



**Notice of a public  
Decision Session - Executive Member for Culture, Leisure &  
Tourism**

**To:** Councillor Ayre

**Date:** Monday, 18 March 2019

**Time:** 4.30 pm

**Venue:** The Thornton Room - Ground Floor, West Offices  
(G039)

**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 Democratic Services by **4:00 pm on Wednesday, 20 March 2019.**

\*With the exception of matters that have been 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 Customer and Corporate Services Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5.00 pm on Thursday, 14 March 2019.**

**1. Declarations of Interest**

At this point in the meeting, the Executive Member is asked to declare:

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

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

- 2. Minutes** (Pages 1 - 4)  
To approve and sign the minutes of the Decision Session held on 25 January 2019.

- 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 Friday, 15 March 2019**. Members of the public can speak on agenda items or matters within the Executive Member's remit. 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 that, subject to available resources, this meeting may be filmed and webcast, or recorded, including any registered public speakers who have given their permission. The broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if recorded, this will be uploaded onto the Council's website following the meeting.

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 (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 [https://www.york.gov.uk/downloads/file/11406/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809](https://www.york.gov.uk/downloads/file/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809)

- 4. Cold Calling Controlled Zones - update** (Pages 5 - 10)  
This report reviews the success of Cold Calling Controlled Zones in York to date and considers their future delivery.
- 5. Urgent Business**  
Any other business which the Executive Member considers urgent under the Local Government Act 1972.

Democracy Officer:

Fiona Young

Tel: 01904 552030

Email: [fiona.young@york.gov.uk](mailto:fiona.young@york.gov.uk)

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

- Registering to speak
- Written Representations
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

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City of York Council

Committee Minutes

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Meeting	Decision Session - Executive Member for Culture, Leisure & Tourism
Date	25 January 2019
Present	Councillor Ayre

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**13. Declarations of Interest**

The Executive Member declared a personal interest in Agenda Item 4 (Cultural Commissions: Allocating Leeds City Region Business Rate Pool Funding to York Cultural Projects), as he had visited the municipality of Changsha referred to in the report.

**14. Minutes**

Resolved: That the minutes of the Decision Session held on 19 November 2018 be approved and signed by the Executive Member as a correct record.

**15. Public Participation**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

Gwen Swinburn spoke on Agenda Item 4 (Cultural Commissions: Allocating Leeds City Region Business Rate Pool Funding to York Cultural Projects). She criticised the report for lack of clarity and late availability of background papers and cast doubt on the credentials of the Mediale team and their ability to deliver the programmes.

**16. Cultural Commissions: Allocating Leeds City Region Business Rate Pool Funding to York Cultural Projects**

The Executive Member considered a report which gave an update on two successful funding bids to the Leeds City Region (LCR) Business Rates Pool for projects that would create two related programmes of cultural activity in York. Approval was sought for a proposed approach to these programmes.

The first project aimed to attract investment by promoting York's strengths and assets through development of a shared vision for

the city. The second concerned the master-plan to transform the Castle and Eye of York area into new public realm and year-round spaces for theatre, markets and cultural events. The bids provided:

- £100k for programming in respect of the city vision;
- £90k core costs for the Mediale Team to develop and run the programmes as set out in paragraph 9, with the team to raise a further £55k from sponsorship, co-commissioners and ticket sales;
- £20k for further development of the Festival of the Rivers, as outlined in paragraph 11;
- £100k to mitigate potential loss of car park income.

The council would also work with Mediale to carry out a feasibility study on an offer made by Changsha in China of funding towards the delivery of a major firework display on the Castle Gateway site.

Officers corrected two errors in paragraph 14 of the report: '£100k' in the third sentence should read '£170k and '£210k' in the final sentence should read '£140k'. In response to questions from the Executive Member and matters raised under Public Participation, it was reported that a full evaluation of the first Mediale event held last year would be available shortly. Using Mediale as the vehicle to take the two projects forward would enable the team to engage with York residents and make Mediale more than just a biennial festival. The bulk of the funding would be channelled into the community and professional arts sectors. Any council funding towards the fireworks display would be subject to consideration of a business plan.

Resolved: (i) That the approach to developing the programmes, set out in paragraphs 9 to 11 of the report, be approved.

Reason To ensure that maximum benefit is gained for the city from these successful funding bids.

(ii) That a further report be brought to the Executive Member or the relevant scrutiny committee providing information on the evaluation of last year's Mediale events and further details of governance arrangements for these two programmes going forward and how the funding is spent.

Reason: To ensure that the programmes are properly managed and monitored.

**17. York Learning - Self Assessment Report 2017/18**

The Executive Member considered a report which presented York Learning's Self Assessment Report (SAR) for the academic year 2017/18 and invited him to make comments or recommendations for the production and publication of the final report at the end of January. The high level summary report was attached as Annex 1, with the draft full SAR at Annex 2 and data at Annex 3.

The cover report highlighted the continuing improvement in education and training achievement identified in the SAR, with overall service achievement now standing at 84%. However, apprenticeship programmes achievement had fallen below minimum standards for the third year running, largely due to a high staff turnover in the area of Health and Social Care. Officers confirmed that the service was reviewing this area and had put actions in place to improve performance.

The Executive Member noted the challenges presented by the national crisis in health and social care against the background of a generally good performance by the service. He congratulated the team for the work they were doing and

Resolved: That the findings of the service's self-assessment report be noted.

Reason: To help monitor the service and ensure robust governance arrangements.

Cllr N Ayre, Executive Member  
[The meeting started at 4.30 pm and finished at 5.00 pm].

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**Decision Session – Executive Member for  
Culture, Leisure and Tourism****18 March 2019**

Report of the Assistant Director, Planning and Public Protection

**Cold Calling Controlled Zones - update****Summary**

1. Cold Calling Controlled Zones (CCCZs) were first introduced in York in 2007. Their aim is to reduce the number of traders cold calling at people's homes in order to sell a wide range of products and services including double glazing, roof repairs, resurfacing driveways and gardening.
2. There are currently CCCZs in all wards in York with 232 individual CCCZs covering 8,501 homes. Most were implemented at the request of residents by City of York Council's Public Protection team between 2007 and 2014. A further 16 CCCZs have been implemented following a report to the executive member in 2017.
3. This report reviews the success of CCCZs to date and considers their future delivery.

**Recommendations**

4. That the Executive Member approves the report and the existing funding approach for Cold Calling Controlled Zones.

**Background**

5. A survey conducted by the Trading Standards Institute found that more than 95% of people did not welcome people cold calling at their door. Although this survey is now 16 years old, feedback from the public indicates that this has not changed.
6. Although it is not illegal to cold call, it is an offence for a salesperson to refuse to leave a property when asked by the occupant to do so under the Consumer Protection from Unfair Trading Regulations 2008. There is also

counsel opinion suggesting that failing to leave a zone when asked (even by virtue of the sign) could amount to an offence (although there have been very few cases to test this in court).

7. CCCZs not only reduce the number of cold callers: surveys have shown that they are effective in empowering consumers as they reduce the fear of doorstep crime i.e. people being pressured and/or misled into buying products and services in their homes. In a 2008 survey, 66% of residents in CCCZs said they were less concerned about doorstep crime since CCCZs were introduced.
8. Residents living in a CCCZ collectively agree not to deal with traders who call uninvited at their door to sell products. There is a sign on a lamppost at each end of the zone (typically a street or series of streets) and stickers for each householder to display in their door/window to inform cold calling salespersons that they are not welcome. Residents can report anyone cold calling in the CCCZ to Public Protection who will write to the business and ask them not to cold call in future; this is recorded by Public Protection and can be used to support action against problem traders.
9. The main purpose of CCCZs is to provide confidence to consumers and to help to prevent people being pressured or misled into buying products. Evidence of cold calling in a CCCZ can also be considered an aggravating factor when it comes to sentencing for a trading standards offence.
10. The demand for new CCCZs continues. In addition, some of the older CCCZs have seen a significant change in residents so there has been a need to review the support for their continuation. CCCZs are only successful if the majority of local residents are willing to refuse to trade with unwanted salespersons.
11. In October 2017, the Executive Member approved a new 'pay as you go' approach to implementing CCCZs to enable interested communities (potentially through ward committees) to introduce, administer and review zones whilst officers continue to explore other funding options. The report also approved a change in the rules to make it easier to introduce a CCCZ where the overwhelming majority of residents support its' introduction.
12. The funding covers officer time to set up and manage the CCCZs, signage for lampposts and properties and other promotional material, together with communication with residents and traders. There is also a yearly £90 maintenance charge to cover the administration of each CCCZ.

13. In May 2018, Public Protection submitted a bid to the Improving Finances Improving Lives fund to increase the number of CCCZs. Despite the bid being well received there was a lot of competition and it did not meet all the criteria of the fund.

### **Current CCCZs**

14. There are currently 232 CCCZs as follows:

Ward	Number of Zones
Acomb	13
Bishopthorpe	4
Clifton	1
Dringhouses and Woodthorpe	28
Fishergate	8
Fulford and Heslington	7
Haxby and Wigginton	21
Heworth	11
Holgate	20
Hull Road	1
Huntington and New Earswick	45
Micklegate	5
Osbaldwick and Derwent	15
Rawcliffe and Clifton Without	14
Rural West York	13
Strensall	5
Westfield	12
Wheldrake	7

15. CCCZs are currently funded via ward committees at a cost of £650 per CCCZ. This cost covers officer time, consultation, signs, window / door stickers and administration.

16. There have been 60 complaints about cold callers in 2018-19 to date.

### **Enforcement**

17. When a member of the public complains to Public Protection that they are being called upon by a cold caller in a CCCZ, CYC's website is checked to confirm whether the address called upon is indeed within an existing CCCZ as some zones only cover a section of a street:

[https://www.york.gov.uk/info/20046/trading\\_standards\\_and\\_consumer\\_advice/907/cold\\_calling](https://www.york.gov.uk/info/20046/trading_standards_and_consumer_advice/907/cold_calling).

18. When the complaint is justified, a pre-warning letter will be sent to the cold calling business advising them not to cold call and providing them with guidance on how to find the zones on the CYC website.
19. If the same business makes a second cold call within 4 months, a process follows which enables the Community Safety Team to send the business a letter warning them of a Community Protection Notice (CPN).
20. If cold calling by the same business continues, a CPN can be served.
21. Since the re-launch of CCCZs in 2017, Public Protection has sent 5 pre-warning letters to cold callers; no further action has been necessary.

### Consultation

22. A Talkabout survey of residents in 2016 identified that 'taking action to prevent rogue trading' as the most important 'trading standards specific' activity for City of York Council. The 255 respondents gave an average score was 4.16 out of 5 in terms of its importance. CCCZs help to prevent rogue trading.
23. Residents living in existing CCCZs were consulted in 2018 as part of a review of their effectiveness in deterring cold callers. There were 96 responses. The results were as follows:

a) Would you consider cold calling to be a problem where you live?

Yes	36%
No	64%

b) Were you living in the street when the CCCZ was established?

Yes	77%
No	23%

c) Since the CCCZ was created, the number of cold callers has ...

Decreased	86%
Remained about the same	11%
Increased	3%

d) Do you feel more confident about dealing with cold callers as a result of living within a CCCZ?

Yes	87%
No	13%

e) Do you still want to be in a CCCZ?

Yes	100%
No	0%

24. Additionally, some residents commented on the CCCZ. The main comments were:

- The zone works well but some traders ignore it.
- We still get cold callers but it's easier to deal with them
- It's a great idea particularly in areas where there are more elderly
- Our zone has been very effective in reducing the number of cold callers
- We really appreciate it. Cold calling is much lower than where we lived previously
- We feel more secure knowing it is a controlled zone
- I feel OK telling people to go away

## Analysis

25. One third of residents living within a CCCZ considered cold calling to be a problem, but two thirds did not. This may have been at least partially as a result of CCCZ signage and house stickers acting as a deterrent to cold callers. This is supported by 86% of residents saying that cold calling has decreased since the introduction of a CCCZ in their street.

26. One of the main aims of CCCZs is to help residents to feel more confident about dealing with cold callers: this is confirmed by 87% of residents feeling more confident and by some of the comments received.

27. All residents living in CCCZs who responded to the survey wanted to retain their CCCZ.

## Council Plan

28. The food service plan contributes to the corporate council priorities in the Council Plan as follows:

- A prosperous city for all
- A focus on frontline services
- A council that listens to residents

## Implications

29. **Financial** - The report enable CCCZs to continue within existing resources.
30. **Human Resources (HR)** - There are no HR implications.
31. **One Planet Council / Equalities** – the Council’s approach to cold calling aims to protect the most vulnerable in our city
32. **Legal** – Cold Calling Controlled Zones are not legally binding. There are no legal implications to the council arising from this report.
33. **Crime and Disorder** – Cold Calling Controlled Zones help to reduce the fear of crime.
34. **Information Technology (IT)** – There are no IT implications.
35. **Property** – There are no property implications.
36. **Other** – There are no other implications.
37. **Risk Management** - Any risks are described in the report.

## Contact Details

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**Chief Officer Responsible for the report:**  
**Mike Slater**  
Assistant Director. Planning and Public  
Protection

**Report**  **Date** 8/3/19  
**Approved**

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

**Wards Affected:** All

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

**Annexes - none**