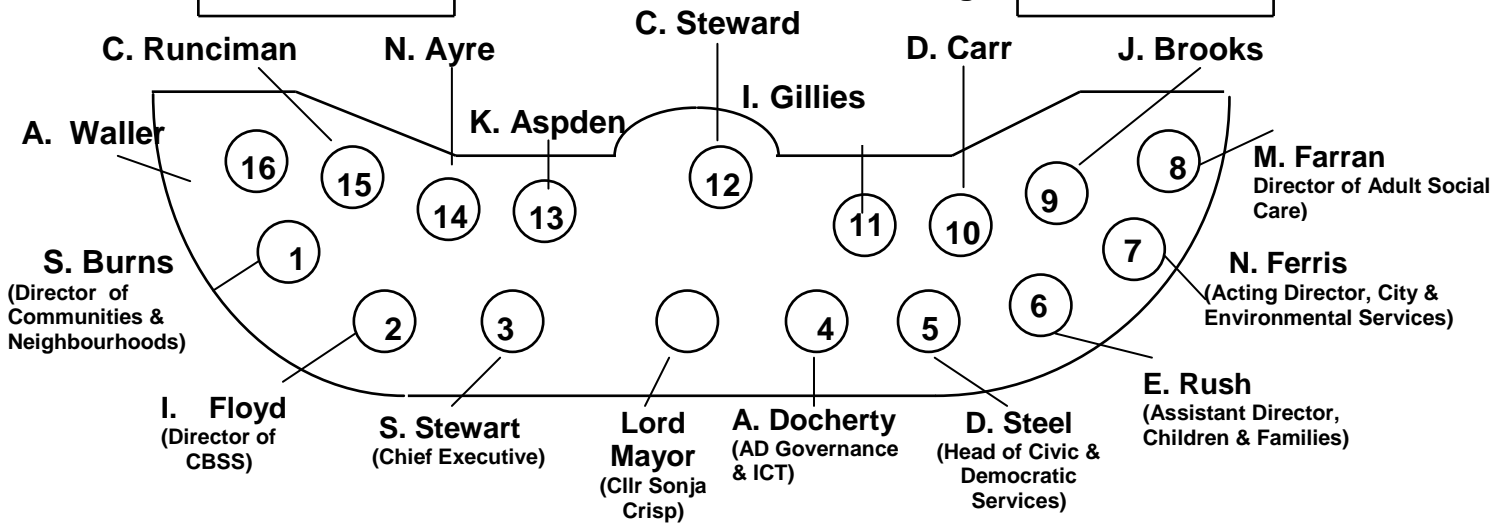
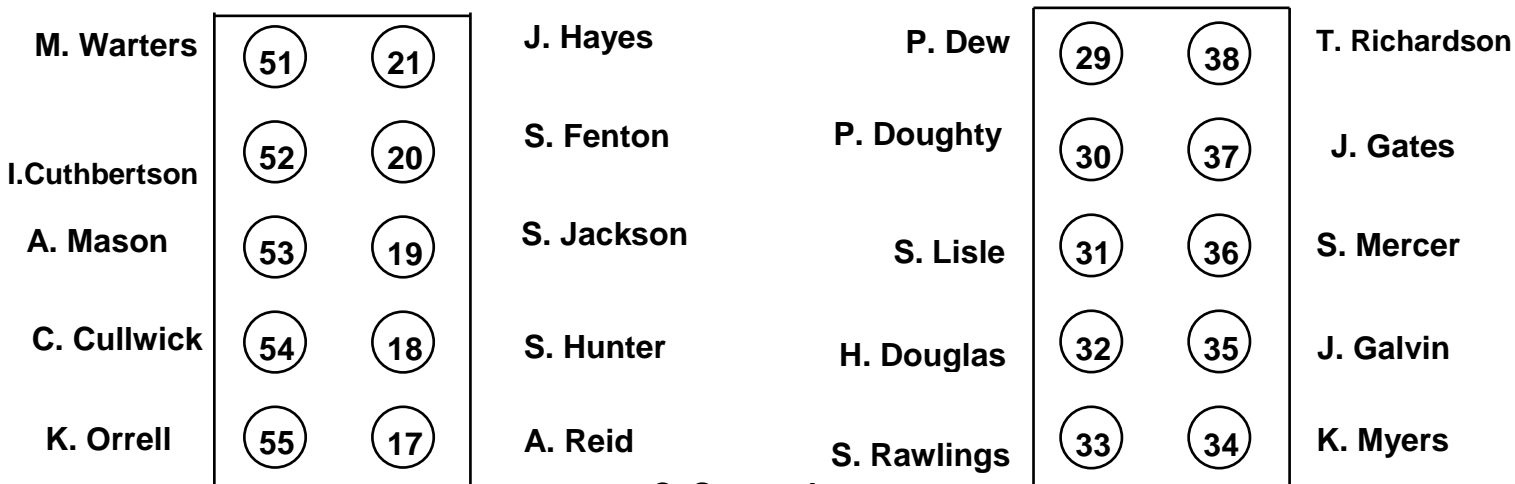
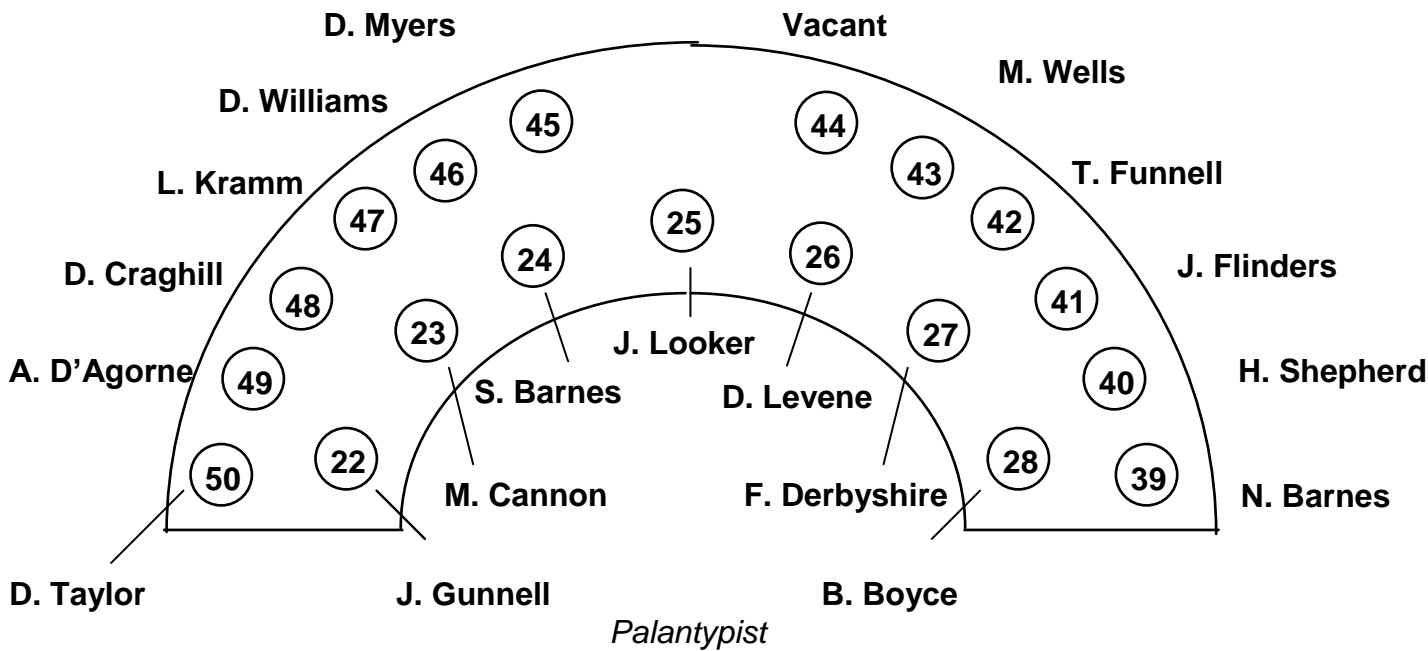


**CITY OF YORK COUNCIL
SUMMONS**

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, 17 December 2015 at 6.30 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 - 26)

To approve and sign the minutes of the Special and the Ordinary meetings of Council held on 8 October 2015.

3. Civic Announcements

- (i) To consider any announcements made by the Lord Mayor in respect of Civic business.
- (ii) To invite Cllr D'Agorne to announce the nomination for the Lord Mayor Elect for the 2016/17 municipal year and
- (iii) To invite the Lord Mayor Elect to announce the nomination for Sheriff and Sheriff's Lady.

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 16 December 2015.**

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

WEBCASTING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the internet - at the start of the meeting the Lord Mayor will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this

webcast will be retained in accordance with the Council's published policy.

Public seating areas will not be filmed by the Council.

5. Petitions

To consider any petitions received from Members in accordance with Standing Order No.15. Notice has been received of one petition to be presented by:

- Cllr Shepherd from local residents wanting a ban on letting boards in the Hull Road Ward.

6. Independent Remuneration Panel (Pages 27 - 50)

To consider the report of the Council's Monitoring Officer which annexes the final report and recommendations of the Independent Remuneration Panel in relation to allowances which should be payable to Members.

7. Report of Executive Leader and Executive Recommendations and Questions (Pages 51 - 56)

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

Meeting	Date	Recommendations
Executive	26 November 2015	Minute 83: Capital Programme - Monitor 2 2015/16 http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=8843&Ver=4
Executive	15 December 2015	Minute tbc: York Central <i>(to be circulated prior to the meeting)</i> Minute tbc: Council Tax Support – Consultation Decision Report <i>(to be circulated prior to the</i>

meeting)

<http://democracy.york.gov.uk/ieListDocuments.aspx?Cld=733&MId=8844&Ver=4>

- 8. Report of the Deputy Leader and Questions** (Pages 57 - 60)
To receive and consider a written report from the Deputy Leader and, to question the Deputy Leader thereon.

9. Motions on Notice

To consider the following Motions on Notice under Standing Order 22:

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

- (i) From Cllr Carr

Broad Rental Market Area

Council notes that

Local Housing Allowance rates set the maximum amount of Housing Benefit for private tenants and are set by the Valuations Office Agency ('VOA') and determined by the region in which tenants make their claim, called the Broad Rental Market Area ('BRMA');

The 'York BRMA' was once roughly the size of the City of York Council, but in recent years has been expanded in all directions to include Easingwold, Malton, Pocklington, Selby and beyond;

Because York's BRMA now includes rental markets markedly different from those in York, including less expensive rural and market towns, York residents are at a disadvantage in the maximum benefit they can receive, which is not in line with York's higher housing costs; therefore

In order to redress this disadvantage to York residents, for whom access to the private rental sector in York has become more challenging as the rate of rent rises in York continues to exceed Local Housing Allowance rates as set for the BRMA, Council instructs officers to seek a review of the BRMA by the VOA as

permitted under statute and pledges all-party support for the Council's application.

(ii) From Cllr Runciman

Public Health Cuts

Council Notes:

The Conservative Government has confirmed it will apply a flat rate cut of 6.2% to all local authority public health grant allocations to be applied in the 4th quarter of this financial year. The impact for City of York Council is an in-year budget cut of £508,830.

Services affected by the cuts could include school nursing and children's health services, suicide prevention and domestic violence prevention, drug and alcohol work, sexual health, weight loss support, smoking cessation services and wider mental health provision including befriending services for older people.

In taking this decision, the Government has ignored opposition from organisations representing 220,000 doctors, 300,000 nurses, health service leaders, public health specialists and local authority leaders.

The Government has further ignored analysis by the Faculty of Public Health saying that the cut to the preventative work funded by the grant could have a knock-on cost to the NHS in excess of £1bn.

The Royal College of Nursing's Regional Director for Yorkshire and the Humber has said "The NHS will end up paying for these savings many times over.....these plans will also disproportionately hit poorer communities in harder to reach areas and will make health inequalities worse".

Last month's Comprehensive Spending Review confirmed that the Government will make further cuts in local authority public health spending, as well as consult on options to transfer funding responsibility to local authorities as part of the move towards 100% business rate retention.

Council Believes:

The in-year cut to public health funding puts at risk crucial support and services for residents and risks significantly increasing pressure on NHS services in York.

By cutting the budget in the middle of the financial year it means it will be particularly difficult to make the necessary savings.

It is imperative to maintain access to essential service provision, but stark choices will need to be made from January.

Council Resolves:

- (i) To write to the Government to further outline this Council's opposition to the in-year cuts and the plan for further cuts in 2016/17 and 17/18.
- (ii) To request that the Public Health Grant Spending Task Group set-up by the Health and Adult Social Care Policy and Scrutiny Committee considers the impact of this cut on current and future spending as part of its work.

(iii) From Cllr Cannon

Bootham Park Hospital

Council notes the challenges faced by the NHS and the ongoing impact on patient care for people in York.

It further notes:

- The detrimental impact on patients, carers and clinical staff caused by the closure of Bootham Park Hospital and the subsequent lack of accountability;
- The recent impact on physiotherapy patients from across York caused by the CCG's failed procurement of MSK (Muscular Skeletal) services;
- The operational challenge presented by a fragmented NHS landscape, with a multitude of different organisations involved in both the Bootham Park closure and the failed MSK services procurement;
- The spate of recent CQC reports, all with 'requiring

improvement' judgments:

- Yorkshire Ambulance Service
 - York Teaching Hospital NHS Foundation Trust
 - Leeds and York Partnership Foundation Trust
- The inability of York Teaching Hospital NHS Foundation Trust to meet targets for A&E waiting times and for cancer treatment;
 - The recent announcement that NHS Vale of York CCG is now classed as an organisation which is in 'turnaround' due to the ongoing deterioration of its financial position, leaving it categorised as 'not assured';
 - The unprecedented £1.6bn mid-year deficit facing NHS Trusts across the country.

Council believes the Government has no credible plan for improving NHS services for people in York.

Council resolves:

- (i) To endorse the request made to the Health Secretary, Jeremy Hunt MP, by the Health and Adult Social Care Policy and Scrutiny Committee, in support of a call by the MP for York Central for an Inquiry/urgent investigation into the circumstances surrounding the closure of Bootham Park Hospital; and
- (ii) To fully support the Council's Health and Adult Social Care Policy and Scrutiny Committee in its continuing efforts to scrutinise local NHS services to ensure they cater for, and are responsive to, the needs of local people and that lessons are learnt from the Bootham Hospital closure.

(iv) From Cllr Rawlings

Loneliness and Social Isolation

Council notes that:

Loneliness and social isolation are public health and moral societal issues which as a result of changes in social patterns and increased longevity can adversely affect individuals of all backgrounds and income levels;

Although difficult to measure, the problem is worst amongst the elderly and it is estimated one in ten people of pensionable age living in York are likely to be classed as lonely or extremely lonely;

Loneliness and social isolation is known to have a particularly negative impact on older peoples' mortality, morbidity and quality of life;

Department of Health figures show one in ten older people do not see their family even monthly and in just five years' time there will be a million more people in the U.K. over 70.

Whilst there are things Council does to support residents and local communities to engage with neighbours who may be at risk of social isolation, it should look in a more joined up way with partners at what more can be done.

Council therefore pledges to support the following initiatives and requests the Director of Adult Social Care to:

- work closely with York's Health and Wellbeing Board to imbed the prevention and reduction of loneliness as part of its Health and Wellbeing Strategy.
- set up a dedicated Steering Group to include organisations such as the Council, health partners, charities and support groups for the elderly in particular, to raise residents' awareness of both the issue of potential loneliness amongst their neighbours and of services currently available for anyone feeling lonely and isolated;
- Work with neighbourhood teams to set up a pilot scheme in Haxby and Wigginton Ward (which has the oldest age profile of the three member wards) to map local assets for and barriers to keeping connected in older age, involving residents, local businesses and other partners and to assess how such a scheme, if successful, could be rolled out city-wide; and
- ensure that the potential for suffering loneliness and social isolation is embedded as part of all strategic needs

assessments or local surveys and that this information is made known and available to council officers and others who are involved in providing or assessing relevant council services as a matter of course.

10. Questions to the Leader or Executive Members

To question the Leader and/or Executive Members in respect of any matter within their portfolio responsibility, in accordance with Standing Order 20.

11. Report of Executive Member and Questions (Pages 61 - 68)

To receive a written report from the Executive Member for Transport and Planning, and to question the Executive Member thereon, in accordance with Standing Order 19.

12. Scrutiny - Report of the Chair of the Corporate and Scrutiny Management Policy and Scrutiny Committee (Pages 69 - 72)

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

13. Recommendations of the Gambling, Licensing & Regulatory Committee (Pages 73 - 104)

Meeting	Date	Recommendations
Gambling, Licensing & Regulatory Committee	16 November 2015	Minute 18: Statement of Licensing Policy - Gambling Act 2005 (copy attached) http://democracy.york.gov.uk/ieListDocuments.aspx?Clid=606&MId=8634&Ver=4

14. Appointments and Changes to Membership (Pages 105 - 106)

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

15. 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

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

City of York Council

Resolutions and proceedings of the Special Meeting of the City of York Council held in the Guildhall, York on Thursday, 8th October, 2015, starting at 6.30 pm

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

Acomb Ward

Bishopthorpe Ward

S Barnes
K Myers

Clifton Ward

Copmanthorpe Ward

D Myers
Wells

Carr

Dringhouses & Woodthorpe Ward

Fishergate Ward

Fenton
Mason
Reid

D'Agorne
Taylor

Fulford and Heslington Ward

Guildhall Ward

Aspden

Craghill
Flinders
Looker

Haxby & Wigginton Ward

Heworth Ward

Cuthbertson
Gates
Richardson

Funnell
Williams

Heworth Without Ward

Holgate Ward

Ayre

Cannon
Crisp
Derbyshire

Hull Road Ward

N Barnes
Levene
Shepherd

Huntington and New Earswick
Ward

Orrell
Runciman

Micklegate Ward

Gunnell
Hayes
Kramm

Osbaldwick and Derwent Ward

Brooks
Warters

Rawcliffe and Clifton Without Ward

Dew
Lisle

Rural West York Ward

Gillies
Steward

Strensall Ward

Douglas
Doughty

Westfield Ward

Hunter
Jackson
Waller

Wheldrake Ward

Mercer

Apologies for absence were received from Councillors Galvin, Boyce, Cullwick and Rawlings

27. Honorary Aldermen

The Lord Mayor declared the object of the meeting, under Section 249 of the Local Government Act 1972, which was to confer the status of Honorary Alderman upon a number of former Members of Council.

It was then moved by Cllr Steward and seconded by Cllr Williams:

“That, pursuant to its powers under Section 249(1) of the Local Government Act 1972, the Council do confer the title of Honorary Alderman of the City of York upon:

David Horton

Ken King

Brian Watson

in formal recognition of their significant contribution to the City during the time that they served upon City of York Council.”

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

RESOLVED: That the above motion be approved.¹

Action Required

1. Arrange a civic ceremony for the new Honorary Aldermen.

AP

Cllr Sonja Crisp

LORD MAYOR OF YORK

[The meeting started at 6.30 pm and concluded at 6.35 pm]

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City of York Council

Resolutions and proceedings of the Meeting of the City of York Council held in the Guildhall, York on Thursday, 8th October, 2015, starting at 6.35 pm

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

Acomb Ward

Bishopthorpe Ward

S Barnes
K Myers

Clifton Ward

Copmanthorpe Ward

D Myers
Wells

Carr

Dringhouses & Woodthorpe Ward

Fishergate Ward

Fenton
Mason
Reid

D'Agorne
Taylor

Fulford and Heslington Ward

Guildhall Ward

Aspden

Craghill
Flinders
Looker

Haxby & Wigginton Ward

Heworth Ward

Cuthbertson
Gates
Richardson

Funnell
Williams

Heworth Without Ward

Holgate Ward

Ayre

Cannon
Crisp
Derbyshire

Hull Road Ward	Huntington and New Earswick Ward
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N Barnes Levene Shepherd	Orrell Runciman
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Micklegate Ward	Osballdwick and Derwent Ward
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Gunnell Hayes Kramm	Brooks Warters
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Rawcliffe and Clifton Without Ward	Rural West York Ward
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Dew Lisle	Gillies Steward
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Strensall Ward	Westfield Ward
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Doughty Douglas	Hunter Jackson Waller
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Wheldrake Ward

Mercer

Apologies for absence were received from Councillors Galvin, Boyce, Cullwick and Rawlings

28. Declarations of Interest

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

The following **prejudicial** interest was declared and the Member took no part in the discussion or voting on the item:

Councillor	Agenda Item	Description of Interest
Warters	7. (iii) Motions on Notice – Climate Change	As owner of shares in an oil company

29. Minutes

Resolved: That the minutes of the last ordinary meeting of the Council held on 16 July 2015 be approved and signed by the Chair as a correct record.

30. Civic Announcements

The Lord Mayor reported that this was the first meeting of Council since the death of Alderman Reg Pulleyn, a former Alderman, Lord Mayor and City of York Councillor for the Holgate and Beckfield Wards.

Members stood for a moments silence in memory of Alderman Pulleyn.

The Lord Mayor also displayed a picture she had recently been presented by the Queens Ghurkha Signals Regiment following the granting of the Freedom of the City to the Regiment on 8 September 2015.

31. Public Participation

Peter Richardson spoke in respect of Cllr Barnes Council Tax support scheme motion, in particular to express his concern at the Council's current 30% minimum Council Tax payment for residents, in comparison to neighbouring authorities and to the need for a reduction in the North Yorkshire Police precept.

Richard Bridge also spoke in relation to Cllr Barnes motion, and expressed his full support for changes to the Council's support scheme to assist those in Council Tax arrears. He supported the bringing forward consideration of changes as a matter of urgency.

John Warrington spoke as owner of the Carousel ride sited in St Sampson's Square expressing his concern at the suggested alternative siting offered at the Eye of York over the Christmas period. He referred to the affect the resiting would have on his

families livelihood and he requested Make it York to reconsider their offer.

Rebecca Jeffrey from Advice York also spoke in respect of Cllr Barnes motion as a campaigner against York's Council Tax Support Scheme. She provided examples of the effect the payment of Council Tax was having on residents and referred to Advice York's recommendations for changes to the scheme.

Tom Hughes spoke in support of Mr and Mrs Warrington, owners of the Carousel and their 2,300 signature petition for retention of the ride in St Sampson's Square over the Christmas period. He requested further scrutiny of Make it York and the siting of the Carousel back in the Square.

Peter Priestly also spoke in support of Cllr Barnes motion and questioned details of the formula used to calculate benefit claimants payments. He referred to his own experiences of meeting the extra payment and, whilst acknowledging that some payment was required, requested that an examination was made of the York scheme.

Joe Riches also spoke in support of Cllr Barnes motion referring to the concern he had felt at the scheme over a number of years. He requested the Council to support a reduction in the percentage payment to support York's most vulnerable residents.

Don Phillips spoke in relation to the Syrian refugees and York's place as a City of Sanctuary which should support assistance to the families involved. He felt that the Council had a duty to assist and requested a more proactive co-ordinated response.

Andrea Dudding spoke as a representative of Unison, in support of Cllr D Myers motion opposing the Trade Union Bill. A Bill she claimed would remove the Unions remaining powers and she asked all Members to support the motion.

32. Petitions

Under Standing Order 7, petitions were presented by the following Members for referral to the Corporate and Scrutiny Management Policy and Scrutiny Committee, in accordance with the Council's new petition arrangements:

- (i) Cllr Hunter on behalf of local residents requesting the Council to gate the snickets between the backs of 30-38 Gale Lane, 1-9 Bachelor Hill and behind 11-15 Bachelor Hill backed by the green metal fencing.¹
- (ii) Cllr Ayre on behalf of 49 residents in the Langdale Avenue and Rydal Avenue area regarding the state of nearby roads and calling on the Council to work with residents to improve the roads.²

Action Required

1&2. Refer to Executive Member and update CSMC petition schedule.

SS

33. Report of Executive Leader and Executive Recommendations

A Executive Leaders Report

A written report was received from the Executive Leader, Cllr Chris Steward, on the work of the Executive.

Members were then invited to question Cllr Steward on his report and questions were received from the floor from the following Members in relation to the subjects listed:

- Cllr Gunnell – request for a more proactive stance in relation to the Syrian Refugees and highlighting inconsistencies between the Leader and Executive Members reports in relation to progress on the Community Stadium
- Cllr Cannon – public concern regarding the Care Quality Commission's (CQC) closure of Bootham Park Hospital and a request for support for an independent inquiry
- Cllr S Barnes – current funding of Yearsley Pool to 2022 and the funding gap to 2028
- Cllr Cuthbertson – request for an update on York's devolution bid, following Sheffield's recent successful bid
- Cllr Kramm – in relation to the new Ward funding model

Cllr Steward responded directly to all the questions put to him.

B Executive Recommendations

Older Persons' Accommodation Programme: The Business Case

Cllr Steward moved, and Cllr Aspden seconded the following recommendation contained in Minute 34 of the Executive meeting held on 30 July 2015:

Recommended: That Council agree that the £1.156m Programme management costs be funded from existing Adult Social Care Capital Grant and are added to the Capital Programme and incurred over four years; these costs would be chargeable to revenue should the capital schemes fail to progress and that revenue budgets would be needed to address this.

Reason: So that the project can progress.

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

Resolved: That the above recommendation in respect of funding of the Accommodation Programme management costs from the existing Adult Social Care Capital Grant be approved.¹

Capital Programme Outturn 2014/15 and Revisions to the 2015/16 – 2019/20 Programme

Cllr Steward moved, and Cllr Aspden seconded the following recommendation contained in Minute 35 of the Executive meeting held on 30 July 2015:

Recommended: That Full Council agree the restated 2014/15 to 2018/19 programme of £206.231m as summarised in Table 3 and detailed in Annex A of the report.

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

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

Resolved: That the above recommendation in respect of the restated capital programme be approved.²

Treasury Management Annual Report & Review of Prudential Indicators 2014/15

Cllr Steward moved, and Cllr Aspden seconded the following recommendation contained in Minute 36 of the Executive meeting held on 30 July 2015:

Recommended: That Full Council agree amendment to the Treasury Management Annual Investment Strategy per Annex B of the report and the Creditworthiness Policy wording to:

“Typically the minimum credit ratings criteria the Council use will be a short term rating (Fitch or equivalents) of Short Term rating F1 and Long Term rating A-. There may be occasions when the counterparty ratings from one rating agency are marginally lower than these ratings but may still be used. In these instances consideration will be given to the whole range of ratings available, or other topical market information, to support their use.”

Reason: To ensure the continued performance of the Council’s Treasury Management function can be monitored.

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

Resolved: That the above recommendation to amend both the Treasury Management Annual Investment Strategy and the Creditworthiness Policy be approved.³

Capital Programme – Monitor 2015/16

Cllr Steward moved, and Cllr Aspden seconded the following recommendation contained in Minute 48 of the Executive meeting held on 27 August 2015:

Recommended: That Full Council agree the adjustments in the programme of a decrease of £5.091m in 2015/16 as detailed in the report and contained in Annex A.

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

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

Resolved: That the above recommendation to agree the adjustments in the Capital programme be approved. ⁴

Draft Council Plan 2015-19: Report on the Consultation Exercise

Cllr Steward moved, and Cllr Aspden seconded the following recommendation contained in Minute 60 of the Executive meeting held on 24 September 2015:

Recommended: That Council adopt the draft Council Plan for 2015-19.

Reason: To ensure that the Council Plan is adopted by Council to inform service delivery of the priorities set out in the Plan.

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

Resolved: That the above recommendation to adopt the 2015-19 Council Plan be approved. ⁵

Action Required

- | | |
|---|----|
| 1. Note agreement to funding of Programme management costs. | RW |
| 2.&4. Revise the Capital Programme accordingly. | DM |
| 3. Amend the Strategy and Policy as outlined. | DM |
| 4. Provide copies to residents, businesses and stakeholders by December 2015 and embed content in Service Planning for 2016/17. | DW |

34. Motions on Notice

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

- (i) Council tax support scheme
(moved by Cllr N Barnes and seconded by Cllr Cannon)

“Council notes the inclusion of a review of York’s Council Tax Support scheme on the Executive Forward Plan, due for consideration on 26th November.

Council also notes the requirement to have any changes set by 31st January 2016, following a 12 week statutory consultation. Scheduling this review with only 9 weeks before the deadline for agreed changes provides insufficient time for the Executive to make changes to the current scheme.

Council believes that the impact of the current scheme has resulted in hardship to some individuals beyond that envisaged when implemented, resulting in council tax arrears in York rising year on year.

Council also believes that some York residents have been unfairly impacted by the current scheme and that more should be done to alleviate the tax burden on the most vulnerable in our city.

Council requests that the Executive:

- Brings forward the Council Tax Support Scheme review paper to the October meeting of the Executive, to include a range of options, including one to consult on changes to the current scheme;
- requests that an option for consultation is prepared with the principle of reducing the council tax burden for those eligible for council tax support in mind;
- agrees a timetable that meets the 31st January deadline, should it agree to make changes to the scheme, in advance of the 2016-17 budget setting meeting in February."

An **amendment** was proposed by Councillor Aspden who also sought Council’s consent to alter the amendment with the removal of the two references to ‘including Cllr Barnes’, which was agreed.

Cllr Aspden’s amendment to now read as follows:

In the first paragraph, after Council notes, the **addition** of the following additional paragraphs

“the current council tax support system was put in place by the previous Labour administration in 2013 despite the significant concerns raised by opposition councillors and residents.

Labour councillors ignored these local concerns by turning down a ‘Transitional Grant’ of nearly £250,000 from the Government and imposed a flat 30% charge on ‘working-age’ residents who previously received council tax benefit.

Research from the Joseph Rowntree Foundation found that Labour’s scheme is amongst the “worst for claimants” nationally while York Citizens’ Advice Bureau has reported a 65% rise in a year in the number of people seeking help due to council tax arrears.

The previous Labour Cabinet brought forward no plans to review their scheme despite concerns being raised consistently by organisations such as Advice York.

Council believes it was right for the current Executive to bring forward a review of Labour’s scheme and Executive Members should be congratulated for doing so”.

The **deletion** of the second sentence in the second paragraph, beginning ‘Scheduling..’ and insert ‘*Executive is asked to review the Forward Plan to ensure this gives sufficient time if any changes are needed.*’

The **deletion** of the third and fourth paragraphs and their **replacement** with

‘Council further notes that some, ~~including Cllr Barnes,~~ believe Labour’s scheme has resulted in hardship to some, resulting in council tax arrears in York rising year on year.

Some, ~~including Cllr Barnes,~~ believe York residents have been unfairly impacted by Labour’s scheme and more should be done to alleviate the tax burden on the most vulnerable in our city following Labour’s dismal record between 2011-2015.’

In the final paragraph the **deletion** of the first two points, following 'Council requests that the Executive' and the **addition** of the following

' - continue with its review and bring forward a paper to the October meeting of the Executive, to cover a range of options including one to consult on changes to the current scheme.'

On being put to the vote the amendment, as altered, was declared CARRIED.

On being put to the vote, the original motion as amended, was then CARRIED and it was

Resolved: That the original motion, as amended, be approved. ¹.

(ii) Business Improvement District

(moved by Cllr Steward and seconded by Cllr Levene)

"Council notes that:

- the process of creating a Business Improvement District ("BID") is currently progressing well in York. This is a city-wide partnership initiative led primarily by local businesses, with the council as the accountable body, designed to enable coordinated investment in the management and marketing area of a defined commercial area within the City Centre.
- the many benefits of a BID district are that: it creates a single source of funding to be spent in the area; it provides a business plan that focuses on improving the area, addressing anti social behaviour and other problems; it improves the resilience of the city centre to changes in the retail market and it will work towards improving a city centre that increases resident well being and presents an improved business offer.
- the BID will be funded by contributions from businesses within the defined area with a rateable value above a threshold of £12,500, and it will be supported through the ballot process and the collection of the levy by the Council, the accountable body, with £25,000 paid to us from the BID in administration costs each year.

- smaller businesses beneath the rateable value threshold will not be required to pay the levy, but will nevertheless benefit from the additional funding and still have a voice on spending decisions made within the BID area.
- a ballot will get underway in October for businesses within the proposed BID area to vote on the establishment of the district.
- if approved by local businesses, it is expected to generate over £800,000 per annum for the next five years, all to be reinvested into the city and in addition to any services provided by the local authority, the base line for which the Council will determine in the near future.

Council therefore expresses its support for the establishment of the BID and encourages businesses within the proposed BID to make their vote 'yes'."

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

Resolved: That the motion be approved. ².

(iii) Tackling Climate Change

(moved by Cllr Waller and seconded by Cllr Orrell)

"Council notes:

- The need for local, national and international action to tackle Climate Change.
- The forthcoming 2015 United Nations Climate Change Conference in Paris which has as its objective a binding and universal agreement on steps to reduce greenhouse emissions.
- The Intended Nationally Determined Contributions (INDC) to reduce greenhouse gas emissions from the European Union to the Conference is 40% by 2030.
- Energy company Drax has abandoned a £1billion project to introduce 'carbon capture' technology at its plant in North

Yorkshire after the government's decision to reduce subsidies for renewable energy.

- Initial steps taken by the Joint Executive to make York the 'Greenest City in the North' including:
 - The stated aim to increase the waste sent to recycling by 5,000 tonnes and increase recycling rates to over 50%.
 - The reversal of plans to charge residents for their first Green Bin collection.
 - The commitment in the Draft Council Plan to cut the council's carbon emissions, re-establish a Green Jobs Task Group, and work towards plans for 'One Planet Living'.

Council Resolves to:

Write to the Secretary of State for Energy and Climate Change, Amber Rudd MP, expressing concern over the developments at Drax and asking for a reversal of the decision to cut support for renewable energy, including the removal of the tax exemption for renewable power that is sold to industrial companies.

Work on a cross-party basis to ensure that policies are adopted which increase recycling, reduce carbon emissions, expand the use of renewable power generation, and support community energy projects.

Ensure that all decision papers produced include as standard an Environmental Sustainability Impact Assessment in order to make certain that environmental sustainability underpins everything we do as an authority."

Council considered two amendments to the motion, the first being proposed by Councillor Craghill as follows:

Add the following additional bullet points following the words 'Council notes';

- 'The growing commitments amongst major UK institutions as diverse as the British Medical Association, the Church of England and our own Joseph Rowntree Charitable Trust to withdraw their investments from fossil fuels as part of a global divestment trend;

- The recent report from [350.org](https://www.350.org) showing that UK local authorities currently have at least £14 billion invested in companies that are contributing to climate change and recent decisions by UK councils such as Bristol and Oxford to cease investing in fossil fuels.'

Under 'Council resolves to' add the following:

'Require a report to Audit & Governance setting out the details of York's current direct and indirect investments in fossil fuels including current investment by North Yorkshire Pension Fund (around 7% of total according to [350.org](https://www.350.org)) and giving a range of options for action on both direct and indirect investments, including an option to commit to no future investment and for a process of total divestment and proposals to initiate similar discussions within North Yorkshire Pension Fund.'

“Insert the following final paragraph under “Council Resolves to:”
'Require a report to Audit & Governance setting out the details of York's current direct and indirect investments in fossil fuels including current investment by North Yorkshire Pension Fund (around 7% of total according to [350.org](https://www.350.org)) and giving a range of options for action on both direct and indirect investments, including an option to commit to no future investment and proposals for a process of total divestment and proposals to initiate similar discussions about their Pension Fund Policies & Strategies with the Pension Fund Committee (PFC) of the North Yorkshire Pension Fund.'

On being put to the vote Cllr Craghill's amendment was declared CARRIED.

A second **amendment** was then proposed by Councillor Derbyshire as follows:

Delete the following sentence in the last bullet point
“The reversal of plans to charge residents for their first Green Bin collection.”

Amend the first paragraph following “Council Resolves” to read

Write to the Secretary of State for Energy and Climate Change, Amber Rudd MP;

- (i) expressing concern over the developments at Drax and asking for a reversal of the decision to cut support for renewable energy, including the removal of the tax exemption for renewable power that is sold to industrial companies.
- (ii) and expressing opposition to the Government's proposals for fracking applications to be given preferential treatment, by way of being routinely called in if not determined by local authorities within the statutory 16 week period.

Insert the words "tackle poor air quality", prior to the words "increase recycling" in the penultimate paragraph

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

A vote was then taken on the original motion, as amended by Cllr Craghill's amendment, which was CARRIED and it was

Resolved: That the original motion, as amended by Cllr Craghill's amendment, be approved. ^{3.}

(iv) Trade Union Bill

(moved by Cllr D Myers and seconded by Cllr Looker)

"This Council notes that in February 2015 the United Nations agency the International Labour Organisation reaffirmed its belief that 'without protecting a right to strike, Freedom of Association, in particular the right to organise activities for the purpose of promoting and protecting workers' interests, cannot be fully realised'.

Council notes the Government's Trade Union Bill, which would require that in order to vote for industrial action:

- there is a turnout of over 50% of eligible members, in addition to a simple majority voting in favour;
- for 'important public services' 40% of eligible members vote in favour (80% of those voting if turnout were 50%).

This Council further notes that the Trade Union Bill has been criticised by the International Labour Organisation and human

rights organisations including Liberty, Amnesty International and the British Institute of Human Rights who argue it “would hamper people’s basic rights to protest and shift even more power from the employee to the employer”.

This Council believes that, when negotiation and mediation have failed, the right to strike and to protest are fundamental rights which should be respected in a free and democratic society.

Council continues to support engagement with its workforce through trade unions, where employees have democratically decided to be represented by a trade union.

This Council resolves to instruct the Chief Executive to write to the Secretary of State for Business, Innovation and Skills, expressing its opposition to the Trade Union Bill.”

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

Resolved: That the motion be approved. ⁴.

Action Required

- | | |
|---|----------------|
| 1. Bring Council Tax Support review report to 29 October Executive meeting to include a range of options and agree a timetable to enable any changes to be made to the scheme in advance of the budget setting meeting. | DW, PS |
| 2. Confirm Council's support for the establishment of the BID and encourage businesses to vote in support. | SB, PW |
| 3. Write to the SofS expressing concern on the lines stated, prepare a report for Audit & Governance Committee to include the requested information and ensure that future Council reports include ESIA's. | SB, IF, MS, AD |
| 4. Write to the SofS expressing the Council's opposition to the Bill. | SB |

35. Questions to the Leader or Executive Members

In accordance with Standing Order 20. Members were then invited to question Cllr Steward and/or the Executive Members in respect of any matters within their portfolio responsibility. Questions were

received from the floor from the following Members in relation to the subjects listed:

(i) To Cllr Gillies, Executive Member for Transport & Planning:

- Cllr Williams – The Executive Member’s references to not requiring assistance from outside the Council in relation to traffic issues and congestion in the city and to the hierarchy of road users
- Cllr D’Agorne – whether residents’ views would be sought in relation to methods of alleviating congestion
- Cllr Looker – concern at possible changes to the transport hierarchy for road users if one of the items under examination for alleviation of traffic congestion was switching off traffic lights
- Cllr Levene – changes to the transport hierarchy
- Cllr Reid – confirmation that the hierarchy of road users was set out in the first Local Transport Plan
- Cllr Craghill – questioned possible future discussion with Fossgate Traders regarding pedestrianisation of Fossgate

(ii) To Cllr Runciman, Executive Member for Adult Social Care & Health:

- Cllr Mason –the provision of defibrillators in all public buildings

(iii) To Cllr Brooks, Executive Member for Education, Children & Young People:

- Cllr Gunnell – concerns regarding future space planning at Scarcroft Primary School
- Cllr Kramm – request for Ward Member involvement into space planning issues at Scarcroft Primary School

Members responded directly to all the questions put to them.

36. Report of Executive Member

Council received a written report from Councillor Ayre, Executive Member for Culture, Leisure and Tourism, as set out in the agenda papers at pages 33 to 38.

Members were then invited to question Cllr Ayre on his report and questions were received from the floor from the following Members in relation to the subjects listed:

- Cllr Gunnell – assurances regarding the budgetary commitment for the Community Stadium
- Cllr Warters –when the changes in the retail/leisure offer at the Community Stadium would be brought back to Members
- Cllr Taylor – reputational damage to CYC/York Museums Trust regarding resident access to the Art Gallery
- Cllr S Barnes – omission of Yearsley Pool and the Pool's funding from the Executive Member's report
- Cllr Kramm – Plans to celebrate the Diamond Anniversary of York's twinning with Münster

Cllr Ayre responded directly to all the questions put to him

Resolved: That the report of the Executive Member for Culture, Leisure and Tourism be received and noted.

37. Scrutiny - Report of the Chair of the Corporate and Scrutiny Management Policy and Scrutiny Committee

Council received the report of the Chair of the Corporate and Scrutiny Management Policy and Scrutiny Committee, at pages 39to 42 of the agenda papers, on the work of the Committee, since the last report to Council in July.

Resolved: That the scrutiny report be received and noted.

38. Recommendations of the Staffing Matters and Urgency Committee

Councillor Steward as Chair of the Staffing Matters and Urgency Committee, moved the following recommendation, from the Committee meeting on 20 July 2015, as set out at Minute 25, relating to the remuneration for the appointment of an Acting Director of Public Health.

25. Appointment of the Acting Director of Public Health

Recommended: That Council approve a salary package which is in excess of £100,000 for the post

of Acting Director of Public Health, should it be necessary. ¹.

Reason: To allow the appointment to an Acting Director of Public Health to be made.

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

Resolved: That the above recommendation of the Staffing Matters and Urgency Committee meeting held on 20 July 2015 be approved.

Action Required

1. If necessary, note agreed remuneration package for the post.

MB

39. Recommendations of the Gambling, Licensing and Regulatory Committee

As Chair of the Gambling, Licensing & Regulatory Committee, Cllr Douglas moved and Cllr Gillies seconded, the following recommendation contained in Minute 11 of the meeting of that Committee held on 7 September 2015:

Explosives Policy

Recommend: That Full Council approve the Explosives Policy and adopt the delegation scheme.

Reason: To provide the Council with an explosives policy that will aid applicants, licence holders and officers and provide a delegation scheme for dealing with applications.

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

Resolved: That the recommendation in relation to the City Of York Council's Explosives Policy from the Gambling, Licensing and Regulatory Committee meeting held on 7 September 2015 be approved. ¹.

Action Required

1. Implement new Policy and delegation scheme. LC

40. Recommendations of the Audit and Governance Committee

As Vice Chair of the Audit and Governance Committee, Councillor Dew moved, and Cllr Fenton seconded, the following recommendation, in respect of an amendment to the Council procedure rules to include provision for a report from the Deputy Leader, contained in Minute 33 of the Audit and Governance Committee meeting held on 23 September 2015:

Deputy Leader's Report to Council

Recommend: (a) That Council consider a proposal that:

- (i) The Council procedure rules include provision for a report from the Deputy Leader.
- (ii) The existing rules for Cabinet Members' reports be applied to the report of the Deputy Leader.
- (iii) The Deputy Leader's right to respond to the Leader's report be removed from the Constitution.
- (iv) The time for questions on the Leader's report be reduced from fifteen to ten minutes.

(b) That Council note the comments of the committee on the proposals.

- Reasons:
- (i) To allow Full Council to consider the introduction of a Deputy Leader's report.
 - (ii) To enable Council to have the benefit of the Committee's advice when debating the proposal.

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

Resolved: That the above recommendation of the Audit and Governance Committee meeting held on 23 September 2015 be approved. ¹.

Action Required

1. Amend Constitution on the lines agreed. AD, JC

41. Joint Standards Committee

Council considered a motion which asked them to agree the establishment of a new Joint Standards Committee, in place of the former Joint Committee set up on 1 July 2012 and to confirm the terms of reference for the new Committee as set out at pages 63 to 66 of the Council papers.

Councillor Runciman moved and Councillor Cuthbertson seconded the establishment of a new Committee and the revised terms of reference.

Resolved: That the motion in respect of a new Joint Standards Committee with revised terms of reference be approved. ¹.

Action Required

1. Establish new Committee with the revised terms of reference AD, JC

42. Appointment of Honorary Recorder

Council considered a request to replace His Honour Judge Ashurst as Honorary Recorder, with effect from the date on which he would take up an appointment as Resident Judge for York.

Resolved: That Honorary Recorder His Honour Judge Batty be appointed in place of His Honour Judge Ashurst, with effect from the date that he takes up his appointment, as Resident Judge for York and to record Council's thanks to HHJ Ashurst for his contribution to the civic life of the City. ¹.

Action Required

1. Pass on CYC's thanks to Judge Ashurst. AP

43. Appointments and Changes to Membership

Council considered a request for a change in membership on the Ainsty Internal Drainage Board, as set out at page 67 of the Council papers.

Resolved: That the change to membership on the Ainsty Internal Drainage Board, as set out in the Council papers page 67, be approved. ¹.

Action Required

1. Inform IDB of agreed changes.

JP

Cllr Sonja Crisp

LORD MAYOR OF YORK

[The meeting started at 6.35pm and concluded at 10pm]



Council

17 December 2015

Report of the Monitoring Officer

Independent Remuneration Panel

Summary

1. This report annexes the final report of the Independent Remuneration Panel into the allowances which should be payable to Members.

Background

2. The Council is legally obliged to consider a report from its Independent Remuneration Panel before making any changes to its scheme of allowances. It is good practice to have the scheme reviewed from time to time to ensure that it reflects any changes in the Council's operation. Where the scheme allows for increases by reference to an index there is a requirement at least once every four years to seek a further recommendation from the Panel in respect of the application of that index.
3. The Independent Panel has made recommendations for changes to the scheme in respect of basic, special responsibility and dependent carer's allowances.

The Panel has recommended the removal of existing allowances in respect of telephone and internet provision and travel within the City.

The Panel has also noted the removal of the former provisions which permitted Members to join the local government pension scheme.

4. Full Council must now consider the annexed report, have regard to the recommendations contained therein and decide on what, if any amendments to make to the scheme.

Options

5. Having considered the recommendations Council may:
 - Adopt the recommendations of the Panel in full
 - Adopt the recommendations in part
 - Continue the existing scheme

Analysis

6. The Panel have set out the justification for their recommendations within the report. The Panel have identified key principles which underpin their recommendations.

Implications

7. Legal: Legal implications are set out within the body of the report

Financial: The total current budget for member's allowances is £546k. If the Panel's recommendations are accepted that budget will need to increase by £74K to £630K. If implemented from 1st January 2016 the part year effect would be an increase of £21K.

Equalities: Members are familiar with the Council's responsibilities under the public sector equalities duty. The Panel has identified its concern that those who might wish to stand for public office should not be prevented from doing so for financial reasons. The Panel feels that the City benefits from having a diverse and representative Council and would suffer a disadvantage if only the financially independent or the retired could afford to stand for office.

Recommendations

8. Members are recommended to:
 - (1) Thank the members of the Independent Remuneration Panel for their work.
 - (2) Adopt the scheme of allowances now recommended by the Panel.

- (3) Authorise the Director of Customer and Business Support Services to implement the changes with effect from 1st January 2016.
- (4) Ask the Monitoring Officer to make any consequential constitutional changes.

Reason: To enable the Council to adopt a revised scheme of allowances having regard to its statutory obligations to receive and consider a report on allowances from an independent panel.

Author:
Andy Docherty
Monitoring Officer
Tel No. 01904 551004

Chief Officer responsible for the report
Andy Docherty
Monitoring Officer
Tel No. 01904 551004

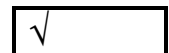
**Report
Approved**



Date 7/12/15

Wards Affected:

All



For further information please contact the author of the report

Background Papers:

None

Annex - Report of the Independent Remuneration Panel

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**A Review
Of
Members' Allowances
For
City of York Council**

A Report

By

**The
Independent
Remuneration
Panel**

December 2015

1. Introduction

- 1.1 The Independent Remuneration Panel (IRP) was convened to advise the City of York Council on its scheme of Members' allowances. The IRP last met in 2012 and made recommendations which were largely not implemented by the Council. With some relatively minor changes the current scheme of allowances is fundamentally that adopted in 2008.
- 1.2 The scheme adopted in 2008 was not that recommended by the IRP and generally provided a lower level of allowances than had been recommended. The scheme Council approved included an inflationary increase in the basic allowance and some changes to the dependent care allowance. No changes were made to special responsibility allowances which have therefore been set at current rates since at least 2004.
- 1.3 The Local Authorities (Members' Allowances) (England) Regulations 2003 require Councils to appoint an IRP and to have regard to its recommendations before a Council amends its scheme of allowances.

2. Membership of the Panel

- 2.1 The members of the Independent Remuneration Panel are:

David Dickson – Chartered Accountant. Board Member of York, North Yorkshire and East Riding LEP. Treasurer of the University of York

Elizabeth Heaps Former Pro Vice Chancellor, University of York

Janet Hopton - Former Lord Mayor

Andrew Scott – Former Director, National Railway Museum

Richard Shephard - Former Director of Development York Minster

Each of these Members also sat on the Panel in 2012.

- 2.2 The Panel received administrative support from Officers of the City Council.

3. Terms of Reference and Methodology

- 3.1 The Panel's terms of reference are attached at Annex A to this report. They reflect the legal requirements governing the Panel.
- 3.2 The Panel has met on three occasions to consider reports prepared by Officers and to discuss information which had been obtained at the Panel's request. The Panel invited and received written and oral representations from Members of each political group represented on the Council as well as the Independent Councillors.

4. Principles Underpinning Recommendations

- 4.1 The Panel has reviewed the principles upon which its recommendations should be based and has agreed the following:
- The scheme should be more easily understood
 - The scheme should be straightforward to administer
 - The scheme of basic and special responsibility allowances should provide for an adequate level of reward which neither encourages nor discourages those who may wish to stand for office.
 - The level and availability of travel allowances should not act as an obstacle to appropriate travel outside the City to promote the City's interests.

5. The Basic Allowance

Background

- 5.1 Every councillor, irrespective of any particular office he or she may hold on the Council, is entitled to the same level of basic allowance. Basic allowance is intended to recognise the time commitment of all councillors, including such inevitable calls on their time as meetings with officers and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the use of their homes. At present an element of travel expenses is also included within the basic allowance since travel costs can only be claimed for certain duties such as attending meetings of the Local Government Association.

Councillors cannot, for example, claim travel costs for meetings with constituents or for individual meetings with officers to discuss casework.

The Current Scheme

- 5.2 In 2008 the rate of basic allowance was set at £7,000 and by virtue of an increase in line with local government salaries that was raised to £7192.50 in 2009 following agreement of the 2008/9 pay award. There has been no increase in the basic allowance since that time. A 1% increase granted to local authority staff below Chief Officer level in 2009/2010 was not taken by Members although the current scheme provides for such an increase. There was then a three year pay freeze. In 2013/14 there was a 1% general pay increase with no offer made to Chief Officers. From 1st January 2015 the general pay award was 2.2% covering the period to 31st March 2016 and 2% for Chief Officers. Had Members taken the same increase awarded to most staff the basic allowance would now be £7424.
- 5.3 The basic allowance accepted in 2008 was significantly less than the £8,800 recommended by the previous Panel which had reported in November 2007. The 2012 Panel was told that in 2008 it was not considered to be politically acceptable to accept an allowance of that level. Had that figure been accepted and increased in line with Council wage settlements the basic allowance would now be £9333.
- 5.4 In arriving at its recommendation in 2007 the Panel, having considered evidence, had considered that the expected time input for a backbench Councillor was at least 2 days a week. They had established a rate for the job and had then discounted the figure achieved by one third. The discount was to reflect the principle that an important part of being a Councillor is to serve the public and that, therefore, not all of what a Councillor does should be remunerated. The one third discount is a standard widely applied across the country.

The Panel's Recommendation

- 5.5 The Panel notes the roles of the backbencher as described in a role profile agreed by the Council. We were told that the joint administration of the Council which came into power following the

May elections has a wish to ensure that there is more cross party and cross Council engagement in decision making and has made changes to the decision making and scrutiny arrangements to achieve this.

- 5.6 A message that came over clearly was that the role of the councillor is not simply to attend Council meetings. Councillors explained that the ward representative role can be as, if not more important and very time consuming. Councillors described the existing demands on their time and they recognised that, for a variety of reasons, even more might be required of Councillors in the future.
- 5.7 The Panel received a number of specific representations about the workload of councillors holding particular offices and these will be addressed when dealing with recommendations on special responsibility allowances.
- 5.8 Once again the Panel received representations which pointed out the significant demands being placed on all councillors irrespective of whether they hold an office within the Council attracting a special responsibility allowance. We heard from new and returning Councillors about the significant workload.
- 5.9 In 2007 and 2012 the Panel concluded that two days a week spent on Council business was an appropriate figure on which to base a calculation of the basic allowance. The view we heard this time was that an average of 20 hours work would be a better estimate.
- 5.10 The Panel was provided with evidence from a National Census of Local Authority Councillors undertaken in 2013 by the National Foundation for Educational Research. This indicated that Councillors reported spending an average of 20.8 hours per week on council business.
- 5.11 Given that the evidence we heard from York Councillors about the time spent on Council (as opposed to political party) business is entirely in line with the national picture we are happy to accept that it represents a fair assessment of the time commitment involved in being a Councillor in York
- 5.12 Previous Panels used the LGA “daily session rate” as the most appropriate rate for the job. Government guidance from 2001

suggests that this may be an appropriate starting point. The LGA rate was weighted towards the median male non manual wage for Great Britain. The LGA last published a rate in 2010 of £152.77. Based on 96 days annual input each year that gives a figure of £14,665.92. Reducing that by one third as a public service discount would give a basic allowance of £9777.28.

- 5.13 The Panel is now, however, attracted to an alternative calculation based on local average pay rates. The Panel understands that the average salary in York is around £26K. Accepting that the role of an ordinary Councillor is equivalent to approximately one half of a full time position, this would give a starting figure of £13K. The Panel remains of the view that the basic allowance should recognise the public service element of the role and would therefore propose to discount that figure by one third. This gives a basic allowance of £8,667, slightly less than previously recommended.
- 5.14 Benchmarking that against authorities named by CIPFA as statistical near neighbours confirms that the current York allowances are low (the lowest in the comparator group) and that York has the least number of Councillors. The benchmarking information is consistent with the findings of a Local Government Association survey from 2008 which identified an average basic allowance of £8076 in Unitary Councils. It also demonstrates that the proposed level of allowances is within the range paid by similar Councils. All these allowances are well below the rate paid to Councillors in Scotland (where the Scottish Parliament sets the basic allowance) - currently £16,560.

- 5.15 The table below provides current benchmarking information:

	Number of Councillors	Population	Basic Allowance
Cheshire West and Chester	75	331,000	11,572.58
Warrington	57	206,400	7,911
Stockport	63	283,300	9,827.56
Bath and North East Somerset	65	182,021	7,180 (+629 incidental costs)
Swindon	57	209,200	7,880
York	47	200,018	7,192.50

Panel's further comments

- 5.16 The Panel's recommended basic allowance clearly represents a significant increase over the rate which is presently being paid. It is though less significant when compared to the rates recommended by the 2007 Panel and slightly below that which we ourselves recommended in 2012.
- 5.17 The Panel understands that Council was fully entitled to determine a different level of allowances from those recommended on previous occasions and the judgment made was one for councillors. However, the Panel does have concerns that setting an unduly low level of basic allowance could have a number of adverse impacts.
- 5.18 The Panel does not believe that allowances to councillors should act as a positive incentive to standing for office. However, the Panel has previously heard from a number of councillors who had made a positive choice not to seek career advancement in order to focus on their public role. The Panel felt it proper that an adequate level of allowance was provided so as to enable those choices to be made.
- 5.19 The Panel is concerned that those who might wish to stand for public office should not be prevented from doing so for financial reasons. The Panel feels that the City benefits from having a diverse and representative Council and would suffer a disadvantage if only the financially independent or the retired could afford to stand for office.

6. Special Responsibility Allowances

Methodology

- 6.1 Special Responsibility Allowances are paid where members of the council have *significant* additional responsibilities, over and above the generally accepted duties of a councillor. Only one special responsibility allowance is payable to any individual councillor irrespective of the number of positions they may hold in the Council.

- 6.2 The Panel noted that the 2007 Panel carried out a detailed piece of work in considering how best to calculate SRAs. The Panel had eventually recommended basing SRAs on that paid to the Leader. This accorded with statutory guidance that:

“A good starting point in determining special responsibility allowances may be to agree the allowance which should be attached to the most time consuming post on the Council and pro rata downwards for the other roles which it has been agreed ought to receive an extra allowance.”

The Leader’s SRA

- 6.3 The 2007 Panel had considered various ways of calculating the Leader’s SRA – all of which arrived at a similar final figure – and had recommended an allowance be paid equivalent to three times the basic allowance. Statutory guidance also suggested that this may be an appropriate methodology to use.
- 6.4 The Panel was satisfied in 2012 and remains satisfied that this is an appropriate methodology.
- 6.5 The recommended allowance for the Leader is therefore £26,001

The Deputy Leader and Executive Members

- 6.6 The Deputy Leader currently receives 71.9% of the allowance of the Leader and other Executive Members 62.5%. In 2012 the Panel recommended slightly lower ratios of 70% and 60%. We received a representation asking that we consider the differential between the Leader and Deputy Leader’s allowance in the context of the current joint administration where the Deputy Leader is a Group Leader in his or her own right, has a portfolio as an Executive Member and has to agree the Council’s policy positions with the Leader. We are not persuaded that there is a case for change.
- 6.7 We were asked to consider setting an overall budget for Executive Members and to agree that any changes in size of the Executive should be accommodated within that budget. Our recommendations are based on there being six Executive Members in addition to the Leader and Deputy Leader. We do not believe that a reduction in the number of Executive Members

should automatically lead to an increase in allowances. On the other hand we are conscious that an increase in the number of Executive Members could be seen as reducing the level of additional responsibility to each individual and, in those circumstances, sharing the overall pot would seem a reasonable solution. Council can, however, always seek advice from the Panel should there be particular reasons suggesting that an alternative solution would be preferable.

Chairs of Committees

- 6.8 The Panel heard conflicting representations about the workload involved in chairing a Committee with some believing that the workload was not significantly higher than a committed ordinary committee member. Accordingly the Panel sought further evidence.
- 6.9 With one exception the Panel considers that each Committee Chair should receive 20% of the Leader's allowance. The exception is the Chair of the Main Planning Committee which the Panel believes to be a special case in light of the volume and complexity of the work undertaken and merits an allowance of 30% of the Leader's.
- 6.10 These recommendations confirm our previous recommendations in respect of Main planning, area planning and the standing scrutiny committee chairs. They confirm our previous recommendation for a reduction in the percentage allowance to the Chair of Gambling, Licensing and Regulatory.
- 6.11 We have recommended an increase in the percentage for the Chair of Audit and Governance Committee. The workload of that Chair is in line with other Chairs and the matters handled by the Committee are of significance.
- 6.12 The recommendation suggests a percentage reduction for the Chair of the overarching scrutiny committee putting that Chair in line with other scrutiny committee chairs. The evidence and representations we have received have not persuaded us that the role of this Chair is necessarily significantly different from others.

Main Opposition Group Leader

- 6.13 The main opposition group leader currently receives an allowance of 44.6% of the Leader. Since the previous IRP reported, the City Council has moved from being Labour led to being led by a joint administration. The Panel considered whether this should affect the level of allowance but was of the view that the level of responsibility held by the main opposition group leader was unaffected. The Panel considers that local democracy benefits from effective opposition and the responsibility of the main opposition leader should therefore be acknowledged. However, the Panel repeats its previous recommendation that the allowance should be rounded up to 45%.

Deputy Group Leaders

- 6.14 The current scheme makes provision for the Deputy Leader and the Deputy Leader of the main opposition group to have an allowance. In the current circumstances each group in the joint administration has a deputy leader neither of whom qualifies for an allowance in that capacity. The Panel was asked to consider this situation.
- 6.15 The position of the deputy leaders of groups in the joint administration is not analogous to a deputy leader of a ruling group. In the latter case the deputy leader would be expected to step in when the Leader is absent, chairing executive meetings and making decisions on behalf of the Council which would otherwise be within the Leader's remit. However, the role does seem to the Panel to be similar to that of the deputy leader of a large opposition group. Since 2007 the Panel has been recommending that this role should attract an allowance of 20% of the Leader's. The Panel repeats that recommendation and advises that it should apply in respect of any Deputy Leader role where a Group has ten or more Members.

Minority Opposition Groups

- 6.16 The minority opposition group leader currently receives an allowance which is set at 9% of the Leader's allowance. The 2007 Panel had recommended that the leader of the larger minority group (which then had eight members while the smaller minority

group had two) should receive a larger allowance set at 20%. That recommendation was not accepted.

6.17 There is now only one minority group with four Members.

6.18 The Panel considers that the case to increase the ratio from the current 9% is even stronger than it was in 2012 when an increase to 15% was recommended. The demands placed on all Group Leaders to participate in activities designed to support the smooth running of the Council have increased and both opposition Group Leaders now have a place at the table at Executive meetings albeit without being members of the Executive or having a vote. The Panel now recommends a ratio of 20% of the Leader's allowance.

Other issues

6.19 The Panel was asked to consider allocating allowances to opposition group leaders and deputy group leaders according to the size of their groups. The Panel does not believe that having more Councillors necessarily increases the level of responsibility of a group leader. Arguably, having more Councillors gives greater opportunities to delegate responsibility. The Panel has taken the size of groups into account in making its recommendations to the extent that it has been considered relevant but is not minded to make a recommendation that allowances should be directly linked to numbers of Councillors.

6.20 The Panel was also asked to make a recommendation to deal with the situation of a Leader of a Group with more than 10 Members which is not the main opposition. Under the recommended scheme that Group Leader would currently receive a lower level of SRA than his or her deputy. Clearly that cannot be right. This is a difficult issue in York though given the tight political balance which often emerges. The Panel would therefore wish to have the opportunity to comment on any specific situation as it arose. This could be done urgently if necessary

6.21 No other positions were identified as warranting payment of an SRA.

7. Dependent Carers Allowances

7.1 The Panel remains of the view that the need to pay for care should not present an obstacle to those who may wish to serve as Councillors. The current scheme has been improved since 2012 in that the list of “approved duties” for which the allowance may be claimed has been expanded alongside a similar extension for travel allowances. However, the Panel believes that the scheme should be further extended and simplified.

7.2 The Panel recommends:

- (i) That dependent care allowances should be paid where the provision of such care is necessary to enable a Member to carry out council functions.
- (ii) That reimbursement of costs incurred should normally be at a rate of the living wage.
- (iii) That this rate of allowance may be exceeded in circumstances where professional care is required for children or dependent relatives with medical or other special needs.
- (iv) In no circumstances should the allowance exceed the amount actually paid and supported by receipts.

8 Travel and Subsistence allowances

8.1 The Panel was pleased to note that part of its previous recommendations had been accepted and the range of “approved duties” for which travel expenses could be claimed had been extended. The Panel, however, continues to believe that in order to reduce the administrative burden associated with the scheme allowances should not normally be payable for travel within the City. Such travel costs should be seen as falling within the basic allowance. No changes are recommended to the current arrangements for parking passes, bus passes and cycle allowances.

8.2 The Panel recognises that an exception should be made for any councillor who has medical or other special needs requiring the

use of taxis. In that case the Council should reimburse fares for any journeys on approved duties as defined within the scheme.

- 8.3 The Panel remains concerned that some Members do not claim travel expenses to which they are entitled fearing how this may be portrayed in the local media or what constituents might think. The Panel also noted that some members may wish to subsidise the Council by not claiming such expenses. The Panel does have a concern that this could disadvantage Members whose financial position does not allow them to choose not to seek reimbursement of their expenses.

9. Local Government Pension Scheme

- 9.1 The Panel notes that Councillors are no longer eligible to be part of the pension scheme and references to it should be removed from the scheme of allowances.

10. Internet and telephone provision

- 10.1 Three years on from recommending the abolition of these allowances the Panel believe that there is no case for their retention and have taken this into account in their recommendations for an increase in the basic allowance.

11. Implementation and Inflationary Increases

- 11.1 The Panel recommends that any increases to the scheme should be backdated to the start of the Municipal year and that basic allowances should be uplifted on an annual basis in line with any general salary increases payable to Council staff.
- 11.2 The Panel recommends that changes to Special Responsibility allowances should take effect once the new scheme has been agreed and that there should be no backdating.

12. Lord Mayor's Allowance

- 12.1 The provision of an allowance paid to the Lord Mayor is not technically a matter for the Panel. However, Panels have

previously drawn the issue to Council's attention. Had this been within the Panel's remit the Panel would have confirmed its previous recommendation that an allowance equivalent to 10% of the Leader's allowance be given for the responsibility of chairing Council. This allowance is in addition to any allowance payable in respect of Civic duties.

13. Final comments

- 13.1 Successive Councils have declined to accept Remuneration Panel's recommendations for increases in allowances. Accordingly Members allowances have fallen behind even the limited levels of increase received by others in the public sector in that time. If this continues then increasingly there is a risk of those able to stand for Council being the retired or those with independent means. That is not in the interests of the City. The Panel would urge Council to accept the recommendations now being submitted.

Summary of Recommendations

Basic allowance

It is recommended that the basic allowance be increased from £7192.50 per annum to £8,667

Special Responsibility Allowances

The table below sets out the Panel's recommendations together with current allowances for comparison:

Special Responsibility	Current approved SRA	Recommendation	% of Leader's allowance
Leader of the Council	£23,520 ¹	£26,001	100%
Deputy Leader of the Council	£16,905 ²	£18,201	70%
Group Leader (Main Opposition)	£10,500	£11,700	45%
Deputy Group Leader (Group with more than ten Members)	£6,300	£5,200	20%
Group Leader (Minority Party)	£2,100	£5,200	20%
Executive Member	£14,700 ³	£15,600	60%
Chair Scrutiny Management Committee	£6,300	£5,200	20%
Chair Scrutiny Committees	£4,200	£5,200	20%
Chair Planning Committee	£6,300	£7,800	30%
Chair Planning Sub-Committee	£4,200	£5,200	20%

Chair Licensing and Regulatory Committee	£6,300	£5,200	20%
Chair Audit and Governance Committee	£2,100	£5,200	20%
Lord Mayor as Chair of Council	N/A	£2600	10%

- ¹ As requested by the coalition groups, the allowance currently being paid for this responsibility is £15,000 pa
- ² As requested by the coalition groups, the allowance currently being paid for this responsibility is £13,449.66 pa
- ³ As requested by the coalition groups, the allowance currently being paid for this responsibility is 11,795.89 pa

Dependent Care allowances

The Panel recommends:

- That dependent care allowances should be paid where the provision of such care is necessary to enable a Member to carry out council functions.
- That reimbursement of costs incurred should normally be at a rate of the living wage.
- That this rate of allowance may be exceeded in circumstances where professional care is required for children or dependent relatives with medical or other special needs.
- In no circumstances should the allowance exceed the amount actually paid and supported by receipts.

Travel Allowances

The Panel recommends that there should be no travel allowance for travel within the area of the City unless the Member has medical or other special needs requiring the use of taxis. In the latter case payment should be made in respect of the use of taxis on approved duties.

Travel allowances should continue to be payable on travel outside of the City in respect of approved duties. The Panel recommends that the following be regarded as approved duties:

- A meeting of a joint committee of which the Authority is a member
- A meeting of any body to which the Council makes appointments
- A meeting of the Local Government Association, any sub group of the Association or any body to which the Association makes appointments
- Duties undertaken on behalf of the Authority in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the Authority to inspect or authorise the inspection of premises
- Duties undertaken on behalf of the Authority in connection with arrangements made by the authority for the attendance of pupils at a school approved for the purposes of section 342 of the Education Act 1996
- A meeting which has both been authorised by the Authority, a committee, or subcommittee of the Authority or a joint committee of the Authority and one or more other authorities, or a sub-committee of a joint

committee and to which representatives of more than one political group have been invited (if the authority is divided into several political groups) or to which two or more councillors have been invited (if the authority is not divided)

- Visits by Cabinet Members, Chairs and Vice-Chairs of Committees and Group Leaders on business associated with those roles.
- Attendance of Members at conferences, training courses and seminars approved in accordance with the council's arrangements for Member development
- Other travel approved by the appropriate Officer as being reasonably necessary to further the aims of the council (excluding travel for party political or social functions)

Internet and telephone provision

The current internet and telephone line provision should be abolished

The Lord Mayor

An allowance of £2,600 is recommended in respect of the responsibilities involved in chairing meetings of the Council.

Independent Remuneration Panel

Terms of Reference

The purpose of the Independent Remuneration Panel is as follows:

- To make recommendations to the authority as to the amount of basic allowance that should be payable to its elected members
- To make recommendations to the authority about the responsibilities or duties which should lead to the payment of a special responsibility allowance and as to the amount of such an allowance
- To make recommendations to the authority about the duties for which a travelling and subsistence allowance can be paid and as to the amount of this allowance
- To make recommendations as to the amount of co-optees' allowance
- To make recommendations as to whether the authority's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependants and if it does make such a recommendation, the amount of this allowance and the means by which it is determined
- To make recommendations on whether any allowance should be backdated to the beginning of a financial year in the event of the scheme being amended
- To make recommendations as to whether annual adjustments of allowance levels may be made by reference to an index, and, if so, for how long such a measure should run

The IRP will make its recommendations in the form of a report to Council.

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Leader's Report to Council

Enterprise Zone

It was great to hear last month that the York Central Tear Drop site had received approval from the Chancellor to be an Enterprise Zone (EZ). This will have vast benefits for York and the surrounding area in terms of business jobs creation and new homes. Something of the order of £100 million of business rates will close the viability gap and make the delivery of what is estimated to be 7,000 jobs and something of the order of 2,000 new homes a reality. Getting to this point has been due to great work by our officers, the York North Yorkshire and East Riding Local Enterprise Partnership (YNYER LEP) and other partners, but in many ways this represents the end of the beginning of the journey. It is vital we work closely to bring the good quality jobs York needs and this includes promoting the city via the recently approved Business Improvement District.

Local Plan

We have continued to make good progress on the Local Plan and have a clear plan going forward to deliver a plan well in time for the Government's 2017 deadline. We have reduced the level of demand to one backed by evidence and will do further work on the supply side including windfall provision. It was also welcome that the Local Plan Working Group supported Executive in steps to ensure greater protection of communities including protection for pubs. Work on brownfield sites, including York Central as earlier, will also help to reduce the need to build on greenfields around York.

Lilac Housing

Similarly on the theme of housing it was enjoyable to go to the Lilac Housing project in Leeds with Council colleagues as well as members of YorSpace. Lilac is a relatively new project and offers a great way for us to learn from their experience. They seemed to offer a way into home ownership which is achievable for those with limited finances. But equally there was a very distinctive community who all lived closely together in a way it is a shame more neighbourhoods don't. The project also had strong green credentials in terms of insulation, growing their own food and reusing. There were numerous lessons to learn as we as an

Executive see what can be done to try and help the likes of YorSpace.

Council Tax Support

Following the decision of Labour to turn down transitional grants and impose the highest level of minimum Council Tax payments it is right that we have looked at the level and whether it is working effectively. I am pleased that we completed the consultation and thank all those who took part. Whatever has been decided by the Executive to put to Full Council by the time this report is read we must not forget Council Tax is just one part of the ways we can assist the most financially disadvantaged and we must ensure money is effectively spent.

Devolution

There is unfortunately relatively little to report as with the exception of South Yorkshire the rest of Yorkshire struggles to agree on the geography of what regions should be involved in devolution. We remain committed to getting the best deal for York and it is disappointing that key parties are reluctant to discuss the issues together and seem to have very set in stone positions. The Northern Powerhouse is an area of vast potential but that will mean working together whether on coast to coast rail or as significant trading blocs. The ability to agree governance specifics of an area is in reality trivial compared to the greater need to all work together.

Comprehensive Spending Review

The Comprehensive Spending Review (CSR) delivered welcome news on the EZ but there was also good news as with the long term economic plan working and the deficit reducing the Chancellor was able to move away from the proposed tax credit changes and police reductions. There was also good news on funding for northern infrastructure and the ongoing protections for health and education spending. We continue to closely watch the situation on business rates where the Chancellor's earlier announcement on letting areas retain them has great potential for York.

Arts, Digital and Creativity

This is a big area and one which has had a mixed press. This has not least been from politicians and I amongst many others have wrongly called the Arts Barge a vanity project when it is not, I did not support Labour giving it funding in the way they did over other areas but the project itself has some great people and it is excellent to see them moving towards a mooring in York. Additionally we have seen the plans for the Guildhall reshaped so that the centre can be part of the creative sphere but ensuring it stacks up financially. It was a great pleasure to last month go to the film studios at Church Fenton where also there were people from York University and a leading figure in the video game industry. They all gave an inspiring vision into the potential of this sector, when done in the right way with strong business brains, and what it can bring to York. Most recently we have seen the anniversary of one year since York became a United Nations Educational, Scientific and Cultural Organisation (UNESCO) City of Media and Arts, the potential is vast but the delivery must be tightly focused.

York Winning Awards

It was great to see Bishopthorpe Road recently win the British High Street of the year award and huge congratulations must go to Cllr Johnny Hayes and all the team at 'Bishy Road' traders but of course also all the community that makes the area what it is. The Executive will help wherever it can, but the greatest potential for York is in using the expertise of 'Bishy Road' to help revitalise other high streets whether in Acomb or Haxby or Micklegate with the exciting plans for the new 'Micklegate Run'.

Further on the awards front it was great to be at The Press Business Awards, which has thrived over the years, to celebrate York businesses whether large or small, old or new and to see how well everyone works together. Closer to home, this week saw the CYC VIP awards which were hosted by future stars of the big screen and theatre, Jon Stonehouse and Sally Burns. It was great to see some well deserved recognition for our hardworking staff – all of whom, including councillors, I wish a Happy Christmas and Prosperous New Year.

Cllr Chris Steward

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City of York Council

Extract from Committee Minutes

Meeting	Executive
Date	26 November 2015
Present	Councillors Steward (Chair), Aspden (Vice-Chair), Ayre, Brooks, Carr, Gillies, Runciman and Waller
Other Members participating in the meeting	Councillor Craghill
In attendance	Councillors Cuthbertson and Hayes
Apologies	Councillor Looker

Part B - Matters Referred to Council

83. Capital Programme - Monitor 2 2015/16

Consideration was given to a report which set out the projected out turn position for the 2015/16 Capital Programme which included any adjustments and requests to re-profile budgets between years.

It was noted that the Capital Programme approved by Council in February 2015 had, following earlier adjustments and the decrease in the current monitor of £901k, resulted in a revised Capital Programme of £94.389m.

Members were informed that the decrease was, in the main, due to the reprofiling of budgets in future years and that offsetting this was a net increase of £60k due to an increase of external contributions.

Recommended: That Council agree a decrease in the 2015/16 capital programme of £901k as detailed in the report and contained in Annex A. ¹

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

Action Required

1. Refer to Council.

JP

Cllr C.Steward, Chair

[The meeting started at 5.30 pm and finished at 5.47 pm].

Deputy Leader's Report to Council

Business Improvement District (BID)

I was delighted that at the end of November businesses voted to establish a Business Improvement District (BID). I would like to congratulate everyone involved in making this happen.

We know from elsewhere that BIDs can bring significant benefits, not just to local businesses but to the wider local community. The York BID Chairman has said the focus will be on street cleaning, rubbish collection, public safety, the public realm, car parking, Christmas lights, street events and the evening economy.

In the coming weeks, I am looking forward to hearing more about these plans and working to ensure that an effective partnership is developed between York BID, Make it York and City of York Council.

Business Support and Apprenticeships

I spent last Saturday (5th December) visiting small businesses in Acomb to celebrate Small Business Saturday. Small and micro businesses make up around 95% of businesses in York. They are the backbone of our community and I am sure all councillors value the small businesses in their wards.

To support small businesses, we have passed plans to make York a 'Business Friendly Council' - this will see support given to businesses to bid for Council contracts and partnership working with organisations such as Make it York to help businesses access support and advice. The proposals are being funded by an extra £30,000 we invested in July's Emergency Budget.

I was pleased that the latest job figures show that the number of York residents claiming Job Seekers Allowance and Universal Credit has fallen by 20% in the last 12 months. This is the result of effective partnership working as is the recent rise in the number of apprenticeships.

Comprehensive Spending Review

The Government U-Turns on changes to Tax Credits and Police were welcome. The cuts to Tax Credits would have affected 8,000 families in York. We also received excellent news over the bids at York Central and Sand Hutton after a lot of positive work from the Council and partners.

However, overall the Autumn Statement confirmed we face further cuts. Analysis from the Local Government Association() shows core government funding will fall by 24% in real terms, or £4.1 billion, over the Spending Review

period. This is on top of an estimated £10 billion in 'demand led cost pressures'. There will also be a £75 per pupil cut to the Education Services Grant (which funds school improvement work and functions such as criminal background checks for staff) and Further Education faces a £400 million national cut.

Our focus will now be on working with officers to understand more about the impact of these cuts and doing all we can to protect frontline services. As ever with George Osborne, the details which emerge in the coming weeks and months will tell us more about this Autumn Statement than the headlines on the day. For instance, on tax credits this includes how the move to Universal Credit will impact residents and of course further detail is needed on the plans for business rate retention.

Ward Committees

Most wards will have had their first round of meetings and will now be working to finalise the allocation of funding. Re-establishing proper Ward Committees was a key priority for me before the election and I am pleased we have delivered this as part of the Joint Executive.

I'm aware that some members have reservations about the new system. This is why I have invited Cllr Gunnell to add the 'Review of Neighbourhood Working Arrangements' to the agenda of January's Communities & Environment Policy & Scrutiny Committee ahead of my decision session in March. I have also asked officers to arrange meetings with Parish Councils and volunteer groups to discuss how things are going on the ground.

Protecting Pubs

In October, I met representatives from the Campaign for Real Ale (CAMRA) and following this we agreed proposals at Executive on promoting the use of Assets of Community Value (ACV) to protect pubs. We are now working with officers to take these proposals forward in York.

Listing pubs as ACVs now gives them increased protection and means that the local community would have to be consulted before a pub could be converted into a supermarket or office - this follows a long-running campaign from Lib Dem MP Greg Mulholland to change national legislation on permitted development rights.

Refugees

In September, I chaired a meeting of voluntary, community, and faith organisations with the aim of coordinating a response across the whole city.

This has led to the public launch of the York Refugee Appeal, the creation of a Task Group and a dedicated refugee response coordinator.

I would like to thank everyone for their efforts so far. York residents and students have put the Government to shame in the speed and selflessness of their response. Residents (or members) who wish to make financial donations can visit the Two Ridings Community Foundation website, www.trcf.org.uk

We are working closely with Migration Yorkshire and the Home Office on the final scheme. Mixed messages from the Government over budgets and details have delayed our efforts and we are still awaiting confirmation of the funding arrangements. I am working alongside the LGA to push for greater clarification. Each local Council has been given an initial allocation from the Government based on population and for York this is around 60.

Greenest City

The Executive is focusing on a number of key priorities, including our ambition to make York the Greenest City in the North. We are bringing forward initiatives to increase overall recycling levels by 5,000 tonnes and to over 50%, which could save up to £500,000 in Landfill Tax. This should be a cross-party ambition which I hope all councillors can rally behind.

Finally, I would like to wish all members a Merry Christmas and a Happy New Year!

If any members would like further information on aspects of this report or in my role as either Deputy Leader or Executive Member for Economic Development and Community Engagement outside of this meeting then please get in touch.

Cllr Keith Aspden

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Report of the Executive Member for Transport and Planning

Transport and Planning Report to Council - 17 December 2015

Transport

1. A great deal has been achieved over the last 6 months in the transport area - ranging from the delivery of the first phase of the A19 pinch point scheme through to the further development of electric bus operations across the city.
2. Priorities have been reviewed to ensure that resources have been targeted on achieving the best outcomes for the residents of the city. Principles have been established for the further development of a number of key areas including traffic signal operation and maintenance, city centre traffic management, A-Board Licensing and the reinstatement of the enforcement of the Coppergate traffic restrictions. Further reports on Cycling and Parking strategies will be submitted to the Executive early in 2016. These principles will be used to deliver the necessary improvements in these areas over the early stages of this administration.

Major Schemes

3. The first stage of the A19 Pinch Point project at the A64/A19 junction has been completed. This major improvement to the intersection has reduced queuing from the south and reduce journey times for bus services. It is anticipated that consultation on phase 2 of the project will commence when the timescale for the delivery of the access junction to the Germany Beck development is confirmed.
4. The announcement of Enterprise Zone status for the York Central area will transform the ability of the city to deliver this key development. It is anticipated that the additional funding will give more opportunity to improve the operation of the front of the station. The aim will be remove the conflicts between pedestrians and vehicles in the Tea-Room square area to provide a worthy gateway to the city. Subject to the decision by the Executive in December the initial consultation on the York Central development will commence in January.
5. Development work for the upgrade of the A1237 Outer Ring Road is also being progressed. Public consultation will commence once the funding route and devolution boundaries are confirmed.

Sustainable Transport

6. The delivery the Local Transport Plan has been re-focused on making the most of the highway network capacity for all road users. Council and grant resources, including the Local Sustainable Transport Fund (LSTF) and Better Bus Area Fund are being used to deliver a wide range of transport initiatives and improvements.
7. A range of activities have been progressed using the LSTF grant in 2015/16. These have included the continuation of the itravelyork initiative with approx. 7,000 Personal Travel Planning visits to properties in the Holgate/Poppleton area. Continued activities to promote sustainable transport options in the city including Business and School Travel Planning, Bike Belles Cycling initiative, itravelyork website and journey planning tool also continue. The Festival of Cycling was held on 12/13 September (Saturday affected by poor weather but Sunday very busy tying in with Sky Ride – approx. 8,000 registered on Sky Ride).
8. York has been shortlisted as one of 12 cities across the UK to be able to bid for £35m of funds to provide measures to encourage the take-up of low emission vehicles. A bid for a grant to provide low emission vehicles as part of the new Park & Ride services procurement has been submitted. Results are anticipated in December.

Public Transport

9. Improvements continue to be made to the bus provision across the district using Better Bus Area funding and through collaboration with the city's bus operators through the Quality Bus Partnership. York had the highest level of bus passenger satisfaction in the country recorded by Passenger Focus in March 2015. The Quality Bus Partnership arrangement between the Council and operators works well in York with the added incentive of Better Bus Area funding being allocated to the city.
10. The Park & Ride service goes from strength to strength with increased patronage and the electric buses now operating on two routes. A key challenge over the next few months will be the successful procurement of a new operator based upon the principles approved by the Executive in September.
11. The continued Speed Management partnership arrangements with the Police and Fire and Rescue service were confirmed in November. Following review of the speed and accident data a list of locations where engineering measures were appropriate was agreed with detailed consultation due to commence shortly. A review of Vehicle Activated

Signs has been undertaken identifying the policy for repairing signs where appropriate. The annual review of road safety data has identified a number of locations where engineering measures are considered necessary. These will be reported to a Decision Session in January.

Network Management

12. Network management and regulation continues to be undertaken to ensure that the city's highway network operates efficiently. This ranges from the provision of licenses for skips and scaffolding through to approving layouts for highway development control. The annual review of Traffic Regulation Order Requests principally for parking restrictions is progressing with 84 items being considered by the Director of City and Environmental Services. There has been a significant increase in maintenance and new supply activity by utility companies leading to increased streetworks coordination requirements.
13. The reintroduction of a camera enforced traffic restriction on Coppergate with the times altered to 8:00am to 6:00pm (7 days) was approved at the Executive on 29 October. Detailed work is ongoing to ensure that enforcement can commence in spring 2016. Future reports will be presented for approval following consultation on the revised restriction and the proposed signage. A wider review of traffic restrictions across the city centre including blue badge and loading access is also ongoing.
14. A 5 year £2.5m investment programme into the renewal and maintenance of traffic signals and the provision of vehicle detection equipment was approved in November. This will ensure that the traffic signals in the city manage traffic effectively and reliably at the lowest possible revenue cost.
15. Approval for the consultation with key stakeholders on the introduction of a licensing arrangement for A-Boards in suitable locations across the city was granted in September. Formal consultation with these groups will commence in January following a request by retailers to avoid the Christmas period.

Transport Service Challenges

16. There are a number of major challenges to maintaining the current level of service in the transport area in 2016 and future years. The service is currently undergoing a restructure, principally to address the ending of the LSTF funding in March 2016, which will see a reduction of 8 posts out of the current 14 covering the promotion of sustainable transport in the city. Announcements in the Autumn Statement suggest that funding

could be available to continue the initiative into 16/17. Bids will be submitted for any funding which may become available nationally.

17. Council resources are also under pressure leading to potential reduction in transport budgets over the next 4 years. Efficiencies will be delivered in the service where possible but opportunities are limited following previous management and staffing reductions. The extent of discretionary services such as CCTV and Supported Bus Services provided by the Council will need to be reviewed as part of the budget setting process.

Planning

The Local Plan

18. Good progress has been made in relation to the preparation of a new strategic plan for the city. The report to Executive on 25th July 2015 identified the key components of the Local Plan work programme to progress the key Council priority of the Local Plan to publication stage. These are: -

- Update to the Objective Assessment of Housing Need;
- Revised Economic Forecasts
- York, Hambleton, Ryedale and North Yorkshire Moors National Park Authority Strategic Housing Market Assessment (SHMA);
- Analysis of housing windfall trends;
- Strategic Housing Land Availability Assessment (SHLAA)
- Employment Land Review (ELR)
- Duty to Cooperate – the role of Neighbouring Authorities
- Update to Gypsy and Travellers and Travelling Show People
- Assessment
- Green Belt Appraisal
- Update to Infrastructure Development Plan

19. Since Executive met in July the Local Plan Working Group (LPWG) has met and received updates on the following work areas:

September LPWG

The Working Group considered an update of the work on the Objectively Assessed need for Housing in the district which took account of the new national household projections. This report included detailed analysis of the drivers of housing growth, such as population growth, the health of

the local economy and migration. Along with this the report also provided LPWG with analysis of historic trends in windfall housing development, an update to the 5 year supply of land for housing and also the demand for student housing.

A separate report set out the forecasts for future economic growth that will provide the start point for an assessment of the demand for land or employment.

October LPWG

The Working Group considered a report on the progress on the Minerals and Waste Joint Plan that City of York Council is producing with North Yorkshire County Council and the North York Moors National Park Authority and to ask Members to approve the Preferred Options documents for public consultation. This report was also presented to Members of Executive on 29 October 2015.

November LPWG

The Working Group considered a report on the potential development of the York Central site and how it will contribute to meeting the development requirements of the Local Plan for both housing and office floorspace

20. In respect of the other components of work identified in the Executive report progress on the Local Plan evidence base has been made as follows: -
- A survey of the development industry to test the assumptions we are making about the delivery rates of new homes on the draft Local plan sites, part of the evidence to prove the plan can be delivered, closes this week. We have already received a number of helpful responses to this survey. The results of this survey will be reported back to members of the LPWG in early 2016.
 - Following the changes announced by the government on the definition of housing need in the Gypsy and Traveller community we are commissioning an update of the study carried out by Opinion Research Services. This will give us an up to date understanding of the scale of need.
 - We have commissioned a Strategic Housing Market Assessment (SHMA) that will update the earlier work carried out across north Yorkshire and York in 2011. This will provide up to date evidence on the need for

affordable housing, the need for specialist housing such as that required by the elderly and the overall mix of housing that the Local Plan should seek to provide. This will be reported back to members of LPWG in early 2016.

- The York North Yorkshire and East Riding Spatial Planning Board met in September and considered cross boundary strategic issues that will affect the York Local Plan and need to be addressed to meet the requirements of the Duty to Cooperate. This included consideration of future housing provision.

21. Future LPWGs will take place at around 6 week intervals in the New Year and will consider: -

- A report on the outcome and implications for the Local Plan of the updated SHMA including the need for affordable housing;
- A detailed analysis of the relative merits of individual potential development sites that could be included in the revised Publication Draft Local Plan; and
- The general extent and detailed boundaries for the York Green Belt

22. Depending in part on the outcomes of LPWG the indicative timetable for the next round of Local Plan consultation proposes a Summer 2016 consultation on a publication draft Plan followed by submission towards the end of 2016.

Neighbourhood Planning

23. Neighbourhood planning was introduced through the Localism Act 2011 to provide greater power to communities in planning for their neighbourhoods. If adopted by the Council, these Plans form part of the statutory planning framework for that area and will sit alongside Local Plan policies.

24. Since 2013, York has received 10 area applications from Parish Councils (Copmanthorpe, Poppleton, Dunnington, Rufforth and Knapton, Murton, Fulford, Huntington, Heslington, Earswick and Strensall with Towthorpe) with a further four areas showing an interest. Of these, seven areas have been approved and are at various stages of drafting their Neighbourhood Plans, and three are at the consultation/designation stage.

25. The Council has statutory duties to fulfil as part of our role in Neighbourhood Planning. This covers a duty to advise and assist which includes regular meetings with the communities to discuss their ideas and progress on the plan; we offer technical advice regarding evidence

base, legal obligations, Sustainability Appraisal/Strategic Environmental Assessment and mapping, as well as general information on writing policies and plans. The Council also has a more formal duty to arrange and pay for an Examination and Referendum towards the end of the process.

26. Officers have also set up a Neighbourhood Planning Officer Working Group within the Leeds City Region and our neighbouring authorities to discuss best practice and to share experience and guidance. This includes attendance and advice from the Planning Advisory Service (PAS).

Minerals and Waste Joint Plan

27. City of York Council formally agreed to prepare a Joint Minerals and Waste Plan with North Yorkshire County Council and North York Moors National Park Authority in 2013. Over the past 3 years, three stages of the Plan have been progressed; 'First Consultation', 'Issues and Options', and 'Further Sites Consultation'. Currently, the 'Preferred Options' version of the Plan is being consulted on (ends 15th January 2016). This draft includes the Joint Authorities preferred policies and site allocations for minerals and waste development up to 2030.
28. Extensive evidence base work and sustainability appraisals, which sit behind the proposed policies and sites have been carried out. This includes assessments of the type and location of mineral resource across the plan area, the type and quantity of waste streams being produced and managed in the plan area both now and in the future, as well as supporting evidence regarding environmental constraints, and transport implications.
29. The next steps will require officers to take account of the responses received at the preferred options stage before reflecting these and any relevant national policy and evidence updates in a 'Publication' draft that will then be consulted upon and submitted to an inspector for an independent examination and hopefully adoption by mid-2017.

Planning Performance

Speed of decisions

30. For the year to 30th June, York exceeds the national statutory targets for percentage of applications decided within the time statutory target time period or in the agreed time in every application category:-

Category	York	National Average	Unitary Councils Average
Majors	78	77	76
Minors	74	71	70
Others	87	82	82

Proportion of applications approved

31. In York in the year to 30th June, 94% of applications were granted, well above the national average of 88% and the unitary authorities average of 90%. This is despite the high quality environment and heritage asset constraints on development and demonstrates that we work with applicants to seek acceptable solutions, rather than just refusing applications without engagement.

Appeals Performance

32. For the 12 months between 1 July 2014 and 30 June 2015, 26% of appeals decided were allowed; again well below the national average of 34%. This indicates that where we are refusing applications, the decisions are not taken lightly and it is usually with sound reasoning.

City and Environmental Services: Customer Services

33. Finally there are good processes to ensure customers' needs are identified at an early stage and that, wherever possible, there is a named officer who is responsible for contact with individual customers. Performance in relation to timeliness and quality of service is also measured.

Cllr Ian Gillies

Scrutiny Report to Council

December 2015

Report of the Chair of Corporate & Scrutiny Management Policy & Scrutiny Committee

1. This report is submitted by the Chair of Corporate & Scrutiny Management Policy & Scrutiny Committee (CSMC), in accordance with the constitutional requirements set out in Standing Order 4.2.1 (i) to update Council on scrutiny work and to set out any recommendations such as may be made to Council in relation to that work.

Finance and Performance

2. Since the last report to Council on 8 October 2015 only the Health & Adult Social Care Policy & Scrutiny Committee has received a 2nd Quarter Finance & Performance Monitoring report. Scheduled reports to CSMC and the three other standing scrutiny committees were deferred until their January meetings due to Executive meetings being put back until the end of each month.

Attendance of Executive Members

3. The Executive Member for Economic Development and Community Engagement (EDAT) attended the November meeting of the Economic Development & Transport Policy & Scrutiny Committee to outline his priorities and challenges within his portfolio area for the municipal year. This was later in the year than would have been preferred but was because the EDAT remit includes the portfolio areas of four Executive Members.

Corporate & Scrutiny Management Policy & Scrutiny Committee

Call-ins

4. Since the last report to Council CSMC has considered one post-decision call-in: Park & Ride Bus Contract Options. CSMC resolved there were no grounds on which to refer back the decision for further consideration and the decision was therefore upheld.

Petitions

5. At each of its meetings, CSMC continues to receive its standing report on Council petitions providing details of new petitions received by the Council and the appropriate course of action.

Scrutiny Work

6. CSMC has met once since the last report to Council when Members also received an update report on the Council Tax Support Scheme review.
7. As requested by the Executive, it is considering a full report, at a future meeting, on reviewing scrutiny remits, taking into account any organisational changes in Directorates, currently being reviewed by the Chief Executive.
8. As Chair of CSMC I am continuing to consider the implementation of the new post-decision call-in process, in particular the timescales involved of publication on the forward plan, consideration by scrutiny, and decision made by the Executive. The format of the notification email for the Forward Plan has been amended to highlight when new items are added.
9. I attended and spoke on the process of the pre-decision call-in at EDAT (see Paragraph 12) to encourage members of both Scrutiny and the Executive to consider the timescales involved in order to maximise the possible influence of the call-in. I was appreciative of the Executive Member deferring his final decision for this reason.
10. At time of writing of this report, I am aware of the first pre-decision call-in of an item going to Executive, and so for consideration by CSMC. I am interested to see how this will work in practice, and if any slight amendments to the process would be helpful.

Communities & Environment Policy & Scrutiny Committee

11. This Committee has met once since the last report to Council. On 17 November, Members received an update report on the implementation of recommendations from the A-Boards Scrutiny Review and a report on the impact of the Council's new process for tackling horses that are fly grazing on Council land through the work of the horse bailiff. Members also received an interim report on the Stag and Hen Parties Scrutiny Review and feedback from a meeting with Friends of Rowntree Park over a proposed scrutiny review on Goose Management.

Economic Development & Transport Policy & Scrutiny Review

Call-in

12. On 18 November 2015 EDAT considered a pre-decision call-in of the Air Quality Action Plan 3 following agreement of the new pre-decision scrutiny arrangements by the Executive which came into operation from early October 2015. As a result of consideration by EDAT the Executive Member for Environment agreed to defer his decision to allow time for him to consider the additional actions requested by EDAT and their implications in more detail.

Scrutiny Work

13. This Committee has met once since the last report of this nature and in November Members also considered six-monthly update reports on Major Transport Initiatives and Major developments within the city.

Learning & Culture Policy & Scrutiny Committee

14. This Committee has met twice since the last report to Council. In October, Members received the bi-annual updates reports from York Safeguarding Board and from Explore York Libraries and Archives Mutual Ltd. They also considered a School Improvement and Ofsted update report on Schools Performance and a feasibility report for a City Walls Scrutiny Review.
15. In November, the Committee considered a report on performance data for York Learning set against the Strategic Plan for the academic year 2015/16 and an introductory report on Reframing the Relationship between the Council and York Museums Trust. Members also considered an update report on the implementation of recommendations from the Narrowing the Gap Scrutiny Review.

Health & Adult Social Care Policy & Scrutiny Committee

16. This Committee has met three times since the last meeting to Council. In October 2015 Members took part in a summit meeting to discuss the closure of Bootham Park Hospital in York and heard evidence from the Care Quality Commission (CQC), the Vale of York Clinical Commissioning Group, Leeds & York Partnership NHS Foundation Trust, Tees, Esk and Wear Valleys NHS Foundation Trust and NHS Property Services.

17. In November the Committee considered the Quality Summit report following the CQC inspection of York Teaching Hospital NHS Foundation Trust and the six-monthly update report from Chair of the Health & Wellbeing Board. Members also received a report on GP Health Checks for People with Learning Disabilities.
18. Finally, in early December 2015, the Committee received the six-monthly Performance Update Report from Healthwatch York, a six-monthly Quality Monitoring report on Residential, Nursing and Homecare Services and the annual update report on the carers' Strategy. Members also considered an update report on the re-procurement of Musculoskeletal Services and a report on Elderly People's Homes.
19. The Committee will meet again on 22 December when Members will receive an update report on an interim solution for Bootham Park Hospital as well as a report on the re-procurement of Community Equipment and Wheelchair Services.

Training

20. As Chair of CSMC I have been discussing with officers how we might improve the training regime for scrutiny, in part to recognise the large proportion of new members.
21. A training programme encompassing scrutiny members, Executive members and senior officers is being considered. Further discussions, including with members of those groups, will take place and a report to CSMC outlining the proposals should hopefully come forward in the near future.

City of York Council

Extract from Committee Minutes

Meeting	Gambling, Licensing & Regulatory Committee
Date	16 November 2015
Present	Councillors Flinders, Gillies, Hayes, Hunter, Mason, Mercer, D Myers, Orrell and Taylor
Apologies	Councillors Douglas, Boyce, Aspden, Looker, Richardson and Shepherd

Part B - Matters Referred to Council

18. Statement of Licensing Policy - Gambling Act 2005

Members considered a report which advised them of the review of the Council's statement of licensing policy – Gambling Act 2005. The report sought a recommendation to full Council that the policy be approved.

Officers outlined the report and advised that Part C of the policy had the largest revision due to a new requirement from April 2016 for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises.

Following consultation, 6 responses had been received and the concerns were from the trade surrounding how the policy may impact how they currently operate.

Members queried a number of points, in particular the number of premises which held authorisations for gaming machines, which stood at 198 and whether this was a problem in York. Officers confirmed that there wasn't a problem in York in regard to the use of the machines.

Recommended: That full Council adopt the policy.

Reason: In order that the Council meets legislative requirements.

Councillor Gillies, Chair

[The meeting started at 4.00 pm and finished at 4.20 pm].

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Gambling Act 2005



Statement Of Licensing Policy 2016

Further copies of this policy can be obtained from:

e-mail: licensing.unit@york.gov.uk

tel: 01904 552512

web: www.york.gov.uk/licensing

Licensing Section
City of York Council
Eco Depot
Hazel Court
York
YO10 3DS

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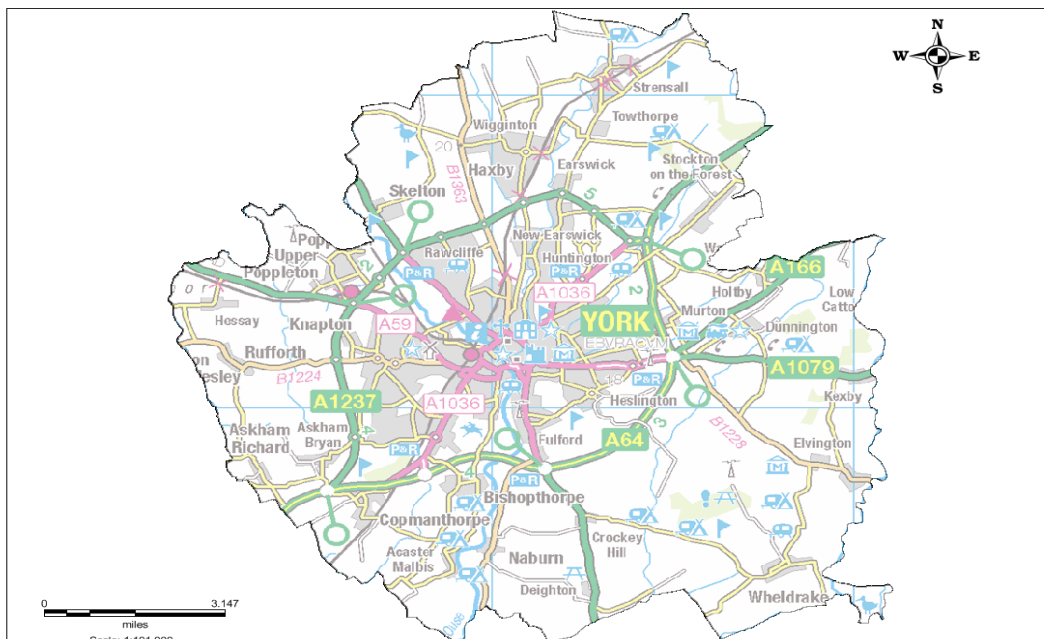
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Part A**1. Introduction**

- 1.1 Under Section 349 of the Gambling Act 2005 (the Act) the licensing authority is required to prepare a statement of principles which it proposes to apply when exercising their functions. This statement must be published at least every three years.
- 1.2 In exercising most of their functions under the Act, the licensing authority must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3 Any decision taken by the licensing authority in regard to determination of licences, permits and registrations 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;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the council's statement of licensing policy.
- 1.4 The Act requires that the following parties are consulted:
- 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 Act.
- 1.5 City of York Council (the council) consulted widely upon this policy statement from 6 July to 28 September 2015. A list of persons consulted can be found at Appendix A.
- 1.6 The policy was approved at a meeting of the Full Council on XXXXXX 2015 and was published via our website on XXXXXXXX 2016.
- 1.7 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.

2. Profile of York

- 2.1 York is a nationally and internationally prominent city for a range of reasons. Not only is it an historical centre for England, it is also one of the most visited tourist destinations in the UK. York has excellent rail links across the country, is a centre of academic excellence, and is an important location for the Church of England. Each year around 22,000 higher education students make up approximately 11% of York's population in term time.
- 2.2 City of York Council is a unitary authority covering an area of 105 square miles and a population of approximately 198,000 (2011 est.) which includes a small black and minority ethnic population (9.12%). It comprises the urban area of York that is surrounded by many small rural and semi-rural settlements covered by parish councils.
- 2.3 Tourism and leisure are important industries for York, attracting over 7 million visitors a year, who spend £606 million in the city. Over 20,000 jobs have been created in the tourist and leisure industry sector. This level of tourism can, however, present challenges to the city in balancing the requirements of residents against the economic benefits that tourism can bring.
- 2.4 As an historical centre the city has many museums and historical buildings. The city offers a wide range of premises providing entertainment activities and supplying alcohol, outstanding restaurants, licensed entertainment venues, including 3 cinemas and 5 theatres, numerous high quality traditional and historic public houses, and bars. Other premises, such as York Racecourse and bingo halls, provide alcohol and entertainment as part of their overall activities.
- 2.5 City of York Council Authority Area



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3. Declaration

- 3.1 In producing the final statement, the council has had regard to the licensing objectives of the Act, the Guidance to Licensing Authorities issued by the Gambling Commission and any responses from those consulted on the statement.

4. Responsible Authorities

- 4.1 The council 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 Children's Social Care for this purpose.

- 4.3 The contact details of the Responsible Authorities under the Act:

The Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP
Tel: 0121 230 6666
info@gamblingcommission.gov.uk

Chief Officer of Police
North Yorkshire Police Headquarters
The Licensing Section
Fulford Road
York
YO10 4BY
Tel: 01904 669945
NYPLicensing@northyorkshire.pnn.police

City of York Council
Development Control (Planning)
West Offices
Station Rise
York
YO1 6GA
Tel: 01904 551553
planning.enquiries@york.gov.uk

City of York Council
Public Protection
Eco Depot
Hazel Court
York
YO10 3DS
Tel: 01904 551525
public.protection@york.gov.uk

City of York Council Corporate Support
(Licences - Children's Services)
West Offices
Station Rise
York
YO1 6GA
Tel: 01904 551550

North Yorkshire Fire & Rescue Service
York Fire Station
Kent Street
York
YO10 4AH
Tel: 01904 616100

HM Revenue & Customs
National Registration Unit
Portcullis House
21 India Street
Glasgow
G2 4PZ
Tel: 0141 555 3633
nrubetting&gaming@hmrc.gsi.gov.uk

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 Act as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person-

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- (b) has business interests that might be affected by the authorised activities; or
- (c) represents persons who satisfy paragraph (a) or (b)”.

5.2 The council is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. The council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance to Licensing Authorities. It will also consider the Gambling Commission’s Guidance that “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- Interested parties can be persons who are democratically elected such as councillors and MP’s. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (eg an advocate / relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Gambling & Licensing Sub Committee dealing with the licence application. If there are any doubts then please contact the Licensing Section.

6. Exchange of Information

- 6.1 The council is required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this council applies is that it will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The council will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.
- 6.3 Should any protocols be established as regards information exchange with other bodies, then they will be made available.

7. Enforcement

- 7.1 The council is required by regulation under the Act to state the principles to be applied by the council in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 In carrying out its enforcement duties with regards to the inspection of premises, and the powers to institute criminal proceedings in respect of certain offences under the Act the council will endeavour to be:
- **Proportionate:** regulators should only intervene when necessary, remedies should be appropriate to the risk posed and costs identified and minimised;
 - **Accountable:** regulators must be able to justify decisions and be subject to public scrutiny;
 - **Consistent:** rules and standards must be joined up and implemented fairly;
 - **Transparent:** regulators should be open and keep regulations simple and user friendly;
 - **Targeted:** regulation should be focused on the problem, and minimise side effects.
- 7.3 The council will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 The main enforcement and compliance role for the council in terms of the Act is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. Concerns about manufacture, supply or repair of gaming machines are not dealt with by the council but will be notified to the Gambling Commission. In circumstances where the council believes a premises requires a premises licence for gambling activities and no such licence is in force, the council will alert the Gambling

Commission.

7.5 The council also recognises that it is subject to the requirement of the Regulators' Code and keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

7.6 The council's enforcement/compliance protocols/written agreements are 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 The council will not be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

Part B The Licensing Objectives

- 9. Preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime.**
- 9.1 The Gambling Commission will take the lead role in keeping gambling free from crime by vetting applicants for operator and personal licences. The council will have to be satisfied that the premises will not adversely affect the licensing objective and is compliant with the Commission's Guidance, codes of practice and this policy statement.
- 9.2 The council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, a gambling premises. As part of the application, the applicant will provide evidence to demonstrate that in operating the premises they will promote this licensing objective.
- 9.3 Examples of the specific steps the council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part D of this policy.
- 10. Ensuring that gambling is conducted in a fair and open way**
- 10.1 The Gambling Commission is the body primarily concerned with ensuring that operators conduct gambling activities in a fair and open way, except in the case of tracks.
- 10.2 The council will notify the Gambling Commission of any concerns about misleading advertising or absence of required game rules, or any other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.
- 10.3 Examples of the specific steps the council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part D of this policy.
- 11. Protecting children and other vulnerable persons from being harmed or exploited by gambling.**
- 11.1 **Protection of Children**
Persons under 18 cannot be admitted to many types of gambling premises. This objective means preventing children from taking part in most types of gambling.
- 11.2 Section 45 of The Act provides the following definition for child and young person:

Meaning of "child" and "young person"
1) In this Act "child" means an individual who is less than 16 years old.
2) In this Act "young person" means an individual who is not a child but who is less than 18 years old.
- 11.3 Children and young persons may take part in private and non-commercial betting and

gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:

- casinos, betting shops and adult gaming centres are not permitted to admit anyone under 18;
- bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18;
- family entertainment centres and premises licensed to sell alcohol for consumption on the premises can admit under 18s, but they are not permitted to play category C machines which are restricted to those over 18;
- clubs with a club premises certificate can admit under 18s, but they must have policies to ensure those under 18 do not play machines other than category D machines;
- All tracks can admit under 18s, but they may only have access to gambling areas on days where races or other sporting events are taking place, or are expected to take place. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.

11.4 The council will have regard to any code of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises.

11.5 The council will consider whether specific measures are required at particular premises, with regard to this licensing objective. These measure may include supervision of entrances / machines, segregation of areas, etc. Examples of the specific steps the council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part D of this policy.

11.6 [Protection of vulnerable people](#)

It is difficult to define the term 'vulnerable person'. The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition, but will, for regulatory purposes assume that this group includes people:

'who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.'

11.7 The Gambling Commissions Code of Practice clearly describes the policies and procedures that operators should put in place regarding:

- combating problem gambling
- access to gambling by children and young persons
- information on how to gamble responsibly and help for problem gamblers
- customer interaction
- self exclusion
- employment of children and young persons

11.8 The council may consider any of the measures detailed below as licence conditions

should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet
- training for staff members which focuses on an employee's ability to detect a person who may be vulnerable and providing support to vulnerable persons
- self exclusion schemes
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- posters and leaflets with GamCare Helpline and website displayed in prominent locations.

11.9 It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 3, that licensees must have and put into effect policies and procedures intended to promote socially responsible gambling.

11.10 The LCCP say that licensees must make an annual financial contribution to one or more organisation(s) which between them research into the prevention and treatment of gambling-related harm, develop harm prevention approaches and identify and fund treatment to those harmed by gambling.

Part C Premises Licences

12. General Principles

- 12.1 The council will issue premises licences to allow those premises to be used for certain types of gambling. These are:
- (a) casino premises,
 - (b) bingo premises'
 - (c) betting premises including tracks and premises used by betting intermediaries,
 - (d) adult gaming centre premises, or
 - (e) family entertainment centre premises.
- 12.2 Premises licences are subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 12.3 The Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The council will also have regard to these Codes of Practice.
- 12.4 **Decision-making**
The council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:
- is in accordance with any relevant code of practice issued by the Gambling Commission;
 - is in accordance with any relevant guidance issued by the Gambling Commission;
 - is reasonably consistent with the licensing objectives; and
 - is in accordance with the council's statement of licensing policy.
- 12.5 It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for a licensing authority.
- 12.6 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.
- 12.7 Where representations are received the council will consider whether they are relevant, vexatious, frivolous or if they would influence the council's determination of the application. The Head of Service together with the relevant Assistant Director will

determine if any representation meets this criteria.

- 12.8 The council will take into consideration Gambling Commission Guidance for Licensing Authorities, Licence Conditions and Codes of Practice when determining applications for premise licences.
- 12.9 **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, the council should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.
- 12.10 The council will take particular care in considering applications for multiple licences for a building, and those relating to a discrete part of a building used for other purposes. The council will assess entrances and exits of a premise covered by one or more licences to satisfy itself that they are genuinely separate and identifiable so that the separation of different premises is not compromised and that people do not drift into a gambling area.
- 12.11 In considering whether different areas of a building are genuinely separate premises the council will take into account factors which may include:
- do the premises have a separate registration for business rates?
 - are the premises' neighbouring premises owned by the same person or someone else?
 - can each of the premises be accessed from the street or a public passageway?
 - can the premises only be accessed from any other gambling premises?
- 12.12 The council will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.
- 12.13 **Location** – The council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. The council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. With regards to these licensing objectives it is the council's policy, upon receipt of any relevant representation to look at specific location issues which include:
- the possible impact that a gambling premises may have on any sensitive premises that provide services to children or young people or vulnerable people; eg a school, vulnerable adult centre;
 - the possible impact a gambling premises may have on a residential area where there is a high concentration of families with children;

- the nature and size of the gambling activities taking place;
- any levels of crime in the area.

12.14 The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives if additional conditions are to be imposed or if an application was to be refused. From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises, and have policies, procedures and control measure to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.

12.15 The LCCP say that licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances, including those identified in this policy statement;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

12.16 The council will expect the local risk assessment to consider as a minimum:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- the demographics of the area in relation to vulnerable groups;
- whether the premises is in an area subject to high levels of crime and/or disorder.

12.17 Local risk assessments should show how vulnerable people, including people with gambling dependencies are protected.

12.18 It should be noted that this policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

12.19 **Duplication with other regulatory regimes** – The council seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. The council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

12.20 **Conditions** – The Secretary of State has set mandatory and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice on Operator's Licences which are necessary for the general good conduct of gambling premises,

therefore it is unlikely that the council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with.

12.21 If the council is minded to impose conditions because there are regulatory concerns of an exceptional nature, then any additional licence conditions must relate to the licensing objectives.

12.22 Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for, and/or related to the area where the premises is based;
- fairly and reasonably related to the scale and type of premises;
- consistent with the licensing objectives; and
- reasonable in all other respects.

12.23 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. There are specific comments made in this regard under some of the licence types below. The council will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

12.24 Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the council may consider licence conditions to cover issues such as:

- proof of age schemes
- CCTV
- entry controls
- supervision of entrances / machine areas
- specific opening hours
- location of entry
- requirements that children must be accompanied by an adult
- Enhance Disclosure and Barring Service checks of the applicant and/or staff
- self-barring schemes
- provision of information for organisations such as GamCare (leaflets / helpline numbers)
- measures and training for dealing with children on the premises

This list is not mandatory or exhaustive, and is merely indicative of examples of measures which may satisfy the requirements of the council and the responsible authorities to meet the licensing objectives.

12.25 It is noted that there are conditions which the council cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;

- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

12.26 The council will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

12.27 **Door Supervisors** – The council will consider whether there is a need for door supervision in terms of the licensing objectives of the protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted that the door supervisors at casinos or bingo premises are not required to be registered by the Security Industry Authority (SIA) under the Private Security Act 2001. Where door supervisors are provided at these premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a Disclosure and Barring Service check on potential staff and for such personnel to have attended industry recognised training. Door supervisors not directly employed by a casino or bingo operator do have to be SIA registered.

13. Adult Gaming Centres (AGCs)

13.1 Under the Act a premises holding an adult gaming centre licence will be able to make category B, C and D gaming machines available for use on the premises. No one under the age of 18 is permitted to enter such premises.

13.2 The council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

13.3 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commissions Codes of Practice or by the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 12.24.

14. Licensed Family Entertainment Centres (FECs)

- 14.1 Licensed FECs are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section for adult only gaming machines with higher stakes and prizes. Licensed FECs will be able to make available unlimited category C and D machines where there is a clear segregation in place so children do not access the areas where the category C machines are located.
- 14.2 The council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 14.3 Where category C or above machines are available in premises to which children are admitted then the council will ensure that the mandatory premise licence conditions are adhered to.

15. Casinos

- 15.1 The Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games. Casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines. Large and small casinos can also provide betting machines.
- 15.2 **Number of casinos in Great Britain** – Legislation stipulates the number of casino premise licences that can be issued and the areas where they can be located. A casino will not be allowed within City of York Council Authority area until such time that there is a change in legislation.
- 15.3 **No Casinos resolution** – The council has not passed a ‘no casino’ resolution under Section 166 of the Act, but is aware that it has the power to do so. Should the council decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

16. Bingo premises

- 16.1 There is no legal definition for bingo, or a standard set of rules under which the game is played. Bingo is equal chance gaming. From a licensing point of view there is a category of premises licence specifically for bingo premises which is used by traditional commercial bingo halls for both cash and prize bingo.
- 16.2 **Gaming machines** – Bingo premises are entitled to have a maximum of 20% of the total number of gaming machines available for use on the premises categories B3 or B4. There is no limit on category C and D machines.
- 16.3 The council is aware that children and young persons are permitted in bingo premises,

but may not participate in the bingo. Where category C or above machines are available for use, these must be separated from areas where children and young persons are allowed.

- 16.4 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commissions Codes of Practice or by the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 12.24.

17. Betting premises

- 17.1 The Act contains a single class of licence for betting premises however within this single class there are different types of premises which require licensing such as high street bookmakers, bookmakers located in self contained facilities at racecourses as well as the general betting premises licences that track operators will require.

- 17.2 **Gaming machines** – Betting premises are entitled to have a maximum of four gaming machines of categories B2, B3, B4, C or D.

- 17.3 **Betting machines** – Section 181 of the Act states:
“A condition of a betting premises licence may relate to –
a) the number of machines used on the premises for the purpose of making or accepting bets;
b) the nature of those machines;
c) the circumstances in which those machines are made available for use.”

- 17.4 When considering whether to impose a condition on a licence the council will 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.

- 17.5 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commissions Codes of Practice or by the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 12.24.

18. Tracks

- 18.1 The Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place. Betting is a major gambling activity on tracks, multiple betting outlets are usually located on tracks such as ‘on-course’ betting operators who come to the track just on race days to provide betting for the races taking place on that track. There can also be ‘off-course’ betting operators who may operate self contained facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track.

- 18.2 All tracks will require a primary betting premises licence that the track operator will hold. It should be noted that track operators do not require an operator’s licence from the Gambling Commission although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.

- 18.3 Tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. This allows track venues to develop leisure facilities. The council will consider each individual case on its merits before deciding if this is necessary.
- 18.4 If any off-course operators are permitted to provide betting facilities under the authorisation of the track operator's premises licence, then it will be the responsibility of the premises licence holder to ensure the proper conduct of such betting within the premises boundary.
- 18.5 Children and young person's will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 18.6 **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.
- 18.7 **Betting machines** – Section 181 of the Act states:
“A condition of a betting premises licence may relate to –
a) the number of machines used on the premises for the purpose of making or accepting bets;
b) the nature of those machines;
c) the circumstances in which those machines are made available for use.”
- 18.8 When considering whether to impose a condition on a licence the council will 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.
- 18.9 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commissions Codes of Practice or by the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 12.24.

19. Travelling Fairs

- 19.1 The Act defines a travelling fair as “wholly or principally” providing amusements and they must be on site that has been used for fairs for no more than 27 days per calendar year.
- 19.2 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize machines, without the need for a permit, as long as the gambling amounts to no more than an ancillary amusement at the fair.
- 19.3 The council will work with neighbouring authorities to ensure that land which crosses the council boundary is monitored so that the statutory limits are not exceeded.

20. Provisional Statements

- 20.1 Developers may wish to apply to the council for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 20.2 Section 204 of the Act provides for a person to make an application to the council for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.
- 20.3 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.
- 20.4 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.
- 20.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The council will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be 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.
- 20.6 In addition, the council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage;
 - which in the council's opinion reflect a change in the operator's circumstances; or
 - where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and the council notes that it can discuss any concerns it has with the applicant before making a decision.

21. Reviews

- 21.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the council to decide whether the review is to be carried-out. This will be 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 this authority's Gambling Act 2005 - Statement of Licensing Policy.
- 21.2 The request for the review will also be subject to consideration by the council as to whether the request is frivolous or vexatious; whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence or whether it is substantially the same as previous representations or requests for review and there has been no change in circumstances.
- 21.3 The council 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.

Part D Permits / Temporary & Occasional Use Notice

22. Unlicensed Family Entertainment Centre gaming machine permits (UFECs)

- 22.1 UFECs are premises which provide category D gaming machines along with various other amusements such as computer games and penny pushers, but is not required to hold a premises licence. It will require a permit to be able to provide category D machines. A permit allows any number of these machines to be available at the premises, subject to other consideration such as health and safety and fire safety regulations. Given that category D machines have no age restrictions, these premises will appeal to children and young persons. Therefore, the council will give particular weight to matters relating to child protection issues.
- 22.2 The Act states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25.
- 22.3 City of York Council Statement of Principles:

The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises or children causing perceived problems on / around the premises. The council will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in UFECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

23. Gaming Machines Permits in Premises Licensed for the Sale of Alcohol

- 23.1 Automatic entitlement: two machines. There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the council. The council can remove the automatic authorisation in respect of any 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 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 Act has been committed on the premises.

23.2 It should be noted that the council cannot attach conditions to this type of permit.

23.3 **Permit: more than two machines.** If a premises wishes to have more than two machines, then it needs to apply for a permit and the council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” Any determination will be made by the Head of Service in conjunction with the relevant Assistant Director.

23.4 The council considers “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure under 18 year olds do not have access to the adult only gaming machines. Measures which may satisfy the council include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare. Compliance with the Gambling Commissions Code of Practice for Gaming Machines Permits will be a condition of any permit issued.

23.5 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.

23.6 The council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

23.7 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

24. Prize Gaming Permits

24.1 The Act (Section 288) defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered and the prizes are displayed on the walls.

24.2 The Act states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in

determining the suitability of the applicant for a permit”.

24.3 City of York Council Statement of Principles:

The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises or children causing perceived problems on / around the premises. This council will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes as set out in regulations; that the applicant has no relevant convictions (as set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

24.4 In making its decision on an application for this permit the council does not need to (but may) have regard to the licensing objectives, but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

24.5 It should be noted that there are conditions in the Act by which the permit holder must comply, but that the council cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

24.6 Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

25. Club Gaming and Club Machine Permits

25.1 A members’ club or miners’ welfare institute may apply for a ‘Club Gaming Permit’ or a ‘Club Gaming Machine Permit’. A commercial club may apply for a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (three machines of categories B3A, B4, C or D), equal chance gaming and games of chance as set-out in regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (three machines of categories B3A, B4, C or D). Only one category B3A machine can be sited as part of this entitlement.

25.2 To qualify for these special club permits a members club must have a least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming. A members’ club must be permanent in nature, not established to make commercial profit,

and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

25.3 The council may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young person's;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

25.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

25.5 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.

26. Temporary Use Notices (TUNs)

26.1 TUNs allow the use of premises, on not more that 21 days in any 12 month period, for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according the Gambling Commission, would include hotels, conference centres and sporting venues.

26.2 The council can only grant a TUN to a person or company holding a relevant operating licence, ie a non-remote casino operating licence.

26.3 TUNs allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner, which in practice means poker tournaments.

26.4 There are a number of statutory limits as regards TUNs. The meaning of "premises" in

Part 8 of the Act is discussed in the Gambling Commissions Guidance to Licensing Authorities. As with “premises”, the definition of “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In the Act “premises” is defined as including “any place”.

- 26.5 In consideration whether a place falls within the definition of “a set of premises”, the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 26.6 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.

27. Occasional Use Notices (OUNs)

- 27.1 The Act provides that where there is betting on a track on eight days or fewer in a calendar year, betting may be permitted by an OUN without the need for a full premises licence.
- 27.2 The council has very little discretion as regards these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. This licensing authority will though consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice.

Appendix A

Gambling Policy Consultees

- BACTA
- Gamcare
- Gambling Therapy organisation
- Association of British Bookmakers
- British Bingo Association
- National Casino Forum
- Racecourse Association
- Horserace Betting Levy Board
- HM Revenue & Customs
- British Beer & Pub Association
- York City Branch CIU
- Yorkshire & Humber TUC
- Coppergate Centre
- York CVS
- York & North Yorkshire Chamber of Commerce
- York Citizens Advice Bureau
- Stonegate Traders Association
- Clifton Moor Business Association
- Make it York
- York Retail Forum
- North Yorkshire Police
- North Yorkshire Fire & Rescuse Service
- CYC Public Protection
- CYC Public Health
- CYC Children Services
- CYC Adult Services
- CYC Development Control
- Ward Councillors
- Parish Councils
- Residents Associations
- Premise Licence Holders

Appendix B

Gaming Machine Categories

Gaming machines (fruit machines, slot machines) fall into categories depending on the maximum stake and prize available:

Machine Category	Maximum Stake (from January 2014)	Maximum Prize (from January 2014)	Allowed Premises
A	Unlimited	Unlimited	Regional Casino
B1	£5	£10,000 (with the option of a maximum £20,000 linked progress jackpot on a premises basis only)	Large Casino, Small Casino, Pre-2005 Act Casino and Regional Casinos
B2	£100	£500	Betting premises and tracks occupied by pool betting and all of the above
B3	£2	£500	Bingo premises, adult gaming centre and all of the above
B3A	£2	£500	Members' club or Miners' welfare institute only
B4	£2	£400	Members' club or Miners' welfare club, commercial club and all of the above
C	£1	£100	Family entertainment centre (with Commission operating licence), qualifying alcohol licensed premises (without additional gaming machine permit), qualifying alcohol licensed premises (with additional LA gaming machine permit) all of the above
D money prize	10p	£5	Travelling fairs, unlicensed (permit) family entertainment centre and all of the above
D non-money prize (other than crane grab machine)	30p	£8	All of the above
D non-money prize (crane grab machine)	£1	£50	All of the above
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)	All of the above
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)	All of the above

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Membership of Committees, Working Groups and Outside Bodies

Committees and Working Groups

Council

To appoint Councillor Gunnell to replace Cllr Gillies as Vice Chair of Council.

Outside Bodies

York CVS Board

To appoint Councillor Mason to replace Cllr Ayre on the York CVS Board.

South Bank Multi Academy Trust

To appoint Jon Stonehouse, Director of Children's Services, Education and Skills, as the Local Authority representative on the Southbank Multi Academy Trust (MAT).

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