

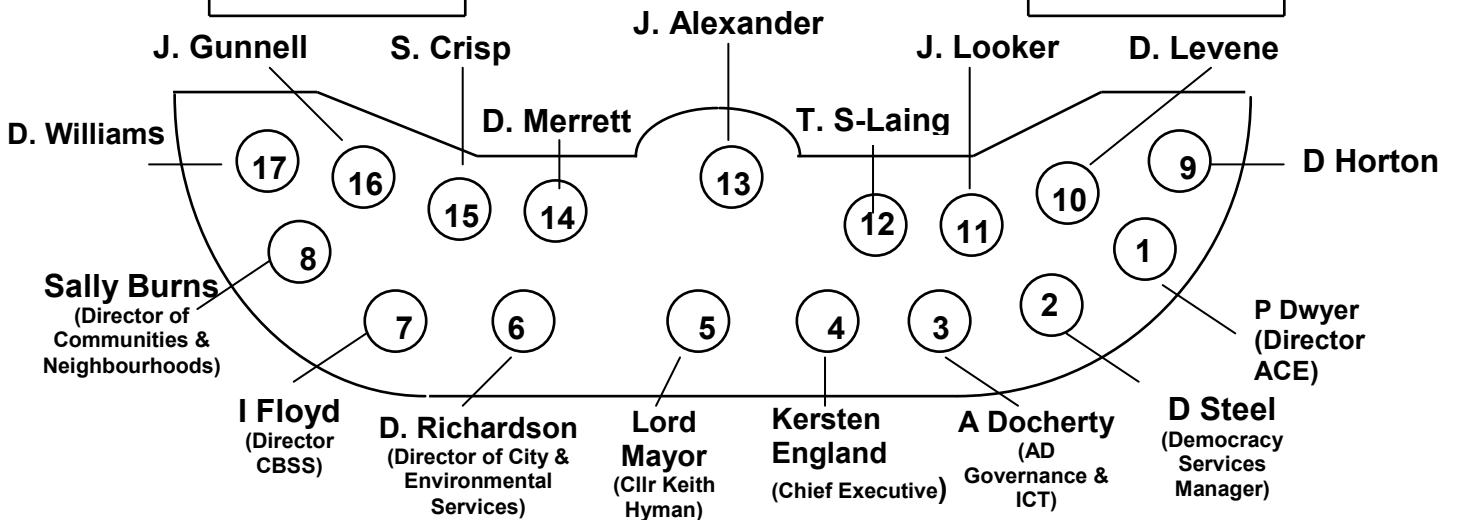
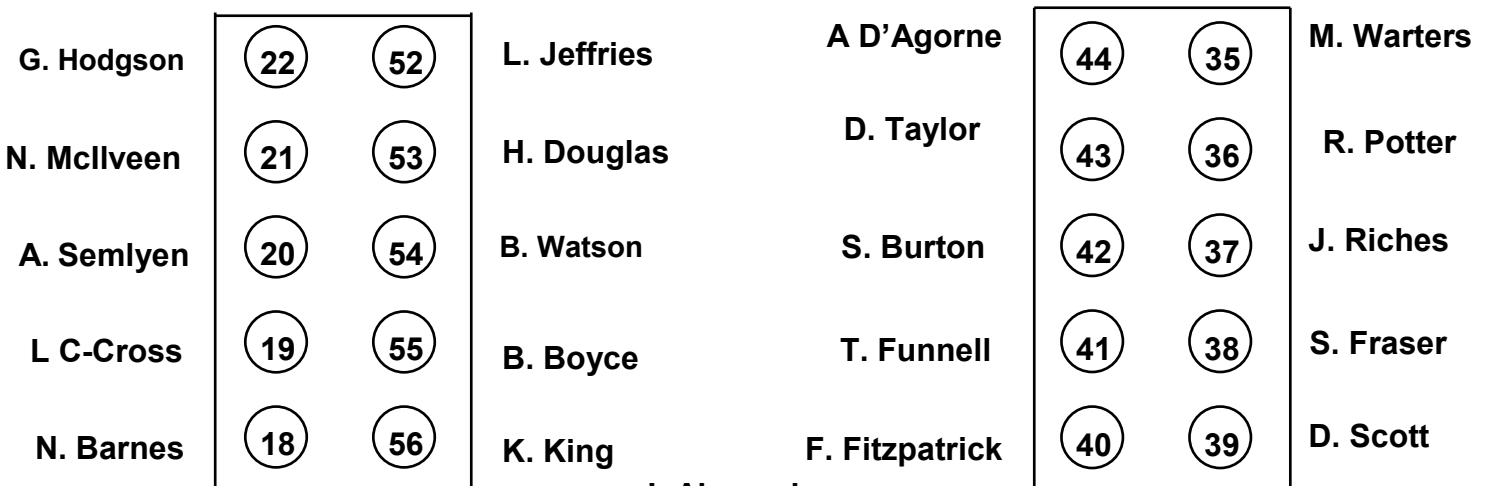
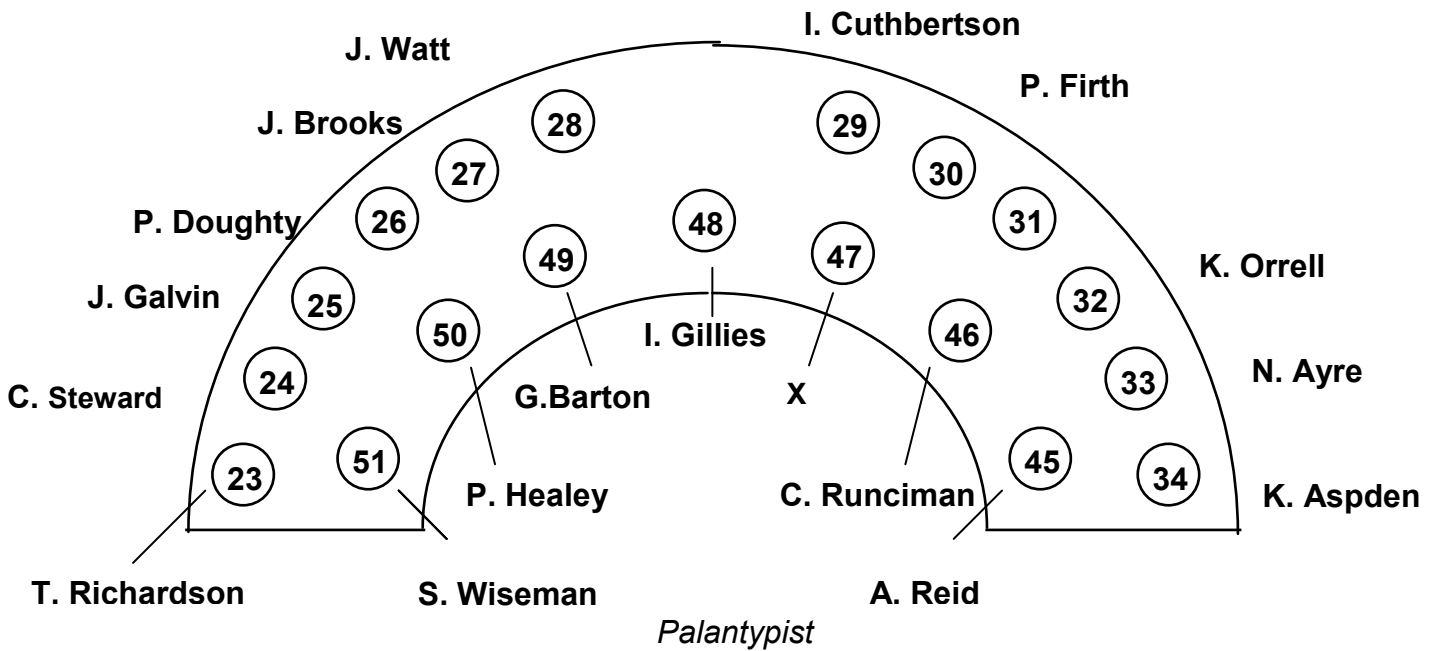
**CITY OF YORK COUNCIL  
SUMMONS**

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

**Thursday, 13 December 2012 at 6.35 pm**



# COUNCIL CHAMBER



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

### **1. Declarations of Interest**

At this point, Members are asked to declare:

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

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

### **2. Minutes (Pages 1 - 54)**

To approve and sign the minutes of the last Council meeting held on 11 October 2012.

### **3. Civic Announcements and Lord Mayor Elect**

To consider any announcements made by the Lord Mayor in respect of Civic business and invite the Leader to announce the Lord Mayor Elect for the 2013/14 municipal year.

### **4. Public Participation**

At this point in the meeting, any member of the public who has registered to address the Council, or to ask a Member of the Council a question, on a matter directly relevant to the business of the Council or the City, may do so. The deadline for registering is **5:00pm on Wednesday 12 December 2012.**

### **5. Petitions**

To consider any petitions received from Members in accordance with Standing Order No.7. To date, notice has been received of one such petition as follows:

- A petition to be presented by Cllr Reid on behalf of residents of Spurr Court requesting the reinstatement of the streetlight that was removed in 2011.

### **6. Report of Cabinet Leader and Cabinet Recommendations (Pages 55 - 92)**

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

Meeting	Date	Recommendations
Cabinet	6 November 2012	Minute 55: 2012/13 Capital Programme Monitor 2
Cabinet	4 December 2012	Minute 70: Council Tax Support Decision Paper (Minutes to follow)

<http://modgov.york.gov.uk/ie/ListDocuments.aspx?CId=733&MId=6879&Ver=4>

**7. Scrutiny - Report of the Chair of the Corporate and Scrutiny Management Committee** (Pages 93 - 96)

To receive a report from Councillor Wiseman, the Chair of the Corporate and Scrutiny Management Committee (CSMC) on the work of the CSMC.

**8. Report of Cabinet Member** (Pages 97 - 116)

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

**9. Recommendations of the Joint Standards Committee** (Pages 117 - 118)

To consider the following recommendations for approval from the Joint Standards Committee:

Meeting	Date	Recommendations
Joint Standards Committee	28 November 2012	Minute 20: Appointment of Independent Persons  Minute 21: Dispensations

<http://modgov.york.gov.uk/ie/tDocuments.aspx?CId=140&d=7107&Ver=4>

## 10. Recommendations of the Gambling, Licensing and Regulatory Committee (Pages 119 - 150)

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

Meeting	Date	Recommendations
Gambling, Licensing and Regulatory Committee	19 November 2012	Minute 8: Statement of Licensing Policy – Gambling Act 2005  <a href="http://modgov.york.gov.uk/ie/Documents.aspx?CId=606&amp;=6921&amp;Ver=4">http://modgov.york.gov.uk/ie/Documents.aspx?CId=606&amp;=6921&amp;Ver=4</a>

## 11. Activities of Outside Bodies

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

<http://democracy.york.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12959&path=0>

Copies may also be obtained by contacting Democracy Support Group at the Guildhall, York (tel. 01904 551088)

- NHS Foundation Trust - 23 May 2012
- Yorkshire Purchasing Organisation – 22 June 2012
- North Yorkshire Police Authority – 25 June 2012
- Quality Bus Partnerships – 17 September 2012
- North Yorkshire Fire & Rescue Authority – 26 September 2012
- Safer York Partnerships – 11 October 2012

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

## 12. Notices of Motion

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

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

*None*

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

#### (i) From Cllr Williams

“This Council congratulates Julia Mulligan on being elected as the new Police and Crime Commissioner for York and North Yorkshire.

In noting that around 40% of all crimes in North Yorkshire take place in York, it is very important that the new Commissioner wins the confidence of the people of York by making the tackling of crime and anti-social behaviour in our City her top priority.

With this in mind, we resolve to ask for her support in the following policy commitments for her first year in office:

1. Maintaining a separate Community Safety Partnership for York, with resources to remain at least as they are at present.
2. Maintaining Police Community Support Officers in York to at least their current levels.
3. No cuts to Neighbourhood Police Teams in York.
4. Support for City of York Council’s coming Crime Summit to be themed around addressing alcohol misuse.”

#### (ii) From Cllr Steward

“Council notes with increasing concern the anti-democratic behaviour of the Cabinet and Council and its failure to respect residents or opposition councillors. In particular council notes:

- That the ruling group should not have scrutiny chairs and also the insistence of this cabinet on whipping scrutiny

committees, as was recently highlighted by Cllr Jeffries.

- The late publication of papers, with inadequate time for consideration by councillors or information for residents and also the abolition of public decision sessions and an increased amount of decisions in total secret. In addition the lack of access to papers including the late publication of budget papers to opposition councillors.
- The lack of discussion on key issues such as '20's plenty' and when consultation is held it does not truly engage or may even be flawed – for example in the case of the changes to Adult Social Care.
- The frequent rearrangement of meetings, with a lack of notice or the cancellation of meetings for example this month of EcDos and the several times cancelled Local Plan Group; the committees for which have much needed work to do.
- The poor format of Full Council meetings, with discussion stifled, too little opportunity to question Cabinet members and motions not given adequate priority.
- The over-use of 'pink papers' as one of the ways to keep information secret, which leads to a situation where members of the public are forced to use Freedom of Information requests.

Therefore council calls for an all party group, including independent members to be established in order to make recommendations to ensure council works in a more effective, transparent and democratically engaging way and to restore the respect for the council which cabinet has done so much to erode.”

(iii) From Cllr Runciman

Using the Sustainable Communities Act

“City of York Council

(a) supports the bottom up process in the Sustainable Communities Act that enables councils and their communities



to drive the action and assistance that central government gives in promoting thriving local economies and sustainable communities;

- (b) notes that the Act gives councils the power to make proposals to government for action and assistance from government to promote sustainable communities, and that those proposals can be for, but are not restricted to, new powers or a transfer of powers or public money and function from central control to local control;
- (c) notes that the Act defines sustainable communities broadly, that definition having the 4 aspects of
  - the improvement of the local economy,
  - protection of the environment,
  - promotion of social inclusion, and
  - participation in civic, political and democratic activity;
- (d) notes that new regulations for the Act made in June 2012 improve the process and make it more favourable for councils in the following ways
  - councils' proposals are submitted directly to the government, there will no longer be short listing
  - councils can submit proposals whenever they are ready as the process is now ongoing
  - there will be a time limit of six months on the government to consult and try to reach agreement with the Selector (currently the Local Government Association) regarding councils' proposals and to then respond to those proposals
  - councils that choose to submit proposals may now decide how to consult and try to reach agreement with representatives of communities in their areas on what proposals to submit;
- (e) notes that the Government has formally invited all Local Authorities to use the Act by submitting proposals;
- (f) resolves to use the Act by responding to this invite and submitting proposals for action and assistance from central government each year for the next three years and to then review the outcome of this activity and consider whether to continue to use the Act; and

(g) further resolves to

- to inform the local media of this decision;
  - to write to local MPs, informing them of this decision;
- and
- to write to Local Works (at Local Works, c/o Unlock Democracy, 37 Gray's Inn Rd, London WC1X 8PQ or [info@localworks.org](mailto:info@localworks.org)) informing them of this resolution to use the Act."

(iv) From Cllr Burton

"Council notes the success of the 'City Team York' Partnership and recognises the work being undertaken to revitalise York's city centre.

Council believes that a similar partnership board should be set up for Acomb due to the shopping areas significant importance to the economic viability of the City and employment of residents. This board should have representation from across the various sectors in the same way City Team York does.

Council requests that the Chief Executive set up an 'Acomb Team' so that the future economic wellbeing of this important retail area is supported to flourish."

### **13. Questions to the Cabinet Leader and Cabinet Members received under Standing Order 10(c)**

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

(i) To the Cabinet Leader from Cllr Doughty:

"It is my understanding that the Economic Infrastructure Fund of £28.5Million for so-called 'investment projects' by this Labour Council administration was intended to be used over a 5 year period from April this year. I note from the Cabinet papers of December 4th 2012, a sum in excess of £12Million has already been spent or under consideration. I am no mathematician but this equates to around 40%

nominated in the first year alone. Will Councillor Alexander give assurances to Council that his party will not plunge the City into yet further debt when these 'borrowed' coffers have run out and seek a further fund by method of borrowing with interest?"

(ii) To the Cabinet Leader from Cllr Doughty:

" Whilst admiring the council's aspiration to pay its lowest-paid employees a living wage, can the Council Leader explain how it can be sustainable to fund staffing costs by borrowing from the already heavily-subscribed Economic Infrastructure Fund and whether this fund will also be used to fund employees' increased wages in 2014 and after?"

(iii) To the Cabinet Leader from Cllr Doughty:

"Regarding the Cabinet's proposed 'Arts Barge' project, what steps will the Council take to protect residents' money as a public investment in this project beyond part ownership of an unrefurbished boat and can the Council Leader make any representations at all as to the financial sustainability of this project over a long term basis?"

iv) To the Cabinet Leader from Cllr Ayre:

"Could the Cabinet Leader detail all trips made by him since taking office, what the expense was to the taxpayer, and what budget this came from?"

(v) To the Cabinet Leader from Cllr Reid:

"What proportion of retail and office space is currently empty in each of the City's sub-urban wards and how does this compare to the City Centre? How much of the "Innovation & Delivery Fund" and the "Economic Infrastructure Fund" does the Cabinet Leader intend to allocate to regeneration initiatives in sub-urban employment centres such as Acomb Front Street?"

(vi) To the Cabinet Leader from Cllr Reid:

“What came first the invitation to visit the Philippines embassy or the publicity for the National Union of Students protest?”

(vii) To the Cabinet Member for Corporate Services from Cllr D’Agorne:

“Can you give an assurance that any additional council tax funds raised from the increased revenues on empty homes, as approved by cabinet in November, will be used exclusively to directly alleviate poverty in York amongst our most financially vulnerable residents, specifically those who will suffer when the large cuts in council tax benefit are introduced in April?”

(viii) To the Cabinet Member for Corporate Services from Cllr Ayre:

“Could the Cabinet Member detail all her trips made since taking office, what the expense was to the taxpayer, and what budget this came from?”

(ix) To the Cabinet Member for Corporate Services from Cllr Cuthbertson:

“What controls on expenditure on fixtures, fittings and other supply services for the new HQ are in place and can the Cabinet Member confirm what the estimated outturn, against the £2.4 million budget, is now expected to be?”

(x) To the Cabinet Member for Corporate Services from Cllr Reid:

“Why is the Council purchasing 2405 new seats for the new Council offices when fewer than 1000 staff and visitors are likely to be in the building at any one time?”

- (xi) To the Cabinet Member for Corporate Services from Cllr Reid:

“What proportion of the furniture at the new HQ will be reused units from the existing offices?”

- (xii) To the Cabinet Member for Corporate Services from Cllr Firth:

“Following the latest Cabinet decisions, the level of concessionary charges for pensioners playing bowls on public greens will have doubled since Labour took over the leadership of the Council 18 months ago. How many concessionary tickets for this activity have been sold in each of the last 2 years, how much income has this produced for the Council and what are the forecast sales for 2013?”

- (xiii) To the Cabinet Member for Corporate Services from Cllr Firth:

“In September the Cabinet promised to build on the legacy of the Olympics and improve sports participation in York. How does this fit with the plans to increase tennis court charges by 16.7% and 33% for concessions?”

- (xiv) To the Cabinet Member for Corporate Services from Cllr Orrell:

“City of York Council’s website promises that all residents making complaints will get responses within 5 days. Could the Cabinet detail (by department) how many complaints were answered within this time limit and how many complaints have progressed to stages 2 and 3?”

- (xv) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Doughty:

“I refer to recent reports of the abandonment of plans for a

new care home at the Fordlands site in Fulford and delays to the proposed site at the former Lowfield School in Acomb. It is well documented that parts of Fulford are susceptible to flood risk and it is perhaps somewhat surprising that this was not considered before £38,000 was spent on architect fees and a further £13,000 on a site survey. Can the Cabinet Member please advise how recently it was considered too great a risk of flooding?”

- (xvi) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Doughty:

“The Cabinet Member suggests that the Burnholme Community College site may offer an option for a bigger care home (72 bed home rather than a proposed 55 bed home at Fordlands). At what additional cost will this be?”

- (xvii) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Doughty:

“What future does the Cabinet Member now envisage for the Fordlands site now the care home plans have been abandoned here?”

- (xviii) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Doughty:

“Can the Cabinet Member please detail the reasons for delay in the tendering process on the former Lowfield School site?”

- (xix) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Ayre:

“Could the Cabinet Member detail all the trips made by her since taking office, what the expense was to the taxpayer, and what budget this came from?”

- (xx) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Aspden:

“Could the Cabinet Member provide an update on the

flooding at Windsor House and the residents affected?”

- (xxi) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Aspden:

“The Cabinet agreed an April 2014 completion date for the new ‘Care Village’ which is to be built on the former Lowfields School site. When does the Cabinet Member now expect the new Lowfields Care Village will be completed and available for occupation? What are the reasons for any delay?”

- (xxii) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Cuthbertson:

“How many people were registered on the housing waiting list in York when:

- a) The Cabinet Member took up post
- b) At the end of November 2012

How many additional social housing units have been occupied, and how many “new starts” on affordable housing units have been made, over the same period of time?”

- (xxiii) To the Cabinet Member for Health, Housing and Adult Social Services from Cllr Aspden:

“Could the Cabinet Member ensure that residents in the local area are properly consulted before any decision is taken on what to do with the Fordlands site previously allocated for a new care home?”

- (xxiv) To the Cabinet Member for Leisure, Culture and Tourism from Cllr Barton:

“Following 2012’s ‘Illuminating York’ debacle, will the Cabinet Member assure the council that the 2013 event will revert to its previous successful format?”

(xxv) To the Cabinet Member for Leisure, Culture and Tourism from Cllr Barton:

“In view of the widespread public criticism of the inferior quality ‘Gunpowder Plod’, does the Cabinet Member regret her endorsement of the event and can she assure members that in 2013 that any event the Cabinet Member appears in The Press to promote will be a more professional offering to prevent further embarrassment to the council?”

(xxvi) To the Cabinet Member for Leisure, Culture and Tourism from Cllr Barton:

“Could the Cabinet Member say what stage has been reached in the consideration of transferring York’s Library Service to a Trust Foundation?”

(xxvii) To the Cabinet Member for Leisure, Culture and Tourism from Cllr D’Agorne:

“In view of the damage to the Sustrans track and the severe churning up of the ground adjacent to Bustardthorpe allotments caused by contractors while removing temporary fencing after the fireworks show on the Knavesmire; can you assure Council that all the costs of repair and restoration will be recovered from Rat Race event organisers?”

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

“Could the Cabinet Member detail all the trips made by her since taking office, what the expense was to the taxpayer, and what budget this came from?”

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

“Does Cabinet Member agree with the officer’s report which claims there are no equalities implications to the ‘footstreets’ review?”



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

“Can the Cabinet Member confirm when the public will be consulted on whether they want libraries to be transferred out of council control?”

(xxxii) To the Cabinet Member for Education, Children and Young People’s Services from Cllr Richardson:

“Does the Cabinet Member believe she is able to devote the required time and attention to her high profile portfolio when she is undoubtedly heavily involved in assisting the Financial Services Agency investigation into the collapse of the York & North Yorkshire Credit Union and the subsequent police investigation?”

(xxxiii) To the Cabinet Member for Transport, Planning & Sustainability from Cllr D’Agorne:

“What improvements are planned to the council gully clearing regime in view of the experience of recent floods and periods of intense rainfall?”

(xxxiv) To the Cabinet Member for Transport, Planning & Sustainability from Cllr D’Agorne:

“What progress is being made on 'anti idling' regulations/initiatives particularly for buses and taxis in the Air Quality Management Areas especially Rougier St?”

(xxxv) To the Cabinet Member for Transport, Planning & Sustainability from Cllr D’Agorne:

“Does the cabinet member anticipate any improvement in air quality in 2013 report to the DfT compared with April this year?”

(xxxvi) To the Cabinet Member for Transport, Planning & Sustainability from Cllr D’Agorne:

“How many 'All York' tickets have been sold each month

since the launch?”

(xxxvi) To the Cabinet Member for Transport, Planning & Sustainability from Cllr D’Agorne

“What action is proposed to maintain a bus service link between Fulford and the University/ Sports Village when the No 20 bus route is curtailed in January?”

(xxxvii) To the Cabinet Member for Transport, Planning & Sustainability from Cllr Ayre

“Could the Cabinet Member detail all the trips made by him since taking office, what the expense was to the taxpayer, and what budget this came from?”

(xxxviii) To the Cabinet Member for Transport, Planning & Sustainability from Cllr Cuthbertson

“What is the Cabinet Member doing to ensure that the Number 13 bus service meets Haxby and Wigginton residents’ needs for keeping to timetable and reliability, and when did he last meet the providers of the city’s bus services to monitor this?”

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

“At the October Council meeting the Cabinet Member agreed to “*look into*” publishing reliability information provided by those bus operators providing services under Council contracts, as well as asking the bus operators to authorise the Council to publish the number of “All York” tickets sold each month. What progress has been made and where can bus passengers in York now access reliability information for the services that they use?”

(xi) To the Cabinet Member for Transport, Planning & Sustainability from Cllr Reid

“Why did the Cabinet Member decide to consider at a

private meeting the Bus Improvement Study report which was only made available publicly **after** decisions had been made on its recommendations?”

(xli) To the Cabinet Member for Transport, Planning & Sustainability from Cllr Runciman

“In reference to the Liberal Democrat Group comments submitted to Cabinet this month, will the Cabinet Member support our request that a further report is prepared by officers within 6 months to include all instances of Surface Water Drainage problems in the City of York Council area since 2007?”

(xlii) To the Cabinet Member for Transport, Planning & Sustainability from Cllr Runciman

“Could the Cabinet Member ensure that a clear communications strategy is in place, allowing householders impacted by Surface Water drainage issues to know what is happening to tackle the issues, or a full explanation as to why work will not take place?”

(xliii) To the Cabinet Member for Environmental Services from Cllr D’Agorne:

“What is the current annual payment in respect of work on the Amey Cespa waste project?”

(xliv) To the Cabinet Member for Environmental Services from Cllr D’Agorne:

“What action is he taking to promote composting, re-use and waste minimisation as a way of reducing current landfill tax payments?”

(xlv) To the Cabinet Member for Environmental Services from Cllr D’Agorne:

“Would he consider encouraging and facilitating snow wardens and others to train as 'flood wardens' where

appropriate in their local communities?”

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

“Could the Cabinet Member detail all the trips made by him since taking office, what the expense was to the taxpayer, and what budget this came from?”

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

“At the October Council meeting the Cabinet Member said “*Cabinet will consider a report on options for garden waste in December – there will be a consultation following consideration of this report*”. Subsequently the report was withdrawn from the Cabinet agenda for December. Would the Cabinet Member confirm it is still his intention to publish such a report, what options it will consider and when, and how, members of the public will be consulted on any proposed changes to existing collection arrangements?”

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

“Street lighting standards have fallen in several streets following the recent installation of new lampposts, including Lendal Bridge and Gale Lane. Has the Cabinet Member visited these locations, can he confirm when the outstanding work will be completed and illumination levels returned to, at least, those enjoyed before the “modernisation” programme was started?”

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

“Residents whose waste is collected on a Tuesday are being told to leave their waste out for up to 4 days after New Year. As Council policy tells people not to leave waste out before 7am are the Council expecting residents to bring the rubbish in every night and put it out again the next day until it is eventually collected?”

- (I) To the Cabinet Member for Environmental Services from Cllr Ayre:

“Could the Cabinet Member explain what action residents in Heworth Without and elsewhere should take when the footpaths are too dangerous to walk on because of ice, there are no salt bins to grit the paths, and the Council refuses to act?”

- (li) To the Cabinet Member for Crime and Stronger Communities from Cllr Ayre:

“Could the Cabinet Member detail all the trips made by him since taking office, what the expense was to the taxpayer, and what budget this came from?”

- (lii) To the Cabinet Member for Crime and Stronger Communities from Cllr Reid:

“Why has the Cabinet Member abandoned the annual ballot which the Council ran for over 10 years and which revealed residents spending priorities at a ward level?”

- (liii) To the Cabinet Member for Crime and Stronger Communities from Cllr Reid:

“How much of the funding allocated to each ward committee for the current year remains unspent and will he agree to allocate any underspend to sustaining key public services such as filling salt bins and reducing litter?”

- (liv) To the Cabinet Member for Crime and Stronger Communities from Cllr Runciman:

“Could the Cabinet Member update Council on the renovation work on York Crematorium, on Bishopthorpe Road. When is the work due to be completed, were all parts ordered and received on time, if there are any delays what has caused them, is the work still within the planned budget, and have any additional expenses been incurred?”

(iv) To the Cabinet Member for Crime and Stronger Communities from Cllr Cuthbertson:

“After the total lack of liaison with Parish Councils over Labour’s decisions not to refill half of the city’s salt bins and to slash Ward Committee budgets earlier this year, could the Cabinet Member detail what steps he has taken to ensure that wider community needs are met by Parish Councils where possible and what discussions have been held with Parish Councils to ask them to adjust their precept accordingly?”

**14. Urgent Business**

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

Democracy Officer for this meeting:

Name: Jill Pickering

Contact details:

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

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

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

Contact details are set out above.

**CITY OF YORK COUNCIL**

Resolutions and proceedings of the Meeting of the City of York Council held in Guildhall, York on Thursday, 11th October, 2012, starting at 6.30 pm

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

**ACOMB WARD**

Simpson-Laing

**BISHOPTHORPE WARD**

Galvin

**CLIFTON WARD**Douglas  
King  
Scott**DERWENT WARD**

Brooks

**DRINGHOUSES &  
WOODTHORPE WARD**Hodgson  
Reid  
Semlyen**FISHERGATE WARD**D'Agorne  
Taylor**FULFORD WARD**

Aspden

**GUILDHALL WARD**Looker  
Watson**HAXBY & WIGGINTON WARD**Cuthbertson  
Firth  
Richardson**HESLINGTON WARD**

Levene

**HEWORTH WARD**Boyce  
Potter**HEWORTH WITHOUT WARD**

Ayre

HOLGATE WARD

Alexander  
Crisp  
Riches

HULL ROAD WARD

Barnes  
Fitzpatrick

HUNTINGTON & NEW  
EARSWICK WARD

Hyman  
Orrell  
Runciman

MICKLEGATE WARD

Fraser  
Gunnell  
Merrett

OSBALDWICK WARD

Warters

RURAL WEST YORK WARD

Gillies  
Healey  
Steward

SKELTON, RAWCLIFFE &  
CLIFTON WITHOUT WARD

Cunningham-Cross  
McIlveen  
Watt

STRENSALL WARD

Doughty

WESTFIELD WARD

Burton  
Williams

WHELDRAKE WARD

Barton

Apologies for absence were received from Councillors Horton, Funnell, Wiseman and Jeffries



### 30. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal, prejudicial or disclosable pecuniary interests they might have in the business on the agenda.

The following **prejudicial** interest was declared:

<u>Councillor</u>	<u>Agenda Item</u>	<u>Description of Interest</u>
Potter	28 (i). Council Minutes, 12 July 2012 - Notices of Motion (North Yorkshire Police and Crime Commissioner)	As an election candidate

*Note: The above member left the room during the debate / vote on the relevant items and took no part in the decisions thereon.*

The following **personal** interests were declared:

<u>Councillor</u>	<u>Agenda Item</u>	<u>Description of Interest</u>
Crisp	13. (xxv). Questions to the Cabinet Leader	As her son works for Blackpool Council
Hodgson	6. Report of Cabinet Leader - Internationalisation	As a member of the York International Association and Unison

### 31. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded from the meeting during consideration of Annexes 2, 3 and 4 to Agenda Item 7 relating to the Cabinet's recommendations on the Sale of the Hungate Site and Annex 2, also at Agenda Item 7 relating to the Cabinet's recommendations on the Admin Accommodation Portfolio on the grounds that they contain information relating to the financial or business affairs of particular persons, which is classed as exempt under paragraph 3 and as Annex 4

contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings, which is 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.

**32. MINUTES**

RESOLVED: That the minutes of the last Ordinary meeting of the Council held on 12 July 2012 be approved and signed as a correct record.

**33. CIVIC ANNOUNCEMENTS**

The Lord Mayor confirmed that, prior to the next Council meeting on 13 December, there would be a Special Meeting to confer ‘Freedom of Entry to the City’ to the 34 Field Hospital.

The Lord Mayor also proudly reported receipt of the framed certificate for this year’s Council’s Yorkshire in Bloom Gold Award in the City Category. He asked all Members to join him in formally congratulating everyone involved in the achievement and showing their appreciation for the hard work involved.

Members were also informed of three pictures all recently presented to the Lord Mayor, the first on behalf of HMS York following its decommissioning last month, the second from the Third Yorkshire Regiment presented following their parade in July and the third a York 800 watercolour picture containing gold and silver leaf painted by Ron Plumpton of Copmanthorpe.

Finally, on Members behalf he asked that best wishes be forwarded to Councillor Jeffries for a speed recovery following her recent illness.

**34. PUBLIC PARTICIPATION**

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

Wilson Clark spoke in support of the petition to be presented, later in the meeting, requesting speed restrictions on the A19 at Deighton. He referred to the alarming increase in traffic on the A19 generated by the

Designer Outlet and Park and Ride sites with more expected following proposed developments in Barlby and the North Selby anaerobic digestion plant. Residents of the village were requesting a 40mph speed limit and safe access/egress to the A19 for pedestrians, bus users, motorists and cyclists.

Tony Bramley also spoke in support of the petition requesting speed restrictions on the A19 at Deighton. He referred to 80% resident support for a 40mph, rather than a 50mph speed limit through the village. The recent fatality on the A19 at Deighton, had involved his son's girlfriend. She had been trying to cross the road which had, at the time, been dark as the bus stop lighting had been out of action for a number of months. He requested member support for a lower speed restriction in the area, with improved lighting, to ensure residents were able to safely cross the road.

Richard Bridge spoke on the Council Tax Benefit reform, the forthcoming legislation which would target the poorest in society. He referred to the number of current tax benefit claims which also included a number of residents in work. Reference was made to other options available as those targeted had also received other cuts in income which would mean they had to make a choice between eating and heating. He therefore asked members to consult on alternative options when considering the localisation of Council Tax benefits.

Valerie Bedford spoke in support of the petition, to be presented later in the meeting by Councillor Cuthbertson, regarding traffic issues at Calf Close, Haxby. She pointed out that Calf Close had once been a peaceful road popular with young families and the elderly, close to a sports field. However in 2009 the road had become a short cut from Station Road to York Road with incidences of speeding vehicles and cars hitting kerbs and walls raising residents concerns over safety. Petitioners were requesting that Calf Close should either be made a 'no through road' or a 20mph zone.

Sarah Hodgson also spoke in support of the petition regarding traffic issues at Calf Close, Haxby. She confirmed that residents were requesting safety measures that would ensure children and vulnerable residents had safe access to the Ethel Ward Playing Fields. Reference was made to the regular need to contact Police and PCO's following the use of the road as a racing circuit. Residents were requesting action to prevent Calf Close being used as a short cut and to limit vehicles to safe speeds.

Jim Begley spoke in support of a petition to be presented by Councillor Scott, later in the meeting, regarding traffic issues on The Avenue/Westminster Road, Clifton. Mr Begley thanked members for agreeing to reinstate the left hand turn at the Water End junction however their roads were still being used as a rat run by vehicles trying to avoid the traffic lights and queues at the junction. Recent official counts had demonstrated that, on average, over 1500 vehicles created noise, vibration, dust and other pollution on residential roads on a daily basis. Residents were requesting point closure to improve safety for residents and improve their quality of life.

### 35. PETITIONS

#### Petitions Presented Under Standing Order 7

Under Standing Order 7, petitions were presented by:

- i) Cllr Barton on behalf of residents of The Ruddings, Wheldrake requesting resurfacing of their road.<sup>1.</sup>
- ii) Cllr Barton on behalf of the A19/Deighton Speed Restriction Group requesting a 40mph speed limit through the village.<sup>2.</sup>
- iii) Cllr Brooks on behalf of residents of Dunnington asking that litter bins removed in the summer be replaced.<sup>3.</sup>
- iv) Cllr Cuthbertson on behalf of residents of Haxby requesting action to improve traffic issues on Calf Close, Haxby.<sup>4.</sup>
- v) Cllr Cunningham-Cross on behalf of residents of Skelton calling for faster broadband provision for the village.<sup>5.</sup>
- vi) Cllr Scott on behalf of residents of The Avenue and Westminster Road requesting action in relation to traffic issues that were being experienced.<sup>6.</sup>
- vii) Cllr Aspden on behalf of residents in Dringhouses and Woodthorpe, Dunnington and Fulford, Huntington and New Earswick and other areas asking for the Council to return the litter and dog bins removed over the summer.<sup>7.</sup>

- viii) Cllr Orrell on behalf of residents in Huntington concerned that changes to the Number 5 bus service had made it unreliable and calling on First to review and improve the service for local residents. <sup>8</sup>.
- ix) Cllr Reid on behalf of residents concerned about the reliability of the Number 12 bus service in Woodthorpe and requesting improvements to the route and timings. <sup>9</sup>.
- x) Cllr Brooks on behalf of residents of Holtby asking that the Vehicle Activated Sign that was removed last year be relocated in the village. <sup>10</sup>.

Action Required

- 1 and 2, 4, 6 and 8 to 10. Schedule items on Forward Plan, if required, and keep relevant member updated on progress. SS
- 3 and 7. Schedule items on Forward Plan, if required, and keep relevant member updated on progress KS
- 5. Schedule item on Forward Plan, if required, and keep relevant member updated on progress RR

**36. REPORT OF CABINET LEADER AND CABINET RECOMMENDATIONS**

A written report was received from the Cabinet Leader, Cllr James Alexander, on the work of the Cabinet.

**A Questions**

Notice had been received of six questions on the written report, submitted by Members in accordance with Standing Orders. The first five questions were put and answered as follows and Cllr Alexander undertook to provide Members with written answers to the remaining questions:

- i) From Cllr Runciman: "While the report mentions the inward investment of Hiscox, it fails to mention the predicted loss of 160 jobs in York through the closure of the Royal Mail sorting office

and the loss of the York postmark. Could the Cabinet Leader outline what representations he made on these issues?"

***The Leader replied:***

*This issue has been a sad one over many years. I recall debates about it in this chamber before the general election. My representations were made through Hugh Bayley and the CWU who have been heavily involved in this issue from the beginning. I do not believe the current or last government has been fair to Royal Mail and I have previously pledged to stand up for Royal Mail remaining in public hands.*

- ii) From Cllr Ayre: "Could the Leader outline what additional borrowing the Council will incur as a result of the deal to sell the Hungate site?"

***The Leader replied:***

*I would like to refer you to paragraph 22 on page 25 of the October Cabinet agenda. It said*

*"The financing cost of the total current borrowing (the £3.77m) is currently being met from the Council's treasury management budget, prior to the receipt for the land. In receiving a lower capital receipt than assumed, there is no immediate additional cost, given the borrowing has in effect already taken place. The capital receipt will actually improve the Council's overall debt position in the short term".*

*This figure is taken into account in the £190m capital programme as outlined in performance monitor 1. There is no impact on short term borrowing. Long term the impact is £1.6m.*

*However it makes sense to pursue this deal. The office and hotel complex will create 600 jobs and great £42m GVA. I also welcome the comments sent by your Group which welcomed the job creation this sale will bring.*

*Not only does this sale create jobs and GVA, it also progresses a prime site in our city centre which this council wrote off £1.1m on in an abortive council office transfer scheme in 2009.*

- iii) From Cllr Runciman: "Could the Leader outline the proposed timetable for implementing the living wage as proposed in the Liberal Democrat budget and the Fairness Commission's recommendations?"

***The Leader replied:***

*At the moment I cannot. We are currently working through the implications, timescales and negotiations required. This isn't something that can be implemented instantly due to negotiations required with trade unions and implications on terms and conditions as well as possible pay claims for more senior staff. The Liberal Democrat proposed budget amendment was unsustainable and was not the living wage. I also welcome the Liberal Democrat's support for this policy that we announced within six months of this administration. I am not sure why it took your Group so long to support such a policy when you could have implemented the living wage at any point over your time in control.*

- iv) From Cllr Cuthbertson: “Further to the Leader’s comments on both the DIF and EIF Funds, could he provide a detailed breakdown of the economic benefit of each scheme funded through his ‘Delivery & Innovation Fund’ and ‘Economic Infrastructure Fund’ respectively?”

***The Leader replied:***

*It should be first noted that the purpose of the Delivery and Innovation Fund (DIF) is to facilitate the development of new and innovative ways of working, support areas requiring one-off investment and support major project delivery. It is not the intention that all schemes funded by the DIF have a direct economic impact. Whilst many schemes funded by the DIF may have direct and indirect economic benefits, social impact of the schemes is also an important consideration, as is the future capacity and capability they generate. Many of the DIF schemes are feasibility type studies as the essential first step in establishing the expected benefits (economic or otherwise) of a larger, future scheme (likely to be funded through another route).*

*Economic component to DIF schemes include:*

*York800*

*Direct: York800 events have so far generated £6.6m for the city’s economy; footfall up 13% on normal over charter weekend.*

*Indirect: promotion of York as a tourist destination, national publicity for the city*

*Queen’s Visit*

*Direct: 20,000 additional visitors in the city on the visit day with approx £1m economic impact*

*Indirect: promotion of York as a tourist destination; publicising future York events*

*York Gold*

*Direct: 80,000 visitors associated with the torch relays with approx £2.4m economic impact.*

*Guildhall RIBA competition*

*Indirect: The competition brief will require the exploration of potential uses but certainly including a strong suggestion that high value uses including serviced office accommodation taking advantage of improved City Centre and Riverside Connectivity and related leisure opportunities.*

*Warden Call - scope for Social Enterprise*

*Indirect: Feasibility study for new service delivery model. If taken forward, it is envisaged that a variety of different functions would be explored which may also lead to new employment opportunities within the new organisation.*

*Oliver House - Health & Social Care Hub*

*Indirect: Scheme is a feasibility study for a second phase. Second phase is estimated to create six part time and one full time jobs plus a number of volunteer, training and apprentice opportunities will be created within the organisations based in the Hub, with the aim of increasing employability. A number of further permanent posts will be created as voluntary organisations develop new projects based in the Hub.*

*Bonding Warehouse - Digital Media Hub*

*Indirect: feasibility study. CYC will assess the contribution of the future phases of the project to the economy, measured by GVA, if invited to proceed to the next stage. Initial indications are potential for up to 200 jobs (combined direct and indirect).*

*Public Wi-Fi - Museum Gardens area*

*Indirect: Will have positive impacts on the day trip, event based and longer stay visitor trade to the City and the associated Service and transport sectors. Additional visitors to the Mystery Plays over short term. Indirect jobs created through the support of the tourism sector.*

*Rail Policy*



*Indirect: Securing improved rail transport links between York and the UK will bring and retain jobs in the City. Enabling access to significant transport funding from central government.*

#### *Upper Floors Review*

*Indirect: By demonstrating the scope of opportunity to bring empty upper floors back into use and the financial viability of doing so, the project is expected to act as a catalyst for investment. In doing so it would lead to the creation of construction related jobs, increase the number of people living in the city centre and hence also it's diversity which in turn will bring further economic and social benefits. It will assist in delivering much needed housing at market, intermediate or affordable rents. Conversion of underused property to residential will bring additional revenue through council tax and, depending on timescales new homes bonus too.*

#### **EIF spend and benefits**

<b>Project</b>	<b>EIF Spend</b>	<b>Jobs</b>	<b>GVA</b>	<b>Leverage</b>	<b>Economic benefits - narrative</b>
<i>Park and Ride</i>	<i>£2,500,000</i>	<i>Indirect impact</i>	<i>Indirect impact</i>	<i>£15m DfT funding</i>	<i>Improved connectivity, leading to greater economic opportunity for all residents; improved footfall in the city centre</i>
<i>Better Bus Fund</i>	<i>1,665,000</i>	<i>Indirect impact</i>	<i>Indirect impact</i>	<i>£2.9m DfT funding</i>	<i>Improved connectivity, leading to greater economic opportunity for all residents; improved footfall in the city centre</i>
<i>Digital, media and cultural centre (subject to due diligence; agreed in principle)</i>	<i>1,400,000</i>	<i>377 direct and indirect</i>	<i>Indirect impact</i>	<i>£1m LEP Funding £1.3m ERDF</i>	<i>Inward investment and new starts enabled through the provision of space</i>

<p><i>High Growth Business Support (SCY)</i></p>	<p><i>80,000</i></p>	<p><i>150 indirect</i></p>	<p><i>£1m indirect</i></p>	<p><i>Delivery of strategy and deliverables to support media arts industry including Digital Media and Cultural Centre</i></p> <p><i>Identification of and development of projects that will add to the city's growing capacity in the biorenewables/biosciences industries</i></p> <p><i>Production of regular reports on issues/opportunities in the IT/digital, creative and biosciences industries, along with other high growth industries as appropriate</i></p> <p><i>Growth in number of jobs in high growth industries</i></p> <p><i>Growth in GVA from high growth industries</i></p>
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<p><i>Tour de France Bid</i></p>	<p>50,000</p>		<p><i>In London, generated £75m additional GVA – even 5% of this impact for York would be £3.75m</i></p>	<p><i>Increased brand recognition of York as a destination for business, visitors and living (as measured by market perceptions work) to 190 countries via international broadcasting, and</i></p> <p><i>Increased footfall for the event in the region of more than 25% (using Olympic torch relay as a benchmark)</i></p> <p><i>Increased longer term footfall from return visitors (99% of visitors would return and 94% would recommend to family and friends from 2009/10 Yorkshire Visitor Survey)</i></p> <p><i>Potential for increase in spend in the visitor, retail and leisure economy</i></p> <p><i>Increase in proportion of visitors from overseas markets – currently 5% (as per Fact 2009, Visit York)</i></p>
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Reinvigorate York Initial Project	200,000	Indirect impact	Up to £320K		<p><b>An increase in visitor numbers</b> – most likely from repeat visits</p> <p><b>An increase in business investment and diversity of that investment</b> – either through growth of existing city centre businesses and/or the attraction of more new investment</p> <p><b>An increase in GVA</b> – the estimate provided by English Heritage is that public realm investments of this type contribute up to £1.6 for every £1 expenditure</p>
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*These details have been published in previous cabinet papers.*

- v) From Cllr Ayre: On the Tour De France bid, could the Leader provide a complete analysis of where money has been spent and where York's bid stands in comparison to rival locations?

***The Leader replied:***

*The Yorkshire bid for the Tour de France is a bid by Welcome to Yorkshire with the support of many local authorities. Welcome to Yorkshire will not provide the financial breakdown of this bid so as not to jeopardise the bid or itself by releasing commercially confidential information. York has committed £50k towards the bid. The Gross Value Added (GVA) is projected to be £73m. This was outlined in 17<sup>th</sup> July Cabinet papers.*

*The Tour de France is the largest annual sporting event in the world, with 2bn spectators worldwide watching either live or on TV/internet/radio. The Grand Depart will be broadcast on 100 TV channels, 70 radio stations, 400 newspapers and press agencies, 70 websites, that is to say 2,300 journalists representing 35 nationalities (using 2011 figures), broadcasting in 185 countries*

on 92 channels, of which 60 transmit live coverage; and receiving 14 million unique visitors to its website, generating a platform for showcasing the cities in which the event takes place.

Benefits to London in holding the Grand Depart was £88m to the region and £35m media coverage.

There is a rival bid from Scotland, but I believe we are in a great position to be successful given the hard work that has gone into Yorkshire's bid and the reaction of organisers on their visit to the region.

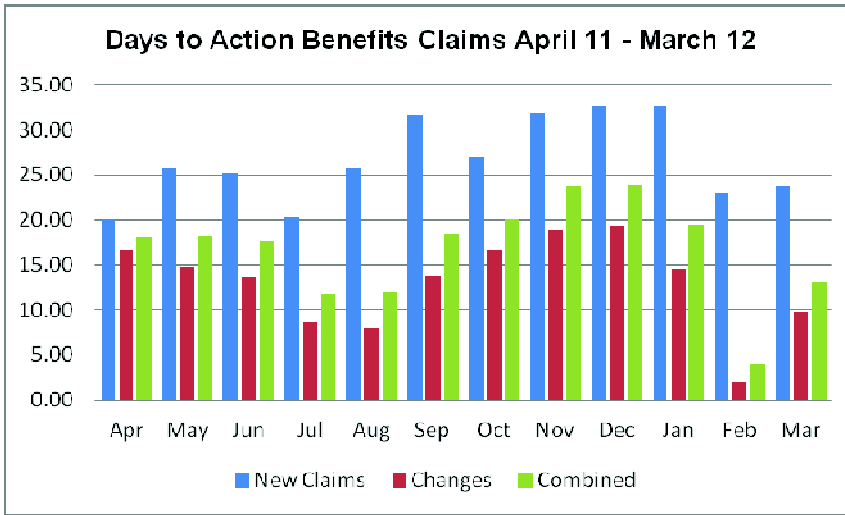
- vi) From Cllr Cuthbertson: In light of his comments on the benefits advice office, could the Leader provide a detailed breakdown of performance times over the last 18 months in the processing of new and changed circumstance council tax and housing benefit claims?

**Reply:**

I have listed below the performance data over the past 18 months.

### **Benefits Customer Contact April 2011- March 2012**

RECEPTION	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
MONTHLY RECEPTION NUMBERS	1639	1790	1958	1892	1870	2329	2945	2345	2086	2452	2341	2653
DAILY RECEPTION NUMBERS	82	94	89	86	78	97	140	107	99	123	117	111
% CHANGE ON PREVIOUS YEAR	-15%	3%	0%	-12%	-8%	6%	50%	14%	49%	16%	37%	15%
% OF PEOPLE SEEN IN 10 MINS	85%	90%	92%	89%	86%	95%	98%	98%	93%	89%	91%	93%
APPOINTMENTS BOOKED	11/126	12/140	16/154	12/154	10/154	20/160	10/160	14/150	13/150	10/150	7/150	24/132
TELEPHONE	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
TOTAL CALLS OFFERED	2085	2390	2146	2153	2231	2194	2227	2065	1780	2285	2015	3011
TOTAL CALLS ANSWERED	2026	2333	2108	2093	2123	2077	2142	1983	1705	2163	1921	2781
ANSWERED IN 20 SECONDS	1848	2147	1966	1960	1834	1818	1995	1883	1492	1880	1831	2569
TOTAL CALLS ABANDONED	59	57	38	60	108	117	85	82	75	122	94	230
% CALLS ANSWERED	97.2%	97.6%	98.2%	97.2%	95.2%	94.7%	96.2%	96.0%	95.8%	94.7%	95.3%	92.4%
% CALLS ABANDONED	2.8%	2.4%	1.8%	2.8%	4.8%	5.3%	3.8%	4.0%	4.2%	5.3%	4.7%	7.6%
% SERVICE LEVEL	88.6%	89.8%	91.6%	91.0%	82.2%	82.9%	89.6%	91.2%	87.5%	86.9%	85.4%	80.1%
E-MAIL	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
CUSTOMER E-MAILS	188	260	198	269	239	277	278	325	107	130	153	115
INTERNAL CUSTOMER E-MAILS	114	104	94	60	73	101	124	89	219	326	228	301
TOTAL	302	364	292	329	312	378	402	414	326	456	381	416

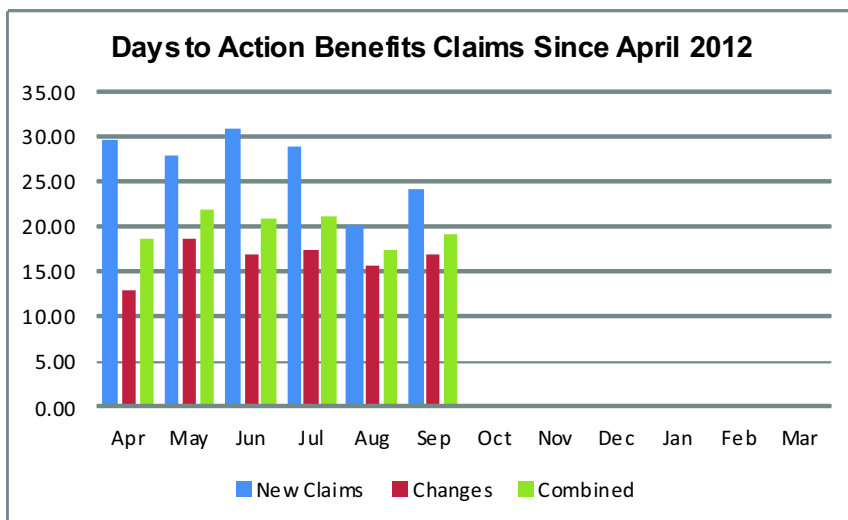


**Benefits Customer Contact April 2012 – September 2012**

RECEPTION	Apr	May	June	July	Aug	Sep
MONTHLY RECEPTION NUMBERS	2184	2340	2099	2210	1911	2007
DAILY RECEPTION NUMBERS	109	123	95	100	80	84
% CHANGE ON PREVIOUS YEAR	33%	31%	7%	17%	2%	-14%
% OF PEOPLE SEEN IN 10 MINS	90%	95%	95%	90%	90%	90%
APPOINTMENTS BOOKED	18/110	5/115	10/095	7/110	6/110	2/100

TELEPHONE	Apr	May	June	July	Aug	Sep
TOTAL CALLS OFFERED	2486	2568	2040	2500	2137	2110
TOTAL CALLS ANSWERED	2336	2357	1904	2146	1976	1914
ANSWERED IN 20 SECONDS	1866	1930	1634	1436	1545	1413
TOTAL CALLS ABANDONED	150	211	136	354	161	196
% CALLS ANSWERED	94.0%	91.8%	93.3%	85.8%	92.5%	90.7%
% CALLS ANSWERED in < 20 seconds	79.9%	81.9%	85.8%	66.9%	78.2%	73.8%
% CALLS ABANDONED	6.0%	8.2%	6.7%	14.2%	7.5%	9.3%
% SERVICE LEVEL	79.9%	81.9%	85.8%	66.9%	78.2%	73.8%

E-MAIL	Apr	May	June	July	Aug	Sep
CUSTOMER E-MAILS	161	207	183	207	212	195
INTERNAL CUSTOMER E-MAILS	241	183	111	195	124	135
TOTAL	402	390	294	402	336	330



**NEW CLAIMS****2011/12****New Claims (Receipt Date to Calculation)**

Month	No of New HB Claims	Average Days to process HB Claims	No of New CTB Claims	Average Days to process CTB Claims	Average Days to Process all New Claims
Apr	296	19.41	328	20.61	20.04
May	325	24.39	339	26.78	25.61
Jun	313	22.56	336	27.56	25.15
Jul	358	20.41	363	20.28	20.34
Aug	325	24.55	301	26.95	25.71
Sep	333	31.74	321	31.71	31.72
Oct	416	27.30	384	26.87	27.09
Nov	370	32.28	364	31.40	31.84
Dec	272	31.03	270	34.49	32.76
Jan	435	32.53	418	32.90	32.71
Feb	397	22.36	398	23.80	23.08
Mar	340	22.15	361	25.35	23.80
<b>YTD</b>	<b>4180</b>	<b>26.05</b>	<b>4183</b>	<b>27.30</b>	<b>26.67</b>

**2012/13****New Claims (Receipt Date to Calculation)**

Month	No of New HB Claims	Average Days to process HB Claims	No of New CTB Claims	Average Days to process CTB Claims	Average Days to Process all New Claims
Apr	274	28.77	285	30.29	29.54
May	424	25.92	434	29.96	27.96
Jun	216	29.36	241	32.11	30.81
Jul	435	28.43	431	29.44	28.93
Aug	330	13.22	334	27.14	20.22
Sep	333	24.53	326	23.38	23.96
<b>YTD</b>	<b>2012</b>	<b>24.91</b>	<b>2051</b>	<b>28.65</b>	<b>26.79</b>

**CHANGES OF CIRCUMSTANCE****2011/12****Changes of Circumstance (First contact date to Calculation)**

Month	Number of HB Changes	average days to process a change on HB	Number of CTB Changes	average days to process a change on CTB	Average Days to Process all changes
Apr	328	<b>20.61</b>	413	<b>13.34</b>	<b>16.56</b>
May	802	<b>14.54</b>	610	<b>14.97</b>	<b>14.73</b>
Jun	780	<b>13.23</b>	518	<b>14.56</b>	<b>13.76</b>
Jul	1171	<b>8.74</b>	821	<b>8.66</b>	<b>8.71</b>
Aug	1247	<b>7.89</b>	873	<b>7.85</b>	<b>7.88</b>
Sep	1119	<b>13.66</b>	767	<b>14.13</b>	<b>13.85</b>
Oct	1011	<b>15.49</b>	665	<b>18.17</b>	<b>16.55</b>
Nov	708	<b>18.65</b>	514	<b>19.14</b>	<b>18.86</b>
Dec	619	<b>19.09</b>	427	<b>19.78</b>	<b>19.37</b>
Jan	990	<b>18.81</b>	1298	<b>11.24</b>	<b>14.51</b>
Feb	7119	<b>1.07</b>	467	<b>15.92</b>	<b>1.98</b>
Mar	1659	<b>7.78</b>	661	<b>15.11</b>	<b>9.87</b>
<b>YTD</b>	<b>17553</b>	<b>8.20</b>	<b>8034</b>	<b>13.61</b>	<b>9.90</b>

**2012/13****Changes of Circumstance (First contact date to Calculation)**

Month	Number of HB Changes	average days to process a change on HB	Number of CTB Changes	average days to process a change on CTB	Average Days to Process all changes
Apr	609	<b>12.14</b>	444	<b>13.80</b>	<b>12.84</b>
May	999	<b>18.25</b>	687	<b>19.03</b>	<b>18.57</b>
Jun	699	<b>16.26</b>	480	<b>17.93</b>	<b>16.94</b>
Jul	1099	<b>16.15</b>	617	<b>19.85</b>	<b>17.48</b>
Aug	781	<b>14.87</b>	554	<b>16.98</b>	<b>15.75</b>
Sep	802	<b>18.01</b>	591	<b>15.52</b>	<b>16.95</b>
<b>YTD</b>	<b>4989</b>	<b>16.19</b>	<b>3373</b>	<b>17.38</b>	<b>16.67</b>



<b>NEW CLAIMS AND</b>			<b>CHANGES COMBINED</b>		
<b>2011/12</b>					
<b>NEW CLAIMS AND CHANGES COMBINED N181 (First contact date to Calculation)</b>					
Month	Number of New Claims	average days to process a New Claims	Number of Changes	average days to process a change	Average days to process News and Changes
Apr	624	<b>20.04</b>	741	<b>16.56</b>	<b>18.15</b>
May	664	<b>25.61</b>	1412	<b>14.73</b>	<b>18.21</b>
Jun	649	<b>25.15</b>	1298	<b>13.76</b>	<b>17.56</b>
Jul	721	<b>20.34</b>	1992	<b>8.71</b>	<b>11.80</b>
Aug	626	<b>25.71</b>	2120	<b>7.88</b>	<b>11.94</b>
Sep	654	<b>31.72</b>	1886	<b>13.85</b>	<b>18.45</b>
Oct	800	<b>27.09</b>	1676	<b>16.55</b>	<b>19.96</b>
Nov	734	<b>31.84</b>	1222	<b>18.86</b>	<b>23.73</b>
Dec	542	<b>32.76</b>	1046	<b>19.37</b>	<b>23.94</b>
Jan	853	<b>32.71</b>	2288	<b>14.51</b>	<b>19.46</b>
Feb	795	<b>23.08</b>	7586	<b>1.98</b>	<b>3.98</b>
Mar	701	<b>23.80</b>	2320	<b>9.87</b>	<b>13.10</b>
<b>YTD</b>	<b>8363</b>	<b>26.67</b>	<b>25587</b>	<b>9.90</b>	<b>14.03</b>

**2012/13**

<b>NEW CLAIMS AND CHANGES COMBINED (First contact date to Calculation)</b>					
Month	Number of New Claims	average days to process a New Claims	Number of Changes	average days to process a change	Average days to process News and Changes
Apr	559	<b>29.54</b>	1053	<b>12.84</b>	<b>18.63</b>
May	858	<b>27.96</b>	1686	<b>18.57</b>	<b>21.74</b>
Jun	457	<b>30.81</b>	1179	<b>16.94</b>	<b>20.81</b>
Jul	866	<b>28.93</b>	1716	<b>17.48</b>	<b>21.32</b>
Aug	664	<b>20.22</b>	1335	<b>15.75</b>	<b>17.23</b>
Sep	659	<b>23.96</b>	1393	<b>16.95</b>	<b>19.20</b>
<b>YTD</b>	<b>4063</b>	<b>26.79</b>	<b>8362</b>	<b>16.67</b>	<b>19.98</b>

## **B Cabinet Recommendations**

### Capital Programme Outturn 2011/12 and Revisions to the 2012/13 – 2016/17 Programme

Cllr Alexander moved, and Cllr Simpson-Laing seconded the following recommendations contained in Minute 12 of the Cabinet meeting held on 17 July 2012.

- “i) [That Council] use £1.5m of Prudential Borrowing for the Primary School Strategic Programme in 2011/12 with the associated revenue implications to be met from the Children’s Services budgets and repaid over a period of 25 years from savings made as a result of the amalgamation of the schools.”<sup>1</sup>*
  
- ii) [That Council] approve the restated 2012/13 to 2016/17 programme as summarised in Table 3 and detailed in Annex 1 of the report, taking account of the re-profiling of schemes.”<sup>2</sup>*

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

RESOLVED: That the above recommendations in respect of the Capital Programme Outturn for 2011/12 and Revisions to the 2012/13 - 2016/17 Programme be approved.

### Sale of the Hungate Site

Cllr Alexander moved, and Cllr Simpson-Laing seconded the following recommendations contained in Minute 34 of the Cabinet meeting held on 9 October 2012, set out in the papers circulated around the chamber:

- i) “ [That Council] agree to commence negotiations for the sale of the Hungate site to the Hiscox development partner, Bidder 2.”<sup>3</sup>*
  
- ii) [That Council] delegate authority to the Director of Customer and Business Support Services the power to finalise an agreement for the sale of the land to Bidder 2 at a commercial market value being not less than the figure set out in Annex 2 of the report<sup>4</sup>.*

- iii) *[That Council] agree to the amendment of the capital programme financing, reducing capital receipts by £1.627m, with a corresponding increase in prudential borrowing.”*<sup>5</sup>.

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

RESOLVED: That the above recommendations in respect of the sale of the Hungate site be approved.

Admin Accommodation Portfolio – Further Property Rationalisation

Cllr Alexander moved, and Cllr Simpson-Laing seconded the following recommendations contained in Minute 35 of the Cabinet meeting held on 9 October 2012, also set out in the papers circulated around the chamber:

- i) *“[That Council] agree the proposals for amending the design of Hazel Court to accommodate additional staff and an increased range of facilities.”*<sup>6</sup>.
- ii) *[That Council] be requested to create a capital budget of £618k to be funded from revenue savings achieved by exiting the 3 additional buildings.”*<sup>7</sup>.

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

RESOLVED: That the above recommendations in respect of the Admin Accommodation Portfolio be approved.

Action Required

- |   |    |
|---|----|
| 1. Undertake prudential borrowing for the Primary School Strategic Programme, as set out in the report to Cabinet.        | LB |
| 2. Make changes to Capital Programme as set out in Cabinet report.  | LB |
| 3. Commence negotiations for sale of the site to Bidder 2.  | TC |
| 4. Finalise agreement for sale at a commercial market value, not less than that set out at Annex 2 of the Cabinet report. | IF |
| 5. Amend the capital programme financing as   |    |

- agreed. LB
6. Amend design of Hazel Court in line with that set out in the Cabinet report. TC
7. Take any steps necessary to create a capital budget funded from revenue savings for this project. TC

**37. RECOMMENDATIONS OF THE JOINT STANDARDS COMMITTEE**

Councillor Runciman, as Chair of the Joint Standards Committee, confirmed that three interviews had been held for the appointment of independent persons to sit on the Joint Standards Committee, following the implementation of the new standards arrangements. One offer had now been made however, it had not been possible to confirm the appointment with the successful candidate prior to the meeting. It was confirmed that any confirmation would be reported to the December Council meeting.

RESOLVED: That Council note the update on the appointment of Independent Persons to sit on the Joint Standards Committee.

**38. SCRUTINY - REPORT OF THE CHAIR OF THE CORPORATE AND SCRUTINY MANAGEMENT COMMITTEE**

Council received the report of the Chair of the Corporate and Scrutiny Management Committee at pages 29 to 34, on the work of the Committee.

Councillor Runciman then moved and Cllr Steward seconded acceptance of the report and it was

RESOLVED: That the scrutiny report be received and noted.

**39. INDEPENDENT REMUNERATION PANEL**

Councillor Alexander, presented the report and recommendations of the Independent Remuneration Panel in relation to Members' allowances and reimbursements, namely:

“That:

- (1) Council adopt an appropriately amended scheme of allowances , having had regard to the recommendations of the IRP ;
- (2) The Director of Customer and Business Support Services be authorised to implement any changes agreed to the current scheme from an agreed date; and
- (3) The Monitoring Officer be authorised to make and report any arising constitutional changes.”

Cllr Alexander then moved, and Cllr Gillies seconded, the following amendment to the motion, as circulated in the additional papers circulated around the chamber:

**“That Council appreciates the recommendations of the Panel in their report but, having had regard to those recommendations, it rejects them at this time and retains the existing Scheme of Allowances for Members.”**

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

RESOLVED: That the above motion in respect of the report of the Independent Remuneration Panel be approved.

#### 40. REPORT OF CABINET MEMBER

Council received a written report from Cllr Merrett, Cabinet Member for Transport, Planning and Sustainability.

Notice had been received of fourteen questions on the report, submitted by Members in accordance with Standing Orders. The first ten questions were put and answered as follows and Members agreed to receive written answers to their remaining questions, as set out below:

(i) From Cllr Reid:

“The Cabinet member refers under LTP3 to “a step change in bus services” in the City. Would he therefore publish:

- a) The results, on a service by service basis, of any *mystery traveller* type checks on punctuality undertaken during the last 18 months.”

**Cabinet Member replied:**

*“A majority of the bus routes in York are neither commissioned or funded by City of York Council. Any punctuality information shared with the Council is currently confidential and for the specific purpose of seeking to identify and improve key areas of delay. As part of the proposed review and re-launch of York’s Quality Bus Partnership, the Council will seek to establish agreement on a means by which the public dissemination of reliability data might be achieved.”*

- b) Any information provided by bus operators on the punctuality of services operated under Council contracts”

**Cabinet Member replied:**

*“I will look into this, but it would be best if this was done as part of a comprehensive arrangement covering all York’s bus services in an established and agreed format.”*

(ii) From Cllr D'Agorne:

“Please can Cllr Merrett explain "a Low Carbon Investment Pipeline"? When will this result in investment in renewable energy in buildings in the city?”

**Cabinet Member replied:**

*“York’s Low Carbon Investment Pipeline links to a wider piece of work taking place at a Leeds City Region level. The purpose is to develop a portfolio of low carbon / renewable energy projects across the LCR that demonstrate the investment opportunities to the investment community and ensure the region and York is well placed, as the Leader has just indicated in other areas, to respond quickly and effectively to appropriate funding opportunities when they arise. York’s Low Carbon Investment Pipeline sets out those projects & opportunities that represent investment opportunities in York e.g. renewable heat in off-gas social housing areas of the City; detailed feasibility studies to determine the appropriateness of heat networks in defined locations across York (for example a cluster to the south-east of the City centred on the University of York, or York Central).*

*While the low carbon / renewable energy projects have been broadly identified, to develop them any further requires both initial / detailed feasibility and technical and financial assessments. Delivery will also depend on actual development opportunities, and putting together the necessary funding packages. As a result a defined timeframe cannot be associated with any of the projects identified through the Low Carbon Investment Pipeline.”*

(iii) From Cllr Reid:

“Will the Cabinet member agree to publish, possibly through the new “i-travel York website” that he describes in his report, the number of “All York” bus tickets sold each month including the number actually sold during July, August and September?”

**Cabinet Member replied:**

*“All York’ is a commercially agreed multi-operator bus ticket. Any decision to share the ticket sales will need, therefore, to be agreed by all the bus operators through the ticket’s management committee.”*

(iv) From Cllr Semlyen:

“Please will the Cabinet Member investigate declaring York Hydrolic Frack Free within the Local Development Plan, or else the legal wording of limiting conditions of any drilling operations potentially affecting York’s drinking water supplies and consequent public health?”

**Cabinet Member replied:**

*“Officers are not aware of any ‘Hydraulic Fracking’ in York and indeed if it is possible in the York area. We will therefore need to consider Hydraulic Fracking as part of the new Local Plan process, and establish whether we can make York a Hydraulic Frack Free area, or agree appropriate conditions, and that will need to take place through more detailed investigations.”*

(v): From Cllr Warters:

“Further to the Cabinet Members comments on student accommodation, does he believe that the Council’s database of known HMO’s is accurate and robust enough to enable Planning Officers and Planning Committees to fairly determine change of use applications from C3 to C4 HMO as recent applications in the Osbaldwick Ward have highlighted serious deficiencies in the Council’s records?”

**Cabinet Member replied:**

- *“In accordance with the Draft SPD (Supplementary Planning Document), to capture as many different types of shared accommodation as possible the Council uses council tax records, licensed HMOs (Houses in Multiple Occupation), properties benefiting from class C4 or sui generis HMO planning consent and properties known to the Council to be HMOs. These data sets are collated to calculate the proportion of shared households as a percentage of all households.*
- *Officers consider that these sources will provide the best approach to identifying the numbers and location of HMOs in an area, although it is accepted that it may not be possible to identify all properties of this type.*
- *Given that the information collated may be expected to change over the course of the calendar year as houses and households move in and out of the private rented sector officers are suggesting it would be appropriate to base the assessment on a single point in the year. Accordingly, data will be updated annually, in May, to allow for a complete picture of Council Tax returns, alongside licensed HMOs, properties benefiting from HMO planning consent and any other HMOs known to the Council.*
- *As with any planning guidance, the Draft SPD is only a starting point and other material considerations can be taken into account if considered appropriate by the Development Management Officer on a case by case basis. As such, should there be a specific application whereby there are known HMOs over and above our records, and the Development Management Officer is happy there is compelling evidence that they are established HMOs, there is sufficient flexibility to allow these HMOs to be considered in the calculations of concentrations of HMOs for the particular application.”*

(vi) From Cllr Reid:

“The Cabinet Member refers under LTP3 to a ‘step change in bus services’ in the city. Would he therefore agree – in line with the wishes of the Department of Transport – to support the new **York Bus Watch** campaign group in their endeavours to ensure that all local bus operators publish details of the reliability achieved each month on each of their service routes?”



**Cabinet Member replied:**

*“The Council has not been approached by ‘York Bus Watch’ and has no information on its remit/membership. I would be pleased to engage with them and understand how ‘Buswatch’s’ work could be integrated with that undertaken by national organisations, ‘Bus Users UK’ and their local members, and Passenger Focus’.”*

(vii) From Cllr D’Agorne:

“What lobbying of central government is taking place in response to the revelation that major energy companies now consider the UK as an unreliable investment proposition?”

**Cabinet Member replied:**

*“None to date.”*

(viii) From Cllr D’Agorne:

“What research has been done on the Idling Vehicle Strategy Feasibility proposal, from other UK authorities and why has this not already been raised as an issue with bus and taxi operators in York?”

**Cabinet Member replied:**

*“There have been past discussions with local bus operators, leading to some action to curb idling when a bus is laying over for some length of time. Officers were not aware of this Feasibility proposal and if Cllr. D’Agorne can provide some further information that would be helpful.”*

(ix) From Cllr Reid:

“The Cabinet Member in the Better Bus Fund bid promised a wide range of measures to improve bus services in York. In light of this, why did the Cabinet member not receive the scheduled report on bus service improvements at his September meeting (as was promised at the last Council meeting) and when can passengers now expect the promised improvements to come into effect?”

**Cabinet Member replied:**

*“The Bus Improvement Study will report in October. The Better Bus Area Fund work has not been delayed as a result and work is ongoing to deliver the improvements.”*

(x) From Cllr D'Agorne:

“How many electric vehicles are there in the council fleet?”

**Cabinet Member replied:**

*“None currently. However, officers have been looking at a number of electric vehicles during the year and assessing their suitability and what the needs are for a charging infrastructure. In addition, the council has been successful in receiving funding and support from the Energy Saving Trust to identify where electric vehicles could replace fossil fuel vehicles currently in the councils fleet. This piece of work is ongoing and is due to be concluded by the end of December 2012. The work also includes a survey of council facilities to assess what charging infrastructure is required and achievable. A report will then follow from the EST which will be considered by officers and members.”*

(xi) From Cllr D'Agorne:

“Will Professor Simpson have a say in the visioning workshops process? Or has the City Beautiful report now been abandoned in the light of the Monks Cross decision?”

**Reply:**

*“No to the first question, but the York City Beautiful report is an evidence base document. It reflects the consultation workshops which took place at the time of its production. It will continue to be part of the evidence base which will be used to help us progress the Local Plan and set the context for the new Local Plan.”*

(xii) From Cllr Reid:

“The report confirms that a key strategy of this Council is to provide provide quality alternatives to the car. The news that the council is part funding First to operate a new Service 15 (Monday to Saturday) in the South Bank area and evening and Sunday buses for Service 14 from Acomb via Beckfield Lane to York as well funding Yorkshire Coastliner to operate the Sunday route 16 service from York to Acomb, appears to fit with this strategy. However, we would like to know when was the decision taken to agree these subsidies, by whom was the decision taken, why were other routes also not considered for subsidy, what is the cost to taxpayers of the subsidies that were agreed and where can Council members read the background papers which informed this decision?”

**Reply:**

*“The areas covered by these three routes are those which would have been left with no bus service following First Group’s commercially operated local bus network changes. The only other area of York to see its First service withdrawn completely was the section between Heslington West and Heslington East, which is provided for by Coastliner’s route 44.*

*All of the contracts have been let on a trial basis to enable officers to assess take up, consider the viability of the temporary services and to devise longer term routes/timetables. When this work has been completed, the proposals will be brought to the appropriate Council decision meeting prior to the undertaking of a competitive tendering exercise.”*

(xiii) From Cllr D’Agorne:

“Climate Change – Will this now be a standard yardstick for future development proposals in the city?”

**Reply:**

*“The Interim Planning Statement on Sustainable Design and Construction requires developers to consider a wide range of sustainability criteria, including those that will have an effect on reducing the impact of climate change e.g. requirement for all major developments to achieve 10% of their energy demand through low and zero carbon technologies.*

*Sustainability and climate change will be key themes that run throughout the new Local Plan and it is envisaged that there will be a separate chapter detailing specific requirements relating to environmental assessment e.g. Code for Sustainable Homes / BREEAM, and targets for low and zero carbon technologies / energy efficiency / carbon reductions. Targets and policies set within the Local Plan will need to be underpinned by detailed viability to ensure they are deliverable.”*

(xiv) From Cllr D’Agorne:

“Welcome the comparisons, but could you comment on recent reports from Fulford Parish Council suggesting that Persimmon are not committed to raising the A19 where it flooded if the Germany Beck development proceeds?”

**Reply:**

*“Officers have spoken with Persimmon this morning, and confirm that Persimmon are **fully committed** to raising the level of the A19 in accordance with the approved scheme (the intention being to raise the level of the A19 locally to allow access and egress even in times when the river is in flood). They would also undertake flood storage mitigation measures on site .”*

**41. ACTIVITIES OF OUTSIDE BODIES**

Minutes of the following meetings had been made available for Members to view on the Council’s website:

- Fire Authority – 20 June 2012
- Police Authority – 25 June 2012
- Safer York Partnerships – 9 August 2012
- Local Government North Yorkshire & York – 12 July 2012
- Without Walls – 21 May 2012

No questions had been submitted to representatives on outside bodies.

**42. NOTICES OF MOTION**

(i) Permitted Development Rights

It was moved by Cllr Simpson-Laing and seconded by Cllr Merrett that:

“The City of York Council is concerned over the recent announcement that will allow household extensions, through Permitted Development Rights, to double in size without the need for Planning Consent

Council is concerned about the detrimental effect such large extensions could have on neighbours and neighbourhoods.

Council requests that Government undertake an extensive consultation on the extensions of Permitted Development Rights. <sup>1</sup>.

Council requests that the Director of City and Environment bring forward proposals for an 'Article Four Direction', to limit the size of Household extensions not requiring Planning Consent, if the Government presses ahead with the proposed changes." 2.

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

RESOLVED: That the above motion be approved.

(ii) Salt and Green Waste Bins

It was moved by Cllr Galvin and seconded by Cllr Steward that:

"Council believes in these difficult economic times, caused by the previous Labour government's financial incompetence, that the priority must be to protect both the vulnerable and residents' most basic council services. Council therefore pledges:

1. To restock and to maintain all existing salt bins throughout the coming winter: and
2. To rule out any additional charges to residents for the provision and removal of green waste bins for the remainder of this council.

The costs associated with these commitments, approximately £34k will be met by reallocating from the Economic Infrastructure Fund, £34,000 from New Homes Bonus funds for 12/13 and, from 13/14, by reducing the cost of Union support by the same sum"

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

RESOLVED: That the above motion be not approved.

(iii) Salt Bins

In accordance with his powers under Standing Orders, the Lord Mayor ruled the following motion, which had been submitted by Cllr Reid, out of order as it also related to the refilling of salt bins and substantially repeated the previous motion debated in Cllr Galvin's name:

"Council Notes:

Councillor Sonja Crisp's promise to Full Council in March that "all the salt bins required across all wards will be refilled from the core budget".

The decision taken last month by Councillor David Levene, Cabinet Member for Environmental Services, not to refill the 170 salt bins previously maintained through funding provided via ward committees.

Cuts and changes to the ward committee budgets now prevent these decisions being addressed at ward level.

Council believes:

- The plans to reduce overall salt bin provision in York from around 369 full bins to around 199 will, in a bad winter, have a significant and detrimental impact.
- Leaving the bins out empty is likely to lead to a further deterioration in their condition and make it harder to bring them back into use next winter.
- Public confusion is likely as residents will not know which salt bins are full and which salt bins are empty until they need to use them.
- The decision to cut provision before the promised review of salt bin locations for the winter of 2013/14 is misguided, as is the decision not to consult local residents or local councillors.
- The mistakes Labour made over the removal of 1-in-4 of York's dog and litter bins are being repeated.

Council calls on Councillor Levene to reverse his decision and refill all salt bins for this winter pending a review of salt bins locations for next winter, and carry out an assessment of which bins are in need of repair. The initial £17,000 cost would be funded by reducing the budget for Cabinet Members Allowances from £128,625 to £110,625."

(iv) From Cllr Alexander

It was moved by Cllr Alexander and seconded by Cllr D'Agorne that:

"City of York Council is experiencing almost a third cut in funding from the Conservative-led Government. This has led to unpopular service reductions and the situation is becoming critical.

Local Government is being asked to find savings that far outweigh Government expenditure reductions in other areas. In 2014/15 there will be a 0.6% reduction in public expenditure but Local Government will experience a cut 9 times higher. In York the savings required could be 17 times as high.

From 2003 to 2010 City of York Council received an additional £52m in funding from the Labour Government. During which time the Liberal

Democrat administration led a 'Fair deal for York' campaign which said York was underfunded.

Since the General Election the Council has had to identify £41m of savings. York is contributing to deficit reduction but the Conservative-led Government is using deficit panic to attack York's public services.

At the 2010 General Election no party won. The Conservative-led Government has no mandate for their destructive course of action and the Government only exists because of choices made by the Liberal Democrats. Council will pledge its commitment to lead on and sign up to a non-partisan 'Enough is Enough' campaign to stop the Government attacking York's public services."

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

**Delete** all wording following the words "City of York Council is" in paragraph 1 to "attacking" in the final paragraph and **replace** with

*"like other councils across the country is experiencing cuts in government funding due to the appalling incompetence of the previous Labour government which, as with all previous Labour governments, left the country teetering on the verge of bankruptcy.*

*Council registers its anger that the previous Labour government was so foolish with its spending and inept in its running of the economy that when they left government they had increased borrowing by more than every previous UK government in history combined. Council is appalled that Labour left the country with a record deficit, a record debt, record numbers of people who have never had a job, a record number of young people unemployed and in many areas of the country a terrible benefits dependency against people who should be working.*

*Although council welcomes some of the spending done by the previous government, including the increase in NHS and education funding, council is disappointed that so much of it was spent inefficiently. However ultimately council is appalled that Labour got the spending so wrong that when it left power the government was spending £4 for £3 it received in and borrowing a record £175 billion to cover the current year's deficit. Council agrees with the simple summary of former Labour Minister Liam Byrne that 'there is no money left'.*

*Council welcomes the decisions the coalition has taken to bring borrowing under control and ensure the UK can borrow at low rates,*

*rather than risk a return to borrowing from the IMF as many feel would have been inevitable if Labour had got into power.*

*Council believes it is vital we seek to work for the good of the people of York in doing practical things to help them in these tough times, but in acknowledgement of the number of York's cabinet members who seem to like asking the Chief Executive to write to MPs council requests the following letters be sent:*

- 1. To Julian Sturdy MP to congratulate him as a local MP for the work he is doing in the tough job of making realistic and sensible decisions to bring the UK's finances back under control*
- 2. To Ed Milliband MP to say that it is disingenuous and wrong of him to lead a party which has said many times would have made 90% of the cuts the coalition government is making to oppose virtually every cut proposed refuse to give details of where more than a tiny amount of where Labour's cuts would come from.*
- 3. To David Cameron MP to urge him to continue to protect important public services like the NHS with ring-fenced funding, so that hard working individuals and families get the services they want and need, rather than suffering due to Labour's incompetence. Council reiterates to him that it agrees with the coalition's commitment to ensuring sustainable finances so that we truly can protect...."*

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

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

RESOLVED: That the above notice of motion be approved. <sup>3.</sup>

Action Required

- |   |        |
|---|--------|
| <i>1. Write to Government expressing Council's concerns in respect of proposed changes to Permitted Development Rights (PDR).</i>           | NT     |
| <i>2. If changes to PDR agreed, an Article 4 Direction be prepared to limit the size of household extension requiring planning consent.</i> | NT     |
| <i>3. Lead on and sign up to 'Enough is Enough' campaign to stop attack on York's public services.</i>                                      | WB, LH |



43. **QUESTIONS TO THE CABINET LEADER AND CABINET MEMBERS RECEIVED UNDER STANDING ORDER 11.3(A)**

Thirty five questions had been submitted to the Cabinet Leader and Cabinet Members under Standing Order 11.3(a). The guillotine having fallen at this point, Members agreed to receive written answers to their questions, as set out below:

(i) To the Cabinet Leader from Cllr Runciman:

“Does the Council Leader agree with Councillor Semlyen, Chair of the Economic & City Development Overview and Scrutiny Committee, that the recent floods prove it would be wrong to invest £3.6 million of public money in the Bonding Warehouse?”

**Reply:**

*“The 2011 Labour manifesto committed us to expand the creative industries in York and we believe creating a hub for those industries is one way of fulfilling this objective. The plan will provide space for up to 250 small creative businesses and could include the creation of up to 500 jobs.*

*The Bonding Warehouse has always been a building under serious consideration, and is being considered along with other buildings in the city. Demand for such a hub is three times higher than the supply.*

*Whether the Bonding Warehouse scheme is chosen or not, some long-term use needs to be found for this important building. A great deal of flood protection work (tanking) has taken place to prepare the building for future use.”*

(ii) To the Cabinet Leader from Cllr Runciman:

“Firstly, I would like to thank those on the ground for their efforts in tackling the recent floods. However, after complaints from members of the public and his own public criticism, will the Council Leader support a full scrutiny review to analyse the response to the floods from City of York Council, Yorkshire Water, the Environment Agency and other relevant organisations?”

**Reply:**

*“I saw for myself the rapid response of City of York Council, North Yorkshire County Council, the Environment Agency, North Yorkshire Police, Fire and Ambulance services, Yorkshire Water and the Health Protection Agency. I went to Silver Command to thank the staff for their*

*work. My criticism was not of the response but diminishing capital for the Environment Agency to use in securing much needed flood defences. I will soon be meeting with the Environment Agency regarding my concerns.*

*I would personally welcome any scrutiny review that considers ways in which the council and other agencies can improve the way they do things. The implication that the joint response was in some way deficient is unfair to the many workers across all organisations, whether back office or on the ground, who did their utmost to ensure residents' homes were not flooded in what was one of the worst floods York has seen for decades."*

(iii) To the Cabinet Leader from Cllr Reid:

"Could the Council Leader provide an update on the future of the Beckfield Lane site?"

**Reply:**

*"The site has been earmarked for housing since March 1999 when it transferred in ownership to the Housing Revenue Account (HRA). This use was also stated in the budget papers that went before Council in February."*

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

"In the Adult Social Services Finance Report presented to the Health, Overview and Scrutiny Committee on 12<sup>th</sup> September, it detailed a projected Council overspend in excess of £2.6M for the directorate in the current fiscal year. This report detailed where some of the overspend has taken place or is forecast. It indicated that some "mitigating actions have also been identified to help compensate for some of these pressures" and listed some very generalised areas without giving detail.

Can the Cabinet Member please expand on this to give Council a clearer indication as to how the £2.6M overspend will be tackled and which specific areas, if any will be reviewed?"

**Reply:**

*"The financial pressures arising in the whole Health and Social Care system are of significant concern and even at this stage we must locate these budget pressures in that wider context.*

*These pressures do not result from non-delivery against key elements of the 12/14 budget strategy but are a complex combination of increased demand arising from changing demographics and the increasing longevity of those with complex needs - the growing numbers of older people in York who have increasing complex needs and residents with Learning Disabilities living longer are impacting on our social care budget. The final Census demographic trends indicate that there has been an increase of over 30% in the number of over 85s between 2001 and 2011 and census data projections indicate a further 9% increase by 2015 and 21% by 2020. There will also be a 35% increase in over 90s by 2020.*

*What is needed is for Government to make a decision on the future funding of care.*

*Despite the investment made in Adult Services as part of the 2012/13 budget the combination of historic levels of funding and the almost unique circumstances facing the York & North Yorks PCT all contribute to the scale of the challenge faced. The on thing that Government could do is to ensure that the Clinical Commissioning Groups do not start their existence with a deficit budget. For the Government to allow this to happen will only put further pressures on the Council.*

*Officers within the Directorate are maintaining strict expenditure control measures and exploring the potential to bring forward implementation of budget savings.”*

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

“The Adult Social Services Finance Report referred to in my previous question also indicated that the directorate is assessing which 2013/2014 savings proposals can be brought forward. Can the Cabinet Member indicate what these might be at this stage. If not, what timescale can we expect to hear about them?”

**Reply:**

*“I would refer Cllr Doughty to my response to his earlier question (iv). Measures to mitigate the financial pressures being experienced will be publically described as part of the report to Cabinet at the Second Monitor of this years budget.*

*What Cllr Doughty needs to understand, which he and other opposition Councils do not, is that we are talking about people and their needs are not always predictable.”*

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

“Excluding the efforts of the various housing associations, can the cabinet member say how many affordable homes have been completed as a result of developer contributions during the period the Labour Administration has been in control?”

**Reply:**

*“I would refer Cllr Barton to the table below which clearly shows the delivery of Affordable Homes which are much needed by York residents. I would also refer him to the fact that the Housing Waiting List*

	Social rent completions	Low cost home ownership completions	Intermediate rent completions	Total affordable completions	Of which ... Affordable completions on S106 sites	Total housing completions (including affordable)
2007/08	18	33	0	<b>51</b>	19	523
2008/09	116	35	0	<b>151</b>	52	451
2009/10	92	60	0	<b>152</b>	25	507
2010/11	153	55	74	<b>282</b>	87	514
2011/12	77	44	30	<b>151</b>	50	321

*rose again between July and September by 679 to 4651 – these are people who cannot afford to buy or rent in the private rented sector in York. This number is expected to increase due to the Government cuts to Housing Benefit, which many working residents receive.*

*Not included in the table are the 48 planning gain affordable homes secured on the Discus bungalow redevelopments. Although they are planning gain, many have been let at intermediate levels under a rent-to-buy scheme by Tees Valley and they have attracted HCA grant for this. It’s actually an excellent example of responding to the market downturn which has resulted from people not being able to afford to obtain a mortgage due to the difficult lending criteria’s and doing so meant that the homes did not stand empty.”*

Note: details of affordable housing completions are on the council's website at:

[http://www.york.gov.uk/housing/Affordable\\_housing/completions/](http://www.york.gov.uk/housing/Affordable_housing/completions/)

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

“Could the Cabinet Member update Council on what is happening to the estimated 184 residents in the ‘moderate’ care bracket recently cut by Labour?”

**Reply:**

*“Councillor Aspden needs to better understand the complexities of the growing care needs of York residents in relation to the damaging cuts that his Coalition Government have places on this Council. The cuts are a result of reduced Government funding and the City of York Council has to make the difficult decisions that Government will not to ensure as many people as possible receive support*

*Officers have undertaken a review of everyone’s records to ensure that they have the most up to date assessment of eligibility criteria for those identified at Moderate level during the consultation. Around 50 people’s needs level had changed since the Spring.*

*Officers have written to those who are still listed as being at Moderate level, who will need a review of their needs and have begun to undertake those reviews.*

*They will be using information from the reviews to develop the investment plan, and have invited user led groups and partners to help with the development of this plan.”*

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

“What has the uptake been for council tenants installing Solar PV (photovoltaic) panels and what impact will this have on national grid capacity?”

**Reply:**

*“As at 5<sup>th</sup> October 12, 431 properties had a Solar PV system fitted which each generate between 3.2 & 3.8KWph. There were no restrictions on capacity input to the National Grid other than the local loops which are related to the original electrical dwelling designs which*

*has put a restriction on some streets – this meant that some residents who may have wished to have panels were not able to*

*It is unfortunate that more were not able to be fitted but as Cllr Reid should be aware the debacle of the Feed in Tariff cut of date led to Councils across the country losing 6 months of installation time and only 2 months to do so in. The Governments actions thus resulted in the loss of around 600 roofs from the scheme.”*

(ix) To the Cabinet Member for Transport, Planning & Sustainability from Cllr D’Agorne:

“Can the Cabinet Member report what reviews are taking place following the combined travel disruption caused by flooding and gas works around the city?”

**Reply:**

*“I can advise that I have asked officers to undertake a separate review into the impact of flooding on the transport network, with a view to taking on board the lessons learnt and where possible proactively source additional funds to help address these issues as far as we realistically can for the future. However planning gas related road works to avoid flood events I suspect is beyond even my capabilities!”*

(x) To the Cabinet Member for Transport, Planning & Sustainability from Cllr D’Agorne:

“Will there be a review of the arrangements with utility companies to prevent work being allowed simultaneously on several key roads at the same time (Tadcaster Rd, Sim Balk Lane, Bishopthorpe Rd, Cemetery Rd)?”

**Reply:**

*“Discussions always take place for major works on key routes and are co-ordinated to minimise the disruption to the travelling public. The Tadcaster Road and Bishopthorpe Road works were not planned to coincide.*

*The work on Tadcaster Road was supposed to be in the verge only, but National Gas Network’s (NGN) poor records and previous damage to the existing mains meant that the work over ran. However the works were actually completed before the works on Bishopthorpe Road started last Monday.*

*NGN have consequentially been fined £7,500 overrun charges for Tadcaster Rd and £2,500 for Sim Balk Lane.”*

(xi) To the Cabinet Member for Transport, Planning & Sustainability from Cllr Barton:

*“Bearing in mind that yet another LDF Working Group meeting (1<sup>st</sup> October) has been cancelled, when will the Conservative motion from the Council Meeting of 12<sup>th</sup> July 2012 and referred to this group be debated and a recommendation brought to full council?”*

**Reply:**

*“As Councillor Barton should be aware of by now, dates in the Council diary for LDF working group meetings are only provisional as for Licensing/Gambling Hearings, and Scrutiny call ins., This helps to ensure there is a space should there be business to deal with, and avoiding the difficulty of fixing a mutually convenient date when there is business.*

*A paper considering the Council’s planning policy approach to affordable housing is due to be taken to the Local Plan Working Group on 5<sup>th</sup> November and Cabinet on 4<sup>th</sup> December.*

*This decision at Cabinet will effectively set the Council’s interim position in advance of the emerging Local Plan.”*

(xii) To the Cabinet Member for Transport, Planning & Sustainability from Cllr Reid:

*“How much has been spent on the '20’s Plenty’ Campaign and does this include the cost of all marketing and advertising?”*

**Reply:**

*“Nothing. “20s Plenty” is a National Campaigning organisation and we do not fund it.”*

(xiii) To the Cabinet Member for Transport, Planning & Sustainability from Cllr Ayre:

*“The budget for 2011/12 included £158,000 for a statutory bus partnership and a further £100,000 has been allocated in 2012/13. Does the Cabinet Member think it is acceptable that 5 months after raising the question, I am yet to receive a detailed breakdown of how this money is being spent? Could the Cabinet Member now provide a*

detailed breakdown of what this £258,000 has been spent on and what benefits have come from this?"

**Reply:**

*"Funding was identified to develop a bus Quality Contract scheme but also to tackle air quality issues as I have previously told you. Not least as a result of the work we commissioned in these areas, the Council was successful in securing nearly £3m of Better Bus Area Funding (BBAF) from government in March 2012, and £51k Air Quality related funding from DeFRA for York.*

*The projects and schemes forming the BBAF are to be delivered in partnership with York's bus operators. These have enabled the Council to progress a number of improvements to York's public transport system which were previously not possible, but this has impacted on the QBC work, as will the recent Government announcements on Better Bus requirements..*

*Notwithstanding this, the additional Bus Quality Contract & Air Quality funding has thus far been spent on:*

- *Low Emission Zone Feasibility Study £11.7k*
- *The commissioning of a Bus Improvement Study (to be reported in the coming weeks) - £32k*
- *The commissioning of a freight Improvement & emission Study (to be reported by the end of the year) - £30k*

*And shortly to*

- *Review and re-launch York's Quality Bus Partnership - £30k*
- *Undertake a comprehensive review of York's local bus network - £20k*

*We will also be undertaking work to look at the appropriate pricing levels for the proposed All York smart tickets."*

(xiv) To the Cabinet Member for Transport, Planning & Sustainability from Cllr Reid:

*"While recognising the excellent work of those on the ground tackling the floods, there were complaints that there were no sandbags available in the Skeldergate area and people were being left to fend for themselves. Could the Cabinet Member confirm that there are 40,000 empty sacks in the depot with sufficient sand to fill and these were properly distributed during the floods?"*



**Reply:**

*“The emergency response is part of my colleague Dafydd Williams portfolio, not mine. However, I am advised that Silver Command received only a couple of calls regarding Skeldergate. These were from tenants of commercial properties managed by their own property management companies, with the exception of one I made myself in regard to a local resident. The commercial property tenants were advised that their initial request for assistance needed to be to that source, as most have their own resilience contracts.*

*Approximately 10% of the stock (4000 bags) were distributed throughout the city. These were delivered to, and placed in-situ at the pre designated properties as per the CYC flood plan. I am advised that there were and are sufficient resources and resilience to distribute them as river levels rise and the flood plan is enacted.*

*It would be helpful if Councillor Reid is aware of some particular issues in Skeldergate that she passes those on to officers so they can be addressed in the plan and any future flood event.”*

(xv) To the Cabinet Member for Crime & Stronger Communities from Cllr Healey:

“Can the Cabinet Member please outline progress on the priorities identified from your administration’s Crime summit?”

**Reply:**

*“Work to deliver on the priorities and commitments identified at the Crime Summit is progressing well. The Community Safety Plan has been updated and was signed off by Cabinet on 4<sup>th</sup> September. The 2012/13 update sets out the priorities from the Crime Summit against the four key priorities established through the Joint Strategic Intelligence Assessment. The document will also be central to our discussion with the PCC.*

*Crime in the city dropped by 10% during the first year of the Labour administration, and on the first 5 months of the current financial year we are forecasting a further reduction of around the same level.”*

(xvi) To the Cabinet Member for Crime & Stronger Communities from Cllr Healey:

“How does the Cabinet Member envisage his role changing with the election of a Police and Crime Commissioner for North Yorkshire?”

**Reply:**

*“The election of the PCC is changing the way the police are governed with a move away from the NYPA to an elected individual. My role as Cabinet Member for York is to engage with the police and the NYPA / PCC to ensure that policing within York is delivered in a way that is not only reactive where crimes occur but also proactive to reduce not only crime but the fear of crime.*

*The changes being introduced will no doubt change the dynamics, and as Cabinet Member I will sit on the Police and Crime Panel, whose role it is to hold the PCC to account, however the key principals of the role as set out will remain the same.*

*I will be an ambassador for York on matters related to crime and anti-social behaviour and key decision maker and budget holder for a number of key services in these areas.”*

(xvii) To the Cabinet Member for Crime & Stronger Communities from Cllr Healey:

“Does York Consortium’s £13,405 management fee of the Community Fund represent good value for money?”

**Reply:**

“Yes.”

(xviii) To the Cabinet Member for Crime & Stronger Communities from Cllr Orrell:

“How many Community Ward Contracts have been fully agreed and signed-off?”

**Reply:**

“Eight. With a further 10 in progress.”

(xix) To the Cabinet Member for Crime & Stronger Communities from Cllr Ayre:

“After first raising concerns in August, I have yet to receive a satisfactory answer to questions on the York Travellers Trust loss of £13,291 CYC funding. Could the Cabinet Member now confirm if this funding is being removed or whether they are receiving funds from a different pot? If they have lost funding what plans are in place to support the Trust? And will the Trust be able to continue without this funding?”

**Reply:**

*“The Council’s funding arrangements changed in October when Your Consortium took over management of new funding arrangements as set out above. I understand that the Travellers Trust did not submit a qualifying bid as they were not able to supply the necessary supporting information.*

*They have received some additional funding and Council officers are working with the trust on their longer term future.”*

(xx) To the Cabinet Member for Leisure, Culture & Tourism from Cllr Richardson:

*“Is the Cabinet Member going to resign as chair of the Equality Advisory Group given her comments made regarding Cllr. Jeffries and if not will she be apologising to this Group which is tasked with upholding equality in this city?”*

**Reply:**

*“No I am not, as there is no valid reason to do so.*

*The remark to which I think you are referring had nothing to do with Equalities or my role on EAG.*

*Your statement that EAG is tasked with upholding equality betrays your lack of understanding of the equalities agenda as we are all, as councillors, jointly and "equally" charged with upholding equalities in this city, not just EAG.”*

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

*“An update sent to staff confirms that a project board has been convened to prepare a detailed ‘social enterprise’ model to transfer ownership of libraries from the Council. The recently launched library consultation does not ask residents for their views on this. Therefore, given that the consultation ignores the most important question, would the Cabinet Member consider withdrawing it and starting a proper full and frank discussion about the future ownership of libraries?”*

**Reply:**

*“No, I will not be withdrawing it and the following may help you to understand why.*

*First of all, I am very proud that this Council under the current administration signed up to be a "Co-operative Council". Officers across the Council have been working to draw out the benefits of social enterprises for delivering Council services.*

*In my portfolio officers have been working together to look at all the options for the Library Service, aiming to identify arrangements that have the best potential to build on the success that the service has enjoyed over the past 18 months.*

*Before we make any decisions, however, we need to refresh our understanding of what the people of York want from their service and the extent to which they are willing to get involved in helping to shape the service.*

*The consultation is completely open about the idea of the social enterprise model and makes it clear that this is under consideration. We are seeking people's views through a wide variety of channels. It will enable us to make the most informed decision about how to continue to develop our services in line with residents' wishes.*

*There are three questionnaires for different age groups: Under sevens, 8-17 year olds and adults. We want to ensure that everyone can take part.*

*The questionnaires are available online and in paper format from all libraries. We are also taking them to all our housebound users. We want the consultation to be organic and have set up a blog to report on the discussion taking place. We will be providing additional information as people ask for it. This will be in all libraries and online.*

*We are also engaging with all parish councils and ward councillors, and community groups and communities of identity directly. There will be displays in all libraries with an area in York Explore Cafe set aside for staff to be available for questions and discussions. This will be replicated in all libraries. Children's Centres are emailing the consultation out to all their contacts and having the questionnaire in the centres for people to pick up. We will consult properly and will react positively to residents concerns for more information as and when that arises.*

*Across the country since April 2011 57 'static' libraries (buildings) have closed; 53 'mobile' libraries (based in vehicles) have closed and 46 libraries have been taken over by volunteers, social enterprises or parish councils.*

*The fact that the Lib Dem /Tory coalition government has caused the closure of so many libraries in the last 18 months across the length and breadth of the UK is of great concern to me and my Labour colleagues and is probably just the tip of the iceberg.*

*Against all the odds, this administration has opened a new reading cafe in the last year, adding to our library offer. It is a constant battle to protect this level of offer with huge funding reductions, year on year.*

*From Cllr. Ayre's question it strikes me that he has failed to grasp the enormity of the budget pressures this council is facing due to his Government's actions. I'm afraid the decisions we have to take are as much about do we or don't we continue to deliver a service in this climate. Considering alternative delivery models allows the council to say a service can and will be maintained, which I'm certain residents will value.*

*If the Member has discovered a new-found and immovable commitment to retaining services in-house, then he would be best making representations to his party in Government, who can influence the present situation quickly by ensuring York receives a fair funding settlement in future."*

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

"Does the Cabinet Member believe that the 'social enterprise' model is the only way to deliver future library services?"

**Reply:**

*"No, of course it is not the only model for the delivery of a service.*

*It is certainly one that we would favour over profit making enterprises however, as they are more likely to strip value out of a service.*

*As I've said before, the options we are looking at involve how we can keep the service going, and a social enterprise model is amongst the best ways of achieving this.*

*The way the current coalition government is going it may well be the only hope for many council services in the future, not just libraries. This is not only my opinion, but it is also the opinion of anyone who has any experience and interest in local government and knowledge of the unrealistic funding cuts on local authorities, whatever their political colour as outlined in the 'Graph of Doom', issued by independent*

*advisors at the LGA and introduced at the LGA Urban Commission. You would then see that across the political spectrum, local authority councillors fear the worst.*

*Whether a social enterprise mode of delivery is the best direction for York is something that the Cabinet will take a view on, in the light of the public consultation, when officers bring a report forward in December.”*

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

“Can the Cabinet Member guarantee that whatever the future ownership model of libraries, current staffing levels will be maintained?”

**Reply:**

*“Clearly I cannot give that guarantee. Eric Pickles may sign local government up for a whole series of extra cuts beyond those we already know about, and without warning. A social enterprise model, should it be a route we agree to pursue, may determine that current staffing levels are unsustainable. There are a number of unknowns that in the current climate that it would be foolish to try and predict.*

*What I will say is that this administration is fully committed to maintaining an excellent and nationally recognised service, and the staffing necessary to support such a service.”*

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

“When will the responsibility for equalities and inclusion transfer to the Cabinet Member for Crime and Stronger Communities?”

*“That responsibility will transfer across when the Cabinet Leader feels it is time to do so, and when he does, I will ask that you are one of the first people to be informed. But it will certainly be during the course of this administration.”*

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

“Could the Cabinet Member give a detailed breakdown of the cost of ‘Illuminating York’ for the last 3 years and for this year?”

**Reply:**

*“Yes. I’m pleased that this year we are moving into a whole new ball game in terms of our ambition for Illuminate. This has been made possible by our success in attracting in-kind support from other partners, notably £68k’s worth of equipment through our collaboration with Blackpool, and also through a larger than ever grant from the Arts Council.*

*This year’s event is a very special one as it falls in York800 year and we have been fortuitous in attracting a big star name to design and be associated with the event.*

*It is a much bigger and more ambitious project than ever before as befits our ambition and vision for what is possible.*

*The Arts Council has been very generous because it is such a different event and is truly bringing art to the people. Many other organisations and partners from across the city and further afield have generously contributed to the event as never before.*

*However, as wonderful as Illuminating York is, due to funding pressures caused by swingeing cuts to Local Authority budgets by the Coalition Government, we must work on making events such as this sustainable for future years if they are to survive.”*

(xxvi)To the Cabinet Member for Corporate Services from Cllr Cuthbertson:

*“In light of the disastrous 2012-13 Performance and Finance Monitor 1 report which showed a projected overspend of £5.9 million, could the Cabinet Member outline how this situation will be rectified?”*

**Reply:**

*“Given huge reductions in funding from Government, these are incredibly difficult times that look set to continue for some years. However, ensuring we come in on budget each year is essential and we are giving this the highest priority.*

*Extensive work is ongoing in all areas of the Council with a view to bringing the Council’s spending in line with budget at the end of the year. All areas are being reviewed in terms of areas to reduce expenditure, and we will take whatever actions are necessary in order to ensure we stay within budget at year end, just as we did last year.”*

(xxvii) To the Cabinet Member for Corporate Services from Cllr Cuthbertson:

“Will the Cabinet Member ensure that as soon as she receives information on the proposed growth items and savings for next year’s budget, these will be made available to opposition councillors?”

**Reply:**

*“This information was included within the report to Council in February 2012, when a two year budget was set. The report in February set out the details of nearly £9m of planned savings for 2013/14 so this is all available in the public domain and has been since February. As have indications for planned growth.*

*Due to the uncertainty, and further funding reductions being imposed by Government, we will inevitably have to review the position, and consider some further details of the plans we set out in February 2012. This will all be reported to Council in the normal manner, including a report to Cabinet in February 2013.*

*Government delays in the grant settlement, now planned for mid December, and uncertainty over the funding of local government, and a delayed Autumn statement, do not help in terms of our long term planning.”*

(xxviii) To the Cabinet Member for Corporate Services from Cllr Cuthbertson:

“What was the total revenue lost to this Council through the traffic wardens strike in July?”

**Reply:**

*“During the week of the dispute a total of £131.6k income was collected from on-street and off-street car parking facilities. This was in line with projected income levels and actually £0.2k higher than the income received in the preceding week. There was income lost from not issuing Penalty Charge Notices during the week (budget £9-10k per week) but this was offset by not having to pay Civil Enforcement Officers as a result of the industrial action.”*

(xxix) To the Cabinet Member for Corporate Services from Cllr Reid:

“In the light of other colleagues not having answered this question, I am now asking the Cabinet Member for Corporate Services – In April the Council said it expected to “receive full payment within the next month”



for the outstanding rent still owed by UK Entertainment Online Ltd in regards to the Winter Wonderland in Exhibition Square last December. Could the Cabinet Member indicate whether this was achieved and if not what money is still owed to the Council?"

**Reply:**

*"The council sent an invoice to the company on 26<sup>th</sup> April 2012. Unfortunately this invoice has not been paid and is currently going through our recovery process."*

(xxx) To the Cabinet Member for Environmental Services from Cllr Firth:

"Will the Cabinet Member confirm that his colleague, Councillor Sonja Crisp, was wrong to say in March that "all the salt bins required across all wards will be refilled from the core budget?"

**Reply:**

*"I will confirm no such thing. Cllr Crisp said that all required bins would be filled from the core budget, and all required bins are being filled from the core budget, with contingency funding available if the need arises."*

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

"The Cabinet Member recently said that he thinks the "Liberal Democrats could be more constructive" when it comes to reducing litter. Does he agree that the most constructive way to reduce litter would be for Labour to listen to the thousands of residents that have signed petitions and return the 349 litter and dog bins removed earlier this year?"

**Reply:**

*"As Cllr. Aspden knows, I said "Liberal Democrats could be more constructive in encouraging the responsible disposal of litter and dog waste". I said this as I find various comments from Liberal Democrats indicating that they thought residents will invariably start littering if a bin is not immediately present rather insulting.*

*We do not want to be making these reductions, and if Cllr Aspden's Government was not making huge cuts to the Council, we would not have to. But they are, and we do. Liberal Democrats nationally talk of the "Big Society", so instead of cheap political point scoring that appears to justify littering when no bin is close at hand, maybe Liberal*

*Democrats locally should do the right thing and help us encourage residents to take their litter home with them.”*

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

“What does the Cabinet Member intend to do about the salt bins that are out on the street but in need of repair?”

**Reply:**

*“Councillors and members of the public can report bins in need of repair in the usual manner.*

*The Customer Centre can be reached by telephone on 01904 551 550, 8am to 7pm Monday to Friday, emailed at [ycc@york.gov.uk](mailto:ycc@york.gov.uk), or online at [www.york.gov.uk/doitonline](http://www.york.gov.uk/doitonline).”*

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

“Can the Cabinet Member confirm that the Snow Wardens scheme will continue?”

**Reply:**

“Yes.”

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

“When will the public consultation on changes to the green bin service take place?”

**Reply:**

*“Cabinet will consider a report on options for garden waste in December – there will be a consultation following consideration of this report.”*

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

“Given the delays in consultation, the threat of a rise in landfill tax charge, and the public opposition, will the Cabinet Member formally rule out introducing charging for the green bin service?”

**Reply:**

*“Given the cuts made by Cllr Reid’s party in Government, I can make no such statement. We have not made any decisions about this service as information is still coming forward and the public is still to have its say, and to rule any options out or in would pre-empt that public consultation, which we are not prepared to do.”*

Cllr Keith Hyman  
LORD MAYOR OF YORK

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

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**Councillor James Alexander**  
**Labour Leader of City of York Council**  
**Report to Full Council – December 2012**

### **Floods**

Flooding has hit the city once again, and we have shown that working with our partner agencies, we can reduce the worst impacts of extreme weather on York residents.

I want to thank staff involved from all agencies for their efforts in the recent floods.

### **Living Wage**

I am very proud this council is the first in Yorkshire and Humber to announce our intention to implement the 'Living Wage' for our lowest paid workers. This is something tangible that has arisen from the work of York's independent Fairness Commission.

City of York Council will be joint first in the region to implement the Living Wage from 1<sup>st</sup> April 2013. This will help 573 of our lowest paid workers during a difficult financial climate and will help stimulate some of our poorest areas with greater purchasing power. As important as anything else, this is about paying individuals fairly for the valued work they do for this city.

Councillor George Barton, Deputy Leader of the Conservative Group, said his group opposed the Living Wage at the York Economic Partnership. The Liberal Democrat Group has said the introduction of the Living Wage is "financially reckless".

Paying the Living Wage is morally the right thing to do.

## **Unemployment**

The latest claimant count for Job Seeker's allowance in York is 3067. This is an increase of 10 people from the previous month. This represents 2.2% of the working age population. The national average is 3.8% and the regional average stands at 4.6%. In October 2011 the amount stood at 3,439.

The actions this administration is taking to support jobs and growth is becoming tangible in our unemployment and growth figures. We will be relentless in supporting the local economy.

## **Internationalisation**

City of York Council will be taking part in the MIPIM conference with other councils in the region. The conference is the place for people to pitch development sites to investors. The ambition to get development sites off the ground in York over the past few years has been lamentable and I hold the previous administration partly responsible, together with the present national economic situation which we have far less influence over. It is a shame the Liberal Democrat Group has opposed the Hiscox development at Hungate and now opposes measures to promote other inward investment opportunities in York. Their policy has to been to hold on to wait for land values to go back up, when there is no evidence that this will be the case. This policy would result in no schemes getting off the ground.

Our taking part in this conference is backed by the private sector and all three main group leaders agreed at the economic partnership to not play political games where international travel is in the best interests of York.

I am pleased to say Julian Sturdy MP has resisted this temptation and given me his backing for such travel to support developments in York.

I have held follow up discussions with the Philippine Ambassador to the UK with regard to economic and cultural links. Interest centred around a growing agricultural food industry (to which Dijon is also involved), supply of energy and learning from the Philippines with regard to volunteer flood responses. There was also discussion around students, bio-medical industry and tourism.

The meeting was at the invitation of the Philippine Ambassador following a successful meeting in York. The Ambassador said his trip to York was the most successful of his meetings in the UK outside of London.

Important work with Shanghai and Chicago are also underway with a view to bringing further tangible benefits to our local economy.

I will keep council informed on progress on this important area of work that I feel has been neglected for some time. Conservative Minister Greg Clark and UKTI are encouraging greater internationalisation of cities to increase exports which will secure a demand-led economic recovery.

### **Impact of the Chancellor's Autumn Statement**

The submission time of this report is before the Chancellor's Autumn Statement. I am, however, happy to answer any questions on the impact this statement has upon York.

### **Fireworks**

I am pleased this administration managed to secure two fireworks displays in the home of Guy Fawkes. The displays were not at any cost to the council taxpayer and although the organisers will have some lessons to learn from the displays, it is a very positive step in the right direction. It is a big turnaround from the previous administration and no professional major displays in York.

## Scrutiny

I am concerned that scrutiny is not working as it should be in this council and there is a lack of direction in the scrutiny function that the Executive function of the council cannot lead on.

This administration reinstated the scrutiny budget that was cut by both Liberal Democrat and Conservative councillors in the 2010/11 Feb budget. We want scrutiny to work but instead we have a system with very few positive outcomes which I would like to see change.

I would like to discuss the issue with Group Leaders in a constructive way that seeks to find a way forwards. But ultimately it is down to all Members of the council to want to change the way scrutiny works and to want outcomes which improve the lives of York residents.

As Cabinet Leader I can only support this process, rather than lead on it.

## HQ

The council will shortly be making the move to its new HQ. This has been many years in the planning and is critically important to both changing the way we work, and saving money.

I'm confident it will be a positive step for the council and look forward to working more closely with officers and Members once the move is made.



## **Christmas Stimulus Package**

The administration has listened to city centre retailers and increased funding for Christmas lighting. We have secured free parking for late night shopping on Thursdays in the run up to Christmas and we have also funded free parking on Boxing Day.

This stimulus package also included the council bailing out retailers along Stonegate that would have had no lighting this year due to lack of their own funds and deciding some years ago to not be involved with the council's lighting system.

This, as well as the economic development decisions we are taking detailed above, is why Labour in York is trusted on the economy.

## **Christmas**

I would like to wish all members of the council a very Merry Christmas and a prosperous New Year.

Councillor James Alexander

4<sup>th</sup> December, 2012

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MEETING	CABINET
DATE	6 NOVEMBER 2012
PRESENT	COUNCILLORS ALEXANDER (CHAIR), CRISP, GUNNELL, LEVENE, LOOKER, SIMPSON-LAING (VICE-CHAIR) AND WILLIAMS
IN ATTENDANCE	COUNCILLORS CUTHBERTSON, DOUGHTY, HEALEY AND STEWARD
APOLOGIES	COUNCILLOR MERRETT

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## **PART B - MATTERS REFERRED TO COUNCIL**

### **55. 2012/13 CAPITAL PROGRAMME MONITOR 2**

Consideration was given to a report which set out the likely outturn position of the 2012/13 Capital Programme based on the spend profile and information to October 2012.

Changes made throughout the year had resulted in a current approved capital programme for 2012/13 of £65.103m, financed by £28.987m of external funding and internal funding of £36.116m.

An increase of £3.930m, made up of new schemes and net profiling of schemes from the current year had resulted in a revised capital programme budget of £69.033m, full details of which were set out in paragraphs 4 to 7 and at Table 2 of the report. It was noted that the portfolios had been aligned with the new Council Structure from 1<sup>st</sup> April 2012.

A summary of the key exceptions and implications for the capital programme were reported in each service area at paragraphs 9 to 30 and summarised in Table 3.

The projected call on Council resources going forward to 2016/17 capital programme were set out at paragraphs 32 to 35, Table 2 and Annex A of the report. It was confirmed that the overall funding position was closely monitored by the Director of

Customer and Business Support to ensure that the capital programme remained balanced, with any issues being reported to Cabinet.

RECOMMENDED: That Council agree:

- the adjustments in the Capital programme of an overall increase of £3.930m in 2012/13 and re-profiling from 2012/13 to 2013/14 and 2014/15 of £553k as detailed in the report and contained in Annex A including the following new schemes:
  - £248k for the provision of a Looked after Children's Contact Centre funded by £190k departmental borrowing with the associated costs being funded by the savings realised from this service area as a result of delivering this scheme and £58k funded from DfE Children's Social Care Capital Grant.
  - £2.213m for the outright purchase of Fleet Vehicles previously leased to be funded by prudential borrowing with the associated revenue costs being met from existing departmental revenue budgets.
  - £34k Parks and Open Spaces schemes all funded from S106.
  - £10k S106 CCTV Digital Infrastructure
- To note the 2012/13 revised budget of £69.033 as set out in paragraph 6 and Table 2 of the report.
- To note the restated capital programme for 2012/13 – 2016/17 as set out in paragraph 30, Table 3 and detailed in Annex A of the report.
- To note the re-profiling and adjustments of the Economic Infrastructure fund to align to spend and approval as set out in the Economic Infrastructure reports to Cabinet noting the overall fund remaining at £28.5m.
- To note the inclusion of the £618k for works at Hazel Court for the Office of the Future funded by prudential borrowing with the associated costs being met from annual revenue savings of £235k from moving out of the Guildhall, St Anthony's and 50 York Road as approved by Council on the 11 October 2012.
- To approve the use of capital contingency:

- £31k for Flood Pump Resilience (paragraph 12)
- £85k for CCTV Digital Infrastructure (paragraph 15)

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

Action Required

1. Forward recommendations to Council.

JP

Cllr J Alexander, Chair

[The meeting started at 5.30 pm and finished at 7.25 pm].

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**City of York  
Council Tax Support  
A summary of the scheme for Pension Credit Age persons and  
the scheme for Working Age claimants**



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## Introduction

As part of the major changes to the Welfare Benefits system, from 1<sup>st</sup> April 2013 Council Tax Benefit will end and is to be replaced by a new scheme called Localised Support for Council Tax or Council Tax Support. Both systems are means tested which means that they compare your income and capital against an assessment of your needs.

The new scheme will largely be decided by each Council rather than nationally by Central Government. The monies available to each Council have been reduced and if you are of working age the amount of help you receive may be less than under the current scheme (Council Tax Benefit).

Central Government has decided to protect pensioners (persons who are of an age where they can claim pension credit) and therefore if you are a pensioner and are currently receiving Council Tax Benefit, then the amount of help you receive under the new Council Tax Support scheme will be broadly the same and operate in a similar way to the current Council Tax Benefit system

To assist certain vulnerable groups, the Council has also decided that there will be additional protection given. More details are given later within this document.

The rules of the Council Tax Support scheme divide the persons who can claim support into various classes. The classes or groups are set by Central Government for pensioners and the classes or groups for working age applicants are set by the Council. The following section shows the classes that are to be in place from 1<sup>st</sup> April 2013:



**The Council Tax Support scheme for Pensioners (persons who have reached the age at which pension credit can be claimed)**



### **The Council Tax Support scheme for Pensioners (persons who have reached the age at which pension credit can be claimed)**

The Government has created three classes and the Council will decide which class each applicant is in. The class will determine the level of Council Tax Support that can be provided:

#### **Class A**

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. not have capital savings above £16,000;
- e. must have their assessed income less than or equal to the set living allowances (applicable amounts) set by Central Government; and
- f. have made a valid application for the support.

The class also includes persons who have successfully claimed Pension Credit Guarantee.

#### **Class B**

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. not have capital savings above £16,000;
- e. have made a valid applied for support; and
- f. have assessed income above the set living allowances (applicable amounts) set by Central Government.

#### **Class C**

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. made a valid application for support;
- e. be somebody who has at least one second adult living with them who is not his/ her partner, not somebody who pays rent, and who is on a prescribed low wage and/or prescribed benefit, as set out by Central Government.

#### **What Council Tax Support will be payable to Pension Age persons?**

If a person matches the criteria in Class A, including that their *income* is less than their *living allowances (applicable amounts)* that person qualifies for 100% reduction on their council tax liability, (net of any council tax discounts, such as single person discount), adjusted down for any non- dependent deductions. This also applies if a person in receipt of state pension credit guarantee credit from the Department for Work and Pensions (Pensions Service)

If a person matches the criteria in Class B, it will mean the person's *income* is greater than their *applicable amount (living allowances)*. Twenty per cent of the difference between the two will be subtracted from this individual's council tax liability (net of any council tax discounts, such as single person discount), adjusted down for any non- dependent deductions

Council Tax Support for person in Class C may be awarded in respect of a second adult sharing



the household who would normally be expected to contribute towards the council tax bill, but who cannot afford to do so, based on their low income or on prescribed benefits. This reduction will equate to the *second adult rebate* available under the Council Tax Benefit scheme and may be awarded at 100%, 25%, 15% or 7.5% of the council tax liability, depending on individual circumstances



## **The Council Tax Support scheme for working age persons**



## The Council Tax Support scheme for working age persons

The Council has decided that there will be three classes and the will decide which class each applicant is in. The class will determine the level of Council Tax Support that can be provided:

### Class A

To obtain support the individual (or their partner) must:

- a. have not attained the qualifying age for state pension credit; or
- b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- d. not have capital savings above £16,000;
- e. be a person who *income* is **less** than their living allowances (*applicable amount*) or the claimant or partner is in receipt of Income Support, Jobseekers allowance (income based) or Employment and Support Allowance (income related); and
- f. have made a valid claim for support.

### Class B

To obtain support the individual (or their partner) must:

- a. have not attained the qualifying age for state pension credit;
- b. be liable to pay Council Tax in respect of a dwelling in which they are solely or mainly resident;
- c. be somebody in respect of whom a maximum council tax support amount can be calculated;
- d. not have capital savings above £16,000;
- e. be a person who's *income* is **more** than their living allowances (*applicable amount*);
- f. have made a valid claim for support;

### What Council Tax Support will be payable to working age person?

If a person matches the criteria in Class A, including that their *income* is less than their *living allowances (applicable amounts)* that person qualifies for 70% reduction on their council tax liability (less any non dependants deductions). This also applies if a person in receipt of income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance.

If a person matches the criteria in Class B, it will mean the person's *income* is greater than their living allowances (*applicable amount*). Twenty per cent of the difference between the two will be subtracted from the maximum council tax liability allowed. The Council has decided that for 2013/14, the maximum council tax liability will be 70% of council tax the person is liable to pay (less any non dependants deductions).



## **How Council Tax Support works**





## How Council Tax Support works

### Who can claim?

If you have to pay Council Tax, you may be able to get Council Tax Support (CTS) from 1<sup>st</sup> April 2013

You can only get support if you have a right to reside and are habitually resident in the United Kingdom (UK). If you have entered the UK within the 2 years before your claim for benefit, the council will ask you about this.

People given refugee status, humanitarian protection or exceptional leave to remain in the UK will continue to be eligible for support.

Most full-time students are not entitled to Council Tax Support.

### How much Council Tax Support can I get?

Maximum Council Tax Support depends on:

- Whether you are in the Pension Age scheme (attained the qualifying age for state pension credit) or are in the Working Age scheme;
- How much council tax you have to pay; and
- Who you live with.

### How is maximum Council Tax Support calculated for the Pension Age Scheme

For the Pension Age Scheme the maximum Council Tax Support is set by the Government as up to 100% of the council tax you are liable to pay less any non dependant deductions (see non dependant deductions later in this document). If you are already getting or have claimed Pension Credit Guarantee the Council will grant maximum Council Tax Support

### How is maximum Council Tax Support calculated for the Working Age Scheme

For the Working Age the maximum Council Tax Support is set by the Council as up to 70% of the council tax you are liable to pay less any non dependant deductions (see non dependant deductions later in this document). If you are already getting or have claimed Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance then you will receive the maximum Council Tax Support

### Extended Payments

If your Income Support, income-based Jobseeker's Allowance or income-related Employment & Support Allowance or Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance stops because of work.

Extended Payments of Council Tax Support are available and the payment is an extra four weeks of support to help pay towards your Council Tax when certain other benefits stop because you're going back to work, working more hours or earning more money.

You do not have to claim an Extended Payment if you or your partner, or civil partner (and they remain a partner throughout the claim) have stopped getting one of the benefits mentioned below because one of you is expected to do one of the following for five weeks or more:

- Return to work full time
- Work more hours
- Earn more money

And you've been getting one of the following:

- Jobseeker's Allowance, Income Support, or income-related Employment & Support Allowance or a combination of these benefits continuously for at least 26 weeks

**or**

- Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance continuously for at least 26 weeks

**and**



- You expect the work, increased hours or earnings to last five weeks or more and you've not been getting Income Support, income-based Jobseeker's Allowance or income-related Employment & Support Allowance with your Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance when it ceased.

Normally you'll get the same amount of Council Tax Support as you did before your income-based Jobseeker's Allowance, Income Support, income-related Employment & Support Allowance, Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance stopped.

It is paid by the Council directly to your Council Tax account. The Council will decide whether or not you're entitled to an Extended Payment. The Council will also consider whether you are entitled to in-work Council Tax Support. Once your extended payment period has ended, you can move onto in-work Council Tax Support (provided you are entitled to it) without having to make a new claim.

**If you do not get Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance**

Even if you do not get Pension Credit Guarantee, Income Support, income-based JSA or income-related Employment & Support Allowance you may still get some help with paying your council tax. This is worked out by comparing the maximum Council Tax Support you could get with:

- your needs (called your living allowances or applicable amounts); and
- your income and capital resources

**Capital**

Savings and investments (capital) may have an effect on the assessment of your income. Capital will only affect your income if you have more than £6000 and are of working age or £10000 if you are of pension age. If you have more than £16,000, you will not normally be able to get Council Tax Support (unless you are aged 60 or over and receive the Pension Credit Guarantee, in which case there is no limit to the amount of capital you can have).

However, even if your capital exceeds £16,000, you may be able to claim Second Adult Rebate.

**Absences from home**

There are some special situations in which you may continue to get Council Tax Support and these are explained below.

**Going away**

You should normally let the council know if you are temporarily absent, for example if you go away on holiday. But the Council may not need to know if you will be absent for only a short time (for example 2-3 weeks) and your circumstances remain unchanged. If in doubt, ask us.

If you are temporarily absent you can normally get Council Tax Support for a maximum of 13 weeks as long as:

- you intend to return home; and
- in your absence you will not let or sub-let the part of your home where you normally live; and
- you will not be away for longer than 13 weeks.

In certain circumstances, you may be able to get Council Tax Support for up to 52 weeks, for example if you are in hospital, or are held in custody on remand, provided that:

- you intend to return home; and
- in your absence you will not let or sub-let the part of your home where you normally live; and



- you will not be away for longer than 52 weeks.

### **How to claim**

Claims for Council Tax Support can be made in writing, by telephone and electronically. Contact the Council for details.

All claims will need to be supported by evidence of your circumstances and this will need to be provided to the Council. If you are claiming Housing Benefit as well as Council Tax Support, the Council will provide you with a joint claim form

If you are married and your husband or wife normally lives with you, or if you live with someone as though you are a married couple, only one of you can make the claim for Council Tax Support. You may choose who is to make the claim, or if you cannot agree who is to claim, the Council will nominate one of you to be the claimant.

### **Appointees**

An appointee, for the purposes for Council Tax Support, is someone over 18 appointed by the Council, to manage the Council Tax Support claim of someone who is incapable of doing so themselves (mainly because of mentally incapacity).

If you are already an appointee for other benefits and wish to be the appointee for Council Tax Support, you should write to be appointed by the Council. The role and responsibilities are the same. If you wish to become an appointee you should get in touch with the Council; they will explain the process and your responsibilities. The authority can end the appointment at any time. It is ended automatically if one of the people listed below is appointed. As an appointee you can resign at any time. An appointee cannot be made where there is already someone acting for the customer's financial affairs in any of the following capacities:

- a receiver appointed by the Court of Protection
- under Scottish law, a tutor, curator or other guardian, a continuing attorney or welfare attorney
- someone appointed to have the power of attorney.

### **Information and evidence**

The Council may need more information or supporting evidence so that they can calculate your Council Tax Support. If all the information they need is not on the claim form, or they need to clarify something or want some more verification of your circumstances the Council will write to you. If you do not reply within one month a decision will be made on your claim based on the evidence you have provided.

### **How long will it take to decide your claim for Council Tax Support**

The Council will deal with your claim for Council Tax Support as soon as possible after receiving all the information from you that they need to work out your entitlement

### **Date of claim**

The date of claim will be the date of first contact typically by phone provided that the claim form is returned to an office of the authority within one month of the claim form being issued.

### **If you change your address**

If you move to a different Council area, you must make a new claim for Council Tax Support at your new council. If you move within the same Council area, you must still tell the Council.

### **Backdating a claim**

If you are of working age, your claim to Council Tax Support may be backdated in some circumstances. You must prove to the Council that there was continuous good cause for not having made an earlier claim. However, for working age customers the maximum time the council can go back is 6 months from the date your claim for backdating was actually made. You must show there was 'good cause' for not making an earlier claim throughout the whole of any period you want backdated up to the date your claim for backdating was made.



If you have reached the qualifying age for state pension credit your Council Tax Support may be paid for up to 3 months before the date you made your claim. You do not have to ask for this and you do not have to show “good cause” for not having claimed earlier.

#### **Start of Council Tax Support**

If you become liable for the Council Tax for the first time, for example if you move to a new address or reach the age of 18 or stop being a registered student, you should claim either in advance (you may claim up to 13 weeks before you expect to become liable), or in the week that your liability starts. You then get support from the day you start being liable for Council Tax. If you claim later than this, your support starts on the Monday after the day you claim

If you are already paying the Council Tax and become entitled to support because you have less money or your applicable amount changes, you also start getting support on the Monday after you claim.

#### **Start of Council Tax support where a claimant acquires a partner**

If you acquire a partner, you and your partner will be jointly and severally liable for the Council Tax.

If you notify the council of the change, either before, or in, the week that your partner becomes jointly and severally liable, support can be paid from the day that joint liability for council tax begins.

If you notify the Council of the change after the week in which your partner becomes jointly liable for Council Tax, support for you and your partner, as a couple, can only be paid from the Monday following the day you told the Council about the change. In this case, the Council will re-assess your support entitlement from the Monday following the day you and your partner become a couple, and they will take any income and capital your partner has into account and will look at your joint needs.

#### **End of Council Tax Support**

If you stop being liable for the Council Tax, for example if you move away from an address or become exempt or start being a registered student, your Council Tax Support stops on the day you stop being liable. If you no longer qualify for Council Tax Support because, for example, your income increases or your applicable amount changes, your Council Tax Support will be stopped from the beginning of the next support week.

#### **End of Pension Credit Guarantee, Income Support, income-based Jobseeker’s Allowance or income related Employment and Support Allowance entitlement**

If you stop getting Pension Credit Guarantee, Income Support, income-based Jobseeker’s Allowance or income related Employment and Support Allowance, you must tell the Council and they will have to stop your Council Tax Support. At the same time they will ask you to explain your new circumstances, because you may still be able to get some help with your Council Tax.

#### **People who live with you - non-dependants**

People who normally share your accommodation but are not dependent on you for financial support are known as non-dependants. Others who live with you such as a family and any children you have fostered do not count as non-dependants.

#### **Non-dependant deductions**

Any non-dependants who normally share your accommodation could affect the amount of Council Tax Support you get whether or not you are also getting Income Support, income-based Jobseeker’s Allowance, income related Employment and Support Allowance or Pension Credit Guarantee

The following people do not count as non-dependants, whether they share accommodation or not:



- carers employed by a charity that charges for the service;
- joint tenants;
- subtenants;
- boarders;
- tenants of owner occupiers; and
- landlords/ladies and their partners.

They do not count as part of your household.

Non-dependants are people like grown-up sons or daughters and elderly relatives. If you have non-dependants living with you, your Council Tax Support may be affected.

#### **Non-dependant deductions from Council Tax Support**

Deductions will be made from your Council Tax Support for non-dependants aged over 18 who normally live with you. There are four levels of deduction. If the non-dependant is working less than 16 hours a week, the lowest deduction will apply. If the non-dependant is doing paid work for 16 hours or more a week, the level of deduction will depend on the non-dependant's gross income.

A deduction will not be made from your Council Tax Support if:

- the non-dependants' normal home is somewhere else; or
- you, or your partner, are registered blind or treated as blind; or
- you, or your partner, are receiving the care component of Disability Living Allowance or Attendance Allowance in respect of yourself or your partner; or
- the non-dependant is receiving Pension Credit Guarantee, Income Support or income-based JSA or income-related Employment & Support Allowance; or
- the non-dependant is a prisoner; or
- the non-dependant is severely mentally impaired; or
- the non-dependant is over 18 but Child Benefit is still payable for them; or
- the non-dependant is a student nurse or apprentice or on Youth Training; or
- the non-dependant has been a patient in hospital for 52 weeks or more; or
- the non-dependant is living in a residential care or nursing home; or
- the non-dependant is a care worker; or
- the non-dependant is a resident of a hostel or night shelter for the homeless; or
- the non-dependant is a full-time student (even if they work full-time in the summer vacation).

A deduction may be delayed for 26 weeks if you or your partner are aged 65 or more and a non-dependant moves into your home, or the non-dependants' circumstances change to increase the deduction.

#### **Working out the amount of Council Tax Support**

The maximum amount of Council Tax Support depends on:

- Whether you are in the Pension Age scheme (attained the qualifying age for state pension credit) or are in the Working Age scheme;
- How much Council Tax you have to pay; and
- Who you live with.

#### **How is maximum Council Tax Support calculated for the Pension Age Scheme**

For the Pension Age Scheme the maximum Council Tax Support is set by the Government as up to 100% of the council tax you are liable to pay less any non dependant deductions (see non dependant deductions later in this document). If you are already getting or have claimed Pension Credit Guarantee the Council will grant maximum Council Tax Support

#### **How is maximum Council Tax Support calculated for the Working Age Scheme**

For the Working Age the maximum Council Tax Support is set by the Council as up to 70% of the Council Tax you are liable to pay less any non dependant deductions (see non dependant



deductions later in this document). If you are already getting or have claimed Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance then you will receive the maximum Council Tax Support

**What if I do not receive Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance?**

If you do not get Pension Credit Guarantee, income Support, income-based JSA or income related Employment and Support Allowance, the council has to work out if you can get Council Tax Support and if so, how much you can get.

To do this, the Council works out your maximum Council Tax Support, and then compares your needs – called the living allowances or applicable amount – with your resources (your income and capital).

For customers receiving the Savings Credit of Pension Credit, the Council will use a statement supplied by The Pension Service to assess your resources (income and capital).

**Second Adult Rebate (applies to Pension Age Scheme only)**

Apart from CTB for yourself, you may also be able to get Council Tax Support if you share your home with one or more adults. This is separate from any Council Tax Support for yourself and is called Second Adult Rebate (SAR). Second Adult Rebates are intended to assist you with the council tax if you share your home with someone who is on a low income. Second Adult Rebates may be awarded in the following circumstances:

- if you are treated as living on your own for benefit purposes, and share your home on a non-commercial basis with a person who is on a low income and who is not liable to pay the council tax;
- the second adult is aged 18 or over; and
- no other person is paying rent to you for living in your home.

In order to be classed as a second adult, they must not be:

- liable for the council tax;
- a joint owner or tenant with you;
- your married or unmarried partner;
- someone who is disregarded for the purposes of a discount; or
- living with more than one liable person.

You will need to make a claim for SAR unless you have already claimed Council Tax Support for yourself. The gross income of the second adult will be taken into account when assessing entitlement to SAR.

Gross income includes earnings from employment, as well as other income such as social security benefits and occupational pensions and actual income from the second adult's capital. Any Attendance Allowance or Disability Living Allowance paid to a second adult is completely disregarded. You may apply for SAR even if your own capital exceeds £16,000.

SAR is awarded on the basis of your council tax bill, after any reductions that you may be entitled to are deducted. The amount of SAR that can be awarded is as follows;

Second Adult	Alternative Maximum Council Tax Support
(a) Where the second adult or all second adults are in receipt of income support, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker's allowance;	25 per cent of the Council Tax due in respect of that day;



(b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support, an income-related employment and support allowance, state pension credit or an income-based jobseeker's allowance–	<p>is less than £180.00 per week; - 15 per cent of the Council Tax due in respect of that day;</p> <p>is not less than £180.00 per week but less than £235.00 per week; - 7.5 per cent of the Council Tax due in respect of that day;</p>
(c) If the dwelling is occupied by a second adult/adults on state pension-credit, income-related jobseeker's allowance, income-related employment and support allowance or income support, living with a full-time student(s).	100 per cent. of the Council Tax due in respect of that day.

#### **Income less than applicable amount**

In this case you get maximum Council Tax Support (depending on whether you are of Pension Age or Working Age this may vary in amount).

You will also get maximum Council Tax Support if your income is the same as your applicable amount.

Maximum support is you Council Tax liability (net of any council tax discounts, such as single person discount), adjusted down for any non- dependent deductions

#### **Income greater than applicable amount**

In this case you will get an amount less than your maximum Council Tax Support. The amount by which your Council Tax Support is reduced is based on the difference between your income and your needs.

A percentage of this difference – called a taper – is taken away from your maximum Council Tax Support

Maximum support is you Council Tax liability (net of any council tax discounts, such as single person discount), adjusted down for any non- dependent deductions.

#### **Calculating your needs**

Your needs are known as your living allowance or applicable amount and this is an amount that is set each year. For the Pension Age scheme this is set and approved by Parliament. For the Working Age scheme this is set by the Council. Your applicable amount takes into account the size of your family, your age and extra needs you may have. It is made up of personal allowances and premiums. Premiums are included if you have a family, or disability, or a disabled child.

#### **Living Allowances or Applicable Amounts**

The living allowances or applicable amount represents the needs of you and your family if you have one. The larger your family the larger your applicable amount. The applicable amount is made up of three parts:

- a personal allowance; and
- personal allowances for children in your family; and
- premiums.

#### **Personal allowance**

Your applicable amount always includes a personal allowance. Different amounts apply according to your age and whether you have a partner.



### **Personal allowances for children**

If you are looking after children (other than foster children) then you get an allowance for each child included in your applicable amount according to his or her age. This allowance is included until that child leaves school or reaches their 20th birthday.

A special rule applies if the child has left school and started work before the Child Benefit stops.

### **Premiums for your family**

Once personal allowances and allowances for children have been worked out, premiums can be added – if they apply – to make up your applicable amount.

### **Your children**

A family premium will be included if you have any dependent children in your household. No matter how many children you have, you can only get one family premium.

### **Premiums or components for disabilities**

These premiums are included in your applicable amount for people in your family with disabilities. There are three premiums and two components in this group:

- disabled child premium (for each disabled child in your household);
- disability premium (if you or your partner gets one of the benefits listed below or you have been off sick for more than 52 weeks);
- severe disability premium (if you are disabled and live in special circumstances);
- work related activity component; and
- support component.

### **Disabled child premium**

The disabled child premium is a flat-rate premium, which may be awarded for each disabled child in your household and can be included with any other premiums. Your child is considered disabled if they are:

- registered blind
- or receiving Disability Living Allowance.

### **Disability premium**

Disability premium will be included in your applicable amount if you and your partner are aged less than pension credit age and:

- either of you is registered blind; or
- either of you gets one of the qualifying benefits listed below; or
- has been off sick for 52 weeks or more.

### **Qualifying benefits**

You will get the disability premium if you or your partner get any of the following benefits:

- Disability Living Allowance (or Personal Independence Payments from April 2013) ;or
- Working Tax Credit Disability Element; or
- Constant Attendance Allowance; or
- War pensioners' mobility supplement; or
- Severe Disablement Allowance; or
- Incapacity Benefit – long term rate.

### **Severe disability premium**

This premium cannot be included on its own. You must first qualify for the disability premium.

*If you are single or a lone parent* - The severe disability premium may be included in your applicable amount if you:





- receive the care component of Disability Living Allowance at the highest or middle rate, Attendance Allowance or Constant Attendance Allowance; and
- live alone (but if others live with you, see below); and
- no one receives Carer's Allowance for looking after you.

*If you have a partner*

You may get the severe disability premium if you both:

- receive the care component of Disability Living Allowance (DLA) at the highest or middle rate, Attendance Allowance (AA) or Constant Attendance Allowance; or
- your partner is blind and you receive the care component of DLA at the highest or middle rate, AA or Constant Attendance Allowance; and
- no one lives with you; and
- no one receives Carers Allowance for looking after either one or both of you.

For the purposes of severe disability premium your Council Tax Support is not affected if other people living with you are:

- Children; or
- aged 16-17; or
- a person who is registered blind; or
- receiving the care component of Disability Living Allowance (DLA) at the highest or middle rate, or Attendance Allowance (AA); or
- people caring for you who are employed by a charity that makes a charge for this service

**Enhanced Disability Premium**

Enhanced Disability Premium is awarded where you, or a member of your family, who is aged under 60 receives the highest rate of Disabled Living Allowance (DLA) or where the claimant is in receipt of Employment and Support Allowance Support Component. This premium will remain in payment if the DLA is suspended during hospitalisation. This premium is awarded at three different rates. They are:

- a rate for each dependent child/young person in your household who receives the highest rate of DLA;
- a rate for a single person who receives the highest rate of DLA;
- a rate for couples where at least one member of the couple receives the highest rate of DLA.

**Work Related Activity Component**

This is awarded where you or your partner receives main phase Employment and Support Allowance and receive a similar component within that benefit

**Support Component**

This is awarded where you or your partner receives main phase Employment and Support Allowance and receive a similar component within that benefit

**Carer Premium**

The Carer Premium is awarded if either you or your partner are looking after a disabled person and:

- receive Carer's Allowance; or
- made a claim for Carer's Allowance and would be entitled but for an overlapping benefit.

If both you and your partner satisfy the qualifying conditions two premiums can be awarded.

The carer premium continues for eight weeks after caring ceases.



### **Calculating your resources**

Your resources are made up of your income and your capital. These are worked out as a weekly amount of income.

### **Income**

Income is all the money that you have coming in from earnings, social security benefits, maintenance payments and other sources. Depending on the type of income, it may be completely or partially ignored in the calculation of your Council Tax Support (the disregards), or taken fully into account.

Normally, your resources and those of your partner are taken together when your income and capital are worked out.

### **Income from employment**

This explains what counts as your income from work you do, when you are employed by someone else. If you are a company director or any other officeholder in a company you are classed as an employee of that company.

Earnings from employment means any money you are paid when you work for someone else. This includes the following types of payments:

- bonuses or commission (including tips);
- money you get instead of your normal pay (for example, a liquidator may give you money when your employer stops trading and you are owed some pay);
- money you get in place of notice to end your employment, or money you get to make up for losing your job;
- money you get for holidays you did not take (holiday pay) – but not holiday pay owed to you more than four weeks after you stopped work;
- money you get if you are kept on while doing no work (for example, a retainer paid to school cooks during school holidays);
- expenses you are given to cover your travel to and from work;
- expenses you are given to cover the costs of looking after someone in your family
- any expenses you are given that are not essential for you to carry out your work;
- money you get, under the Employment Protection (Consolidation) Act 1978, when you are not given work because of bad weather, or money you get because of unfair dismissal;
- money that an industrial tribunal orders your employer to give you if the period of notice or redundancy that is required by law has not been given;
- money you get from your former employer's redundancy funds if the business goes into liquidation;
- Statutory Sick Pay or Statutory Maternity Pay;
- Statutory Paternity Pay and Statutory Adoption Pay;
- Employer's sick pay or employer's maternity pay
- earnings from permitted work, that is, work while you are getting an incapacity benefit which your doctor thinks would benefit your health.

Earnings from employment do not include:

- payment in kind (where no money is involved)
- expenses you are given that are essential for you to carry out work
- any occupational pension.

### **Net earnings**

Once your gross earnings have been worked out, your council will take away:

- your income tax payments (allowing for personal relief); and
- your National Insurance (NI) contributions; and



- half of any contributions you make to an occupational or personal pension scheme (any amounts paid to a pension scheme by your employer do not count).

This gives your net earnings, which are used to work out your Council Tax Support

### **Self-employed earnings**

If you are self-employed, all the money you earn when you are not employed by someone else is known as your earnings from self-employment. You may have self-employed earnings even if you are also working for someone else, or if you are a franchise holder.

When working out your earnings the Council will want to know how much you earn when you are self-employed, and you will be asked to provide evidence, if possible, of how much you earn.

There are three stages in working out your self-employed earnings. The first is calculating the gross profit of your business. In the second stage, deductions – which are called allowable expenses – are taken away from the gross profit to give the net profit of the business. In the third stage, tax, NI, and pension payments are taken away from your net profit to give your net earnings.

### **Childminders**

If you are a childminder only one third of your earnings from childminding will be taken into account when your council works out your Council Tax Support.

### **Earnings and earnings disregards**

After working out your net earnings, any amount that is not counted in the calculation of your Council Tax Support is known as a disregard.

The amount of your earnings that is not counted depends on which premium is included in your applicable amount. There is more information on the applicable amount and premiums.

**When £5 is not counted** - If you are single and you cannot get a greater disregard by any of the means explained below, up to £5 of your weekly earnings will not be counted (the £5 disregard).

**When £10 is not counted** - If you have a partner and you cannot get the £20 disregard by any of the means explained below, up to £10 of your joint weekly earnings will not be counted (the £10 disregard).

**When £20 is not counted** - £20 per week of your earnings will not be counted if your applicable amount includes:

- the disability premium; or
- the severe disability premium; or
- a component with Employment and Support Allowance; or
- or the carer premium (where the carer is working).

If both you and your partner are carers, the total disregard cannot be more than £20. The carer premium and this earnings disregard can continue for a further eight weeks after caring ceases.

If you have a partner, your earnings are added together when your Council Tax Support is worked out.

If you cannot get the £20 disregard under the above categories, you may still be able to get it if you are:

- a part-time firefighter; or
- an auxiliary coastguard; or
- a part-time member of a crew launching or manning a lifeboat; or
- or a member of the Territorial Army or the Reserve Forces.



**When £25 is not counted** - If you are a lone parent up to £25 of your weekly earnings will not be counted (the £25 disregard).

### **Additional disregard**

If you work on average 30 hours a week or more you will usually be able to get an extra earnings disregard. In certain circumstances you can also qualify for the higher earnings disregard if you work 16 hours or more e.g. if you are a lone parent or disabled. This is the same amount as the 30-hour tax credit in your Working Tax Credit (WTC)

### **Childcare charges**

In certain circumstances, average childcare charges of up to £175 (for one child) or up to £300 for 2 or more children per week per family can be offset against your earnings. This disregard, which is in addition to the other earnings disregards, is available to:

- lone parents who are working 16 hours or more per week;
- couples where both are working 16 hours or more per week;
- couples where one member is working 16 hours or more per week and, generally, the disability premium, or, in certain circumstances, the higher pensioner premium, is included in the applicable amount on account of the other member's incapacity or the other member is in hospital or in prison.

It applies where formal childcare is provided by, for example, registered childminders or day nurseries for children until the first Monday in September following their 15th birthday (or the 16th birthday for children who are entitled to Disability Living Allowance or who are registered blind).

In certain circumstances, help with childcare costs can be given while you are on maternity leave or paternity or adoption leave or you are sick. The authority will be able to give you more details.

In some other cases explained here, different amounts of your earnings are not counted.

If you are in receipt of Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance then any earnings you get will not be counted again in working out Council Tax Support.

### **Notional Earnings**

If you have done some work and you seem to have been paid very little for it, then the council will estimate what that work is worth. If you have a good reason for the pay being so low – for example, if you worked for someone who had very little money – then you should let the council know. If necessary, the Council may check your statement of earnings by asking your employer.

### **Other income**

Other income is all the other money you have coming in apart from earnings from employment or self-employment. It is sometimes called unearned income. In some cases none of your unearned income is counted. Sometimes part of it is counted, in other cases it is all counted.

### **State benefits**

The following benefits are counted in full as income for Council Tax Support:

- Contribution-based Jobseeker's Allowance
- Contribution-based Employment and Support Allowance
- Universal Credit (less Housing Element)
- State Pension
- Incapacity Benefit
- Severe Disablement Allowance
- Carer's Allowance



- Industrial Injuries Disablement Benefit
- Industrial Death Benefit
- Working Tax Credit
- Child Tax Credit (ignored if you or your partner are pension age)
- Savings Credit of Pension Credit
- Bereavement Benefits (ignored if you or your partner are pension age).

#### **Unearned income that is not counted**

The following types of income are not counted by the Council when it works out your Council Tax Support:

- any income you get if you are getting the Guarantee Credit of Pension Credit, Income Support, income related Employment and Support Allowance (ESAIR) or income-based Jobseeker's Allowance (JSA);
- Disability Living Allowance (DLA);
- Personal Independence Payments (PIP);
- Attendance Allowance (AA) or Constant Attendance Allowance (CAA);
- Attendance allowances paid as part of a War Disablement Pension or Industrial Injuries Disablement Benefit;
- Child Benefit;
- Child Maintenance (spousal maintenance is taken into account in part or in full depending on whether you have a child);
- money you get which takes the place of DLA, AA, CAA, or Income Support;
- war pensioners' mobility supplement;
- any money you get from the Social Fund;
- Guardian's Allowance;
- money you get as a holder of the Victoria Cross, the George Cross, or any comparable award;
- any grants or allowances you get from your local education authority if you have a dependent child who continues in education after school leaving age;
- any training premium and any refunded travelling expenses or living away from home allowances when you are on a Department for Education and Employment Training Scheme training course or at an employment rehabilitation centre;
- any money such as interest or dividends from savings or investments;
- any expenses you get from an employer that you need to carry out your work;
- any expenses you get from a charity so that you can carry out unpaid work;
- any income in kind (where you are given something other than money);
- any income you have which has been held back outside this country, as long as it remains held back, and it is not within your control;
- any money you get for fostering a child;
- any money you get for looking after an elderly or disabled person temporarily (community boarding out schemes);
- any money you get from a local Social Services Department to help keep a child at home instead of putting them into care;
- any Council Tax Benefit you have received;
- special payments made with your War Widow's Pension if you have been designated as a pre-1973 war widow;
- any charitable or voluntary payments which are made regularly;
- payments made under the Employment Department's 'Access to Work' scheme for disabled people; or
- War Disablement Pension or a War Widow's/Widower's Pension, or any similar payment from another country.

Some types of income may be counted as capital.

#### **Unearned income that is counted in part**

The following are the types of unearned income that are only partly counted.



- the first £15 of Widowed Mother's Allowance or Widowed Parent's Allowance;
- the first £20 of any money from sub-tenants; or
- the first £20 then 50% of the excess of money you receive from a boarder is ignored. The balance is treated as income.

### **Notional income**

The council may think that there is income, which you could get, but you are not claiming it. This is known as notional income because you do not actually receive that income. The Council may take this into account for Council Tax Support purposes

### **Parental contributions to students**

If you are making a parental contribution to a student then part of your income is not counted to take account of this.

### **Capital**

Your capital includes savings and investments held by yourself in any form (for example, bank and building society accounts, investment trusts, and shares) from any source (for example, inheritance, redundancy payments, and irregular payments from a charitable or voluntary source). It will normally also include the net sale value of land and housing that you do not occupy, after deducting 10% for expenses of sale.

If you have a partner, capital belonging to your partner is treated as yours for the purposes of Council Tax Support

### **Capital outside the United Kingdom**

If you have capital – in the form of liquid or fixed assets – outside this country, the council will need to know how soon it can be transferred and how much it is worth. If the capital cannot be brought into this country, enquiries will be made about how easily it can be sold, and whether a willing buyer can be found. If no willing buyer can be found, it may not be counted.

### **Capital for Working Age**

The first £6,000 of capital is not counted. Capital over £6,000 up to £16,000 will be taken into account at £1 a week for each £250 (or part of £250) of capital over £6,000

### **Capital for Pension Age**

The first £10,000 of capital is not counted. Capital over £10,000 up to £16,000 will be taken into account at £1 a week for each £500 (or part of £500) of capital over £10,000. Actual interest payments or dividends are not counted as income but as capital.

For customers who receive the Guarantee Credit of Pension Credit there is no upper limit on the capital you can have.

If you have capital over £16,000, you may still be entitled to Second Adult Rebate, as your income and savings are not taken into account. However, the actual income received from the second adult's capital will be taken into account.

### **Personal possessions**

Personal possessions – for example, a car, furniture and fittings in your house, and family belongings – are usually not included in the calculation of capital. However, this may not be the case where the Council has good reason to believe that something has been bought to reduce your capital in order to gain or increase entitlement to benefit. If the council decides that you deliberately got rid of capital just so that you can get Council Tax Support, it may assume that you have notional capital to the value of the capital you disposed of.

### **If you own your home**

The value of your property (including the house, garage and outbuildings) is not counted unless



any part of the property could reasonably be sold off separately. Loans raised on the property will be counted as capital.

#### **Property you own but do not occupy**

The value of this property is counted as capital but you may be able to get HB/CTB even if the value of the property means that your savings are more than £16,000. This is because the value of the property may be ignored when your savings are worked out, in certain circumstances.

If the property is occupied by an elderly or disabled relative as their home, its value is not taken into account for as long as it is so occupied.

If you have recently acquired the property and you intend to occupy it as your home, its value may not be counted for 26 weeks, or for a longer period if reasonable, from the date you acquired it.

If you are trying to sell the property, its value may not be counted for the first 26 weeks after you start doing this. It may not be counted for longer than this if you are finding it difficult to sell the property.

If you are carrying out essential repairs or alterations so that you can live in the property, its value may not be counted for a period of 26 weeks from the date you first arranged for repairs to be carried out. It may not be counted for longer than this if you are finding it difficult to finish the work.

If you are taking legal action so that you can live in the property, its value may not be counted for the first 26 weeks after you start doing this. It may not be counted for longer than this if legal action is continuing and you cannot live in the property.

If you have left the property after the breakdown of a relationship, and it is occupied by your former partner, its value may not be counted for the first 26 weeks after you left. If the property is occupied by your former partner and they are a lone parent, the property will not be counted for as long as it continues to be so occupied.

#### **Deposits on your accommodation**

Sums that have to be deposited with a housing association as a condition of your tenancy are not counted.

#### **Earmarked capital**

If capital from the sale of a house is kept for a house purchase, it is not counted for up to six months, or longer if:

- major repairs or adaptations are needed for you to occupy your home; or
- the completion of the purchase of your new home is unavoidably delayed.

Compensation received for a burglary or for damage to or loss of a house is also not counted for six months, as long as it is to be used for repair or replacement

#### **Valuation of property**

Property will be valued at the price it would be expected to fetch on the open market, less any outstanding mortgage or legal charges on the property. Ten per cent of the current market value will also be deducted to take into account the cost of the sale.

If you have property outside Great Britain and there is no restriction on transferring money to this country, your property will be valued at its local sale value. If there is a restriction, its notional value will be the value of a sale to someone in the UK. In both cases, any outstanding legal charges on the property or mortgages will be deducted, together with 10% of the total to cover the cost of the sale.



### **National Savings Certificates**

National Savings Certificates of the current issue are valued at purchase price. Certificates of a previous issue are valued as if they were purchased on the last day of that issue.

### **Life assurance policies**

The surrender value of life assurance policies is not taken into account when assessing Council Tax Support.

### **Arrears of benefits**

Any arrears of Disability Living Allowance, Attendance Allowance, Pension Credit, Income Support, income-based Jobseeker's Allowance, Housing Benefit, Working Tax Credit and Child Tax Credit that you get are not counted for up to 12 months.

### **Lump sum payment of deferred State Pension**

The gross amount of lump sum, or an interim payment made on account of a final lump sum, paid at the end of the period of deferring State Pension will be disregarded as capital for the life of the recipient.

### **Compensation payments**

For Council Tax Support purposes, compensation payments will normally be counted in full as capital. Capital will not be counted if it is held in trust or by the 'Court of Protection' as a result of a personal injury payment – for example, a criminal injury payment or a vaccine damage payment. For persons of Pension Age compensation payments made as a result of personal injury are ignored whether or not placed in a trust.

### **Business assets**

Business assets of a self-employed earner are not counted while engaged in that business. Nor are they counted in certain other circumstances, but any shares owned will be treated as capital.

### **Notional Capital**

The council may think that there is capital which you could get but which you do not have. This is known as notional capital because you do not actually possess that capital.

- Capital you have disposed of - You will be treated as having notional capital if you have disposed of capital in order to get Council Tax Support or to get more Council Tax Support.
- Capital you could have got - If you have the right to money held in a private trust, then that is actually your capital, and will be taken fully into account.

If the Council has decided to treat you as possessing notional capital they will reduce the amount of this capital on a regular basis by a set calculation. This calculation reduces your notional capital by the amount of support you have lost as a result of deprivation.

### **How Council Tax Support is paid**

If you are liable to pay the Council Tax, the Council will normally send you a Council Tax bill from which your Council Tax Support has already been deducted. You will then have to pay only the reduced amount. This means that you will not actually receive any money, but your Council Tax bills will be reduced.

### **How you will be notified about your Council Tax Support**

The Council will reach a decision on your entitlement to Council Tax Support as soon as possible after our claim and all supporting evidence is received.

### **How can I appeal?**

If you disagree with the decision you will need to write to the Council stating the reasons. The council has two months to reply to you. If the Council agrees with your appeal then the Council Tax Support will be amended and you will receive another Council Tax bill showing the revised amount.

If the council does not agree with your appeal or you do not receive a response within two





months, you may appeal to the Valuation Tribunal. This is an independent tribunal who will hear your case (either in person or in writing). If the Valuation Tribunal agrees with you they will instruct the Council to amend your Council Tax Support accordingly.

Throughout the appeal you will still be required to make payment of your Council Tax liability as determined by the Council.

### **Changes of circumstances**

You must notify your Council immediately if there is a change in anything that might affect your right to or the amount of Council Tax Support.

This will include:

- where you live; or
- who you live with; or
- your income, savings and investments; or if you stop getting Pension Credit, Income Support, income-based Jobseeker's Allowance or Employment and Support Allowance; or
- if you get a job; or
- if you or your partner go into hospital; or
- if there is any other change in your circumstances which you might reasonably be expected to know might affect your right to Council Tax Support

The changes must be notified in writing although in certain circumstances the council may accept this by telephone or electronically

Most of these changes will affect your Council Tax Support in the following support week, but changes in the amount of council tax payable will affect your Council Tax Support from the day on which the change occurs.

### **Students**

Council Tax Support is not normally available for students. The exceptions are:

- vulnerable students, such as disabled students and lone parents;
- part-time students; and
- couples where one partner is not a student.

### **Loan and grant income**

The grant money you get is generally paid to cover the period you are studying. If it does not cover this period your council, or Student Awards Agency for Scotland, will tell you the period it does cover.

If you are eligible for a loan or have been awarded a grant the Council will assume that these amounts are paid, whether they are actually paid or not.

The money you receive in your loan is your income for the period between the beginning of September and the end of June and is divided by the number of weeks in that period to give a weekly amount.

If you receive a dependants grant this will be taken into account over the same period as your loan unless you also receive, or only receive, a grant towards your personal maintenance.

Because much of your loan is meant for essential educational items, some of the grant is ignored when working out your income for Council Tax Support. The following elements of your loan or grant are not counted:

- tuition and examination fees;
- any disability allowance in your grant;
- the cost of term-time residential study away from your college;



- the Two Homes Grant – given when you have to maintain another home away from college;
- an allowance for books and equipment; and
- travel expenses.

### **Students and partners**

Your grant may have been reduced to allow for your partner's income because your partner can make a contribution to your expenses. An amount – equal to that contribution – is then ignored when the council works out your joint income for Council Tax Support. If a student is required to contribute to his own grant income, an equivalent amount is disregarded from the income used to assess that contribution.

### **Other income**

Will be treated in the same way as grant income if it is intended for expenditure that is needed on the course. If the income is not intended for expenditure on the course, it is treated under the normal rules for income.

### **Loans from the Student Loans Company**

The maximum loan available to you will be taken into account regardless of whether you have borrowed up to your limit or not. The loan will be divided by the number of weeks between the beginning of September and the end of June to arrive at a weekly figure for assessment purposes. Up to £10 a week of the loan may be ignored.

### **Access funds**

These are discretionary payments made by educational establishments to students who are facing financial hardship.

The amount of the payment to be taken into account will depend on how it is to be paid and what the payment is for. Some payments from the funds can be disregarded in full.

### **Information and information sharing**

The Council will use information provided by the Department of Work and Pension and Her Majesty's Revenues and Customs for the purposes of council tax support, council tax liability, billing, administration and enforcement

The Council may receive and obtain information and evidence relating to claims for Council Tax Support, the council may receive or obtain the information or evidence from–

- a. persons making claims for council tax support;
- b. other persons in connection with such claims;
- c. other local authorities; or
- d. central government departments including the DWP and HMRC

The Council may verify relevant information supplied to, or obtained for Council Tax Support purposes.

### **Counter Fraud and Compliance**

In order to protect the finances of the Council and also in the interests of all Council Taxpayers, the authority will undertake such actions as allowed by law to;

- a. Prevent and detect fraudulent claims and actions in respect of Council Tax Support;
- b. Carry out investigations fairly, professionally and in accordance with the law; and
- c. Ensure that sanctions are applied in appropriate cases

## Scrutiny Report to Council December 2012

### Report of the Chair of Corporate & Scrutiny Management Committee

1. This report is submitted by the Chair of Corporate & Scrutiny Management Committee (CSMC), in accordance with the constitutional requirements set out in Standing Order 4.3(l) to update Council on scrutiny work and to set out any recommendations such as may be made to Council in relation to that work.

### Corporate & Scrutiny Management Committee (CSMC)

2. Call-ins

Since the last report of this kind in October 2012, CSMC has considered the following call-ins and decided in each case that having had the opportunity to look the issues in more detail, not to refer the issues back to the Cabinet for further consideration:

- Winter maintenance arrangements for 2012/13
- Future Credit Union arrangements in York - supporting the North Yorkshire and York Credit Union
- Community Stadium update

3. CSMC Scrutiny Reviews

Having received detailed officer presentations on a number of new corporate strategies (Financial Inclusion, Community Engagement, and Customers), CSMC have agreed to carry out a scrutiny review on 'Improving Customer Engagement'. A Task Group has been formed to scope the work on the review and will be reporting back on this to the next meeting of CSMC in November.

CSMC were particularly concerned to learn that the Ad Hoc review on City Centre Access had appeared to have come to an abrupt end due to ongoing delays during the course of the review. CSMC did agree that this review should finish as there was a danger that it would duplicate work being undertaken now as part of the Footstreets Review. However, it was agreed that they should meet one last time in order to collate the views of the Ad Hoc Committee and these would ultimately be passed to the Cabinet Member to be fed into the Footstreets Review. CSMC felt strongly enough, on the issues which emerged during discussion, to put

their concerns in writing to the Chief Executive about collective senior support for scrutiny in the organisation.

## **Standing Overview & Scrutiny Committees**

4. **Community Safety Overview & Scrutiny Committee** has met three times this municipal year. They have been consulted on a draft Hate Crime Strategy for the city, and some long term proposals on animal health, safety and enforcement. They have also considered again, issues around CCTV provision and have agreed to look at this in more detail once the new system at West Offices is up and running, and embedded. In addition, a Task Group has been formed and work is underway to carry out a scrutiny review on Domestic Waste Recycling, and the Committee has agreed to scope out another potential review around adapting to climate change with a focus on how the city plans for an increase in localised surface water flooding (not river).
5. In regard to ongoing crime and disorder issues, the committee has met with Safer York Partnership (SYP) and North Yorkshire Police and received their bi-annual performance report.
6. **Learning & Culture Overview & Scrutiny Committee** has met three times so far, this municipal year, and has received bi-annual SLA performance updates from both York Museums Trust and York Theatre Royal.
7. In consideration of a number of possible topics for review, the Committee has received information on CYC Parks and carried out a tour of Hull Rd Park and Rowntree Park. They have also received presentations on York's libraries, Safeguarding Children, and Careers Education Information and Guidance (CEIG). As a result, the Committee has agreed to carry out a review on the potential use of libraries as community hubs for the provision of other services. They plan to follow this with a review of CYC's provision of CEIG etc later this municipal year.
8. Meanwhile, work on their YMT Collections review has been ongoing and the Task Group carrying out the work will be providing its draft final report to the next full Committee meeting in November.
9. **Economic & City Development Overview & Scrutiny Committee (ECDOSC)** has held one formal meeting since the last CSMC report to Council when the Cabinet Member for Health, Housing and Adult Social Services attended to present on the housing aspect of her portfolio. In addition to this the Committee also considered the draft final report arising from their E-Planning Facilities Review, the Second Quarter

Finance and Monitoring Report 2012/13, an update on the implementation of the recommendations arising from the Newgate Market Scrutiny Review, a progress report on Local Enterprise Partnerships (LEPS) and an update report on work undertaken on the Youth Unemployment Review.

#### ECDOSC Review Work

10. ECDOSC have recently completed the first of several ongoing reviews; namely their review around E-Planning Facilities. The Task Group for this review have met on many occasions and gathered an enormous amount of evidence and consulted Parish Councils and Planning Panels about their concerns in relation to the introduction of E-Planning. A final report has now been produced and agreed by the Committee and this contains recommendations including those around provision of training on E-Planning, developing a good practice guide, making rooms at West Offices and libraries available for Parish Councils and Planning Panels, improvements to the IDOX system (the suppliers of the software used to support the Public Access Website) and improvements around internal processes. The final report is due to be presented to Cabinet on 4<sup>th</sup> December.
11. In addition to the above ECDOSC have four other ongoing reviews that are currently at different stages. The Youth Unemployment review, being carried out by a three Member Task Group, is well underway and has been receiving an enormous amount of information from officers. Task Group Members have also visited the Job Centre and two providers of the Work Programme. They are currently at the stage of identifying the gaps in the information they have received to date and looking at the likely themes for the recommendations arising from this review. They had also posted a question on the GeniUS website and are shortly hoping to invite the respondents to a meeting to discuss this further.
12. A very short scrutiny review was undertaken around Out of Hours Childcare Provision and how this can effect those working outside of 'normal' working hours. A short action plan has been drawn up by officers and this will be presented as part of a report due to be presented to ECDOSC in January 2013.
13. Another Task Group formed of three Committee Members from ECDOSC have met once to set a remit for a new review around attracting external funding for economic development. This remit is due to be formally presented to the Committee at their January 2013 meeting and it is hoped that the review can commence shortly after that.

14. Finally, the Committee's 'Reducing the Carbon Footprint in the Privately Rented Sector' is still ongoing although little work has taken place recently whilst the Task Group are waiting for further details on the Green Deal. It is expected that the Task Group will try and convene again in early January to see what further information is available.
15. **Health Scrutiny Overview & Scrutiny Committee** has met once since the last CSMC report to Council where they heard from NHS North Yorkshire, York Teaching Hospital NHS Foundation Trust & Vale of York Clinical Commissioning Group (VOYCCG) in relation to the current financial status at the Primary Care Trust and the handover process to the VOYCCG. They also heard from the hospital with an update on some changes that had been made to the Urgent Care Unit several months ago. This was the second report of its kind and the Committee were happy that everything appeared to be running successfully.
16. They also received a report from the Director of Public Health that provided them with an update on the transfer of Public Health functions in the city, the establishment of the City of York Health and Wellbeing Board and the commissioning of Healthwatch for the city.

The Committee are due to meet again on 11<sup>th</sup> December and 19<sup>th</sup> December, both with packed agendas.

#### Health Overview and Scrutiny Committee Review Work

17. The Review into End of Life Care is more or less complete, with the finishing touches being put to the final report. As the recommendations affect key external health partners their views on the recommendations are being gathered and incorporated into the report. There is a small amount of final clarification still to be done and this is due to take place shortly after the New Year.
18. Two Task Groups of the Committee have also recently met to set remits for two new reviews the first around the Personalisation Agenda and the second around community mental health services and the care of young people. The remits for each of these are due to be presented to the Committee at their December meetings and work will commence on each of these early in the New Year.

**Councillor Siân Wiseman**  
**Chair of Corporate & Scrutiny Management Committee**

## **Report of the Cabinet Member for Crime and Stronger Communities**

This is the first report of the new portfolio which was created in the Cabinet reshuffle in May 2012.

The new portfolio takes in all of the previous Crime and Community Safety portfolio (including crime reduction, anti-social behaviour, licensing, Safer York Partnership, Youth Offending and York Drug And Alcohol Team), with parts of the previous Communities and Neighbourhoods portfolio (Crematorium, Registrars, Environmental Health, Trading Standards, Food Safety, Animal Welfare etc) and parts of the previous Leisure, Culture and Social Inclusion portfolio (Neighbourhood Management Unit, Voluntary Sector, Ward Committees). I have also taken on some small responsibilities passed across from the Corporate Services portfolio and I am now responsible for Corporate Communications and Emergency Planning – including Gold and Silver Command and response to flooding.

With such a wide remit the only way to provide a meaningful report is to try to break it down into sections.

### **Crime, Anti-Social Behaviour and Policing in York**

#### **Crime Figures**

The great unnoticed success story of this administration is the fight against crime in our City. In the last year of the last Liberal Democrat administration, crime increased in York by 5% from 14,480 crimes to 15,199 crimes in 2010/11.

By contrast, crime has fallen dramatically in York since Labour have been in office. During the first year of our administration, under the watchful eye of my predecessor Cllr Fraser crime fell overall by 10.6% down to 13,576 crimes. So far this year under my watch, we are on course to achieve a further 9.8% reduction in crimes, down to a forecasted 12,242 crimes based on our performance from April to October. That is a staggering 19.4% reduction in crime in our first two years of office.

The fall in overall crime is underpinned by reductions in Serious Acquisitive Crime (which also increased in the last year of the Lib Dems), and substantial falls in violent crime (which increased in the last year of the Lib Dems) and criminal damage (which fell slightly in the last year of the Lib Dems).

The fact that crime increased in the last year of the last administration shows that this would not just have happened anyway. By appointing a cabinet member whose specific role it is to focus on tackling crime in terms of Council's services and those of all our partner agencies relating to crime we have made fighting crime a central part of our agenda - and it is working.

We are performing well compared to our family group of authorities (similar local authority areas such Exeter, Macclesfield, Colchester, Canterbury, Warwick and others) in terms of our direction of travel of our crime figures. In eight out of the 12 key measures (serious acquisitive crime, domestic burglary, theft from a vehicle, robbery of personal property, robbery of business property, burglary of a non-dwelling, criminal damage, overall violence) our ranking has improved amongst our family group of authorities. In one measure (cycle theft) we have remained the same compared to the group and in three measures (theft or unauthorised taking of a vehicle, shoplifting and fraud) our position has worsened slightly.

However, we are not complacent. The recently undertaken Big York Survey of residents showed that tackling crime is the top priority for the citizens of our City. We are committed to ensuring the Council's priorities closely match those of residents in that regard and make the fight against crime a key measure on which to judge the success of this administration.

### Actions from April's Crime Summit and a look forward to the 2013 Crime Summit

The Labour administration introduced to York an annual crime summit, to bring together all partner organisations with an interest in reducing crime and anti-social behaviour in the City to see where best practice could be spread and to address issues which cross-over more than one organisation. The first summit was held in April and was very well attended by partner organisations.

A number of key actions emerged from the summit. Progress on those actions is as follows:

- **We will strengthen the links between the voluntary sector, neighbourhood watch and public and private sector agencies** - Neighbourhood Watch are engaged in the Safer York Partnership task groups. We also have support from police volunteers working to assist in delivering specific initiatives for example updating



databases and delivering information. We have set up pub watch and student watch schemes. Safer York Partnership is currently revising the way in which we work with our retail community in York to enhance the service and provide better links between retailers and the police

- **We will work with City of York Council to implement community safety related actions within Community Contracts** – Part of the reason for the creation of my new portfolio was to ensure that one person had oversight of building a thriving voluntary sector, establish good community work such as the community contracts and crime reduction. Safer York Partnership is very much part of Team York and community safety actions have been a key focus for all the community contracts published so far.
- **We will develop the Neighbourhood Watch nominated neighbour schemes to provide support to vulnerable members of the community** - Neighbourhood Watch are working to achieve this and have linked in with those agencies who are engaged with vulnerable members of the community such as Age Concern UK and North Yorkshire Fire & Rescue Service. I have attended three out of the four York Neighbourhood Watch meetings that have been held since I took on my role, to help strengthen the links between Neighbourhood Watch and the Council.
- **We will empower communities to get more people involved in working with Safer York Partnership to tackle crime and disorder within their own neighbourhoods** - This year the focus has been very much around students as they are very often victims of crime. We have worked closely with both universities and with Neighbourhood Watch to set up a student watch scheme in the city. The new focus of community contracts on community safety should help to empower local communities to play a part in tackling crime and disorder with Safer York Partnership.
- **We will develop links between Safer York Partnership and the Health and Wellbeing Board to share awareness on common issues and ensure strategies are joined up** – The Council have instigated dialogue between the authors of the Joint Strategic Intelligence Assessment produced for Safer York Partnership and the Joint Strategic Needs Assessment produced for the Health and Wellbeing Board. This has ensured the two documents cross reference and influence their respective strategic plans. The Director of Public Health has also been invited to sit on the Safer York Partnership board.

- **We will improve the quality of Domestic Violence data collection to ensure that robust data and evidence is available to support future funding bids** - Work is still ongoing to improve the quality of data capture in relation to domestic violence. Safer York Partnership's intelligence analyst has produced an in depth analysis (restricted document for internal use by agencies) to provide a broader picture of domestic violence and work is ongoing with North Yorkshire Police Service to address the accuracy of police data. This action is an important priority for the Partnership.
- **We will continue to develop relationships between key organisations working to tackle domestic violence in York** – Safer York Partnership now participates in the York and North Yorkshire Domestic Violence Joint Co-ordination Group to ensure consistency of service across the county and city. They work closely with public and voluntary sector organisations to address domestic violence in York.
- **We will improve communication of our achievements and ensure that agencies are aware of the work that is being developed to tackle domestic violence** - A presentation is being given to the Safer York Partnership board to ensure that statutory partners are fully aware of work to tackle domestic violence in the city. A report is also going to CMT and Cabinet within City of York Council and wider publicity will be sought on the back of that report.
- **We will strengthen the links between Trading Standards and the Business Crime Police Community Support Officers (PCSO) in relation to tackling e-crime** - A Business Crime Task Group has been established which has a wide remit looking across business related crime, including e-crime. Both Trading Standards and the Business Crime PCSOs are involved in the Group and both fall under my new portfolio.
- **We will increase involvement from the business community through the establishment of Business Watch schemes** - We are working to revise the way in which we tackle retail crime in York to provide more localised and relevant information to our respective retail communities. We have also supported the establishment of a radio scheme at Clifton Moor to allow communication between the retailers, police and Monks Cross and are working on wider business watch schemes around the City.
- **We will facilitate the sharing of information from the Business Crime PCSOs to the wider police safer neighbourhood teams** - The Business crime PCSOs also work as part of the Safer

Neighbourhood Teams. They are sharing information specifically around business crime with the wider teams.

- **We will improve communication between Safer York Partnership and new businesses and business partnerships in the city** - We have established better communication links with Clifton Moor and are reviewing and developing the way in which we provide support to the retail community.
- **We will utilise research being undertaken by York University to assist Safer York Partnership in developing a more evidenced based approach to tackling anti-social behaviour** - We have received the results of the survey, which are very positive around perceptions of how the community feels we deal with anti-social behaviour. We are currently revising the way in which we work with partners to tackle anti-social behaviour to adopt a more rationalised approach to meetings and working with North Yorkshire Police Service to focus more closely on vulnerable victims.
- **We will implement the new tools and powers being introduced by Government to tackle anti-social behaviour from 2013** - We are closely monitoring the introduction of these new tools and powers and will be revising our anti-social behaviour strategy accordingly to look at how we utilise them to best effect in the city. We are committed to a robust approach to tackling anti-social behaviour making use of every tool made available to us.
- **We will work closely with all key agencies to strengthen our response to repeat victims** - We have been working with North Yorkshire Police Service to implement a better approach to supporting repeat victims, ensuring that there is consistency in the recording of interactions between key agencies. The Neighbourhood Safety Manager attends police monthly tactical tasking meetings to ensure the sharing of intelligence relating to anti-social behaviour.
- **We will develop a more streamlined meeting structure to ensure the right people are able to attend multi-agency problem solving meetings to tackle anti-social behaviour** - Work is underway to introduce a Multi-agency Problem Solving (MAPS) approach to anti-social behaviour that will see meetings rationalised to one day rather than expecting agencies to attend a range of meetings
- **We will develop mechanisms for early intervention to tackle low level nuisance and prevent it from escalating to more serious anti-social behaviour** - We are working closely with the Safer Neighbourhood Teams to tackle issues of low level anti-

social behaviour to prevent escalation and have developed the mediation service using volunteer mediators to assist in this process. This is a good example of the importance of combining the voluntary sector, neighbourhood working and tackling crime and anti-social behaviour into one portfolio.

- **Positive engagement in the local implementation of a new Integrated Family Support Service incorporating the National Troubled Families Programme** – Whilst I personally loathe the term ‘troubled families’, I recognise that there is a significant problem both locally and nationally with a small number of families who for whatever reasons, cause difficulties for a number of agencies and in wider society as well. So we are committed to engaging positively with efforts to reduce this problem. We have been involved in the data analysis work aligned to identifying troubled families and are positively engaged in the development of the programme in the city.

Building on the success of the 2012 event, we will again host a multi-agency strategic crime summit alongside an interactive community safety market for 2013. Whilst last year’s summit was general in its approach as it was the first of its kind in York, we anticipate that future summits will be themed. I have decided that the theme for 2013 will be **alcohol** and we will be asking partner organisations to focus our attention on how we tackle the problems associated with alcohol misuse in our City.

In preparation we have revised the former Nightsafe Task Group to become AVANTE (Alcohol violence and the night time economy). This group will play a key role in the preparation for next year’s event and it is hoped that we will achieve better representation from the business community and the health sector at the event. No detailed plans have yet been produced, but it would be useful to use the event to link the community safety and health and wellbeing agendas and to bring in an external speaker as an attraction to ensure agencies engage with the event.

I am personally very committed to tackling the problems associated with alcohol misuse which I believe is one of the most serious problems that face us as a society. It touches not just on the obvious effects of drunk and disorderly behaviour on Friday and Saturday nights, but it also touches on domestic violence, road safety (through drink driving), theft and burglary (to feed a drink problem), criminal damage, as well as general anti-social behaviour.

Through my work as portfolio holder, one of this administration's key priorities for the coming year will be on tackling this problem.

### Changes in policing and Community Safety Partnerships

As will be widely known, there have been some substantial changes to the governance arrangements in policing recently. As an administration we did not support the abolition of police authorities and their replacement by Police and Crime Commissioners along with Police and Crime Panels to scrutinise their work. Whilst we remain unconvinced that the new system will improve policing in our communities or the accountability of police, we are committed to making the new system work as that is now in the best interests of the wider community.

As such, I am committed to working with the new Police and Crime Commissioner (PCC) for York and North Yorkshire in helping to reduce crime and anti-social behaviour in York.

One potentially unforeseen consequence of the changes is the proposal which has been put before the new PCC to create a single Community Safety Partnership for the whole of North Yorkshire. I have been closely involved in the early negotiations on this matter and I have set out the view from the outset that I believe York needs its own partnership. With around 40% of all of North Yorkshire's crime taking place in York and an established and effective Community Safety Partnership (Safer York Partnership) in place which is renowned for delivering results, it would seem madness to jeopardise the good work taking place because of budgetary pressures elsewhere in the County.

The current proposal is for a 'hub and spoke' approach which has strategic partnerships as hubs and some smaller bodies to act as spokes on local delivery. York is proposed to be a main hub organisation. However, at present I do not feel the need to support any change to Safer York Partnership's arrangements unless it can be demonstrated to me that there is a tangible benefit to fighting crime and building stronger communities in York.

I hope opposition parties in York will support this stance.

### Public Protection

The Public Protection Team continues to go from strength to strength and accomplishes a great deal for our Council and our City. In June Trading Standards, Environmental Health, Licensing, Bereavement

Services were inspected and given the government's Customer Service Excellence Award for a further three years. For the first time Registration and Celebratory Services were included. All our services were found to be fully compliant with the government standard and in many cases they have exceeded the standard.

### Changes to Licensing

The implementation of the Police Reform & Social Responsibility Act 2011 has introduced changes to the Licensing Act 2003, in relation to suspension of licences for non payment of annual maintenance fees, introducing 'health authorities' as responsible authorities, provision for late temporary event notices (TENs), the facility to place conditions on TENs, making Environmental Health as a statutory consultee for TENs, the provision for licensing authorities to introduce early morning restrictions orders and the late night levy. We are still awaiting an implementation date and regulations regarding licensing authorities setting their own fees.

As part of the Government's Alcohol Strategy, the Home Office have just released a consultation document with regards to delivering the Government's policies to cut alcohol fuelled crime and anti-social behaviour. This consultation looks at minimum unit price for alcohol, ban on multi-buy promotions in the off-trade, mandatory licensing conditions, health as a licensing objective for cumulative impact policies and freeing up responsible businesses. As part of my wider focus on alcohol in the coming year, I plan to explore how these licensing changes will affect alcohol consumption in York and how we may be able to take best advantage of the changes to reduce alcohol misuse.

### Trading Standards

Trading Standards continue to be a very high performing team and have been taking action against a number of rogue traders targeting York residents.

In one case, a York builder pleaded guilty to making false claims and trading unfairly in the course of his business. He targeted two York householders who paid him tens of thousands to build their extensions. One of them, a conservatory, was so poorly constructed it needs to be knocked down and rebuilt. The builder in question was 'on release' from prison at the time of his offending. He was jailed for eight months, ordered to pay £3,500 compensation and £1,500 in prosecution costs. The BBC television programme, Cowboy Trap, have covered the story

and repaired the problems at one of the houses. The programme is due to be aired in the new year and York's Trading Standards Team was heavily involved in bringing this man to justice.

There are several other cases in progress in which some of the city's most vulnerable residents have been conned out of £1000s. The team's financial investigators are making use of newly acquired 'cash seizure' powers to help recover money for the victims. Our financial investigators have been helping others recover proceeds of crime too. We are taking up a case for Veritau involving benefit fraud. We have also been assisting colleagues in neighbouring authorities, recovering £15,000 for a case prosecuted by East Riding Council. CYC receives a 'pay out' from the Home Office incentivisation fund for any amount recovered by our investigators.

Trading Standards officers have led a project, funded by the Safer York Partnership, to indelibly mark catalytic convertors. Many trader's vehicles have been targeted as the convertors contain precious metals (the catalytic convertors on vans are more easily accessible than on cars). 185 vehicles have been marked, including 10 from Parcel Force who have reported no more thefts since the markings were made.

We have also been working closely with the Citizens Advice consumer helpline who now provide 'first line' advice to customers on consumer issues (in place of Consumer Direct since 1 April 2012). We also helped Citizens Advice in York and North Yorkshire obtain funding for a coordinator to ensure the local bureau and the trading standards services in the area are working closely together i.e. raising awareness of the latest scams and how to avoid them, signposting people to the specialist help with their problems. If this pilot project is successful, Citizens Advice anticipate rolling the project out.

### Scambusters

Yorkshire & the Humber Trading Standards Group Scambusters team (based in York's Trading Standards Team) have successfully prosecuted two large scale frauds following lengthy Crown Court Trials.

One case concerned a mobility company who pressure-sold and mis-sold products such as mobility scooters and bath aids to hundreds of very vulnerable and elderly victims. Three directors were all sentenced to lengthy prison sentences (two were sentenced to five years and the third was sentenced to two years). Examples of their practices included conning 90 year olds into 10 year credit agreements and selling a

mobility scooter to a blind man.

In another case, seven individuals and a company were prosecuted for conspiracy to defraud their customers in the process of selling cars and other vehicles. The business, based in Halifax, gave misleading information about vehicle histories such as falsely stating mileages, falsifying service histories, and 'covering up' accident damage. Customers who complained were subject to verbal abuse and threats of violence.

The team have been bolstered by the addition of the National e-crime investigation team who are responsible for investigating frauds and scams emanating over the intranet. In their first case, the team are investigating a complex fraud involving the mis-selling of internet advertising to businesses across the UK (including nearly 20 York based businesses). Hundreds of businesses have complained about paying hundreds and in some cases thousands of pounds for the promise of work which never materialised.

In the summer, the team seized hundreds of fake Olympic medals, and last month thousands of fake batteries. This latter case was followed by the Watchdog Daily programme was broadcast last week.

### Food and Safety

Environmental Health Officers work very hard with local businesses to help them meet their legal obligations. I recently spent the day out and about with the team and I have seen at first hand the effectiveness of their work.

However occasionally, despite their best efforts, some businesses will not (or cannot) comply and formal action has to be taken against them.

There have been two prosecutions involving breaches of food hygiene requirements, including poor standards of cleaning and management failures. The case involving the Jumbo Chinese buffet attracted fines of over £40,000. A director of the company was prohibited from operating food businesses. The second case relates to Saffron Desi, an Indian restaurant on Micklegate, 'where Prince William once ate'. The business pleaded guilty and was ordered to pay over £10,000 in fines and council costs.

One health and safety investigation has resulted in a prosecution. In 2011, two workmen were using ladders to fit a new sign at the Mitre pub



in Rawcliffe. Because they weren't using the correct equipment, such as a scaffold tower, one of the men fell from his ladder and badly broke his leg. The company pleaded guilty at York Magistrates' Court and was ordered to pay over £5,000 in fines and costs.

### Noise Patrol

Since 1st April this year, the Noise Patrol Unit has taken 851 calls from members of the public, which is an increase of 4% on last year. They have made 401 visits to premises, issued 20 formal noise nuisance notices, recorded six breaches of notices and made four seizures of property.

In response to public concerns, I approved additional Noise Patrols during Euro 2012, both university freshers' weeks, Halloween and bonfire night (these figures are not included in the above). Anecdotal evidence seems to suggest these additional patrols have been useful in helping to reduce noise problems at those times, when we know there have been problems in the past.

Elvington Park Limited, Elvington Events Limited and John Christopher Hudson were found guilty of causing statutory noise nuisance on 7 August 2011 and 16 October 2011 in breach of the previously served noise abatement notice. The three defendants were each fined £3,500 and costs of £14,500 were awarded. An appeal is pending.

### Neighbourhood Working

Since May 2012 there have been considerable changes to neighbourhood working in City of York Council. In that time we have:

- Implemented a new staffing structure for the Neighbourhood Management Unit: This is now in place and delivering annual savings of around £275k.
- Successfully procured Your Consortium to administer the Council's voluntary sector funding: In the first year of the Community York Fund it has funded 14 organisations (the majority funded for the first time) to deliver projects ranging from informal education engaging disadvantaged communities to an initiative that empowers young people to inspire their communities to tackle the issues that face them through creative arts and media campaigns.

- Implemented new arrangements for ward funding: Directing funding to ward priorities.
- Introduced Community Contracts: Focusing on the action plans these are getting the right partners round the table at ward team meetings to tackle ward priorities.
- Implemented informal ward committees: Providing Ward Councillors with support to engage with local residents on a range of issues linked predominantly to the ward priorities.
- Provided a range of leadership training opportunities for members
- Launched the York Equality Scheme: York's vision for an equal, inclusive, and welcoming council and city accompanied by the development of plans with our community of identity.
- Secured £1m worth of 'Big Local' funding for Tang Hall over the next ten years.

### Ward Committees

Significant changes to ward committees and ward committee funding have taken place in the last few months. A move to more informal structure for committees is being trialled in a number wards.

In my own ward in Westfield this has proved quite successful as we have seen the numbers of people attending the last committee in November increase substantially compared to recent previous meetings.

However, I am aware that the feedback from other ward committees is mixed. I will be the first to nail my colours to the mast and say that we have yet to get ward committee working quite right. This is work in progress and this Council is very committed to getting ward committees working well in the future.

### Community Contracts

As with ward committees, community contracts are a work in progress. First draft versions have been produced in 19 wards across the City and represent a good first step in creating a local contract between the Council, elected members and communities. We have received a considerable amount of feedback from residents and councillors about the contracts and whilst it is clear that they are welcomed, it is equally clear that the first drafts have not nailed it quite yet.

We always said that the contracts would be evolving documents and so Neighbourhood Management Unit officers are now working on the second iterations of the contracts, taking on board feedback from the first drafts. The new versions will be shorter, less generic, more localised and more focussed on promoting volunteering and making engagement meaningful in the community.

## **Voluntary Sector**

### Progress towards a thriving voluntary sector

Challenge was opened up to the voluntary sector in June to produce an initial draft of a voluntary sector strategy. Following two voluntary sector forum meetings, a draft has been produced and will provide a basis for further discussion with a report coming forward for the Cabinet to consider in January 2013.

### Community York

Following the restructure of ward committee funding we asked Your Consortium to manage the process of third sector organisations bidding to the Council for funding to provide services in our communities. The new fund we created is called Community York.

Community York brings together a number of existing funding streams for voluntary sector organisations in the city. The aim of this new approach is to ensure that CYC investment in voluntary sector grant funding is managed in a cohesive and transparent manner which ensures the greatest impact and value for money for residents of York

The fund has two distinct aims:

1. Provide high quality additional services to York residents in line with four “Community York” themes: Healthy, Engaged, Inclusive and Prosperous Communities
2. Support voluntary sector organisations to deliver outcome-focused services with demonstrable impact

It is fair to say that the process has ruffled a few feathers in the sector. However, I believe the process that has been put in place is absolutely the right way forward, asking organisations to focus on deliverable outcome focussed results and the ability to evidence those outcomes so that Council Tax payers can see what they are getting for their money.

In total 45 applications were received, seeking funds to the value of £417,968.98. I'm delighted to say that 14 organisations were successful

(four large & 10 small). The organisations and the schemes they were funded for are:

**Peasholme Charity – Healthy communities**

Peasholme Charity delivers services to homeless people so they are empowered to realise their aspirations and achieve their full potential. Their services include supported accommodation and floating support that prepares people for independent living, prevents homelessness occurring, provides access to training and education and prepares people for employment.

This project will fund the Charity's continued delivery of resettlement training to homeless people, providing access for 30 people to undertake a range of health and wellbeing related activities. These will include personal development, steps to better health courses, drug awareness workshops, money management sessions and health eating including cookery programmes.

**Gateway Action – Engaged Communities**

Gateway Action aims to help build a stronger community by providing facilities and programmes which impact positively on the wellbeing of individuals and families. It does this primarily by providing fully inclusive facilities at The Gateway Centre in Acomb where people can access information, advice and guidance and by organising activities that bring people together, encourage friendships, develop skills and offer support in dealing with life's challenges.

This project aims to establish a food-bank which provides emergency food supplies to people in crisis. This application is for funding for the pilot phase, which will see the first distribution point opened while the structure and capacity is created to support a city-wide initiative with several distribution points, in association with the Trussell Trust.

**York CAB – Prosperous Communities**

York CAB aims to provide the advice people need for the problems they face and to improve the policies and practices that affect people's lives. Their mission is to empower clients by giving them the information that they need to decide how to resolve their own problems.

This project will create an Advice Hub at Tang Hall Community Centre to pilot an innovative, multi-disciplinary approach to providing the advice residents need, under one roof. Led by CAB but with workers from Housing Options, North Yorkshire Credit Union, Future Prospects and an experienced CAB adviser, the project will provide advice on claiming in and out of work benefits, prepare residents to meet the challenges and

opportunities of Universal Credits, resolve debt problems and money management including budgeting, financial planning and making informed decisions.

Tang Hall Community Centre has been chosen as it will compliment their plans to establish a Health and Wellbeing Centre, with York Mind and a whole series of sport and social activities located at the Centre.

### **York Racial Equality Network – Inclusive Communities**

York Racial Equality Network is primarily a BME-led specialist equality infrastructure and frontline service organisation providing information services to remove barriers to accessing services. Specialist support is also provided to support victims of hate crime.

This project will enable YREN to play a major role in contributing to inclusion in the city by informing debate and decision making at strategic levels, enabling participation and offering an information and support service to statutory, voluntary, community and private sectors ensuring everyone has access to specialist information and support about issues such as hate crime and discrimination.

The project will undertake and act on research to understand the issues faced by BME groups in York. Through the provision of education and training the project will dispel myths and challenge stereotypes of groups identified as having Protected Characteristics under the Equality Act 2010.

### **York Unifying and Multicultural initiative (YUMI)**

YUMI's aim is for an integrated and cohesive York. To do this they create events, activities and projects that bring together the "host" community with people who have come to live in York from other cultures, supporting those from other cultures to become active in the community by sharing their skills and taking positions of responsibility and leadership in it.

This project will be a celebratory, international family day created and delivered by York's diverse ethnic communities. It will launch a series of international activities and events in YUMI's International Community Garden in Fulford Cross and in Parliament Street, aimed at bringing international activities to annual attendees of in excess of 15,000. The day is part of a structured five-year plan to engage more people from ethnic communities in activities, to strengthen community cohesion.

### **Stretch**

Stretch delivers informal education projects that engage disadvantaged communities who have fallen out of mainstream education and through

the welfare net. They aim to use the arts to act as a catalyst for future community involvement to change marginalised communities' lives for the better.

This project will deliver arts workshops leading to Arts Awards using qualified teacher artists at a residential children's care home in York. Children will be taken on trips to cultural centres to inspire ideas for the project work on the theme of prejudice to be decided by the young people. During the project the participants will create scrapbooks, photo/video/audio diaries and "feeling" boxes. At the end an exhibition will be held to celebrate the work. The overall aim is to help looked after children develop aspirations to succeed, overcome low self-esteem, find passion and talent in the arts and culture and to provide them with skills and qualifications that can aid their progress in terms of future careers and emotional development.

### **NYBEP**

NYBEP is an education business partnership, with the specialist capability to nurture talent for successful futures. They bring together communities within schools, colleges, higher education and businesses. Programmes are tailored to match the aims and interests of employers and other organisations to achieve real outcomes and benefits for young people.

This project will create an engaging family learning event to promote different cultures and communities, educating the city's residents, encouraging greater understanding and combating negative perceptions.

Working with cultural organisations such as YUMI, Japanese Families Association and the Mind BME project, the event will be for two-days during Spring Half Term week. Two host secondary schools will be identified and young people and their families from each school (and their primary feeder schools) will host one day each.

Activities will be interactive and designed as family experiences (using themes such as digital literacy, media, diet and cuisine, music, art and dance) not only to celebrate diversity and challenge perceptions but to promote new skill acquisition.

### **Older Citizens Advocacy York**

Older citizens Advocacy York aims to enable older people to achieve their goals and take control of the issues that affect their lives by providing advocacy, peer support, independent information, signposting and equal access to services.

This project will provide support by helping people to express their views, make informed choices and achieve their goals. Advocates help

develop older people's self-confidence and skills and make a contribution to society.

### **York Mind**

York Mind empowers individuals to recover from mental ill-health. They achieve their goal by providing a variety of person-centred projects designed to promote recovery, independence and mental wellbeing. This project will help prevent individuals with chronic mental ill-health from becoming stuck in mental health services by providing direct support to help them move on into paid or voluntary work – either directly or via further training or education externally.

The project will provide intensive mentoring, encouragement, guidance and signposting to clients. These clients will usually have spent several months with the charity and this project will enable individuals to overcome the daunting prospect of moving out of the supportive environment and progressing with their lives.

In addition, the project will provide for six anti-stigma/awareness raising events at key locations/employers within the City. These events will raise understanding and start a conversation about how mental ill health need not be a barrier to successful employment.

### **Family Matters York (York Community Family Trust)**

Family Matters aims to make a positive, demonstrable difference to the lives of all families in need across the city of York, unlocking potential to live life to the full.

This project will run four "Time Out for Parents" courses across the city of York. The courses will be open to all parents who have children in school year's 2 – 6. Each course will consist of five sessions lasting for two hours. The courses aim to give parents the tools to raise their children's self esteem, improve their relationship with their child, set and maintain reasonable boundaries and to keep their children safe.

### **Inspired Youth**

Inspired Youth empowers people to inform, challenge and inspire their communities to tackle the issues that face them through creative arts and media campaigns. This project will be in partnership with the Jack Raine Community Foundation (JRCF) provide a mix of education, health, welfare and inclusion activities on a minimal budget to some of York's most vulnerable and excluded communities.

The project will create an arts and media campaign that presents strong community role models and increases positive physical and mental wellbeing through raising awareness of the Jack Raine Community Foundation.

The model works by placing former service users at the heart of the delivery. Professional artists will create a lasting mural to be displayed in a community venue run by JRCF, work together to develop themes and approaches for a poster campaign and a short film to raise awareness.

### **Millers Yard CIC**

Millers Yard is in the Centre of York and aims to promote and operate inclusive activities for local residents enabling people to live more positively. Services are aimed towards improving people's wellbeing, employment and training opportunities and raising awareness of issues surrounding these.

This project will provide a regular Saturday session (once a month for six months) for carers residing in York to have the opportunity to have time for themselves by coming to Millers Yard for free treatment or taking part in a health and wellbeing class. Sessions in counselling, massage and other therapies will be on offer from therapists and students taking part in diploma level training to become Massage and Reflexology practitioners. Other opportunities include yoga, pilates, drama, art, sewing and knitting.

### **The Bike Rescue Project CIC**

The Bike Rescue Project recycles thousands of unwanted bicycles each year using salvage and refurbishment processes as a vehicle to train and empower members of the local community, giving them confidence and life skills as well as industry recognised qualifications. This generates a local, environmentally friendly manufacturing base that offers long term employment and valuable volunteering opportunities. Over the past six years Bike Rescue has been building their teaching capacity, working with deprived groups. They have now set up a Velotech Training workshop and want to increase community benefit by taking our knowledge and skills out into the community. This project will develop a mobile teaching operation so that it can be taken to youth clubs and Bootham Hospital, to run short courses that engage young people, their families, intergenerational groups and those with serious mental health issues. This will facilitate long term relationships with these groups of people who will assist with refurbishment of bikes for delivery to disadvantaged families in time for Christmas.

### **Age UK York**

Age UK York aims to enable older people with limited resources to engage with the world of IT and take best advantage of the modern commercial and social world by helping them to learn to use IT equipment, receive advice on when and how to acquire equipment and



service deals and have a constant reasonable back up support service delivered by people with an understanding of the needs of older people. This project aims to enable the older people of York on low fixed incomes to improve the quality of their lives through a variety of outcomes. They will be able to learn at a suitable pace and venue best suited to their needs and abilities. They will learn how to communicate with the commercial world such as shopping and banking. This will improve their access to more economical opportunities for food, other goods and clothing. This will also have an impact on feelings of being in control of their lives and reduce social isolation.

Councillor Dafydd Williams JP  
Cabinet Member for Crime and Stronger Communities, December 3<sup>rd</sup>,  
2012

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City of York Council

Committee Minutes

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MEETING	JOINT STANDARDS COMMITTEE
DATE	28 NOVEMBER 2012
PRESENT	COUNCILLOR RUNCIMAN (CHAIR) (CYC MEMBER) COUNCILLOR BARTON (CYC MEMBER) COUNCILLOR CRAWFORD (PARISH COUNCIL MEMBER) COUNCILLOR MARTIN (VICE-CHAIR) (PARISH COUNCIL MEMBER) COUNCILLOR SCOTT (CYC MEMBER) COUNCILLOR SIMPSON (PARISH COUNCIL MEMBER) COUNCILLOR TAYLOR (CYC MEMBER)
IN ATTENDANCE:	MR DIXON (INTERIM INDEPENDENT PERSON)

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## **PART B - MATTERS REFERRED TO COUNCIL**

### **20. APPOINTMENT OF INDEPENDENT PERSONS**

*[see also Part A minute]*

Members received a report that provided an update on progress in recruiting independent persons to support the standards function.

The Appointments Panel had met in October and proposed to recommend the appointment of Mr David Laverick to fill one of the roles. The Panel had agreed that further efforts should be made to secure more applications before making a further recommendation for appointment.

Consideration was given to the arrangements to be put in place pending the appointment of two independent persons. It was agreed to recommend that the interim independent persons continue in this role. This would also ensure a smooth transition.

Members considered ways in which to attract further applications for the position as Independent Person. It was agreed that the following measures should be explored:

- An article in the local press highlighting the committee's role in raising standards and promoting awareness of the vacancy for an independent person.
- Advertising the position via York CVS.
- Advertising the position on the Public Appointments Commissioner website or newsletter.

Members were invited to forward any further suggestions to the Monitoring Officer for consultation with the Chair.

- RECOMMENDED:
- (i) That Mr David Laverick be appointed as an independent person.
  - (ii) That, until a full complement of independent persons has been appointed, the existing former independent persons be requested to continue to act in this role.

REASON: To ensure that the Council has appropriate arrangements in place for handling complaints against Members.

## 21. DISPENSATIONS

*[See also Part A minute]*

Consideration was given to a report that provided Members with information about the dispensation provisions available under the new regime, reminded Members of existing arrangements and identified some particular issues for consideration.

Discussion took place as to the circumstances in which it may be appropriate to grant a dispensation. Members stated that it was also important that dispensations that had been granted were recorded on the agenda papers for meetings.

RECOMMENDED: That agenda papers for meetings record dispensations that had been granted.

REASON: To ensure that the Council business may proceed effectively.

Councillor Runciman, Chair

[The meeting started at 3.00 pm and finished at 4.15 pm].

City of York Council

Committee Minutes

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MEETING	GAMBLING, LICENSING & REGULATORY COMMITTEE
DATE	19 NOVEMBER 2012
PRESENT	COUNCILLORS BOYCE (CHAIR), DOUGHTY, GILLIES (VICE-CHAIR), GUNNELL, HORTON, LOOKER, MCILVEEN, ORRELL, REID, RICHARDSON, SEMLYEN AND TAYLOR
APOLOGIES	COUNCILLORS JEFFRIES, KING AND WATT

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## **PART B - MATTERS REFERRED TO COUNCIL**

### **8. STATEMENT OF LICENSING POLICY - GAMBLING ACT 2005.**

Members considered a report that advised them of the review of the councils statement of licensing policy, of the consultation undertaken and of the changes made as a result of the consultation and revised guidance.

Officers gave an update and stated that under section 349 of the Gambling Act 2005 it required licensing authorities to determine and publish a statement of licensing policy every 3 years. Officers confirmed that the current policy expired on 31 January 2013 and the new statement of licensing policy must be approved by Full Council and be published before the current one expired.

Members were informed that a full consultation had been carried out in accordance with the Act and guidance. It commenced on 2 July 2012 and finished on the 28 September 2012.

Members considered the revised draft policy and debated on points 2.2 and 2.3. The licensing officer stated that the policy was a legal statement and that both points had been present on previous policies. She also assured Members that gambling premises do have a legal requirement to display official notices and leaflets about the problems that can arise from gambling.

The Chair passed on her thanks to those Members who had been involved in the licensing hearings.

RECOMMENDED: That Full Council be asked to approve the new statement of licensing policy.

REASON: To ensure the Council comply with the requirements of the Gambling Act 2005 and publish a new statement of licensing policy before 31<sup>st</sup> January 2013.

Cllr B Boyce, Chair

[The meeting started at 4.00 pm and finished at 4.35 pm].

## **Gambling Act 2005**



## **Statement Of Licensing Policy**





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*This Statement of Principles was approved by City of York Council on [date] 2012.*

*All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 4<sup>th</sup> Edition, published September 2012.*

**PART A**

**1. The Licensing Objectives**

- 1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
  - Ensuring that gambling is conducted in a fair and open way;
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.
- 1.3 This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:
- is in accordance with any relevant code of practice issued by the Gambling Commission;
  - is in accordance with any relevant guidance issued by the Gambling Commission;
  - is reasonably consistent with the licensing objectives; and
  - is in accordance with the authority’s statement of licensing policy.

**2. Introduction**

- 2.1 City of York Council is a unitary authority covering an area of 105 square miles and a population of 198,100. It comprises the urban area of York that is surrounded by many small rural and semi-rural settlements covered by parish councils.
- 2.2 *Tourism and leisure are important industries for York, attracting over 7.1 million visitors a year, who spend £443 million in the city. Over 22,900 jobs have been created in the tourist and leisure industry sector (2008 & 2011 figures).*
- 2.3 The following premises within the City of York area are currently concerned with the gambling industry: York racecourse, 28 betting offices, 3 bingo halls, 2 adult gaming centres, 28 gaming machine permits, 48 club machine permits and 122 small society lotteries.
- 2.4 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

- 2.5 The Gambling Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police;
  - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
  - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
- 2.6 A list of all persons this authority consulted can be found at Appendix A.
- 2.7 City of York Council consulted widely upon this statement before finalising and publishing.
- 2.8 Our consultation took place between *2 July to 28 September 2012* and we followed the HM Government Code of Practice on Consultation (published July 2008), which is available at: <http://www.berr.gov.uk/files/file47158.pdf>
- 2.9 The policy was approved at a meeting of the Full Council on *[date] 2012* and was published via our website on *[date] 2012*. A copy was placed in York Library, Museum Street, York as well as being available in the Guildhall and reception at 9 St Leonard's Place, York.
- 2.10 Should you have any comments as regards this policy statement please send them via e-mail or letter to the following address:

e-mail: [licensing.unit@york.gov.uk](mailto:licensing.unit@york.gov.uk)

Alcohol & Entertainment Licensing  
City of York Council  
9 St Leonard's Place  
York  
YO1 7ET

- 2.11 It should be noted that this statement of licensing principles will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

### **3. Declaration**

- 3.1 In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission and any responses from those consulted on the statement.

#### **4. Responsible Authorities**

- 4.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
  - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 4.2 In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose.
- 4.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available at Appendix B.

#### **5. Interested parties**

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:
- “For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person-
- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
  - (b) has business interests that might be affected by the authorised activities; or
  - (c) represents persons who satisfy paragraph (a) or (b)”.
- 5.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:
- 5.3 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities at 8.11 to 8.18. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 5.4 Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a

person/body (eg an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 5.5 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Gambling & Licensing Sub Committee dealing with the licence application. If there are any doubts then please contact the Alcohol and Entertainment Licensing Section.

## **6. Exchange of Information**

- 6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.3 Should any protocols be established as regards information exchange with other bodies, then they will be made available.

## **7. Enforcement**

- 7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

- 7.2 This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary, remedies should be appropriate to the risk posed and costs identified and minimised;
- Accountable: regulators must be able to justify decisions and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open and keep regulations simple and user friendly;
- Targeted: regulation should be focused on the problem, and minimise side effects.

- 7.3 As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 This licensing authority has adopted and implemented a risk-based inspection programme, based on:
- The licensing objectives;
  - Relevant codes of practice;
  - Guidance issued by the Gambling Commission, in particular at Part 36;
  - The principles set out in this statement of licensing policy.
- 7.5 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.
- 7.6 This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 7.7 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the licensing department [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing). Our risk methodology is also available upon request.

## **8. Licensing authority functions**

- 8.1 Licensing authorities are required under the Act to:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*;
  - Issue *Provisional Statements*;
  - Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
  - Issue *Club Machine Permits to Commercial Clubs*;
  - Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*;
  - Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
  - Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
  - Register *small society lotteries* below prescribed thresholds;
  - Issue *Prize Gaming Permits*;

- Receive and Endorse *Temporary Use Notices*;
- Receive *Occasional Use Notices*;
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
- Maintain registers of the permits and licences that are issued under these functions.

8.2 It should be noted that licensing authorities are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

PART B

**PREMISES LICENCES: CONSIDERATION OF APPLICATIONS**

**9. General Principles**

9.1 Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

**9.2 Decision-making**

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- is in accordance with any relevant code of practice issued by the Gambling Commission;
- is in accordance with any relevant guidance issued by the Gambling Commission;
- is reasonably consistent with the licensing objectives; and
- is in accordance with the authority's statement of licensing policy.

9.3 It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos – page number 15) and also that unmet demand is not a criterion for a licensing authority.

9.4 This Council has reviewed its constitution and scheme of delegation to officers to ensure effective implementation of the Act. The Gambling Act 2005 Committee and Sub-Committees have been set up to deal with licensing issues and the determination of applications in certain cases, ie those where representations have been made or where premises licences require review. Non contentious applications (ie those where no representations have been made) will be delegated to officers.

9.5 Where representations are received the Licensing Authority will consider whether they are relevant, vexatious, frivolous or if they would influence the Authority's determination of the application. The Head of Licensing together with the relevant Assistant Director will determine if any representation meets this criteria.

9.6 **Definition of "premises"** – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.



- 9.7 The Gambling Commission states in the *fourth edition* of its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”
- 9.8 This licensing authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:
- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
  - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
  - Customers should be able to participate in the activity named on the premises licence.
- 9.9 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:
- Do the premises have a separate registration for business rates?
  - Is the premises’ neighbouring premises owned by the same person or someone else?
  - Can each of the premises be accessed from the street or a public passageway?
  - Can the premises only be accessed from any other gambling premises?
- 9.10 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.
- 9.11 **The Gambling Commission’s relevant access provisions for each premises type are reproduced below:** *Section 7.26* of the Gambling Commission’s guidance.

#### 9.12 Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.24 of the Guidance);
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

#### 9.13 Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

#### 9.14 Betting Shops

- Access must be from a street (as per para 7.24 Guidance to Licensing Authorities) or from another premises with a betting premises licence;
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

#### 9.15 Tracks

- No customer should be able to access the premise directly from:
  - a casino;
  - an adult gaming centre.

#### 9.16 Bingo Premises

- No customer must be able to access the premise directly from:
  - a casino;
  - an adult gaming centre;
  - a betting premises, other than a track.

#### 9.17 Family Entertainment Centre

- No customer must be able to access the premise directly from:
  - a casino;
  - an adult gaming centre;
  - a betting premises, other than a track.

9.18 Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision making.

9.19 **Premises "ready for gambling"** - The Guidance states that a licence to use premises

for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

- 9.20 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 9.21 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-
- First, whether the premises ought to be permitted to be used for gambling;
  - Second, whether appropriate conditions can be put in place to cater for the situation where the premises are not yet in the state in which they ought to be before gambling takes place.
- 9.22 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 9.23 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs **7.60-7.67** of the Guidance.
- 9.24 **Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.
- 9.25 **Planning** - The Gambling Commission Guidance to Licensing Authorities states:  
**7.60** – In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.
- 9.26 This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:  
**7.67** - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the

2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

- 9.27 **Duplication with other regulatory regimes** - This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 9.28 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.
- 9.29 **Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.
- 9.30 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.
- 9.31 **Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. *For Local Authorities with tracks:* There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section— see page number 16.
- 9.32 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly

attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

9.33 This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

9.34 As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; *and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs.*" *This licensing authority will consider this licensing objective on a case by case basis.*

9.35 **Conditions** - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises;
- reasonable in all other respects.

9.36 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

9.37 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

9.38 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and

- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

9.39 These considerations will apply to premises including buildings where multiple premises licences are applicable.

9.40 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

9.41 **Door Supervisors** - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

9.42 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether supervisors need to be licensed by the Security Industry Authority or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

## 10. Adult Gaming Centres

10.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

10.2 This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as

GamCare.

10.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

## **11. (Licensed) Family Entertainment Centres:**

11.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

11.2 This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes ;
- Provision of information leaflets / helpline numbers for organisations such as GamCare;
- Measures / training for staff on how to deal with suspected truant school children on the premises.

11.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

11.4 This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

## **12. Casinos**

12.1 *No Casinos resolution* - This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

12.2 *Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of

the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

### **13. Bingo premises**

- 13.1 This licensing authority notes that the Gambling Commission's Guidance states:  
18.4 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.
- 13.2 This authority also notes the Guidance at paragraph 18.5 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate *the maximum permitted number of category B3 gaming machines* in one of the resulting premises, as the gaming machine entitlement for that premise would be exceeded.
- 13.3 This licensing authority notes that the Gambling Commission Guidance states:  
18.6 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

### **14. Betting premises**

- 14.1 *Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

### **15. Tracks**

- 15.1 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (ie the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 15.2 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse



racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

15.3 This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

15.4 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

15.5 *Gaming machines*. - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

15.6 *Betting machines* - This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

15.7 **Applications and plans** - The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.28).

15.8 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, para 20.29).

15.9 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, para 20.31).

15.10 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or

races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See Guidance to Licensing Authorities, para 20.32).

- 15.11 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, para 20.33).

## **16. Travelling Fairs**

- 16.1 This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 16.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 16.3 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **17. Provisional Statements**

- 17.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 17.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
  - expects to be altered; or
  - expects to acquire a right to occupy.
- 17.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

- 17.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 17.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage; or
  - they reflect a change in the applicant's circumstances.
- 17.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage;
  - which in the authority's opinion reflect a change in the operator's circumstances; or
  - where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

## **18. Reviews**

- 18.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- any relevant Code of Practice issued by the Gambling Commission;
  - any relevant guidance issued by the Gambling Commission;
  - that it is reasonably consistent with the licensing objectives; and
  - is in accordance with the authority's statement of principles.
- 18.2 The request for the review will also be subject to consideration by the authority as to whether the request is frivolous or vexatious; whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence or whether it is substantially the same as previous representations or requests for review and there has been no change in circumstances.
- 18.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

- 18.4 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 18.5 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 18.6 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 18.7 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- (a) add, remove or amend a licence condition imposed by the licensing authority;
  - (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours), or remove or amend such an exclusion;
  - (c) suspend the premises licence for a period not exceeding three months; and
  - (d) revoke the premises licence.
- 18.8 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 18.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- the licence holder;
  - the applicant for review (if any);
  - the Commission;
  - any person who made representations;
  - the chief officer of police or chief constable; and
  - Her Majesty's Commissioners for Revenue and Customs.

**PART C**

**Permits / Temporary & Occasional Use Notice**

**19. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)**

19.1 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

19.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits....., licensing authorities will want to give weight to child protection issues." (24.6)

19.3 Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)

19.4 It should be noted that a licensing authority cannot attach conditions to this type of permit.

**19.5 City of York Council Statement of Principles:**

This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling

that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act) and that staff are trained to have a full understanding of the maximum stakes and prizes.

**20. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))**

20.1 **Automatic entitlement: 2 machines.** There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.

20.2 The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (ie that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

20.3 **Permit: 3 or more machines.** If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” Any determination will be made by the Head of Licensing in conjunction with the relevant Assistant Director.

20.4 This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare. Compliance with the Gambling Commissions Code of Practice for Gaming Machines Permits will be a condition of any permit issued.

20.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

- 20.6 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 20.7 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

## **21. Prize Gaming Permits**

- 21.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

### **21.2 City of York Council Statement of Principles:**

This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises or children causing perceived problems on / around the premises. This Authority will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes as set out in regulations; that the applicant has no relevant convictions (as set out in Schedule 7 of the Act) and that staff are trained to have a full understanding of the maximum stakes and prizes.

- 21.3 In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives, but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).
- 21.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
  - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated and the result of the game must be made public in the premises on the day that it is played;
  - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
  - participation in the gaming must not entitle the player to take part in any other gambling.

## 22. Club Gaming and Club Machine Permits

- 22.1 A members' club or miners' welfare institute may apply for a Club Gaming Permit. A members' club, commercial club or miners' welfare institute may apply for a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).
- 22.2 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."
- 22.3 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
  - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
  - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - (d) a permit held by the applicant has been cancelled in the previous ten years; or
  - (e) an objection has been lodged by the Commission or the police.
- 22.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
  - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
  - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."
- 22.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.



## **23. Temporary Use Notices**

- 23.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 23.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, ie a non-remote casino operating licence.
- 23.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 23.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".
- 23.5 In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 23.6 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

## **24. Occasional Use Notices**

- 24.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

**GAMBLING POLICY CONSULTEES**

- North Yorkshire Police
- Selby and York Primary Health Care Trust
  - Head of Child & Adolescent Mental Health, Older People & Drugs & Alcohol Services
  - Head of Adult Mental Health & Forensic Services
- City of York Council Adult Services (Community Services)
- City of York Safeguarding Children Board
- Safer York Crime & Disorder Reduction Partnership
- York Youth Offending Team
- Officers within the City of York Council responsible for regeneration, tourism, cultural strategy & planning
- Representatives of Parish Councils
- Tenants & Residents Associations
- Ward Committees
- Organisations representing disabled persons
- Elderly Persons Forum
- Equality Advisory Group
- York Older Persons Assembly
- York Independent Living Network
- Citizens Advice Bureau
- Council for Voluntary Services
- Gambling Commission
- GamCare
- British Casino Association
- Casino Operators Association of the UK
- Association of British Bookmakers
- William Hill Bookmakers
- Ladbrokes Bookmakers
- Browns Bookmakers
- Coral Bookmakers
- Corbett Bookmakers Ltd
- Done Brothers (Cash Betting) Ltd – Betfred
- Embassy Racing
- Ted Plant Bookmakers
- Racecourse Services Executive – Racecourse Association
- Horserace Betting Levy Board
- York Racecourse
- BACTA (Gaming Machines)
- Nobles Amusements
- Bingo Association
- Mecca Bingo
- Clifton Bingo Hall

- Business in Sport & Leisure
- Club & Institutes Union
- Trade Associations & Trade Council
  - York & North Yorkshire Chamber of Commerce
  - Clifton Moor Business Association
  - Coppergate Centre Manager
  - Stonegate Traders Association
  - Yorkshire & Humberside TUC
- British Beer & Pub Association
- HM Revenue & Customs

**RESPONSIBLE AUTHORITIES**

City of York Council  
 Alcohol & Entertainment Licensing  
 9 St Leonard's Place  
 York  
 YO1 7ET

Gambling Commission  
 Fourth Floor  
 Victoria Square House  
 Victoria Square  
 Birmingham  
 B2 4BP

Chief Officer of Police  
 North Yorkshire Police Headquarters  
 The Licensing Section  
 Fulford Road  
 York  
 YO10 4BY

North Yorkshire Fire and Rescue Service  
 The Area Fire Safety Office  
 York Fire Station  
 Clifford Street  
 York  
 YO1 1RD

City of York Council  
 Environmental Protection Unit  
 9 St Leonard's Place  
 York  
 YO1 7ET

City of York Council  
 Development Control (Planning)  
 9 St Leonard's Place  
 York  
 YO1 7ET

City of York Council Corporate Support  
 (Licences – Children's Services)  
 10 – 12 George Hudson Street  
 York  
 YO1 6LP

HM Revenue & Customs  
 Greenock Accounting Centre  
 Custom House  
 Custom House Quay  
 Greenock  
 PA15 1EQ