles sales.</p> <p>Unfortunately cars which are clean and well maintained can still create diesel exhaust emissions resulting in air pollution.</p> <p>Other taxi licensing areas such as Harrogate BC have far tighter restrictions that are being proposed in the York, with a 5 year age limit on change of vehicle.</p> <p>Taxis are a major source of emissions resulting in pollution in York, comprising 7-10% of roadside NOx ambient levels.</p> <p>Taxis also aggregate where exposure to human health is increased which amplifies the health impact.</p> <p>Regarding the Council's use of vehicles, the majority of council pool car journeys in York are hybrid or electric, so already far cleaner than Euro 6 diesel. As vehicles are changed, the cleanest standard is chosen.</p>
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			City of York Council is converting the City Sight Seeing buses to zero emission electric drive. The prototype vehicle is already on the road.
5.	Mr J Alexander – hackney carriage driver	<p>Deregulation, I would point out that this was done albeit a long time ago, it turned out that lots of people took up the option and it proved to be a big mistake, as most of the people who took the option of a plate had full time jobs already, and it proved to be a mistake, in the fact that there were a lot of accidents, owing to working their fulltime jobs then going cabbing they were just over tired, so the council took control of plates when they were given back they were limited to 100 which was just to few so increased to 110.</p> <p>As to 3 or 5 years licence this would be a problem to licence holders like me who will be retiring next year and would it be a question of would I be willing to pay for 3 years or enter into what I would only deem enforced retirement of which I cannot really afford. I think it would be advisable to give drivers the option of a yearly renewal, as I am sure other drivers must be in a similar position to be.</p>	<p>It is believed that Mr Alexander has miss understood the mention of ‘Deregulation’ within the policy. This relates to the changes in legislation following the Deregulation Act 2015. It does not relate to the deregulation of the number of hackney carriage vehicles licences issued by the council.</p> <p>It is a requirement of the Deregulation Act 2015 that driver licences are issued for a period of three years, or for such a lesser period as the district council think appropriate in the circumstances of the case.</p>
6.	Jim Kerr, representative for Unite, Member of the Independent Taxi Association and hackney carriage driver	<p>I have been in communication with our Branch Secretary of Unite in Leeds. We at Unite would also lend our weight so to speak to voice our objections to the following:</p> <p>1. We object most strongly to the alteration to the private hire operator’s licence condition, removing the need for a phone number and stating a website as an acceptable alternative. We are fully aware why this has been done to as it has occurred exactly the same in other authorities. We question whether anyone else coming along and asking for a licence but with alterations to current licence conditions would have even been considered. We do not see it as a ‘minor change’ as suggested at our last meeting. We also see it as a safety issue as there is quite a bit of evidence already about passengers</p>	<p>This was done in accordance with the council’s constitution, by way of an ‘officer decision’ in consultation with the Director of Communities and Neighbourhoods, and the Chair of Gambling, Licensing and Regulatory Committee.</p> <p>It was agreed that the condition needs to the requirements of changes in</p>

		<p>urgently requiring to contact a company which does not display a phone number and having great difficulty. It is all very well to say modern way to book by app but there is more to running a proper and safe operation than just booking. We would ask that you consider reversing this decision.</p> <p>2. We are greatly concerned about the 'emission's ruling. This is in effect an age rule for 'new' vehicles to be plated. In particular the ruling on diesels. This would mean a new or change of vehicle would require a car registered not earlier than 2014. This will put an added financial strain on a situation where drivers already struggle even more to make a decent living. Also this will particularly affect both the traditional 'London cab' style taxi, which is a great tool but new/nearly new ones are very expensive, and also the wheelchair minibuses utilised for school runs, as only diesel version are available.</p> <p>What we see in effect is drivers hanging on to older cars longer, especially those with minibuses carrying school kids. For the normal driver it looks like many will revert to older petrol cars. Not only are these less fuel efficient, making his costs rise, but also these engines are, as a rule, less resilient than diesels, meaning he may have to change cars more often, again adding to costs. Finally we somewhat object to the taxi trade, as the only one totally regulated by the City of York Council, being forced into complying with emissions targets when the average motorist will not.</p> <p>3. Whilst advised at another time, we would also like to take</p>	<p>technology.</p> <p>The proposed policy is not an age limit. Vehicles would only need to comply at change of vehicle which is dependent on when the driver/owner chooses to change the vehicle.</p> <p>We would suggest that the changes would improve fuel consumption and reduce running costs, not increase these. Please see point 2 above regarding wheelchair accessible vehicles.</p> <p>Taxis, in particular diesel taxis, create far more emissions leading to harmful air pollution than the average motorist does and do so without any contribution to the health damage costs that result. City of York Council is introducing a city wide emission standard 'Clean Air Zone' which will effect frequent buses.</p> <p>The taxi emissions policy (together with the recent taxi incentive scheme, which we would like to continue if there is funding), forms part of the holistic low emission strategy to reduce emissions from all types of vehicles.</p> <p>Fee levels did not form part of the</p>
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		<p>this opportunity to express our deep disappointment at the new rates for three year driver badge. This appears be to around the normal one year times three. On the other hand, surely issuing a three year badge means less costs to CYC and we would have thought that a lesser cost in general terms that that formula could have been reached. In addition we are dismayed by the insistence by yourselves that no refund will be made if a driver, for any reason, relinquishes his badge prior to the three years being up. We could understand this on one year badges but really think it needs revisiting on the possibility of a non refund policy on a three year one.</p>	<p>policy consultation. In relation to refunds, the policy has been amended to state:</p> <p>‘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.’</p>
7.	Vicky Japes, City of York Council, Health Improvement Manager (Lifestyles and Sport)	<p>We are supportive of the Health and Safety and air quality elements of the policy.</p> <p>We are strongly supportive of the principle of having one combined policy and welcome the references to the benefits of taxi access to those with disabilities in para 2.3.</p> <p>We would like to see this section strengthened to highlight the difficulties experienced by those with a range of impairments, including: mental health conditions, sensory impairments and dementia as well as physical disabilities, in accessing services, communicating and travelling independently. We would welcome reference to the value of a high quality experience and impact it could have on the confidence of passengers and their ability to carry out daily activities.</p> <p>In para 34 (now 35) there is reference to drivers having sexual exploitation training. We would like this to be broadened to include a range of training requirements. This could include Equalities training and disability awareness training (there are online CYC courses). There is also free ‘dementia friends’ training that the service could access etc.</p>	<p>We welcome the support of Public Health for the policy, especially as poor air quality is the cause of more premature deaths than any other public health factor except smoking.</p> <p>The wording in the policy has been amended as requested.</p> <p>The completion of disability awareness training is already a requirement of the application process, in addition all drivers of wheelchair accessible vehicles must complete further training, DVSA advance wheelchair exercise.</p>

			A section has been included within the policy relating to optional training, section 38.
8.	Mr David Jackson – hackney carriage driver	<p>My concern is the issuing of hackney carriage drivers licence for a period lasting three years.</p> <p>My main concern is what would the procedure be if someone wanted to retire within that three year period? I myself will be retiring at the end of 2016, would I be entitled to a rebate?</p> <p>I'm sure there will be others who may wish to finish before the end of a three year period for retirement, ill health, change of occupation, etc.</p>	<p>It is a requirement of the Deregulation Act 2015 that driver licences are issued for a period of three years, or for such a lesser period as the district council think appropriate in the circumstances of the case.</p> <p>The policy has been amended to state:</p> <p>'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.'</p>
9.	Mr Stephen Butt – hackney carriage and private hire vehicle licence proprietor and driver	<p>I would like to comment on the new taxi licensing proposals and I would hope that my comments will be taken into account because it is a very serious matter. specifically I would like to draw your attention to clause 22 (now 23) 'environmental considerations'.</p> <p>22.5 only the following Euro standards will be accepted for new private hire applicants from 1 Nov 2016 and all replacement vehicles for both taxi and private hire from 1 June 2017 for taxis and 1 Nov 2017 for private hire vehicles petrol – Euro 6 petrol diesel – Euro 6 diesel ultra low emissions defined as 75g/km co2 and under e.g. petrol/hybrid fully electric vehicles.</p> <p>This is all quite unacceptable see bullet points:</p> <p>1) There is not currently petrol/hybrid car with emissions this low even the latest available Toyota Auris brand new registered 2016 is currently 92g/km co2 emissions which is</p>	<p>1) There are dozens of makes/models of vehicles available which emit 75g/km or less.</p> <p>2) Eligible Euro 5 petrol cars will be up to 9 years old when the policy takes effect as these have been available since 2008.</p> <p>3) Euro 6 diesels have been compulsory for type approval since Sept 2014 and have been compulsory for new registrations since Sept 2015 thus are widely on sale and readily available. There is already a used car market for Euro 6 diesel vehicles. By 2017 there will</p>

		<p>above the current proposal. The earlier Toyota Prius which is just about affordable to a taxi driver is 104g/km co2 emissions and currently exempt from the congestion zone charge in London city centre.</p> <ol style="list-style-type: none"> 2) Petrol Euro 5 are only just becoming available now registered 2016 we cannot all afford to buy new cars. 3) Diesel Euro 6 these are not widely for sale yet even brand new so this will be impossible. <p>We as taxi drivers cannot afford to purchase the suggested vehicles based on these proposals it is utterly ridiculous that York council should force such 'unreasonable' demands on our trade.</p> <p>May I suggest 104g/km co2 and under emissions for petrol/hybrid vehicles at least this will allow us a chance to purchase one of these.</p> <p>May I suggest Euro 4 petrol.</p> <p>May I suggest Euro 5 diesel.</p> <p>This may give drivers a chance to source a suitable vehicle for the job in hand of being a taxi driver or private hire driver.</p> <p>Let us not forget vehicle manufacturers have been found guilty of manipulating emissions values to gain car sales in recent time which means taxi drivers will have grounds for a court case to overturn these ridiculous demands we simply do not charge enough and we do not have the customer base to afford these cars based on the job we do. If we charge more money for our services the customer base would surely shrink even further because the public does not take kindly to being ripped off and overpaying for simple services, some people rely on taxi as their main means of independence and getting about.</p>	<p>be a wide range of new and used Euro 6 diesel vehicles, as well as a wide range of Euro 5 and 6 petrol vehicles.</p> <p>Euro 4 and 5 standards for diesel are known to have failed to meet the emission targets. These emission levels worsen as the vehicle ages, as abatement equipment degrades and blocks up.</p>
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10.	Caroline Robertson York Blind and Partially Sighted Society	<p>Thank you for inviting York Blind and Partially Sighted Society to take part in this consultation. This is of particular interest for a couple of reasons:</p> <ul style="list-style-type: none"> • Our visually impaired members often use taxis as a preferred method of transport due to their accessibility. • We are currently involved in a project which looks at raising the awareness of eye health and encouraging regular eye examinations. <p>Having read your draft policy, I would like to highlight a particular concern around the monitoring and enforcement of objective 3.1.</p> <p>3.1 This authority shall seek to promote the following objectives:</p> <p>a) Protect the interests of the travelling public by:</p> <ol style="list-style-type: none"> i) The establishment of professional and respected hackney carriage and private hire trade. By ensuring that safe, clean, reliable and accessible vehicles are available for all who requires them. ii) Ensuring that drivers of such vehicles and private hire operators are 'fit and proper' persons. <p>The policy states that in order to ensure the driver is fit and proper person you will undertake checks and ask for medical certificates to ensure the driver is fit to drive.</p> <p>My concern is with whether the driver is medically fit. In particular relation to how well they can see. I am aware that a visual acuity test is required as part of the DVLA Group 2 medical standards. However your policy states that this will only be required on application and then at the following intervals,</p> <p>30.4 (now 31.4) Licensed hackney carriage and private hire drivers shall submit a medical certificate at the age of 45, 50,</p>	<p>The Council's policy with regards to the frequency of medicals, which include eye examinations, is in line with Department for Transport Best Practice Guidance, that drivers must complete a medical to DVLA Group 2 Standards.</p> <p>If required the council can also request that a driver has additional Group 2 standard medicals or further medical assessments.</p>
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		<p>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.</p> <p>This raises some concern as ophthalmologist recommendations for the general public for eye sight tests as published on the NHS website are:</p> <ul style="list-style-type: none"> • Every 2 years for those under 70 years of age • Annually for people age 70+ • Annually for anyone 40+ with a history of Glaucoma in their family or you have diabetes <p>After a test you are issued with an optical statement or prescription to say that:</p> <ul style="list-style-type: none"> • You don't need glasses • Your current glasses don't need changing • You have been given a new or changed prescription • You are being referred to your GP or an eye clinic <p>To evidence the importance of regular eye examinations and as part of our Optimeyes project, we recently carried out some work with a taxi company in the Sheffield area where we offered to go along and carry out basic vision screening tests with their drivers using the Thomas Pocklington Eye Right Toolkit, which tests near and distance vision as well as contrast vision.</p> <p>We provided information on eye health and spoke to them about the particular needs of customers with visual impairment. We carried out 8 vision screen test all male. 7 out of 8 tests carried out resulted in a referral to an optician as they did not meet the pass standard of the test. 4 of the drivers told us that they had never had a full eye sight test in their lives, 1 had not had a test for 11 years and only 2 had had a test in the last</p>	
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		<p>year. Even then 2 that had had a test in the last year one still needs to be seen by an optician based on the results of our test.</p> <p>So in summary even though your policy states that medical examination certificates will be required every 5 years between the ages of 45 and 65, based on our findings and the national recommendations for regular eye examinations I do not feel this goes far enough.</p> <p>I would suggest that eye sight checks should be carried out at intervals reflecting the ophthalmologists national recommendations, otherwise how can you be sure that drivers have the required level of visual equity to meet DVLA driving standards as set out in the Group 2 medical standards during the 5 year gap between the requirements to provide a medical examination certificate.</p> <p>As an optical statement is issued after an eye examinations by an optician, could this be evidence required as part of the taxi licensing policy between full medical examinations?</p>	
11.	Mr A J Davies Chairman Independent Taxi Association – York	<p>The ITA represents over 60 hackney carriage owners and drivers in York.</p> <p>Our responses are as follows:</p> <p><u>Para 7.5 Vehicle Specifications, CYC will not licence 'write offs'</u></p> <p>This is a new proposal and could cause problems for licence holders as there are several categories of 'write off', with categories C and D being nothing to do with safety, but where the vehicle is uneconomical for the insurance company to repair. This is not just repair cost as against vehicle value, as insurance companies also take account of storage and administration costs.</p>	<p>The policy has been amended to state:</p> <p>'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</p>

		<p>A vehicle with a value of £1,500 could be written off for a minor accident, e.g. in a car park, costing £800 to repair. The consequence of this is a vehicle, e.g. a taxi, with a higher mileage thus being a lower 'value' could be written off for relatively minor damage which is not safety related and could be easily repaired. Then the council would refuse to licence a perfectly safe vehicle.</p> <p>We object to this proposal.</p> <p><u>Section 22 (now 23) 'Environmental Considerations'</u></p> <p>The council is proposing to introduce Euro Emission limits to taxis.</p> <p>22.3 The DfT states '.... bearing in mind the need to ensure that benefits outweigh costs (in whatever form)....'</p> <p>22.4 York has over 60 low emission taxis, which is voluntary and uses incentives. This scheme works, and we approve of this.</p> <p>22.5 From the dates given CYC are proposing only to licence replacement vehicles conforming to the limits below.</p> <p>From 01.06.17 (HC) and from 01.11.17 (PH)</p> <ul style="list-style-type: none"> • Euro V (petrol) – vehicles 2009 on • Euro VI (diesel) – vehicles 2014 on <p>This proposal will:</p> <ol style="list-style-type: none"> a) Discriminate against wheelchair vehicles and minibuses because they are all diesel and expensive (London cab c.£40K new). b) Increase costs for owners of diesel vehicles, or increase fuel costs for those switching to petrol vehicles. 	<p>regards to categories C and D, it will be dependent on the level of damage.</p> <p>We welcome the support for the council's taxi incentive scheme which has contributed to the adoption of over 70 low emission taxi in York. We are currently seeking funding to continue the incentives, but the cheaper running costs 9eg 65mpg) for low emission vehicles are an incentive in themselves.</p> <p>We understand the concerns, the policy has been amended in relation to wheelchair accessible vehicles to permit Euro 5 diesel on change of</p>
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	<p>The normal replacement cycle of vehicles keeps up with tighter Euro limits anyway. As 'taxis' are less than 10% of total York traffic, this measure will have a negligible effect on air quality. Therefore the costs <u>do</u> outweigh the benefits.</p> <p>We object to this proposal.</p> <p><u>22.6 new licences under Environmental Considerations</u></p> <p>The council is proposing that any additional HC licences be granted to vehicle types as discussed by the Licensing Committee. For 20 years Council policy has been that any additional HC licences must be only for wheelchair accessible vehicles.</p> <p>We object to this proposal and the WA vehicle proviso should remain putting the needs of the disabled first.</p> <p><u>PHV licence conditions 1(b) also para 45.2 (now 47.2)</u> <u>Business Name and Vehicle Side Plates</u></p> <p>The condition referring to PH vehicle side plates was recently amended so that a PH operator no longer needed a landline telephone number. This has been a central requirement ever since PH was licensed in York in 1977. This was a major change, but was not put before or discussed by the licensing</p>	<p>vehicle, e.g. 5 year age limit at change of vehicle.</p> <p>The policy provides for an alternative to diesel vehicle ownership for those not willing to adopt the latest Euro standard. There are over 70 petrol hybrid/electrical taxis in York which offer drivers both low running costs plus low emission of gases resulting in air pollution. The policy does not force drivers to upgrade their vehicle as only new vehicles are affected.</p> <p>Taxis, in particular diesel taxis, have a significant contribution to pollution levels and have a responsibility to the health damage impacts which affects children, disabled people, the elderly and adults with respiratory illness.</p> <p>As stated in the policy para 22.7 (now 23.7) 'The types of vehicles that new hackney carriage vehicle licences will be issued to will be determined by the Gambling, Licensing and Regulatory Committee, if/when the Council determines to issue new licences.'</p> <p>This was done in accordance with the council's constitution, by way of an 'officer decision' in consultation with the</p>
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		<p>committee and there was no consultation with the HC or PH trade.</p> <p>We object to this change and it should be reversed. Furthermore we propose that in future all changes affecting the HC and PH trades are discussed by the licensing committee, so councillors and the trade can consider them properly and democratically.</p>	<p>Director of Communities and Neighbourhoods, and the Chair of Gambling, Licensing and Regulatory Committee.</p> <p>It was agreed that the condition needs to meet the requirements of changes in technology.</p>
12.	Mr Saf Din – hackney carriage vehicle licence proprietor and driver	<p>HC door crests must be available in both stick on and magnetic as-</p> <ul style="list-style-type: none"> a) the trade has a choice b) as the trade is improving and providing better newer and luxury vehicles for the public such as Mercedes, we do not want to cause damage to paint work upon change of vehicles c) vehicles are polished and the paint work is of different shade when the stick on crests are removed for change of use d) provides a revenue for the department upon replacement order e) there have been recent increase in taxis having windows broken into, if we have magnetic crest we can remove whilst parked in street overnight or car parks as not to draw attention 	<p>The following is a condition of a hackney carriage vehicle licence:</p> <p>‘The licensed vehicle will be supplied with the official coat of arms decal which must be displayed at all times on each front door panel.’</p> <p>When this condition was first introduced vehicle licence proprietors were given the option of adhesive or magnetic crests, it was found that magnetic crests where not been displayed, therefore the council determined that only adhesive crests would be permitted. Magnetic crest can also be removed easily and therefore could be attached to an unlicensed vehicle.</p>
13.	York & Ebor Cars – licensed private hire operator	<p>We would wish the council to consider making the following proposals and amendments to the proposed taxi licensing policy.</p> <p>7.5 vehicles declared insurance write off will not be licensed.</p> <p>We would see to exclude cat D write offs. As this category tend in the main to be stolen and recovered with panel damage</p>	<p>The policy has been amended to state:</p> <p>‘A vehicle will not normally be granted a licence if it has sustained accident damage resulting in structural distortion</p>

		<p>only. They should be licensed subject to an independent engineers report as to road worthiness.</p> <p>22.5 (now 23.5) Euro Standards</p> <p>We would seek an amendment seeking Euro 5 emissions for both petrol and diesel vehicles from 1 Nov 2016 we would also propose that all replacement vehicles are under 4 years old from 1 Nov 2017 and that all existing licensed vehicles be replaced once they become 8 years old excluding wheelchair and zero emission vehicles which should be replaced at 12 years allowing proprietors a greater length of time to recoup costs. We would further propose that the practises employed by Darlington and Hartlepool councils are used for proprietors wishing to extend a vehicles life beyond the age limit, i.e. that the vehicle is in show room condition and have been exceptionally well maintained throughout its life as a licensed vehicle.</p> <p>This would result in all new vehicles being Euro 6 from Sept 2018 with all other vehicles excluding wheelchair friendly Euro 5 or zero emissions. We believe that should the council not impose as age limit proprietors will extend the life of existing vehicles undermining their intensions or reducing emission levels.</p> <p>27.1 (now 28.1) knowledge test</p> <p>We would wish to propose that the knowledge test pass rate is reduced from the present 86% to a more realistic 60%. Questions should only be those that are applicable to a driver and not proprietors or private hire operators, i.e. what is the</p>	<p>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 C and D, it will be dependent on the level of damage.</p> <p>The proposed stringent age limit of 4 years for new vehicles by York & Ebor would accelerate the uptake of vehicles with higher Euro standards however would make adoption difficult of a significant proportion of the taxi trade. As well as improving emissions standards, we also need to consider the affordability for all.</p> <p>The policy proposes to permit Euro 5 petrol vehicles, which will be up to 9 years old at time of proposed policy implementation to make allowance for traders who are unwilling to purchase a car of under 4 years old.</p> <p>The knowledge test has 30 questions, the pass mark is 26. A high pass mark is required as it is imperative that driver applicants have an understanding of the legislation relating to taxi licensing, the Council's Byelaws and conditions,</p>
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		<p>minimum distance between the rear seat and the back of the front seat? We further propose that the licensing process is speeded up by allowing prospective drivers to obtain required tests and necessary checks in any order. Presently a DSA driving test must be obtained before an application can start and a DBS check started. Both presently have awaiting time of approx 6 weeks. It presently takes on average 6 months to obtain a licence and has a 50% drop out rate. The adoption of the above would speed up the application process without reducing public safety. Furthermore we would propose that all forms required for a driver application and vehicle licensing are made available in a downloadable format from the council's website.</p> <p>Private hire vehicle licence conditions</p> <p>iii) For estate-type vehicles the windows overlooking the luggage space can be of any manufacturer's tint providing it is not opaque.</p> <p>We would like the above amending to read. For estate and hatchback vehicles that any window to the rear of passengers and those over looking luggage space can be of any manufacturer's tint.</p>	<p>and the Highway code, and are aware of issues relating specifically to York, e.g. the pedestrianisation scheme and due to the historical nature of the city and the number of visitors the importance of knowing relevant locations and routes. Due to the high number of people who failed the knowledge test it was revised from the 1 January 2014, since this revision took place the number of people who pass the test on the 1st or 2nd attempt has increased.</p> <p>It is currently a requirement that the DVSA driving assessment is passed prior to submitting an application for a drivers licence. From the 1 May 2016 this assessment will be completed as part of the application process, but must be completed and passed before the licence is granted.</p> <p>Application form, guidance notes, etc are available on the Council's website.</p> <p>This condition is in place on public safety grounds. The tinting level requirement was amended within the draft policy that went out for consultation.</p>
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14.	York Green Party	<p>The York Green Party is responding to the Taxi Licensing consultation and the consolidated draft hackney carriage and private hire licensing policy of 2015. Our comments and suggested amendments are below-</p> <p><u>Section 22 (now 23) – Environmental Considerations</u></p> <p>Whilst the YGP recognises the achievements following the adoption of the Low Emission Strategy in Oct 2012, the roll-out of the LES measures in the Third Air Quality Action Plan (Dec 2015), we recommend the following amendments to the proposed taxi licensing policy:-</p> <ul style="list-style-type: none"> • Adopt a Taxi Emissions policy (22.1): e.g. council emissions policies elsewhere such as http://www.plymouth.gov.uk/vehicleemissionspolicy ; Salford – introduced new emissions standards for all vehicles, 2015- https://www.salford.gov.uk/taxis.htm; Rotherham- introducing vehicle emissions standards into licensing policy; Durham- has transitional arrangement policy for vehicles to meet Euro 4 and 5 emission standards. • Amend 22.7 by requiring taxis to cut idling when stationary. This could be achieved by signage requiring turn off of engines in congested areas e.g. Railway station, Rougier St, and Gillygate/theatre area. Best practice is exemplified by Brighton and Hove City Council where ‘drivers are observing no engine idling policies whilst stationary at taxi ranks.’ https://www.brighton-hove.gov.uk/content/parking-and-travel/travel-transport-and-road-safety/low-emission-zone • There are some 60 low emission taxis in York so far, out of approx 800 vehicles therefore we strongly support your bid for Ultra Low Emission Taxi incentive funding (22.9) to support the wider adoption in the York Fleet and recommend you continue to offer discounted licenses to 	<p>We do not support the policy of Plymouth City Council as it allows Euro 4 and even some Euro 3 vehicles which would increase emissions in York.</p> <p>Neither can we support Salford’s over complicated Euro 5 emissions standard (and less than 4 years old) from 2013, which allows grandfather rights, no emission standards for ‘exceptional vehicles’ and vehicles to be up to 10 years old.</p> <p>Rotherham has a 5 year age limit and a Euro 5 emission standard from 2015 for new taxis and all new taxi licensed to be Euro 6 by 2020 and a 10 year age limit for all vehicles except those that are wheelchair accessible.</p> <p>Durham has a Euro 4 based standard from 2014, but require Euro 3 or Euro 4 for renewals of Euro 2 vehicles (i.e. currently allowing 16 and 11 year old vehicles).</p> <p>Whilst there is some merit in Rotherham’s policy the other council’s policies would not improve air quality and could even make it worse.</p>
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		<p>those who take this on board, best practice.</p> <p><u>Complaints</u></p> <p>We do not feel that a complaint against operators has been adequately addressed and this may reflect on the city's future reputation with tourists/visitors. References made in the draft document at 4.1e and 4.2d only deal with record keeping and investigation of any complaints. We would recommend that a complaints procedure is established with operators and that a penalty points system adopted to enable monitoring and sanctions to be used within the licensing process see http://www.rother.gov.uk/article/10685/Penalty-Points-Scheme as an example of a system used.</p>	<p>The new policy introduces more stringent requirements for private hire operators with regards to recording, keeping and logging complaints. A penalty system is not required at this time.</p> <p>The Council has a complaints procedure in place.</p>
15.	Mr Bernie Flanagan – private hire vehicle licence proprietor and driver	<p>In general the policy is aimed at drivers/operators who are licensed by City of York. However there is clear evidence that operators from outside the City of York area can be actively plying for trade (race meetings are a prime example). The policy should consider how this practice can be brought under control.</p> <p>There are a number of changes happening in this sector through technical innovation and different ownership/proprietor models. The policy should consider these changes and how they can be safely utilised for the public benefit. For example:</p> <p>Do the technical innovations still ensure that the public when they travel will know who the driver is, that they are fit and proper people with safe, insured vehicles. Also who is the proprietor and how they can be contacted.</p> <p>Do the proprietor models ensure clear clarity of ownership and accountability for the travelling public and licensing authority, ensuring that ownership is by 'fit and proper persons' including</p>	<p>At this time the Council is working with the West Yorkshire and York Combined Authorities with regards to cross border enforcement. A report will be brought to committee with regards to this in the near future.</p> <p>The Deregulation Action 2015 allows the ability for a private hire operator to sub-contract bookings to another legitimate private hire operator who may be outside the boundary of the City of York Council authority area and therefore licensed by another authority. This is a concern for licensing authority in relation to increased and more complex enforcement.</p>

	<p>any history of litigation against the proprietors.</p> <p>S1.11 Suggests that the purpose ‘to protect the public’ is made very explicit and that includes explicit commitment to uphold ‘highest standards for drivers, operators and vehicles’. At a time when there is pressure for de-regulation. It is vital that the council set out its commitment to the ongoing safety of the public through the tried and trusted regulatory framework.</p> <p>S12.2 When are the government likely to publish guidelines on a wheelchair accessible vehicle quota. While welcoming such a move there must be consultation about implementation to ensure equity across all drivers/operators.</p> <p>S13.1 Insurance suggest strengthening ‘appropriate to the vehicle’ to include ‘and the task of operating that vehicles for private hire’. This is a vital area for passenger safety.</p> <p>S22 (new 23) Environmental Considerations</p> <p>While supporting any moves to benefit the city’s environment. The following points need to be taken into account.</p> <p>Are these same standards for taxis/private hire being applied across the fleets, particularly those in the council/public domain?</p> <p>At time of writing it is impossible to obtain a ultra-low emission vehicle that can provide wheelchair access or can carry up to 8 passengers. Realistically these activities are going to be dependent on diesel vehicles for some time to come.</p> <p>Environmental impact is not just about emissions per car- larger vehicles have a positive impact on the environment because:</p> <ul style="list-style-type: none"> • Emissions per passenger journey. A vehicle carrying 8 	<p>This is not knows.</p> <p>Regarding the Councils use of vehicles, the majority of council pool car journeys in York are hybrid or electric, so already far cleaner that Euro 6 diesel. As vehicles are changed, the cleanest standard is chosen.</p> <p>Taxis, in particular diesel taxis, create far more emissions leading to harmful air pollution that the average motorist does and do so without any contribution to the health damage costs that result. City of York Council is introducing a city</p>
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		<p>passengers can be better for the environment than 2 vehicles carrying 4 passengers each.</p> <ul style="list-style-type: none"> • Congestion – 8 seater cars can reduce the number of cars on the city's roads. <p>The standards set out for diesel vehicles (Euro VI) came into force in 2014. The standards (Euro V) set out for petrol vehicles 2011. Clearly there are higher standards being imposed for diesel vehicles. Is this equitable?</p> <p>S22.5 states new standards will be implemented over 2016/17 – this will mean that diesel vehicles will need to be less than 3 years old, while a petrol vehicle could be 5 years old. This anomaly needs to be rectified.</p> <p>There is potential that these measures will mean an unintended reduction in the provision of WAV and choice for customers.</p>	<p>wide emission standard 'Clean Air Zone' which will effect frequent buses. The taxi emissions policy (together with the recent taxi incentive scheme, which we would like to continue if there is funding), forms part of the holistic low emission strategy to reduce emissions from all types of vehicles.</p> <p>The policy offers 3 means to meet the emissions criteria:</p> <ol style="list-style-type: none"> 1) Euro 5 petrol 2) Euro 6 diesel 3) Ultra low emission (75g and under CO2) <p>All vehicle types are able to achieve one of these standards.</p> <p>Regarding the comment on eight seater vehicles, in the scenario given, 2 petrol cars would have significantly lower emissions than 1 eight seater diesel vehicle not the other way round.</p> <p>Regarding the question of equitable diesel standards, diesel has failed to achieve the standards whereas petrol vehicles have performed much better. As such the policy has reflected that Euro 5 petrol has low emissions.</p> <p>Note – Euro 5 vehicles have been available to buy since 2008, not 2011 as Mr Flanagan comments.</p>
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	<p>27 (now 28) Locality Test</p> <p>The 'knowledge test' is paper based. Should there (under the equality act) be provision for an option for a more practical knowledge test.</p> <p>28 (now 29) DBS Check</p> <p>28.7 sets out the grounds for suspending or revoking a licence – should the grounds for initial refusal of licence also be clearly set out.</p> <p>Suspension of licence – can the process in regard to suspension and re-instatement be made clearer.</p> <p>Private Hire Operators:</p> <p>It should be clear to the public at the time of booking who is the operator of the vehicle hired. Traditionally this has been self-evident in the booking procedure. It is an important safety and accountability feature of the licensing system. However in the future the use of 'apps' (as intermediaries, sampling a number of operators) could potentially leave the public in doubt about the operator of their vehicle.</p> <p>Appendix 1 Private Hire Vehicle Conditions</p> <p>14 – only one two way radio – communication between operators and vehicles can now be achieved via phones/hand-held devices. Consideration of this and its implications should be included in this policy.</p> <p>Appendix 2</p> <p>This section is badly worded. As section 2 points out there are many reason way a person may wish to travel in a luxury</p>	<p>If required assistance is given with the knowledge test and different means of completing it are available.</p> <p>Appendix 8 relates to the 'Rehabilitation of Offenders Act 1974' this relates to driver applicants.</p> <p>This is not a requirement of the Deregulation Act 2015.</p> <p>This policy does not prevent the use of other devices.</p> <p>This exemption policy relates to vehicles undertaking executive work,</p>
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		vehicle with the attendant extra cost and administration involved. But to say that the service is limited to just one group of people as set out in point 9 is dubious and potentially at odds with the Equality Act.	not routine private hire work.
16.	Lucy Pearson York Teaching Hospitals NHS Foundation Trust	The Trust recognises the health impact that poor air quality has in urban areas and so writes to support and encourage the work that the City of York Council is developing as part of its commitment to sustainability and clear air through its taxi policy. I understand that the City of York Council will include low CO2 and low air pollution criteria by incentivising petrol/hybrid or electric vehicles, sub 100g CO2/km and taxi manufactured post Sept 2009 (Euro 5 or better) and this is something which we are hoping to also encourage through the Trust's own use of taxis in future contracts.	We welcome the comments by York Hospital and will work with them to reduce pollution and admissions to hospitals as a result of poor air quality.
17.	Mr Dave Holeksa Chairman York Private Hire Association	<p>Below are our comments on the proposed policy and points we would like to make a presentation on.</p> <p>7.5 – insurance write offs:</p> <p>Cat D write off, could be considered unusable.</p> <p>22.5 (now 23.5) emissions</p> <p>Diesel new stringent standards</p> <p>28.6 (now 29.6) – DBS checks</p>	<p>The policy has been amended to state:</p> <p>‘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 C and D, it will be dependent on the level of damage.</p> <p>The new diesel standards require Euro 6 however only at change of vehicle after 2017. Euro 5 petrol vehicles or ultra low emission vehicles are also eligible.</p>

		<p>Streamlining the process</p> <p>36.1 (now 37.1) – new 3 year drivers licence fee</p> <p>Is this the most cost effective way forward?</p> <p>42.2 (now 44.2), appendix 10 item 11 drivers/vehicle details</p> <p>Clarification on the length of time to keep records.</p> <p>45.2 (now 47.2) – side plate's</p> <p>Size of letters and wording</p> <p>53.2 (now 55.2) – notification's on proposals</p> <p>In the day of email's is this the way forward</p> <p>19.1 – tinted window</p>	<p>DBS checks cannot be share between council sections due to the 'workforce' requirement. A section can only view the information that they are entitled to.</p> <p>A cost breakdown was carried out when the fees were set.</p> <p>It is believed that these are appropriate lengths of time to keep relevant records, which may assist the operator, council and other agencies such as the police if relevant information is required.</p> <p>The condition states 'suitable lettering at least 50mm (2") but not more than 100mm (4") high'.</p> <p>It is a requirement of the legislation that notices must be placed in the local newspaper.</p>
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		<p>Proposed new requirements of tinted windows</p> <p>Drivers of wheelchair vehicles</p> <p>Clarification on the wording of training</p> <p>19 - booking conditions</p> <p>Examination of the wording to this document .</p>	<p>The light transmittance for windows has been reduced.</p> <p>It is a requirement that drivers of wheelchair accessible vehicles must complete and pass the DVSA advance wheelchair exercise</p> <p>The condition states</p> <p>‘the licensed operator is not permitted to accept bookings forwarded by their private hire drivers.’</p>
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Cooke, Lesley

Subject: FW: Proposed License Changes - response to proposed TL policy consultation**From:** John**Sent:** 13 April 2016 22:47**To:** taxi.licensing@york.gov.uk**Subject:** Proposed License Changes

Dear Sirs/Madams

My apologies for the lateness of this letter, your initial letter concerning the proposed licensing changes was never sent out and the replacement letter I had to request via phone was received late. I am aware this letter is been sent after the deadline, I would appreciate if this letter was included for consideration before or in the meeting, if the letters aren't able to be presented, please can you make me aware via a phone call so I can seek legal advice concerning the points below.

I have read the proposed changes to the license conditions online which unfortunately took a lot of finding and many attempts to download and open. My interest was on the environmental aspects of the changes and also section 7.5. I would like clarification on this section as to why an "insurance write off" vehicle would not be suitable to be a licensed Private Hire or Hackney Carriage. This section is important to me and my son as we both run a fleet of vehicles.

It is to myself and my sons understanding that if a vehicle is "written off", but deemed repairable, then the vehicle can be repaired and used again. If the vehicle is too badly damaged to be returned to the road then it is classified as a category 'A' or 'B' and is solely used for spares or total destruction. All of the other categories e.g 'C' 'D' are all repairable. The categorization does not realistically reflect the actual damage to the vehicle, it is reflected on vehicle age and residual value - i.e a 2007 Mondeo requiring two doors can be classified as a Cat 'C' but a 2014 Mondeo with more damage would be repaired by the insurance company. It is deemed viable even though the actual damage would be more severe. A vehicle maybe damaged - but not subject to a claim i.e Third Party. The vehicle would not be recorded as a "write off" but still could be easily repaired and put back on the road.

I currently have a 2009 vehicle with full service history and just over 50,000 miles which is a Cat 'C'. It only requires a replacement engine. Structurally the vehicle is as it left the factory. I've had licensed vehicles that have required an engine change which if taken to a main dealer could be classed as an equivalent insurance write off. Likewise, if an owner/driver damages his or her car and doesn't submit an insurance claim but still repairs it themselves, would you know if the vehicle had been repaired to the standards required or at all?

If an insurance write off is fully repaired, taken for an MOT, passes, is then inspected by the council testers (like many cars have been before), this surely meets the levels of safety for a vehicle to be legally used on the road and licensed?

As has become apparent, I have particular interest on these changes as I run a fleet of plated vehicles, most of which are insurance written off vehicles. This proposed change is of huge concern to my son David, who runs a smaller fleet of vehicles along side me and I fear that with this change we would not be able to afford to replace the cars as frequently as we would like to. This would ultimately affect the emission standards that are proposed, as the vehicles would now be kept on longer. These proposed changes would surely affect numerous drivers who may not be able to afford to change vehicles to meet the new standards.

My apologies again for the lateness of this reply, due to having difficulty in actually finding and downloading the proposed changes.

Yours faithfully

John Hay

Cooke, Lesley

Subject: FW: Proposed changes to PH and HC VL - response to proposed TL policy consultation

From: David Hay

Sent: 13 April 2016 23:02

To: taxi.licensing@york.gov.uk

Subject: Proposed changes to PH and HC VL.

To whom it may concern.

First of all, I wish to apologise for the late reply, my Father and I did not receive the initial letter dated back in February, I had to ring and request a replacement which was delivered late. If these points are able to be included in the consultation meeting, I would be very grateful, if not then please can I request a phone call along with a call to my Father to say they aren't going to be included so we can make enquirers with a solicitor.

I write regarding the recent amendment to the Hackney Carriage & Private Hire Licensing Policy, particularly Section 7.5, which excludes vehicles declared an "insurance write off" from becoming licensed vehicles.

I have built up my business, York Private Hire Rentals, over the past 10 years, offering mechanical services, including general repairs and sales of restored vehicles. However, the bread and butter of my business is the hiring of vehicles to be used as taxis. My fleet of 20 cars is almost exclusively made up of former Category C & D insurance write offs. The proposed changes to the policy would cripple my business.

The vehicles I provide are restored to a high standard in terms of appearance, roadworthiness and safety; my wife drives our 17 month old daughter in such a vehicle. My cars have all been put through MOT and taxi testing and are maintained with regular servicing every 2-3 months. I can assure you, based on my time in the mechanic profession and on my intimate knowledge of each of these vehicles, that they are safe, if not safer, than most cars currently on the road.

There exist many misconceptions about vehicles declared "insurance write offs". Often these vehicles are only very slightly damaged. Categorisation of such vehicles reflects relative costs and not necessarily the degree of damage. A new expensive car with dents to two doors may be assessed as being worthy of repair, whereas an older less expensive car with identical damage might be written off, purely because the residual value in the vehicle doesn't warrant the cost of repair. These categories are not a fair reflection of the final roadworthiness of a restored vehicle. Furthermore, if a driver chooses not to claim on his insurance following a collision, his car is left uncategorised and may be repaired and resold without declaring damage. Such vehicles would not be captured by your proposed changes.

If you have concerns relating to the environment, please consider the sustainable credentials of my business model. Viable cars are restored and reused rather than scrapped, saving on waste and the production of new vehicles. By using Category C and D vehicles I am able to offer newer, lower mileage, less polluting cars than I might otherwise be able to afford, reducing both emissions and uptake of parts, as newer vehicles require less input to maintain. All of this adds up to a greener, less polluted and more environmentally conscientious York.

Additionally, my business model benefits the city of York by keeping costs low. I purchase less expensive vehicles, restore them at cost, and pass on the savings to my customers, the taxi drivers. These reduced overheads make it possible for taxi drivers to subsist on low rates set by their companies. Lower taxi rates are better for their customers, especially tourists, and what helps to boost tourism helps boost our city.

York Private Hire Rentals is a small, family firm. We provide vital automotive services to the people of York and are proud to be part of the economy of this city. Without taxi rentals, the backbone of this business – and disallowing written off vehicles would make the future of that enterprise cost prohibitive – my business will most certainly fold.

I therefore write in hopes to persuade you to please reconsider the proposed changes to this policy.

Thank you very much for your time.

Yours sincerely,

David Hay

Hackney Carriage & Private Hire



Licensing Policy

Further information relating to this policy can be obtained from:

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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.
- 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 consolidates previous policy decisions agreed by the Council since the legislation was adopted.
- 1.7 This policy was considered by the Gambling, Licensing and Regulatory Committee on 25 April 2016, and following further amendment was approved by the Executive on XXXXXXXX 2017 and will take effect from XXXXXXXX 2017. Certain provisions within the policy will not take effect until a date specified with the relevant provision. In exercising the non-executive 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.
- 1.8 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 three years.
- 1.9 The Council expects licence holders to comply with the terms 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.
- 1.10 From the effective date, this consolidated 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.

- 1.11 The first purpose of the Local Authority when licensing hackney carriage and private hire, vehicles, drivers and operators is to protect the public. 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.
- 1.12 A hackney carriage is a public transport vehicle with no more than 8 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 8 passengers, they must be booked in advance through an operator and may not ply for hire in the street.
- 1.13 The Council currently licences 183 hackney carriage vehicles, 570 private hire vehicles, 300 hackney carriage drivers, 590 private hire drivers and 61 operators.

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. Approximately 198,000 people live in the council area (2011 est.)
- 2.2 York is a nationally and internationally prominent city for a range of reasons. Not only is it an historical centre for England, it is also one of the most visited tourist destinations in the UK, attracting over 7 million visitors a year, who spend £606 million in the city. York has excellent rail links across the country, is a centre of academic excellence and is an important location for the Church of England.
- 2.3 The Council recognises and welcomes the important contribution that the hackney carriage and private hire trade make to the local transport system within the authority area.
 - a) They provide a flexible form of public transport, providing a service in situations where other forms of transport are not available (rural areas and late evenings).
 - b) They can play an increasingly important role in improving accessibility to those with a range of impairments such as mental health conditions, sensory impairments and dementia as well as physical disabilities in accessing services, communicating and travelling independently. The value of a high quality experience can have an impact on the confidence of passengers and their ability to carry out daily activities.
 - c) They are also used by all social groups.

3. Objectives

- 3.1 This authority shall seek to promote the following objectives:
 - a) Protect the interests of the travelling public by:
 - i) the establishment of professional and respected hackney carriage and private hire trade. By ensuring that safe, clean, reliable and accessible vehicles are available for all who require them.
 - ii) ensuring that drivers of such vehicles and private hire operators are 'fit and proper' persons.

- 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.
- d) The protection of the environment.
- e) Encourage high standards of professionalism in the hackney carriage and private hire trade.
- f) Where possible, protect the interests and wellbeing of holders of vehicle, driver and operator licences.

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, drivers ability (DVSA certificates), criminal records and knowledge of the city/byelaws.
- e) Investigate complaints with appropriate follow up action.
- f) Liaison with the Police and other agencies regarding issues of mutual concern in relation to offences or the conduct of licence holders.
- g) Liaison with the hackney carriage and private hire trade as and when required.
- h) Taking enforcement and/or disciplinary action including the issue of prosecution proceedings, verbal and written warnings, simple cautions, suspension or revocation of licences for breaches of legislation or conditions.
- i) Conditions added to licences.
- j) The issue of guidance notes.

4.2 When considering applications and taking enforcement action the Council is subject to the Regulatory Compliance Code, the Council's Enforcement Policy and the Code for Crown Prosecutors.

5. Consultation & Partnership Working

- 5.1 In preparing this policy the Council has consulted with the following agencies:
- a) Licence holders
 - b) North Yorkshire Police
 - c) Equality Groups
 - d) Disability Groups
 - e) Highways Authority (both local and county)
 - f) School Transport Division
 - g) Safeguarding Children's Board
 - h) Other Council Departments
 - i) Service Users
- 5.2 To promote the policy objectives the Council will work in partnership with the agencies detailed above, along with the following agencies:
- a) Driver and Vehicle Standards Agency (DVSA)
 - b) HM Revenue and Customs
 - c) Department of Works and Pensions

6. Equalities

- 6.1 The Council is committed to ensuring equality in employment and service delivery. To achieve this the Council is aware of its duty under the following legislation:
- a) Sex Discrimination Act 1975
 - b) Race Relations Act 1976/2000
 - c) Equality Act 2010
 - d) Human Rights Act 1998

Vehicles

A licensed vehicle is always a licensed vehicle and cannot be driven by anyone other than a licensed person.

7. Specifications

- 7.1 The DfT Best Practice Guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible. They are, however, encouraged to make use of the 'type approved' rules within any specifications they determine.
- 7.2 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) British National Type Approval; or
 - c) British Single Vehicle Approval (SVA) or subsequent and Individual Vehicle Approval (IVA)
- 7.3 As a guide, most large volume production vehicles produced in the UK and EU States after 1987 will satisfy British 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.
- 7.4 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.
- 7.5 A vehicles 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 C and D, it will be dependent on the level of damage.
- 7.6 Vehicles shall have a minimum engine capacity of 1250cc except for vehicles fitted with an engine rated with a Euro 4 emissions standard or better.
- 7.7 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

7.8 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.

8. Limitations on Numbers

- 8.1 No powers exist for the licensing authority to limit the number of private hire vehicles that they licence.
- 8.2 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'.
- 8.3 Any local authority that does restrict the number of licences for hackney carriages is required to justify their policy every three years.
- 8.4 The Council does restrict the number of hackney carriage licences issued. Unmet demand surveys are carried out every three years with new licences released when required. New licences are not currently being released. The next unmet demand survey is due to take place in 2017.

9. Hackney Carriage Vehicle Licence Waiting List

- 9.1 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.

- 9.2 As of the XXXXXXXX 2017 the Council will no longer operate a points allocation waiting list system, the person named at number one on the list will be offered the next available hackney carriage vehicle licence. Their name will then be removed from the list whether they proceed to obtain a vehicle licence or not. If they wish to have their name re-entered onto the list the requirements of 9.3 below will apply.
- 9.3 People wishing to have their name entered onto the list must put their request in writing to the Taxi Licensing Section. Their name will be entered at the end of the list.
- 9.4 It is the responsibility of the person whose name is entered on the list to notify the Taxi Licensing Section if they change address. This must be done in writing.
- 9.5 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.

10. Private Hire Vehicles

- 10.1 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.
- 10.2 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.
- 10.3 Conditions may be attached to the grant of a licence as are considered reasonably necessary.
- 10.4 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.
- 10.5 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 1.
- 10.6 Vehicle side plates must be placed on the rear passenger doors and bear the name of the private hire business and the telephone number and/or website address. They must also

include the wording “PRIVATE HIRE VEHICLE – PRE BOOKED ONLY”. The side plates must have suitable lettering at least 50mm (2”) high. The sign must not include the words “FOR HIRE”, “TAXI”, or “HACKNEY CARRIAGE”.

- 10.7 Artwork for vehicle side plates must be submitted to the Council’s Taxi 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.

11. Hackney Carriage Vehicles (Taxis)

- 11.1 A taxi 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.
- 11.2 A taxi can ply for hire and also wait at a taxi stand (rank).
- 11.3 Conditions can be imposed upon the grant of a taxi 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. Conditions relating to horse drawn carriages are attached at Appendix 5 and pedicabs at Appendix 6.
- 11.4 The Council’s recommended colour for hackney carriage vehicles is black.

12. Accessibility

- 12.1 Taxis and private hire vehicles are an essential mode of transport for many disabled and older people. The combination of the personal service they offer, their wide availability and door to door operations enable them to respond particularly well to the travelling needs of people with disabilities.
- 12.2 The Council awaits the publication of Governments quota on wheelchair accessible vehicles.

13. Insurance

- 13.1 All vehicles must have a current valid policy of insurance at all times appropriate to the vehicle.
- 13.2 It is an offence to drive a vehicle without the appropriate insurance 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.

14. Joint ownership of vehicles

- 14.1 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 18.4 of this Policy.

15. Advertising

- 15.1 Where vehicle licence conditions permit, vehicles licence holders may place advertising material in or on their vehicle in accordance with their licence conditions. Approval must first be sought from the Taxi Licensing Office. Conditions under which advertising on vehicles will be permitted are attached at Appendix 7.

16. Vehicle Testing

- 16.1 The Council needs to be satisfied that licensed vehicles operating within its area are safe to do so. 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.
- 16.2 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 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 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.
- 16.3 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.
- 16.4 The purpose of the mechanical examination is to ensure that the vehicle is in a road worthy condition, this will be in the form of an MOT standard examination conducted in accordance with the requirements of DVSA. The remainder of the inspection carried out by the taxi licensing vehicle inspector will be to ensure that the vehicle is both safe and comfortable and suitable for transporting members of the public. Any vehicle failing the test will be required to have a retest. If appropriate the licence will be suspended.
- 16.5 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.

17. Taximeters

- 17.1 It is a legal requirement that taximeters must be fitted within hackney carriage vehicles, but optional for private hire vehicles.
- 17.2 Taximeters must be approved by the Council. Vehicles equipped with a taximeter must submit the meter for a test. Meters are tested over the measured distance located on Fulford Road by the taxi licensing vehicle inspector.

18. Application Procedure

- 18.1 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 Taxi Licensing office or at www.york.gov.uk/licensing.
- 18.2 Applications will normally be processed within 10 working days, unless it has to be determined by Committee in which case it will be determined within 30 working days. Applications will not, however, be determined until the Council has received all relevant documentation and the vehicle has passed the inspection.
- 18.3 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.
- 18.4 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.

19. Executive Vehicles

- 19.1 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 Licensing Manager on its own merits. The overriding consideration will be public safety.
- 19.2 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.

- 19.3 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.

20. Stretch Limousines

- 20.1 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.
- 20.2 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.
- 20.3 Any stretched limousines, which are offered for private hire, do of course require a licence. Applications for a licence will be treated on their merits.

21. Exempt Vehicles

- 21.1 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.
- 21.2 Vehicles that are used solely in connection with a wedding do not required a licence.

22. Security Measures

- 22.1 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.
- 22.2 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.

23. Environmental Considerations

- 23.1 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. Unlike many other local authorities, York currently has no taxi emission policy. 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. 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.

23.2 York has recently been designated as an ultra low emission city. The Council's Low Emission Strategy (adopted October 2012) and Third Air Quality Action Plan (adopted December 2015) aim to reduce emissions from all sources, especially transport, and assist York to meet its' health-based air quality objectives. These documents contain a series of measures to reduce emissions and to incentivise the transition from conventional fuels and especially diesel¹ to ultra low emission fuels.

1. In June 2012 the World Health Organization (WHO) classified diesel engine exhaust as carcinogenic to humans¹ and said everyone should reduce exposure to diesel exhaust emissions. *Press release 213 (IARC, June 2012)* <http://www.iarc.fr/en/media-centre/iarcnews/2012/mono105-info.php>

23.3 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.

23.4 For the past two years the Council has incentivised the uptake of low emission taxis by offering a discount; this has resulted in over 60 low emission taxis in York. In addition these vehicles have much cheaper fuel, tax and insurance costs.

23.5 Only the following European Standards will be accepted for new private hire vehicle applications, and any subsequent replacement of these vehicles, from 1 November 2016, and all replacement vehicles for both taxi and private hire, as from 1 June 2017 for taxis and 1 November 2017 for private hire vehicles:

- Petrol vehicles – Euro V petrol vehicles class
- Diesel vehicles – Euro VI diesel vehicles class
- Diesel wheelchair accessible vehicles – Euro V diesel vehicles class*
- Ultra low emission vehicles - defined as 75g CO₂/km and under

*this only applies to replacement vehicles and if the following criteria is met:

- The vehicle licence was granted prior to the 1 May 2016 to a wheelchair accessible vehicle;
- The replacement vehicle is wheelchair accessible;
- The vehicle licence is renewed annually;
- Ownership of the vehicle remains in the name of the vehicle licence proprietor whose name was on the licence on the 1 May 2016;

If the above criteria is met a vehicle licence proprietor may replace the licensed wheelchair accessible vehicle as many times as necessary until this policy is amended.

23.6 It will be for the applicant or the vehicle licence proprietor to demonstrate that the vehicle

¹ *Press release 213 (IARC, June 2012)*
<http://www.iarc.fr/en/media-centre/iarcnews/2012/mono105-info.php>

they wish to be licensed meets the appropriate European Standards as stated in paragraph 23.5 above.

- 23.7 The types of vehicles that new hackney carriage vehicle licences will be issued to will be determined by the Executive, if/when the Council determines to issue new licences.
- 23.8 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.
- 23.9 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.
- 23.10 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 be bidding for Ultra Low Emission Taxi incentive funding to support the wider adoption in the York fleet.

24. Renewal of Licences

- 24.1 Vehicle licence proprietors 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.*
- 24.2 The renewal application and all documentation required as part of the renewal process must be received prior to the expiry of the existing licence. With the prior approval of the Taxi Licensing Section documentation, other than the renewal application, maybe submitted up to five working days after the expiry of the existing licence. The vehicle licence will not be renewed until all relevant documentation is received. A late fee will be payable for any licences not renewed by the expiry of the existing licence.
- 24.3 Vehicle licence holders who fail to submit renewal applications and relevant documentation in accordance with paragraph 24.2 will be required to reapply as a new applicant.

25. Term of Licence

- 25.1 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.

Drivers

26. Licences

- 26.1 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.
- 26.2 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 provided approved by the Council)
 - f) knowledge/locality test;
 - g) criminal records check;
 - h) medical assessment;
 - i) disability equality;
 - j) sexual exploitation awareness.
- 26.3 Licensed drivers and driver applicants must have a reasonable level of conversational and written English, along with an understanding of basic maths.

27. Driving Experience

- 27.1 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.
- 27.2 Applicants are required to have passed the driving assessment test and the City of York Council Taxi Drivers' Disability Equality Training Level 1 (Taxi), or equivalent and produce a pass certificates.

28. Drivers Knowledge / Locality Test

- 28.1 In order to determine the fitness of a person to hold a licence, all applicants are required to sit and pass a test on their knowledge of the local geography, driver conduct / conditions, Highway Code and licensing legislation. A driver licence will not be issued without the applicant first passing the knowledge test.
- 28.2 An applicant is allowed to take a maximum of six knowledge tests. If the knowledge test has not been passed after five attempts, the applicant must wait three months before being

able to take the sixth and final knowledge test. If the applicant fails the sixth knowledge test, the application will be refused on the grounds of insufficient geographical knowledge to properly carry out a service as a licensed driver.

29. Convictions and Disclosure and Barring Service Check (DBS)

- 29.1 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, further information can be found at Appendix 8.
- 29.2 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.
- 29.3 Before an initial application for a drivers' licence will be considered, the applicant must apply for an Enhanced Disclosure of criminal convictions through the Taxi 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. If this is not the case a DBS checks must be applied for through the Council's Taxi Licensing Section.
- 29.4 The Council's Taxi Licensing Section is a Body registered with the DBS and can apply for the Disclosure at the applicant's request subject to the appropriate fee. Guidance notes (including proof of identity requirements) are also available from the Taxi Licensing Section. The Council is bound by rules of confidentiality, and documentation will be retained for no longer than is necessary. 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 Taxi Licensing Section, which will form part of the application.
- 29.5 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).
- 29.6 Applicants for renewal of a driver's licence are required to have an enhanced disclosure criminal record check from the DBS every third year. Only DBS checks applied for through the Council's Taxi Licensing Section will be accepted. Additional DBS checks may be required for those drivers who undertake school contract work on behalf of the Council and North Yorkshire County Council.
- 29.7 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.

- 29.8 Licensed drivers shall inform the Council within three days of any conviction being recorded against him/her or any Company of which he/she is a Secretary or Director. On receipt of this information the Council may have reasonable cause to issue a written warning, require the driver to attend a driving assessment, suspend the licence for a specified period or revoke the licence.
- 29.9 Licensed hackney carriage and private hire drivers are regarded as a notifiable occupation. If a licensed driver comes to the notice of the police, the police may notify the appropriate local authority of a conviction and any other information that indicates that a person poses a risk to public safety. Most notifications are made once an individual is convicted, however, if there is a sufficient risk the police may notify the authority immediately. On receipt of this information the Licensing Manager may have reasonable cause to suspend or revoke the licence.
- 29.10 Failure to declare convictions received during the lifetime of the licence could lead to the renewal applications being refused.

30. Applicants who have resided outside the United Kingdom (UK)

- 30.1 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 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.

31. Medical Examination

- 31.1 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 s/he is 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.
- 31.2 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.
- 31.3 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) s/he considers the applicant to be fit to act as the driver of a hackney carriage or private hire vehicle in accordance with this standard.

- 31.4 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.
- 31.5 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.
- 31.6 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.
- 31.7 If the Council is not satisfied as to the medical fitness of an applicant a hackney carriage or private hire drivers 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.

32. New Applicants

- 32.1 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.
- 32.2 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 knowledge test 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 and/or medical certificates if it is six months or less since the last DBS check and medical was undertaken.
 - c) 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 knowledge test or the driving assessment.

33. Application Procedure

- 33.1 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 Taxi Licensing office or at www.york.gov.uk/licensing.
- 33.2 Grant applications will normally be processed within 10 working days, unless it has to be determined by Committee in which case it will be determined within 30 working days. Applications will not, however, be determined until the Council has received all relevant documentation which is required as part of the application process, the applicant has passed the knowledge test and attended a sexual exploitation awareness session approved by the Council.
- 33.3 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.

34. Private Hire Drivers

- 34.1 Conditions can be imposed upon the grant of a private hire drivers' licence. Standard conditions are attached at Appendix 9.

35. Licensed Drivers

- 35.1 Licensed drivers shall attend a sexual exploitation awareness sessions approved by the council prior to the renewal of licences.
- 35.2 Licensed drivers who accumulate nine or more fixed penalty points may be required to undertake the driving assessments, this will be at the discretion of the Licensing Manager or such other Officer as is authorised by the Council.

36. Renewal of Licences

- 36.1 Licensed drivers 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.*
- 36.2 The renewal application and all documentation required as part of the renewal process must be received prior to the expiry of the existing licence. With the prior approval of the Taxi Licensing Section documentation, other than the renewal application, maybe submitted up to 20 working days after the expiry of the existing licence. The driver licence will not be renewed until all relevant documentation is received. A late fee will be payable for any licences not renewed by the expiry of the existing licence.
- 36.3 Drivers who fail to submit renewal applications and relevant documentation in accordance with paragraph 36.2 will be required to reapply as a new applicant.

37. Term of Licence

- 37.1 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.

37.2 DVLA driving licence checks will be carried out annually.

37.3 Medicals will be carried out in accordance with paragraph 31.4.

38. Optional Training

38.1 If they wish, drivers can also undertake additional training which is provided by the Council, subjects such as equalities. 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/>

Private Hire Operators

39. Requirements and Obligations

- 39.1 Applicants who are not already licensed as a private hire/hackney carriage driver will require a basic disclosure, criminal record check, from Disclosure Scotland for the grant and renewal of an operator licence. On submission this disclosure must be less than one calendar month old.
- 39.2 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.
- 39.3 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.
- 39.4 A private hire operator must ensure that every private hire vehicle despatched by him 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.
- 39.5 It is a condition of licence that the applicant operates from a premises within the controlled district of the Council.
- 39.6 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.
- 39.7 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.

40. Conditions

- 40.1 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.

41. Insurance

- 41.1 Applicants are required to produce appropriate public liability insurance and employer liability insurance, if they have employees, annually.

42. Planning Consent

- 42.1 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. Due to this requirement, applicants must provide details of where vehicles will be parked when waiting for bookings.

43. Application Procedure

- 43.1 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 Taxi Licensing office or at www.york.gov.uk/licensing.
- 43.2 Applications will normally be processed within 10 working days, unless it has to be determined by Committee in which case it will be determined within 30 working days. Applications will not, however, be determined until the Council has received all relevant documentation.
- 43.3 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.

44. Record Keeping

- 44.1 Operators are required to keep records in the form of a log sheet or computer database detailing:
- a) bookings, for example times and dates, name and address of hirer, place of commencement of each hiring
 - b) all hackney carriage/private hire vehicles operating from his/her office
 - c) all hackney carriage/private hire driver's operating from his/her office
 - d) complaints received from the public

Full details can be found in the Private Hire Operators' Licence Conditions at Appendix 10.

- 44.2 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 driver's, not less than 36 months
 - c) complaints, not less than 12 months

45. Change of Home Address, Partners, Directors, Secretary or Chairman

- 45.1 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.

46. Material Change

- 46.1 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.

47. Business Name and Vehicle Side Plates

- 47.1 Applications for operator's licences cannot be 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.
- 47.2 Vehicle side plates and artwork must comply with the conditions relating to Private Hire Vehicles as detailed in Appendix 1, conditions 1 and 2.

48. Renewal of Licences

- 48.1 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.*
- 48.2 The renewal application and all documentation required as part of the renewal process must be received prior to the expiry of the existing licence. With the prior approval of the Taxi Licensing Section documentation, other than the renewal application, may be submitted up to five working days after the expiry of the existing licence. The operator licence will not be renewed until all relevant documentation is received. A late fee will be payable for any licences not renewed by the expiry of the existing licence.
- 48.3 Licensed operators who fail to submit renewal applications and relevant documentation in accordance with paragraph 48.2 will be required to reapply as a new applicant.

49. Term of Licence

- 49.1 In accordance with Section 55 of the 1976 Act, as amended by Section 10 of the Deregulations 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.

Fares

50. General

- 50.1 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.
- 50.2 The Council will review the table of fares when requested by the Trade. All Associations acting on behalf of the hackney carriage trade must be in agreement with any changes to fares before making the request to the Council. When determining the level of fares consideration will be given to what is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a service at all times it is needed.
- 50.3 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.
- 50.4 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.
- 50.5 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.

51. Table of Fares

- 51.1 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.
- 51.2 Private hire operators that use licensed vehicles fitted with a fare meter 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.

52. Receipts

- 52.1 A driver must, if requested by the hirer, provide a written receipt for the fare paid.

53. Overcharging

- 53.1 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. If this should occur the driver will be prosecuted.

Fees

54. General

- 54.1 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.
- 54.2 The current fees payable for the grant and renewal of hackney carriage and private hire licences are available from the Taxi Licensing Section and the Council's website.

55. Variations to Fee Structures

- 55.1 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.
- 55.2 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.
- 55.3 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.

56. Payments

- 56.1 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.
- 56.2 Only credit or debit card payments will be accepted in relation to the fee that applies to a disclosure and barring service check.

57. Payment Refunds

- 57.1 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.

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, which should be securely fixed externally to the front and rear of the vehicle so that they are 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 front screen and rear window providing they do not obscure the visibility of the driver.
 - b) A sign 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 statement of fares and the means by which these are calculated placed in a prominent position inside the vehicle.
2. The licensed vehicle shall not display any other signs, notices, advertisements or artwork except those detailed above or otherwise approved by the Council.
3. 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) provide a fire extinguisher to comply with current standards;
 - g) maintain in an operable condition all doors, hinges, handles, locks and windows.
4. 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) have a cubic capacity of not less than 1250 cc (engine) except for vehicles fitted with an engine rated with a Euro IV (or better) emission standard;
- g) 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.

5. 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.

6. 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.

7. The licensed vehicle shall not be a licensed hackney carriage or private hire vehicle of any other Council.
8. 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.
9. 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.
10. 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.
11. 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).
12. The Council's Taxi 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
13. 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.
14. 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.
15. 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

16. 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 Taxi Licensing Officer that it is technically impossible to provide a seat belt to comply with type approval.
17. 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.
18. 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.
19.
 - i) All licensed vehicles shall be fitted with windscreen glass that has a light transmittance of 75% and windows to either side of the drivers head shall have a light transmittance of not less than 70%.
 - ii) All other windows within licensed vehicles shall have a light transmittance of not less than 50%.
 - iii) For estate-type vehicles the windows overlooking the luggage space can be of any manufacturer's tint providing it is not opaque.
 - iv) Any self applied material shall satisfy the requirements of i) ii) and iii) above if it has been approved by the Council.
20. 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.
21. 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.
22. The licensed vehicle shall not be equipped with any CCTV system unless approved by the Council.
23. 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.

24. The licensed vehicle shall be right hand drive.

For the purpose of applying condition 19 (tinted windows), an estate car will be defined as:

- a) A vehicle with a long body and extended roofline which gives increased luggage capacity in the area behind the rear seats and is accessed from the rear, and
- b) Is described as an estate car on the vehicles registration document.

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 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 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) an engine size above 2000cc:
 - (d) 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) The driver will not take money at the end of the hire.
- (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 Taxi 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 form 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. 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.

A temporary plate shall be affixed to the inside of the rear window so not to obscure the visibility of the driver.

16. 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.

17. 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 Taxi Licensing Officer that it is technically impossible to provide a seat belt to comply with type approval.

18. 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.

19. The licensed vehicle shall have a minimum engine capacity of 1250cc except for vehicles fitted with an engine rated with a Euro IV (or better) emission standard.

20. i) All licensed vehicles shall be fitted with windscreen glass that has a light transmittance of 75% and windows to either side of the drivers head shall have a light transmittance of not less than 70%.
- ii) All other windows within licensed vehicles shall have a light transmittance of not less than 50%.
- iii) For estate-type vehicles the rear window and side windows adjacent to the luggage space can be of any manufacturer's tint providing it is not opaque.
- iv) Any self applied material shall satisfy the requirements of i), ii) and iii) above if it has been approved by the Council.

21. The licensed vehicle will be supplied with the official coat of arms decal which must be displayed at all times on each front door panel.
22. 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.
23. The licensed vehicle shall not be equipped with any CCTV system unless approved by the Council.
24. 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.
25. The licensed vehicle will be right hand drive.

For the purpose of applying condition 20 (tinted windows), an estate car will be defined as:

- a) A vehicle with a long body and extended roofline which gives increased luggage capacity in the area behind the rear seats and is accessed from the rear, and
- b) Is described as an estate car on the vehicles registration documents.

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 an efficient fire extinguisher which shall be carried in such a position as to be readily available for use
 - i) 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
 - j) 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 WHEREOF the COMMON SEAL of the)
COUNCIL OF THE CITY OF YORK is hereto affixed)
this 5th day of November, one thousand nine hundred) LS
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

Appendix 5

Horse Drawn Hackney Carriage Licence Conditions

1. This Licence is granted for a period of 12 months or less but subject to review in the event of any closure of streets on the approved route or the closure of Deangate during that period.
2. Adequate insurance cover must be obtained to the satisfaction of the Council, clearly stating that the vehicle is being used as a hackney carriage.
3. The route and journey times being approved by the Head of Public Protection and Licensing Manager.
4. The vehicle must proceed at walking pace whilst travelling through Blake Street, St Helen's Square, Davygate, St Sampson's Square, Church Street, King's Square and Colliergate between the hours of 10.30 am and 5.00 pm and Deangate at anytime.

(Any variation will be notified in writing to the licence holder with a minimum of seven day's notice. Any variations to the above route due to the need for temporary closures will require licence holders to observe this regulation on the alternative route).
5. The maximum fare charged being approved by the Head of Public Protection and Licensing Manager.
6. *The carriage will be inspected annually by an inspector approved by the Council.
7. The carriage will be fitted with four lights positioned at the front and rear covers of the carriage. These lights will be illuminated if the carriage operates from dusk.
8. The carriage will be fitted with a warning bell.
9. The seating capacity of the carriage 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 carriage is fitted with continuous seats, one person shall be counted for each completed length of 400mm measured in straight line length wise 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 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 seats shall be measured as if it were not fitted with such arms
 - c) the maximum seating capacity of the carriage will be 6 persons
 - d) all passengers will be seated within the carriage and not in the top seat adjacent to the driver
10. *The submission of a veterinary certificate signed by a Veterinary Surgeon to the satisfaction of the Council, stating that each horse is fit to carry out the work intended to be carried out,

being neither infirm by reason of age or health or deficient by reason of size.

11. *The production of further veterinary certificates as may from time to time be requested by Officers of the Council.
12. *The horse and driver will be assessed to use the route by an inspector approved by the Council.
13. No horse shall be worked for more than eight hours during any one day, with a break of at least one hour between the commencement and termination of duties. The travelling time to and from where the horse is stabled is to be included within the eight hours working day.
14. No horse shall walk a distance of more than three miles to the taxi rank at the start and end of their working day. Horses stabled at location more than three mile from the rank must be transported for part of the journey.
14. The licence holder must notify the Councils Taxi Licensing Section of the location of the stables in which their horse(s) are normally housed and make them available for inspection by Council Officers and their advisers at anytime. In the event that the Council receive a report from the RSPCA veterinary surgeon or other qualified person that the conditions under which the horse(s) are being kept are not in the interests of the health of the animal and its capacity to pull a carriage, the Council will suspend the licence until satisfied that the horse(s) are being kept in a humane manner.
15. A horse passport must be provided for each horse authorised to be used for licensed horse drawn hackney carriage work. If a horse passport is not provided for an authorised horse, permission to use that horse will be withdrawn until such time as the appropriate horse passport is provided.
16. All proprietors of the horse drawn hackney carriages must keep the area in the vicinity of the rank they operate from, clean and clear of horse manure or obstruction of the highway associated with their use.
17. In the event of the horse defecating in the pedestrian area, proprietors will allow the horse to stop to restrict the spread of the dung.
18. Proprietors will manage the feeding arrangements for their horses to consolidate the consistency of the droppings (i.e. reduce grass).
19. Proprietors will advise the street cleaners, if they pass them, where the horse has defecated in the pedestrian area.
20. Proprietors will make every effort to ensure that any dung that is deposited in the pedestrian area is picked up by themselves if they operate after the final clean by the mechanical sweeper (usually 6.00pm).

* the cost of inspectors and veterinary certificates is payable by the licence holder.

Appendix 6

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 my 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 Taxi Licensing Section within the prescribed time limit.
16. Ensure that my 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 Taxi 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.

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 indicates 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 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 Taxi 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 7

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 taxi 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
 - 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

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, 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 taxi licensing office will exercise this authority in the interests of the citizens and visitors to York.

Appendix 8

Guide to the Rehabilitation of Offenders Act 1974 (as Amended by Section 139 of the Legal Aid, Sentencing & Punishment of Offenders Act 2012)

Under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, Schedule 2 as amended by the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendments) Order 2003, **taxi driver licences are listed under Excepted Licences and under Schedule 3, proceedings relating to a taxi driver licence are listed as Excepted Proceedings. This means that the Rehabilitation of Offenders Act 1974 does not apply to any person applying for a private hire or hackney carriage driver's licence on initial grant or on renewal.

** "taxi" driver is defined as both hackney carriage and private hire

When considering the effect a conviction or convictions may have on an application for a private hire or hackney carriage licence, each individual case will be decided on its own merits.

The offences listed below are examples of those considered particularly relevant but are not exhaustive and all convictions will be considered including those which are spent. Regard will be had both to the seriousness of an offence and to repeated offending. The overriding consideration will be the protection of the public.

*Offences of a sexual nature or involving indecency or involving obscene materials - These include consensual sex with others under the age of consent. It is recognised that drivers carry great numbers of underage persons who could be vulnerable to improper advances.

*Offences of Violence - a driver with violent tendencies, whether it is violence towards men or women or sexual aggression, may not be a suitable person to drive the public. The public may on occasions be difficult and unco-operative and on other occasions may be travelling on their own and be very vulnerable.

*Offences of Dishonesty - drivers are in a position to illegally obtain money or property whilst carrying out their work. This could range from over charging to burglary. For example, drivers often become aware of when properties are empty and when the occupants are expected to return.

*Offences involving Drugs - Drivers are in a position to be involved in the dealing and transportation of controlled drugs.

**Applicants with unspent convictions for the above offences will not normally be considered fit and proper.*

Offences of Driving Under the Influence of Alcohol or Drugs

Offences involving substance abuse may indicate an inability to control the use of such substances with a potential to affect the driver's safety on the roads.

Where an applicant is convicted of this offence they will normally not be considered fit and proper until the expiry of five years.

Traffic Offences

Motoring offences are important in relation to someone who intends to earn their living driving the public.

An applicant with an unspent conviction for a serious road traffic offence or repeated minor offences will not normally be considered a fit and proper person.

Offences involving Discrimination.

Offences concerning discrimination are a concern to all in society and drivers are in a position to discriminate against selected groups or individual passengers.

An applicant with an unspent conviction for discrimination against any sector of the community will not normally be considered a fit and proper person.

Convictions During the Currency of a Licence

A current licence holder who is convicted of any offence contained within these guidelines during the course of the currency of a licence will normally have his/her licence suspended or revoked.

Rehabilitation Periods

Sentence	Rehabilitation Period
Prison sentence of over 4 years or a public protection sentence regardless of the length of sentence	Never spent
Prison sentence of more than 30 months up to and including 48 months	7 years from the end of the sentence (including time on licence)
Prison sentence of more than 6 months up to and including 30 months	4 years from the end of the sentence (including time on licence)
Prison sentence of 6 months or less	2 years from the end of the sentence (including time on licence)
Probation Order	12 months from the end of the order
Community Order or Youth Rehabilitation Order	12 months from the end of the order (where the order does not specify the last date on which the order is to take effect, the rehabilitation period is 2 years from the date of conviction)
Fine	1 year from the date of conviction
Conditional Discharge Order	The last day on which the order has effect
Compensation Order	Once the compensation is paid in full (proof of payment from the court must be produced to prove the compensation order has been paid in full)
Absolute Discharge	No rehabilitation period
Conditional Caution or Youth Conditional Caution	3 months or when the caution ceases to have effect if earlier
Simple Caution or Youth Caution	Spent immediately
Binding Over Order	Period of the order
Attendance Centre Order	Period of the order
Hospital Order (with or without a restriction order)	Period of the order

Where 2 or more sentences have been imposed in respect of a single conviction, the longer

period applies to both. Generally, where a person commits a further offence during a rehabilitation period, neither can be regarded as spent until both periods have elapsed.

NOTE: It is the prison sentence imposed by the Court that counts (even if it is a suspended sentence) not the time actually spent in prison.

An endorsement for a road traffic offence listed in Schedule 2 of the Road Traffic Offenders Act 1988, imposed either by the court or by means of a fixed penalty notice (FPN) is a sentence for the purpose of the 1974 Act and will become spent after 5 years. Penalty points and a driving disqualification imposed by the court on conviction will become spent when they cease to have effect (penalty points have effect for three years as set out in road traffic legislation). Where the court imposes more than one sentence or penalty for the offence then the longest rehabilitation period determines when the conviction may become spent.

Example

An adult is convicted of a road traffic offence and the court imposes a fine (rehabilitation period 1 year), an endorsement (rehabilitation period 5 years), penalty points (rehabilitation period 3 years) and driving disqualification for 1 year (rehabilitation period 1 year); the rehabilitation period for this conviction will be 5 years because the endorsement carries the longest rehabilitation period.

Important note: This guide is intended for guidance only. It is not legal advice and must not be regarded as a definitive interpretation of the 1974 Act. Anyone in doubt should seek their own legal advice.

Appendix 9

Private Hire Driver's Licence Conditions

1. Private hire 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 him/herself 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. The driver of a private hire vehicle shall not smoke (cigarettes or E cigarettes) whilst in their vehicle.
3. Licensed drivers shall wear the badge provided at all times when operating their vehicles.
4. 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.
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.
6. 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.
7. The licensed driver shall within three days supply to the Council:-
 - i) Details of any change of address and/or telephone number.
 - ii) Written details of any conviction being recorded against him/her or any Company of which he/she is a Secretary or Director.
 - iii) 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.
8. 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.
9. On termination or surrender of a driver's licence, the badge must be returned to the Council or a financial penalty will be imposed.
10. 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.
11. 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.

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 Operators 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 his/her 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 his/her office. Such records shall be sent to the Council annually and be available at all reasonable times for inspection by the Council.

13. The licensed Operator shall make sure that hackney carriage/private hire vehicles and driver's operating from his/her office have had their licence renewed by the Council.
14. 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.
15. The licensed Operator will ensure that the licence issued by the Department of Trade and Industry for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the D.T.I. licence and the licensed Operator must allow the Council access to inspect all equipment and D.T.I. licenses.
16. 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 in particular:-

- a) The date and time of each booking
 - b) The name and address of the hirer (if known)
 - c) The dates, time and place of the commencement of each hiring
 - d) The destination
 - *e) The vehicle licence number and the name of the driver
 - f) For booking transferred to another operator, details of that operator and information detailed in point 'e' above
- (* This information may be given by reference to an incorporated code)

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.

17. The licensed Operator shall keep a register of complaints by the public for a period of not less than 12 months.
18. 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
 - d) dishonesty
 - e) breaches of equalitythe licensed Operator shall report it immediately to the Council when the taxi licensing office is open.
19. The licensed Operator is not permitted to accept bookings forwarded by their private hire drivers.
20. Private hire operators must provide the Council with a current table of fares, including mileage fare chart.

21. If used, private hire operators must make sure all meters and PDA systems are calibrated to the correct fare scale.
22. 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.
23. The licensed Operator remain accountable for service delivery even upon the transfer of a booking to another licensed Operator.
24. 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.

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 (for Fibbers Nightclub)	4 cars

Exhibition Square – 8.00 p.m. to 6.00 a.m.	3 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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Executive**26th January 2017**

Report of the Corporate Director of Economy and Place

Portfolio of the Executive Member for Finance and Performance and the Executive Member for Economic Development & Community Engagement

York Castle Gateway**Summary**

1. City of York Council (CYC) is one of the principal land owners in the area around Piccadilly, Coppergate Centre, the Eye of York, Clifford's Tower, St George's Field and the Foss Basin and many parts of the area are underused, semi derelict or of poor quality.
2. As the principal landowner, the council is instrumental in delivering a joined-up regeneration of the area which will maximise social and economic benefits for the city. Following a report to Executive in October 2015 officers were asked to initiate negotiations with adjoining land owners to develop a vision for the area and explore practical arrangements to deliver regeneration.
3. For the last 2 years many of the properties in the area, including the long-term leasehold of the Coppergate Centre, were held in administration and it was therefore not possible to develop long-term plans to redevelop them in a cohesive way. The area is urgently in need of a comprehensive vision to improve the locality and create a socially and economically sustainable future.
4. Very recently the assets in administration have been secured by Steamrock Capital Limited and officers have been exploring the potential for a commercial venture to combine our assets in order to deliver a cohesive regeneration scheme.
5. This report sets out work undertaken over the last year to progress the project and outlines:
 - The vision for the regeneration of the area.
 - The Local Plan draft Area of Opportunity Policy to support that vision.

- A proposed stakeholder group of principal custodians to advise on the masterplan and designs for the public areas and spaces.
- A potential commercial partnership to deliver the redevelopment of council land and property assets and surrounding development sites.
- The strategy and resources needed to deliver the above.

Recommendations

6. Executive is asked to consider and agree:

- a) The renaming of the regeneration area as Castle Gateway.

Reason: To change the name to better reflect the geography and nature of the area.

- b) To approve the vision for the Castle Gateway as set out in paragraph 18.

Reason: To deliver the regeneration aims of the Castle Gateway project.

- c) To approve the revised Castle Gateway draft Area of Opportunity Policy for progression in the emerging Local Plan process.

Reason: To ensure the Castle Gateway vision is enshrined in planning policy.

- d) To develop a masterplan for the development of the council assets, infrastructure and public spaces within the Castle Gateway area.

Reason: To provide a cohesive and informed design approach to the Castle Gateway.

- e) To create a stakeholder group to guide and develop the masterplan.

Reason: To ensure the masterplan is driven by key stakeholders as principal custodians for this area of the city.

- f) To note the £100k bid which will be considered as part of the 2017/18 budget to fund the development of masterplan design work for Castle Gateway.

Reason: To support the masterplan and design work of the cultural partnership.

- g) To initiate a public consultation/develop a community forum to engage with the masterplan for the area.

Reason: To ensure the public are engaged and consulted in helping to shape proposals for the Castle Gateway.

- h) To explore the business case for the development of the council's assets in the Castle Gateway as part of a potential commercial venture with Steamrock Capital.

Reason: To explore the proposals from the largest neighbouring landowner to work in partnership to jointly develop out land assets.

- i) To bring a future report to Executive setting out the analysis of the Steamrock Capital partnership proposal and alternative delivery options.

Reason: To provide detailed advice to the Executive to make an informed decision on the preferred delivery options for the Castle Gateway.

- j) To close Castle Mills Car Park immediately and submit and implement a planning application to demolish it and provide a temporary meanwhile use on the site in advance of any long-term redevelopment.

Reason: To demolish the poor quality existing car park due to Health and Safety concerns and implement a temporary use for the site in advance of a decision being taken on the long-term development options.

- k) To allocate £80k release from contingency to facilitate consultation and commercial and technical advice.

Reason: To fund the additional work set out in this report.

- l) To note the required additional staff resource to deliver the recommendations from existing budgets, and note the likely need of future resource and budget to deliver the project.

Reason: To deliver the recommendations outlined in this report and ensure the regeneration of the Caste Gateway.

Background

- 7. This area was previously referred to as the 'Southern Gateway'. The area includes the site of the former York Castle and it is proposed that the name

be changed to Castle Gateway, a name which is both more descriptive and meaningful to the people of York. It references that this was the historic Castlegate ward, and builds on the geographical association with key cultural assets in the area.

8. The Castle Gateway area covers the length of Piccadilly, the Coppergate Shopping Centre and the Eye of York and runs through to St George's Field and the Foss Basin (see Annex 1). Much of the area has significant dereliction and underdevelopment, and yet the area has great potential in both its location and its historic and cultural assets. The area sits largely within the city walls and within the Historic Core Conservation Area, at the confluence of two rivers, the Ouse and the Foss.
9. The area contains a range of private landowners and a substantial amount of public estate with three museums/attractions (Castle Museum, Fairfax House and the Jorvik Viking Centre), three court buildings, many listed structures and a historic monument of international significance (Clifford's Tower). The whole Castle including the Eye of York and the Museum site are all part of the scheduled monument. A map showing the varied ownership, and setting out the extent of the Castle Gateway area, is attached at Annex 1.
10. Piccadilly and the Eye of York have been the subject of previous unsuccessful redevelopment projects. A major retail-led scheme was rejected in 2003 following a Public Inquiry. The land was subsequently sold to LaSalle UK Ventures who in 2008 entered into a partnership agreement with the council to pool assets in an attempt to achieve a holistic scheme. LaSalle worked up high level proposals for the area based upon a retail scheme on the Castle Car Park but they were never agreed with the council and the partnership fell away when the scheme was no longer felt to be viable due to the economic downturn.
11. In June 2014 LaSalle UK Ventures Property 8 S.A.R.L went into administration and officers were involved in discussions with the Administrators to explore future plans for the assets. There have been a number of commercial transactions since then, and the assets were recently acquired by Steamrock Capital and now sit in the single ownership of a company who have expressed their keenness to work with the council to develop them. This raises the possibility that holistic area regeneration may once again be feasible.
12. Since June 2014 there has been significant commercial activity in the area including the sale of Stonebow House, United House, the former Fire Station at Clifford Street, and the County Court freehold. Residential schemes at Piccadilly Lofts and behind Reynard's Garage are on the market, or under construction; the Primark store has opened in the

Coppergate Centre and English Heritage have been granted planning permission for a Clifford's Tower visitor centre as part of major restoration works (subject to judicial review). The council-owned 17-21 Piccadilly (Reynard's Garage) has been demolished and in November the Executive approved the offer of a three year tenancy to Spark:York who are seeking planning permission for a meanwhile development. The proposal offers a vibrant and active destination of start-up space and street food on a vacant city centre site and, subject to planning, will open in spring 2017. This would generate footfall in to the neglected Piccadilly area, encouraging redevelopment of neighbouring vacant private sector sites and potentially increase land values and the council's revenue returns from the future redevelopment of the site.

13. As a principal land holder the council has a major role to play in ensuring that successful and sustainable area regeneration occurs, maximising the economic benefits for the city. The council has an opportunity to shape a new vision for the area; to exert influence on how commercial interests operate within the area; to capture planning gain to contribute to uplift of the amenity and accessibility of the area; and to generate much needed financial returns from the proactive management of our property assets. Without any council intervention it is likely that this will lead to incremental development along Piccadilly which, though potentially an improvement on the current state, may not achieve any broader aims of improving the city centre – missing a vital opportunity to regenerate this important gateway to the city to a high standard.
14. The initial development of Castle Gateway was included in York's One Public Estate programme sponsored by the Cabinet Office and the Local Government Association, to explore more effective use of public sector assets. As part of this programme a grant of £70k was awarded to fund a dedicated project manager.

Defining the Castle Gateway

15. The Castle Gateway can be split into 3 different areas (see Annex 1):
 - 1) **Castle Piccadilly** – The Castle-Piccadilly area includes the Castle precinct, the upper section of Tower Street and the section of Piccadilly south of the River Foss. It is the main area of opportunity for investment in the Castle Gateway and incorporates a number of redevelopment sites suitable for high quality mixed use development. The River Foss is a barrier to pedestrian movement through the area, and better integration between Piccadilly, the Castle precinct and the City Centre is a key issue.

Sitting in the shadow of Clifford's Tower, the Castle Car Park provides an inappropriate setting for such a significant historic monument. However, it is one of the busiest car parks in the city and creates an essential income stream for the council. The car park and access roads are a barrier to pedestrian access to both Clifford's Tower and the Castle Museum. Despite the presence of beautiful buildings, cultural attractions, and one of York's largest areas of open public realm, footfall into, and utilisation of, the public space is relatively low.

Across the River Foss sits Piccadilly, a street that has a high level of empty, unattractive and derelict buildings. Footfall down the street is low compared to its potential and the River Foss acts as a barrier to movement. Piccadilly would be vastly improved with better buildings and streetscape and greater integration with the city centre and the Eye of York.

Asset ownership is diverse. The council own 17-21 Piccadilly and the Castle Mills Car Park, and a range of undeveloped assets are now in the sole ownership of Steamrock Capital as part of their development portfolio, principally the Banana Warehouse and Ryedale House. The NCP car park, which sits between these buildings, is in the separate private ownership of Northminster who have signalled their intention to bring forward the site for a hotel with an element of residential accommodation.

- 2) **Foss Basin and the Ouse Riverside** - The area includes the Foss Basin and St George's Field, the Ouse Riverside, Tower Gardens, Clifford Street, the section of Tower Street to the west of the Castle, and part of the dualled inner ring road. The area is strategically important but under-utilised. With excellent proximity to the historic heart of the city, fantastic views, bounded by the Rivers Ouse and Foss, there is significant, albeit less clearly defined, development opportunity. This must, however, be balanced against some of the development constraints, as the site lies in the functional floodplain and hosts the Foss Barrier which is essential to the city's flood defences.

Occupancy rates for the car park are medium, depending on seasonal variations, and the car park adds little to the surroundings. The inner ring road acts as a barrier to pedestrian and cycle movement and vehicular exit from the car park can be difficult in heavy traffic. The historic 'New Walk' and the tow path are attractive but benefit little from current uses of the adjoining area. When 'New Walk' is in flood this also results in pedestrians utilising the vehicle exit on to the difficult and dangerous to cross inner ring road. The Foss Basin is underused and unattractive and the water asset is not embraced or exploited.

The council own the freehold of the area. There are some short-term leases for moorings on the Foss Basin and the Foss Barrier is held by the Environment Agency. They currently have a temporary extended land take within St George's Field car park to undertake emergency works to the Foss Barrier, and also have a live planning application for a permanent redevelopment of the barrier which will slightly increase the footprint of the previous building.

- 3) **Coppergate/Fossgate** – The area includes Coppergate, the Coppergate Centre, north Piccadilly and the resurgent Fossgate, connecting the central shopping area with the rest of the Castle Gateway. A main transport route through the city centre runs from Ouse Bridge to Pavement, separating the Coppergate/Fossgate area from the central shopping area. Pedestrian movement between the areas is hindered by busy crossroads, high volumes of traffic, and narrow pavements.

The Coppergate Centre has struggled to generate footfall and is disconnected from the Eye of York to the south and the main city centre shopping areas by the Coppergate road junctions. It is successful for major retailers but has struggled to retain businesses in smaller retail units and is in need of investment to improve the retail offer.

The council own the freehold of the Coppergate Centre and the leasehold is held by Steamrock Capital.

Shaping the vision

16. The principles for the regeneration of the area were established in the inception report to the Executive in October 2015. This established the aims of the project, which are set out below:
- 1) To improve the quality of the Castle Gateway and contribute to the economic vibrancy and prosperity of the city
 - 2) The area could include quality public space that will increase footfall, and create a culturally, socially and economically vibrant area of the city
 - 3) Development will respect and augment the heritage and cultural assets
 - 4) Development will be environmentally sustainable
 - 5) Development will exploit and celebrate the important river setting
 - 6) Provide new homes and release pressure on green belt land

- 7) Maximise financial return from council assets to reduce pressure on ongoing budgets
 - 8) Improve quality of car parking provision and promote the use of sustainable modes of transport
 - 9) Improve pedestrian and cycle routes and accessibility throughout the area with better access and permeability, particularly across the River Foss and Tower Street
 - 10) Improve the setting of Clifford's Tower
 - 11) Improve the quality of the streetscape particularly along Piccadilly.
17. These principles have been refined over the last year to form an overarching vision for the Castle Gateway through discussion with landowners and stakeholders, consultation with Executive and ward Members, and exploration of the detail of the development opportunities and infrastructure.

The Castle Gateway vision

18. The vision for the Castle Gateway interprets the above aims to provide a tangible and deliverable vision of how the regeneration of the Castle Gateway can be delivered. It is an exciting and ambitious plan which will reshape the area and realise the significant potential of this important part of the city. The Executive is asked to approve this vision which would:
- I. Seek to relocate the existing surface level Castle Car Park away from Clifford's Tower
 - II. Replace the lost car parking capacity through alternative options such as underground car parking on the same site or a purpose built multi-storey car park in an alternative location
 - III. Create a high quality mixed use commercial development on the banks of the Foss on the site of the Castle Car Park, respecting a build line that follows the historic line of Castlegate
 - IV. Create a new public space on the Castle Car Park to link with the area in front of the Castle Museum and the Crown Court to create a re-imagined Eye of York area that would articulate the varied historical narratives of this important area of the city
 - V. The redevelopment of the Castle Museum and Clifford's Tower as the anchor cultural attractions for the Castle Gateway area

- VI. Create a new pedestrian cycle bridge across the Foss which will connect the area to Piccadilly and on to Walmgate and Fossgate creating new lateral routes across the city centre
- VII. Create new riverside walkways along one or both banks of the Foss to improve access to St George's Field/Foss Basin and into the city
- VIII. Enable the revitalisation of the Coppergate Centre's retail and residential offer by extending the leasehold term
- IX. Redevelop the low quality sites on Piccadilly (including Ryedale House, Banana Warehouse, NCP car park, Castle Mills Car Park and 17-21 Piccadilly)
- X. Explore long term options to realise the potential of St George's Field and the Foss Basin

Transport Plan

- 19. In determining the vision, consideration needs to be given to the scope for any change to the transport network. This needs to be given due consideration in the master planning process and is an ongoing and evolving process that will both drive changes to, and be shaped by, the vision.
- 20. There are existing capital budgets set aside for junction/signal improvements in the City Centre area and enhancements to the foot streets area and peripheral streets surrounding the core pedestrianised area. In addition to these measures the following opportunities have been identified for further exploration:
 - Piccadilly – opportunities to reduce the width of the carriageway and improve the foot streets and bus stop arrangements.
 - Piccadilly coach drop off point – as part of a wider strategy for coach parking to be housed out of town with designated drop off points this location could be considered.
 - The southern end of Tower Street – should car parking be relocated away from Castle Car Park this may reduce the need for the size of carriageway between Tower Gardens and Clifford's Tower, facilitating better pedestrian routes.
 - Castle Mills Bridge/Fishergate area - Opportunities for improving cycle/pedestrian (and vehicular) access to the Castle Gateway area from south of the ring road.

- Coppergate/Pavement – opportunities to reduce vehicular flow and enhance pedestrian movement between the city centre and Castle Gateway area

Challenges to the vision

21. There are a number of key challenges to the delivery of the vision. It is important that these are recognised and clearly articulated to stakeholders and the public. An understanding of the implications of these challenges amongst interested parties will be helpful in building a consensus in support of the proposals.
22. **Planning and conservation** - Both the area as a whole and the proposed development sites are subject to a number of constraints and challenges to delivering this vision. It is an area of significant historical importance and as a consequence has a very high level of public interest, investment, and attachment. It is also subject to a number of conservation and archaeological considerations, and a failure to address these planning considerations in the past has resulted in the failure of previous proposed schemes. However, the outcomes of those failed planning processes have provided important and useful clarity as to the form and type of development that is likely to be acceptable in the area, and resulted in realistic expectations from prospective commercial partners as to what scale of development is acceptable and achievable.
23. **Car parking revenue** - The use of council land assets as redevelopment opportunities is vital to the regeneration, particularly the sites of Castle Car Park, which acts as a detractor to the area, as well as the potential afforded by St. George's Field. One of the key constraints on redeveloping all the council's assets is that all but one are functioning car parks. Although they often experience low levels of occupancy they collectively generate £1.9m per annum in net revenue which is vital in funding and delivering wider council services. Easily the most used of these, and indeed all council car parks, is Castle Car Park which generates £1.2m per annum. The council cannot afford to lose this revenue which as a minimum must be replaced, and a key aim of the project is to actually increase council revenue from its commercial assets in the area. Consequently, the closure of any car park will need to be allied to a reprovion of the resulting loss of income.
24. At this stage there are two options that would allow the closure of Castle Car Park whilst potentially mitigating the loss of revenue by reprovion of the same number of council owned car parking spaces. Option one is to turn Castle Car Park in to a two level underground car park, allowing a new building and high quality public realm to be built at surface level. Arup has undertaken engineering and financial viability work to consider this option and concluded that it would be viable to engineer and construct an

underground car park providing 380 spaces at a cost of £17.9m (see Annex 7).

25. Option two would allow the development of Castle Car Park through relocating the car parking in to a new 360 space multi-storey car park on the site of the existing surface level car park at Castle Mills. The estimated costs of this proposal would be approximately £7.5m, although it would also result in the loss of any alternative development value that could be realised from that site. Having established that both are achievable options it is proposed to fully explore each option in further detail and undertake public consultation to allow the Executive to make an informed decision at a future date.
26. **Commercial realities** - A final key point to note is that at this stage there is no external funding identified for the project, and there are no developments of significant value and scope that will generate sufficient uplift to contribute huge investment through planning gain. Fundamental to the Castle Gateway vision is the creation of new high quality public spaces and pedestrian routes, which will be expensive. Achieving the vision relies on commercial viability, and creative solutions will be needed to ensure land value is extracted from the development opportunities to fund the public spaces, and the council's highest value development asset would be a building on part of Castle Car Park.

Delivering the Castle Gateway Vision

27. These are wide ranging and ambitious proposals and the vision depends upon a concerted approach to combine commercial, design, and heritage considerations and ensure that the public are fully engaged during this exciting development stage. This report therefore proposes that there are three key strands needed to overcome the challenges and deliver the Castle Gateway vision:
 - enshrining the principles of the vision in the planning process
 - forming an advisory group to develop the masterplan for the council's assets, infrastructure and public realm and spaces
 - creating commercial partnership(s) to deliver redevelopment

Planning – Draft Area of Opportunity Policy for the Local Plan

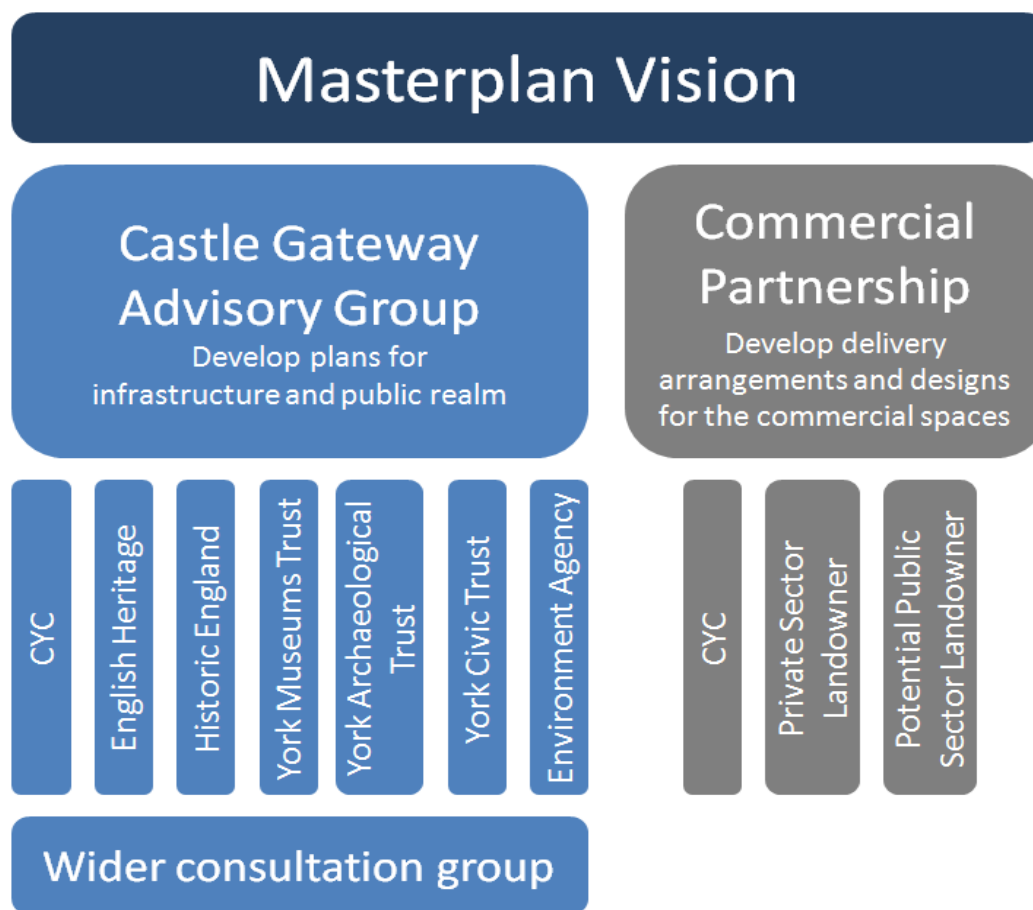
28. It is vital that the vision is translated into meaningful planning policies that ensure the council is able to guide the development principles for the area. It has long been recognised that a comprehensive planning approach is

needed to secure high quality regeneration in this significant and sensitive historic environment and draft policies to guide development of the area are contained within the Local Plan Development Control Draft 2005 and the Draft Local Plan, supported by other non statutory Planning Guidance and evidence bases (see list in Background Papers). The previous draft Area of Opportunity Policy for the 2014 draft of the plan focussed specifically on Castle Piccadilly. Now that the regeneration area has been expanded to incorporate the whole of the Castle Gateway and the vision has been further refined it is necessary to recast the Area of Opportunity Policy for the latest iteration of the emerging Local Plan.

29. A key challenge for the local planning authority is to ensure that the planning guidance for the area safeguards this important historic environment whilst allowing stakeholders and land owners to make the most of heritage and commercial assets and the council to maximise planning gain. Wherever possible the council will seek to work in partnership with developers and build a consensus, but it is also vital to provide a planning framework for the area that has sufficient weight to ensure the parameters set out in the vision are met.
30. The proposed draft Area of Opportunity Policy is set out in Annex 3, and will be considered by the Local Plan Working Group (LPWG) on Monday 23rd January in advance of the Executive with the minutes circulated to the Executive. The policy will relate directly to the vision and has been written in consultation with the Local Plan team, conservation, and development management. The key elements of the policy are set out in the map in Annex 8. If approved by the LPWG and Executive it will have limited weight in terms of dealing with development management decisions in advance of consultation on the latest Local Plan, but any evidence base that is developed can be a material consideration in any decision making process.

A partnership approach

31. The Castle Gateway project incorporates both commercial development to regenerate the area and respond to the commercial pressures, and the creation of a new revitalised area of public realm in a highly sensitive historic area. Both of these elements need to be combined in a cohesive design but they are subject to very different drivers. In order to make progress with the scheme it is proposed that two partnerships are created that join these elements together to deliver a cohesive masterplan design.
32. The diagram below sets out how the partnership approach would operate:



Castle Gateway Advisory Group

33. The Castle Gateway straddles a large area with significant public spaces which are underused. A number of landowners of heritage assets that surround this area have a keen interest in making this area work better for the city. It is proposed that a targeted working group is formed to develop proposals for the public spaces and infrastructure in the area which are then taken forward for wider consultation. This partnership would include:

- English Heritage
- York Museums Trust
- York Civic Trust
- Historic England
- York Archaeological Trust
- Environment Agency

It would also engage with a broader group of stakeholders in the area such as the Ministry of Justice, Guildhall planning panel, local businesses, and Ward councillors. This will lead to a series of public engagement events which will shape proposals to be brought back to Members.

34. It is an important consideration for this group that any proposals should be financially deliverable, whether through external grant funding or from the capital and revenue income generated by the scheme as a whole. The council would procure design and technical advisors to develop a conceptual masterplan and detailed design of the public realm, focusing on conservation and urban design rather than the commercial development elements of the Castle Gateway. The commercial elements will also need to meet the quality criteria and vision for the area, but will be designed separately. The masterplan will shape the key elements of the development on Castle Car Park, including the bridge across the River Foss. To fund this work a 2017/18 CRAM bid of £100k has been made as part of a wider council funding programme to support an ambitious York Museum Trust Heritage Lottery Fund bid for the Castle Museum. This bid would lead to an exciting redevelopment of the museum showcasing new exhibits and creating a new visitor experience and improved access, and is outlined in Annex 4. As part of this masterplanning work and consultation, further work will be undertaken to explore the two car parking options set out in paragraphs 24 and 25.

Commercial Partnership

35. At project inception the Executive instructed officers to approach adjoining landowners to discuss taking forward the redevelopment of the area. The largest of these is Steamrock Capital, as the owners of a long-term lease of the Coppergate Centre (of which the council own the freehold) and as the landowner of key undeveloped properties on Piccadilly. These discussions have explored how our combined assets in the area might be cohesively developed. These discussions have taken place having sought legal advice to ensure that there were no legal implications arising from undertaking discussions with a party who holds neighbouring land assets. The advice was that these discussions could take place, as we are exploring what opportunities are available. It may be possible to structure a joint venture in such a way that would mean the council may not need to publically tender for the opportunity. However, this will depend on the final proposed deal and the procurement issues will need to be carefully managed and kept under review as the project progresses. Legal advice will continue to be obtained as part of any ongoing discussions to consider any issues of EU procurement law and State Aid.
36. **Steamrock proposal** - Steamrock has expressed significant interest in forming a partnership with the council and have proposed early Heads of

Terms for a potential commercial agreement. The proposals are broadly aligned with the vision set out in this report and present potentially realistic and tangible options for delivering the regeneration of the Castle Gateway and developing out the council's land assets in a cohesive and commercially viable manner. The proposal would result in the council forming a partnership with Steamrock. The council's investment would probably be in the form of its land assets in the Castle Gateway, minimising the capital investment and risk undertaken by the council. There would however be the option for the council to invest capital should it represent a good commercial deal and generate favourable returns on investment.

37. **Protecting the council's position** - The key to determining the benefits and attractiveness of the Steamrock proposal to the council is in understanding the value of our land assets as these represent our primary investment. To that end we have commissioned independent consultants to provide commercial valuation advice, support the development of a business case, and provide guidance in structuring any potential agreement. This is in the process of being procured through a competitive tender process under the HCA framework agreement. This will cover all elements of the proposal, including the regearing of the head lease of the Coppergate Centre which is a significant and complex piece of work. It will also allow the proposal to be considered alongside alternative delivery models.
38. **Exploring the proposal** - It is proposed that officers, supported by the appointed commercial consultants, undertake further negotiations with Steamrock to work up a clear financial appraisal of this and alternative delivery options to be brought back to the Executive in late 2017. This is to allow an exploration of the preferred car parking options to be undertaken and consulted upon, the outcome of which will impact on the structure of any delivery model.
39. **Extension of the Coppergate head lease** – Steamrock have indicated the importance to their business plan of this extension and are keen to ensure that negotiations to extend the term of the Coppergate head lease are not delayed by this timetable. Without an extension of their leasehold interest they are unable to undertake any meaningful investment in the Coppergate Centre. This is an important part of improving the retail offer and increasing footfall to the shopping centre, which in turn helps the Castle Gateway vision. The council also has a commercial interest in doing so as the freeholder of the building in order to provide a continued and potentially higher rental income stream. This is seen as a discrete piece of work that would be taken forward regardless of whether or not the council enters in to a formal partnership agreement with Steamrock. It is a substantial piece of work that could take a number of months to agree and consequently it is proposed that these negotiations commence immediately to run along side

the negotiation of the proposed partnership. The terms of any proposed head lease extension would then be brought back to the Executive at a future date for approval.

40. **Closure and demolition of Castle Mills Car Park** - It is also proposed that an immediate decision is taken regarding Castle Mills Car Park. Castle Mills is a very poor quality surface level car park housed in two rapidly deteriorating light industrial buildings on Piccadilly. It currently provides 84 spaces, 42 of which are leased to Hotel 53, generating a total of £92k per annum at a general low level rate of occupancy. It is in need of significant emergency repairs that have health and safety implications and cannot be delayed, with an estimated £45k needed by the end of January, and a further c.£100k in the next 6 months. These are not long-term solutions but short-term interventions to a building that will continue to deteriorate. Given that the annual income is significantly lower than the cost of repairs it is proposed to close Castle Mills Car Park and seek to demolish.
41. The car park is in the Piccadilly area conservation area. Whilst not considered to be a contributor to the quality of the area, the principle is that demolition in a conservation area should only be permitted where a future use is identified. As we are not yet in a position to identify the future long-term use of the site (as this will form part of the car parking options appraisal) it is proposed to implement a temporary meanwhile use on completion of the demolition. The proposed use will be delegated to the Director of Economy and Place in discussion with the Executive Member for Finance and Performance.
42. There is already an identified capital budget in the 2016/17 programme of £180k set aside for the demolition of the existing car park. It should be noted that the closure of Castle Mills Car Park will have revenue implications. As noted above the car park generates £92k per annum. It is assumed that some of the car parking will be displaced to alternative council owned car parks in the area which will offset some of the financial impact. The assumption is that there will be a loss of £19k per annum from the 42 spaces leased to Hotel 53 and a further 20% reduction on the £73k generated from the publically available spaces, resulting in an anticipated reduction in revenue of £34k per annum.

Timetable

43. An indicative project plan is set out in Annex 5, which provides anticipated timescales for delivering the actions highlighted in this report and sets these in the context of the wider private sector development proposals for the area. The plan identifies that there are significant work streams to be taken forward concurrently over the next 10 months. The intention at this stage will be to return to Executive in August to agree the terms of the extension

of the Coppergate Centre head lease, and to bring a major decision report in December. This will outline the outcome of the masterplanning process and public consultation, report the findings from further assessment of the car parking options, and set out detailed analysis of the Steamrock proposal and alternative delivery models.

Project finances and resourcing the delivery of the vision

44. On inception of the project an initial budget of £255k was identified for development of the scheme. This was funded through the external One Public Estate programme (£70k) and New Homes Bonus funding (£185k). The anticipated expenditure until the end of 2017/18 is identified below, and covers the feasibility work undertaken by Arup, the commercial valuation advice that is currently being procured and staffing costs. The staff costs relate to one full time project manager and from January 2017 further project support (0.6 FTE) from within the council's Major Projects Team:

	2015/16	2016/17	2017/2018	Total
Expenditure	£10,900	£68,300	£158,900	£238,100

The identified expenditure of £238k will therefore nearly exhaust the existing budget of £255k, and does not account for new work streams identified in the recommendations in this report, particularly to undertake further exploration of car parking options, the implementation of a meanwhile use at Castle Mills Car Park, and the extensive public consultation work. At this stage it is anticipated that a meanwhile use would cost in the region of £50k and further technical advice on car parking options approximately £30k. Consequently, Executive is asked to recommend that an additional budget of £80k is drawn down from council contingencies to advance these actions.

45. As identified in paragraph 34, the council intend to support York Museums Trust in preparing an ambitious Heritage Lottery Funding bid to better showcase the Castle Museum collection and improve the visitor experience. Support for this project will be considered as part of the 2017/18 budget. The proposal also includes funding of £100k for the council to appoint masterplanning consultants for the Castle Gateway, which is the next key step in the delivery of the project.
46. The report sets out a significant amount of complex work to advance the project to a masterplan stage and to identify the preferred delivery model(s) for the regeneration. Once these have been agreed it is likely that future funding will be required to achieve successful project delivery. The type and

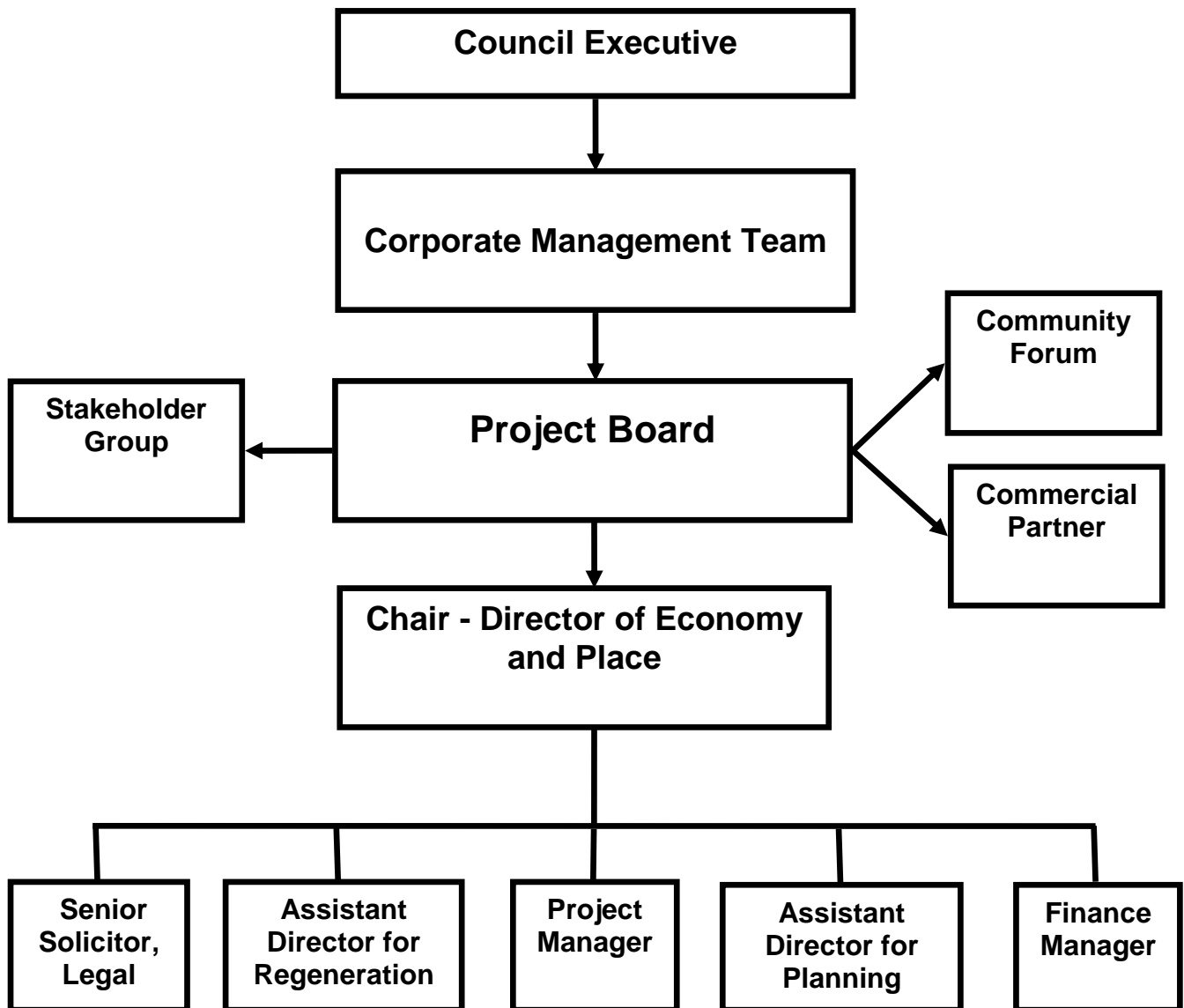
level of resource will not become clear until the next major decision point in late 2017, and it is at that point that funding will be sought. The Executive is however asked to note the likely need for future resource and budget to drive forward the comprehensive regeneration and to deliver the development of the council's land assets.

Consultation

47. The proposed scope of regeneration set out in this report has been discussed with stakeholders and land owners in the area. This report has been discussed with ward councillors from Guildhall and Fishergate Wards, and presentations were delivered to those ward committees on the emerging vision.
48. A comprehensive public consultation will help to shape and develop proposals that emerge from this vision. It is proposed that this should be developed through a community forum approach as employed on the York Central project.

Project governance

49. The project will be overseen by a project board, formed by relevant council officers and chaired by the Director of Economy and Place. The board will report directly to Corporate Management Team and the Executive. The project board will have direct links to the Castle Gateway Advisory Group, the Community Forum and any commercial partners. The proposed structure, with roles to be confirmed, is set out below:



Council Plan

50. Under the draft council plan objectives the project will assist in the creation of a Prosperous City for All, and vision to be a Council that listens to residents, particularly by ensuring that :

- Everyone who lives in the city can enjoy its unique heritage and range of activities.
- Visitors, businesses and residents are impressed with the quality of our city.
- Local businesses can thrive.
- Environmental Sustainability underpins everything we do.
- We are entrepreneurial, by making the most of commercial activities.

- We engage with our communities, listening to their views and taking them into account.
- We celebrate and champion the diversity of our population and encourage everyone to play an active role in the city.

Implications

51. **Financial** – *The report (paragraph 44) highlights additional resource requirements totalling £80k. It is proposed that this is funded from the council's contingency. The contingency currently stands at £671k and this release of £80k will reduce the ongoing value to £591k.*

The report highlights that there is a potential loss of income from the closure of Castle Mills Car Park. The forecast reduction of £34k equates to less than 0.5% of the overall parking account. It will be necessary to monitor income levels closely within this area of the city and report back to Members through the usual monitoring timetable whether this cannot be contained within the parking account.

Human Resources (HR) – *There are no implications.*

Equalities – *As proposals for a scheme are developed Community Impact Assessments will be undertaken.*

Legal – *CYC should ensure that it obtains best value/full open market consideration for any land which it disposes of (whether by freehold sale or grant of lease) as otherwise this may amount to unlawful State Aid.*

If CYC wish to appoint a third party/external entity to carry out construction works (whether on land owned by CYC or someone else) then relevant applicable procurement laws will need to be adhered to. This includes complying with the Public Contracts Regulations 2015 (PCRs) if the value of the works will exceed the relevant threshold stipulated in the PCRs.

As noted above, a joint venture may be structured in such a way that would mean CYC may not need to publicly tender for the opportunity. However, this will depend on the final proposed deal. The procurement issues will need to be carefully managed and kept under review as the project progresses. Legal advice will continue to be obtained as part of any ongoing discussions, and will consider any issues of EU procurement law and State Aid and whether any mitigating actions are needed to reduce the risk of a procurement challenge.

Information Technology (IT) - *There are no IT implications.*

Crime and Disorder - *The detailed design of any future scheme will need to look at making the riverside more publicly accessible and will require detailed consideration of crime and disorder implications. There will be structured input from the Police Architectural Liaison officer.*

Property – *All property implications are covered in the report.*

Risk Management

52. Failure to take action to shape the Castle Gateway may lead to uncontrolled and undesirable development along Piccadilly or a continuation of the underperformance of the area. The recommendations identified in this report will enable the first stage in the implementation of a planning policy to provide a framework for determining applications, and ensure the development of a masterplan for the public realm and infrastructure of the area. It also sets out the process for establishing a delivery model to redevelop council land assets in the area which are vital to achieving the regeneration aims.
53. Developing out the council's assets presents considerable opportunities and potential rewards, but also significant risks. Any development carries intrinsic commercial and planning risks, and generally requires upfront investment with a degree of uncertainty over commercial return. Deciding on the right delivery model will be crucial in protecting the council's position. To guide this process officers are in the process of procuring commercial and valuation advice. It is also vital that clear and consistent legal advice is sought to ensure that the selection of any joint venture partner (or other delivery model) complies with procurement law and that the structure and terms of any deal are beneficial to the council.
54. The majority of the council's land assets needed to deliver the vision are car parks that currently generate a revenue stream for the council of approximately £1.9m per annum. The revenue provides a vital income to the council and wherever possible the aim will be to replace and replicate this revenue. However, it should be noted that whilst the location of these car parks are detrimental to achieving the vision for the Castle Gateway, car parking has a very high commercial value which is difficult to achieve through alternative uses. The financial impact of the redevelopment of these car parks will form a significant part of the exploration of the different delivery models and will be reported regularly to the project board and Executive.
55. The regeneration of the Castle Gateway will be delivered by, and impact on, a wide range of stakeholders and will generate significant public interest. Stakeholder management and public engagement will be vital in ensuring

the success of the project and will underpin all elements of the project work streams.

56. All future plans will require planning permission. A full risk register will be developed by the project and will be regularly reviewed by the project board as the project progresses.

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Report Approved ✓ Date 13/01/17

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All ☐

For further information please contact the author of the report

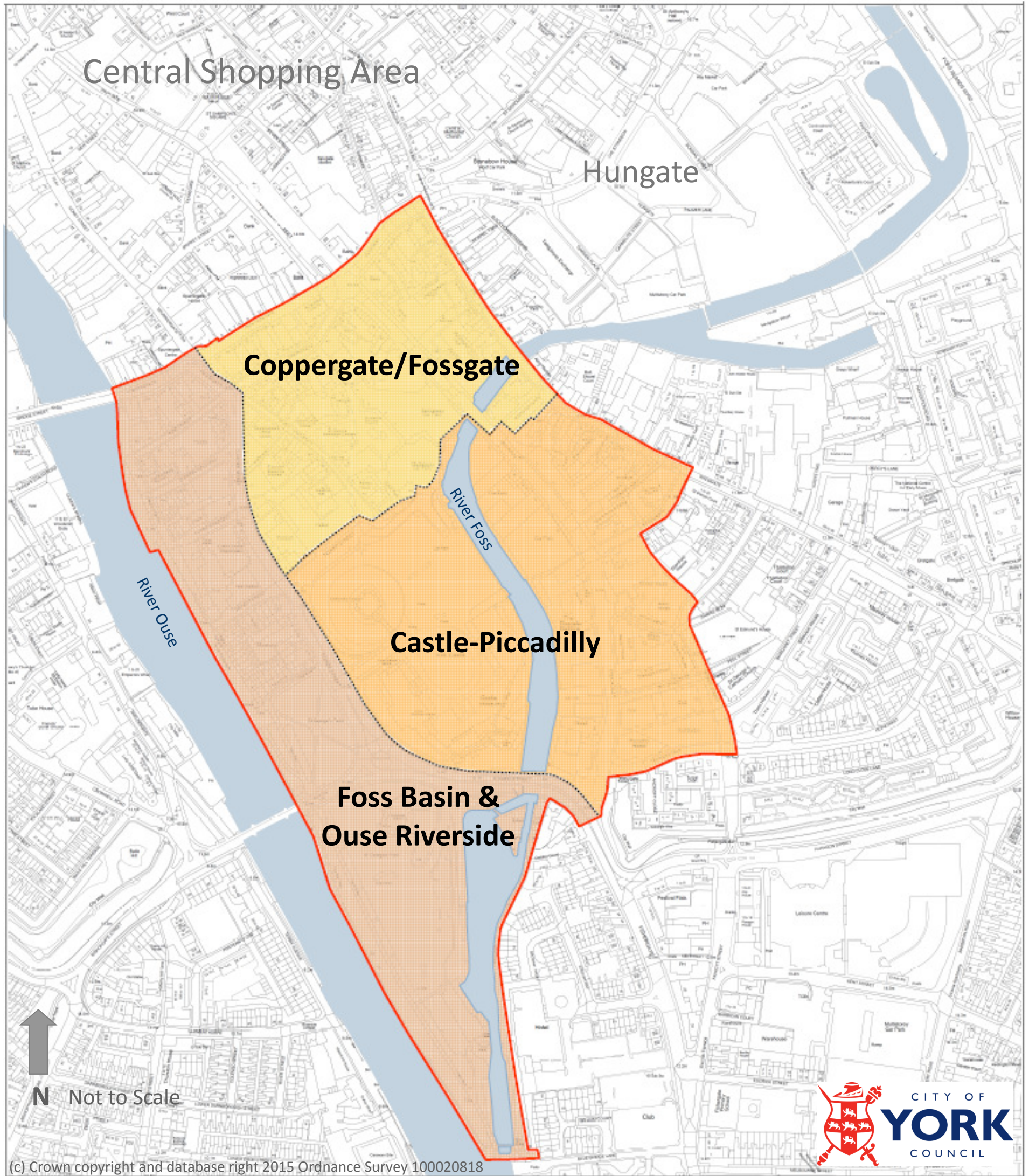
Background Papers:

Report to the Executive, 'York's Southern Gateway', October 2015

Annexes

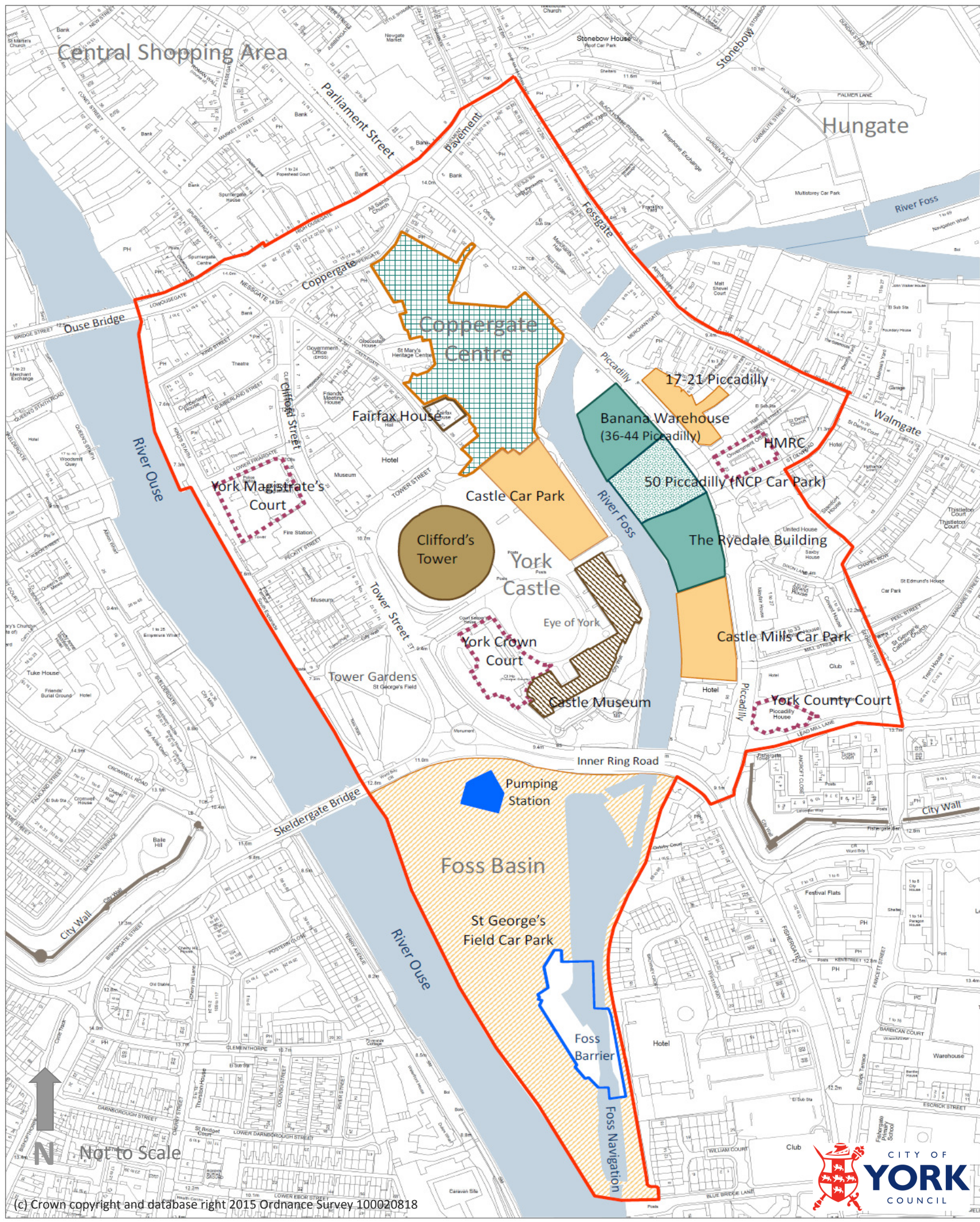
- Annex 1 – Scope of Castle gateway and sub-areas
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Castle Gateway: Boundary and Sub-Areas

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KEY

- Boundary of York Castle Gateway.
- Owned by CYC. New high quality mixed use development opportunity.
- Owned by Steamrock. New high quality mixed use development opportunity.
- Owned by Northminster. New high quality mixed use development opportunity.
- Freehold owned by CYC; leasehold owned by Steamrock. Coppergate Centre commercial opportunity .
- Owned by CYC. Commercial/residential/leisure opportunity.
- Public Estate opportunity
- Owned by Historic Buildings, Monument Commission for England. Cultural asset.
- Freehold owned by CYC; leasehold owned by York Museums Trust. Cultural asset.
- Freehold owned by York Conservation Trust; leasehold owned by York Civic Trust. Cultural asset.
- Owned by Environment Agency. Foss Barrier flood defence.
- Owned by Yorkshire Water. Castle Mills Pumping Station.

Castle Gateway:
Land Ownership and Development Opportunity

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York Castle Gateway Draft Area of Opportunity Policy

The York Castle Gateway ('Castle Gateway') has been identified as a major regeneration area of the city centre. The area is home to major high quality cultural, river and heritage assets that form part of York's unique character, but suffer from a poor quality setting amongst car parking and neglected buildings. There is significant potential to revitalise the area, reinterpreting and reasserting the varied history of the site, and creating a better connection with the city centre through improved pedestrian and cycle access.

The purpose of the regeneration is to:

- Radically enhance the setting of Clifford's Tower and the Eye of York to recognise and interpret their importance to York's unique history.
- Improve the economic, environmental and social sustainability of the area.
- Integrate the area with the broader city centre.
- Improve pedestrian and cycle flow throughout the area and in to the wider city.
- Bring forward new commercial development that improves the area and compliments and facilitates the implementation of the public space masterplan.

To achieve these aims development in the Castle Gateway will be delivered in accordance with the following principles:

- The removal of the Castle Car Park to create new public spaces and a high quality development opportunity.
- Provision of a replacement car park either underground at its current location or as a multi-storey car park on the site of existing surface level parking at Castle Mills.
- The addition of a new landmark River Foss pedestrian cycle bridge.
- The opening up of both frontages of the River Foss with riverside walkways on one or both banks.
- Engagement with important stakeholders in the masterplanning of high quality public realm and spaces, as a catalyst for wider social and economic improvement.
- Funding the implementation of the cultural partnership masterplan for public space and infrastructure through viable developer contributions and commercial uplift from new development sites.

Development within the three Castle Gateway sub areas will be delivered in accordance with the following principles:

Castle Piccadilly

- i. Create a development opportunity for a contemporary new building of exemplary architecture alongside the western bank of the River Foss on the site of the existing Castle Car Park.
- ii. Deliver a contemporary new car park either underground at its current location or as a multi-storey car park on the site of existing surface level parking at Castle Mills.
- iii. Provide a new landmark bridge for pedestrians and cyclists across the River Foss linking Piccadilly with the Castle Precinct through developer contributions and commercial uplift from new development sites.
- iv. Create new public access, with varied treatment along one, or both sides of the River Foss, with new connections linking to the wider pedestrian and cycle network.
- v. Provide active river frontage to any new development on sites adjoining the River Foss.
- vi. Reduce the size of the vehicular carriageway on Piccadilly and Lower Tower Street and improve size and quality of the pedestrian foot streets.
- vii. Seek developer contributions in the form of land and/or funding to contribute to delivering the masterplan and highways improvements.
- viii. Consider the potential for flood improvement work as part of any new development.

Foss Basin and the Ouse Riverside

- ix. Improve existing and create new connections for pedestrians and cyclists between St George's Field and the Foss Basin and the wider Castle Gateway area.
- x. Maximise the development potential of the Foss Basin and St George's Field as a key economic, cultural and social asset for the city.
- xi. Enhance existing public realm at Tower Gardens and along the Ouse Riverside and River Foss.
- xii. Consider the potential for flood improvement work as part of any new development.

Coppergate/Fossgate

- xiii. Improve the physical fabric, permeability and appearance of the Coppergate Centre to optimise the retail and cultural offer.
- xiv. Create new and improve existing pedestrian connections between the central shopping area and the Castle Gateway.
- xv. Improve the Fossgate streetscape by reducing vehicle dominance and creating a pedestrian friendly environment.

Explanation

Located on the southern side of the city centre, Castle Gateway area sits largely within the city walls and the Historic Core Conservation Area, at the confluence of the River Ouse and River Foss. The Castle Gateway area covers the length of Piccadilly, the Coppergate Shopping Centre and the Eye of York and runs through to St George's Field and the Foss Basin. Much of the area is of low quality with significant dereliction and underdevelopment and yet the area has great potential in both its location and its historic and cultural assets.

Castle Gateway comprises three distinct, but inter-linked, sub-areas: Castle-Piccadilly; the Foss Basin and Ouse Riverside; and the area around the Coppergate Centre and Fossgate. The area contains a range of private land owners and a substantial amount of public estate with three museums/attractions (Castle Museum, Fairfax House and the Jorvik Viking Centre), three court buildings, many listed structures and a historic monument of international significance (Clifford's Tower).

The Castle Gateway Area of Opportunity is an expansion of the previous draft Castle-Piccadilly Area of Opportunity Policy SS10 (Publication Draft Local Plan 2014). The geographic area has been widened to reflect new and emerging regeneration opportunities, and transport and other initiatives. Delivery of joined-up regeneration across the wider Castle Gateway area by City of York Council and partners, land owners and developers, will improve the locality and maximise social, economic and cultural benefits for the city. The significance of heritage assets and the opportunities for improvement offered by regeneration are key priorities for this Area of Opportunity.

It has long been recognised that a comprehensive planning approach is needed to secure high quality regeneration in this significant and sensitive historic environment, and draft policies to guide development of the area are contained within the Local Plan Development Control Draft 2005 and the Draft Local Plan, supported by other non statutory Planning Guidance and evidence bases.

The Central Historic Core Conservation Area Character Appraisal (CHC CACA) provides the key evidence base for the Local Plan and an important evidence base for any future plans for the Castle Gateway area. The proposed Castle

Gateway Area of Opportunity broadly covers the areas defined in the CHC CACA as the Kings Staith/Coppergate, Castle and Piccadilly areas, and several of the stated Castle Gateway development principles directly reference the Appraisal. The Castle-Piccadilly Planning Brief, which was agreed in 2006, also provides an important evidence base.

A key challenge is to ensure that this important historic environment is safeguarded whilst allowing stakeholders and land owners to make the most of heritage and commercial assets and the council to maximise planning gain to enable potential benefit for the city. Delivery of high quality mixed use development of sites will enhance the vitality and viability of the area and ensure it is more effectively integrated into the City Centre. Appropriate uses include retail, leisure, civic and open space, residential and employment, with active ground floor uses.

A conceptual masterplan and detailed design of the public realm and infrastructure will be prepared, focusing on conservation and urban design. The masterplan will shape the key elements of the development on Castle Car Park, including the bridge across the River Foss. The commercial development elements of the Castle Gateway will also need to meet the quality criteria and vision for the area.

Delivery

- Key Delivery Partners: City of York Council; York Museums Trust; English Heritage; Historic England; York Civic Trust; Environment Agency; developers; landowners; and infrastructure delivery partners.
- Implementation: through Local Plan policies; planning applications; developer contributions; commercial uplift from new development sites; and external funding opportunities.

1. York Castle Museum and the Eye of York

York Castle Museum makes up two of the four sides of the Eye of York and, along with Clifford's Tower, the Museum buildings dominate the views of the area from Castlegate, Coppergate and Tower Street. Currently the car park and Museum create a dead end to pedestrian flow heading south. With development, the museum site could provide new routes through the city extending the Coppergate / Castlegate area, providing access to St. George's Field and Fishergate and adding an attractive riverside walking route. With the Castle Museum in such a dominant position it makes sense for the Castle Museum and Eye of York landscaping to be approached as a whole; not least because capital development plans for the Castle Museum could ensure high quality public realm that complements the historic buildings. As a cultural venue in this location, the Castle Museum is well placed to animate the Eye of York more effectively and make it an attractive area for the public to spend time in as a destination in its own right.

The Castle Museum is currently occupied by YMT on a 35 year lease from 1 August 2002. Options are currently being explored as to the most suitable form of tenure for the longer-term; the preferred solution being a combination of management trusteeship by YMT and custodian trusteeship by CYC. The footprint of the leased area includes some spaces in front of the buildings as well as the land behind to Tower Street and the River Foss. York Museums Trust is looking to extend its footprint to the North and create an extension to the building known as the Female Prison.

2. York Castle Museum buildings and public space

The museum consists of three buildings: Debtors Prison, Female Prison, and the Concourse, a modern link building. All buildings have listed status and, due to their age, both prisons require extensive regular maintenance. The Debtors Prison has a subsidence issue, currently being monitored. The Concourse building is not fit for purpose. The roof leaks despite substantial repairs, it is cold despite substantial cost heating it, it fails to provide adequate visitor flow and is too small to provide a good customer experience for admissions, café or shop. YCM has also developed the land beside the Foss between the Castle and Tower St to create an attractive green space by the Foss and a paid visit to the Castle Museum provides access to this area as well as the former prison exercise yard and parts of the original Castle and city walls to the South of the site. The Female Prison was opened as a museum in 1938 and the Debtors Prison added in 1952. The connecting building was built in the late 1970s.

The Trust is looking to replace the concourse building with a new link building that would resolve these issues, provide disabled access to all floors, improve the welcome and visitor experience and create new spaces for income generation. YMT also intends to build a modest extension to the Female Prison as the best way to improve visitor flow and to resolve the current unsightly façade to the side of the Prison. This façade will become more prominent in any development of the Eye of York car park. The intention is for both new additions to be very high quality architectural interventions that would attract the eye from Castlegate and the Piccadilly side of the river respectively, encouraging better use of the Eye of York as destination public space. As part of a wider public realm development the land by the River and the Castle and City walls which is currently behind YMT's pay barrier, could be developed as part of a riverside connecting

route. Creating a through route would require some minor works to create a walkway to the side of the Female Prison along the Foss, which is currently not safely accessible.

3. Telling the national stories of York Castle

York Castle and the Eye of York area has been a significant site since Roman times. The first castle on the site was established in 1068 by William the Conqueror, as part of a campaign to suppress the North. Later rebuilt, it was continuously repaired and altered until King Henry III rebuilt it in stone in the unique quadrilobe design still evident. It was a gaol, mint, treasury and centre of administration throughout most of the medieval period.

The Castle Museum buildings stand in what was originally part of the keep of the castle, which was cleared to make way for a new prison. Some of the walls of the exercise yard, on the Castle Museum visitor route, are from the period of Henry III's rebuilding of the Castle and reveal the extent of the Castle beyond Clifford's Tower. Using the site remains, stories and objects from the collection, including those which demonstrate the Eye of York's history as a power base for the crown across the North for many centuries, the Castle Museum will underline York's status as a place of historic national importance.

The Debtors prison, 1705, is of National Significance, as the earliest example of a bespoke prison building in the United Kingdom. The Assize Courts, 1777, and the Female prison, 1780, were designed to complement each other. The gaols not only housed debtors but criminals from all over Yorkshire and beyond, who were sent to York to be tried. Well-known inmates include Dick Turpin, leaders of the Luddite Rebellion, leaders of the Peterloo demonstrations in Manchester. In 1834 Thomas Rogers was executed for homosexual activity.

The Castle area has played its part in national events from the trial of Jacobite rebels to the gathering of 30,000 people at the Eye of York in the 1831 election which led to male suffrage.

With the exception of prisoners' histories, York Museums Trust acknowledges that the complex history of the buildings and their surroundings is currently not adequately explained. The redevelopment will address this so that visitors, whether local or tourists, will leave knowing why this history is important, locally regionally, nationally and internationally. By engaging with the buildings, museum objects, stories and characters, visitors will gain an understanding of how and why the site and buildings have evolved over time.

4. York Castle Museum collections and the vision for a new visitor experience

A redeveloped York Castle Museum will be a must-see, welcoming place which will be for the first time fully physically accessible. It will use its buildings and collections to tell the national story of the Castle area as a power base in the North of England and how that power impacted on people. Its social history collections, period rooms and immersive environments will also show how extraordinary the everyday, ordinary lives of people become when seen through the lens of time. York stories and characters from

Rowntree to Dick Turpin will be threaded throughout adding to the sense of place. By 2026 York Castle Museum will offer a 21st century experience where the past has contemporary resonance, where visitors choose how to experience, enjoy, and explore the site and collections, and where history is accessible to all.

Castle Museum Collections originate from Dr Kirk who collected approximately 7,000 objects as the founding collection of the museum with the reconstructed Victorian Street 'Kirkgate' at its heart. The Victorian Street is much loved and will remain central to the visitor experience. The sense of losing yourself in the past is a key part of the curatorial approach which sets out to offer a place of wonder, where every visitor has a special, immersive and memorable experience.

All the collections are officially Designated as of national importance. There are now around 350,000 objects in the social history collection. The quality of the collection is remarkable with its strength lying in objects used in everyday life across a range of classes. Much of this type of evidence does not exist in other museum collections as these lower status objects tend not to be saved for the future. The sheer size of the collection also marks York's collection out as important, when compared to other social history collections across the UK.

The Castle Museum has outstanding collections relating to the chocolate industry, probably the best in the world. The military collection is seen as the finest non-regimental military collection outside of a national museum. The costume collection contains over 30,000 pieces of costume and accessories including hats, shoes, bags and jewellery with many areas being outstanding and important. Beginning in 1700s it is particularly strong in the Victorian period and is one of the largest collections in the country. The quality of our *Shaping the Body* exhibition has led to visits from across the UK museums sector and resulted in a partnership with the V&A.

5. The need for redevelopment and financial sustainability

York Castle Museum is already successful: we have won a TripAdvisor Certificate of Excellence and been placed in the Top 10 Museums in the UK as rated by travellers. We are the only non-nationally funded museum in England in that list. Of English museums in the list, only the Castle Museum and National Railway Museum are outside London. However, we win that success against a backdrop of crumbling infrastructure and rising maintenance costs as well as a lack of disabled access.

YMT's financial sustainability increasingly depends on the funds it generates from paying visitors. We know that without periodic major reinvestment visitor attractions almost always suffer from declining visitor numbers. Moreover, following government and lottery investment in many new and old museums and galleries since the 1990s, the public have high expectations of the infrastructure and environment of public attractions. Whilst there have been medium-sized capital improvements, the Castle Museum has not seen such major investment since the 1970s when the Concourse link building was inserted.

The Castle Gateway project offers the prospect of a step-change in the number of people using the Castle area. A revitalised York Castle Museum would be the heavyweight cultural offer that anchors its success.

6. Initial Development Costs

YMT's Castle Museum ambitions will require capital development in the region of £14 – 18 million. The bulk of this fundraising would be from Heritage Lottery Fund and a range of other funders with a requirement for match from the City of York Council at an appropriate stage. A Heritage Lottery Fund bid of this magnitude requires significant up-front investment to reach the level of detail required for a funding decision. These decisions are highly competitive and only made at one UK-wide HLF Board meeting once a year.

YMT's plans for the capital development of York Castle Museum will therefore involve up-front development costs, including, for example, building and landscape architects, building conservation specialists, engineers, cost consultants, display designers and project management staff. The aim is to prepare a stage one application to the Heritage Lottery fund for December 2018 and, if successful, a stage two application a year later. This work is likely to cost at least £800,000.

7. Examples of relevant artefacts found at the Castle and in the care of York Museums Trust

A Roman sarcophagus commemorates the death of the wife and son of a Roman Centurion, found in the Castle area.

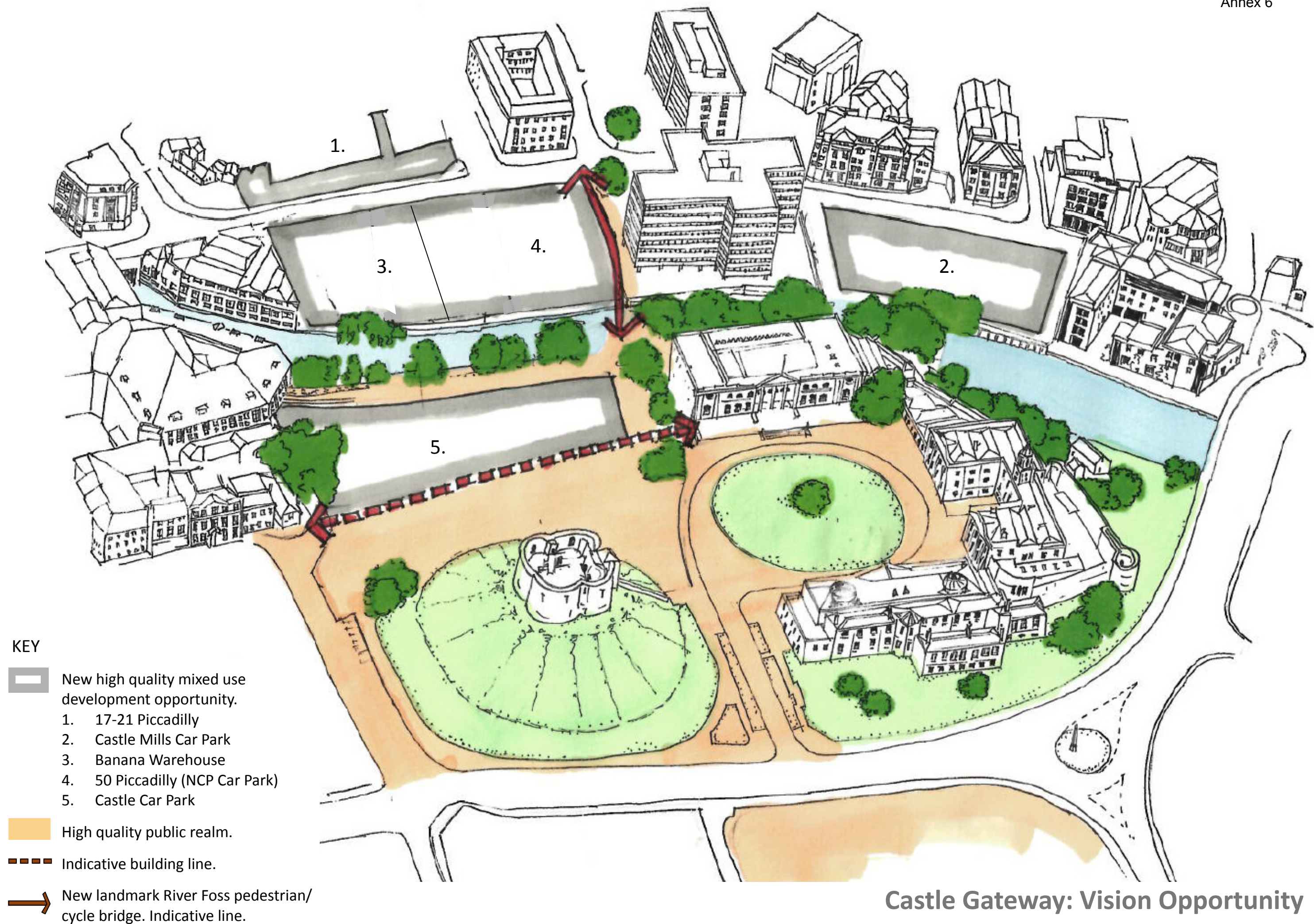


A Silver coin of William the Conqueror. It was struck at the Castle in York in 1068 and was then buried in the city around the time that William the Conqueror 'harried' the North in 1069.

Indicative Project Plan

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Castle Gateway: Vision Opportunity

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City of York Council
Castle Piccadilly
Engineering Constraints Study

Issue | 15 September 2015

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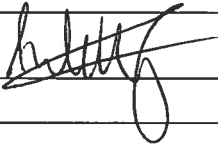

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Risk Register

Executive Summary

Ove Arup & Partners Ltd have been appointed by City of York Council (CYC) to provide a high level engineering constraints study for two sites. The sites are both currently surface level public car parks, located in the south of York city centre.

Castle Car Park

The Castle Car Park site is being considered as the location for a one or two storey underground car park, with associated above ground structure (maximum three storeys on the eastern half of the site only) and a pedestrian bridge across the River Foss.

The conclusion of this study is that construction of a 1 or 2 level basement is feasible. A number of constraints have been identified but it is considered that these can be overcome as part of the design process.

From a ground engineering perspective the key issues relate to:

- soft ground conditions, from both made ground and natural ground;
- obstructions, principally within the made ground from previous developments;
- groundwater in relation to both excavation and uplift pressures;
- unbalanced propping load relating to the retaining wall along the River Foss and loading from Cliffords Tower; and
- the impact of movements from excavation on sensitive structures, particularly Cliffords Tower.

The site elevation is typically above 11mOD, located in Flood Zone 1, compatible with any land use. However, part of the north east corner of the car park is within Flood Zone 3a. Any proposal to raise this part of the site would need to be accompanied by compensatory flood storage provision.

Based on the expected ground conditions it is anticipated that the basement will be constructed using a rotary bored in situ, hard firm secant piled wall. The size of piles will be affected by the basement depth. The basement structure would predominantly be formed of insitu concrete walls, slabs and columns. The anticipated ground conditions and construction methodology will potentially require significant temporary propping during excavation.

The initial assumptions for basement design indicate that approximately 190 car parking spaces would be provided on each level of basement.

Construction of a development over part of the basement is also considered feasible, though the potential incompatibility of structural grids will require a transfer zone between the structures at ground level.

St George's Field Car Park

The St George's Field Car Park site encompasses both the car park and the Foss Basin (the section of the River Foss immediately to the east of the car park). The site is located at the confluence of the River Foss and the River Ouse. The site is being explored for potential development options.

Flooding is the principal control on development of this site, which is located within the 1 in 25 year floodplain and is designated as Flood Zone 3b, functional floodplain. This limits development to water-compatible land uses unless it is re-designated. It is possible that at least part of this site could be developed without increasing flood risk, using a precautionary approach. Development options could include a platform on stilts above the flood level and creation of a marina facility. Arup has held initial discussions with the Environment Agency (EA). It was agreed that the next steps would include further discussions with the EA and a modelling study to assess the potential for modification of the existing flood defence infrastructure and creation of a new development. It is important that dialogue is continued to ensure all stakeholders are satisfied with the work being undertaken.

1 Introduction

Ove Arup & Partners Ltd have been appointed by City of York Council (CYC) to provide a high level engineering constraints study for two sites in central York City. The two sites discussed in the following sections are currently operational surface level car parks, located on the southern side of the City of York. A location plan of the two sites is provided on Appendix A, Sketch 1, an excerpt of which is shown in Figure 1.

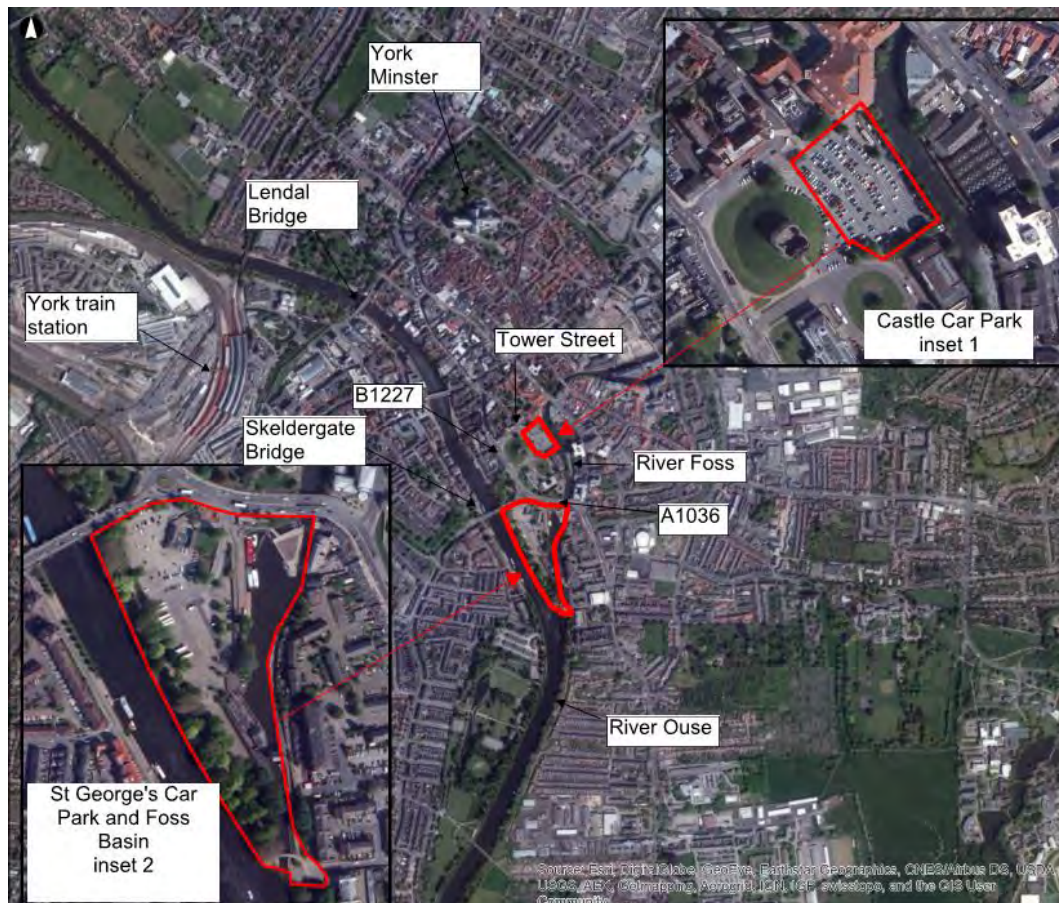


Figure 1: Location plan of Castle Car Park and St George's Car Park

The Castle Car Park site, located on the western bank of the River Foss, to the east of Cliffords Tower is being considered as the location for a possible underground car park, with associated above ground structure and a pedestrian bridge across the River Foss. The scope of works includes consideration of key engineering issues related to implementation of a one or two storey basement, access routes and the pedestrian bridge. A high level feasibility cost estimate for construction of the basement and pedestrian bridge has been prepared in Appendix B.

The St George's Field Car Park is being reviewed for potential development. The scope of this study includes exploration of possible development options, and consideration of the key engineering issues, including the provision of examples of flood requirements that may need to be incorporated into any future schemes.

2 Castle Car Park

2.1 Site Context

The Castle Car Park site is located on the southern side of the city centre, immediately east of Clifford's Tower, on the western bank of the River Foss, as shown in Appendix A, Sketch 1. The site is currently a 318 space public surface car park.

Tower Street running along the northern boundary of the car park provides vehicular access to/from the car park via a priority controlled junction. The car park is accessed from the south via the A1036 inner ring road at the B1227 Tower Street/Skeldergate Bridge junction to the B1227 Tower Street. From the north access is also available through the city centre via B1227 Bridge Street and Clifford Street. A priority controlled junction provides access to/from B1227 from the north and south to/from Tower Street.

Egress from the car park is via Tower Street or Castlegate to access the B1227 for routes through the city centre or to the A1036 inner ring road.

Pedestrian access to/from the site is via the local highway. Pedestrian routes are also available through the Castle Museum and Clifford's Tower sites to the south and west of the site. It is noted that CYC are investigating options for the provision of a new pedestrian bridge across the River Foss as part of the development of the Ryedale House site. Options developed to date would provide a bridge to the south east corner of the Castle car park site.

The development proposal for the site considers the installation of a 1 or 2 storey basement. The area for development of the basement was defined by CYC and is shown in Appendix A, Sketch 2.

The basement development is principally intended as a car parking facility. However, the option of developing the space for retail is also discussed.

In conjunction with the development of the basement an above ground structure is also under consideration. There are some constraints on the above ground development. As shown in Appendix A, Sketch 2 only the north eastern side of the site is feasible for above ground development, due to the line of site requirements. The proposed structure for an as yet undefined purpose will be a maximum of three storeys.

There is an aspiration for a footbridge to improve pedestrian connectivity of the site across the River Foss to the east of the city. The proposed pedestrian footbridge is considered here on the basis of the Holder Mathias Architects design provided by CYC.

2.2 Engineering Site Constraints

2.2.1 Ground Conditions

2.2.1.1 Site History

The history of the site has been investigated through online searches. These show that the area occupied by the car park was developed as York Castle Prison around 1825 (<http://freespace.virgin.net/cade.york/castle/amenity.htm>). The prison building remained on site until approximately 1930. An image of the prison is shown on Figure 2.



Figure 2: York Castle Prison

In the 1930's the prison was demolished and there were plans to develop health clinics and municipal buildings on the site. A phased development was planned, although it is suggested that all the foundations were constructed together. In the end it appears that little development was actually undertaken. The photograph in Figure 3 appears to show some of the foundation/basement structures in place. Archaeological reports for previous proposals on the site suggest that over 400 driven piles were installed to form the foundations of the development.



Figure 3: Extract from the 1961 York Guidebook
(<http://www.yorkmix.com/life/history/six-things-that-have-disappeared-from-york-in-the-last-50-years/>)

The site was requisitioned during WWII, however, following derequisition, was never developed. It is suggested that the existing structures were buried beneath the carpark currently occupying the site (<http://freespace.virgin.net/cade.york/castle/clinic.htm>). Trench 2 of the York Archaeological Trust 1995 investigation (“Evaluation at York Castle Car Park, Report number 3”) encountered the reinforced concrete slab from the 1930’s development at a depth of 0.5m.

A buttressed masonry retaining wall appears to form the boundary between the site and the river Foss. It is possible that this wall comprises the footings of the 1825 prison wall.

2.2.1.2 Geological Setting

The image in Figure 4 is an extract from the Geological Survey of England and Wales 1:63,360/1:50,000 geological map series sheet 63, “York”. The map shows the site is underlain by Boulder Clay (renamed as Glacial Till) overlying Bunter and Keuper Sandstone (renamed as Sherwood Sandstone).

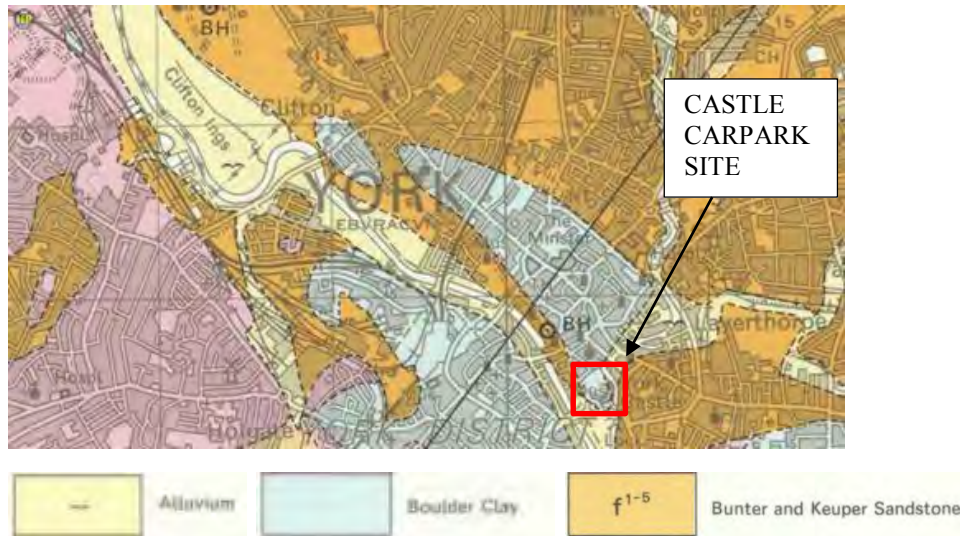


Figure 4: Extract from the Geological Survey of England and Wales 1:63,360/1:50,000 geological map series sheet 63, “York” (Solid and Drift), 1983.

2.2.1.3 Historical Boreholes

A number of historical boreholes located on the site are available from the BGS online Geoindex catalogue. The available boreholes are primarily associated with the proposed development of municipal buildings in the 1930's. The boreholes shows the following typical sequence:

- Made Ground (4 to 5m thick)
- Soft silt/clay (3 to 4 m thick)
- Hard clay (8m thick)
- Sandstone (from a depth of 17m, thickness unproven)

The historical boreholes also record details of water strikes, with water typically being noted to enter the borehole at the interface of the Made Ground and underlying silt/clay. Whilst there is no record of standing water levels, the water strike levels are comparable with the water levels in the River Foss (approximately 4m below ground level).

A summary cross section of the anticipated ground conditions is shown in Appendix A, Sketch 3.

2.2.1.4 Impact of Ground Conditions

Based on the information presented in this report the implications of the anticipated ground conditions are outlined below.

- **Obstructions:** The history of the site suggests that significant obstructions may be present in the form of the former prison foundations or the basement structure of the municipal development. These have been clearly identified in previous archaeological excavations, though it is not known whether the depth of the foundations has been proven. Whilst near-surface obstruction may be removed prior to construction, it may be necessary to deal with deeper obstructions as excavation proceeds. This means the basement wall

construction method may require flexibility to deal with encountering deeper obstructions. There is also the potential that the Glacial Till (formerly known as boulder clay) may present obstructions in the form of cobbles or boulders of rock within the clay matrix.

- **Soft ground:** Made Ground can be variable in nature, and the borehole data shows that beneath this is a layer of soft silt/clay. This material is likely to be unsuitable for supporting foundations or a retaining wall. It is therefore anticipated that some form of embedded retaining wall, extending into the Glacial Till, will be required. Piled foundations are also anticipated to support the building structure.
- **Ground Water:** The ground water appears to tie into the level of the River Foss, at approximately 4m depth, based on the historical data. The impact of water will therefore depend upon the depth of the basement. A single storey basement is likely to encounter ground water towards the base of the excavation. To control ground water ingress during construction it is expected that the basement perimeter wall would be designed as a cut-off into the Glacial Till. This is likely to be achieved through installation of a secant piled wall. Long term, water pressure acting on the underside of a single level basement will be balanced by the weight of the structure and so uplift will be prevented. In the case of a 2 level basement, a head of approximately 4m of water is anticipated on the underside of the base slab. Where there is no structure over the car park there is a risk of uplift, so tension piles may be required. The water pressures will also increase the forces in the base slab and may increase its thickness.
- **Unbalanced loads:** To the west of the site is the mound of Cliffords Tower, to the east is the River Foss. Typically in a basement the propping loads from one wall are transferred to the opposite wall via props or slabs. Where the ground is higher on one side than the other these prop loads are not balanced and there is a risk of sway. In order to mitigate this it is necessary to introduce additional stiffness in the basement structure to mitigate sway. However, there is also a problem in the temporary case, where temporary steel props are typically used to support the walls. Such systems do not have the stiffness to resist the sway loads. The sequence of temporary propping may need to be more complex to ensure temporary wall stability.
- **Sensitive structures:** Constructing a basement inevitably creates ground movement in the surrounding area. The presence of sensitive structures, in particular Cliffords Tower, means that limiting these movements is likely to be very important. This is best achieved through selection of a stiff basement wall and an appropriate construction sequence. A hard-firm secant pile wall provides suitable stiffness. For construction, the presence of the soft silt/clay may mean that excavating the wall as a cantilever is not possible, and temporary propping will be required.

2.2.2 Flood Risk

2.2.2.1 Flood Mechanisms at the Site

The Castle car park is at risk of flooding directly from the River Foss, and less directly, from the River Ouse. Surface water flooding is not a significant risk at

this site as any excess floodwater from the urban drainage systems can drain directly overland to the River Foss. However, groundwater does pose risks to the basement development during design, construction and operation from the perspective of both uplift pressures and water flow into the excavation/water proofing of the basement structure.

2.2.2.2 Flood Defence Infrastructure

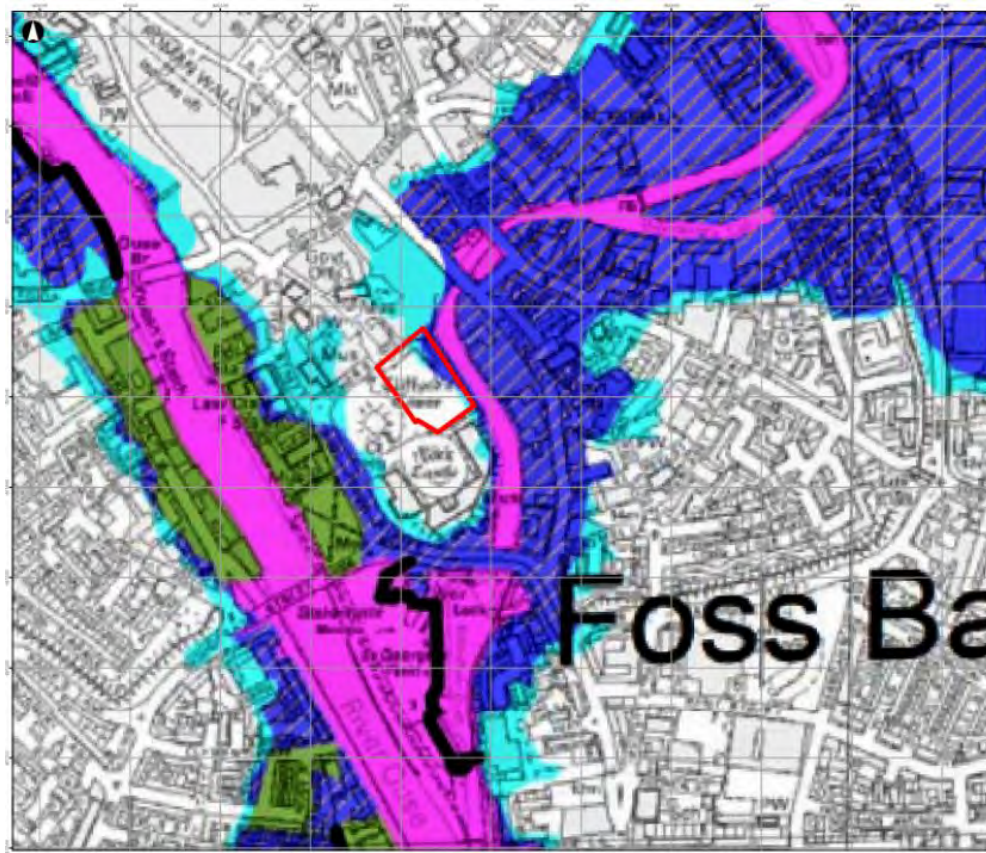
A ridge of high ground on which Clifford's Tower is located means that direct flooding from the River Ouse is very unlikely. The site is at risk from the River Ouse indirectly due to backing up of the River Foss from its confluence with the Ouse immediately to the south of the site. This mechanism places some 1,000 properties at risk in central York. Foss Barrier and its associated floodwalls and pumps are designed to prevent this flood mechanism from coming into action. As flood levels in the River Ouse rise, the Foss Barrier is lowered into position. When the River Foss is flood-locked in this way, flood levels in the Foss are controlled by a combination of the storage volumes available within the channel and pumping. There are currently eight pumps at Foss Barrier. Relevant normal and flood level data is summarised in Table 1:

Table 1: Relevant normal and flood level data.

Description	Defended (D) or Undefended (U)	Level (mOD)
River Foss Opposite Clifford’s Tower (Model_FOSS08_014)		
Normal water level	n/a	c. 7.6
1 in 100 year flood level	Defended (ie Foss Barrier and its associated pumps work in conjunction with the main river flood defences to prevent floodwater backing up from the River Ouse).	to be established in consultation with the EA
1 in 100 year plus climate change		
1 in 1,000 year flood level		
1 in 100 year flood level	Undefended (Barrier fails)	9.97
1 in 100 year plus climate change		10.92
1 in 1,000 year flood level		11.18
River Ouse (Opposite Peckitt Street, 12213_MODEL_Ouse061, except where indicated)		
Normal water level (Ouse Bridge, Viking Recorder)	n/a	c. 5.1
1 in 100 year flood level	Defended	10.38
1 in 100 year plus climate change		10.76
1 in 1,000 year flood level		11.39
1 in 100 year flood level	Undefended	10.29
1 in 100 year plus climate change		10.77
1 in 1,000 year flood level		11.32

2.2.2.3 Flood Zones and Relevant Water Level Data

The Strategic Flood Risk Assessment (SFRA) for 2011 is shown in Figure 5.



SFRA 2011 Flood Risk Zones Legend:

All Uncoloured Areas	Zone 1: Less than 1 in 1000 annual probability of flooding in any year (<0.1Percent)
	Zone 2: Between 1 in 100 and 1 in 1000 annual probability of flooding in any year (1Percent to 0.1Percent)
	Zone 3a: Areas between 1 in a 100 and 1 in 25 annual probability of flooding in any year (1 to 4 Percent)
	3a - Defended up to 1 in 50, Flood Risk between 1 in 50 and 1 in 100 (2 to 1 Percent)
	3a - Defended up to 1 in 100 (1Percent)
	Zone 3a(i): Developed areas with up to a 1 in 25 or greater annual probability of flooding in any year (4 Percent or greater)
	Zone 3b: Areas with up to a 1 in 25 or greater annual probability of flooding in any year (4 Percent or greater)
	Flood Defences

Figure 5: Flood Zones in central York taken from Figure 10c of the York SFRA¹

1

http://www.york.gov.uk/downloads/file/1988/figure_10c_flood_risk_areas_within_zones_1_2_and_3_-_city_centre

2.2.2.4 Implications for New Development

Flood zones and land use

All areas above a level of 10.92mAOD constitute Flood Zone 1 and as such could be used for any land use. Areas below 10.92mOD constitute Flood Zone 3a. Highly vulnerable uses, as defined in National Planning Policy Framework (NPPF)², should not be permitted in this zone. The more vulnerable uses and essential infrastructure should only be permitted in this zone if the Exception Test is passed. Any proposals that would prevent this area from flooding in the future would need to be developed in conjunction with measures to retain the overall flood storage volume within the River Foss system.

Basements

To prevent groundwater ingress and flooding from the rivers, the basement should be rendered as watertight as possible up to the level of the access ramp, with internal pumps provided to evacuate any minor water ingress that does occur.

The basement access should ideally be above the 1 in 1,000 year flood level in the Rivers Foss and Ouse, including an allowance for climate change and a safety margin (freeboard), assuming that Foss Barrier, or its associated pumping station, fails to operate. Assuming freeboard of 300mm, this would give a target minimum ramp level of 11.69, say 11.7mOD. If this was achievable, then the risk of the basement flooding directly from either river would be very low. It is likely that an access from Tower Street to the north, which is slightly elevated, could be configured to achieve this.

If the above is not achievable, the minimum measure for basement flood protection would be to incorporate an automatically rising barrier on the ramp that would defend to a 1 in 100 year plus climate change level with freeboard, assuming the site is protected by Foss Barrier. The top of the rising gate would need to be designed based on levels provided by the EA. The ramp itself could then be lower than this level. Under this latter scenario, a flood plan would be required that sets out what would be done to evacuate the basement and recover the situation after any flood that exceeded this design standard, if for example, the Barrier failed.

Footbridge

The soffit of the footbridge would need to satisfy navigation requirements as agreed with the navigation authority. From a flood risk perspective, freeboard of at least 600mm would be required beneath the soffit to allow floating debris to pass beneath the bridge during the peak of a 1 in 100 year plus climate change flood in the River Foss. This would give a soffit level of 11.52mOD, if no reliance was placed on Foss Barrier. Consultation with the EA is required to confirm the 'defenced' equivalent.

² <http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change/flood-zone-and-flood-risk-tables/table-2-flood-risk-vulnerability-classification/>

2.2.3 Structural

2.2.3.1 Development Assumptions

This constraints assessment has been carried out based on the following broad assumptions:-

- The basement will be for car parking usage, with no specific operator requirements.
- The basement will extend to the maximum allowable footprint, with the superstructure building over remaining within the available development area created by the line of site requirements.
- The building development will be a maximum of 3 storeys and will have a predominantly retail use.

The car parking will be delivered to an efficient car parking grid, which will not be economic for retail use. An allowance has therefore been made for a transfer deck within the overall basement depth assessment as this will provide the required flexibility not to overly compromise the value of any development over the basement.

- Basement framing is assumed to be in-situ concrete.
- The basement will extend out under the adjacent public realm and this will require external build up to falls and will require access for vehicles such as fire appliances and refuse collection vehicles.

These assumptions are summarised in Appendix A, Sketches 4, 5, 6 and 7.

2.2.3.2 Superstructure Grid and Transfers

Structural grids in buildings vary depending on the usage of the building. Grids within retail units tend to work to the retailers' specific working modules and provide longer clear spans which maximise the retail floorplate. As a contrast, residential grids tend to be tighter and less flexible, as the spaces contained within the floors are more rigidly fixed and smaller. Car parking grids need to work efficiently with the layout of car parking spaces and vehicular circulation.

These different grids tend to be incompatible, particularly when different usages are stacked one above the other. To overcome this, either one space needs to compromise on the efficiency of its grid, or transfer beams are required to adjust the grid between floors. These transfer beams add structural depth, construction cost and complexity but often pay back in terms of the commercial value of the space generated. An assumption has been made that the additional depth for transfer beams at ground floor level will be required to maximise values of the development over.

2.2.3.3 Basement Construction Methodology

The basement is anticipated to be constructed using a rotary bored in situ hard firm secant wall. This construction will be required for either a single or double storey basement, with the pile size being larger for the increased depth of the two storey basement. The construction methodology will also require significant temporary propping during excavation. This typically takes the form of steel waling beams and either horizontal or raking props. It can be anticipated that if horizontal propping is used additional plunge piles and columns would be required to support the weight of the long spanning temporary props. If raking props were used, thrust blocks would need to be formed into competent material.

Basement waterproofing will be a key consideration. It is anticipated that a concrete liner wall construction will be required inside the secant wall and that this wall will need to be designed to water retaining standards. In addition allowance will need to be made for hydrophilic strips or water bars to all joints.

The basement ground bearing slab will be of reinforced concrete (RC) construction, where there is no above ground structure it will be sufficiently sized to account for the hydrostatic uplift pressure created by the high water table.

Intermediate slabs for car parking would be on in-situ RC construction onto RC columns.

The podium slab would also consist of RC construction, with additional downstand beams incorporated within a 'transfer zone' that would allow transferring of superstructure columns to maximise the space utilisation within the car park. Without this zone, superstructure columns would compromise the efficiency of the car parking layout.

2.2.3.4 Use for Retail

If the basement were to be used for retail provision rather than car parking either whole or in part, then those areas used would need the addition of a drained and insulated cavity wall liner in front of the concrete liner wall. This will act to control the internal environment to a more suitable level. The same provision would apply to storage areas within the basement or similar.

In addition, the structural grid would logically flow through from the superstructure retail spaces, reducing the need for transfer trusses. This is unlikely to realise any reduction in overall basement depth as it is anticipated that significantly greater floor to floor heights will be required for a retail space. In addition, retail space would require additional floor to floor height to allow for more intensive mechanical services. This would likely increase the overall depth of basement excavation for both single and double storey basements significantly.

2.2.4 Transport

The existing car park has provision for 318 spaces. It is anticipated that vehicular access proposals would not change from the existing provision. Primary access would likely be provided via Tower Street to/from the A1036 inner ring road. It

may be appropriate to consider measures to limit access / egress through the city centre.

The existing car park has a number of car trips to/from the site. Development of the site is proposed to include underground car parking, a single level of basement would be a reduction in the current parking provision and two levels would represent a slight increase. To assess the highway impact further detail of the proposed land use for trip generation and arrival/departure profiles would be required. Once the land use and arrival/departure profiles are understood they would need to be compared to the existing situation to make an assessment of the impact of changes. This would likely require some modelling of key adjacent junctions.

An initial sketch layout of the basement, as shown in Appendix A, Sketch 4 indicates that approx. 220 car parking spaces could be provided within each level of basement car park. In reality this would be nearer 190 to enable disabled parking provision and potential space for plant/storage/lift areas etc. A comparison of the number of spaces provided in existing and proposed car parking is provided in Table 2.

Table 2: Comparison of car parking provision numbers

Status	Number Car Parking Spaces
Existing	318
Proposed 1 level basement	190
Proposed 2 level basement	380

Pedestrian and cycle access to the site will need to be considered as part of the site design. The development of the Ryedale Bridge to provide a connection across the River Foss at the south east corner of the site will provide improved pedestrian connection. A feasibility cost estimate is provided in Appendix B. It is noted that previous concept study work in relation to Ryedale House and the bridge identify cycle routes along the eastern and southern boundaries of the Castle Car Park site as part of a cross city strategic cycle route. Design of the site will need to consider cycle connections to the wider cycle network and cycle parking.

The Piccadilly NCP, a 287 space multi storey car park, is located immediately north of the site. The main vehicular access to/from the car park is from Piccadilly to the north east of the site, however, an overflow basement exit ramp is provided rising in to the Castle Car Park to the north east corner of the site. CYC has stated that the exit ramp has been closed off for some time, however, it does provide access to Yorkshire Water equipment as well as a pedestrian fire exit route from the Fenwicks store to the river bank. Development of the Castle Car Park site will therefore need to consider the requirement for this in any design.

A service yard access / egress is located along the northern boundary of the site. Access proposals for the site will need to consider this, however CYC have

confirmed that the service yard does not necessarily have to be retained. Depending on land use the site will require access for emergency vehicles and service vehicles. Design of the building and surrounding area will need to allow for this.

2.3 Conclusions

Following this high level review of the engineering constraints it is considered that a one or two storey basement construction is feasible for use as either car parking or for retail purposes. The high level feasibility estimate gives a one level basement cost of £12,460,472, which equates to £65,581.43 per space. The total cost of a two storey basement is calculated to be £17,937,602, which equates to £47,204.21 per space.

There are constraints on the site from flooding risk and lines of sight. The ground conditions (particularly soft ground and obstructions) also pose constraints on development but that these constraints could be addressed during design. Considering the ground conditions, influence of ground water and temporary works requirements a two storey basement poses greater construction risks than a single storey basement.

A surface superstructure would affect design of the basement in terms of transfer of load between grids from surface to basement structure and combating uplift, particularly for a two storey basement.

Provision of a footbridge is feasible, subject to appropriate land acquisition and would improve pedestrian connectivity of the site.

An initial risk register for development of the site is provided in Appendix D.

2.4 Next Steps

The commercial viability of the site from a one or two storey basement perspective needs to be assessed.

If a decision to proceed with the development is made the use of the basement and the nature of the above ground superstructure would need to be defined in order to develop an appropriate design.

Access requirements to the underpass would also need to be more clearly defined.

Following these decisions a feasibility study should be undertaken incorporating a comprehensive desk study to assess ground conditions, historical records of the site (e.g. foundation and river wall records). The results of this study would be used to design an appropriate ground investigation. From which parameters for initial design of the basement and foundation requirements of the superstructure would be derived.

The study should also incorporate a review of other influential factors for development on site, such as archaeology and utilities, which have not been included in this review.

3 St George's Car Park / Foss Basin

3.1 Site Context

The St George's Car Park is located on the southern site of the city centre, immediately south of the A1036 inner ring road, between the River Ouse and the River Foss, as shown in Appendix A, Sketch 1. The Foss Basin is the section of the River Foss immediately to the east of the car park. The basin is bounded to the north by the Castle Mills lock gates and to the south by the Foss Barrier.

St Georges Car Park is currently a public surface car park providing space for 276 cars and 27 coaches. The car park is accessed directly from the A1036 inner ring road immediately east of the Tower Street / Skeldergate Bridge junction. It has associated public conveniences at the northern end of the site adjacent to the access ramp.

The site is also occupied by two pumping stations, one at the north on the site adjacent to the access ramp and the other to the south east of the site associated with the Foss Barrier.

There is no specific development brief for the site, the engineering constraints study considers what options may be possible based on the specific site conditions.

3.2 Engineering Site Constraints

3.2.1 Ground Conditions

3.2.1.1 Site History

The English Heritage record a Scheduled Monument 120m south of York Castle, on the northern edge of the St George's Car Park. In the 12th century a chapel to York Castle was constructed, separated from the castle by a moat created by damming the River Foss. By the 1630's the chapel had been converted into a workhouse, the building was demolished in 1856. The monument consists of the buried remains of St George's medieval chapel. Limited excavations in 1991 indicate that significant remains of the structure survive below ground.

A review on online resources shows that the majority of the St Georges Fields site was undeveloped up to the late 19th century, at which time the York Public Baths were constructed on the east of the site (adjacent to the basin) and Skeldergate bridge to the north. Relatively little further development took place in the 20th century, with the formation of a surface car park, demolition of the public baths and construction of a Yorkshire Water pumping station.

3.2.1.2 Geological Setting

Figure 6 presents an extract from the Geological Survey of England and Wales 1:63,360/1:50,000 geological map series sheet 63, "York" (Solid and Drift). The

map shows the site is underlain by Alluvium, then Boulder Clay (renamed as Glacial Till) overlying Bunter and Keuper Sandstone (renamed as Sherwood Sandstone).

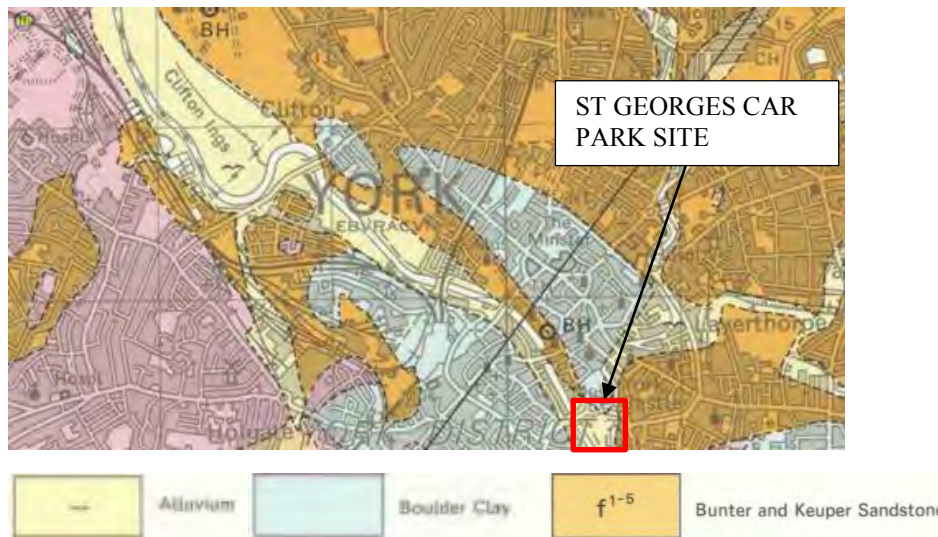


Figure 6: Geological Survey of England and Wales 1:63,360/1:50,000 geological map series sheet 63, “York” (Solid and Drift), 1983.

The geological map shows the site is underlain by Alluvium, overlying Glacial Till and Sherwood Sandstone.

3.2.1.3 Historical Boreholes

A number of historical boreholes located on the site are available from the BGS online Geoindex catalogue. The boreholes shows the following typical sequence:

- Made Ground (typically up to 2m thick);
- Soft silt/clay, with sand and gravel towards the base (6m thick, base at approximately 0mOD);
- Firm to Stiff gravelly clay (2 to 3m thick);
- Sand over weathered sandstone (from a level of -2 to -3mOD thickness unproven).

The historical boreholes also record details of water strikes, with water typically noted to enter the borehole in granular layers below the silt/clay. Standing water levels were recorded at approximately 3 to 4m depth, estimated to be 5mOD.

3.2.2 Flood Risk Issues

3.2.2.1 Flood Mechanisms at the Site

The St Georges Fields Car Park is at risk of flooding directly from the River Ouse. Ground and surface water flooding is not a significant risk at this site as any excess floodwater from the urban drainage systems can drain overland to the river.

3.2.2.2 Flood Defence Infrastructure

The flood defence infrastructure as provided by CYC is shown on Figure 7.

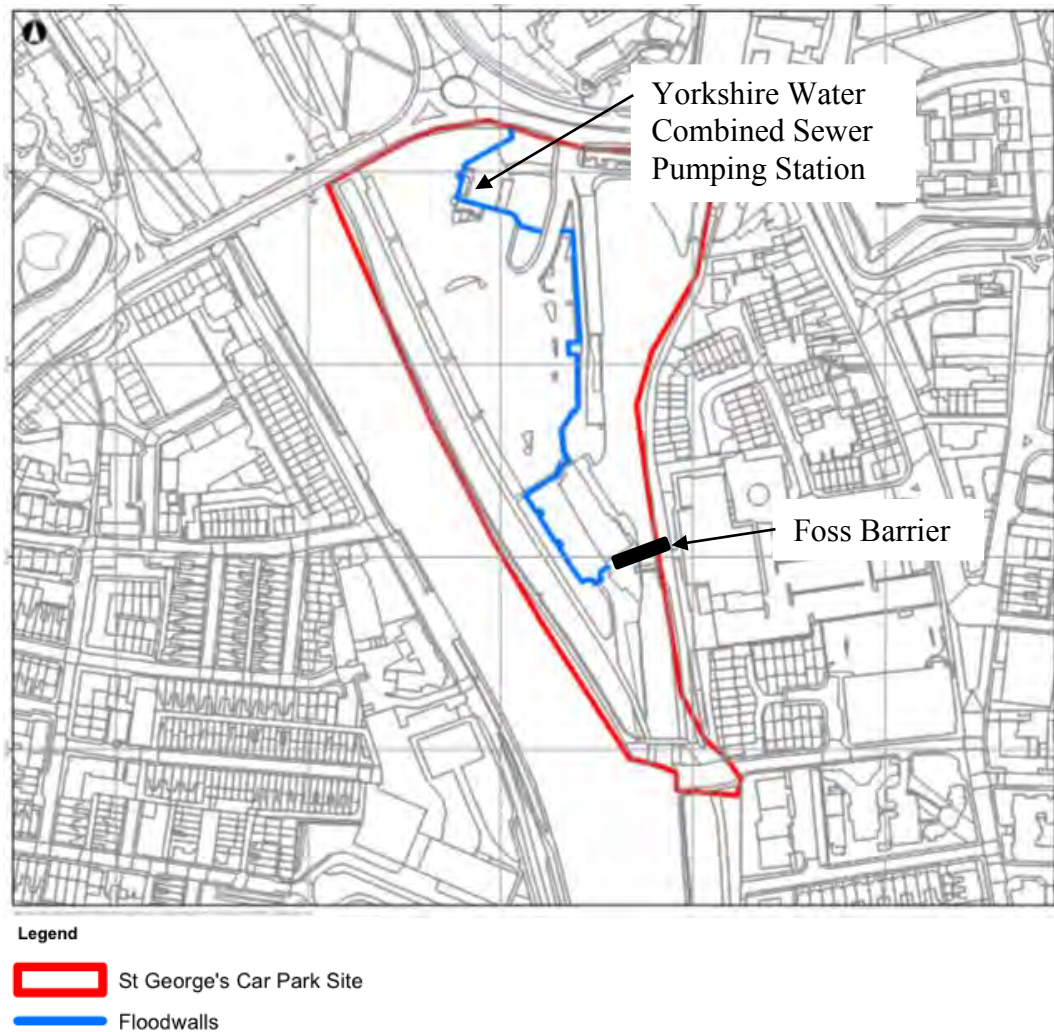
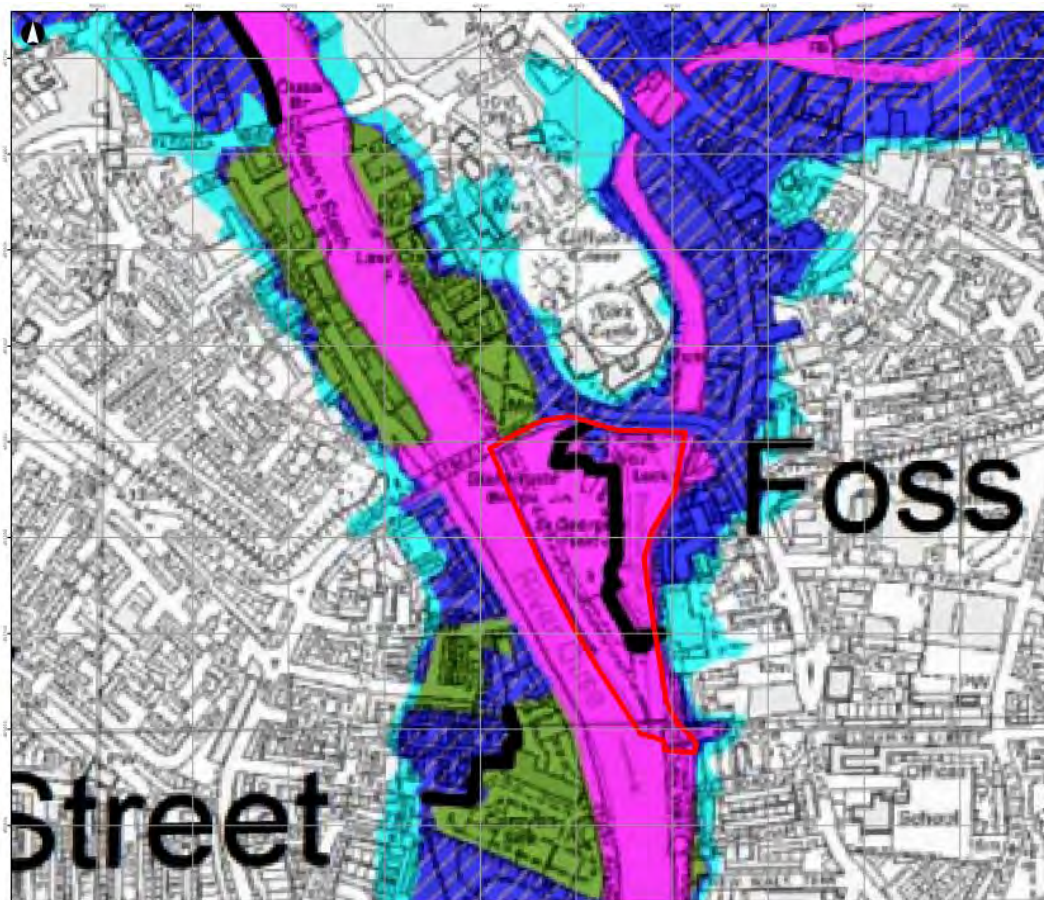


Figure 7: Showing alignment of flood walls and the location of Foss Barrier (adapted from the City of York Council Foss Basin Ownership sketch).

Landownership details, showing easements for operation and maintenance of this infrastructure are shown in Appendix A, Sketch 8.

3.2.2.3 Flood Zones and Water Level Data

The Strategic Flood Risk Assessment (SFRA) for 2011 is shown in Figure 8.



SFRA 2011 Flood Risk Zones Legend:






All Uncoloured Areas	Zone 1: Less than 1 in 1000 annual probability of flooding in any year (<0.1Percent)
	Zone 2: Between 1 in 100 and 1 in 1000 annual probability of flooding in any year (1Percent to 0.1Percent)
	Zone 3a: Areas between 1 in a 100 and 1 in 25 annual probability of flooding in any year (1 to 4 Percent)
	3a - Defended up to 1 in 50, Flood Risk between 1 in 50 and 1 in 100 (2 to 1 Percent)
	3a - Defended up to 1 in 100 (1Percent)
	Zone 3a(i): Developed areas with up to a 1 in 25 or greater annual probability of flooding in any year (4 Percent or greater)
	Zone 3b: Areas with up to a 1 in 25 or greater annual probability of flooding in any year (4 Percent or greater)
	Flood Defences

Figure 8: Flood Zones in central York taken from Figure 10c of the York SFRA

The relevant levels for normal and flood level data are provided in Table 3.

Table 3: Relevant normal and flood level data.

Description	Defended (D) or Undefended (U)	Level (mAOD)
River Ouse downstream of Skeldergate Bridge (Model node 12213_MODEL_Ouse063)		
Normal water level	n/a	c. 5.2
1 in 5 year flood level	Defended	9.43
1 in 50 year flood level		10.14
1 in 75 year flood level		10.25
1 in 100 year flood level		10.3
1 in 100 year plus climate change		10.66
1 in 1,000 year flood level		11.26
1 in 100 year flood level	Undefended	10.21
1 in 100 year plus climate change		10.66
1 in 1,000 year flood level		11.19

3.2.2.4 Implications for development

The St Georges Fields site floods regularly. It is within the 1 in 25 year (4% annual chance) floodplain. In preparing their Strategic Flood Risk Assessment, CoYC has agreed with the Environment Agency that, in planning terms, this area should be designated as Flood Zone 3b, functional floodplain, as shown on Figure 8. Flood Zone 3b comprises land where water has to flow or be stored in times of flood.

The new/latest government guidance lists land uses that are compatible with functional floodplain. These primarily comprise water compatible land uses, such as marinas - retail and/or residential development does not feature on this list.

Proposals to develop this area would therefore test the National Planning Policy Framework (NPPF). In order to develop this site, CoYC and the Environment Agency (EA) will need to agree to the principles that would apply being mindful of potential conflicts with NPPF and undesirable precedents. Initial exploratory discussions were held with the EA on 22nd April, 2015, a copy of the minutes is provided in Appendix C. A proposal to develop part of the site may be viable if:

- CoYC revises their SFRA and, in consultation with the EA, re-classified part of the car park as Flood Zone 3a. This would make it potentially developable subject to satisfaction of the Sequential and (certainly for residential development) Exception Tests in NPPF;
- Those at risk of flooding nearby (e.g. Clementhorpe) and downstream of the site (e.g. Naburn) would need to be consulted/presented with a robust set of evidence-based proposals that demonstrate how the development will not increase flood risk, and will ideally reduce it;

- The process will be helped if this development is designed in line with latest guidance on Water Sensitive Urban Design.

There is the possibility of this development being promoted/designed in a manner which complements the EA's proposals to upgrade the York Main River flood defences. There are also potential funding synergies – and opportunities via European Social Fund (ESF) and the Local Enterprise Partnerships (LEP). If any development did proceed here, it will be very important for the proposals to be compatible with

- the constraints imposed by the physical presence of, and access requirements associated with, the flood defence infrastructure shown in Figure 7.
- the EA's programme of works to the flood defences at Foss Barrier and along the Ouse. The EA's modelling is currently being updated and should be complete by June 2015.

It is possible that at least part of this site could be developed without increasing flood risk, using a precautionary approach. There is an existing access over the flood defences into the site from the A1036. If a platform was constructed on stilts above the flood level in the area at the back of the car park, this would potentially be compatible with

- a) continuing to use the ground level as a car park and an 'area where floodwater is stored in times of flood', and
- b) with building an elevated high value riverside development at the southern gateway to the city centre.

The loss of storage associated with the stilts/pillars would need to be assessed and mitigated, but this volume would be small and this is likely to be possible and demonstrable using hydraulic modelling techniques. Examples of raised structures are shown on Sketch 9

Other options that could be considered would include creation of a marina facility. Under such a scenario it would be important not to compromise the main river flood defences. If entered from Foss Basin through the floodwalls, this access would need to be designed such that it could be fully closed off when floods occur in the River Ouse. This would result in the need for a gate of a similar size to the Foss Barrier. In principle, creation of such a gate would double the risk of a failure occurring in the main river flood defence system, so to obtain regulatory buy-in from the flood risk authority (EA) would be challenging.

Under any development proposal, there would be good scope to undertake complementary public realm improvements in this area that ensured flood storage volumes were retained/ enlarged and which helped to achieve Water Framework Directive objectives for the river.

3.2.3 Structural

As noted, any development of the site would require to be built from stilts / columns. These would need to be co-ordinated into the design of the individual buildings. It should also be noted that any construction at ground level would need to be resilient to periodic flooding, for instance lift shafts would need to not extend to ground floor, or would need to incorporate some degree of protection against flood water. If the structures are to be tanked and protected, buoyancy would need to be addressed in the design.

3.2.4 Transport

It is anticipated that the access proposals would remain unchanged from the existing provision.

The site is an existing car park therefore development at the site would likely provide less parking, therefore potentially result in less trips and highway impact. Further work regarding the proposed development land use is required to determine the trip generation, arrival / departure profiles and key impacts.

3.3 Conclusions

Development options for the site are primarily controlled by flooding. Principally this relates to the flood zone designation, and the potential for re-designation. Without re-designation the site can only be used for water compatible uses, such as a marina facility.

Following a conventional approach the site would not be developed due to these constraints. However, due to its prime location within the constrained city centre alternative approaches have been considered to explore the potential for development of the site.

There could be benefits from developing the site for both the EA and CYC, such as the potential to release funding for both the site and flood defence measures. Initial discussions with the EA did not highlight any fundamental reasons why assessment should not proceed to the next stage, as outlined in Section 3.4.

An initial risk register for development of the site has been provided in Appendix D.

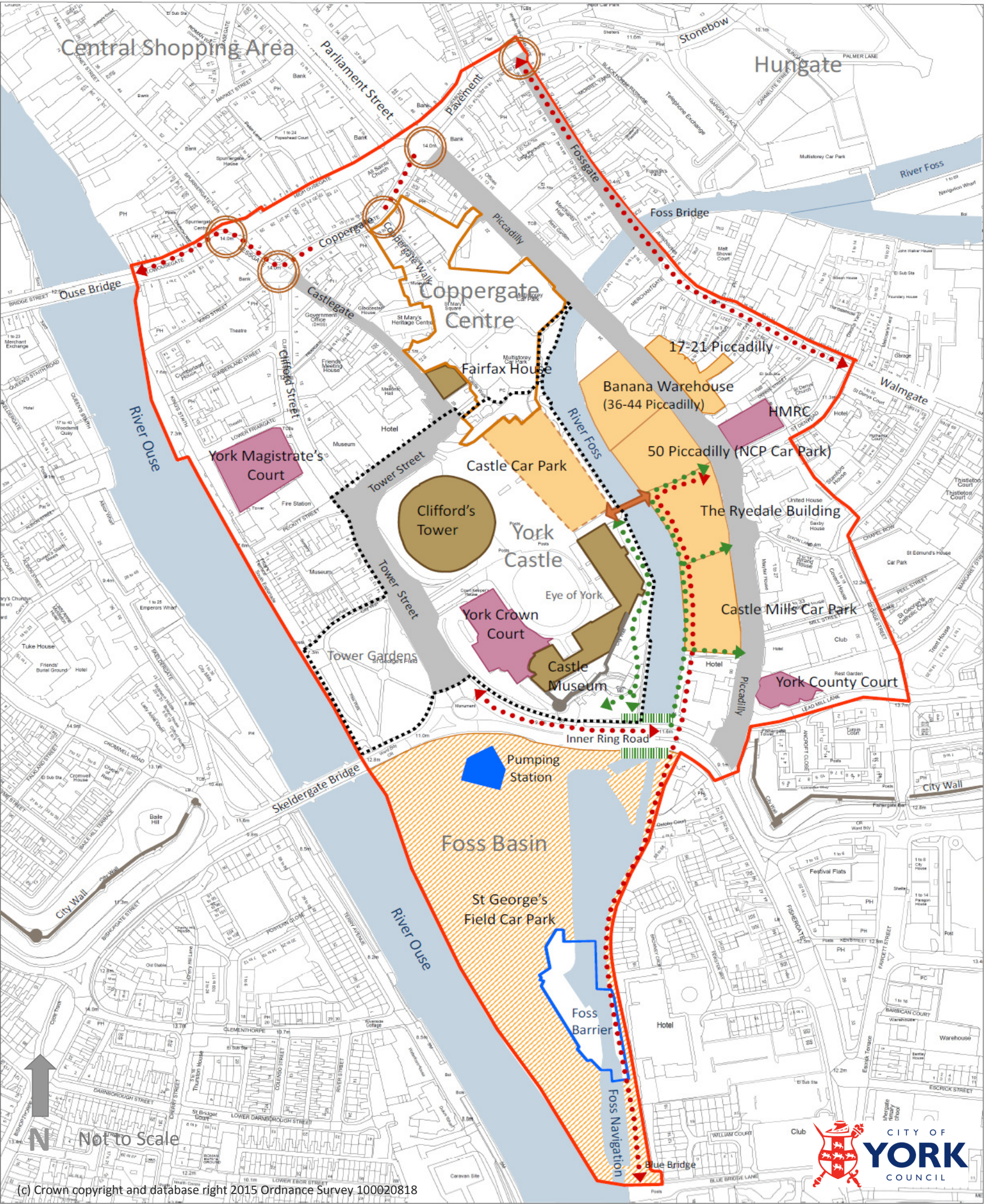
3.4 Next Steps

The next step with regard to testing the flood risk constraints would be further discussions with other stakeholders within the EA who have not previously been consulted. We believe appropriate consultee's would be Neil Longden, Area Flood Risk Manager and Mark Scott, Area Manager at the Environment Agency.


If they are supportive in principle, then it is proposed that the next step would be to undertake a modelling study to assess how much flexibility there is to adjust the existing configuration of the flood defence infrastructure in this area. This would aim to maximise the development potential without increasing (and potentially

reducing) flood risk. Any such analysis would involve modification of the existing EA hydraulic models of the River Ouse and the River Foss in order to assess the options and impacts in detail.

Once this work has been undertaken options for feasible future land use of the site could be investigated.



KEY

-  Boundary of York Castle Gateway.
-  New high quality mixed use development opportunity.
-  Coppergate Centre commercial opportunity.
-  Commercial/residential/leisure opportunity.
-  Public Estate opportunity.
-  Cultural asset.
-  Foss Barrier (Environment Agency).
-  Castle Mills Pumping Station (Yorkshire Water).
-  High quality public realm.
-  Indicative area for contemporary new building on the site of the existing Castle Car Park.
-  Vehicular dominance of highway reduced and quality and/or size of pedestrian area improved.
-  New landmark River Foss pedestrian/cycle bridge. Indicative location.
-  New pedestrian walkways along one or both banks of the River Foss with new pedestrian connections to the wider network.
-  Proposed strategic cycle route network.
-  Possible new pedestrian/cycle access under the Inner Ring Road.
-  Gateway connections to the central shopping area for pedestrians improved.

Castle Gateway: Development Principles

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Executive26th January 2017

Report of the Director of Economy and Place

Portfolio of the Executive Member for Finance and Performance and
Executive Member for Economic Development & Community
Engagement

Disposal of land for the proposed Clifford's Tower visitor centre**Summary**

1. English Heritage (EH) operates national heritage assets on behalf of the Historic Buildings and Monuments Commission for England (HBMCE), and intends to build a new visitor centre as part of works to improve and restore Clifford's Tower. They received planning permission for their proposals in October 2016. The site of the proposed visitor centre is partly on council-owned land, and to enable the project to proceed they need to acquire this parcel of land from the council. Officers have negotiated with EH and a proposed land deal is set out in this report.
2. The land deal would result in the grant of a long term lease of a small part of the footprint of the visitor centre to HBMCE; a two year lease of an adjacent piece of land for a public plaza area to EH; and the transfer of part of the motte to HBMCE which is already under their guardianship. The long leasehold of the land for the visitor centre and the freehold of the motte would be transferred to HBMCE at a value of £25,000, as established by formal valuation and reflecting the land's commercial value to EH, but also the need for the commercial return from the new visitor centre to fund the proposed restoration works. The lease of the land for the public plaza will be at a rate of £5,475 per annum, reflecting the loss of existing car parking income to the council. To allow the restoration and construction to take place the whole site will be transferred to EH on a temporary licence for the duration of the works.

Recommendations

3. Executive are asked to agree to:

- a) Grant a long lease of the land needed for the construction of the EH Clifford's Tower visitor centre to HBMCE following the final agreement of planning permission, for a sum of £25,000.

Reason: To enable the development of a new visitor centre at Clifford's Tower, and ensure the land value reflects best consideration.

- b) Lease for a period of 2 years to EH the land to be used as a public plaza at a rate of £5,475 per annum.

Reason: To allow the building of a small plaza associated with the visitor centre whilst ensuring the council can include the land in any future plans for the area.

- c) Transfer to HBMCE the freehold of the area of the motte which is currently in their guardianship.

Reason: To rationalise the land holding of the Clifford's Tower motte and transfer an area of land to HBMCE for which they have responsibility as the current guardian.

- d) Allow EH to occupy the area of land edged with the blue line in Annex 1 on a temporary licence at a rate of £1k plus VAT per month for the duration of the works to Clifford's Tower as identified above (subject to a maximum period of 15 months).

Reason: To allow EH to carry out the proposed restoration and improvement works to Clifford's Tower.

Background

- 4. English Heritage (EH) is the trading name for English Heritage Trust (EHT). They operate heritage assets under a licence from the Historic Buildings and Monuments Commission for England (HBMCE), whose trading name is Historic England. The ownership of these buildings, including Clifford's Tower, therefore rests with HBMCE but they are managed and operated by EH. Consequently, this report will refer to EH

as the lead body for the proposals as they are the operator of Clifford's Tower and will be responsible for the restoration and development works. The proposed land transfers would be to HBMCE as the owner of the assets, with the lease of the plaza and temporary licence for the works to be to EH as they represent short term agreements associated with the operation of the new visitor centre and undertaking of the restoration.

5. The ownership of Clifford's Tower and the land immediately surrounding it is set out in Annex 1. It reflects the historic ownership with the Tower and area edged red owned by HBMCE and the council owning part of the embanked motte (outside the retaining wall facing the car park) and the land surrounding the motte. The area of the motte that is subject to council ownership is under the guardianship of HBMCE.
6. In October 2016, EH (as the operational arm of HBMCE) received planning permission to build a new visitor centre as part of works to improve and restore Clifford's Tower. The site of the proposed visitor centre is partly on council land and partly on HBMCE's land, and EH has made a formal request to acquire the land. The proposal is set out further in this report.
7. Clifford's Tower is one of the city's key heritage assets and an important visitor attraction. Tourism is an important part of York's strong economy, with the sector itself worth an estimated £606m to the local economy (based on Visit York analysis, 2015), supporting in the region of 20,000 jobs (ONS, 2016). The city's heritage and cultural offering is central to this economic opportunity, with many historic attractions acting as a draw for visitors. This is manifested in an above average proportion of cultural jobs in York in comparison with the national average (e.g. more than double in the case of museums and archives). The city's Economic Strategy 2016-2020 and 2030 city vision also outlines the opportunity for the creative use of its heritage and unique assets in cementing York's reputation as a distinct, exciting and beautiful northern city, and as a driver for its economy.
8. The proposal is also consistent with the aims of the 2015-19 Council Plan, namely a prosperous city for all, which commits to ensuring everyone who lives in the city can enjoy its unique heritage, and that visitors, businesses and residents are impressed with the quality of our city. The visitor centre will improve accessibility to and interpretation of the Tower and aims to increase visitor numbers and satisfaction with the improved facilities. The total restoration project represents a significant investment of £5.2m. It provides for:

- The repair of the castle's structure
 - The construction of a larger roof deck
 - Provision of access to view and enter currently inaccessible first floor areas
 - A new visitor centre at the foot of the castle motte
 - Extensive interpretation and virtual access for visitors unable to explore the tower
9. English Heritage anticipates that the project will increase the numbers of visitors to the site by some 24,000 p.a. The funds are scheduled for expenditure in 2017 as part of a national capital investment programme that will enable the charity to become independent of Government subsidy by 2022. The new visitor centre would sit at the base of the motte where the existing steps provide access to the tower (see Annex 2). A summary of EH proposals can be found in Annex 3. Annex 4 contains some historic pictures of Clifford's Tower in the 1930s before the current motte was constructed.
10. In addition to the actual visitor centre and restoration and improvement works to Clifford's Tower, EH propose to create a small plaza area for outdoor seating and improve the overall setting of the monument. Consequently EH have approached the council with an offer to acquire an interest in the pieces of council-owned land needed to deliver their project. There are three elements to the project:
- Gaining temporary access to the area of land needed to carry out conservation and construction works to the motte and Tower
 - The acquisition by HBMCE of the area of land required for the construction of the new visitor centre and to formalise ownership to HBMCE the section of the motte that is in council ownership but currently under HBMCE guardianship
 - The lease of an area of land at the base of the motte to form a plaza
11. Land for the visitor centre – The transfer of the land shaded blue in Annex 1 would allow EH to build the new visitor centre, improving accessibility and the visitor experience as part of major restoration works to the tower and the motte. The value of that land needs to reflect any alternative use value, the commercial value to EH of the visitor centre, and the importance of that commercial value in funding the overall restoration works. As the visitor centre is partly set in to the motte it is highly unlikely that the land would receive any alternative planning permission for an

alternative use so in that respect it has a limited land value. However, the newly created visitor centre has a commercial value to EH, as it provides a gift shop and cafe which would generate an income, albeit it should be noted that part of the proposed visitor centre is on land already owned by HBMCE. This income will provide a revenue stream which has been considered by EH in their business case in spending £5.2m on their proposals. Independent valuation advice has been sought (Annex 5) to consider the land value, with regard given to the income the centre may provide to EH, whilst considering the costs of carrying out the overall works. That advice has determined that a figure of £25,000 would represent best consideration for the disposal of the land on a long leasehold basis. The land will not be transferred to HBMCE unless and until they have completed the proposed construction works. However it is not proposed to impose a positive contractual obligation on EH to carry out any development works as otherwise the arrangement might be constructed as a 'works contract' for the purposes of the Public Contract Regulations (PCRs) which would therefore need to be procured in accordance with the PRCs. It is instead recommended that if EH do not carry out their proposed development works within a specified timescale then the Council would have the right to terminate the Agreement and decline to transfer or lease any our land to EH.

12. In addition to the long leasehold transfer, EH would also need the council's permission to install, maintain and service utilities over the council's adjoining land in order that the visitor centre could be linked up to mains services. The council would ensure we reserve the right to relocate or divert any such services at EH's cost so as to not fetter future redevelopment plans, albeit the proposed service runs are not considered to be in a location for which this is likely at this time.
13. Land for small plaza area - In addition to the land required for the visitor centre EH propose to create a small public plaza area as shaded orange in Annex 1. The purpose of this is to improve the setting of the visitor centre and create a buffer from the adjacent Castle car park. The plaza would be situated on land that the council owns and was previously licensed to the law courts for car parking (see paragraph 17). EH propose to take control of these 14 parking spaces during the construction period (the land shaded orange and purple in Annex 1). On completion they will reprovide 9 car parking bays on land that they will return to the council (shaded purple). The new plaza will then be leased to EH and result in the loss of 5 car parking spaces.

14. Unlike the land required for the visitor centre the land need for the plaza does have an existing commercial value to the council. During the construction period, when all existing 14 spaces are lost, EH have committed to reimburse that level of lost income directly to the council. On completion of the works EH will return 9 newly constructed car parking bays to the council allowing income to be generated. The rate at which the land is leased must therefore reflect the loss of income from 5 car parking spaces which has been calculated at £5,475 per annum. The lease will not be granted to EH unless and until they have completed the proposed construction works.
15. To protect the council's future interests the lease of the plaza land will be for a period of 2 years only. This is in recognition of future plans to consider a comprehensive redevelopment of the Castle Gateway area, including consideration of alternative uses for Castle car park. As the land is adjacent to this site the council may wish to include the plaza area within any wider proposals to redevelop the area and improve the public realm to ensure it can be successfully integrated into any new scheme. If plans have not progressed within that 2 year period the council will consider granting a further lease of the plaza area subject to acceptable terms being agreed.
16. Land ownership of the motte - In addition to the newly created visitor centre and plaza there are also significant works required to conserve and safeguard the motte on which Clifford's Tower sits. As illustrated in Annex 1 a large proportion of the motte is already in HBMCE's ownership and maintained by EH. However, one section (shaded pink in Annex 1) remains within the council's ownership but under the guardianship of HBMCE. This is a result of the historic arrangements relating to the motte and the surrounding land uses of Clifford's Tower. Embedded within the current motte structure is a significant retaining wall which until the 1930s was exposed and formed part of the outer walls of the Victorian women's prison. It was on demolition of the prison in 1935 that the motte was reformed and the spiral access path to the tower replaced with a straight staircase. The area of the newly reinstated motte that extends out from the now buried retaining wall in to Castle car park remained in the council's ownership but under the guardianship of HBMCE. It is proposed to formally transfer the ownership of this remaining section to HBMCE for nil payment given that the upkeep and repair is already their responsibility. In addition to simplifying the ownership arrangements it will reduce any future council liability for the stability for the motte or the tower. This land is not judged to have any commercial value.

17. Construction works - All of the construction and restoration works described above will require a site compound to be established to allow the works to progress in a secure environment. The land needed is edged with a blue line in Annex 1, and involves allowing EH to occupy the whole of the Clifford's Tower motte and the land currently licensed to the law courts under EH control for the duration of the works (subject to a maximum period of 15 months). Officers have already given the law courts 6 months written notice terminating their licence for use of the parking spaces on 9th December 2016 in accordance with the provisions of that licence agreement. This was to expedite the process in the event that EH did receive planning permission for their proposals. As noted above, during the construction period EH will pay the council a licence fee of £1,000 per month that accounts for the loss of income from the law courts use of the parking spaces.
18. This decision was taken having considered the risks associated with cancelling the lease in advance of any agreement to dispose of the land to EH or planning permission having been granted. The risk was deemed to be minimal, as should the scheme not progress then income will be replaced by allowing public car parking on the site.
19. The land deal as described above would facilitate the restoration, conservation and improvement works to Clifford's Tower. It would allow the building of a new visitor centre providing a much improved visitor experience attracting higher numbers of tourists to the city. The grant of the long lease of the site for the visitor centre recognises that the project is complimentary to the council's wider objectives for the area. Meanwhile the loss of revenue from car parking during construction would be covered by EH, and on completion the loss of 5 car parking spaces and associated revenue will be compensated for by the lease agreement with EH. The lease of the land for the plaza is for a short period of time meaning the proposals will not have an adverse impact on any future comprehensive redevelopment of the area.
20. The Planning Permission agreed in October 2016 is currently subject to an application to the courts to judicially review the planning decision. The disposal of land outlined in this report will be subject to the finalisation of a valid planning application which will require the conclusion of the judicial review process.

Consultation

21. The planning application was considered by planning officers in consultation with all statutory consultees, including conservation officers, and with regard to representations from members of the public. Having considered the application and officer recommendation the application was approved by planning committee.

Implications

22. The following implications have been identified:

- (a) **Financial** – The disposal will provide a £25k capital receipt for the council that can be used to support the council's overall capital programme. The lost income from the council's car parking spaces is being compensated from the arrangement with English Heritage so there are no adverse financial implications on the council's revenue account.
- (b) **Human Resources** – There are no human resource implications.
- (c) **Equalities** – The disposal of the land is not considered to have any equalities implications.
- (d) **Legal** – The General Disposal Consent Order (2003) gives the Secretary of State's consent (pursuant to S.123 of the Local Government Act 1972) to local authorities for disposal by them at less than best consideration/full open market value provided that:
 - (i) The Council (acting reasonably) is satisfied that the disposal will facilitate the promotion/improvement of the economic, social or environmental well-being of the area and;
 - (ii) The difference between the consideration/price received and best consideration/full market value does not exceed £2 million

If the above conditions are not satisfied then the Council would need to obtain the Secretary of State's specific consent under S.123 for any disposal (freehold sale or grant of lease for more than 7 years) at less than best consideration/full market value. On the basis of the valuation report which has been obtained, it is understood that the proposed disposal is in return for full market value/best consideration such that the consent of the Secretary of State is not required.

Any lease should be excluded from the security of tenure/renewal provisions of the Landlord and Tenant Act 1954 by following the relevant procedure before granting the lease, as otherwise the tenant may be entitled to the legal right to renew the lease on similar terms.

As mentioned above, no lease will be granted, or freehold ownership of the motte transferred, to HBMCE unless and until they have completed the proposed construction works. However it is recommended that the Council does not seek to impose a positive contractual obligation on EH to carry out any development works as otherwise the arrangement might be constructed as a 'works contract' for the purposes of the Public Contract Regulations (PCRs) which would therefore need to be procured in accordance with the PRCs. It is instead recommended that if EH do not carry out their proposed development works within a specified timescale then the Council would have the right to terminate the Agreement and decline to transfer or lease any our land to EH.

The decision of the local authority to dispose of its land is independent of any legal challenge to the decision of the local planning authority.

- (e) **Crime and Disorder** – The disposal of the land is not considered to have any crime and disorder implications.
- (f) **Information Technology** – There are no information technology implications.
- (g) **Property** – Covered in the report.
- (h) **Other** – There are no other implications.

Risk Management

- 23. EH have secured planning permission for their proposals. This is currently subject to an application for permission to seek a judicial review. Until this process has concluded the planning permission will not be finalised and the land disposal will not go ahead.
- 24. The negotiated land agreement protects the council's existing income that the land required for these proposals generates.

25. Should EH fail to proceed with the proposals, or if they are significantly delayed, then the loss of income from having terminated the law court lease on car parking would be replaced by opening up the spaces for public use.

Contact Details

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Manager
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Chief Officer Responsible for the report:

Neil Ferris
Director of Economy and Place

**Report
Approved**



Date 13/01/17

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Wards Affected: *Guildhall*

All ☐

For further information please contact the author of the report.

Background Papers:

Annexes

Annex 1 – Map highlighting the different elements of the proposed land deal for Clifford's Tower

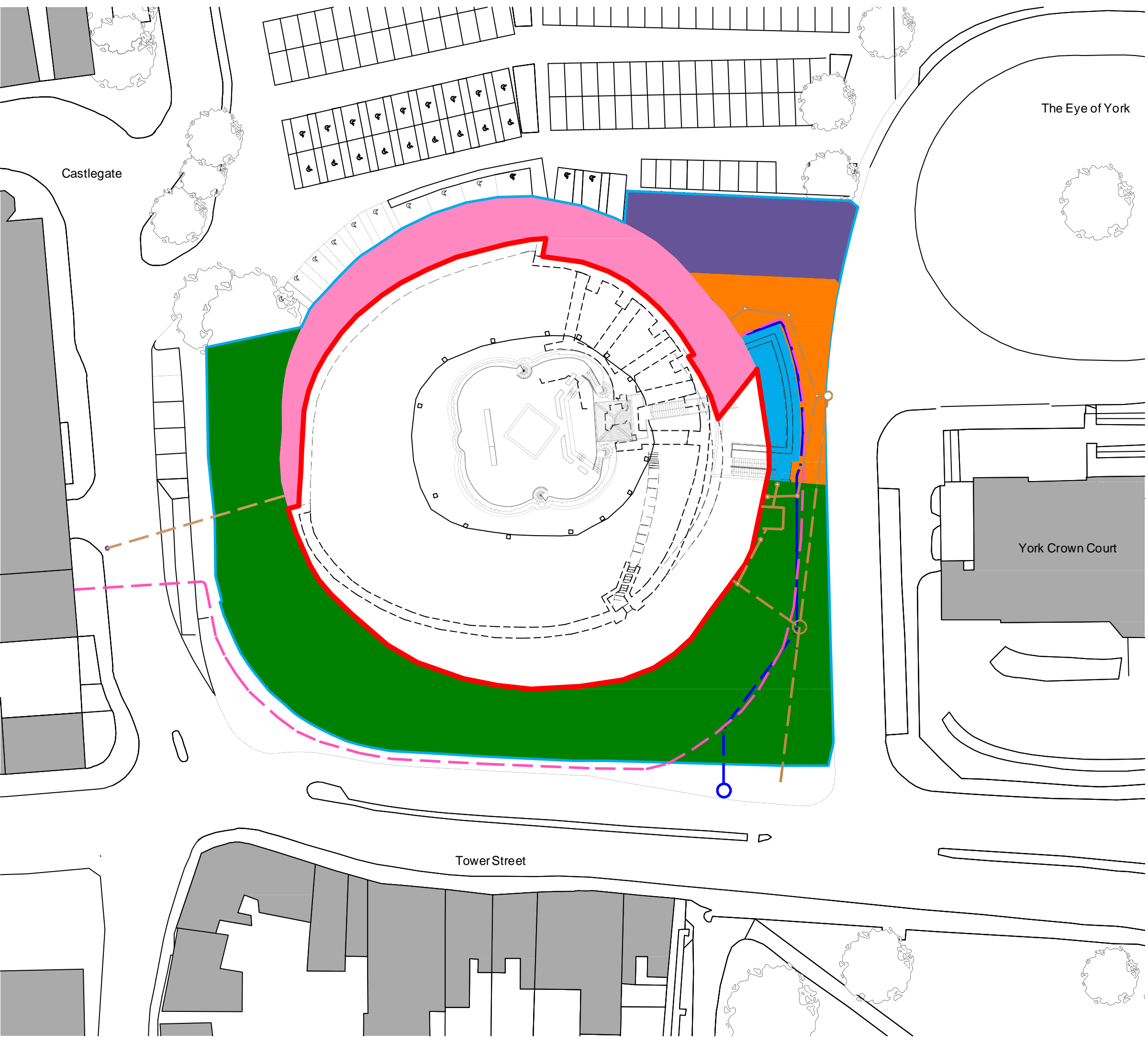
Annex 2 – Plan showing the proposed visitor centre

Annex 3 – English Heritage's statement on the Clifford's Tower Project

Annex 4 – Historic pictures of Clifford's Tower

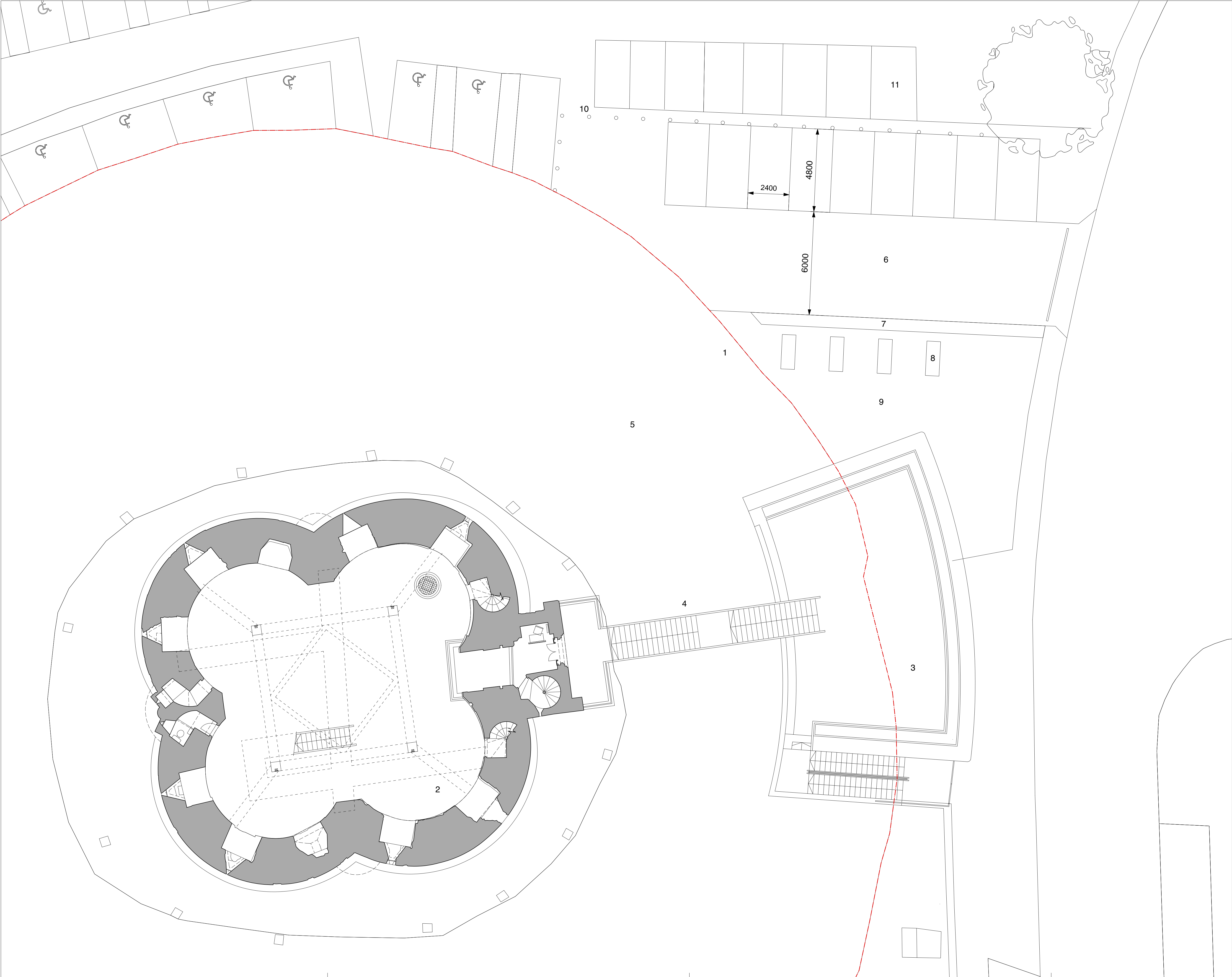
Annex 5 – External valuation

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- Annex 1
- Land owned by CYC held in guardianship - Proposed temporary licence for a construction area followed by land transfer to HBMCE
 - Land owned by CYC - Proposed temporary licence for a construction area followed by a 2 year lease to English Heritage
 - Land owned by CYC - Proposed temporary licence for construction area
 - Land owned by CYC - Proposed temporary licence for a construction area followed by land transfer to HBMCE
 - Land owned by CYC - Proposed temporary licence for a construction area
 - Land owned by HBMCE
 - Proposed construction area
 - Proposed easement for electricity supply
 - Proposed easement for water supply
 - Proposed easement for drainage
 - Proposed easement for telecommunications (TBC)

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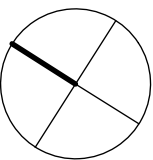
Do not scale drawings

All dimensions are in millimetres unless stated otherwise

Use figured dimensions only and report any discrepancies in writing to the architect

Specific key and notes

- 1 Site boundary line
- 2 Tower
- 3 Visitor Centre roof terrace
- 4 Stair from Visitor Centre to Tower
- 5 Motte
- 6 Land not part of proposal (for County Court car parking) - 9 car park spaces
- 7 Hedge
- 8 Seating
- 9 New public realm area
- 10 Existing bollards
- 11 Existing council car park



English Heritage

Clifford's Tower, York

Proposed Site Plan - New Car Parking Plan

Status: Sketch

Scale: 1:100 / 1:200

April 2016

Draw N° SK67 Revision A

Drawn by SM	Authorised by HB	Size A1/A3
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English Heritage statement on The Clifford's Tower Project

Background

The new development at Clifford's Tower is explicitly conceived and designed by English Heritage to serve the public, both residents of York and visitors from the UK and abroad. Clifford's Tower is at present visited by around 150,000 people per annum, a substantial figure and one of the largest numbers for the 420 sites in English Heritage's portfolio of historic sites, but at the same time, surveys indicate that many visitors are dissatisfied with their visit and unlikely to return or recommend. It is anticipated that the project will generate an additional 25000 visitors in the first year, stabilising at 20,000 extra visitors annually thereafter. Research tells us that these extra visitors are likely to visit other attractions in York as well, further enhancing the benefits to the York economy.

English Heritage proposes to spend an estimated £5.2m on improving the experience at Clifford's Tower, with this substantial capital outlay designed to pay back in nine years, all revenues generated being put towards the Trust's charitable aims to conserve England's heritage.

The principal benefits to York of the Clifford's Tower project are as follows:

1 Conservation of an important Ancient Monument

English Heritage has designed a programme of conservation repairs to the historic fabric of Clifford's Tower, to the value of £790,000. These include substantial works to the upper ring-beam and the fabric of the wall-head, which has experienced localised deformation as a result of corrosion of the iron reinforcements, and the roof covering of the chapel, where badly designed drainage has allowed water to penetrate into the walls, and the timbers of the modern roof to decay.

In addition to these works, which rectify the adverse effect of interventions from the early 20th century, the addition of the new protective timber canopy will shield the internal masonry from the direct effect of wind and rain, without causing an abrupt and radical change of environment and its resultant migration of salts.

Together this programme of conservation work will protect Clifford's Tower for now and future generations of York residents.

2 Further opportunities for research and dissemination

There is significant potential for interesting and important new information to be uncovered during the course of the project, which would be shared with the people of York. With effective dissemination (as part of visitor interpretation during and after works, through various levels of publication, and on the world-wide web), this will increase the sum of public knowledge about Clifford's Tower and the wider site of York Castle. School visits will be encouraged to engage local children in their

heritage, with the new interpretation bringing history to life for a whole new generation.

As part of the feasibility and design phases of the project, a number of archaeological investigations have already taken place inside Clifford's Tower and on the earth mound. Before 2014, the site had undergone extremely limited investigation and almost no reliable information about the mound's physical composition exists in print. Since November 2014, archaeologists have excavated the foundations of the tower, examined the make-up beneath the present York-stone pavement of in the northern part of the interior, have taken soil cores from all levels of the mound down to natural soil, and have investigated the south-east quadrant of the 19th-century millstone grit wall concealed within the re-profiled base of the mound. The proposed project will afford an opportunity for further archaeological investigation, both inside the tower, especially in its southern lobes, and at the base of the mound, where the new visitor centre is designed to be built: these investigations have the potential to illuminate the development of the tower between the 13th century and the present, and the construction and successive enlargements of the mound and its buried ditches, potentially revealing Prehistoric, Roman and earlier medieval deposits.

Considerable amounts of staff time have already been invested in research, both to inform the design-development of the project, and the generation of content for future interpretation. All this research undertaken by English Heritage will help the people of York to understand more about the iconic Tower in their midst.

3 Improvement of access to Clifford's Tower

Improvement of access, in the broadest possible sense, is one of the fundamental drivers of the Clifford's Tower project. Proposed improvements to access may be considered within the following categories:

3.1) Physical access to the tower, around its interior, and to the roof

The proposed new development at Clifford's Tower will create a more staged route to the threshold of the tower than the uninterrupted flight of steps that currently runs up the mound. Inside Clifford's Tower, the two medieval spiral stairs will be supplemented by a new route to the upper parts of the structure, with horizontal walk-ways suspended below a new timber canopy/viewing platform at wall-walk level. The walk-ways provide access to the presently-inaccessible medieval garderobe chamber inside the north wall of the tower, the door into the south-west spiral stair (beside the chapel) and the two disused bartizan turrets that originally rose from the first floor of the tower to the parapet. All new stairs will be proportioned and detailed to be more easily negotiated by all ambulant visitors. In addition, care will be taken to make the new stairs and walk-ways easily visible to visitors with visual impairment. These access improvements are designed for the benefit to both

tourists and residents. According to the 2011 census, York has a slightly higher elderly population than the national average.

The new viewing platform at wall-walk level offers a considerably broader level space than the present narrow wall-walk, and will allow greater scope for visitors to enjoy the beautiful and commanding vistas at their leisure. It will also be possible for them to sit down on a bench in the northern part of the platform, or in 'amphitheatre' seating in the southern part of the roof structure.

3.2) Intellectual access, through improved and enhanced interpretation

The proposed visitor centre and the new protective canopy inside Clifford's Tower will create sheltered spaces (modern inside the visitor centre, both historic and modern inside the tower), and will include the following features:

- A display of the newly exposed 19th-century retaining wall, as the back wall of the new visitor centre, with explanation of when and why the motte was cut back, and eventually re-profiled to restore its 'medieval' form.
- A dedicated space inside the visitor centre, including both fixed graphics and computer animation, in which the development of the castle site and Clifford's Tower and key historical episodes will be set out.
- Virtual access will be provided inside the visitor building for those who cannot climb the stairs to the tower: this will include 360-degree views of the interior of the tower and the panorama from the roof-deck, and the visual and audio materials used for interpretation within the tower, with parallel text for those with auditory impairment.
- The roof of the visitor building allows discussion of the history of the Eye of York/former castle bailey.
- The interior of the tower will be interpreted by a variety of media, including the projection of images onto the stonework of the inner walls, illustrating the main episodes in the building's history, and discreet ambient soundtracks within each ground-floor embrasure, addressing eight historical episodes using contemporary texts. Graphics panels will also describe the tower's historic form and evolution, and specific architectural features such as the first-floor garderobe and the interior of the chapel.
- On the roof deck, it is proposed to inset into the perimeter hand-rail engraved panels with identifying labels and short descriptive text for major landmarks visible from Clifford's Tower, and the direction of places historically associated with the castle.

These spaces, together with the new decks on the roofs of both the visitor centre and Clifford's Tower, offer considerably greater scope for interpretation than the present layout.

4 To make Clifford's Tower a more effective participant in the cultural life of the city of York

Clifford's Tower is already a significant and highly visible cultural asset of the city, especially through the marketing of photographic images showing the tower atop its daffodil-covered mound: the tower is also used on a more occasional basis for city-wide events such as *son-et-lumière*-style projections, cultural tours and as a backdrop for ceremonies, such as annual observance of Holocaust Memorial Day.

The project will allow for the continuation of these initiatives, and will offer greater potential for events inside the tower itself, through the creation of covered space and through the enlargement of decking at roof level. The tower itself is rated with a maximum safe capacity of 120 people at least. This will create potential for theatrical presentations, the use of the tower for civic hospitality, for example. English Heritage is keen to work with other cultural organisations in the city to this effect.

5 Enhancement of the environment of the immediate area

Care has been taken in the architectural design of the project to minimise impact on the most sensitive aspects of the immediate environment, which includes the Eye of York, a nationally significant group of Grade I Listed Buildings, and the only formal architectural set piece within the city of York. The area also includes a large car-park, which is extremely well-used, but is widely criticised for its negative contribution to the visual amenity of the Castle area.

The new proposal requires significant but localised improvements to the pavements etc in the immediate vicinity of the visitor building, but consultation with City of York Council has indicated that there is an aspiration for much more wide-ranging and radical improvements, known as the 'Southern Gateway'. These may include the creation of a major new path axis running 'east-west', through the construction of a new pedestrian bridge across the River Foss from Piccadilly, and in the long term, it is hoped that the car park itself may be replaced with a more appropriate programme of public realm.

The proposal takes these potential initiatives into account, and is designed to complement them exactly. It is further hoped that the addition of the new visitor centre at the foot of the mound may serve as a catalyst for other initiatives to be brought forward for the necessary improvement of this area of the city.

6 Substantial addition to the heritage amenity of York and its region

York welcomes 6.8 million visitors a year who contribute £608m to the city's economy and support 20,300 jobs. (Source: Make It York) The Clifford's Tower

project would further strengthen the tourism offer in York and subsequent benefits to the economy.

Visitor experience expectations are growing, with investment by the Minster, Jorvik, York Art Gallery and the Theatre Royal raising the city's game considerably. Conversely visitor feedback from the Clifford's Tower visitor surveys reveal dissatisfaction due to the lack of interpretation or points of interest in the Tower. The project seeks to address these short-comings and make Clifford's Tower more welcoming to all, visitors and residents alike, further enhancing the York 'brand' to the benefit of the city.

English Heritage recognises that many residents have not visited Clifford's Tower for years. Therefore, in addition to the Residents' First weekend in January, we propose to introduce a further Residents' weekend each autumn. We anticipate the offer would be enjoyed by some 2,000 York residents over the each weekend.

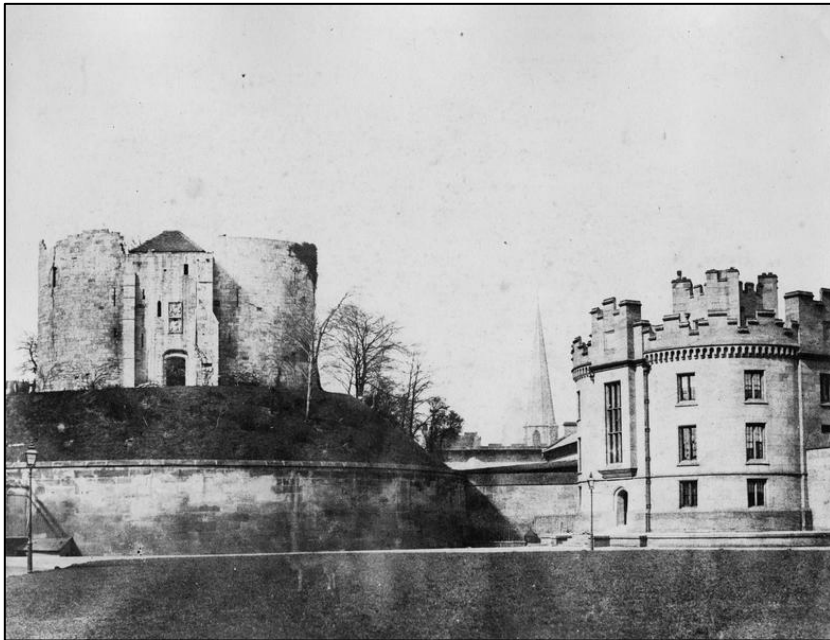
English Heritage Trust

English Heritage Trust is a charitable body, established in April 2015 to conserve, present and manage 420 ancient monuments and historic buildings across England. It retains the name of a previous publicly-funded body, whose grant-giving and regulatory responsibilities are now discharged by a new agency, Historic England. English Heritage was endowed with £80 million from the Government at the time of its creation, but its annual grant allocation will diminish annually and will cease entirely in 2023. English Heritage's conservation and presentation activities are funded from revenues from the operation of our sites and from donations.

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Pictures of Clifford's Tower

Historic pictures showing the nature of Clifford's Tower until as recently as the 1930s



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VALUATION ADVICE IN RESPECT OF PROPOSED VISITOR CENTRE, CLIFFORDS TOWER, YORK



DECEMBER 2016

BY SANDERSON WEATHERALL



CITY OF
YORK
COUNCIL

Your ref:

Our ref: AWE/kb

5 January 2017

City of York Council
Property & Asset Management Team
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York
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West Yorkshire
LS1 4WG

0113 221 6000
enquiries@sw.co.uk

**For The Attention of N Collins Esq MRICS –
Commercial Property Manager**

Dear Sirs

PROPOSED DEVELOPMENT PROJECT AT CLIFFORDS TOWER, YORK

We refer to the meeting between Nick Collins and Andrew Ellis of Sanderson Weatherall on 1 December 2016 together with our formal proposal of 7 December 2016 and your confirmation of instructions of even date.

Current Situation

In Appendix III we include the site plan provided to us and which shows the current freehold interest of English Heritage shown edged red. City of York Council own all of the other coloured land on the plan (green, pink, blue, salmon and purple) together with other land in the area most notably the Castle Car Park to the north. The Castle Car Park adjoins the Coppergate Shopping Centre and River Foss, and which generally is regarded as a prime re-development opportunity subject to the constraints of such a sensitive location. Cliffords Tower comprises a scheduled ancient monument and Grade I structure. It is well known to you and hence we will not describe it in detail albeit it comprises a large stone tower situated on top of a large bund or Motte. The tower is operated as a visitor attraction by English Heritage, accessed via steps on the eastern side of the Motte to the side of the The Eye of York, York Crown Court and Castle Museum.

This staircase evacuates onto land owned by City of York Council and on which until recently comprised in part a separate car park for use by staff at York Crown Court. The land to the north forms part of the Castle Car Park operated as a pay and display car park by City of York Council.

Discussions have been ongoing between English Heritage, City of York Council and other stakeholders in order to provide an improved and updated visitor experience to Cliffords Tower and help fund repair works to the structure. Negotiations have been ongoing and terms have been agreed to allow English Heritage to secure the necessary property rights in order to construct a new Visitor Centre at the base of the steps of the Tower, part of which would be constructed on land already owned by English Heritage but the majority on land currently owned by City of York Council. Additional land is needed apparently to create a piazza in the approach to the new Visitor Centre. Temporary permission is also required to use additional land around the attraction during the period of construction.

In Appendix II we attach the draft heads of terms. Since these terms were prepared and following an earlier draft of this report the City Council has negotiated a price of £25,000 for transfer of the freehold interest in the land coloured blue and pink. Otherwise the main terms of the transaction are set out below. With reference to the plan in Appendix III the main elements to the transaction are as follows:-

1. Land coloured blue - 102 sq m – freehold transfer required for part of the Visitor Centre.
2. Land coloured pink - 572 sq m – freehold transfer partly to accommodate the visitor attraction and also for protection land around the Tower. Temporary license also required during construction.
3. Land coloured salmon - 216 sq m – required for construction of the piazza but to be held on only a 2 year lease excluded from the security of tenure provisions of the Landlord and Tenant Act.
4. Land coloured purple – 305 sq m – temporary construction license and thereafter returned to City of York Council for continued used as parking.
5. Land coloured green – 1818 sq m – required on a temporary basis during the construction works.
6. In addition various easements are required for services which will cross the green and salmon coloured land to be retained by the Council.

The more detailed terms are set out in Appendix II.

Until recently the Council has received an income of circa £12,000 per annum exclusive from the Court in respect of the existing car parking spaces. This income would be lost as would the potential to replace it with income from another tenant. Accordingly it is proposed to require a rental of some £1,000 per month (i.e., £12,000 per annum) during the period of the construction works effectively to leave the Council in no worse position.

On completion of the works the land coloured salmon and used as the piazza effectively removes 5 car parking spaces from this arrangement and accordingly English Heritage will pay a rent of £5,475 per annum exclusive plus VAT by way of rent. The Council will retain the ability to re-let the remaining 9 spaces coloured purple to third parties. This will return the Council to an equivalent position, it will not though necessarily take account of any additional value being created by English Heritage in respect of the pink and blue land nor which potentially City of York Council might be able to obtain from any third party. On this basis you have asked that we investigate the proposed package of measures and advise in light of the other elements of the transaction the price if any which ought to be levied in respect of the blue and pink land. Following initial advice the sale price for this land has been agreed at £25,000 and in our report we are asked to consider whether as part of a package of measures this can be recommended.



Guardianship

We are advised that currently the pink land is already under the guardianship of English Heritage. From the information provided to us it is our understanding that for land under guardianship although legal title remains with the Council, English Heritage already has control of the land together with responsibility for maintenance. This land is required to be transferred as part of the proposal as the rights of guardianship held by English Heritage do not extend so far as to permit development. Nonetheless it does seem to us that this guardianship further limits any value attributable to the pink land. This is not an area of law we have come across previously and hence recommend that your solicitors confirm our understanding of the situation and, in particular the restrictions, is correct.

Information Provided

As well as the information described above you have also provided to us a business case prepared by English Heritage which seeks to identify both the costs of the proposal and the likely additional revenue streams and amounts such to be able to establish the payback period. As identified in your e-mail exchange of 7 December 2016 and which is appended to the business case, it is understood that the anticipated cost of the proposed development is in the order of £5.2m and that a payback period of circa 14 years is anticipated based on additional profits of some £350,000 per annum on average. We are not cost or business consultants and it is not possible for us to assess whether the construction costs and other figures in the business case are correct. We assume this to be the case.

Description

The property and location are well known to us. In addition a series of photographs were taken on Saturday 10 December 2016 and which are attached in Appendix V. We can entirely understand the proposal from English Heritage to improve the visitor experience, which in our opinion currently is underwhelming for one of the main attractions in the City. The land generally presents poorly at the entrance to the facility and has a general hard covering with a mixture of fencing and bollards.

Development Potential

The history of the various development proposals for the Castle Car Park and what generally is known as Coppergate II is already very well known to you. The site has generated a lot of interest over the years with strong feelings on both sides as to whether or not the area should be redeveloped and, if so, how. There is no doubt that the location is extremely sensitive given not only the Cliffords Tower Monument but also The Eye of York and surrounding buildings. That said it would seem to us that the location is right for some form of sensitive redevelopment and as such this potential should be factored into the consideration of the land transactions now. Undertaken properly with appropriate legal documentation the temporary construction works over the wider area should not fetter any potential future redevelopment provided the land is returned back substantially to its existing condition.

Within the permanent legal transactions it is pleasing to see that the lease on the piazza area is to be excluded from security of tenure provisions of the Landlord and Tenant Act and as such gives the Council as landlord the unencumbered right to require return of this land. You may well wish to include a reinstatement provision albeit probably better still is for the works to the piazza to be undertaken in such a way that the Council could benefit from an upgraded surface and below ground works that would be capable of being used again for parking if nothing else. Please note however it is likely that a revised planning permission will be needed as by that time presumably the car parking use will have been superseded.



The fact also that the lease is for a comparatively short term seems also to be very much in the favour of City of York Council. We expect that English Heritage will wish to renew the lease in 2 years' time, presumably having spent so much money on the land in particular but also more generally into the overall visitor experience. In such circumstances the Council will be free to identify improved terms if it were minded so to do. This does not necessarily have to be the case but at least the Council would seem to be in a position to be able to recover possession if needed and also secure a valuable income from a good covenant going forward with greater security for the longer term. In looking at the package overall this is a significant improvement over the current short term arrangements for parking.

The transaction to transfer the freehold could be undertaken by way of a long ground lease as the more normal way of imposing restrictions on use and maintenance. In this case we understand English Heritage are not prepared to proceed without the freehold. We also understand that you are relaxed to proceed on the basis of a freehold sale having regard to the package of terms, the price to be paid and your belief that the covenants you propose can be made binding as a result of your significant land holdings surrounding. Ordinarily we would prefer such transactions to be undertaken by means of a long lease and the terms for which carefully drafted to avoid risk of enfranchisement. In this case we understand this will not be possible and taken as a package and from our analysis below can still recommend the transaction.

It seems to us in assessing the transaction that we should do so as part of a package of measures of which the temporary and permanent rental income is a part. Also it seems to us that we should look at the transaction in 3 ways, namely:-

- a. Based on the likely value for the current use of the blue and pink land, albeit the pink land is already under the guardianship of English Heritage.
- b. Whether it is likely that this blue and pink land might be of any significantly greater value for an alternative use to any other party; and
- c. Its value to English Heritage as a potential special purchaser.

In assessing each of these in turn it seems to us:-

1. Current use value

The blue, salmon and purple land currently generates an income in the order of £12,000 per annum and which following the transaction the Council will receive an income of slightly in excess of this amount but in two parts namely; £5,450 per annum in respect of the salmon land from English Heritage and the ability to relet the 9 spaces remaining on the purple land for at least another £9,000. On this basis it looks unlikely that the Council will be any worse off from the transaction.



2. Alternative use value

The Castle Car Park site undoubtedly forms a potential development opportunity and for which therefore it has a significant value for existing use but also a potentially higher value for redevelopment. It is impossible to quantify the extent to which the alternative use value of such a scheme would generate a price in excess of the existing use value which already would be high as a result of the high value car parking use. Nonetheless we would expect a premium price to be generated for any comprehensive redevelopment of the area. It is though open to very considerable debate whether the blue, pink and salmon land really would form part of any comprehensive redevelopment. This land is situated immediately adjoining one of the most important buildings within the City of York and to our knowledge formed a major part of the decision making criteria when assessing planning constraints for comprehensive redevelopment.

Furthermore, the subject area is situated directly at the entrance to the visitor facility and we would therefore assume significantly more important and therefore protected than other areas close to the tower. Put another way the setting back of buildings from the tower is likely to be even more important at the entrance.

It is also arguable that the salmon, blue and pink land does not really form part of the Coppergate II scheme as it is around the side of the facility and overlooking The Eye of York, again another highly important series of buildings and open space.

On this basis it is our conclusion that there is very limited prospect of any higher alternative use being secured on the blue, salmon and pink land as part of either a development in isolation or more likely as part of Coppergate II.

3. Special Purchaser Value

In light of items 1 and 2 above it might be assumed that the transaction is acceptable. In our opinion any such judgement can only be made once you have looked at the potential benefits that English Heritage may obtain by obtaining control of the land. There seems to be little doubt that English Heritage will not be able to construct a visitor centre purely on their own land. The facility already seems to be comparatively small and it is hard to understand how any smaller facility might actually provide a useful addition. Furthermore it appears extremely unlikely for any such facility in any case to be housed within the land within the existing red line boundary. On this basis it would appear that the only way in which English Heritage can construct its Visitor Centre is on land owned by the City Council.

On this basis we have therefore asked for and been provided with the business case attached within Appendix IV. As with all such situations we have no real way of interrogating the information. We assume it to be the honest and complete opinions of English Heritage but must flag that we have no real way of checking current visitor numbers and forming a view on anticipated increased revenue streams. Furthermore even then we would expect that these can only be broad brush estimates by English Heritage. It ought to have more access to information of similar situations but frankly this would appear to be a unique set of circumstances and as such any business case must also come with such a health warning.



On this basis however it does look like the scheme generates additional revenue streams for English Heritage but that the costs of developing next to such an important building and in the further and significant repair costs to the existing Tower does lead to an extended payback period of in the order of 14 years. We note from the figures also that there is no element of financing included within the figures and given that the costs are to be incurred upfront this ought significantly to extend the payback period. Also there is no provision for any increase in rent that you may require in respect of the area coloured salmon.

Accordingly, whilst it is necessary to make clear our caveats about the validity and reliability of the information, it does seem to us that as proposed the scheme does not make a significant net profit having taken into account all costs. On this basis it does not appear that English Heritage are making a "super profit" out of the arrangement and which ought therefore to be shared with the Council. Even if such a profit stream did appear likely to be generated then there would be additional issues about the division of such profits, particularly as they are by no means certain and English Heritage would be taking all of the risk. On this basis any such additional monies would have to be shared with English Heritage and in our opinion with a significant proportion of the monies (in our opinion, probably well over 80%) going back to English Heritage. As such it seems to us that the risk of such an under sale is comparatively small.

That said English Heritage are making a significant investment in the facility and it seems to us that something ought to be paid for the land. Within the size of expected investment such a payment would be comparatively small to English Heritage. Put another way, from a negotiation perspective it is hard to think that English Heritage will "lose" the opportunity as a result of a requirement for a relatively small payment for the legal rights. In addition whilst the Council ought to be put back in an equivalent position from a revenue perspective it will have sold some land and such sale might, it could be argued, makes the reletting of the piazza land more difficult in the event English Heritage do not renew for whatever reason. Again on this basis it seems that some payment ought to be made for the transfer of the freehold interest, particularly in respect of the blue land.

Additional Benefits to the City

We understand the argument that an improved visitor experience at Cliffords Tower benefits the City generally and as such that there may be additional knock on effects that benefit the Council from English Heritage making this investment. For the avoidance of doubt this report solely is in respect of the property transaction. We agree that it is appropriate for City of York Council to take account of these potential benefits in making its decision. However for the avoidance of doubt no such allowance has been made within our own calculations.

Advice and Recommendations

Having regard to the above we are of the opinion:-

1. That we should assess the proposed disposal of the land coloured blue and pink as part of the whole package of measures and not just as sales in isolation.
2. That on this basis the Council appears to be no worse off in terms of revenue from its land holdings and transactions.



3. That the transaction with English Heritage would not in itself appear to provide English Heritage with a super profit. English Heritage has to invest in excess of £5m at risk and which is likely to have a significant payback period, even more so if finance and holding costs are taken into account.
4. That on this basis the transfer of the land coloured blue and pink can be undertaken at relatively low value. It is our opinion though that there should be some consideration, as the blue and pink land ought to have some value to English Heritage. This is particularly the case in respect of the blue land. The pink land forms part of the Motte and is already subject to the guardianship of English Heritage. As such it has limited or no potential for alternative use and therefore value.

Also it is open to question that if the salmon land ever was returned to the Council that it might not necessarily be able to generate an income of at least £5,500 in isolation due to the awkward shape. In such circumstances, albeit we accept probably unlikely, it may well be that the blue land ordinarily would have been required for access and circulation space if nothing else.

We are advised the Council has agreed a sale consideration of £25,000 for the blue land. This is calculated on a simple site area basis having regard to the value of the blue, salmon and purple land currently. It seems to us that in respect of the consideration negotiated, whilst obtaining the other benefits to the scheme including the same and probably greater revenue from a better covenant on the remainder, then this transaction can be recommended.

5. Other factors. In addition we recommend:-
 - a. that in the construction of the piazza that this is undertaken in such a way as to be capable of being used for parking if ever returned to the Council. This would include both the above and below ground works to include structural stability, lighting and drainage.
 - b. We recommend the blue and pink land is transferred by means of a long ground lease or freehold transfer with restrictions on English Heritage effectively limiting use to what is now proposed and solely by them. Also to prevent alternative use which might then at least allow the Council to secure some form of share in any upside. We shall be happy to advise on these terms if required. We would though counsel against granting a ground lease which would allow English Heritage to serve notice to require the Council then to transfer the freehold interest at nil cost (i.e., enfranchisement). It is our understanding that as such this would require the ground lease to have meaningful terms, probably in respect of use and for instance not to be granted for a term probably in excess of 250 years but this requires detailed legal advice from your solicitors please.
 - c. That you include lift and shift provisions particularly in respect of the easements for services so that this does not prevent or sterilise anything else you propose for your retained land.
 - d. We assume that there are no other benefits that you might wish to secure from the construction works particularly to benefit adjoining land such as oversizing of services, access rights etc?

Conclusion

We trust this report covers all that you require and confirm that we shall be happy to meet and discuss our advice as required. Similarly we shall be happy also to advise in more detail in respect of any of the proposed restrictions.

Liability

Our valuation advice is provided for the stated purpose and is for the use of the addressee only and no responsibility is accepted to any other party for the whole or any part of its contents. In particular, our liability is not extended to any financial institution or similar party in the event of them obtaining a copy of this report.

Neither the whole nor any part of this report or any reference thereto, may be included in any document, circular or statement nor our opinions of value disclosed without our prior written approval of the form and context in which they will appear.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Andrew W Ellis', with a stylized flourish at the end.

Andrew W Ellis BSc (Hons) MRICS

Partner, Corporate Real Estate

RICS Registered Valuer

Authorised to sign for and on behalf of Sanderson Weatherall LLP

Enc.

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Executive**26th January 2017**

Report of the Assistant Director of Planning and Public Protection (The Local Plan is the portfolio of the Leader and Deputy Leader)

City of York Local Plan – Update Report**Summary**

1. This report provides an update on the emerging Local Plan and in particular on the initial consideration of the newly submitted MOD sites against the Local Plan Site Selection methodology following the report to Executive on 7th December 2016. It highlights initial appraisal work completed to date to consider whether the sites represent 'reasonable alternatives' for potential inclusion in the Local Plan and further technical work that will need to be completed in order to assess whether the sites can be included within the final Plan. The contents of this report will be considered at the Local Plan working Group on 23rd January 2017. The minutes of the meeting will be made available to Members of the Executive.

Recommendations

2. *Members are asked to:*

- (i) Note progress on the consideration of the identified MOD sites for housing land within the context of the Local Plan.

Reason: *To produce an NPPF compliant Local Plan.*

- (ii) Instruct Officers to produce a report highlighting detailed implications to the Local Development Scheme, including any budget implications.

Reason: *To produce an NPPF compliant Local Plan.*

- (iii) Note the impact of the additional costs that will arise and the requirement to consider as part of the future years budget process.

Reason: *To produce an NPPF compliant Local Plan*

Background

3. At the Executive on 7th December an update was provided on the Local Plan following the Preferred Sites consultation July – September 2016. It highlighted other factors that have arisen since the consultation and set out next steps for the consideration by Members. A significant aspect of this was the announcement by the Ministry of Defence (MOD) on the 7th November that they would be disposing of a number of military sites across the country as part of their Strategy – A Better Defence Estate. The announcement made on 7th November effectively confirmed the disposal of the three York sites:
 - Imphal Barracks (estimated date of disposal 2031);
 - Queen Elizabeth Barracks (estimated date of disposal 2021); and
 - Towthorpe Lines (estimated date of disposal 2021).
4. The report indicated that technical work needed to be carried out to assess if the sites represented ‘reasonable alternatives’ and if they did they would need to be considered as part of the Local Plan process. Any site identified as a ‘reasonable alternative’ in the context of the SEA Regulations would need to be subject to public consultation. Not doing so would constitute a significant level of risk both in terms of the Local Plan Examination and potential legal challenge.

MOD Sites – Initial Technical Assessment

5. Following the Executive in December officers have been progressing work as quickly as possible. This has included meeting with the MOD to discuss the sites and ascertain any technical work completed to dates for the sites. A further programme of meetings has been scheduled with the MOD to ensure that work progresses as quickly as possible and that existing work and evidence for the sites can be utilised to assess any issues raised through the technical officer assessment. Based on the information provided to date officer have considered the sites against the Local Plan

Site Selection Methodology which is based on the emerging Plan's spatial strategy. The full methodology is set out in the Preferred Sites Document (2016). The sites have been tested against this methodology which is based on a four stage criteria approach as follows:

- Criteria 1: Protecting environmental assets (including Historic Character and Setting, Nature Conservation assets and functional floodplain);
- Criteria 2: Protecting existing openspace;
- Criteria 3: Avoiding areas of high flood risk (Greenfield sites in flood zone 3a);
- Criteria 4a: Sustainable access to facilities and services; and
- Criteria 4b: Sustainable access to transport.

6. The outcomes of this assessment for criteria 1 to 3 are summarised below for each site.

Imphal Barracks, Fulford (Gross Site Size 29.6ha):

- the site boundary includes part of a Green Wedge important in terms of the historic character and setting of York which may potentially reduce the site size;
- the site is adjacent to Walmgate Stray with its eastern boundary open to the Stray; and
- it includes areas of existing open space including sports pitches and public open space at Broadway which may potentially reduce the site size.

Queen Elizabeth Barracks, Strensall (Gross site size 31ha):

- the site is adjacent to area preventing coalescence between Haxby and Strensall, a key part of the character and setting of York;
- site includes part of and is adjacent to Strensall Common Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC); and
- it includes areas of designated openspace which may potentially reduce the site size

Towthorpe Lines, Strensall (Gross site size 4.6ha)

- the site includes part of and is adjacent to Strensall Common SSSI and SAC which may potentially reduce the site size.
7. In addition the sites have been assessed against criteria 4a and 4b (access to services and transport. In summary this shows that the Imphal Barrack and Queen Elizabeth Barracks sites both pass for residential use. The Towthorpe Lines site currently fails criteria 4 not meeting the minimum scoring threshold for residential sites. However, further technical work will be required to look at the overall site boundary for the Strensall sites including the relationship between the two. This will include whether there is the potential for additional community facilities to be provided for both.
 8. As highlighted in paragraph 7 of this report both the Imphal Barracks site and the Queen Elizabeth Barracks sites pass criteria 1 to 4 of the site selection methodology and are therefore considered to represent 'reasonable alternatives' for the purposes of the emerging Local Plan. In terms of the test of soundness set out in the National Planning Policy Framework (NPPF) it is critical that the Council can demonstrate that the plan is 'justified' by demonstrating with clear evidence that the plan is the most appropriate given all the reasonable alternatives, demonstrate that the reasonable alternatives have been considered and that there is a clear audit trail showing how and why the Council has arrived at the preferred approach. Any new site that is considered a 'reasonable alternative' should be subject to public consultation prior to inclusion in the final plan. To not do so would constitute a significant risk both in terms of the Examination and potential legal challenge.
 9. The Towthorpe Lines site does not currently pass criteria 1 to 4 based on its current boundary as it does not meet the minimum requirement for access to services and transport based on the information submitted to date. It is therefore not considered to represent a 'reasonable alternative' at this stage. However, further technical work will need to be undertaken to assess the site and its boundary in the context of the larger Queen Elizabeth Barracks site and any proposals.

10. Following the assessment against Site Selection Criteria 1 to 4 a technical officer Group meeting has been held to assess the evidence provided by the MOD to date and to consider any further work required. This group includes specialist officers covering areas such as ecology, archaeology, transport and landscape.
11. The technical officer group highlighted a number of potential issues and the need for some further evidence to be submitted to be able to conclude whether there are any 'showstoppers' that would prevent the sites being considered as potential allocations in the emerging Local Plan. It would also allow the establishment of key development principles to be established in site specific policies in the plan which would need to be taken into account as part of any development. This process of assessment follows the same path as for all the other potential sites including in the emerging Plan to date and is designed to ensure that we can demonstrate to an Inspector at Examination that sites are viable and deliverable in the context of the NPPF. These issues are summarised below.

Imphal Barracks, Fulford Road

12. The appraisal work submitted to date by the MOD identifies that heritage values will play a leading role in determining future development of this site. The site was established as a cavalry barracks in 1725 and represents a significant association of military activity in the city of York. The site contains designated heritage assets, but these are largely confined to the Fulford Road boundary of the site.
13. In order to fully assess the significances of the cultural heritage it will be necessary to undertake some further work including desk based archaeological assessment and geophysical surveys, a heritage assessment of both the buildings on site and of the conservation area and its boundary. It will also be important to consider the site in its national context as a military site. Discussions with Historic England have been programmed to consider this further.
14. In terms of ecology and landscape considerations the site opens onto Walmgate Stray on its eastern boundary and there is a significant hedgerow which should be retained and buffered. The sensitivities of

Walmgate Stray also need to be assessed including impacts on its hydrology and the impacts of increased recreational pressure. It may also be necessary to consider the potential cumulative impacts of increased recreational pressure arising from this site along with other draft Local Plan allocations should they progress on the Heslington Tillmire Site of Special Scientific Interest (SSSI). There are mature trees within the site, particularly within the Conservation Area, which will need to be retained with appropriate buffering. In order to fully assess the potential ecological impacts it will be necessary to undertake an Extended Phase 1 Habitat Survey.

15. Further discussions are required regarding the existing open spaces within the site and their retention and enhancement. The site includes a number of sports fields, a gymnasium and public open space including along Broadway and appropriate discussions will be needed with Sports England. It will be important to retain open space within the site both in terms of its heritage value to the setting of the site and also to reduce recreational pressure on Walmgate Stray.
16. A transport scoping assessment should be undertaken in consultation with the Council to fully assess the potential transport impacts of this site. Fulford Road is one of the city's most congested routes at peak hour and innovative solutions will be required to ensure existing congestion is not exacerbated. Part of Fulford Road is also an Air Quality Management Area so further detailed assessments will be required with appropriate mitigation measures.

Queen Elizabeth Barracks, Strensall

17. Further assessment of the archaeological and heritage potential of this site is required. It will be necessary to undertake some further work including desk based archaeological assessment and geophysical surveys, a heritage assessment of both the buildings on site and of the conservation area and its boundary. It will also be important to consider the sites in their national context as military sites. Discussions with Historic England have been programmed to ensure the work can progress as quickly as possible.

18. It is currently unclear how the wider Strensall Camp including the area of Strensall Common that is used as a military training area will be used in the future and how this may impact on the re-development of the Queen Elizabeth Barracks site. The area of Strensall Common that forms part of the MoD Estate could potentially in the future taken out of military use and transferred to an appropriate natural environment organisation that can manage the ecological and heritage values of the site and increase public understanding and where appropriate, access to the site. This will however need to be discussed in more detail with the MOD.
19. The site lies within the Impact Risk Zone¹ of Strensall Common Special Area of Conservation (SAC) and SSSI and this extends partially into site boundary. The Site is designated for the heathland habitats it supports. Any development of the site therefore needs screening as required by the Habitat Regulations² for potential to adversely affect the site both on its own and 'in combination' with other potential sites. The sensitivities of Strensall Common include (but are not limited to) hydrology, air pollution and increased recreational pressure. A meeting has been arranged with Natural England to help progress the assessment.
20. The site itself also includes woodland, trees, scrubland and semi natural grassland, standing water and ditches. In order to fully assess the potential ecological impacts it will be necessary to undertake an Extended Phase 1 Habitat Survey which will inform the need for targeted surveys which are likely to be required for bats and great crested newts.
21. A transport scoping assessment will need to be undertaken in consultation with the Council. This should assess any cumulative impacts of this site in combination with other potential development sites, including impacts on the A1237.

Towthorpe Lines

1 The Impact Risk Zones (IRZs) are a GIS tool developed by Natural England to make a rapid initial assessment of the potential risks posed by development proposals to: Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites. They define zones around each site which reflect the particular sensitivities of the features for which it is notified and indicate the types of development proposal which could potentially have adverse impacts.

2 Regulation 61 of the *Conservation of Habitats and Species Regulations 2010* (as amended) (the 'Habitats Regulations').

22. As highlighted in paragraph 7 of this report the site does not currently pass criteria 4 of the site selection methodology and further assessment is required of the site boundary in the context of the larger Strensall site and the potential for additional community facilities. The site is located adjacent to the Strensall Common SSSI/SAC and therefore the ecological issues that will need to be addressed are as per the Queen Elizabeth site, as detailed above.
23. A further meeting took place on the 4th January with the MOD Defence Infrastructure Organisation (DIO) in which officers outlined the results of the initial site selection work, to scope out the technical information that already exists for the sites. We have confirmed a further meeting with the MOD on the 31st January.

Next Steps

24. As highlighted in this report further public consultation will be necessary. This will allow the opportunity for consultation with the appropriate groups including the Parish Councils, statutory consultees and members of the public and will be carried out in conformity with the Council's Statement of Community Involvement (SCI).
25. Officers will undertake further work relating to the MOD sites. This work will be considered in conjunction with the analysis of all consultation responses and the update to the SHMA. Ultimately this will lead to the development of a draft portfolio of sites. As part of this work it is important that all sites have been subject to appropriate consultation i.e. for new sites that haven't been previously publicised for comments an additional sites consultation will be required before progressing to the Publication Stage. The form of any consultation will need to be the subject of future legal advice.
26. It is anticipated that the work outlined to evaluate new sites and to undertake an additional sites consultation prior to reaching publication stage will add around 6 months to the Local Plan timetable and require an adjustment of its key milestones. A further report will be brought back to

members highlighting the implications to the Local Development Scheme (LDS), including any budget implications.

Options

27. Officers request that Members consider the following options:

Option 1: That the Executive, subject to any recommended changes, approve the recommendations set out above.

Option 2: That the Executive request officers to undertake further work not highlighted in this report

Analysis

28. National guidance currently indicates that for a plan to be 'sound' it must be 'justified'. This means a plan must be founded on a robust and credible evidence base. It also highlights the importance of undertaking and reflecting public consultation and indicates that a plan must be 'effective', that is to say, 'deliverable' and 'flexible'. It is therefore important that all sites that are reasonable alternatives are fully considered and subject to consultation.
29. Failure to undertake the steps outlined in paragraph 28 would create a significant level of risk to the 'soundness' of the plan at Examination and increase the risk of legal challenge. On this basis option 1 is recommended.

Council Plan

30. The option outlined above accords with the following priorities from the Council Plan:
- **A prosperous city for all**
 - **A Council That Listens To Residents.**

Implications

31. The following implications have been assessed.

- **Financial (1)** – The work on the Local Plan is funded from specific budgets set aside for that purpose. Over the last four years, significant sums have been expended on achieving a robust evidence base, carrying out consultations, sustainability and other appraisals, policy development and financial analyses. Whilst this work remains of great value it is important that progress is made to ensure that unnecessary additional costs do not occur. Further cost will have to be factored into future year's budget allocations. This extension of time would require maintaining existing staffing levels for 17/18 and 18/19 and additional funding to cover consultation and technical work. The costs in 2016/2017 can be contained within the current Local Plan budget however the impact of additional costs of finalising the plan will need to be considered as part of future budget processes.
- **Financial (2)** - Managing the planning process in the absence of a Plan will lead to significant costs to the council in managing appeals and examinations.
- **Human Resources (HR)** – The production of a Local Plan and associated evidence base requires the continued implementation of a comprehensive work programme that will predominantly, although not exclusively, need to be resourced within CES.
- **Community Impact Assessment** - A Community Impact Assessment (CIA) has been carried out as the plan has developed; including at this stage and is attached. This will be undertaken again at the next stage of production.
- **Legal** – The procedures which the Council is required to follow when producing a Local Plan derive from the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012.

32. The legislation states that a local planning authority must only submit a plan for examination which it considers to be sound. This is defined by the National Planning Policy Framework as being:

- **Positively Prepared:** based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;

- **Justified:** the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective:** deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy:** enable the delivery of sustainable development in accordance with the policies in the Framework.

33. In order for the draft Local Plan to pass the tests of soundness, in particular the 'justified' and 'effective' tests, it is necessary for it to be based on an adequate, up to date and relevant evidence base.
34. The Council also has a legal duty to comply with the Statement of Community Involvement in preparing the Plan. (S19(3) 2004 Act).
35. The Council also has a legal "Duty to Co-operate" in preparing the Plan. (S33A 2004 Act). In due course Council will be asked to approve the publication draft Local Plan which will be subject to examination by a member of the Planning Inspectorate before being finally adopted. If the draft Local Plan is not prepared in accordance with legal requirements, fully justified and supported by evidence, the draft Local Plan is likely to be found unsound at examination and would not be able to proceed to adoption.
- **Crime and Disorder** – The Plan addresses where applicable.
 - **Information Technology (IT)** – The Plan promotes where applicable.
 - **Property** – The Plan includes land within Council ownership.
 - **Other** – None

Risk Management

36. In compliance with the Council's risk management strategy, the main risks in producing a Local Plan for the City of York are as follows:

- The need to steer, promote or restrict development across its administrative area;
- The potential damage to the Council's image and reputation if a development plan is not adopted in an appropriate timeframe;
- Risks arising from failure to comply with the laws and regulations relating to Planning and the SA and Strategic Environmental Assessment processes and not exercising local control of developments, increased potential to lose appeals on sites which may not be the Council's preferred development options;
- Financial risk associated with the Council's ability to utilize planning gain and deliver strategic infrastructure;
- Failure to progress a plan could lead to direct interventions by Government into the City's Local Plan making; and

Measured in terms of impact and likelihood, the risks associated with this report have been assessed as requiring frequent monitoring.

Contact Details

Author:

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Manager
Tel 551356

Chief Officer Responsible for the report:

Mike Slater
Assistant Director of Planning and
Public Protection
Tel: 551300

Executive Members Responsible for the Report:

Cllrs D Carr & K Aspden

Report
Approved



Date 13/01/2017

Specialist Implications Officer(s):

Patrick Looker, Finance Manager
Alison Hartley, Senior Solicitor, Planning

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

☐ All

For further information please contact the author of the report

Background Papers:

None

Annexes

Annex 1 – Community Impact Assessment

Glossary of Abbreviations

LPWG – Local Plan Working Group;
NPPF – National Planning Policy Framework;
NPPG – National Planning Practice Guidance;
OAHN – Objective Assessment of Housing Need;
MOD – Ministry of Defence;
SCI – Statement of Community Involvement
SHLAA – Strategic Housing Land Availability Assessment;
SHMA – Strategic Housing Market Assessment;
SNHP - Sub National Household Projections;
SNPP – Sub National Population Projections;
SHMA – Strategic Housing Market Assessment;
SSSI – Site of Special Scientific Interest
SPA – Special Protection Area
SAC – Special Area of Conservation

SECTION 1: CIA SUMMARY



Community Impact Assessment: Summary

1. Name of service, policy, function or criteria being assessed:

Planning and Environmental Management – City of York Local Plan – Local Plan Executive Report 26th January 2017

2. What are the main objectives or aims of the service/policy/function/criteria?

This report provides an update on the emerging Local Plan and in particular on the initial consideration of the newly submitted MOD sites against the Local Plan Site Selection methodology following the report to Executive on 7th December 2016. It highlights initial appraisal work completed to date to consider whether the sites represent 'reasonable alternatives' for potential inclusion in the Local Plan and further technical work that will need to be completed in order to assess whether the sites can be included within the final Plan.

3. Name and Job Title of person completing assessment:

Martin Grainger – Head of Planning and Environmental Management

4. Have any impacts been Identified? (Yes/No)

No

Community of Identity affected:

- N/a

Summary of impact:

- N/a

5. Date CIA completed: 11/01/16

6. Signed off by: Mike Slater

7. I am satisfied that this service/policy/function has been successfully impact assessed.

Name: Mike Slater

Position: Assistant Director (Planning and Sustainable Development)

Date: 12/01/2016

8. Decision-making body:

Local Plan Working Group

Executive

Date:

23/01/17

26/01/17

Decision Details:

Send the completed signed off document to equalities@york.gov.uk. It will be published on the intranet, as well as on the council website.

Actions arising from the Assessments will be logged on Verto and progress updates will be required

Community Impact Assessment (CIA)

Community Impact Assessment Title:

'Executive Report on the emerging Local Plan and potential reasonable alternative sites'

What evidence is available **to suggest that the proposed service, policy, function or criteria could have a negative (N), positive (P) or no (None) effect** on quality of life outcomes? (Refer to guidance for further details)

Can negative impacts be justified? **For example: improving community cohesion; complying with other legislation or enforcement duties; taking positive action to address imbalances or under-representation; needing to target a particular community or group e.g. older people.** NB. Lack of financial resources alone is NOT justification!

The content of the Report focuses on the outcomes of an initial assessment of the MOD sites submitted for consideration for development. The report sets out recommendations to undertake a further site consultation to ask the public's opinion on the sites. It also sets out a revised timetable for adoption of the Local Plan incorporating this consultation stage. At this stage therefore there are considered to be no specific impacts identified on any of the 'Protected Characteristics' (Age, gender, gender reassignment, Disability & Race, marriage and civil partnership, pregnancy & maternity, religion & belief, or sexual orientation). As Local Plan progresses such impacts on a number of 'protected characteristics' may become evident and at that point will be addressed through CIA.

Community of Identity: Age

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A		N/A	N/A	N/A
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
N/A	N/A	N/A	N/A	N/A

Community of Identity: Carers of Older or Disabled People

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A		N/A	N/A	N/A
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
N/A	N/A	N/A	N/A	N/A

Community of Identity: Disability

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/a		<ul style="list-style-type: none"> N/a 	N/A	N/A
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
N/a	N/A	N/a	N/A	N/A

Community of Identity: Gender

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A		N/A	N/A	N/A
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
N/A	N/A	N/A	N/A	N/A

Community of Identity: Gender Reassignment				
Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A		N/A	N/A	N/A
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
N/A	N/A	N/A	N/A	N/A

Community of Identity: Marriage & Civil Partnership				
Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A		N/A	N/A	N/A
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
N/A	N/A	N/A	N/A	N/A

Community of Identity: Pregnancy / Maternity

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A		N/A	N/A	N/A
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
N/A	N/A	N/A	N/A	N/A

Community of Identity: Race

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
n/a		<ul style="list-style-type: none"> N/a 	N/a	n/a
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
n/a	n/a	N/a	N/a	n/a

Community of Identity: Religion / Spirituality / Belief				
Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A		N/A	N/A	N/A
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
N/A	N/A	N/A	N/A	N/A

Community of Identity: Sexual Orientation				
Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A		N/A	N/A	N/A
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
N/A	N/A	N/A	N/A	N/A



Executive**26th January 2017**

Report of the Corporate Director of Economy and Place
Portfolio of the Executive Member for Planning and Transport

Reinstatement of Gritting Routes**Summary**

1. This report presents a proposal in respect of the costs and actions required to reinstate streets previously gritted by the Council. The streets were removed post outcome of the 2013 winter maintenance consultation undertaken as a budget saving exercise. The total kilometres of network (streets) to be reinstated would be 43km. The proposed commencement date for the reinstated network is 1st February 2017.
2. This report lists the streets to be reinstated in Annex 1. A comprehensive list of all routes will be available to view on the Council's website.

Recommendations

3. Executive is recommended to:
 - a. Approve the reinstatement of the 43 km of treated network, to commence on the 1st February 2017.
 - b. Approve the use of contingency of £33k to fund the estimated additional cost of reinstating the 9th gritting route from the 1st February for the current financial year .
 - c. Note that future years' reinstatement will be subject to approval of the 2017/18 budget by Full Council.

Reason: The primary gritting routes in York are selected from the advice given in the "Well Maintained Highways, Code of Practice for Highway Maintenance". This incorporates three tiers of areas to be considered for inclusion in Primary Routes.

The levels are typically as follows:-

Level 1 – Typically footstreets and important routes from public buildings and major shopping areas i.e.g city centre and routes to the railway station.

Level 2 – Principal roads and other main important distributor roads, including roads carrying frequent bus services of at least one bus every 20 minutes (extended to 30 minutes) in one direction.

Level 3 – All other roads.

The selection of roads and area for treatment on Primary Routes are those normally of categories 1 and 2 including but not exclusively restricted by considerations of the following:-

- Wider transport priorities not included above.
- Safe and reliable access to emergency facilities including Fire and Rescue, Police, Ambulance Services and Hospitals.
- Other public service access needs and critical infrastructure where the maintenance of access may be critical.
- Public transport routes and access to stations, bus garages and depots.
- Safe and reliable access to main industrial and business centres of key importance.
- Consideration for special need for the disabled or older people i.e. adjacent to homes and sheltered housing.
- Known problems, including significant gradients, exposed areas and other topological factors.

Again the selection of routes is restricted by resources not budgetary constraints and will be limited by what is “reasonably practicable” at any time. This means that the routes highlighted here-after are those selected as Primary Routes and have met the required criteria and are of the highest priority in the City.

Background

4. Appraisal of the 2012/13 Primary Gritting Routes (PGR) was undertaken as part of the 2013 Winter Maintenance Review. The 2012/13 PGR is shown on the Map in Annex 2.

5. The City of York Council reviewed the winter maintenance service due to budget and resource pressures. An exercise was carried out to synchronise the PGR in line with the Authorities road hierarchy. It was proposed to amend the PGR to include all level 1 and 3 hierarchical categories plus any 2012/13 PGR that are on a slope that would otherwise be excluded. The Authorities road hierarchy incorporated 3 categories which were derived from the 'Well-Maintained Highways, Code of Practice for Highway Maintenance'.
6. The proposed PGR for 2013/14 resulted in a reduction of the road hierarchy being treated from 45% to 35%. The Council used route optimisation software to reassess the PGR and it resulted in a reduction in the number of operational routes from 9 to 8.

Options

7. The options for the Executive to consider in relation to the proposed scheme are as follows:-

Option 1 – Approve the reinstatement of 43km of gritting route, commencing from 1st February 2017.

Option 2 – Approve the reinstatement of 43km of gritting route, commencing from 1st November 2017.

Analysis

8. **Option 1** – The inclusion of the 43km will meet the primary gritting goals in the City of York, and the advice given in the "Well Maintained Highways, Code of Practice for Highway Maintenance". However there is estimated to be additional costs of c£52k to meet with equipment rentals, salt and standby personnel in a full year and £33k in 2016/17.
9. **Option 2** – As above the inclusion of the 43km will meet the primary gritting goals in the City of York, and the advice given in the "Well Maintained Highways, Code of Practice for Highway Maintenance". This will allow for a permanent budget to be considered within the formal budget setting process.

Council Plan Priorities

10. This report contributes to one of the three key Council Plan priorities, demonstrating that it is "**A Focus on Front Line Services**". The Highways team deliver the winter maintenance programme. This

additional route will support the team and achieves the focus on front line services.

Implications

11. **Financial** – The full year cost of adding the route to the network is approximately £52k based on a winter where 70 treatments are required. The cost will ultimately depend on the severity of the winter i.e. the number of days where gritting is required. The estimated cost within 2016/17 from a 1st February start is £33k. It is proposed that the the costs for 2016/17 are funded by a release from contingency . The contingency currently stands at £671k and this relaease of £33k will reduce the ongoing value to £638k. The ongoing costs of the reinstatement in future years will be considered as part of the 2017/18 budget considered in February 2017.

Human Resources – The additional route can be staffed within the current workforce levels.

Equalities – There are no equalities implications

Legal – The Legal implications are considered within the body of the report

Information Technology (IT) - There are no IT implications.

Crime and Disorder – There are no crime and disorder implications

Property – There are no property implications

Risk Management

12. The reinstatement of these streets improves the management of risk around potential injuries and property damage which may also give rise to claims thereby supporting the ongoing annual savings resulting from high claim repudiation rates.

Contact Details

Author:

Bill Manby – Commercial &
Business Manager
Tel No. 553233

Chief Officer Responsible for the report:

Neil Ferris – Corporate Director of
Economy and Place

Report approved



13 January
2017

Specialist Implications Officer(s) *List information for all*

Financial – Patrick Looker
Finance Manager
Tel No. 551633

Wards Affected: All

All ☒

For further information please contact the author of the report

Background Papers:

Annex 1 – List of roads to be reinstated
Annex 2 – 2012/13 PGR

List of Abbreviations

PGR – Primary Gritting Routes

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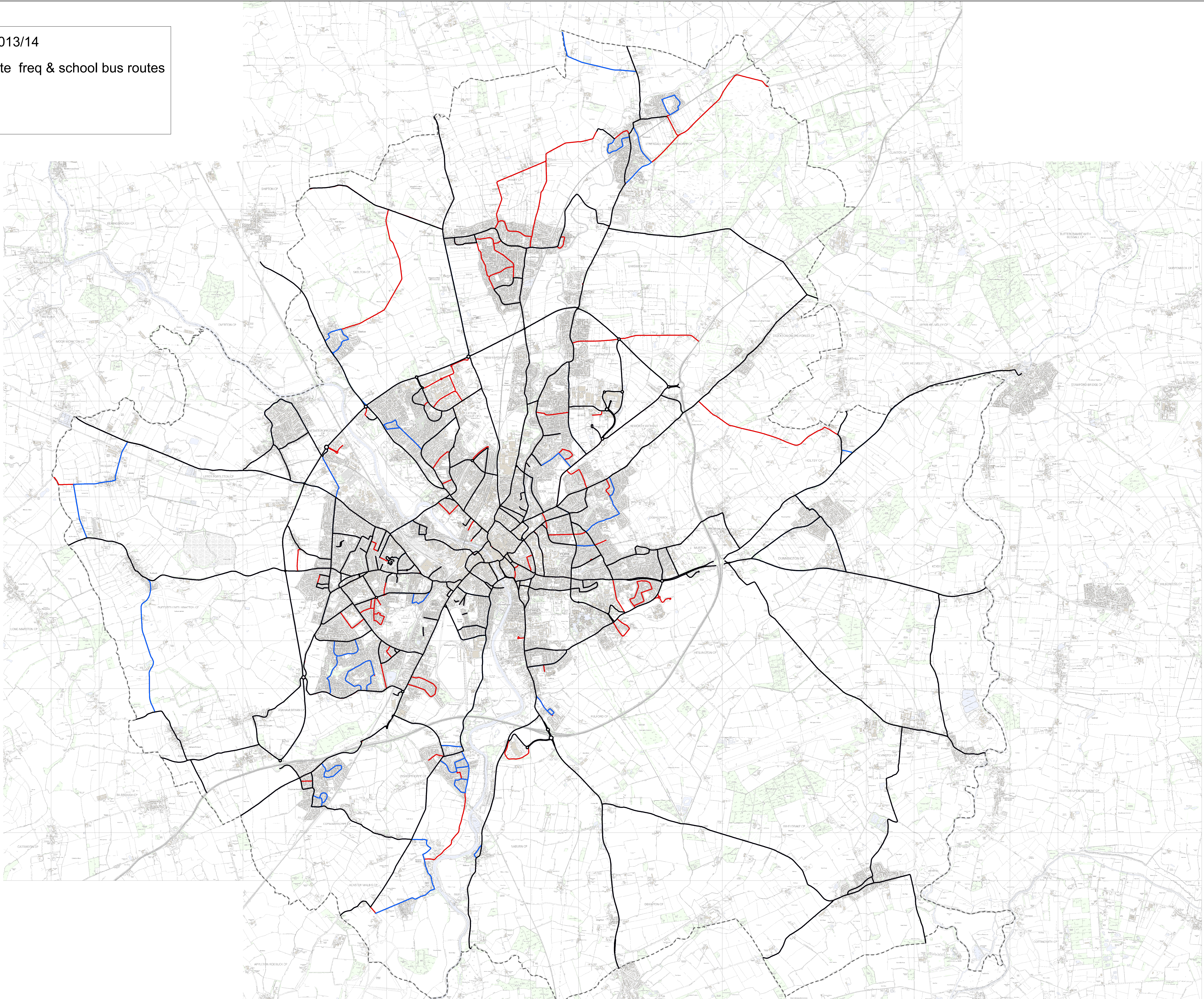
WARD	STREET	Explanation
ACOMB	WOODLEA BANK FROM BEECH GROVE TO WOODLEA AVENUE	Part of this route had been removed
ACOMB	WOODLEA BANK FROM CARR LANE TO BEECH GROVE	Part of this route had been removed
BISHOPTHORPE	ACASTER LANE	Additional route
BISHOPTHORPE	COPMANTHORPE LANE	Part of of this route is additional
BISHOPTHORPE	LAMPLUGH CRESCENT FROM MONTAGUE ROAD TO KEBLE PARK NORTH	Part of of this route is additional
BISHOPTHORPE	MONTAGUE ROAD FROM MAPLE AVENUE TO LAMPLUGH CRESCENT	Part of this route had been removed
CLIFTON	BOOTHAM TERRACE FROM BOOTHAM TO SYCAMORE PLACE	Part of this route is additional
CLIFTON	BROMPTON ROAD	Additional route
CLIFTON	THE AVENUE FROM CLIFTON TO WESTMINSTER ROAD	Part of this route is additional
CLIFTON	WESTMINSTER ROAD FROM GREENCLIFFE DRIVE TO THE AVENUE	Part of this route is additional
CLIFTON	WESTMINSTER ROAD FROM WATER END TO GREENCLIFFE DRIVE	Part of this route is additional
COPMANTHORPE	HAULING LANE	Additional route
COPMANTHORPE	HORSEMAN DRIVE FROM HORSEMAN CLOSE TO MANOR HEATH	Part of this route is additional
COPMANTHORPE	HORSEMAN DRIVE FROM HORSEMAN LANE TO HORSEMAN CLOSE	Part of this route is additional
DRINGHOUSES & WOODTHORPE	CHALONER'S ROAD FROM MOOR LANE TO WAIN'S ROAD	Part of this route had been removed
DRINGHOUSES & WOODTHORPE	CHALONER'S ROAD FROM WAIN'S ROAD TO WAIN'S GROVE	Part of this route had been removed
DRINGHOUSES & WOODTHORPE	LEESIDE	Additional route
DRINGHOUSES & WOODTHORPE	LYCETT ROAD	Additional route
DRINGHOUSES & WOODTHORPE	MIDDLETHORPE GROVE	Additional route
DRINGHOUSES & WOODTHORPE	WEST THORPE	Part of this route is additional
FISHERGATE	FULFORD CROSS	Part of this route is additional
FULFORD & HESLINGTON	LOW LANE FROM MAIN STREET TO SCHOOL LANE	Part of this route is additional
FULFORD & HESLINGTON	MCARTHUR GLEN SHOPPING CENTRE	Part of this route is additional
FULFORD & HESLINGTON	SCHOOL LANE FROM FIELD LANE TO LOW LANE	Part of this route is additional
GUILDHALL	NAVIGATION ROAD FROM FOSS ISLAND ROAD TO WALMGATE	Part of this route is additional
GUILDHALL	RAMSAY CLOSE	Part of this route had been removed
HAXBY & WIGGINTON	CROSSMOOR LANE FROM MOOR LANE (S OF ISLAND) TO USHER LANE (N OF ISLAND)	Part of this route is additional
HAXBY & WIGGINTON	CROSSWAYS FROM DERAMORE DRIVE WEST TO SUSSEX ROAD	Part of this route is additional
HAXBY & WIGGINTON	CROSSWAYS FROM DERAMORE DRIVE WEST TO YARBURGH WAY	Part of this route is additional
HAXBY & WIGGINTON	GREEN DIKE FROM KIRKCROFT TO WHEATFIELD LANE	Part of this route had been removed
HAXBY & WIGGINTON	GREEN DIKE FROM PLANTATION WAY TO KIRKCROFT	Part of this route had been removed
HAXBY & WIGGINTON	GREENSHAW DRIVE FROM CHERRY PADDOCK TO WHEATFIELD LANE	Part of this route is additional

HAXBY & WIGGINTON	GREENSHAW DRIVE FROM HOLLY TREE LANE TO CHERRY PADDOCK	Part of this route is additional
HAXBY & WIGGINTON	GREENSHAW DRIVE FROM WESTFIELD ROAD TO WESTFIELD LANE	Part of this route is additional
HAXBY & WIGGINTON	MOOR LANE FROM CEMETERY TO CROSSMOOR LANE (S OF ISLAND)	Part of this route is additional
HAXBY & WIGGINTON	MOOR LANE FROM OAKEN GROVE TO WINDSOR DRIVE	Part of this route is additional
HAXBY & WIGGINTON	MOOR LANE FROM THE VILLAGE TO OAKEN GROVE	Part of this route is additional
HAXBY & WIGGINTON	MOOR LANE FROM WINDSOR DRIVE TO CEMETERY	Part of this route is additional
HAXBY & WIGGINTON	OAKEN GROVE	Part of this route is additional
HAXBY & WIGGINTON	USHER LANE FROM CROSSMOOR LA. N EXIT TO HAXBY MOOR ROAD S EXIT	Part of this route is additional
HAXBY & WIGGINTON	USHER LANE FROM OAKEN GROVE TO SWARTHDALE (WHITELANDS COTTAGES)	Part of this route is additional
HAXBY & WIGGINTON	USHER LANE FROM STATION ROAD TO WINDMILL WAY	Part of this route is additional
HAXBY & WIGGINTON	USHER LANE FROM UNNAMED JUNC BTWN NOS8&15 TO USHER PARK ROAD	Part of this route is additional
HAXBY & WIGGINTON	USHER LANE FROM USHER PARK ROAD TO CROSSMOOR LANE (NE CORNER OF ISLAND)	Part of this route is additional
HAXBY & WIGGINTON	USHER LANE FROM WINDMILL WAY TO OAKEN GROVE	Part of this route is additional
HAXBY & WIGGINTON	WEST NOOKS	Additional route
HAXBY & WIGGINTON	WESTFIELD LANE FROM WALMER CARR TO PLANTATION WAY	Part of this route had been removed
HAXBY & WIGGINTON	WESTFIELD ROAD	Additional route
HAXBY & WIGGINTON	WHEATFIELD LANE	Additional route
HEWORTH	BARFIELD ROAD FROM MONKTON ROAD TO SEFTON AVENUE (BOUNDARY BET NOS 41&44)	Part of this route is additional
HEWORTH	FIFTH AVENUE FROM ENNERDALE AVENUE TO PENYGHENT AVENUE	Part of this route had been removed
HEWORTH	FIFTH AVENUE FROM PENYGHENT AVENUE TO WHERNSIDE AVENUE	Part of this route had been removed
HEWORTH	FIFTH AVENUE FROM WHERNSIDE AVENUE TO TANG HALL LANE	Part of this route had been removed
HEWORTH	FOURTH AVENUE FROM MELROSEGATE TO STARKEY CRESCENT	Part of this route had been removed
HEWORTH	FOURTH AVENUE FROM STARKEY CRESCENT TO TANG HALL LANE	Part of this route had been removed
HEWORTH	HARCOURT STREET FROM HAWTHORN GROVE TO FIFTH AVENUE	Part of this route is additional
HEWORTH	MILL LANE FROM HEWORTH GREEN TO JOHN STREET	Part of this route is additional
HEWORTH	MILL LANE FROM JOHN STREET TO HAWTHORN GR/EAST PARADE	Part of this route is additional
HEWORTH	MONKTON ROAD FROM ELMFIELD AVENUE TO VICTORIA WAY	Part of this route had been removed
HEWORTH	MONKTON ROAD FROM VICTORIA WAY TO BARFIELD ROAD	Part of this route had been removed
HEWORTH	SEFTON AVENUE FROM BARFIELD ROAD (BOUNDARY BET NOS 44&41) TO ELMFIELD AVENUE	Part of this route is additional
HEWORTH WITHOUT	ALGARTH ROAD FROM STOCKTON LANE TO WHITBY AVENUE	Part of this route had been removed
HEWORTH WITHOUT	APPLECROFT ROAD FROM WHITBY AVENUE TO ASHLEY PARK ROAD	Part of this route had been removed
HEWORTH WITHOUT	STRAYLANDS GROVE	Additional route
HEWORTH WITHOUT	WOODLANDS GROVE	Additional route
HOLGATE	BIRSTWITH DRIVE FROM SOWERBY ROAD TO END	Part of this route had been removed
HOLGATE	BOUTHWAITE DRIVE FROM SOWERBY ROAD TO END (WENSLEY HOUSE)	Part of this route had been removed
HOLGATE	BURNSALL DRIVE FROM SLAIDBURN HOUSE JUNCTION TO END (GOING NW)	Part of this route had been removed
HOLGATE	BURNSALL DRIVE FROM SOWERBY ROAD TO SLAIDBURN HOUSE (JUNCTION)	Part of this route had been removed
HOLGATE	GLEBE AVENUE FROM CARR LANE TO MALVERN AVENUE	Part of this route is additional

HOLGATE	MALVERN AVENUE FROM GLEBE AVENUE TO MANOR DRIVE NORTH	Part of this route is additional
HOLGATE	MOORGATE FROM ACOMB ROAD TO HOBGATE	Part of this route had been removed
HOLGATE	MOORGATE FROM HOBGATE (S JCN) TO HAMILTON DRIVE WEST	Part of this route had been removed
HOLGATE	MOORGATE FROM HOBGATE TO HOBGATE (XROAD)	Part of this route had been removed
HOLGATE	SOWERBY ROAD / BIRSTWITH DRIVE	Part of this route had been removed
HOLGATE	WEST BANK FROM ACOMB ROAD TO END	Part of this route had been removed
HOLGATE	WILTON RISE	Part of this route had been removed
HOLGATE	WINDMILL RISE FROM NE EXIT TO CLOCKWISE	Part of this route had been removed
HOLGATE	WINDMILL RISE FROM POPPLETON ROAD TO WINDMILL RBOU	Part of this route had been removed
HOLGATE	WINDMILL RISE FROM ROUNDABOUT TO GRANTHAM DRIVE	Part of this route had been removed
HULL ROAD	DERAMORE DRIVE FROM YARBURGH WAY TO VANBRUGH DRIVE	Part of this route is additional
HULL ROAD	DERAMORE DRIVE WEST FROM VANBURGH DRIVE TO EASTFIELD CRESCENT	Part of this route is additional
HULL ROAD	EASTFIELD CRESCENT FROM SUSSEX ROAD TO DERAMORE DRIVE	Part of this route is additional
HULL ROAD	GARROW HILL AVENUE	Part of this route had been removed
HULL ROAD	SUSSEX ROAD FROM EASTFIELD CRESCENT TO SUSSEX CLOSE	Part of this route is additional
HULL ROAD	THIEF LANE FROM GARROW HILL AVENUE TO SIWARD STREET	Part of this route had been removed
HULL ROAD	THIEF LANE/NEWLAND PARK CLOSE FROM UNIVERSITY ROAD TO NEWLAND PARK DRIVE	Part of this route had been removed
HULL ROAD	WINDMILL LANE FROM HULL ROAD TO FIELD LANE	Part of this route is additional
HULL ROAD	YARBURGH WAY FROM DERAMORE DRIVE TO HESKETH BANK	Part of this route is additional
HULL ROAD	YARBURGH WAY FROM HESKETH BANK TO VANBURGH DRIVE	Part of this route is additional
HULL ROAD	YARBURGH WAY FROM VANBURGH DRIVE TO CROSSWAYS	Part of this route is additional
HUNTINGTON & NEW EARSWICK	BROCKFIELD PARK DRIVE FROM BROCKFIELD ROAD TO EAST WAY	Part of this route is additional
HUNTINGTON & NEW EARSWICK	BROCKFIELD PARK DRIVE FROM HEATHER CROFT TO KESTREL WOOD WAY	Part of this route is additional
HUNTINGTON & NEW EARSWICK	BROCKFIELD PARK DRIVE FROM KESTREL WOOD WAY TO NEW LANE	Part of this route is additional
HUNTINGTON & NEW EARSWICK	BROCKFIELD ROAD FROM HUNTINGTON ROAD TO BROCKFIELD PARK DRIVE	Part of this route is additional
HUNTINGTON & NEW EARSWICK	NORTH LANE HUNTINGTON	Part of this route is additional
HUNTINGTON & NEW EARSWICK	WHENBY GROVE FROM SCHOOL ENTRANCE TO LINK TO ANTHEA DRIVE	Part of this route is additional
HUNTINGTON & NEW EARSWICK	YEARSLEY GROVE FROM HUNTINGTON ROAD TO WHENBY GROVE (SCHOOL ENTRANCE)	Part of this route had been removed
MICKLEGATE	SCARCROFT HILL	Part of this route had been removed
OSBALDWICK & DERWENT	HOLTBY LANE FROM BAD BARGAIN LANE TO RUDCARR LANE	Part of this route is additional
OSBALDWICK & DERWENT	HOLTBY LANE FROM RUDCARR LANE TO SPEED LIMIT SIGNS HOLTBY	Part of this route is additional
OSBALDWICK & DERWENT	HOLTBY LANE FROM SPEED SG'S TO BNDRY JUNC BY ROSE COTTAGE	Part of this route is additional
RAWCLIFFE & CLIFTON WITHOUT	AUDAX ROAD FROM ATLAS ROAD TO STIRLING ROAD	Part of this route is additional
RAWCLIFFE & CLIFTON WITHOUT	AUDAX ROAD FROM KETTLESTRING LANE TO ATLAS ROAD	Part of this route is additional
RAWCLIFFE & CLIFTON WITHOUT	KETTLESTRING LANE	Additional route
RAWCLIFFE & CLIFTON WITHOUT	OAKDALE ROAD FROM CLIFTON MOORGATE TO RIVELIN WAY	Part of this route had been removed

RAWCLIFFE & CLIFTON WITHOUT	RAWCLIFFE DRIVE	Additional route
RAWCLIFFE & CLIFTON WITHOUT	STIRLING ROAD	Additional route
RURAL WEST YORK	ATTERWITH LANE	Additional route
RURAL WEST YORK	BLAND LANE	Additional route
RURAL WEST YORK	GREAT NORTH WAY / WHITE ROSE WAY ROUNDABOUT	Additional route is additional
RURAL WEST YORK	MOOR LANE FROM ACCESS TO ST CATHERINES HOUSE TO BURIAL GROUND	Part of this route is additional
RURAL WEST YORK	MOOR LANE FROM BURIAL GROUND TO CORBAN LANE	Part of this route is additional
RURAL WEST YORK	WHITE ROSE WAY FROM GREAT NORTH WAY RBT TO WHITE ROSE CLOSE RBT	Additional route
SKELTON	MOORLANDS ROAD FROM JUNCTION WITH THE VILLAGE AND BRECKSFIELDS TO ACCESS TO ST	Part of this route is additional
SKELTON	THE VILLAGE	Part of this route had been removed
STRENSALL	FLAXTON ROAD FROM MOOR LANE TO EAST JUNCTION SCOTT MORCIEFF RD	Part of this route is additional
STRENSALL	FLAXTON ROAD FROM SCOTT MORCIEFF ROAD TO LORDS MOOR LANE	Part of this route is additional
STRENSALL	HAXBY MOOR ROAD FROM FOREST LANE TO LEYFIELD CLOSE	Part of this route had been removed
STRENSALL	HAXBY MOOR ROAD FROM LEYFIELD CLOSE TO WESTPIT LANE	Part of this route had been removed
STRENSALL	HAXBY MOOR ROAD FROM USHER LANE (S OF ISLAND) TO FOREST LANE	Part of this route had been removed
STRENSALL	HOLTBY LANE FROM STOCKTON LANE TO BAD BARGAIN LANE	Part of this route is additional
STRENSALL	HOPGROVE LANE FROM MALTON ROAD TO STOCKTON LANE	Part of this route had been removed
STRENSALL	LORDS MOOR LANE FROM COMMON ROAD LEVEL CROSSING TO BOUNDARY BY YORK LANE	Part of this route is additional
STRENSALL	LORDS MOOR LANE FROM FLAXTON ROAD TO SMITHS LANE	Part of this route is additional
STRENSALL	LORDS MOOR LANE FROM JUNC WITH BRECKS LANE AND THE VILLAGE TO FLAXTON ROAD	Part of this route is additional
WESTFIELD	ASCOT WAY	Additional route
WESTFIELD	ASHFORD PLACE	Additional route
WESTFIELD	ASKHAM LANE FROM THE GREEN TO FRONT STREET	Part of this route had been removed
WESTFIELD	BRAMHAM ROAD	Part of this route had been removed
WESTFIELD	DANESFORT AVENUE	Additional route
WESTFIELD	GREEN LANE FROM ROUNDABOUT TO END (S BANK HOLGATE BECK)	Part of this route had been removed
WESTFIELD	KINGSWAY WEST	Part of this route is additional
WESTFIELD	ST STEPHENS ROAD	Additional route
WESTFIELD	STUART ROAD	Additional route
WESTFIELD	THE GREEN FROM WETHERBY ROAD TO ASKHAM LANE	Part of this route had been removed
WESTFIELD	WINDSOR GARTH	Additional route

- Proposed primary routes 2013/14
- Prop. primary plus 30 minute freq & school bus routes
- Primary routes 2012-13
- CYC boundary



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Proposed primary gritting routes 2013/14			
Drawn by	Date Sept 2013	Scale 1:30,000	



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Executive**26th January 2017**

Report of the Director of Economy and Place
Executive Member for Culture, Leisure & Tourism

Proposed Long Term Leases – West Bank Park, Glen Gardens, Scarcroft Green, & Clarence Gardens**Summary**

- 1) This report seeks an Executive decision on granting long term leases to the following clubs/associations using the bowling / croquet facilities at:
 - a. West Bank Park
 - b. Glen Gardens Bowling Green
 - c. Clarence Gardens
 - d. Scarcroft Green

Recommendations

- 2) The Executive agree to the letting of West Bank Park Bowling Green, Glen Gardens Bowling Green and Clarence Gardens Bowling Green to the respective Bowling Clubs/Bowls Association, for a Term of 25 years, at a peppercorn rent, in accordance with the lease terms as set out in the Council's Asset Transfer Policy.

Reason: To transfer maintenance and repair responsibilities to the club.

- 3) The Executive agree to the letting of Scarcroft Green Bowling Green and Croquet Lawns to Scarcroft Green Association for a Term of 99 years at a peppercorn rent in accordance with the lease terms set out in the Council's Asset Transfer Policy.

Reason: To transfer maintenance and repair responsibilities for the respective facilities to the respective clubs/associations.

Background

- 4) The Council has a history of transferring the management of open space to the community, for example;
 - a) Scarcroft Green, West Bank Park and Clarence Gardens - partial self management of bowling greens by Bowls and Croquet Clubs since 1995
 - b) St Nicolas Fields Nature Reserve – managed by the Friends of St Nicolas Fields since 1998
 - c) Rawcliffe Lake – management of fishing by York and District Amalgamation of Anglers since 2002
 - d) Bustardthorpe allotments – management by tenants since 2002

More recently over the last 3 years tennis facilities have been transferred to Heworth Tennis Club and Rowntree Park Tennis Club, and from April this year the management of fishing and land at Chapman's Pond will be carried out by the Friends of Chapman's Pond, following the trial of the fishery bailiff scheme last year.

- 5) These schemes have resulted in greater community involvement as they all create volunteering opportunities across a range of disciplines. Some schemes have also attracted external investment from local and national funders. Examples include the Lawn Tennis Association, Angling Trust and Big Lottery Fund. The Bustardthorpe allotments have increased occupancy, the Rowntree Tennis Club has increased its membership, and there has been a reduction in anti social behaviour at Chapman's Pond.
- 6) As part of this approach there has been a three year project to transfer the care, management and development of bowling greens and croquet lawns to their respective users. It is proposed to grant long term leases of the Council's bowling/croquet greens to the clubs that use them in order to transfer the maintenance obligations of all its bowling/croquet greens to those clubs. The clubs/associations have been heavily involved in the process and the Executive Member for Leisure, Culture and Tourism is fully aware of these developments.
- 7) The Council's Community Asset Transfer policy states that qualifying community groups should be offered a lease up to 99 years on a nil rent basis. The length of the lease will be dealt with on a case-by-case basis, but will be long enough to ensure that the tenant can apply for any funding needed to support the use it will make of the premises, and any work it needs to repair/refurbish/improve the property. The community groups are initially offered 25 year terms.

- 8) Users at West Bank Park, Glen Gardens and Clarence Gardens have requested 25 year leases at to enable the clubs to apply for funding bids to the sports governing bodies and the Lottery.
- 9) Scarcroft Green Association have requested a 99 year lease on the basis that they have the site with most buildings and land, an as a result this will require repeated fund raising efforts over the coming years, for example renewing the clubhouse and toilets, replacement equipment, and resurfacing the greens. A longer lease gives a statement of intent to both the association and possible funders.
- 10) The Council also leases and cares for an additional bowling green at The Retreat. Here the lease will continue for the next two years after which time it will be for the users to agree a new lease directly with The Retreat.
- 11) To support all clubs in taking on their new role redundant green maintenance equipment will be handed over to the clubs. Equipment will be allocated to specific sites and, where is of a communal nature, it will be shared amongst the clubs. As part of the handover arrangements training will be arranged on use of the equipment, care and operation of the irrigation systems etc.

Consultation

- 12) There has been on ongoing dialogue between the users and the Public Realm Operations Manager (Strategy and Contracts) for the last 3 years.

Council Plan for 2015 – 2019

- 13) Under the Council Plan these proposals will assist in supporting;
 - A prosperous city for all
 - Local residents enjoy a facility to promote creativity and the well being of those in the neighbourhood.
 - Residents can enjoy use of a building which is part of the city's unique heritage and be included in a range of activities.
 - A focus on frontline services
 - Everyone has access to opportunities regardless of their background
 - Residents are encouraged and supported to live healthily
 - A council that listens to residents
 - Engaging with the community to provide creative space for local residents

Implications

- 14) Financial** – a saving of £32,000 relating to bowling greens is proposed as part of the 2017/2018 budget process. The proposal will support the delivery of this saving.

Human Resources (HR) – as above

Equalities - none

Legal – Under S.123 of the Local Government Act 1972:

- (i) The Council can dispose of land without the Secretary of State's consent if best consideration/full open market value is being obtained. However if that is not the case the Secretary of State's consent is required. The General Disposal Consent Order (2003) gives the Secretary of State's consent to local authorities for disposal by them at less than best consideration/full open market value provided that:
 - (a) the Council (acting reasonably) is satisfied that the disposal will facilitate the promotion/improvement of the economic, social or environmental well-being of the area and;
 - (b) the difference between the consideration/price received and best consideration/full market value does not exceed £2million.
- (ii) Before disposing (including granting a lease) of 'open space' the Council must advertise the proposed disposal in two consecutive editions of a local newspaper and give due consideration to any objections or other comments received in response to the advertisement. 'Open Space' includes any land used for the purposes of public recreation. It is understood that the public may use this land for recreation since they form part of the strays or Public Parks. It is considered that before the Council grants the leases the proposals should be advertised and any objections or other comments received should be properly considered. The land at Scarcroft Green is part of Micklegate Stray, which was vested in the Council by the Micklegate Stray Act 1907 on the understanding that the Council would maintain Micklegate Stray as open space land for recreational use by the city's residents. The 1907 Act does expressly state that the Council can lease out parts of Micklegate Stray for various purposes, including for use as a racecourse.

Crime and Disorder – none

Information Technology (IT) - none

Property – contained in the report

Public Health – none

Planning – none

Risk Management

15) The risk is considered to be low.

Contact Details:

Author:

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Asset Manger
Tel 01904 553355

Officer Responsible for the report:

Neil Ferris
Director – Economy and Place

Report Approved

✓

Date

13th Jan 2017

Specialist Implications Officer(s)

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Gerard Allen

Legal Services

Tel No.01904 552004

Financial

Patrick Looker

Finance

Tel No. 01904 551633

Wards Affected: Guildhall, Micklegate, Heworth and Holgate All

For further information please contact the author of the report

Background Papers:

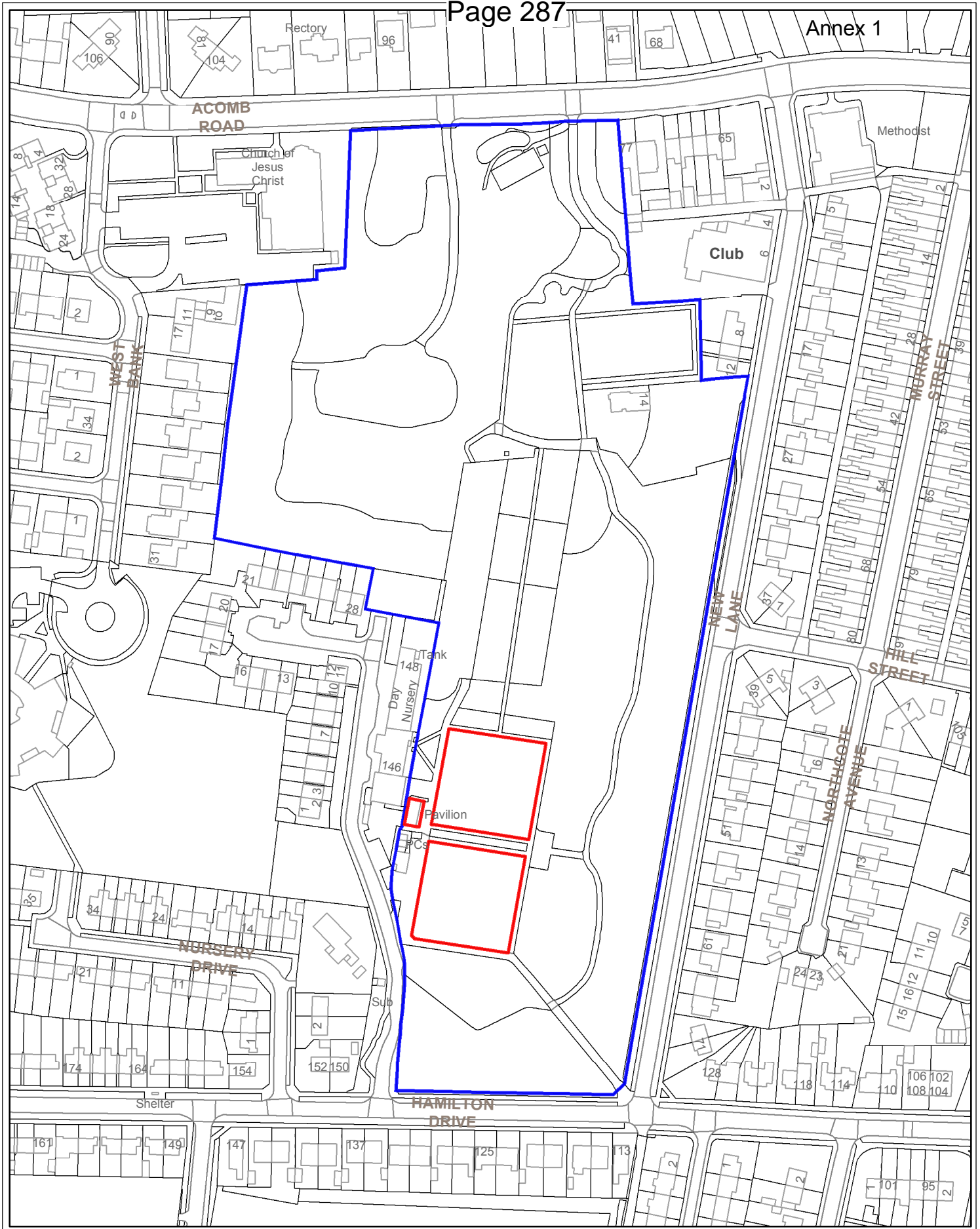
Annexes

Annex 1 – Plan – West Bank Park Bowling Club

Annex 2 – Plan – Glen Gardens Bowling Club

Annex 3 – Plan – Scarcroft Green Association

Annex 4 – Plan – Clarence Gardens Bowls Association



CBSS
Asset & Property
Management

West Bank Park - Lease to Bowling Club

SCALE 1:2,000

DRAWN BY: DH

Originating Group:

Asset & Property Management

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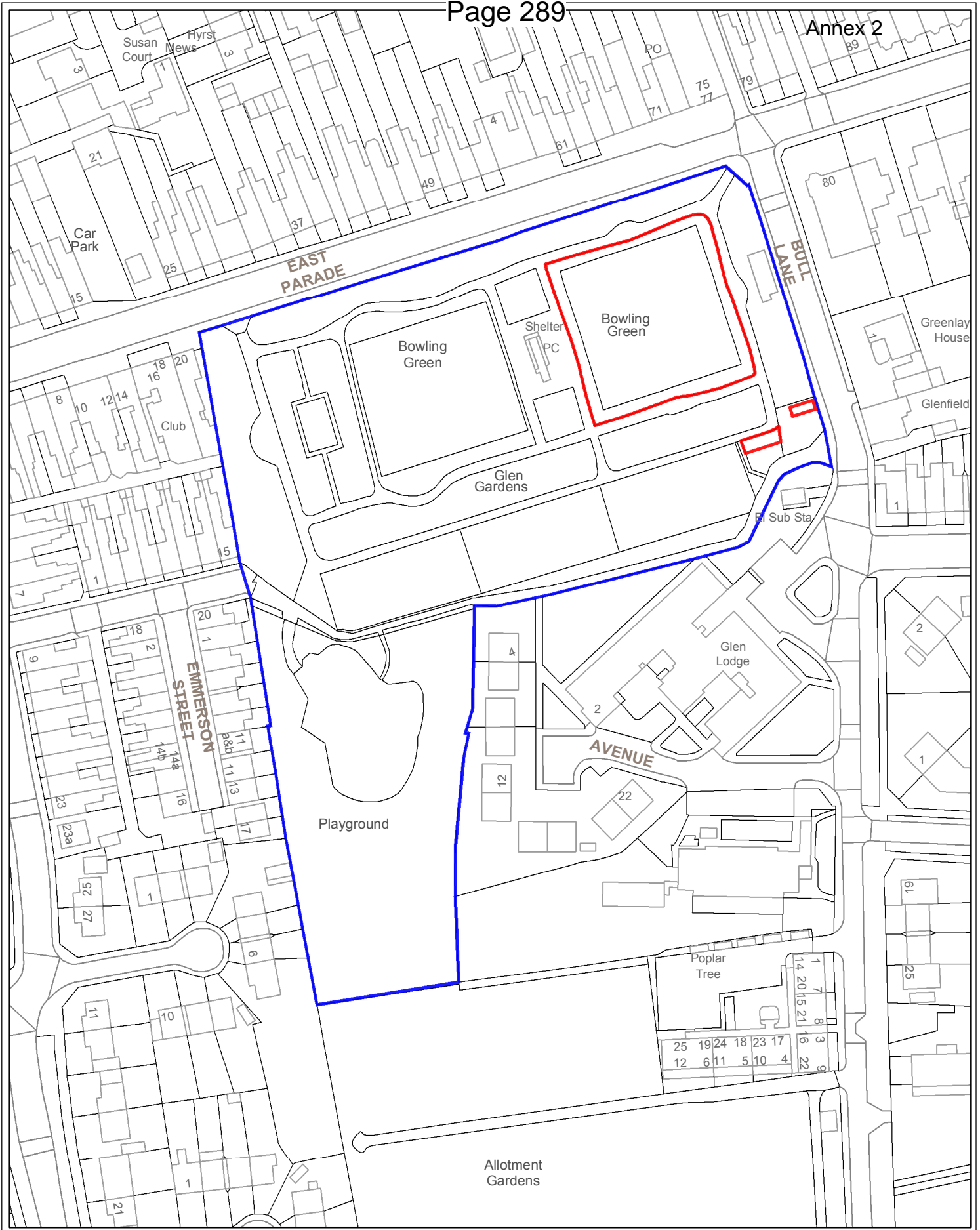
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CBSS
Asset & Property
Management

Glen Gardens - Lease to Bowling Club

SCALE 1:1,250

DRAWN BY: DH

Originating Group:

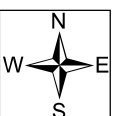
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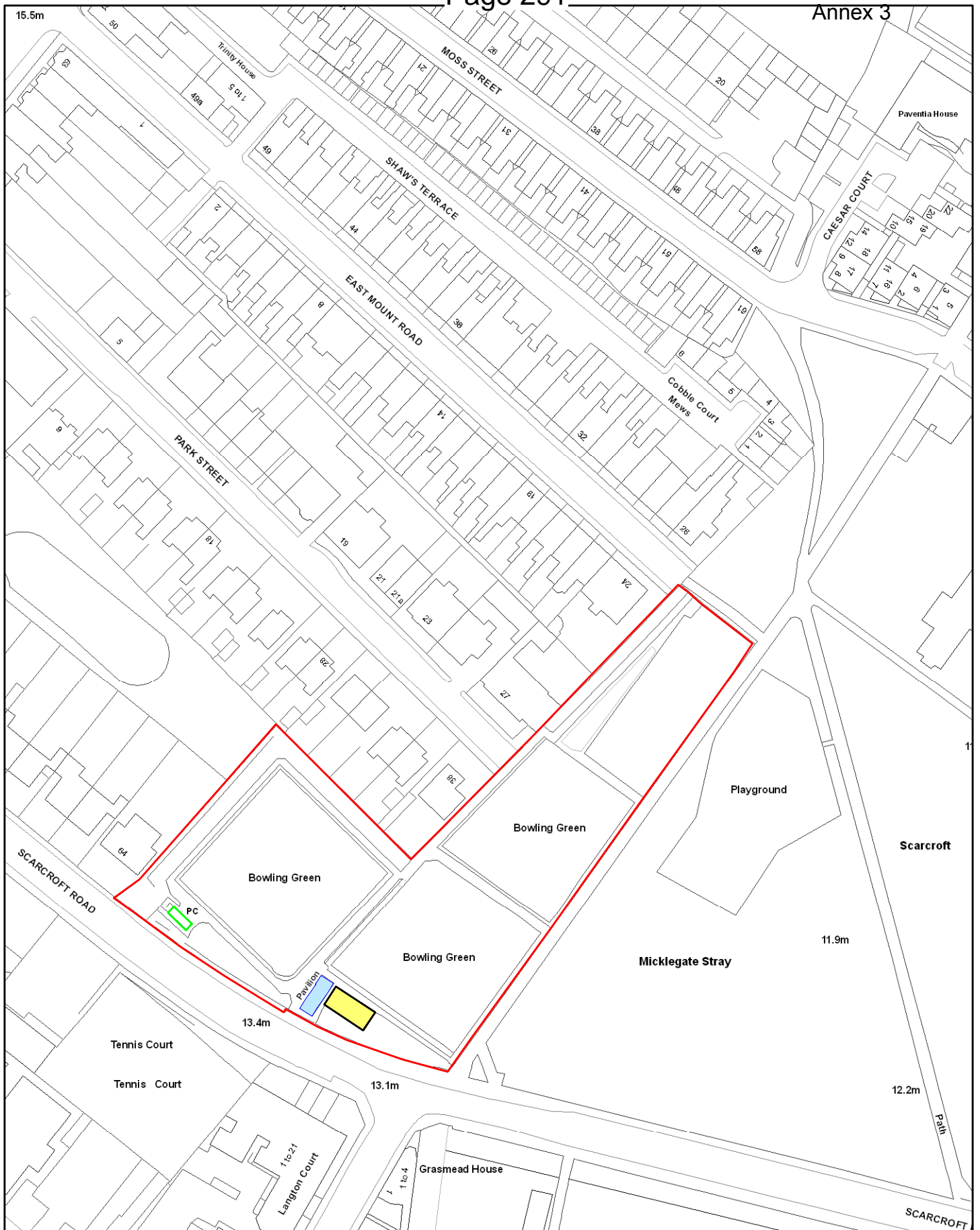
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Scarcroft Green Bowling Club



SCALE 1:1,250

DRAWN BY: GR

DATE: 13/05/2011

Originating Group:

Property Services

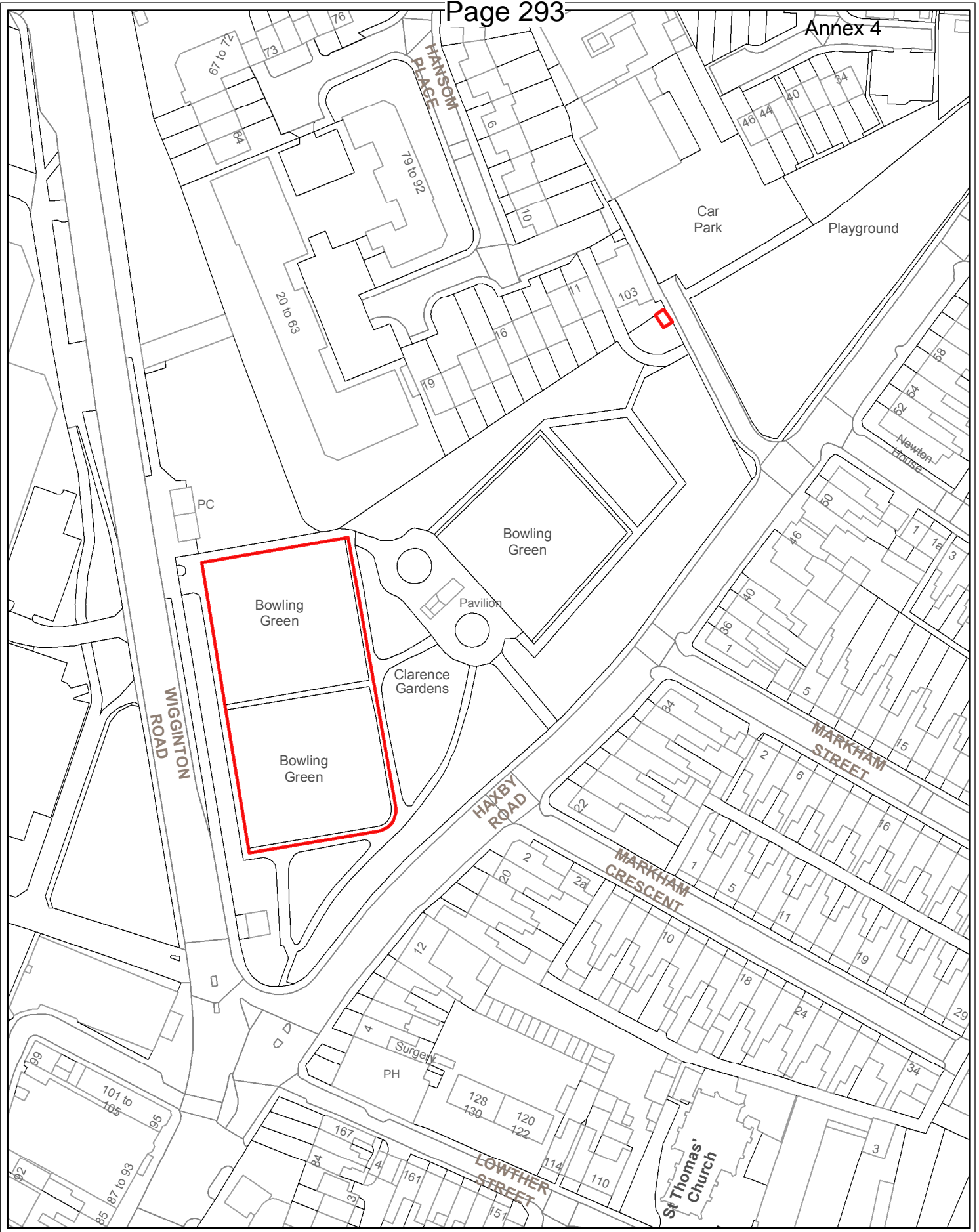
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Property Services

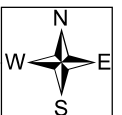
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Clarence Gardens - Lease to Bowls Association



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Executive**26 January 2017**

Report of the Deputy Chief Executive & Director of Customer & Corporate Services

Joint Report of Executive Member for Finance & Performance and Executive Member for Adult Social Care & Health

Report on work of the Financial Inclusion Steering Group for 2015/16 and 2016/17 update**Summary**

1. This report covers the work in 2015/16 and 2016/17 to date of the Financial Inclusion Steering Group (FISG). Its purpose is to inform Members of the progress made in delivering financial inclusion activity across the city. It also provides information about the council's Council Tax Support (CTS) Scheme, the delivery of the York Financial Assistance Scheme (YFAS) and an update on Discretionary Housing Payments (DHP).

Recommendations

2. Executive are asked to:
 - a. note the work of the Financial Inclusion Steering Group in 2015/16 and 2016/17 to date

Reason: to ensure Members are aware of Financial Inclusion activity and how related financial support is administered through CTS and YFAS schemes to inform planning for future financial pressures relating to these schemes and to ensure that support continues to be effectively provided.

- b. approve further promotional activity, working with partners, on the wide range of support and advice through the activity of the FISG.

Reason: to ensure residents and groups are aware of financial inclusion activity and to contribute to achieving the outcomes outlined in paragraph 5.

Background

Activities of the Financial Inclusion Steering Group

3. FISG was set up in January 2013 following former Cabinet approval. Membership includes council directorate representatives, York Citizens Advice Bureau (CAB), Advice York (AY) and South Yorkshire Credit Union (SYCU). Since mid 2015/16 it has included the Executive Member for Finance & Performance and the Executive Member for Adult Social Care and Health. A budget of £100k was approved for both 2015/16 and 2016/17 financial years to continue to support financial inclusion work.
4. The group's purpose is:

'To ensure that local people have the knowledge of and access to appropriate services, allowing them to make more informed choices to achieve and maintain financial stability'.
5. The aim of the group is to secure the following outcomes:
 - ensure that residents have the knowledge to manage their finances effectively;
 - better coordination of advice services across the city;
 - advice givers and those 'sign posting' better understand the welfare benefits system;
 - explore opportunities to reduce general living expenses.
6. FISG has responsibility for overseeing the delivery of financial inclusion work and the allocation of funds to support that delivery as well as strategic oversight of the council's DHP, YFAS and CTS schemes.
7. To target resources effectively to those who most need it, bids are invited from partners for projects that promote financial inclusion. These are subject to panel selection at which providers make a presentation about their proposals. Rigorous selection is made against a range of criteria. Successful schemes are subject to the council's Financial Regulations and a Service Level Agreement. Grants are paid by instalment over the life of the project with regular reporting on progress built in to ensure delivery.
8. During 2015/16 FISG made six further grants following a competitive bidding process which attracted twelve proposals. A summary of the successful bids are in table 1 below:

Table 1: FISG project grants awarded in 2015/16

Provider	Project Title	Description	Duration	Period	Grant
Citizens Advice Bureau/ Advice York	Advice York	Build on existing Advice York work to continue to develop joint working in the advice sector across York to improve advice services and outcomes for clients.	12 months	1/9/15 - 31/12/16*	£27,561
Citizens Advice Bureau /Advice York	Advice York Debt Advice and Consultancy Support	To provide second tier support and training to advice services providers to enable existing staff within a range of organisations to provide an increased level of debt advice.	12 months	1/10/15 – 31/12/16*	£29,143
York Housing Association	Digital Inclusion at Home and in Communities	Further development of existing project which provides training to tenants for online activities including discounts, job searches, benefit applications & accessing online banking	12 months	1/1/16 - 31/6/17*	£24,095
Welfare Benefits Unit	Benefits Advice and Tribunal Support	Support residents by providing advice to workers to enable them to successfully help claimants challenge benefit decisions.	12 months	1/10/15 – 31/12/16*	£17,472
Peasholme Charity	'My Money, My Life...'	Further development of existing project to provide financial capability support for vulnerable and excluded people.	7 months	1/9/15 - 31/3/16	£16,134
Arc Light	Money Master	Support individuals in the early stages of resettlement to manage income effectively. Fund a Financial Inclusion specialist to work across Arc Light, Yacro, Making Every Adult Matter and A Bed Ahead projects.	12 months	1/10/15 - 30/9/16	£24,750
Total					£139,155

*These projects have been extended but funding remains the same.

Table 2: FISG project grants awarded in 2016/17

Provider	Project Title	Description	Duration	Period	Grant
The Blueberry Academy	My Choice	To work with people with learning difficulties to raise their financial confidence and skill levels to increase their financial independence. Provide them with knowledge to access future support.	12 months	1/8/16- 31/7/17	£24,852
CYC (York Learning)	Making More of Your Money	Support unemployed/low waged residents who use York Foodbank to make the most of their finances through accessing advice, guidance, support and training that improves their circumstances and promotes independence.	12 months	1/6/16- 31/5/17	£21,036

Total **£45,888**

9. Grants made in 2016/17 were approved by the Executive Member for Adult Social Care & Health and were noted at the FISG meeting of 20/6/16. Monitoring of the projects, which run to various dates in 2016 and 2017, is ongoing. Outcomes of some of the projects funded so far include the following:

- **Advice York (hosted by CAB)**

10. The grant funded a co-ordinator to build on the existing Advice York work to continue to develop joint working to improve advice services across the city. Good progress has been made against the agreed aims.

- **Debt Advice and Consultancy Support (Advice York)**

11. By September 2016 131 people had accessed advice/benefit support with £52,832 of debt (for 54 residents) cleared and a further £191,349 (128 residents) actively managed. There were 19 instances of consultancy support to other agencies and 24 support workers from other agencies were trained on information and advice.

- **Digital Inclusion at Home and in Communities (York Housing Association)**

12. Between January 2015 and August 2016 a total of 412 customers accessed this project. Training on digital inclusion has been delivered to a variety of staff including CYC estate managers. Other initiatives include weekly digital inclusion drop in sessions at Auden House and West Offices and the opening of a community facility at Bretgate where residents can access the internet. YHA have also worked with Social Telecoms to provide Bretgate tenants with free Wi-Fi for 24 months (tenants will then have the option to continue for a small fee). The further development of this project has been paused as of August 2016 and will be restarted in early 2017 when a replacement staffing resource is recruited.

- **Benefits Advice and Tribunal Support (Welfare Benefits Unit - WBU)**

13. Second tier support for 40 cases has been provided to advice staff from other organisations including bespoke training, assisting with making written appeal submissions and attending oral hearings. Some 14 advisors attended a 'Challenging Decisions' course and a Benefits Toolkit course was delivered to 16 others. The WBU has taken on cases from 10 organisations.

- **'My Money, My Life...' (Peasholme Charity)**

14. The project helped 176 people - it delivered 7 events to 46 customers and financial training was provided to 107 residents. The customers that

accessed the service reported positive experiences against each of the key outcomes set.

- **Money Master (Arc Light)**

15. A full financial inclusion audit is now in place as part of the admission/initial needs assessment as a resident joins Arc Light (providing accommodation for the homeless). The project has provided intensive support to 48 people including several referred from other services - 5 referred from the Hospital Discharge Service and 2 from the MEAM (Making Every Adult Matter) project. Some 30 are still receiving support as they need long term support to deal with challenging issues. Some 37 have been helped to open bank accounts, 17 residents received support with Department for Work and Pension (DWP) or Tax Credit appeals and 15 received debt support. Over £1,780 of debt has been resolved with another £9,300 in the pipeline. There were 22 instances of wage issues/claim support/funding support and steps have been taken to raise awareness of issues with Job Centre Plus staff to encourage appropriate sensitivity to those declared homeless.

- **GP Surgeries and Outreach Advice (CAB)**

16. This project was funded for two years from the 2014 bidding round. Working successfully in partnership with Priory Medical Group, welfare advice appointments have been available at three GP surgeries (primarily at Rawcliffe and Cornlands Road and a trial period at Victoria Way, Huntingdon). Some 395 appointments have been attended by 201 clients with 145 positive financial outcomes achieved for 65 clients, resulting in an annualised financial gain of over £315k. Other clients received one off advice or were signposted to other services.

Other activities

17. Raising awareness of opportunities to tackle financial inclusion is a key role of the group and its partners. This is primarily achieved through the members of the group and in particular through those who have links to other organisations and agencies across the city, for example the CAB and Advice York. Invitations to bid for grants are also widely circulated which raises the profile of the group, its aims and objectives and the funding allocated by the council. Whilst current partnership working is positive, it is recognised that further promotion could be beneficial to ensure that more organisations are aware of the range of financial inclusion activities supported by FISG and how to access available resources.
18. FISG partners have worked together to take a coordinated approach to supporting York tenants affected by the lower benefit cap that was implemented from November 2016. FISG members have worked with

colleagues across CYC and throughout the city (e.g. with housing associations) to ensure a coordinated city wide approach is adopted.

19. The South Yorkshire Credit Union (SYCU) have been active participants in FISG over the last two years and opened new premises in Acomb on 1st June 2015. The shop, called 'My Living', offers affordable financial and purchasing services to all. Work has been ongoing to continue to promote membership to York residents and to CYC staff. Work is also underway exploring the adoption of the 'Tenancy Support Scheme' for York tenants. This is a scheme run by SYCU, and used by other social landlords, which enables tenants' arrears to be paid off through a loan from SYCU, to enable them to protect their tenancy and manage their debts more effectively.
20. In 2015/16 FISG members worked with the National Trading Standards Illegal Money Lending Team to host two events. The first was a loan shark awareness training day which included attendees from across CYC, SYCU and other local organisations. Following this a loan shark awareness day was held in Acomb to reach out to residents followed by a similar one in November 2016 again in Acomb with one planned for West Offices reception.
21. A good working relationship has been developed with the Community Furniture Store (CFS) which has included the successful delivery of goods to residents who qualify for help through the Council's YFAS scheme (see paragraph 31 below). Further work will take place over the next few months to promote the CFS to residents and Council staff and to make links link to the One Planet York initiative.
22. The 'Rental Exchange' scheme began to be rolled out for the council's own tenants during 2015. Developed by the Big Issue and Experian it helps build up the credit scores of social housing tenants using their rent payment histories. We expect around two thirds of our tenants to see an increase in their credit score as a result of incorporating their rent payment data to the credit bureau database once it becomes fully used by lenders during 2017. This will allow residents to obtain wider access to better value financial products.

Council Tax Support (CTS)

23. Since April 2013, the council has had a local CTS scheme (for working age residents) in place, in line with national legislation. It provided a maximum of 70% relief for those on the lowest incomes. The scheme it replaced (Council Tax Benefit) was fully funded by the Government and allowed up to 100% support. Those of state pension age are protected and can continue to receive up to 100% help. During 2014, Advice York reviewed CTS schemes nationally, with a particular focus on the York scheme. Their

report¹ (*'Pushed into Poverty'*) looked at the impact on financially vulnerable residents of having to meet at least 30% of their council tax costs.

24. A decision was taken at Executive on 29th October 2015 to consult with residents on the level of financial assistance provided by the Council in respect of its CTS scheme. The consultation set out a number of options for consideration.
25. Following that consultation a decision was taken by Executive on 15th December 2015, to increase the maximum amount of support available by 7.5% to 77.5% effective from 1st April 2016. Whilst the full impact of this on CTS recipients won't be known until after the end of the current financial year the current position is that the value of the bills raised in 16/17 for CTS working age customers (5,013) was £2.316m (average bill of £461.99) compared with £2.488m if the 7.5% reduction had not been applied reducing the liability by £172k or an average £34 per CTS recipient.
26. Additionally, the 'council tax discretionary reduction scheme' (managed and funded under the YFAS umbrella) can provide financial help to any council tax payer who find themselves in difficulty with paying their council tax, subject to scheme criteria. Reductions are made on the basis of hardship with each application considered on its own individual merits and based on their net council tax liability after any discounts, exemptions, reductions for disabilities or CTS have been applied. In 2015/16 £26,745 was awarded under this scheme. FISG has been working closely with partners to ensure this scheme is more widely publicised to residents. There has been a modest increase in take up during 2016/17 so far with £19,502 awarded by 16/12/16 (it was £18,197 at the same point in 2015/16).
27. Officers have also been working closely with the CAB to agree a 'Council Tax Good Practice Protocol' which sets out a number of recommendations to ensure fair, proportionate and appropriate practise when recovering council tax arrears with a particular emphasis on those with low incomes or who are vulnerable. This was signed at a launch event on 20 December 2016.

Discretionary Housing Payments (DHP)

28. Tenants on Housing Benefit (HB) or receiving the housing element of Universal Credit (UC) can claim DHP from the Council if the amount they get is less than their rent and they are struggling to pay their landlord the difference. It is largely intended to be a short term award. The council

¹ http://www.adviceyork.org.uk/our_reports.html

receives a direct grant from the DWP to fund DHP payments and this can be increased from local resources up to a maximum of 2.5 times the DWP grant. In 2015/16 the council made 692 awards totalling £160,896 which was less than the DWP grant of £177,652. This was a reduction on 2014/15 when 954 awards totalling £237,863.were made, slightly exceeding the DWP grant of £231,900.

29. The DWP DHP grant for 2016/17 is £205,155 and expenditure by the end of November 2016 was £116k (50% of the total available budget). Demand tends to pick up in the second half of the year and with the lower benefit cap in place from November 2016 we expect there to be increased pressure so it is anticipated that the grant will be exceeded and that the council's additional funding already set aside of £29k may need to be called upon.

York Financial Assistance Scheme (YFAS)

30. YFAS was established on 1st April 2013, following the transfer of responsibility and funding from central Government. The former national scheme, delivered by the DWP, was part of the Social Fund. Funding was allocated to local authorities to replace the Crisis Loans and Community Care Grants elements. YFAS is locally administered and can assist residents to stay or move into the community or with emergencies.
31. The Government ended the existing funding arrangements for these local schemes from April 2015. However, the council committed additional funding in 2015/16 to support YFAS following the withdrawal of this grant from Government.
32. From April 2013 to 5 April 2015 assistance was provided through non-repayable grants with residents receiving pre-loaded cash cards that could be used to pay for goods in shops or to withdraw cash at cash-point machines.
33. A review in 2014 resulted in a revised scheme from April 2015 which largely removed the 'cash element'. It now provides essential household goods (delivery and fitting) such as beds, cookers, and fridges, directly through the Community Furniture Store, supermarket food vouchers and fuel top-ups for emergencies and pre-paid cards in exceptional circumstances. Food bank vouchers are issued through other supporting agencies.
34. There have been no changes to the scheme since 2015. Recent feedback on the service is encouraging. For example a CAB worker stated ' I have personally found YFAS to be very helpful on the phone and willing to follow urgent cases up to ensure that they are processed with 24 hours'.

35. A summary of expenditure in 2015/16 is shown in the tables below:

Table 3: Household types helped

Category	Number
Single people, no children	692
Households with children	542
Couples, no children	43
Over pension age	51
Total	1,328

Table 4: Types of spend

Category	Spend
Goods (fridges/cookers)	£160,185
Supermarket vouchers	£27,491
Help with energy bills	£9,379
Other	£2,973
Total	£200,028

Table5:: Category of spend

Category	Spend
Community	£158,414
Emergency	£41,614
Total	£200,028

36. Current spend on YFAS in 2016/17 (as at 16/12/16) is £163k with a projected outturn of about £223k, an increase of just over 10% compared to 2015/16.

37. There have been a significant underspends on YFAS and on the council tax discretionary reduction scheme since their inception in 2013/14 and this is shown in the table below. However, all underspends have been retained in the reserve (£770k by the end of 2015/16) so this funding is available going forward, and there will need to be consideration of potential use of some of this resource, alongside retaining a reasonable reserve to meet potential future pressures. The baseline budget agreed for 2017/18 is £209k (£159k for awards and £50k administration costs). Members will consider this issue as part of the financial strategy report in February 2017.

Table 7: Combined budget and spend for YFAS and council tax discretionary reduction schemes

	2013/14	2014/15	2015/16	2016/17
Total Budget	£415,141	£515,141	£715,140	£459,590
Under spend	£144,299	£158,379	£468,258	£236,000 (estimate)

Consultation

38. As noted above, full consultation with residents and stakeholders was carried out in advance of changes to York's CTS scheme.

Analysis

39. There is no further analysis other than the existing information in the report.

Council Plan

40. Outcomes achieved through the Financial Inclusion Steering Group support the commitment to achieve 'a prosperous city for all' through promoting financial inclusion by supporting the Living Wage, supporting voluntary organisations and developing financial inclusion work with measurable outcomes.

Implications

41.

- a. **Financial.** Future funding of FISG projects and YFAS will be covered within the new Budget Strategy in February 2017.
- b. **Human Resources (HR).** The ability to administer the YFAS scheme will depend on future budget available.
- c. **Equalities** - None
- d. **Legal.** None
- e. **Crime and Disorder.** None
- f. **Information Technology (IT).** None if no current change to service provision
- g. **Property.** None
- h. **Other.** None

Risk Management

42. The key risks are in relation to YFAS are:

- Managing the costs of the service (both service delivery and administration) within a fixed budget for 2016/17.
- Managing the budget to ensure that customers get the same service irrespective of when they apply in the financial year.
- Minimising opportunities for abuse, whilst ensuring that customers who need help can access scheme easily and quickly
- Any failure to provide an appropriate service will have a negative impact on the wellbeing of vulnerable people and the reputation of the council.

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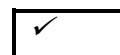
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Ian Floyd
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Report Approved**Date** 10/1/17**Specialist Implications Officer(s)** *List information for all***All**

Financial: Ian Floyd
Director of Customer & Business Support Services

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

Report of Cabinet Member for Finance, Performance & Customer Services 30th July 2015 - Annual Report of the Financial Inclusion Steering Group 2014/15

Report of the Director of Customer & Business Support Services 29th October 2015 – Council Tax Support Scheme Review

Report of the Director of Customer & Business Support Services / Portfolio of the Executive Leader, Finance & Performance and Executive Member for Adult Social Care & Health 15th December 2015 - Council Tax Support – Consultation Decision Report

List of Abbreviations

AY Advice York

CAB York Citizen's Advice Bureau

CFS Community Furniture Store

CTS Council Tax Support

CYC City of York Council

DHP Discretionary Housing Payment

DWP Department for Works and Pensions

FISG Financial Inclusion Steering Group

SYCU South Yorkshire Credit Union

YFAS York Financial Assistance Scheme

m £million

k £thousand



Executive**26 January 2017**

Report of the Deputy Chief Executive & Director of Customer & Corporate Services

Portfolio of the Executive Member for Economic Development & Community Engagement

Lord Mayoralty 2017/18**Summary**

1. The purpose of this report is to ask the Executive to consider the points system for the annual nomination of the Lord Mayor for the City of York Council and confirm that the Group with the most points under that system should be invited to appoint the Lord Mayor for the coming municipal year, 2017/2018.

Recommendations

2. Members are asked to invite the Labour Group to nominate the Lord Mayor for 2017/2018, in line with the existing accumulated points system.

Reason: To ensure that the Council secures the necessary leadership to undertake its civic functions and provides continuity for future selection.

Background

3. Members will be aware that the system for nominating the Lord Mayor is based on an accumulation of points determined by the number of seats held by each particular group on the Council. The party having the largest cumulative total of points on Lord Mayor's Day each year is invited to nominate the Lord Mayor for the following year. A party loses 47 points when nominating the Lord Mayor. It should be noted that a nominee for Lord Mayor requires at least five years' service as a City of York Councillor.

4. Under the system, a party which loses all its seats on the City Council may have any accumulated points frozen until seats are once again gained by that party on the Council.
5. Under the current points system, the number of points accumulated by each party is as follows:

PARTY	POINTS ACCUMULATED AT AGM – MAY 2015	LOSS FOR LM	POINTS ACCUMULATED AT AGM – MAY 2016
Labour	18		$18 + 15 = 33$
Lib Dem	18		$18 + 12 = 30$
Green	28	- 47	$28 - 47 + 4 = -15$
Conservatives	8		$8 + 14 = 22$
Independent (Cllr Warters)	5		$5 + 1 = 6$
Independent (Cllr Hayes)	1		$1 + 1 = 2$

6. The above table shows that the Labour Group with a total of **33** points will qualify for the Lord Mayoralty in 2017/2018.
7. Traditionally, the Outgoing Lord Mayor assumes the mantle of Deputy Lord Mayor the following year.

Consultation

8. The political groups are aware that this is the process usually applied to select the mayoralty for the year ahead. Beyond this, there is no specific need for consultation.

Options

9. The options available for consideration are either to invite the Labour Group to nominate the Lord Mayor for the municipal year 2017/2018 or to consider reviewing the points system currently adopted for nominations.

Analysis

10. The nomination of a Lord Mayor is an annual event which is undertaken by way of a points system to ensure a fair and robust outcome. If Members wish to make changes to this process they would need to consider the development of a new process, which would require the approval of Council as a change to a previously agreed procedure.

Council Plan 2015-2019

11. The appointment of the Lord Mayor in York is a fundamental part of the city's continuing historic traditions. The role of Lord Mayor is firmly enshrined in the Council's Constitution, as an ambassador for the city and its cultural and economic ambitions. As such, the appointee will promote the Council's priorities in general but specifically will have the opportunity to promote a 'prosperous city for all'.

Implications

12. There are no specific direct implications in relation to financial, human resource, legal or equalities arising from the recommendations in this report, which is concerned with the process for and invitation to nominate for the appointment of a Lord Mayor.

Risk Management

13. The Lord Mayor is Chair of City of York Council and is second only to the Lord Mayor of London in precedence. Failure to appoint a Lord Mayor could have a significant impact on the Council's reputation in terms of maintaining its civic heritage.

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	Report Approved	√	Date	21/12/ 2016
Wards Affected: All				√
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Background Papers/Annexes: None



Executive**26 January 2017**

Report of the Corporate Director of Children, Education and Communities

Portfolio of the Executive Member for Education, Children and Young People

Developing the council's strategic relationship with academies and multi-academy trusts

Summary

1. This report outlines the implications of the accelerating pace of academisation in York which is requiring the local authority (LA) to review and develop its strategic working relationship with schools and other partners. In order to develop the council's strategic position it is important for the LA to retain an objective relationship with all schools and multi-academy trusts. This will allow the LA to work in partnership with all schools so that it can act effectively as the champion for children, families and communities.
2. In order to develop and maintain an objective working relationship with all academy trusts members are to review the council's current membership of the Southbank multi academy trust board. The Executive are asked to cease the council's involvement in the trust board.
3. The pace of academisation has required the LA to review the processes it has in place to support the academy conversion process. To date the LA has managed to resource this work within its existing capacity. However, as the number of academy conversions are now increasing this approach is no longer sustainable or affordable. The LA has published an Academy Toolkit which provides schools with information about the LA's role in the conversion process (Annex 1). The Executive are asked to note the introduction of requirement for a proportionate financial contribution towards the LA's costs.

4. As part of the conversion process the LA is required to agree a 125 year lease of land and property with the academy trust. Under the model land lease provided by the Department for Education (DfE) there is the expectation that all land and property currently occupied by a school would be included in the lease, unless it can be demonstrated that there are any reasons for not doing so. Due to the complexities of some school sites there have been delays in agreeing land leases. The Executive are asked to give delegated powers to the Corporate Director, Children, Education and Communities to negotiate and conclude the Commercial Transfer Agreements and Land Leases in future academy conversions where there are no proposals to change the designation of land currently used for educational purposes. In circumstances where the council intends to apply for a change of use for land formerly used for educational purposes the decision to apply for disposal will be taken by members of the Council's Executive.
5. This report provides information about the number of schools that have applied to convert during 2016-17. This includes one of the schools supported by a PFI agreement. York has three primary schools which were funded through PFI agreements. Currently, one of them, the Hob Moor Federation has an academy order in place. The conversion of PFI schools is a complex process and will involve additional costs for the LA as the legal processes and property matters linked to the conversion of PFI schools is complex. Specialist advice will be needed to ensure that the principal agreement and other legal documentation limits the future financial liability of the Council should the Academy trust default on any elements of the PFI agreement. This paper will inform the Executive about the process and costs of PFI conversion and will seek Members approval to delegate the PFI academy conversion process to officers and will ask them to indemnify the Chief Officer who signs the contracts on behalf of the LA.

Recommendations

6. The Executive are asked to:
 - i. support the development of a new strategic working relationship with all academies and multi-academy trusts and end the current council membership on the Southbank multi-academy trust board

Reason: this will allow the LA to have an objective working relationship with all schools and will ensure that it can effectively champion the needs of all children, young people and communities

- ii. consider the options related to the future of the Clifton Without Primary School site and agree whether the site should be included or excluded in the 125 year land lease with the Hope Learning Trust

Reason: this will allow the conversion of Canon Lee School to be completed as required by the Education and Adoption Act 2016

- iii. give delegated powers to the Corporate Director, Children, Education and Communities to negotiate and conclude the Commercial Transfer Agreements and Land Leases in future academy conversions where there are no proposals to change the designation of land currently used for educational purposes. In circumstances where the council intends to apply for a change of use for land formerly used for educational purposes the decision to apply for disposal will be taken by members of the council's Executive

Reason: the LA has a statutory duty to facilitate academisation under the terms of the Academies Act 2010 and the Education and Adoption Act 2016

- iv. delegate the PFI academy conversion process to officers and indemnify the Chief Officer who signs the principal agreement on behalf of the LA

Reason: this will allow the academy conversion process for PFI schools to be completed

Background

- 7. The introduction of the Academies Act in 2010 enabled more schools to become academies by opening the status to good and outstanding schools. The introduction of the Education and Adoption Act (March 2016) has refocused academisation on tackling under-performance with the introduction of the requirement for schools in an Ofsted category of concern to convert to academy status as a sponsored academy within a multi-academy trust. Under the terms of the act the LA has a statutory duty to facilitate the academisation of schools causing concern. The statutory framework is now in place following the passing of

the Education and Adoption Act has potentially increased the pace of academisation through the introduction of a new category of schools that could be subject to enforced academisation. The definition of coasting schools means that enforced academisation will no longer be only restricted to schools in an Ofsted category of concern but will apply to any school that falls below national performance thresholds for attainment and progress in a period of three consecutive years. The Act has also given new powers of intervention in maintained schools to the Secretary of State; these powers will be exercised by the Regional Schools Commissioners.

8. Whilst the mandatory timeline to achieve a fully academised system by 2022 has been abandoned it is still the intention that all schools should consider conversion to academy status. In line with the changes taking place nationally an increasing number of schools in the York are now exploring academy status and are interested in forming or joining locally led multi-academy trusts. The LA continues to retain many of its statutory obligations with regards to education despite the significant changes in the school system. Central to the future role of the LA will be building and maintaining its relationships with schools and other partners eg Multi-Academy Trusts, Dioceses and the Regional Schools Commissioner to ensure close collaboration between partners to manage and shape the local education system so that it continues to be the champion for education outcomes for all children in York.
9. LAs are expected to work with constructively with academies. The relationship between LAs and academies has been set out in legislation introduced between 2010 and 2016 and is also articulated in statutory guidance issued by the DfE. LAs have specific responsibilities for educational performance in their area as set out in the Education Act 1996. LAs that champion educational excellence demonstrate this through working constructively with academies and raising any concerns about the performance of academies with the Regional Schools Commissioner and the DfE.

Academies in York

10. Since 2015 the pace of academisation in York has accelerated. Currently there are 13 schools that have converted to academy status (three secondary, ten primary). A further 12 academy conversions are planned to take place during the calendar year

2017, however, conversions timelines are subject to change given the complexities of certain parts of the conversion process.

11. The majority of York's academies (12 out of 13) are members of four locally led multi academy trusts (MATs). These MATs are as follows:
 - The Ebor Multi – Academy Trust
 - The Hope Learning Trust
 - The Pathfinder Multi Academy Trust
 - The Southbank Multi Academy Trust
12. The development of multi-academy trusts in York to date has largely built on the existing strong relationships between schools and has been motivated by a desire to build stronger capacity to sustain school improvement through formal school partnerships, which can gain maximum benefit from the use of share resources to strengthen leadership and the quality of teaching.
13. In York school to school support partnerships exist between academies and maintained schools and this has been central to the sector-led school improvement arrangements that have been in place since September 2015. These arrangements have seen academies and maintained schools working together to address improvement priorities in individual schools and across geographical clusters of schools. Building on these existing arrangements to sustain the city's capacity to achieve and maintain educational excellence will be increasingly important to ensure that all children and young people are able to achieve the best possible outcomes. Schools in the city are keen to build on their existing partnerships to ensure that they have the ability to more effectively use their shared resources to continue to drive school improvement.
14. The LA retains strong working relationships with all academies/multi- academy trusts in the city and further developing its future strategic working relationship with the chief executives of the multi-academy trusts will be crucially important as more schools leave the maintained sector over the next few years. Not least, in order for York to retain a successful and inclusive education system there needs to be a strong relationship between the LA and the MATs.

15. In order for the LA to discharge its statutory role in education and to effectively champion the interests of children and local communities it is important to develop a new strategic relationship with academies and multi-academy trusts. This can best be achieved by having an objective relationship with all trusts. The current arrangements with the Southbank multi-academy trust are therefore no longer appropriate as they create a potential conflict of interest. It is therefore proposed that the Executive should end the current council membership on the trust board.
16. Developing strong relationships with all schools in the local education system including academies and multi –academy trusts will be crucial to ensuring that the LA is able to meet certain retained roles with regards to school place planning, SEND and safeguarding. It will also be vitally important in ensuring that no child and no school in York are left behind as the new school system continues to develop.

The LA's role in academy conversion

17. A range of LA services and officers are involved in the conversion process and work with the DfE, Education Funding Agency, Dioceses and other stakeholders to facilitate the conversion process. The LA's role in the conversion process is outlined in the Academy Conversion Toolkit (Annex 1). Prior to 2016 the LA has managed this process within its existing resources and this was possible given that the scale and pace of academisation was slow between 2010 and 2015. The increasing pace of academisation in York means that this position of absorbing the additional costs of supporting academy conversion is no longer sustainable.
18. The workload associated with each Academy conversion will vary according to the complexity of the conversion. The work and costs involved are significant for a standard transfer but much increased in transfers involving Private Funding Initiative (PFI) agreements or where there are complex land use issues eg multiple use of sites. The academy conversion process requires extra resource, for which schools are given a grant of £25,000 by the DfE to contribute to the costs of conversion. Typically the costs of conversion from an individual school's point of view tend not exceed £12,000 and the guidance produced by the DfE makes it clear that school's are unlikely to use all of the £25,000 they receive to fund the costs of conversion. In common with an

increasing number of LAs nationally, the LA proposes to secure a contribution of up to **£5,000** for each non-PFI conversion and of up to **£20,000** for each PFI conversion (due to the significantly more complex nature of conversion of a PFI school) from 1 September 2016. This would allow the LA to recoup a proportion of the costs of officer time and where necessary employ additional resources to facilitate the conversion process.

19. The Executive are asked to note the introduction of requirement for a proportionate financial contribution towards the LA's costs.

Academy conversions planned for 2017

20. Typically the academy conversion process takes between three to six months. In the case of complex conversions eg of PFI schools this timeline will be longer. The academy conversion process creates an additional workload for officers in the education, HR, legal and finance teams. Supporting schools through the academy conversion process requires the LA to work closely with multi-academy trusts, the Regional Schools Commissioner, Dioceses and the legal teams engaged by schools and academy trusts to enable a smooth transition to protect the interests of children and young people and ensure that the conversion process does not distract schools in York from their core business of delivering good outcomes for every child. Currently, the LA has the capacity to support three academy conversions in each three month period and as a result has the capacity to support 12 academy conversions during 2017.
21. As part of the conversion process the LA is required to agree a 125 year lease of land and property with the academy trust. Under the model land lease provided by the DfE there is the expectation that all land and property currently occupied by a school would be included in the lease, unless it can be demonstrated that there are any reasons for not doing so. Due to the complexities of some school sites there have been delays in agreeing land leases.
22. The Executive are asked to give delegated powers to the Corporate Director, Children, Education and Communities to negotiate and conclude the Commercial Transfer Agreements and Land Leases in future academy conversions where there are no proposals to change the designation of land currently used for educational purposes. In circumstances where the council intends

to apply for a change of use for land formerly used for educational purposes the decision to apply for disposal will be taken by members of the council's Executive.

The conversion of Canon Lee School

23. Canon Lee School is required to academise as it is in an Ofsted category of concern. The Hope Learning Trust has been assigned as the sponsor for Canon Lee School and it was hoped that the conversion process could be completed by 1 January 2017. However, the conversion has been delayed due to complexities encountered in agreeing the terms of the land lease which require a decision from the council's Executive to allow the land lease to be completed.
24. Since 2011 the school has used the site of the former Clifton Without Junior School following the building of the new Clifton with Rawcliffe Primary School. The project to build the Clifton with Rawcliffe Primary School involved situating the new school building on land formerly used as a school playing field by Canon Lee School. The governing body of Canon Lee School agreed to the use of the land for this purpose in exchange for the school being allowed to use the Clifton Without Junior School building to develop an arts block at Canon Lee to support the school's performing arts specialism. As part of this project Canon Lee was also provided with a multi-use games area to ensure that it had sufficient outdoor space. This was reported to the Cabinet Member for Education, Children and Young People's Services at a decision making session on 13 December 2011. As, at that time there was no proposal to apply to the Secretary of State for Education for disposal of the Clifton Without site, the decision did not go to council's Cabinet.
25. For the last two years the school has not used the teaching rooms in the Clifton Without building and currently the building is not in regular use by the school. As pupil numbers have fallen at Canon Lee the site has not been needed for additional teaching space and has proved difficult to maintain as the school's budget has fallen due to the decline in pupil numbers. Part of the site continues to host one of the children's social care teams, who lease space in the Clifton Without building.

26. The conversion of Canon Lee School as a sponsored academy in the Hope Learning Trust has created the need to review and agree what land and property will be included in the 125 year land lease to the academy trust. The school's governing body and Hope Learning Trust have expressed a preference to include the Clifton Without site in the land lease as the access over the site is currently part of the main route for pupils walking to the school. In order to complete the conversion process the terms of the land lease need to be agreed as a matter of urgency. The Executive are asked to consider and agree the options for the future use of the Clifton Without site.

Options

27. **Option 1:** The Executive approve the disposal of the site as a capital asset and an application is made to the Secretary of State to dispose of the site under Schedule 1 of the Academies Act 2010.
28. **Option 2:** The Executive approve the lease of part of the site to the Hope Learning Trust as part of the academisation of Canon Lee and that an application is made to the Secretary of State to dispose of the remainder of the site. If this is approved Canon Lee School and the Hope Learning Trust will receive a proportion of the proceeds from the disposal of the remainder of the site for reinvestment into the Canon Lee site. If this option is agreed then it is recommended that the agreement of the detail of this arrangement be delegated to the Corporate Director for Children, Education and Communities in consultation with the Executive Member for Education, Children and Young People and the Section 151 Officer.
29. **Option 3:** The Executive agree that the Clifton Without site should be included in the 125 year lease to the Hope Learning Trust.
30. If option 3 was agreed the Hope Learning Trust would use the building to host the central offices of the Hope Learning Trust. Currently the playground area is being used to create a safe space for Year 7 students to allow them a transition period. The buildings, which are in various states of repair, have not been used by the school since 2015 and they are no longer used due to falling roles and the desire to save utility costs. The school has begun expanding its numbers again and the Hope Learning Trust

feel that use of the site is the only possible pathway to facilitate future expansion and development on the whole site. The Trust would also be interested in exploring whether a Studio School or a Through School could be developed on the site and that this would be impossible if the Clifton Without site was not included in the lease to the Hope Learning Trust.

31. The recommended option is **option 2**; that the Clifton Without building and site should be excluded from the lease and that permission is sought to dispose of the site as a capital asset. Discussions with the Hope Learning Trust and the governing body of Canon Lee indicate that they are willing to enter into further negotiations on this option.
32. The Executive are asked to agree option 2 and to delegate the detailed negotiation and sign off of the terms of option 2 to the Corporate Director for Children, Education and Communities in consultation with the Executive Member for Education, Children and Young People and the Section 151 Officer.
33. If option 2 is the agreed option then the City of York Council will need to apply to the Secretary of State of Education to apply for permission to dispose of the Clifton Without site. On 1 February 2012, Schedule 35A to the Education Act 1996 was repealed by section 63 (Schedule 14) of the Education Act 2011. The Act incorporates Schedule 1 of the Academies Act 2010 which extends the requirement to obtain Secretary of State consent to dispose of community school land to include all land in which a freehold or leasehold interest is held by the LA and which has been used for any school or academy in the last eight years.
34. Under Schedule 1 the Secretary of State will consider the suitability of all such land for use by an existing or potential academy (the legal term which includes Free Schools, University Technical Colleges and most Studio Schools). The guidance produced by the DfE makes it clear that LAs should not assume that applications for consent to dispose of education land will be approved. The Secretary of State will give consideration to whether any potential academy or existing multi-academy trust has approached the LA about using the land.

The conversion of the Hob Moor Federation

35. York has three primary schools which were funded through a Private Finance Initiative (PFI) agreements. Currently, one of them, the Hob Moor Federation has an academy order in place and wishes to convert to join the Ebor Multi-Academy Trust. The conversion of PFI schools is a complex process and will involve additional costs for the LA as it will increase the amount of work needed from the legal and finance teams to ensure that the principal agreement and other legal documentation limits the future financial liability of the council should the academy trust default on any elements of the PFI agreement. The DfE has developed additional legal agreements that will need to be negotiated which may cause the conversion process to be longer than for non-PFI schools.
36. Schools forming part of a PFI will have a governing body agreement or similar document with the LA. This is effectively part of the scheme of delegation under the PFI to the governing body. Most importantly, it allows the contractor access to the school and sets out how the school must contribute to the LA's PFI payments.
37. As part of the conversion process the PFI school will enter into a new 'school agreement' with the LA. This commits the academy to step in to the school's PFI obligations usually in the same way as provided for in the existing governing body agreement.
38. As well as the negotiation of the new 'school agreement' an important piece of work will be the development and signing of the 'principal agreement' This aims to ensure that the LA is not financially worse off as a result of the conversion – for example should the academy fail to make its PFI payments. The DfE will also require amendments to be made under the Articles of Association (the internal constitution of the academy) and the funding agreement to protect the position of the DfE if it has to compensate the LA due to the academy's failure.
39. The conversion process for PFI schools involves significant additional costs for the LA as it will demand more time from officers in the education, legal, property and finance teams to support the conversion process and also requires the LA to cover the costs of the PFI partners.

40. As a consequence of these complexities the conversion timeline for the Hob Moor Federation has been extended and is likely to take between six to 12 months to complete to ensure that the principal and school agreements protect the LA from finance risk.

Consultation

41. Ongoing consultation with headteachers and chief executives of multi-academy trusts is taking place to develop the new strategic working relationship with academies and multi-academy trusts. Governing bodies considering conversion are required to consult with stakeholders as part of the conversion process. Consultation has also taken place with the specific schools and multi academy trusts referenced in this report.

Council Plan

42. **A prosperous city for all** – developing and maintaining a strategic working relationship with all schools in the city demonstrates the council's commitment to putting children at the heart of all it does and to investing in partnerships which deliver the best possible outcomes for all children in the city.
43. **A council that listens to residents** – developing a new strategic working relationship with academies and multi-academy trusts will allow the LA to be the champion of children, families and communities through being able to continue to effectively meet statutory obligations eg for children with special educational needs and/or disabilities, co-ordinating admissions and ensuring sufficiency of school places.

Implications

Financial

44. Option 1 - If the Secretary of State approves the disposal of the site, then the Local Authority will receive a capital receipt upon disposal.
45. Option 2 - If the Secretary of State approves the disposal of the site, then the LA will receive will receive a capital receipt upon disposal, an agreed proportion of which will be passed to Hope Learning Trust, following deduction of the Local Authority's costs incurred in association with the disposal.

46. Option 3 – There are no direct financial implications to the LA arising from this option. The site will be included in the 125 year lease to the Hope Learning Trust.
47. Although there are no further direct financial implications arising from this report, it is important to note that, as more schools convert to academy status, there is likely to be an impact on the sections of the LA that currently provide services to schools, as the likelihood is that converting schools will withdraw from all or many of the services currently provided to maintained schools, especially if joining already established Multi-Academy Trusts.

Human Resources (HR)

48. The LA HR team will discharge the council's statutory obligations where appropriate in accordance with the Transfer of Undertakings (Protection of Employment) Regulations. Support will be provided in line with the LA's Academy Toolkit (Annex 1).

Equalities

49. The maintenance and development of strong strategic relationships with all schools is essential for delivering our ambitions to ensure every child is safe, resilient and achieving. Through these relationships, along with our ongoing responsibilities for school place planning, we seek to enhance the opportunities to further inclusivity and community relations and avoid or mitigate any negative impacts on communities of identify and those with protected characteristics. We judge that the strengthening the strategic relationship with Academies and Multi-Academy Trusts will have a positive equality impact. In respect of recommendation ii, related to the Clifton Without site, an Impact Assessment is in development to inform the negotiations of terms of disposal or lease depending on the option chosen by Executive.

Legal

50. All legal implications are identified in the main body of the report.

Property

51. All property implications are identified in the main body of the report.

Other

52. There are no specific Crime and Disorder or Information Technology implications arising from this report.

Risk Management

53. In order for the LA to discharge its statutory role in education and to effectively champion the interests of children and local communities it is important to develop a new strategic relationship with academies and multi-academy trusts. This can best be achieved by having an objective relationship with all trusts. The current arrangements with the Southbank multi-academy trust are therefore no longer appropriate as they create a potential conflict of interest. It is therefore proposed that the Executive should end the current council membership on the Southbank trust board.
54. Developing strong relationships with all schools in the local education system including academies and multi –academy trusts will be crucial to ensuring that the LA is able to meet certain retained roles with regards to school place planning, SEND and safeguarding. It will also be vitally important in ensuring that no child and no school in York are left behind as the new school system continues to develop.
55. To minimise the financial risks to the LA of the conversion of PFI schools specialist legal advice will be sought to ensure that the school and principal agreements do not expose the council to risk.

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Annexes

Annex 1: Academy Conversion Toolkit

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Academy Conversion Toolkit



‘Children and young people are the heart of
our city and of everything we do’





Introduction

The purpose of this toolkit is to provide governing bodies, school leaders and existing multi-academy trust boards with information about the academy conversion process and the role that City of York Council plays in this process.

The toolkit is designed to provide you with information about how City of York Council will work with you during the process. We will provide you with indicative timelines to help inform planning and decision making.

It is important that you fully explore all the options open to you and that you have an in-depth understanding of the implications of academy status for your school, either as a single academy trust or as part of a multi-academy trust.

There are currently two types of academy. Both involve similar processes around conversion but have different management and governance arrangements:

- a. **Convertor Academies** – This is the route for schools defined as ‘performing well’ (good or outstanding schools). An academy trust is set up which is funded by the DfE to manage the academy. Under most circumstances, the conversion process is managed between the converting school and the local authority. Whilst the DfE appoints a project manager to oversee the process, this role is often not high profile and often only become involved if there are particular challenges.
- b. **Sponsored Academies**– All schools which are defined as ‘low performing’ (requiring improvement or schools in a category of concern) are expected to have an academy sponsor, an external organisation which becomes accountable for improvements to performance in their schools. A project board is established by the DfE which involves all parties, to oversee the process. Since the introduction of the Education and Adoption Act in April 2016 there is now a requirement for all schools in an Ofsted category of concern to become a sponsored academy. The academy sponsor will be assigned by the Regional Schools Commissioner.

The majority of maintained schools in York are currently good or better, therefore are eligible to become convertor academies. In York the number of schools that have converted to academy status remains relatively low, however, due to changes within the national education landscape the Council is aware that more schools are likely to begin to consider academy conversion in the future.

The Academy Conversion Timeline

It is important that you give sufficient time to explore the academy conversion process to ensure that you have developed a clear vision and rationale which you can share with all stakeholders as part of the consultation process. In order to fully examine the pros and cons of academy status best practice suggests that governing bodies and school leadership teams should begin the preparation phase at least 12 months before the planned date of conversion. This will allow time to fully explore your options, including the potential benefits of joining existing multi-academy trusts and will allow you to plan a full consultation and engagement process with the local community and key stakeholders.



Spending time in the preparation phase will ensure that you have all the information you need to make the decision about the future of your school.

Important questions for you to ask during the preparation phase are:

- **Why** do we want to become an academy?
- **Who** is it that wants the conversion? This is an important element to test as part of your consultation process.
- **When** will be the best time for us to convert? This will be an important consideration for you in preparing for and submitting your application.

Throughout the exploration of academy status it is important to be clear about why you believe the change of status will benefit the children and community you serve. During the preparation and conversion phases it is important to remain focused on the core business of your school which is to provide a great education for all children.

It is our expectation that any schools considering academy conversion would formally notify the City of York Council via communication with the Director of Children's Services, Education and Skills and the Assistant Director, Education and Skills.

The table below provides you with an overview of the conversion process, with indicative timescales for each stage of the process. These timescales are indicative and subject to change dependent on the circumstances of your school and the complexity of the conversion process, particularly related to the ownership of land. The conversion process is likely to be longer for PFI schools due to the additional legal work that needs to take place :-

<p>Preparation Phase (12 to 6 months before you plan to convert. NB in the case of PFI schools it is important to begin the preparation phase as early as possible)</p>	<ul style="list-style-type: none"> • Establish your rationale, business case about why you want to convert and discuss this with the governing body. Fully explore your options for structural partnerships e.g. develop your understanding of the implications of joining an existing multi-academy trust. • It would be useful at this stage to inform City of York Council (Director of Children's Services) that you are exploring academy status. CYC will be able to provide you with an indicative timeline and details about the conversion process. CYC will publish an overview of 'live' conversion processes each academic year. Schools wishing to convert will be advised about a reasonable timeline for conversion based on a maximum of three schools within each three-four month period due to the substantial resource implications and workload entailed in the conversion process. • Speak to the Regional Schools Commissioners Office
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	<ul style="list-style-type: none"> • Register your interest on the DfE website • Your DfE project lead will be allocated to assist with the conversion process • Meeting of Governing Body - obtain resolution to convert • Prepare for your application: discuss finances with DfE project lead, consider legal advisors, obtain actuarial assessment and land registration documents
Consultation and Application Phase (at least 5 months before you plan to convert)	<ul style="list-style-type: none"> • Start statutory consultation with interested parties – staff, parents, pupils, the local authority and the wider community. Inform local ward councilors about your intention to consult and send your copies of your consultation documents to them. • Start informal employment consultation with staff. Ensure that the City trade union representatives have been informed about your intentions to convert to allow them to plan support for their members. • Submit application to convert to DfE (it takes between 2 – 6 weeks for the DfE to assess an application and grant an academy order) • Academy Order issued approving application • Appoint a solicitor if you have not already done so



<p>At least 4 months before</p>	<ul style="list-style-type: none"> • Apply for £25,000 conversion support grant and any other applicable grants • Start opening bank account <p>Instruct your solicitors to:</p> <ol style="list-style-type: none"> 1. Set up the Trust by drafting the memorandum and articles of association; 2. Contact City of York Council legal services in connection with the commercial transfer agreement (CTA); 3. Draft the funding agreement; 4. Review the Land Registry documents/title deeds for the school site 5. Complete the land questionnaire and agree leasing arrangement for school land and buildings; Nb start discussions about the leasing arrangements as early as possible with CYC, significant delays may occur if there are any complex issues to be resolved. 6. Advise on the formal TUPE process with staff <p>Start TUPE consultation</p>
<p>2 MONTHS BEFORE</p>	<ul style="list-style-type: none"> • Submit to DfE lead fully completed land questionnaire; draft memorandum and articles of association; and draft funding agreement. • Register new academy trust with Companies House. • Complete TUPE consultation. • Complete statutory consultation (must be done before funding agreement signed). • EFA provides school with indicative funding letter • Meeting of Governing Body - to give final approval to conversion (including approval of the draft CTA and funding agreement)
<p>ONE MONTH BEFORE</p>	<ul style="list-style-type: none"> • CTA and lease between local authority and academy trust has been agreed. • Submit to DfE lead signed but not dated funding agreement and memorandum and articles of association and confirmation that leases and CTA signed by all parties. • Send academy bank details to EFA and copy to project lead.



	<ul style="list-style-type: none"> • DfE signs and seals academy funding agreement. • Register Trust with the Information Commissioner's office. • Take out insurance. • Carry out DBS checks. • Notify exam boards. <p>School opens officially as an academy on the first day of the month.</p>
After conversion	<ul style="list-style-type: none"> • Submit your financial support grant expenditure certificate • Complete your land and buildings valuation within 6 weeks of converting • Publish your final funding agreement on your website – some work with the CYC school funding team will need to be completed after your conversion date.

The Preparation Phase

It is important allow sufficient time to full explore the reasons why you want to become an academy and to spend time finding out about the implications of conversion for your school and local community. The governing body will need to form a working party to facilitate this work in order to ensure that the governing body has all the detailed information they need to take an informed decision about whether they would want to pass a resolution to consult on academy status.

During the preparation phase it is important to be clear about the advantages of academy status for your school and the difference it will make for your children. Developing a clear vision and business case will be a very important part of the work you need to undertake during the preparation phase. The Local Authority will be able to provide you with advice and guidance during the preparation phase and it would be useful for you to make contact with the School Improvement and Governance Services during the preparation phase. They will provide you with informed, impartial advice to inform your scoping work.

The Consultation and Application Phase

Under the Academy Act 2010 prospective convertor academies are required to run statutory consultation with stakeholders. In line with the Council's policy statement we would expect prospective convertor academies to conduct a thorough consultation with their stakeholders and the local community. This consultation process should include:

- Public meetings with parents and members of the local community
- Publication of consultation documents using letters addressed to parents and local residents, school websites and the local press



Whilst City of York Council fully acknowledges that the decision about academy conversion lies with the governing body of each school and in no way wishes to imply interference in the decision making powers of governing bodies, the Council would strongly encourage governing bodies to run independent ballots of parents and the local community to inform their decision making.

It is important the clear timelines are set and widely shared with all stakeholders during the consultation period. The governing body needs to make clear that the consultation is to inform the decision about whether to convert and that the outcomes of the consultation will be used to inform that decision.

Before you start the consultation it is important for the governing body to be clear about what they want to get out of the consultation process and how they will collect, collate and use the views of stakeholders.

The City of York Council Policy Statement

At a meeting of the full council on Thursday 16th July 2015 the following motion was agreed and therefore adopted as the Council's policy statement on the process of consultation prior to academy conversion:

"This Council understands the difficult choice being faced by schools following considerable pressure from the Government to change from local authority maintained to academy status. However, we fully believe that the choice is one that should be made by the whole community and not just the leadership of a school. This Council resolves to make it official City of York Council policy that all schools in York considering a change to academy status will be encouraged as strongly as the law allows to hold a community ballot of every household in the affected catchment areas to take full account of the views of local residents on the proposed change."

Guidance for governing bodies related to this policy statement

It is our expectation that any schools considering academy conversion would formally notify the City of York Council via communication with the Director of Children's Services, Education and Skills and the Assistant Director, Education and Skills.

Under the Academy Act 2010 prospective convertor academies are required to run statutory consultation with stakeholders. In line with the council's policy statement we would expect prospective convertor academies to conduct a thorough consultation with their stakeholders and the local community. This consultation process should include:

- Public meetings with parents and members of the local community
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The City of York Council fully acknowledges that the decision about academy conversion lies with the governing body of each school and in no way wishes to imply interference in the decision making powers of governing bodies.



In order for your consultation to be as thorough as possible it is important to include information about the following in your consultation documents and meetings:

- The main advantages for the school
- The disadvantages the governing body have considered
- The proposed academy arrangements e.g. will you be a single academy trust or joining/forming a multi-academy trust
- The proposed governance arrangements
- Details about any proposed changes to the curriculum
- Confirmation that there will be no changes to admission arrangements
- Details about the financial advantages of becoming an academy – in terms of revenue and capital funding
- Details about additional obligations and costs which you would have to meet as an academy
- Details about how you will work with other schools and partners in future

In order to make the consultation as meaningful as possible think carefully about how you will:

- make it accessible to a wide range of stakeholders
- provide opportunities for feedback to be collected in different forms
- allow sufficient time for stakeholders to respond (good practice suggests allowing between 6-8 weeks)

It would be useful to contact schools who have already been through the consultation phase to ask them about their experiences. If you are joining an existing multi-academy trust, the trust will be able to provide you with support and advice during the consultation phase and help you to develop the consultation documents and communications plan.

In York there is also the expectation that you will have made contact with the Local Authority and trade unions/professional associations during the consultation phase.

What role will the Local Authority play during the conversion process?

A range of LA services and officers will be involved in the conversion process and will work with the DfE, EFA and your legal team to facilitate the conversion process. Their roles in the process are outlined below. **NB: CYC has the capacity to support 3 academy conversions in each three month period, its therefore important to agree a timeline for conversion with CYC when your academy order has been granted.**



(a) The Commercial Transfer Agreement

The commercial transfer agreement (CTA) deals with the transfer of matters necessary for the operation of the Academy and covers assets, contracts and employees. A wide range of due diligence is required by the school, council and academy company in connection with the CTA.

The Council's in-house legal team represent the Council in connection with a CTA. The CTA format originates from a prescribed DfE standard. In some circumstances reasonable adjustment to a CTA may be required to meet the specific needs of a transfer, requiring negotiation between parties. Conversions of PFI schools shall require considerable additional work and resource than a standard CTA.

A number of Council teams are also involved in the CTA process, for example:

- The school services and business teams provide general instruction to legal services regarding a CTA and collate and check information on contracts and assets.
- The human resources team instruct in relation to any employment related matters in connection with a CTA.
- The finance team instruct in connection with any pension or school finance matters.
- The building team instruct in relation to any building matters.

(b) TUPE

The local authority, as the employer in voluntary-controlled and community schools, starts the formal TUPE process after receiving notification that an academy order is in place. The governing body, as the employer in voluntary-aided and foundation schools, starts the formal TUPE process. It is strongly recommended that the employer starts informal discussions with staff as soon as the proposal to convert to academy status is being explored. It is also strongly recommended that you share plans with the local union representatives as early as possible to ensure that they are able to provide support and advice to their members through the TUPE process.

There is an obligation to provide written information about the transfer to employee representatives (see above). Governing bodies should take specialist advice to ensure they comply. In some cases there will also be a duty to consult representatives and individual staff.

If the local authority employs the staff, you should formally notify the local authority that you have applied to become an academy so that the TUPE process can start.

Give the local authority as much notice as possible to ensure it has the time and capacity available to respond, to prevent your application being delayed.

As soon as the proposal to convert to academy status has been approved by the Regional Schools commissioner, the formal TUPE information and consultation process can begin.

It is important that you take legal on the TUPE process so that you are aware of your new responsibilities as the employer following conversion. During the conversion process the Council's HR team will complete the statutory elements required where the local authority is the employer, however, it is important that you are clear about the school's role and responsibilities in this process to allow the TUPE process to be completed successfully.

(c) Land Leases



It is intended that the Leases will be of a standard format as prescribed by the EFA and it is intended that no deviation will be made from the Leases unless it is to meet specific requirements of the school / EFA/ or the Council – for example subleases for third party usage. The Council's Property Services team will provide all necessary due diligence information that it has in its possession, (such as site Plan, details of any existing third party useage of school premises) to the Legal Service team to enable preparation of draft 125 year lease of the school site from the Council to the Academy Trust (and any supplemental property agreements, such as any sublease back to the Council by the Academy Trust of any Children's Centre premises within the school site). It is also advisable for the converting school to contact the Council's Property Services section in relation to information that it has in relation to the use of the School and other third party contracts in relation to the maintenance of the school so that all relevant information may be correlated.

(d) Finance, the Funding Agreement and the calculation of balances on conversion.

The funding agreement provides the framework for an academy to operate and is an agreement between the Secretary of State for Education and the Academy Trust. The LA would have limited involvement in this apart from potentially supporting the school in it's budget submission as part of the approval process..

Following conversion, the Local Authority must calculate and seek to agree with the academy the final closing balance of the predecessor school or schools. In order to do this we expect the academy to ensure that all financial transactions and records are up to date to the point of conversion, and that school staff will be available to assist with the closedown process following conversion. The LA will take over the administration of the old school bank account immediately the school converts and the LA and school have four months to agree the final balance. A detailed table setting out who is responsible for the various tasks associated with the closure of the schools LA financial accounts and records is available.

The Local Authority's cost recovery policy

The workload associated with each Academy conversion will vary according to the complexity of the conversion. The work and costs involved are significant for a standard transfer but much increased in transfers involving PFI and BSF agreements or where there are complex land use issues. The academy conversion process requires extra resource, for which the school is given an allocation towards transfer costs; to mitigate some of the additional costs incurred, the LA proposes to secure a contribution of up to **£5,000** for each non-PFI conversion and of up to **£20,000** for each PFI conversion (due to the significantly more complex nature of conversion of a PFI school) from 1st September 2016. This would allow the LA to recoup costs of officer time and where necessary employ additional resources to facilitate the conversion process.

After conversion: The relationship between the City of York Council and academies

In York we believe it is important to maintain strong local partnership arrangements with all schools regardless of their status. There is no statutory requirement for any formal relationship between local authorities (LAs) and academies beyond that which is required for the delivery of LA statutory duties, such



as the making and reviewing of SEN statements, securing sufficient education in an area and provision of home-to-school transport for eligible children. However, City of York Council sees significant advantages for both academies and the LA in fostering and maintaining constructive partnership working. These advantages include:

- Maintaining an inclusive school system so that all our children can have the best possible start in life regardless of their needs or backgrounds;
- Continuing to have a strong partnership on all matters related to the education, health and welfare of children in York;
- Maintaining a constructive dialogue to support school improvement so that all schools in York remain good or better;
- Secure safeguarding.

The changing educational landscape is seeing the creation of many different forms of partnerships, networks and alliances including teaching schools alliances, multi-academy trusts, school clusters and school improvement networks. In York we believe that it is important for the strong relationship between schools and the Local Authority to continue to be maintained and developed to ensure that York's children continue to thrive and develop the skills they need to become successful adults.

As part of the continuing commitment to working with all schools to achieve educational excellence the City of York Council is also able to provide you with a range of high quality services for schools. This includes access to the York Education Services digital platform supported by the School Bus. Members of the services for schools team will be very happy to provide you with details about the contracts available and will be happy to attend meetings of trust boards to present information about the services to schools offer.

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