



**Notice of a public meeting of  
Gambling, Licensing & Regulatory Committee**

- To:** Councillors Douglas (Chair), Boyce (Vice-Chair), Aspden, Crisp, D'Agorne, Funnell, Gillies, Gunnell, Hayes, Hunter, Mason, Mercer, D Myers, Orrell and Richardson
- Date:** Monday, 7 November 2016
- Time:** 4.00 pm
- Venue:** The Snow Room - Ground Floor, West Offices (G035)

**AGENDA**

**1. Declarations of Interest**

At this point in the meeting, 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 - 4)

To approve and sign the minutes of the meeting held on 13 September 2016.

**3. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is **5:00 pm on Friday 4 November 2016.**

## **Filming, Recording or Webcasting Meetings**

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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\\_for\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)

### **4. City of York Council Community Governance Review**

(Pages 5 - 28)

This report brings forward proposals in respect of the governance arrangements for three parish councils and seeks approval to further direct consultation.

### **5. Street Trading Consent Sites (Pages 29 - 40)**

This report seeks Members' approval for the introduction to two new street trading consent sites, on St Helens Square and Station Road (adjacent to the cholera burial ground), and the trading activities which will be allowed there.

### **6. Urgent Business**

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

Democracy Officer:

Name: Laura Clark

Contact Details:

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- E-mail – [Laura.Clark@york.gov.uk](mailto:Laura.Clark@york.gov.uk)

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

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

Contact details are set out above.

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

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

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City of York Council

Committee Minutes

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Meeting	Gambling, Licensing & Regulatory Committee
Date	13 September 2016
Present	Councillors Douglas (Chair), Aspden, Crisp, Funnell, Hayes, Hunter, Mason, Mercer and D Myers
Apologies	Councillors Boyce, D'Agorne, Gillies, Gunnell, Orrell and Richardson

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## 7. **Declarations of Interest**

Members were 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 the agenda.

Councillor Mason declared a personal interest in agenda item 4 – Renewal of Sex Establishment Licence for Black Orchid, as the manager of the complex which included the Black Orchid previously managed an establishment with which his company had a contract, although the establishment concerned was not a sex establishment.

## 8. **Minutes**

Resolved: That the minutes of the meeting held on 11 July 2016 be approved as a correct record and then signed by the Chair.

## 9. **Public Participation**

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

## 10. **Renewal of Sex Establishment Licence for Black Orchid (1st Floor Tokyo), 3-5 Toft Green, York**

Members were asked to determine an application for the renewal of a Sex Establishment Licence for a sexual

entertainment venue which had been made under the Local Government (Miscellaneous Provisions) Act 1982 (as amended), Schedule 3 Control of Sex Establishments, in respect of Black Orchid (1<sup>st</sup> floor, 3-4 Toft Green, York, YO1 6JT).

In coming to their decision, Members took into consideration all the evidence presented to them including:

1. The application form.
2. The Licensing Manager's report and her comments made at the meeting. It was noted that this was a renewal of an existing licence and that no objections to the application had been received. The Licensing Manager clarified that, as this was an application for renewal of a licence there would be no change to the existing hours of operation. The applicant would be required to submit an application for a variation of a licence should they wish to amend these hours.

In respect of the proposed licence, the Committee had to determine whether to take any of the steps mentioned under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) that it considered necessary.

Members considered the following options:

- Option 1: Renew the Licence.
- Option 2: Renew the licence with modified/additional conditions imposed by the Licensing Gambling and Regulatory Committee.
- Option 3: Reject the renewal application.

Resolved: That Members agreed Option 1 to renew the Licence.

Reason: This was a renewal of an existing licence and no objections had been received.

## 11. Licensing of Sex Establishments - Review of Licensing Policy

Members considered a report which sought their approval to formally consult on a proposed revised Licensing Policy which related to the licensing of sex establishments within the authority area.

Members were informed that, at the request of the committee, a review of the Council's Licensing Policy on Sex Establishments had been carried out. A Working Group, including Members, had been established and had looked at best practice in other authorities, visited two establishments and carried out consultation with interested parties and the wider public. The feedback from the consultation had informed the draft revised policy. Members were informed that the draft revised policy was more robust than the existing policy. Attention was drawn to the conditions with which establishments would be required to comply.

Members gave particular consideration to the following issues:

- (i) Locality - Members agreed that it would not be appropriate for a sexual entertainment venue to be sited outside of the Cumulative Impact Zone. The CIZ was clearly defined and was an area in which the late night economy was focussed.
- (ii) Numerical Control – Members noted that there was provision within the Act which enabled the Council to impose a numerical control on the number of sex establishments in a particular locality. Members agreed that the draft revised policy should set this figure at **two** in relation to sexual entertainment venues.
- (iii) Schedule of Delegation (Appendix B) – Members were asked to consider how those applications which were unopposed should be dealt with. They agreed that unopposed applications should be delegated to officers but that Members of the committee should be notified of all such applications for information.

Members noted the proposed consultees and that their comments would be considered before the final draft policy was presented to the committee for approval. Arrangements could

also be made for committee members to visit an establishment if required.

Resolved: That, subject to the agreed amendments detailed in (i) to (iii) above, the draft revised Licensing Policy be approved for consultation.

Reason: To enable the Council to formally consult on the draft revised Licensing Policy.

## **12. Chair's Comments**

The Chair drew Members' attention to an Institute of Licensing training session on "Licensing Hearings and Safeguarding" that was being held at West Offices on 23 September 2016. Details of the event had been emailed members of the committee. The Chair and Vice-Chair would be attending the session and would be willing to feedback to other Members if required.

Councillor Douglas, Chair  
[The meeting started at 4.00 pm and finished at 4.35 pm].





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**Gambling, Licensing & Regulatory Committee      7 November 2016****Report of the Assistant Director of Legal and Governance****City of York Council Community Governance Review****1. Summary**

- 1.1 This report brings forward proposals in respect of the governance arrangements for three parish councils and seeks approval to further direct consultation.

**2. Background**

- 2.1 Each district and Unitary council must regularly undertake community governance reviews looking at the parishing arrangements within their area. Government guidance suggests these should be carried out every 10 to 15 years. The last full review undertaken in York, and under previous legislation, was in 2002 although only finally implemented by the Department of Communities and Local Government in 2008.
- 2.2 Staffing Matters and Urgency Committee initiated and approved terms of reference for a Community Governance Review in 2014. Following a period of public consultation a number of proposals were put forward for changes. In February 2015 the Committee recommended changes to two Parish Councils which were subsequently approved by Council allowing for new arrangements to be implemented for the 2015 elections. The Committee also asked Officers to pursue further work in respect of other proposals - including those in respect of Osbaldwick and Heslington Parish Councils which are now being brought forward for consideration.

**3. Request from the Osbaldwick Parish Council to remove the development of Derwenthorpe from the Parish area.**

- 3.1 Osbaldwick Parish Council has asked to have the development known as the Derwenthorpe Estate removed from the parish. The area affected is marked as Area A on Annex B. The Parish Council believes that this would represent a return to more traditional boundary of the parish. The Parish Council also says that the Derwenthorpe Estate is a private estate for which the Parish Council provide no services or infrastructure.
- 3.2 The Ordnance Survey map for the area dating back to the 1950's shows the Derwenthorpe area as within the Osbaldwick parish boundary. However, at that stage neither that area nor the nearby Meadlands estate had been developed. There is therefore an argument that the traditional boundary is close to the existing one. However, the traditional area of the settlement of Osbaldwick is also clearly somewhat smaller than the entire parish.
- 3.3 An Officer visit to the Parish Council meeting in October 2015 reinforced the points made in the Parish Council's representation. However, the proposal is not universally popular. At a meeting of the Derwenthorpe Residents Association in November 2015 the view was clearly expressed by residents of the estate present at that meeting that they wished to remain part of the parish.
- 3.3 It is apparent that there are links between the Derwenthorpe Estate and the settlement of Osbaldwick. For example the catchment area for Osbaldwick Primary School includes the estate and there is a cycle track which runs through both areas. Additionally during a site visit in August 2016 an Officer spoke to a number of residents of Derwenthorpe and was told that they used the Church, shops and local bus service in Osbaldwick. The Officer also spoke to Osbaldwick residents who use the Derwenthorpe play park.
- 3.4 Residents of the Derwenthorpe Estate do pay a management charge for some services akin to those provided by the Parish Council in other parts of the Parish. That aside the development appears to have a similar connection with the wider Osbaldwick community as do other recent residential developments in the parish, including the large estate that includes Beckett Drive on the east of the parish.

- 3.6 In considering this request the position of the older Meadlands Estate (marked as Area B on Annex B) also needs to be considered. It is located on the northern edge of the parish, beyond Derwenthorpe and the residents have fewer links with Osbaldwick. Their natural migration for local shops includes Heworth, Heworth Without and for schools Hempland Primary School on Whitby Avenue.
- 3.6 In accordance with the law and the terms of reference for the community governance review the City Council should ensure that community governance within the area under review will be: *“effective and convenient”*
- 3.7 It is the view of Officers that the removal of Derwenthorpe from the Parish would raise very serious questions as to whether effective and convenient local government would be maintained by leaving Meadlands within the Parish. Officer’s view is that any proposal to remove Derwenthorpe should be accompanied by a proposal to remove Meadlands.
- 3.8 The law and terms of reference also require that community governance should be: *“reflective of the identities and interests of the community in that area”*. Guidance from the Department for Communities and Local Government recognises however that:
- “The identification of a community is not a precise or rigid matter. The pattern of daily life in each of the existing communities, the local centres for education and child care, shopping, community activities, worship, leisure pursuits, transport facilities and means of communication generally will have an influence. However, the focus of people’s day-to-day activities may not be reflected in their feeling of community identity. For instance, historic loyalty may be to a town but the local community of interest and social focus may lie within a part of the town with its own separate identity.”*
- 3.9 Officers view is that the links between Derwenthorpe and the settlement of Osbaldwick described in this report could clearly sustain a conclusion that maintaining the current Parish boundaries would be reflective of the interests of the community in the whole area. However, the argument is balanced in that there is clearly a sense from the Parish Council that the historic settlement has its own identity.

- 3.10 An option that could be considered is to create Wards reflecting different identities within the community. The Government guidance suggests:

*“The warding of parishes in largely rural areas that are based predominantly on a single centrally-located village may not be justified. Conversely, warding may be appropriate where the parish encompasses a number of villages with separate identities, a village with a large rural hinterland or where, on the edges of towns, there has been some urban overspill into the parish. However, each case should be considered on its merits, and on the basis of the information and evidence provided during the course of the review.”*

Osbaldwick perhaps comes within the category of having experienced “urban overspill”.

- 3.11 A third option would be to establish a separate Parish Council for Derwenthorpe and Meadlands. Until the Derwenthorpe estate is complete that option may be considered to be a little premature but Warding could provide a basis for any future consideration of a separate Parish Council.
- 3.12 Officers recommendation is therefore to consult directly with the residents of the parish on three options:
- Consult on no change.
  - Consult to ward the parish. This would involve creating three wards. A northern Ward could include Meadlands and Derwenthorpe, a central Ward would cover the older settlement and a southern Ward close to Hull Road. The precise boundaries would be drawn with a view to ensuring, as far as possible, that each Ward has a similar number of parish councillors.
  - Consult to remove Derwenthorpe and Meadlands Estates from the parish, with a sub option of creating a new Parish Council for those areas.

3.11 If Members agree the proposals would be for consultation with each household in the parish over a six week period, supported by a leaflet setting out the three options and reasons for the survey. The findings would then be reported back to this Committee.

**4. Request from Osbaldwick Parish to include streets around Broughton Way on the south west of the parish and streets around Tranby Avenue on the South east of the parish.**

4.1 In line with the request for what the Parish Council believes to be a more traditional boundary to the Parish of Osbaldwick, a request was also made to include a number of streets that border the parish, where the Parish Council believes that residents identify as part of the Osbaldwick parish community. These are:

- On the South West boundary the streets of Broughton Way, Seaton Close, Elwick Grove, Whitton Place, Sadberge Close, Wolviston Avenue and Carlton Avenue as suggested as being incorporated to the parish as marked as Area C on Annex B.
- On the South East boundary the start of Tranby Avenue from properties 1 to 17 and 2 to 24, along with Cavendish Grove be incorporated to the parish as marked as Area D on Annex B.

4.2 The Electoral Services Manager believes that this proposal would give a slightly confused boundary but this could be resolved if, on the south west side, the public right of way on the west side of Osbaldwick Primary school in a straight line to 227 Hull Road be used as the boundary. This would include Mallard Court, Drake House, Frobisher House and several more on Woolnough Avenue.

4.3 On the south east side the use of Osbaldwick Link Road to create a new boundary, which also includes Redbarn Drive would be advantageous.

4.4 The views of residents are not yet known but it is noteworthy that the properties on the south west boundary are currently not in a parish and do not therefore currently pay a precept. This may act as a disincentive to them supporting change.

- 4.5 The properties on the south east are currently part of Murton Parish. In the initial representation, Osbaldwick Parish did not express a wish to include Redbarn Drive within Osbaldwick as it was felt the loss of precept would be detrimental to Murton Parish.
- 4.6 However, during the Police and Crime Commissioner Election in May 2016 and Referendum on UK Membership of the EU in June 2016, the Deputy Returning Officer received a number of phone calls from the residents of Redbarn Close unhappy that they had to travel to Murton to vote, when they believed they were part of Osbaldwick. This has reinforced his view that the Osbaldwick Link Road may make a more logical boundary.
- 4.7 The recommendation would be to consult with residents, ward councillors and Murton Parish on the incorporation of the properties indicated in Area A and Area B of Annex D

## **5. Request from Heslington Parish Council to have the two wards removed**

- 5.1 The Local Government Boundary Commission (LGBCE) for England review of the City Council's Wards resulted in the creation of the Fulford and Heslington Ward and the expansion of Hull Road Ward to include the University of York. This left the parish of Heslington split between those two council wards. Common practice for the LGBCE in this situation is to create two parish wards. This is what happened in Heslington as shown on the map at Annex C.
- 5.2 The two parish wards are of uneven size, reflecting the electorate when created. The North Ward of Heslington Parish (seven parish councillors) covers the University Campus; the South Ward of Heslington Parish (two parish councillors) covers the village of Heslington.
- 5.3 The feelings of the parish are that the two wards do not provide effective representation and governance. This view is supported by the fact that at the parish elections held in May 2015 only nominations from the South Ward were received and the parish was not in quorum. This required a further election to fill the vacancies in the North Ward.

- 5.4 The Deputy Returning Officer believes the same situation is very likely to occur at future elections, as student involvement in the parish council is rare.
- 5.5 Taking the step of de-warding the Council would require the approval of the LGBCE. The LGBCE has confirmed that it has no objection for the parish to be de-warded.
- 5.6 In deciding whether to recommend that a parish should, or should not, be or continue to be divided into wards the City Council is legally obliged to consider
- (a) whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient;
  - (b) whether it is desirable that any area or areas of the parish should be separately represented on the council.
- 5.7 Officers view is that the arguments set out above demonstrate that it is the current arrangement which is impracticable and it is desirable to dispense with separate representation for different areas of the Parish.
- 5.8 If the City Council agrees to change the warding arrangements it must also consider the number of Councillors to be elected for the Parish and have regard to the number of electors and any change anticipated in the five years after the commencement of the review.
- 5.9 The current electorate for the Parish is 6254. Heslington village is unlikely to grow to any significant extent. The greater population is at the University. Nationally rates of student registration at term time addresses are falling. This reflects the impact of individual electoral registration. York is doing better than many student areas but it is not anticipated that Heslington Parish will see any growth in its electorate. Numbers of parish councillors vary significantly between different parishes. The current number of nine Parish Councillors for Heslington reflects the arrangement before the LGBCE review. That was a recent review and Officers are unaware of any factors which would suggest that the number of Councillors needs to change.

- 5.10 Whenever a review of an existing Parish is undertaken the City Council is obliged to make one of the following recommendations:
- (a) recommendations that the parish should not be abolished and that its area should not be altered;
  - (b) recommendations that the area of the parish should be altered;
  - (c) recommendations that the parish should be abolished.
- 5.11 The review must also make recommendations as to whether or not the name of the parish should be changed.
- 5.12 Finally where the parish already has a council the review must make recommendations as to whether or not the parish should continue to have a council.
- 5.13 In respect of each of the matters referred to in paragraphs 5.10 to 5.12 Officers would recommend that the status quo is preserved in the absence of any public demand or obvious reason for change.
- 5.14 It is therefore recommended that the Committee asks Council to grant approval to de-ward Heslington Parish Council and to confirm that the number of Parish Councillors should remain at nine. No other changes are recommended arising from this review.

## **6. Outstanding requests**

- 6.1 Officers are still working with relevant parties on requests to create a Parish Council in Guildhall, and for changes to Rawcliffe, Haxby and Wheldrake Parish Councils. None of these requests will have any impact on the decisions which the Committee is being recommended to consider in respect of Heslington and Osbaldwick parishes.

Annex A is a schedule of all requests and the current status of consultation or information gathering.

## **7. Request from Kexby Parish Council for change of name.**

- 7.1 The Parish of Kexby has submitted a request for the name of the parish to be changed. The parish would like to change the name to Kexby and Scoreby Parish Council.



Changing the name of the geographical area covered by a Parish does not require a community governance review to be undertaken. Section 75 of the Local Government Act 1972 allows the City Council to approve requests from Parish Councils within the City's area for changes of name.

- 7.2 The name change would reflect a more historic link of the parish with area that is covered; Scoreby does appear on the Register of Electors as part of the address of a number of properties and also is accepted by the Royal Mail as a valid address.
- 7.3 Ward councillors have been consulted and support the change.
- 7.4 It is recommended that Members support this request and refer it to Council for approval.

## **8. Options**

- 8.1 Members may approve or decline the recommendations.

Members could consider further public consultation in relation to the request from Heslington and Kexby Parish Councils.

## **9. Implications**

- **Financial**

The costs of undertaking the alterations to electoral arrangements will be met from existing resources.

- **Human Resources (HR)**

None.

- **Equalities**

The current recommendations are not considered to have any significant equalities implications.

- **Legal**

The Council's powers and duties in respect of community governance reviews are set out in the Local Government and Public Involvement in Health Act 2007.

The changes to electoral arrangements to parishes must be conducted having regard to guidance from the Secretary of State and Electoral Commission. The Local Government Act 1972 makes provision for changing the name of a Parish.

- **Crime and Disorder**

None

- **Information Technology (IT)**

None

- **Property**

None

- **Other**

None

### **Recommendations**

9. The Committee is requested to:

- a) Ask Officers to commence public consultation on the options for future arrangements for Osbaldwick Parish as set out in the report
- b) Recommend to Council that Heslington Parish Council should no longer be divided into Wards and that there be a single parish area represented by nine councillors
- c) Recommend that Council formally confirms that Heslington Parish should not be abolished, that its area and name should be unchanged and that it should continue to have a Parish Council
- d) Recommend to Council that the name of Kexby Parish Council be changed to Kexby and Scoreby Parish Council.

Reason: To allow better local representation for the electors of the parishes.

**Contact Details**

**Author:**

Andrew Flecknor  
Electoral Services Manager  
Electoral Services  
01904 552032

**Chief Officer Responsible for the report:**

Andy Docherty  
AD of Legal and Governance

**Date:** 27 October 2016

**Report Approved**



**Wards Affected:**

**Fulford & Heslington, Hull Road and Derwent & Osbaldwick**



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

**Background Papers: None**

**Annexes**

**Annex A:** Schedule of Representations for the Community Governance Review

**Annex B:** Map of the Parish of Osbaldwick

**Annex C:** Map of the Parish of Heslington

**Annex D:** Map of purposed new Parish of Osbaldwick boundary.

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# **Community Governance Review**

## **STAGE TWO**

### **Information Gathering Stage and Draft Recommendations**

**October 2016**

**Parish**

Rawcliffe

**Existing Arrangements**

Number of Councillors	Electorate (1/10/16)	District Ward	ESM Attended Meeting?	Fact finding visit?	Stage
9	5012	Rawcliffe & Clifton Without	12/10/15	N/A	Consult with Clifton Without

**Comments**

Boundary between Rawcliffe and Clifton Without Parishes to be altered to follow a more clear line of property boundaries

**Draft Recommendations by ESM**

Consult purposed change with Clifton Without and if firm agreement directly with the residents affected.

**Parish**

Osballdwick

**Existing Arrangements**

Number of Councillors	Electorate (1/10/16)	District Ward	ESM Attended Meeting?	Fact finding visit?	Stage
15	2693	Derwent & Osballdwick	20/10/15	Aug 16	Reporting

**Comments**

Removal of Derwenthorpe Estate, incorporating of several streets on the south east and south west border of the parish to make a cleaner parish boundary.

**Draft Recommendations by ESM**

Extensive consultation with Parish Council, residents of Derwenthorpe Estate and the residents of the parish. While a new development, nothing indicates that the estate is not cohesive with the parish. Strong reason to ward the parish to lead to future separate parish for Derwenthorpe once the development is complete.

Logical request to make cleaner boundary with the including of the streets suggested, but consultation required with Murton Parish over one specific street and with the residents directly, several streets not currently in a parish and not use to paying an annual precept.

<b>Parish</b>	Kexby
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### Existing Arrangements

Number of Councillors	Electorate (1/10/16)	District Ward	ESM Attended Meeting?	Fact finding visit?	Stage
7	188	Derwent & Osbaldwick	16/09/15		Reporting

### Comments

Request to alter parish name to include the former settlement name of Scoreby, which still has a number of properties known in this locality.

### Draft Recommendations by ESM

Change of name would reflect the historic link of the geographical area that is covered by this parish.

<b>Parish</b>	Heslington
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### Existing Arrangements

Number of Councillors	Electorate (1/10/16)	District Ward	ESM Attended Meeting?	Fact finding visit?	Stage
North 7 South 2	6254	Fulford & Heslington & Hull Road Ward	15/9/15	N/A	Reporting

### Comments

Removal of the two parish wards imposed by the last ward boundary review by the Local Government Boundary Commission for England.

### Draft Recommendations by ESM

While the parish is now split between two wards, the large North Ward of the Parish covers the University campus; there is little interaction between the students and the parish council. In the May

<b>Parish</b>	Wheldrake
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### Existing Arrangements

Number of Councillors	Electorate (1/10/16)	District Ward	ESM Attended Meeting?	Fact finding visit?	Stage
13	1687	Wheldrake	TBC	N/A	Consulting

### Comments

Request to reduce number of parish councillors

### Draft Recommendations by ESM

No guidance is provided on the number of parish councillors to electorate and Wheldrake has struggled to fill the vacancies both at full elections and for causal vacancies.

<b>Town Council</b>	Haxby
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### Existing Arrangements

Number of Councillors	Electorate (1/10/16)	District Ward	ESM Attended Meeting?	Fact finding visit?	Stage
Central 4 North 3 East 4 South East 3	7012	Haxby & Wigginton	TBC	TBA	Consulting

### Comments

Request to consider removing the town wards structure imposed by the Local Government Boundary Commission for England in a previous ward review. It provides no benefit to Town Council operation.

Also to incorporate a number of boundary north of the railway line on the southern boundary of the Town Council, to make a more logical border.

### Draft Recommendations by ESM

While Haxby Town Council does fill all vacancies, there is little representation among the candidates for the town ward structure and the electors do contact councillors from any town ward regardless where they reside. If a firm wish to continue is indicated, the election of town councillors would be smoother.

The properties on the southern boundary are currently part of New Earswick parish and direct consultation is required with both the parish council and the residents. A change to use the railway line as a boundary would give more definitive clear boundary.



**Organisation**

Groves Residents Association

**Existing Arrangements**

Number of Councillors	Electorate (1/10/16)	District Ward	ESM Attended Meeting?	Fact finding visit?	Stage
N/A	TBC	Clifton/Guildhall?	TBA	TBA	Preliminary fact finding / consulting

**Comments**

Request for an urban parish to be considered. No detail of streets or area initially provided.

**Draft Recommendations by ESM**

Initial meeting with Guildhall councillors to discuss. Request to attend a future RA meeting to define the area to begin consulting with residents directly.

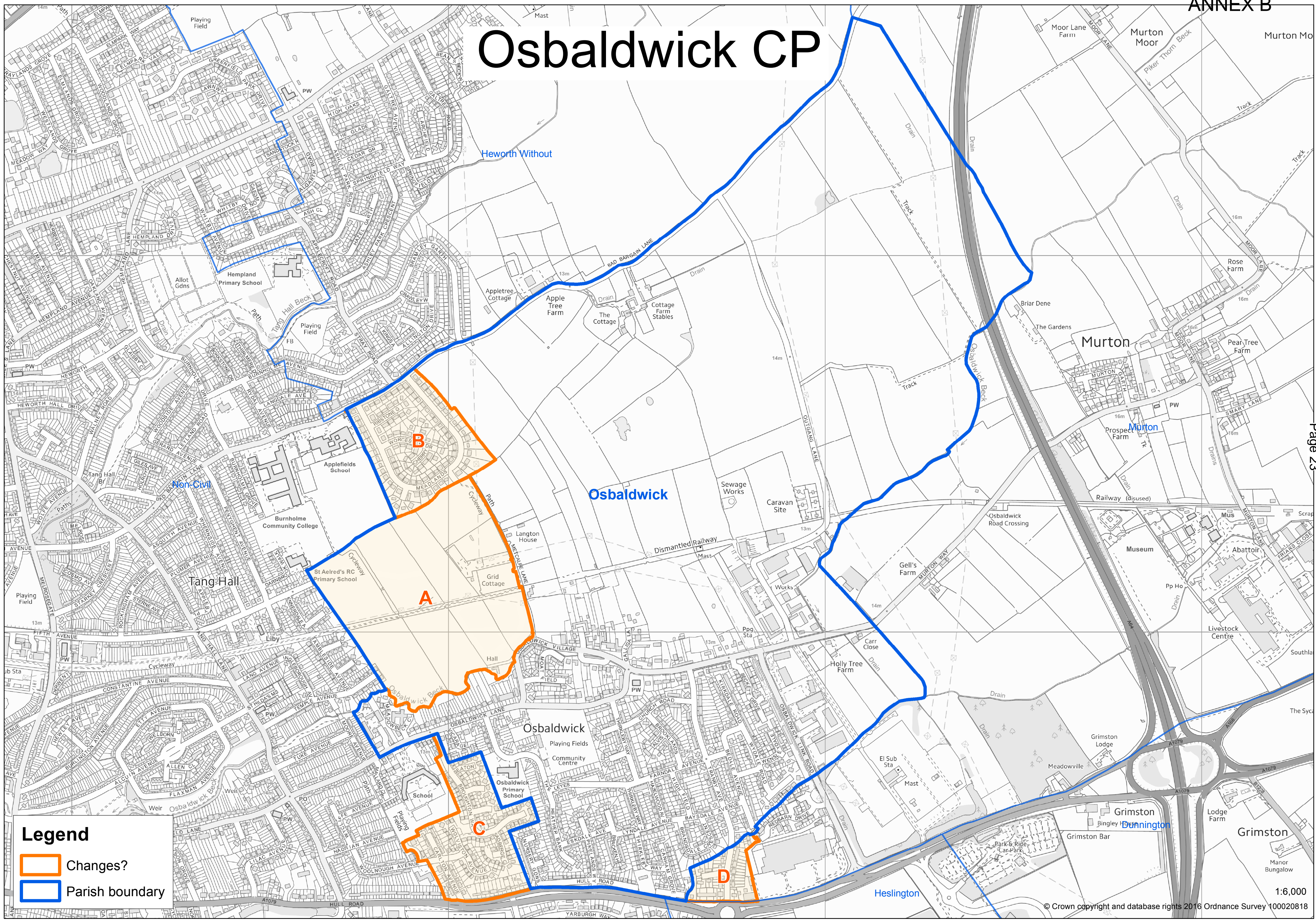
**Parish****Existing Arrangements**

Number of Councillors	Electorate (1/10/16)	District Ward	ESM Attended Meeting?	Fact finding visit?	Stage

**Comments****Draft Recommendations by ESM**



# Osbaldwick CP

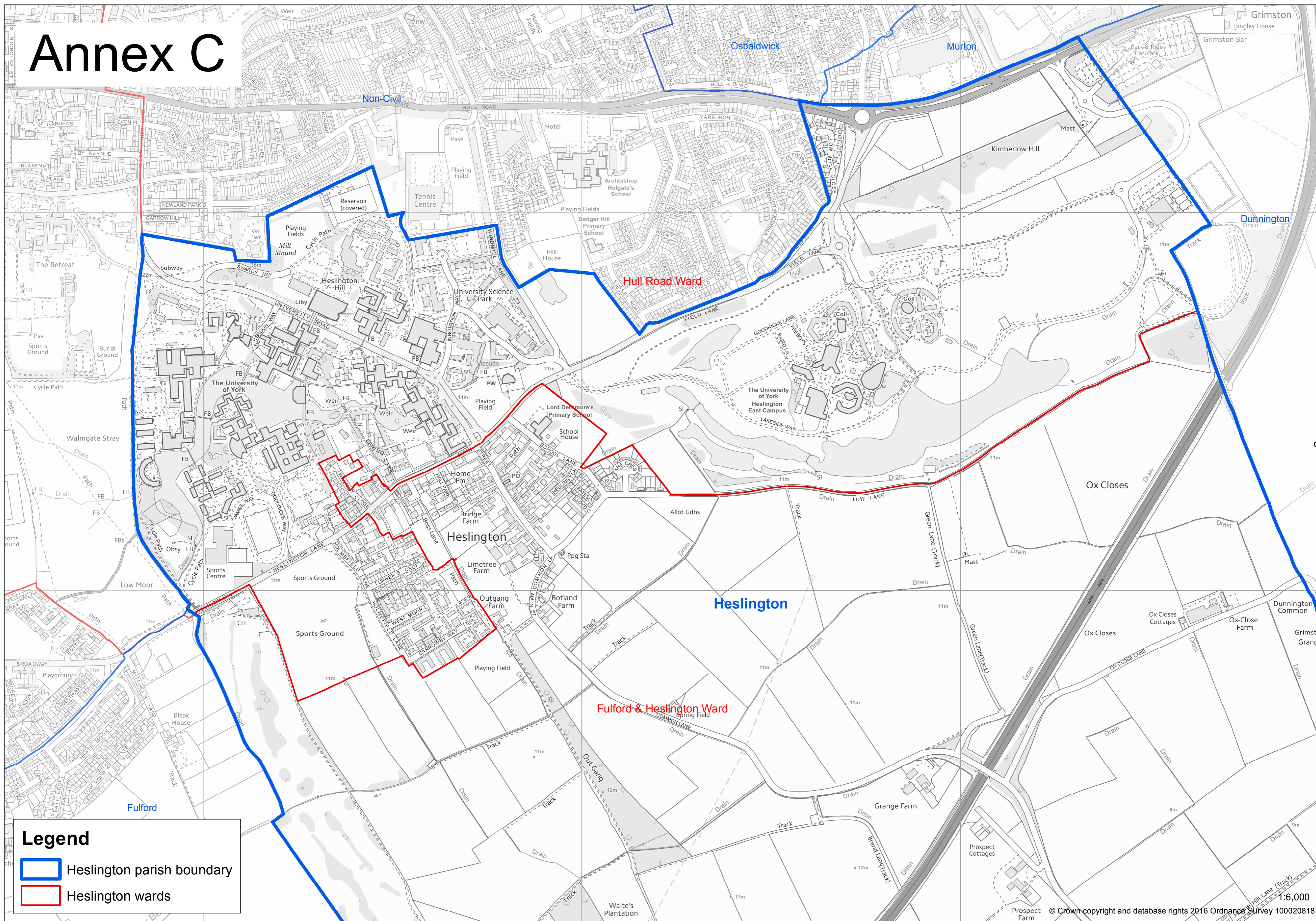


**Legend**



- Changes?
- Parish boundary

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# Annex C

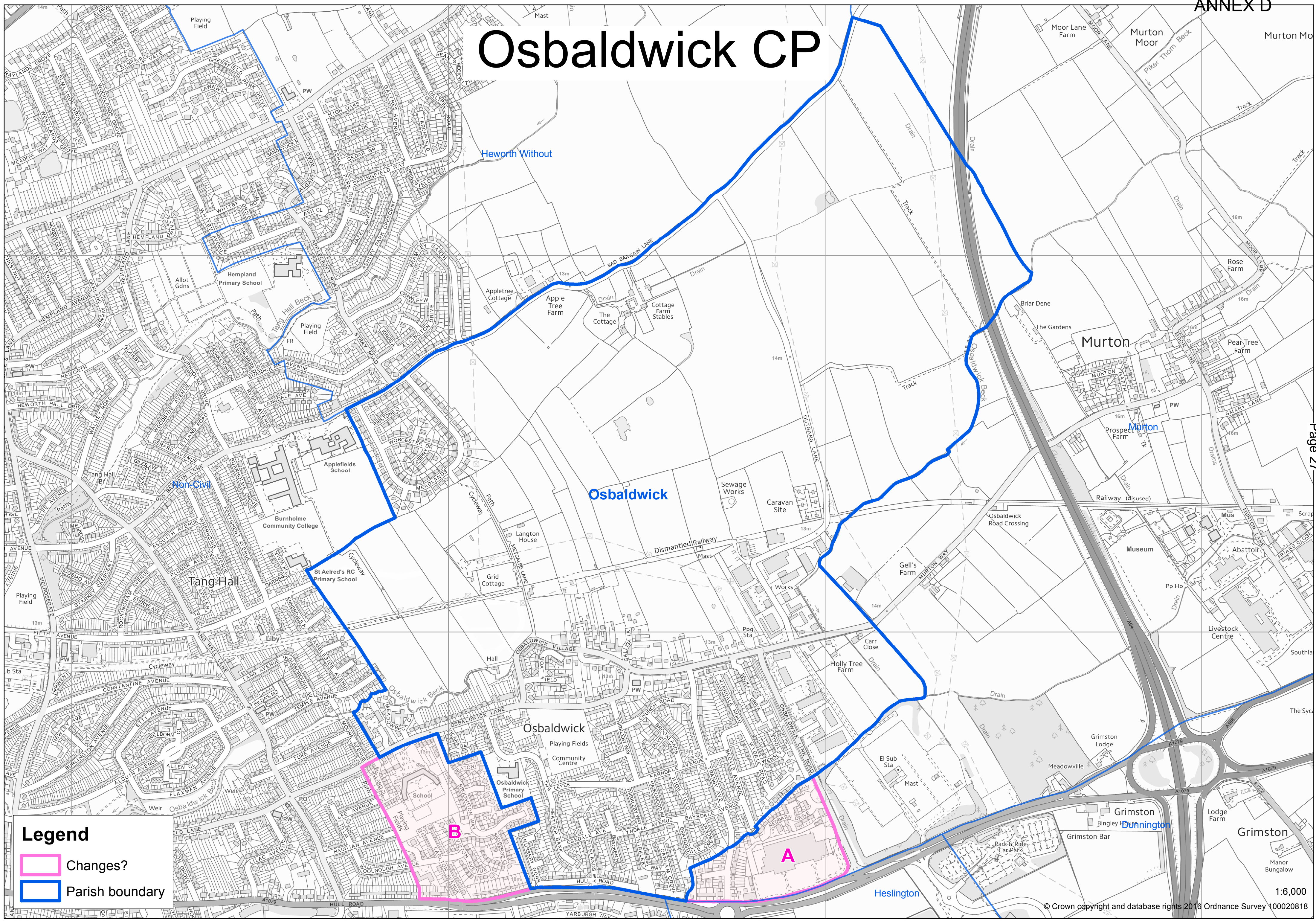


## Legend

-  Heslington parish boundary
-  Heslington wards

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# Osbaldwick CP



**Legend**

- Changes?
- Parish boundary

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**Gambling, Licensing & Regulatory Committee**

7 November 2016

Report from the Assistant Director – Planning and Public Protection

**Street Trading Consent Sites****Summary**

1. This report seeks Members' approval for the introduction to two new street trading consent sites, on St Helens Square and Station Road (adjacent to the cholera burial ground), and the trading activities which will be allowed there.

**Background**

2. On the 13 November 1996 the City of York Council (the Council) resolved to adopt the provisions of Schedule 4, Paragraph 2(1) of the Local Government (Miscellaneous Provisions) Act 1982 (the Act), it was agreed that all streets within the authority are to be designated consent streets for the purposes of street trading. This came into effect from 1 January 1997.
3. This means that a street trading consent issued by the Council is required where articles are sold or offered for sale in the street or on land to which the public have access without payment.
4. Under the Act "street trading" means the selling or exposing or offering for sale of any article in the street. A "street" includes any road, footway, beach, any part of a street or other area to which the public have access without payment.
5. By adopting Schedule 4 of the Act, the Council can control the street trading activities which take place. This includes the locations where street trading can take place, the items sold, days and hours that street trading can take place and appearance of street trading units/stalls.
6. The following activities are not classed as street trading and are therefore exempt from the requirement to obtain a street trading consent:

- (a) trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871;
  - (b) anything done in a market or fair the right to hold which was acquired by virtue of a grant or acquired or established by virtue of an enactment or order;
  - (c) trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980;
  - (d) trading as a news vendor;
  - (e) trading which –
    - i) is carried on at premises used as a petrol filling station; or
    - ii) is carried on at premises used as a shop in a street adjoining premises so uses and as part of the business of the shop;
  - (f) selling things, or offering or exposing them for sale, as a roundsman;
  - (g) the use of the trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway;
  - (h) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
  - (i) the doing of anything authorised by regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916.
7. St Helens Square has not previously being considered as a suitable location for street traders, officers believe this is due to the close proximity to the Mansion House and Guildhall.

## **Consultation**

8. View on this proposal have been sought from:
- North Yorkshire Police
  - CYC Network Management (Highways)
  - CYC Head of Operations (Cleansing and Waste)
  - CYC Conservation Officer
  - Ward Councillors
  - Make it York
  - BID
9. No comments have been received from North Yorkshire Police.
10. Network Management, cannot foresee any issues with Station Road, but would like to be involved in the details regarding exact location. They believe that there could be opposition to St Helens Square due to the visual impact and asked if Davygate had been considered.

11. Head of Operations asked if the traders would be required to provide their own bins and clear litter in the vicinity of their stalls at the end of trading.
12. No comments have been received from the Conservation Officer.
13. Councillor Hayes from the Micklegate Ward agrees with Make it York's perspective. That a collective perspective is required and we need to work to an overall city strategy.
14. Make it York have the following points:
  - We are very concerned about your plans for St Helens Square. This is very much on the footprint we have been asked to develop and we think it will conflict with plans for the Christmas market and our use of various parts of the city. We do not support this license development.
  - We are more relaxed about Station Road. I think this falls outside of the definition of the 'foot streets' we were given and is an area we don't operate in.
  - We believe there needs to be a broader conversation around the distinction between licensed stalls and market trading. It is currently very 'grey' and we run the risk of acting competitively with each other rather than collaboratively.
15. The BID has no issues with Station Road as there are no businesses that would be affected. St Helens Square has some small businesses around Blake Street and Stonegate that may be affected by someone selling hot drinks, pastries, etc. If it was something specific like a hot donut seller, i.e. something you cannot get in the immediate vicinity, then they would not question it as much, they are not sure how specific a licence can be.

## **Options**

16. Option 1 – Approve the introduction of two new street trading sites on St Helens Square and Station Road and their trading activities, seeking the views of our colleagues in Network Management and Make it York in relation to exact trading location.
17. Option 2 – Approve alternative locations for new street trading sites and/or alternative trading activities, seeking the views of our colleagues in Network Management and Make it York in relation to exact trading location.
18. Option 3 – Refuse to allow any additional street trading sites.

## **Analysis**

19. The Council has established a number of street trading consents sites/pitches within the city centre. Details of the trading activities and locations can be found at Annex 1. Some of these sites/pitches are on private land, as the public has free access without payment, therefore a consent is required. Consents are renewed annually from the 1<sup>st</sup> April.
20. Standard conditions attached to these consents can be found at Annex 2. Dependant on the site and trading activity additional conditions may be required.
21. Within the city centre the Council also issue consents to some ad-hoc (occasional) street trading activities, such as buskers selling CDs and hair wrapping.
22. As the city centre is a relatively small area, appropriate locations for street trading sites is limited. Issues such as the pedestrian zone, pavement widths, and not causing an obstructions must be taken into consideration. Due to this there is a waiting list of people who have shown an interest in trading within the city centre. There are approximately 130 names currently on this list.
23. A location plan of the proposed sites/pitches can be found at Annex 3. The trading units/stalls will be in keeping with the nature of the locations, for example white high gloss boxes will not be permitted.
24. The trading activity must also be in keeping with the nature of the locations, officers believe that the following trading activities will be acceptable:
  - St Helens Square – speciality tea/coffee, soft drinks and pastries.
  - Station Road – speciality tea/coffee, soft drinks, pastries and hot/cold sandwiches.

## **Council Plan**

25. The provision of street trading sites within the city centre supports the council plan of a prosperous city for all, where local businesses can thrive.

## **Implications**

26. The implications arising from this report are:

- **Financial:** There are no direct financial implications associated with this report; fees are set by the council at a cost recovery level.
- **Human Resources:** There are no Human Resources implications associated with this report.
- **Equalities:** There are no equalities implications associated with this report.
- **Legal:** The authority has adopted Schedule of the Local Government (Miscellaneous Provisions) Act 1982 in relation to street trading consents.
- **Crime and Disorder:** There are no prevention of crime and disorder implications associated with this report.
- **Information Technology (IT):** There are no IT implications associated with this report.
- **Other:** There are no other implications associated with this report.

### **Risk Management**

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

### **Recommendations**

28. The Committee is asked to:

- Approve option 1 i.e. the introduction of two new street trading sites and their trading activities, seeking the views of our colleagues in Network Management and Make it York in relation to exact trading location.

**Reason:** To support the introduction of new small businesses into the area and generate cost recover revenue for the authority.

**Contact Details**

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**Chief Officer Responsible for the report:**

Michael Slater  
Assistant Director (Planning and Public Protection)

**Report  
Approved**



**Date** 20/10/16

**Specialist Officer Implications:**

Glen McCusker  
Deputy Head of Legal Services  
Ext: 1048

**Wards Affected:** Guildhall and Micklegate



**Background Papers:**

Local Government (Miscellaneous Provisions) Act 1982

**Annexes**

**Annex 1** – Trading Activities and Locations

**Annex 2** – Standard Conditions

**Annex 3** – Plan of Proposed Trading Locations

**Current City Centre Street Trading Consent Locations and Trading Activities**

<b>Locations</b>	<b>Trading Activity</b>
St Sampson's Square	Late night – hot food (burgers, chips, etc)
Parliament Street	Late night – hot food (burgers, chips, etc)
High Ousegate	Late night – hot food (burgers, chips, etc)
Whip-A-Whop-Ma Gate	Late night – hot food (burgers, chips, etc)
Parliament Street	Ice Cream
Parliament Street	Lemonade (Summer) – Donuts (Winter)
Kings Square	Ice Cream (Summer) – Hot Punch (Winter)
Kings Square	Lemonade (Summer) – Crepes (Winter)
Kings Square	Candles
Kings Square	Caricature Drawings
St Sampson's Square	Ice Cream
St Sampson's Square	Hot Sausage
St Sampson's Square	Crafts
St Sampson's Square	Roast Chestnuts (winter months)
High Ousegate	Crepes
High Ousegate	Roast Chestnuts (winter months)
High Petergate	Ice Cream
Museum Gardens	Ice Cream (summer months)
Castle Museum	Ice Cream
Deans Park	Ice Cream, Drinks, Cupcakes
Exhibition Square	Ice Cream
Station Rise	Ice Cream (summer months)
Marygate Landing	Ice Cream
Kings Staith	Ice Cream
Parliament Street	Candles
Davygate	Flowers
Junction High/Low Petergate	Caricature Drawings

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## STANDARD CONDITIONS

### SCHEDULE

1. Instalments relating to street trading fees must be paid in full within 14 days from receipt of the invoice for the period to which they relate.
2. The consent holder shall ensure that this consent or a copy thereof shall be kept available at the stall during trading hours and must be produced to any police officer or duly authorised officer of the City of York Council upon demand.
3. A certificate will be issued along with the consent which must be clearly displayed on the vehicle or stall.
4. The consent holder shall ensure that the City of York Council is informed immediately of any new assistants employed in working the vehicle or stall.
5. The consent holder or any person working the vehicle or stall shall ensure that they carry their issued personalised cards at all times when trading and produce it to any police officer or duly authorised officer of the City of York Council upon demand.
6. The consent holder shall ensure that all trading activities and associated operations carried out in connection with this consent are adequately covered by Public Liability Insurance at all times.
7. The holder of the consent shall observe all regulations and restrictions currently in force concerning the use of the stall and in particular shall observe all traffic regulations and parking restrictions and shall ensure that no obstruction of the street or highway is created by the operation of the trading activity.
8. The consent holder shall ensure that the correct price of articles sold is always prominently displayed on the stall.
9. There shall be no alteration in the design/construction/appearance of the vehicle/stall without the written permission of the licensing authority having been obtained.
10. There shall be no change in the range of products sold without the written permission of the licensing authority having been obtained.

11. The consent holder shall not do or permit anything to be done in association with the trading activity, which in the opinion of the City of York Council may become a danger, nuisance or annoyance or cause damage or inconvenience to any person.
12. On occasion it is necessary for a vehicle or unit on a static site to move location. When this occurs the consent holder shall comply with any directions made by a duly authorised officer of the City of York Council.
13. The consent holder shall observe and comply with any directions given by a duly authorised officer of the City of York Council in connection with the trading activity.
14. The consent holder shall ensure that all litter and refuse generated by the trading activity is removed from site at the end of each trading period.
15. The consent holder shall ensure that no liquids of any description are deposited into rain water gullies on site. All liquids must be removed from site at the end of each trading period and must be disposed of in a proper manner.
16. The consent holder must ensure that all paving is left clean and grease free at the end of each trading period.
17. The consent holder shall ensure compliance with all relevant statutory provisions affecting his/her trading operation.



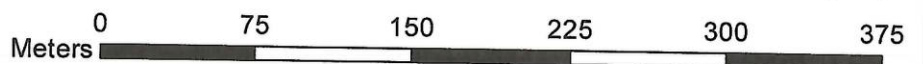
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**Map Notes:**

**Date:** 27/10/2016

**Author:**

**Scale:** 1:2,500



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