



Notice of meeting of

Executive

To:	Councillors Steve Galloway (Chair), Sue Galloway, Jamieson-Ball, Macdonald, Orrell, Reid, Runciman, Sunderland and Waller
Date:	Tuesday, 21 November 2006
Time:	2.00 pm
Venue:	Guildhall

AGENDA

Notice to Members - Calling In:

Members are reminded that, should they wish to call in any item on this agenda, notice must be given to Democracy Support Group by:

10:00 am on Monday 20 November 2006, if an item is called in *before* a decision is taken, *or*

4:00 pm on Thursday 23 November 2006, if an item is called in *after* a decision has been taken.

Items called in will be considered by the Scrutiny Management Committee.

1. **Declarations of Interest**

At this point, Members are asked to declare any personal or prejudicial interest they may have in the business on this agenda.

2. Minutes (Pages 1 - 12)

To approve and sign the minutes of the Executive meeting held on 7 November 2006.

3. Public Participation

At this point in the meeting, members of the public who registered their wish to speak regarding an item on the agenda or an issue within the Executive's remit can do so. The deadline for registering is **10:00 am on Monday 20 November 2006**.

4. Executive Forward Plan (Pages 13 - 14)

To receive an update on those items which are currently listed on the Executive Forward Plan.

5. Street Scene Review (Pages 15 - 48)

This reports presents recommendations to improve the delivery of Street Scene services, developed following a review of the service during the summer.

6. Chief Executive's Department Restructure - Deferred Posts (Pages 49 - 60)

This report invites Members to decide whether to proceed with recruitment to three permanent officer posts that were created, but not filled, when proposals for restructuring the Chief Executive's department were considered by the Urgency Committee in August 2006.

7. Gambling Act 2005 - Statement of Licensing Policy (Pages 61 - 108)

This report informs the Executive of the consultation exercise carried out in respect of the draft licensing policy agreed by the Licensing Act 2003 Committee on 7th July 2006, and asks them to recommend the revised policy to Council for approval.

8. Local development Framework - Statement of Community Involvement (Pages 109 - 132)

This report advises of the ongoing work on the Statement of Community Involvement (SCI) and asks the Executive to recommend the draft SCI to Full Council for approval.

Note: The draft SCI is available to view on the Council's website, at www.york.gov.uk. Copies are available, if required, from Democratic Services – contact details at the foot of this agenda.

9. Urgent Business

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

Democracy Officer:

Name: Fiona Young

Contact details:

- Telephone – (01904) 551024
- E-mail – fiona.young@york.gov.uk

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

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

Contact details are set out above.

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City of York Council

Committee Minutes

MEETING	Executive
DATE	7 November 2006
PRESENT	Councillors Steve Galloway (Chair), Jamieson-Ball, Macdonald, Orrell, Reid, Runciman, Sunderland and Waller
APOLOGIES	Councillor Sue Galloway
IN ATTENDANCE	Councillors Livesley and Vassie

101. Declarations of Interest

The Chair invited Members to declare at this point any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

102. Exclusion of Press and Public

RESOLVED: That the press and public be excluded from the meeting during consideration of Annex B to agenda item 9 (Lendal Bridge Sub-Station Secure Cycle Park Feasibility Study Outcome) and Annex A to agenda item 10 (Proposals for Staff Compensation), on the grounds that they contain information relating to the financial or business affairs of particular persons, which is classed as exempt under Paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

103. Minutes

RESOLVED: That the minutes of the Executive meeting held on 24 October 2006 be approved and signed by the Chair as a correct record.

104. Public Participation

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

105. Executive Forward Plan

Members received and noted an updated list of items included on the Executive Forward Plan at the time the agenda for this meeting was published.

106. Extending Cardboard Recycling Collections and Changes to Winter Refuse Collection Arrangements

Members considered a report which presented proposals for the extension of cardboard recycling services to the remaining 40,000 City of York residents able to use these services if provided. This information had been requested by the Executive at its last meeting, on 24 October. The report also recommended changes to current waste collection arrangements between 1 December 2006 and 31 March 2007. Additional information on the use of the Waste Performance and Efficiency Grant for 2006/07, and how the forecast landfill tax would fund the required investment to extend the service, had been circulated after publication of the agenda (Annex B).

The introduction of plastic and cardboard kerbside collections to households in March and July 2006 had resulted in the number of properties presenting materials for collection (the "set out" rate) rising to an average of 69%. It was anticipated that this would increase to 80% if cardboard collections were introduced to the remaining 40,000 properties. This could be done after the Christmas and New Year holidays if three additional vehicles were hired and six staff employed. Costs for the current financial year (£66k) could be met from reserves, due to a one-off extra dividend from Yorwaste.

It was proposed to introduce the new service, in stages, from Monday 15 January, at a rate of 5,000 properties per week. This would mean that the service would be offered to all 40,000 properties by 5 March 2007. It was further proposed to continue with the alternate weekly "grey" and "green" bin domestic waste collections over the winter period (1 December 2006 to 31 March 2007), in order to maximise recycling rates. A weekly domestic collection would still be provided during the two-week Christmas period. A communications strategy to inform residents of these arrangements was outlined in paragraphs 23-28 of the report.

In welcoming the proposals, Members stressed the importance of ensuring customer satisfaction with the service introduction and a timely and efficient distribution of bags and leaflets.

RESOLVED: (i) That the proposals for cardboard collections to be rolled out to the remaining 40,000 on alternate weekly collections be welcomed and that the arrangements for Winter Collections, as detailed in paragraphs 17-21 of the report, be approved.

(ii) That approval be given to release £66k from reserves and that a further report be brought to the Executive to confirm the future funding arrangements.

REASON: To improve recycling performance and reduce the amount of waste being sent to landfill.

107. Response to the Recommendations of the Sustainable Street Lighting Scrutiny Board

Members considered a report which set out Officers' comments in relation to the recommendations of the Sustainable Street Lighting Scrutiny Board, which were presented to the Executive on 25 July 2006.

Comments on each of the Board's twelve recommendations were set out in paragraphs 5 to 39 of the report. Paragraph 51 presented alternative proposals in relation to recommendations 1, 2, 3, 4, 5 and 9, with the aim of ensuring that financial controls and reporting procedures were in place to progress the procurement of energy for street lighting without delay.

Councillor Vassie commented on the Board's recommendations as Energy Champion, expressing support in particular for Recommendation 2.

RESOLVED: (i) That the Scrutiny report be welcomed and that the Executive record its appreciation of the work of those Members and Officers involved in the production of the report.

(ii) That the recommendations of the Scrutiny Sub-Committee be agreed, subject to the amendments detailed below:

Recommendations	Executive Response
<p>1. Street Lighting Officers discuss and renegotiate the rate charged to the authority for lamp stock electricity supply to minimise financial costs and ensure that the contract to CYC includes upwards of 20% renewable sourcing to be increased towards a target of 100%.</p>	<p>Agreed, with the following addition: Insert at the end of the recommendation "where the supplier is able to provide renewable sourced energy and subject to the outcome of the forthcoming procurement of energy for street lighting, which will be reported to Members for decision."</p>
<p>2. Street Lighting and Finance Officers ensure that the cashable and non cashable energy and financial savings are reported in Gershon Efficiencies responses, ring fenced and invested in increasingly sustainable street lighting stock.</p>	<p>Not agreed. Re-word as follows: Insert, after "Gershon Efficiencies responses", "and where feasible reinvest following consideration as part of the annual budget process".</p>
<p>3. Street Lighting Officers with the assistance of the Sustainability Officer ensure that CO2 emissions from energy use in street lighting stock are reported annually under EMAS and that targets are set for annual carbon savings.</p>	<p>Agreed, with the following addition: Insert, at the end of the recommendation: "provided that appropriate resources can be allocated to deliver the savings proposals".</p>

<p>4. Street Lighting Officers should complete the audit and database detailing street lighting stock in line with best practice and the "whole life" details outlined at para 20 as a matter of urgency prior to renegotiating the electricity contract this year.</p>	<p>Agreed, with the following addition Re-word to: "Street Lighting Officers should use the newly completed and audited inventory detailing the street lighting stock to renegotiate the electricity supply contract this year".</p>
<p>5. Upon completion of Audit, Street Lighting Officers should prepare a Street Lighting Strategy for submission to the Executive.</p>	<p>Agreed, with the following change Remove the words "Upon completion of Audit". Add: "The Strategy should include a requirement to implement new technology when appropriate".</p>
<p>6. Street Lighting Officers should maintain their established contact with pilot authorities trialling Photovoltaic (PV) lighting and other sustainable technologies and endeavour to keep track of the best versions of this technology available.</p>	<p>Agreed</p>
<p>7. Street Lighting Officers should recommend the use of PV powered "standalone" systems and other sustainable technologies as the technologies improve and community netted systems installations for areas of the authority without grid netting requiring lighting. Officers should, in this instance, consider whole life costs of installation, including offsetting the installation costs against savings made from electricity billing during the systems life. That the position of using PV and any other advances to sustainable technologies should be included in the annual "Highways Report"</p>	<p>Agreed</p>
<p>8. That Sub Committee considering the final report of the former Planning and Transport Scrutiny Board regarding sustainable development be requested to include a recommendation to developers – in the form of an amendment to the Supplementary Planning Guidance (SPG) – that all new or significantly refurbished developments should give consideration to incorporating</p>	<p>Agreed</p>

<p>sustainable street lighting. Officers to research and investigate the inclusion of a more detailed policy to address this issue as part of the development of the "Local Development Framework".</p>	
<p>9. That the City of York Council's Elected Member Energy Champion, Street Lighting Officer and Grants and Partnership Accountant create a bid to "Intelligent Energy Europe" with the aim of securing funding to install an intelligent lighting network.</p>	<p>Not agreed. Insert instead, "that officers, in consultation with the Executive member for Strategy and the Councils Energy Champion, at an appropriate time, report on the options for developing a bid for funding to support the development of an intelligent lighting network for the City, including the availability of resources from European sources such as IEE II".</p>
<p>10. That the Elected Member Energy Champion present a first version of the Regional Assembly's questionnaire to the Executive in September and thereafter the Regional Assembly, as a record of the authority's position across all sectors to date.</p>	<p>Not agreed. Insert "That information, including any response to regional questionnaires, on the Councils position be reported to the City Strategy EMAP at an appropriate time"</p>
<p>11. That the Elected Member Energy Champion present six monthly updates of the Regional Assembly's questionnaire to the Executive and thereafter the Regional Assembly, as a record of the authority's progress on energy across all sectors.</p>	<p>Not agreed. Insert "That information, including any response to regional questionnaires, on the Council s position be reported to the City Strategy EMAP as part of the annual performance review process"</p>
<p>12. That the Executive Member instruct the Street Lighting (and/or Other relevant) Officer(s) to ensure that aesthetic building illumination (spots on the Guildhall and other key architectural buildings within CYC's property portfolio) use light sensors to come on only when required and do not remain on through the entire night (i.e. are switched off at 01:00 hrs) with a view to reducing electricity usage and emissions.</p>	<p>Agreed, subject to the production of a report on the financial implications of adopting such a policy.</p>

REASONS: In order to develop a clear programme of works in response to the Board's recommendations, taking into account the

Council’s financial position and work already in progress, to ensure financial controls and reporting procedures are in place and to enable the procurement of energy for street lighting to progress without delay.

108. Scrutiny Report: Reducing Carbon Emissions from York’s Public and Private Sector Housing

Members considered a report which presented the final recommendations of the Scrutiny Sub-Committee that reviewed the topic “Reducing Carbon Emissions from York’s Public and Private Sector Housing”.

The report summarised the main findings of the review, full details of which included in the Sub-Committee’s draft report, attached as Annex A. This had been considered and endorsed by the Scrutiny Management Committee on 23 October and contained twelve recommendations, focusing on areas where it was felt the Council could take immediate action.

Councillor Livesley, who had chaired the final meeting of the Sub-Committee, commented on the recommendations on the Sub-Committee’s behalf. It was noted that some of the recommendations (2-8) appeared to relate to the Planning remit.

RESOLVED: (i) That the report be noted, with thanks to the Officers and Councillors who have worked on it.

(ii) That the recommendations of the Scrutiny Sub-Committee be agreed, subject to the amendments detailed below:

Recommendation	Executive Response
<p>1. That Climate Change Strategies and Action Plans are developed by the Council’s Sustainability Officer as a matter of urgency. This to be done with a view to best practice approaches used by other Local Authorities. Progress on the introduction of such a strategy and action plan be reported to the Scrutiny Management Committee within the next year.</p>	<p>Agreed, with the following change Delete final sentence. Insert “Acknowledges that the Council is already well advanced in developing its strategies for dealing with climate change, in so far as it has powers to do so, and anticipates that a consultants report will be submitted to Executive shortly. At that time the SMC may, of course if they wish, choose to review the contents of the report”.</p>
<p>2. That the Local Development Framework and our present planning policy framework include a Calderdale/Merton Style Target. This target will require developers to</p>	<p>Noted, and the proposal to be referred to the LDF Working Group for their consideration</p>

<p>ensure that:</p> <ul style="list-style-type: none"> ◆ at least 10% of all energy required is provided from renewable sources in all new and significantly refurbished developments from this point and up to 2010, including domestic development. ◆ After 2010 the target rises for onsite embedded renewables to be greater than or equal to 15% between 2010 and 2015 ◆ Then rises again to be greater than or equal to 20% between 2015 and 2021 etc. 	
<p>3. That the City of York Council researches planning policies adopted by other local authorities with a view to applying them in York, if appropriate, in order to specifically ensure energy efficiency by design. That all plans submitted to the Local authority be tested on these criteria.</p>	<p>Noted, and the proposal to be referred to the LDF Working Group for their consideration.</p>
<p>4. That the authority enforce Parts L and F of the Building Regulations as a matter of urgency, resolving any training and resourcing issues that may need addressing</p>	<p>Agreed, with the following addition: “while recognising that the deployment of resources will be influenced by the Councils annual budget build process”</p>
<p>5. That the Council, through its Elected Member Energy Champion request that the Yorkshire and Humber Assembly and/or Yorkshire Forward facilitate region wide BREEAM assessor training for the region’s Development Control (and other appropriate) Officers with the aim of reducing costs to individual Local Authorities, with the aim of reducing future expenditure.</p>	<p>Agreed, with the following amendment: Insert, after “through”, “ officers in consultation with”</p>
<p>6. That the City of York Council commit to recommend to appropriate funding bodies - i.e. Housing Corporation - that all new homes standards greater than or equal to Ecohomes ‘Excellent Standards’.</p>	<p>Not agreed. It is noted that the LDF has already adopted “very good” standards as a target.</p>
<p>7. That as a matter of urgency the Elected Member Energy Champion present a first version of the Regional Assemblies questionnaire to the</p>	<p>Not agreed Insert: “That information, including any response to regional</p>

<p>Executive and thereafter the Regional Assembly, as a record of the authority's position across all sectors to date.</p>	<p>questionnaires, on the Councils position be reported to the City Strategy EMAP at an appropriate time"</p>
<p>8. That the Elected Member Energy Champion present six monthly updates of the Regional Assemblies questionnaire to the Executive and thereafter the Regional Assembly, as a record of the authority's progress on energy across all sectors.</p>	<p>Not agreed Insert: "That information, including any response to regional questionnaires, on the Councils position be reported to the City Strategy EMAP as part of the annual performance review process"</p>
<p>9. That the authority adopt clearer lines of communication to ensure that information already collated by Housing Officers regarding thermal efficiencies improvements and other Carbon reduction measures, is shared with the Sustainability Officer. This should be done to ensure housing data relevant to the developing Environmental Management System (EMAS) is integrated. Officers in Housing should work with the Authority's Sustainability Officer to agree the best format for such data sharing and, ensure advice regarding targeted improvements in housing and the reporting of these outcomes are delivered under EMAS</p>	<p>Agreed</p>
<p>10. That the Housing Strategy & Enabling Group – Housing Standards & Adaptations Officer and other officers in housing where relevant work with York EEAC officers consult upon, devise and adopt a 'Energy Efficiency and Thermal Comfort Strategy and Action Plan' for the authority commencing this year. The Officers are recommended to use the Regional Action Plan (Annex C) NEA guidance (Annex F) and activities outlined at paragraph 50 of this report as a primary steer in shaping the process</p>	<p>Agreed</p>
<p>11. That the Local Authority ensures that CYC Officer and Member Positions on the Energy Partnership Board are always filled.</p>	<p>Agreed</p>

<p>12. That Annual and inter-year joint working be conducted between EEAC's Local Authority Support Programme Co-ordinator and CYC Housing Officers to ensure that opportunities for the use of renewables are considered as part of the HRA and Housing Capital Business plan. Where such opportunities are cost neutral or affordable within the life of the business plan, micro-renewables should be installed as part of the development of the business plan. Consultation between housing officers and EEAC should cover improvements scheduled to buildings fabric, such as photovoltaic roof tiles when roofs need replacement and/or heating, water systems replacements (i.e. can carbon minimising heat pumps be applied) etc; Consultation should also explore opportunities to bring in external grants revenue.</p>	<p>Agreed</p>
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REASON: In order to respond appropriately to the recommendations of the Scrutiny Sub-Committee, taking into account work already in progress and the Council's financial position.

(iii) That the Sustainability and Energy Champion be requested to report back within three months on work done by the Energy Efficiency Advice Centre and Energy Saving Trust for York's Strategy in response to the Nottingham Declaration, and on progress made with the Council's energy efficiency and renewable energy objectives.

(iv) That it be noted that there will be a report from Housing Services relating to tackling fuel poverty, which is part of one of the 13 priorities in the Council's corporate strategy.

(v) That the Executive expects clear lines of communication of information that can assist with the achievement of grant funding to support energy efficiency and renewable energy features in the Housing Programme, and the take-up of grants to householders.

REASON: In accordance with the recommendations and to further the Council's work in improving the energy efficiency of its housing stock.

109. Lendal Bridge Sub-Station Secure Cycle Park Feasibility Study Outcome

Members considered a report which presented the outcome of the study into the suitability of the former Lendal Bridge Sub-Station into a secure cycle parking facility. The report incorporated the further information requested by Members when they considered this issue at the Executive meeting on 24 October. Additional supplementary information detailing an operating proposal from Bikerescue Project CIC and Officers' responses to this (Annex D) plus revised options and an alternative recommendation (Annex E) had been circulated after publication of the agenda and made available on the Council's website. A further document provided by Bikerescue, outlining potential revenue streams, was circulated at the meeting.

The revised options presented for Members' consideration were:

Option A – sell the building.

Option B – provided grant funding was available, retain the building and lease it to a cycling organisation on condition they convert the ground floor to a cycle park, with other cycle-related activities.

Option C – as Option B, plus further investigation of the integrity of the roof and options to enable the roof to be accessed from the café.

The original report recommended that Option B be adopted if grant funding could be secured and, if not, that the building be sold. The alternative recommendation was to defer a decision on the sale of the building for six months, to enable interested parties to investigate potential funding sources and produce a viable business plan. This would enable Bikerescue, as well as any other interested parties, to develop their proposals further.

It was noted that this item had been called in, so the Executive's decision would be subject to review unless the calling-in was withdrawn.

RESOLVED: (i) That a decision on the sale of the building be deferred for up to six months.

REASON: To enable sources of funding to be investigated to facilitate a secure cycle store on this side of the City, which will contribute to the Corporate Strategy Improvement Statement to increase the use of public and environmentally friendly modes of transport and also meet the objectives identified in the Local Transport Plan.

(ii) That interested parties be invited, individually or in partnership, to explore opportunities for grant funding to finance the capital investment required for the use of this property as a cycle park, including associated and compatible uses.

REASON: Funding is not available from within Council budgets. No money has been allocated in the LTP Capital Programme to undertake these works and to accommodate them in 2007/08

would require at least half the annual budget, resulting in a loss of other LTP schemes.

(iii) That interested parties be asked to investigate all planning, building and environmental constraints and to incorporate these within a fully developed business plan to satisfy the potential funding bodies and the City of York Council of the scheme's viability and longevity.

REASON: To ensure that all aspects of the scheme have been considered and that it will succeed.

(iv) That consideration then be given to leasing the building to an appropriate organisation for the period needed to release the investment funding.

REASON: To control the use of the building and satisfy the funding bodies.

(v) That progress be monitored regularly during the 6-month period, to ensure that a full and comprehensive report can be brought back to the Executive for a final decision.

REASON: To ensure that there is no slippage and that the programme is kept on time.

110. Proposals for Staff Compensation

Members considered a report which provided an update on the Council's position in relation to offers of compensation to employees who could potentially make claims against the Council under equal pay legislation.

The current job evaluation exercise under the Single Status Agreement would only address inequalities from the date of implementation of a new pay system. There was therefore a need to address historical inequalities and reduce potential liabilities and litigation in this area. After careful consideration, Officers had concluded that it was essential to take action to reduce the Council's risk in this area by proposing a compromise agreement to settle potential equal pay claims.

Proposed levels of compensation had been discussed with trades unions and a list drawn up of employees who should be offered compensation. These employees would be notified by letter of the amount they would receive if they chose to accept the offer. Further information would be available via a helpline and a series of 'road shows'.

RESOLVED: (i) That the approach outlined in the report, to make offers of compensation in full and final settlement of the Council's liabilities in respect of historical equal pay issues, be endorsed.

(ii) That the use of the existing financial reserves of £1.59m that have been set aside to address this issue be

authorised and, if this amount is exceeded, that any remaining compensation be funded from the Council's general reserve.

REASON: In order to address this important issue and minimise the risk to the Council.

S F Galloway, Chair
[The meeting started at 2.00 pm and finished at 2.55 pm].

EXECUTIVE FORWARD PLAN

Table 1: Items scheduled on the Forward Plan which were due to be submitted to this week's meeting

Report	Author	Current Position	Likely Revised Date
Budget Pressures – Adult Social Services	Bill Hodson	Deferred to ensure that complete information is available to the Executive when the report is presented	5/12/06
Leisure Facilities Strategy	Neil Hindhaugh	Deferred pending public consultation	19/12/06
Thin Client / Competition Strategy	Simon Wiles	Deferred for further work	19/12/06
Strategic Procurement Programme	Liz Ackroyd	Deferred for further work	19/12/06
Pothole Report	Damon Copperthwaite	Deferred	unknown
York's Local Area Agreement	Nigel Burchell	Removed from Forward Plan	N/a

Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 5 December 2006

Report	Author	Current Position	Likely Revised Date
Budget Pressures – Adult Social Services	Bill Hodson	Deferred from 21/11/06	N/a
Minutes of Social Inclusion Working Group and Young People's Working Group	Dawn Steel	On schedule	N/a
Child Protection Policy	Pete Dwyer	On schedule	N/a
Race Meeting Review	Peter Evely	On schedule	N/a
Corporate Asset Management Plan	John Reid	On schedule	N/a
Revised Waste Strategy	John Goodyear	On schedule	N/a

Table 3: Items scheduled on the Forward Plan for the Executive Meeting on 19 December 2006

Report	Author	Current Position	Likely Revised Date
Leisure Facilities Strategy	Neil Hindhaugh	Deferred from 21/11/06	N/a
Thin Client / Competition Strategy	Simon Wiles	Deferred from 21/11/06	N/a
Strategic Procurement Programme	Liz Ackroyd	Deferred from 21/11/06	N/a
Future of Archives	Charlie Croft	Deferred from 5/12/06	N/a
Information Governance Strategy	James Drury	On schedule	N/a
Data Protection Policy	James Drury	On schedul	N/a
Minutes of LDF Working Group and Economic Development Partnership Board	Dawn Steel	On schedule	N/a
Park and Ride Service Provision - Options	Tony Clarke	On schedule	N/a
Future of the Archives	Charlie Croft	On schedule	N/a
Local Government Pension Scheme – Scheme Changes and Local Discretions	Louise Dixon	On schedule	N/a



Executive

21st November 2006

Report of the *Director of Neighbourhood Services*

Street Scene Review

Summary

1. Members are asked to consider the recommendations in this report, which have been developed following a review of the Street Scene service during the summer. The review has assessed existing methods of delivering Street Scene services and considered national best practice in making recommendations to improve delivery.

Background

2. The review of Street Scene operations is one of the Council's 13 Improvement Statements (***Improve the actual and perceived condition and appearance of the city's streets, housing estates and publicly accessible spaces***). The review has been managed in three separate phases with the first phase considering existing Street Cleaning and Grounds Maintenance services. The second phase will consider the effectiveness of services that impact on Street Services such as gully cleaning. The third phase will consider how the Council can proactively reduce the amount of littering and enviro' crime within our City by developing education and enforcement activities whilst working with the community and partners.
3. The review and delivery of Street Scene Services is extremely important to the Council, as it is one of our residents' priorities whilst it can have a good or bad reputational impact depending upon the standard of service provided. The service was last reviewed in 2003 following a Best Value Review and following this several improvements to the service were made including the provision of a York Pride Action Line and Street Environment Officers to help manage local environmental issues of concern.
4. This report considers assesses the current service whilst making recommendations to improve delivery arrangements.

The Review Team

5. The review team included a mixture of frontline staff in addition to middle, senior managers and representatives from the Trade Unions and City Centre Management. The review team was chaired by the Director of Neighbourhood Services, whilst officers from different directorates of the Council assisted when necessary.

6. The Director of Neighbourhood Services has had meetings with representatives from ENCAMS (Environmental Campaigns) to discuss how best practice can be used to improve delivery whilst the Audit Commission have also been consulted.

What Has Been Considered?

7. As part of the review the team has considered the following to ensure that where possible the recommendations reflect national best practice:
 - 2003 Audit Commission Best Value Review of York's Street Scene service – specifically the recommendations from the review;
 - LGA/IDeA Reputation Campaigns;
 - ENCAMS research and best practice;
 - UK best practice by researching how top performing Council's deliver services;
 - Previous experience – the Director of Neighbourhood Services has successfully completed similar exercises in his previous roles at South Tyneside MBC and Darlington Borough Council;
 - Current practices;
 - The Government's Local Government White Paper titled 'Strong and Prosperous Communities'. The outcomes of this review will result in improved local services and will compliment the recently launched York Neighbourhoods Pride initiative that will encourage community participation and ownership of environmental issues.

Best Value Review

8. In 2003 the Audit Commission held a Best Value Review of Street Scene Services. The following are examples of some of the recommendations detailed in the Audit Commissions final report on the Street Scene service:
 - Customer Services standards should be set across the Street Scene service;
 - There should be improved customer access by telephone i.e. rationalising the number of hotlines that were in existence at the time of the review;
 - The street cleaning practices at the time of the review should be challenged to ensure that they are best practice;
 - Managers should gain understanding of the factors influencing the significant reduction in customer satisfaction at that time;
 - Performance monitoring arrangements should be reviewed and improved;
 - There should be integration of operations between all street-level services;
 - Client and contractor issues should be resolved to improve service delivery;

- HR issues such as the high levels of sickness within the service at the time should be reviewed;
 - There should be improved communication with staff.
9. Whilst some of the recommendations from the review have been implemented there are others that have not therefore these will be as part of this review.

LGA/IdeA Best Practice

10. The Local Government Association and the Improvement and Development Agency recently completed a review of environmental services to identify best practice so that this could be shared with local authorities. One of their first findings was that Street Scene services have a major impact on the reputation (good or bad) of local authorities. They commented:

“All Mori research shows that residents views on their Council are influenced by street cleaning and refuse collection than by services like social care and education that are used only by a minority. Seven core actions emerge as key to improving reputation”. (LGA/IdeA august 2006)

11. The seven core actions referred to by LGA/IdeA are as follows:
- Adopt a highly visible, strongly branded Council cleaning operation;
 - Ensure that there are no gaps or overlaps in Council cleaning and maintenance contracts;
 - Set up one phone number for the public to report local environmental problems;
 - Deal with ‘grot’ spots;
 - Remove abandoned vehicles within 24 hours;
 - Win a Green Flag award for at least one park;
 - Educate and enforce to protect the environment.
12. Whilst the Council has set up a dedicated phone number for the public to use, removes abandoned vehicles within 24 hours and has three Green Flag awards, there are areas of the business that need to be improved if the service is to deliver best practice and to meet the expectations of our customers.

The Findings From The Review

13. The review team considered what was good and bad about the current service and agreed what needs to change whilst also considering what barriers were experienced that currently prevented the service from performing better. A selection of the responses received are as follows:

What Is Good About the Current Service?

- Floral displays in the city centre
- City centre cleaning – generally okay
- Street Environment Officers
- The service is lowest quartile for spend
- Parks and Open Spaces are generally well maintained and attractive
- Public area graffiti removal is generally efficient
- York Business Pride – 150 hanging baskets purchased for the city centre in 2006

What's Not So Good About the Current Service?

- There is currently no plan to manage detritus particularly in terraced streets although a programme of 'deep cleanses' has been introduced which are popular with our customers.
- Client and Contractor arrangements still remain in some areas between different Directorates
- There could be more enforcement activity
- There are cultural issues and sickness is high
- The service has a variable reputation and isn't truly integrated
- The service needs to be more visible and the image could be improved

What Needs to Change

- Move to zone working as different areas of the city require different cleaning arrangements
- Improved performance monitoring, supervision, staff communication and morale
- Environmental initiatives need to be developed to support the new service
- Improved customer focus and a continual review of what we do.
- More education and enforcement.

Performance and Key Data

14. The operational cost of Street Scene services including labour costs is currently £3.2m (Grounds Maintenance and Street Cleaning). The Council is in the lowest quartile for spend, and satisfaction with the service was 61% in 2005/06 compared with a target of 65%. Street Cleaning is measured by BVPI

199a (which measures the percentage of streets with litter and detritus below an acceptable level) and the Council's current performance is 23%.

Proposed Changes to the Service

15. Following the research of UK best practice as part of this review, consideration of the information contained in the LGA/IdeA Reputation Campaigns and the recommendations from the 2003 Best Value Review of Street Scene services a number of changes are proposed to improve the service provided to our customers. A summary of these is as follows:

Operational Changes

16. A summary of the proposed key changes to the service is as follows:
- ***The new service will be managed within 5 zones (4 outer and a city zone).***
 - ***Each zone will have its own Customer Champion who will manage resources, monitor the environmental quality of the area and liaise with businesses and our customers to discuss and take action about any concerns they may have about the environment.***
 - ***There will be different methods of cleaning within the zones i.e. hand sweeping and staff will patrol terraced areas with barrows.***
 - ***The new service will have a visible brand so that our customers can be made aware of the work the Council is doing in their area to improve the condition of the environment.***
 - ***A dedicated enforcement team will be created to deter 'enviro' crime whilst education will also be an important feature of the new service to promote a proactive approach to 'enviro' crime prevention.***
 - ***Existing client/contractor arrangements will be resolved with budgets being transferred to the service Directorate so that efficiency can be maximised.***
 - ***The new easy@york service will compliment the new street cleaning arrangements by making it easier for our customers to contact the Council.***
 - ***Customer standards have been produced so that our customers can be made aware of the service they will expect to receive.***
 - ***The new service will be performance managed to ensure that targets are being achieved whilst there will be a plan to manage 'grot' spots.***
 - ***The new service will operate working closely with the York Pride Initiatives that will be delivered over a 12 month period to improve the condition of the local environment at a neighbourhood level. This will involve working with our customers to develop ownership of environmental related issues so that collectively we can make a difference.***

Operations

17. It is proposed that in the future the new service will be managed within 5 zones, 4 outer and a city zone. (See Annex A) The zones have been developed taking into consideration the different types of areas within our city that require cleaning. In each zone there will be a Customer Champion appointed who will be responsible for managing operational staff whilst being the link person with our customers and members. The Champions will patrol their area monitoring the performance of the workforce and the condition of the environment whilst also managing operational areas of concern. The title of the position will be confirmed pending the approval of service branding.
18. It is proposed that the existing Street Environment Officers (SEO's) are considered for the Customer Champion roles. At the current time, SEO's work within neighbourhoods to identify problems that impact on the liveability of areas although they have no direct control of staff who can remedy problems. By giving them overall responsibility for the zone they will be able to direct resources to manage issues promptly meeting or hopefully exceeding the expectations of our customers. They also understand the local characteristics of their areas therefore by harnessing this knowledge along with their excellent communication skills the delivery of the service should be more efficient and effective.
19. The Customer Champion will be expected to be active within their zone, monitoring the condition of the environment, responding to and resolving customer complaints, liaising and communicating with customers, members, schools, businesses and working with Police colleagues to assist with relevant issues. Current areas of concern such as the condition of lay-by's, back lanes and terraced areas etc will be managed more effectively in the future.
20. Resources will be allocated to each zone depending upon the type of cleaning required. In terraced/urban areas staff will patrol the streets working with barrows and brushes and there will be hand sweeping of pavements and gutters, which will help to reduce detritus. The staff will have a schedule of areas to patrol (see Annex B) although the Customer Champion may allocate them to alternate areas if immediate cleaning is required. The zone will be supported by one 'reactive team' who will also be responsible for managing 'grot' spots' where there could be multiple daily cleans. These will include shopping centres and areas outside of schools. There will also be programmed mechanical sweeping of roads and back lanes.
21. Information regarding zone 'hot spots' will be gathered by cleansing personnel, the Customer Champion and from data gathered by the easy@york customer contact centre. Where problems are identified, staff will visit areas regularly and they will be supported by a proposed Enforcement Team. This team would take action using powers contained in the Clean Neighbourhoods and Environment Act to prevent 'enviro' crime from occurring where practicable.
22. Eventually customers living in the zone will get to know their neighbourhood team who will be much more 'visible' than the current service.

The Zones

23. As detailed above the city will be divided into 5 zones (North, South, East and West plus a city zone). When considering the wards to be included in each zone, attention was given to the types of work required in relation to the land types included in the BVPI 199 audits and the frequencies of cleaning as prescribed DEFRA in the Code of Practice on Litter and Refuse 2006. This in turn gave us a guide as to the resources required. It has been identified that the East and West Zones will be highly labour intensive whilst the North and South zones less labour intensive. The City Zone has fixed resources based around current codes of practice. Working patterns will be reviewed to fit in with issues such as the night time economy.

The following is a description of the wards included in each zone:

➤ **North Zone**

Skelton, Rawcliffe & Clifton Without Haxby and Wigginton

Huntington & New Earswick Strensall

➤ **South Zone**

Rural West York Bishopthorpe Wheldrake

Derwent Osbaldwick Heworth Without

➤ **East Zone**

Heworth Clifton Guildhall (outside Bar Walls)

Hull Road Fishergate Heslington

Fulford

➤ **West Zone**

Acomb Holgate Micklegate (Outside Bar Walls)

Westfield Dringhouses & Woodthorpe

➤ **City Zone**

The City Zone will consist of the areas of the following wards, which are inside the Bar Walls:

Guildhall Micklegate

Education and Enforcement

24. As part of the York Neighbourhood Pride initiative schools will be visited so that officers can talk to the children about the benefits of protecting the environment. A litter plan will also be developed at each school visited. Officers will also work with local businesses including takeaways to prevent litter from being dropped onto the street, whilst using the powers included in

the Clean Neighbourhoods and Environment Act to take action against frequent offenders.

25. It is proposed that a small Enforcement Team will also be formed as part of the Neighbourhood Services re-structure. The team will consist of three officers and one administration officer (to manage court cases and the relevant paperwork), whilst they will be supported by the Customer Champions who will also use enforcement powers within their zone. The team will support the new service by proactively deterring 'enviro' crime whilst working with the community to identify frequent offenders. The team will also assist with the York Neighbourhood Pride initiative.

Client/Contractor Issues

26. As part of this work, discussions have been held on bringing all budget heads into one service area to increase efficiency. Where services are managed outside of Neighbourhood Services, Mature Partnership Arrangements will be developed between Directorates, which will be twice yearly reviewed. This arrangement will ensure that budgets relating to street cleaning (including car park cleaning), highway grass maintenance, arboriculture and parks and open space maintenance are retained within one area.

Branding

27. The new Street Service will commence in December 2006. A decision is required as to the name of the new service so that it can be marketed to our customers.
28. In developing a brand that will assist the new service to maximise its public impact, the overriding principle has to be to ensure that the new service is easily recognised and associated with the City of York Council. This will involve the gradual change of livery, vehicles and uniforms although this may take a couple of years to achieve as vehicles reach the end of their current leases.
29. Since a key aspect of the service is to encourage the public to recognise the services are being provided on their behalf and to engage with them wherever possible, it is vital to ensure high visibility.
30. The Review Team have worked with the Council's Marketing and Communications section to develop proposals for the new branding. The following are suggested options for the name of the new service that the Executive are asked to consider:
 - **City Action Team – keeping York clean** - this is a direct call to action;
 - **Neighbourhood Pride Services – Keeping York Cleaner, Greener and Safer** – this would be linked to the York Neighbourhood Pride initiative;
 - **Neighbourhood Action Team – keeping York Clean, Green and Safe** – demonstrating that we care about our environment.
 - **City Pride Services** – promoting pride within our neighbourhoods.

31. Examples of how this branding would look on Council uniforms and livery are attached as Annex C.

Communications with Our Customers

32. It is important that our customers notice a visible improvement to their environment whilst they feel ownership and engaged with the new service. Communication will be a key factor in delivering this aim.
33. It is intended to utilise the opportunities offered by the Council's new York Customer Centre. All operational services will be advertised in the forthcoming A-Z document and customers will be asked to contact the dedicated 551551 number. It is intended in the future for complaints/requests for service to be routed by the York Customer Centre to the frontline service for action. This will increase the speed and efficiency of the service provided.
34. Customer Standards have been developed for the new service based on UK best practice and realistically what can be delivered (see Annex D). The Contact Centre's Customer Relationship Management System will have the service standards embedded within it therefore customers will be given an indication of when they will receive the service when calling whilst any tasks that breach the standards will be escalated for immediate attention. This will result in an active focus on delivering customer standards as well as providing clarity for our customers who will know what to expect when contacting the Council to request a service.
35. Customers living in the zones will receive information about the new service. The information will include details of what will be provided, a copy of the service standards and details of how to contact the Council to report concerns/request action. Details will also be included in Ward newsletters and the Council's website will also be kept updated regarding service developments. As part of the York Neighbourhoods Pride initiative Street Champions will be appointed to monitor their local environment and report to the Council issues of concern to their local Customer Champion. The service standards will be published on the Council's website and will be available within Council offices along with information regarding the service so that customers can be informed of the service they should expect to receive.
36. Members will be briefed on the new service before it commences whilst they will also be kept updated regarding operational and developmental issues. There should be shorter response times through direct engagement with the teams. Ward members will have the direct contact details of the Customer Champions so that local issues can be discussed and resolved.
37. Customer Champions will attend ward meetings to provide updates on progress, receive information and to discuss the performance of the new service.

Staff Communication and Training

38. Monthly focus group meetings will be held with a selection of staff from across the new service to discuss operational issues. These meetings will be important, as they will enable managers and front line staff to discuss issues

that impact negatively on front line performance as well as discuss what works well. The workforce will choose the staff to attend the meetings whilst the Unions will also be invited to attend.

- 39. In addition to the focus group meetings full staff meetings will be held twice each year whilst staff will receive a monthly 'team brief' from their line managers.
- 40. Additional training will be provided for staff working as part of the new service as new skills will be required such as BVPI 199 audits. Staff will also receive customer service training from service managers and regular appraisals.

Performance Management

- 41. The service currently has a number of high level indicators such as BVPI's and annual satisfaction ratings. Whilst these will remain important they will be supplemented by more relevant management information to enable timely interventions where necessary to improve customer service.

Implementation Plan

- 42. It is intended that the first zone will go 'live' in December 2006. This will be the **West Zone** which has been chosen due to its mixture of housing stock therefore it will be possible to evaluate the success of the new system before rolling this out to other areas. A review of the pilot zone will be held at the end of January to establish if the new service is effective. If successful the next Zone will go 'live' in March 2007 with the remaining zones then being launched in stages afterwards. Officers working on the easy@york programme are supporting the pilot and operators have been made aware of the changes to the service during this period.
- 43. A communications plan is attached as Annex E. An implementation plan is attached at Annex F.

Performance Management

- 44. The Council has some challenging environmental maintenance targets that have been agreed as part of the LPSA 2 agreement whilst these have also been included in the Local Area Agreement. The relevant targets for this service are as follows:

Indicators	Baseline 2005/6	Target 2007/8	Target 2008/9	Target 2009/10
The percentage of relevant land and highways that is assessed as having combined deposits of litter and detritus that fall below an acceptable level	22.55%	17%	17%	16%
The percentage of people satisfied with local cleanliness	61%	70%	70%	72%

45. Whilst the above targets are relevant to the LAA is proposed that zone targets are established and that these are regularly monitored and presented to Ward committee's. Additional targets will be developed including staff satisfaction which is also key to the successful delivery of the new service.

Market Testing

46. The service will be market tested in line with the Council's Competition Strategy, which will be submitted to the Executive later this year.

Consultation

47. Consultation has been held with ENCAMS (environmental campaigns), Audit Commission, various local authorities, members of the Council and staff who will be involved with delivering the service. It is also planned to hold a consultation roadshow for residents during the implementation of the new service. Trade Unions have also been consulted.

Options

48. Members could decide not to progress with the implementation of the new service.

Analysis

49. It would not be beneficial to continue with the existing service, as the proposed improvements would represent improved value for money.

Corporate Priorities

50. The new service and its revised delivery arrangements have been developed in direct response to the Council's Corporate Strategy and in particular to the Improvement Statement titled '***Improve the actual and perceived condition and appearance of the city's streets, housing estates and publicly accessible spaces***'.

Implications

51. The following implications have been noted:

Financial

52. Whilst there are no immediate financial implications it is proposed that as new livery is purchased the new branding will be used. In the short-term barrows, brushes and relevant equipment will need to be purchased although it is considered that this can be funded from existing budgets.

Human Resources (HR)

53. Street Scene employees and the Street Environment Officers have been briefed on the Review. Full time Trade Union officers have also been informed of the Review and have received a copy of the presentation made to employees.

54. There will be on-going consultation with employees and their representatives about the proposed operational changes for the pilot zone and planned rollout across the other zones. Any operational, contractual changes will be implemented following Council policies and procedures and will be subject to full consultation with Trade Union officers and individual employees. If any significant issues arise from consultation then a subsequent report will be bought back to the Executive.
55. For the duration of the pilot (3 months), it is not proposed to make any changes to current pay arrangements as these are subject to on-going negotiations under the Council's job evaluation pay and grading review.

As part of the Street Scene Review current operational working practices will be reviewed. The alignment of start and finish times will be considered across the services.

56. Consideration will also be given to a 7-day working arrangement within the City Zone, which is likely to increase staffing levels. The 5-day working arrangement in the four outer zones will remain unchanged.
57. Grounds Maintenance team currently work an annualised hours system and the requirement to continue with this type of arrangement will be reviewed.
58. The longer-term aspiration is to move to developing integrated contracts of employment across Refuse, Recycling, Street Cleaning and the Grounds Maintenance service so that employees can work across all service areas. In the future core skills will dictate the main area of work, whilst flexibility will be required.

Equalities

59. The only issue with equalities implications is regarding communicating the changes with customers. The customer will be able to request written information in alternative formats. This will be clearly stated on any standard leaflets or stickers on bins/newsletters.

Legal

60. The only potential legal implications would be the need to allocate resources from our internal legal team to support the enforcement action proposed at paragraph 24 of the report.

Crime and Disorder

61. The proposals within this report to improve education and enforcement activity, including the expanded use of powers granted under the Clean Neighbourhoods and Environment Act, appear progressive and effective means for reducing the incident of environmental crimes such as fly-tipping. Visits to the city's schools will improve children's awareness of their responsibilities to the environment and the impact their behaviour has upon it, whilst improved intelligence and relationships within the city zones will ensure that hot-spots and repeat offenders are more effectively targeted.

Information Technology (IT)

62. There are no IT implications.

Risk Management

63. Measured in terms of impact and likelihood, the risk score has been assessed at less than 16. This means that at this point the risks need only to be monitored as they do not provide a real threat to the achievement of the objectives of this report.

Recommendations

64. Members are asked to approve the implementation of the new service commencing with a pilot Zone in December 2006. Members are also asked to agree a name for the new service which will be marketed on uniforms, literature and on the vehicle livery.

Reason: To improve the actual and perceived condition and appearance of the city's streets, housing estates and publicly accessible services.

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Title: Director of Neighbourhood Services

Report Approved **Date** 17/10/06

Chief Officer's name
Title

Report Approved **Date** *Insert Date*

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

All

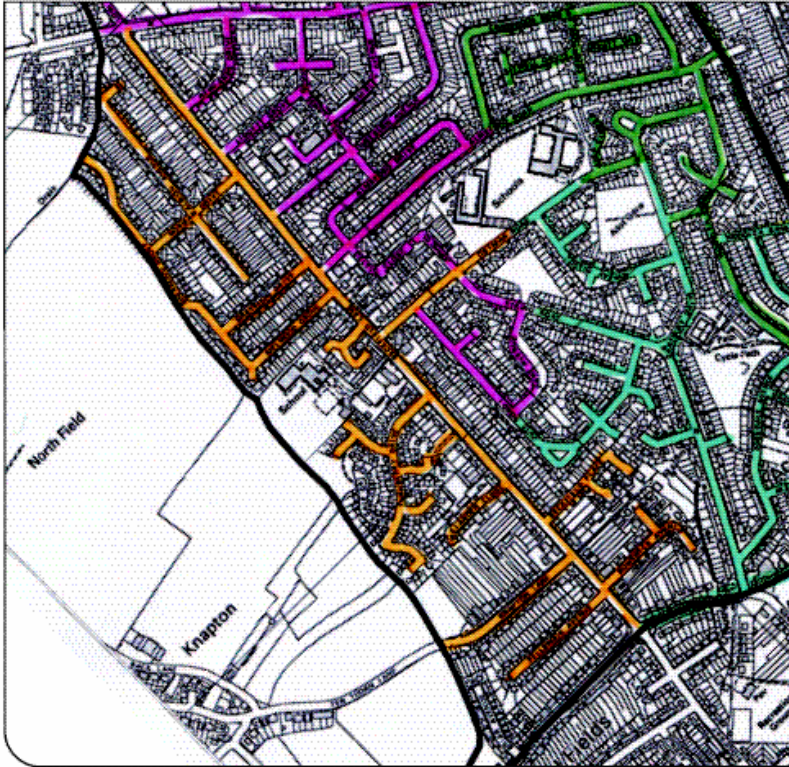
For further information please contact the author of the report

Annexes (separate document)

- Annex A:** Zone Map
- Annex B:** Examples of Beat Round
- Annex C:** Examples of New Branding
- Annex D:** Customer Standards
- Annex E:** Communications Plan
- Annex F:** Implementation Plan

Annex B
Example of Beat Rounds

MONDAY

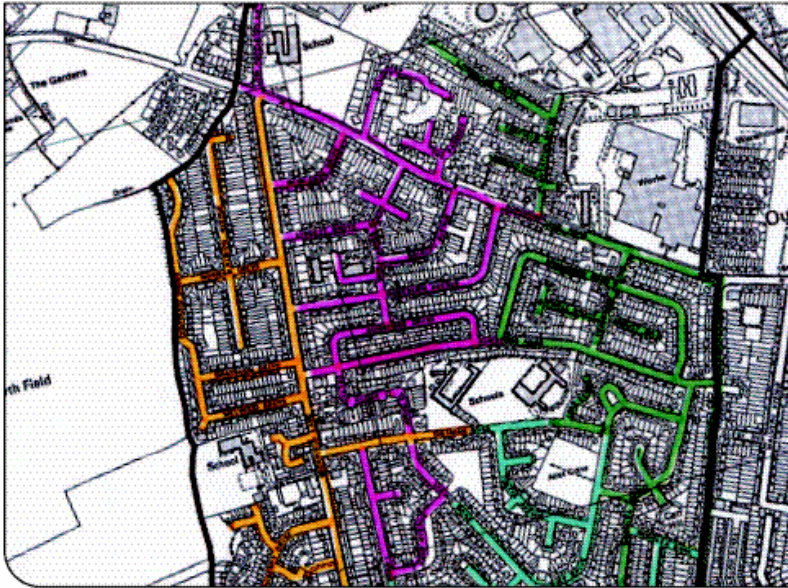


OPTION 2
WEST ZONE
ACOMB WARD
BEAT ROUND



LOCATION	LINEAR METRES	ORDER
Ostman Road - School to Beckfield	287	1
Ostman Road - Access road and garage area between No. 56 - 62 Inc grass area. 0/L	20	2
Beckfield Lane - To Weaterby Road excluding shop areas. 6 Bins	737	3
Beckfield Place	180.5	4
Runswick Avenue	225	5
Fellbrook Avenue	229.5	6
Knapton Lane	287	7
Melander Close	156.5	8
Beckfield Lane - Path opposite 89 to Muirfield Way	81.5	9
Muirfield Way	75	10
Turnberry Drive	418	11
Melwood Grove	194	12
Grayshon Drive	195	13
Norman Drive	191.5	14
Sherwood Grove	541	15
Albion Avenue	490	16
Albion Avenue - Path between 106 - 108 to Boroughbridge Road	100	17
Beckfield Lane - Boroughbridge Road to Ostman Road	737	18
Total Linear Metres - 5145.5		

TUESDAY

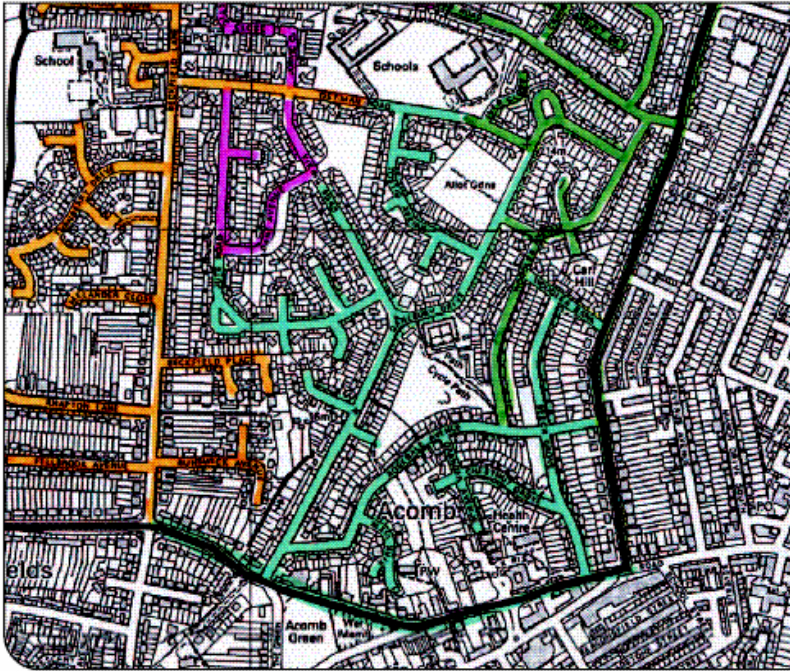


OPTION 2 WEST ZONE ACOMB WARD BEAT ROUND



LOCATION	LINEAR METRES	ORDER
Aimsford Road - Cranbrook Road to Beckfield Lane	434	1
Celtic Close	161	2
Celtic Close - Path between 16 -44	21.5	2
Celtic Close - Path between 60 -62	21	2
Jorvik Close	112.5	3
Dane Avenue	337.5	5
Viking Road - Dane Avenue to Ostman Road	140	4
Jute Road - Ostman Road to Dane Avenue	285	6
Jute Road - Lane between 110 - 112 to garage	19.5	6
Jute Road - Lane between 50 - 52 & 58 Back Lane to Beckfield Lane	128	6
Aimsford Drive	381.3	7
Ouseford Avenue	520.5	8
Ouseford Avenue - Path giving access rear 59	57.5	8
Ouseford Avenue - Path giving access rear 72	18.8	8
Wheatlands Grove - Incl Cul de Sacs to 12 - 42	450	9
Wheatlands Grove - Path to side/rear 80 Ouseburn Avenue	25	9
Wheatlands Grove - Path to side/rear 82 Ouseburn Avenue	25	9
Shirley Avenue	231.3	10
Lidgett Grove	175.5	11
Newlands Drive	194.8	16
Boroughbridge Road - Plantation to Beckfield	425	12
The Paddock	250	13
Millgates	350	14
Low Poppleton Lane	204	15
Total Linear Metres - 4968.7		

WEDNESDAY

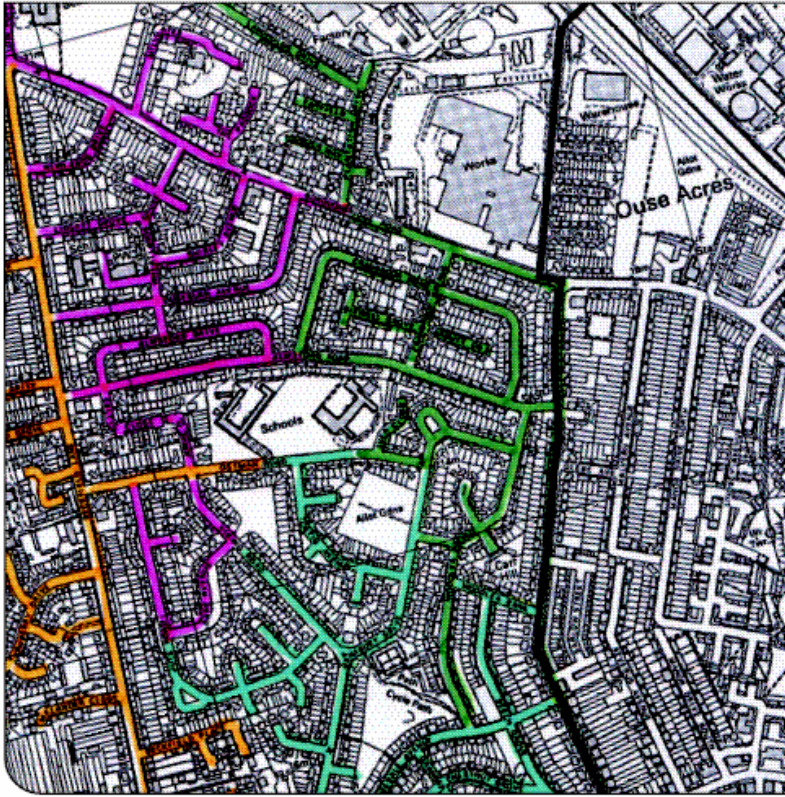


OPTION 2 WEST ZONE ACOMB WARD BEAT ROUND



LOCATION	LINEAR METRES	ORDER
Ostman Road - Tostig Avenue to School	143	1
Tostig Avenue	337	2
Tostig Avenue - Path between 17 - 19 to Viking Road	70	2
Smeaton Grove	53	3
Fawkes Drive	61	5
Danebury Drive - Ostman Road to Wetherby Road	1000	6
Viking Road - Dane Avenue to Danebury drive	280	6
Jute Road - Dane Avenue to Danebury Drive	427	7
Mowbray Drive	100	8
Coursey Grove	60	9
Danebury Crescent	113	10
Rosedale Avenue	563	11
Kirk View	138	12
Granger Avenue	169	13
Granger Avenue - Cul de Sac between 16 - 30 to 22 - 24	39	13
Chestnut Grove	181	14
Woodlea Bank	152	15
Beech Grove	456	15
York Foad	350	16
Oak Rise	100	17
The Green	210	18
Total Linear Metres - 4968.7		

THURSDAY



OPTION 2 WEST ZONE ACOMB WARD BEAT ROUND



LOCATION	LINEAR METRES	ORDER
Ostman Road - School to Danebury Drive	143	1
Iver Close	112	2
Danebury Drive - Ostman Road to Almsford Road	231	3
Woodlea Avenue - Including open space. O/L	629	4
Woodlea Crescent	53	5
Woodlea Grove	87.5	6
Carr Lane	950	7
Cranbrook Avenue	207	8
Cranbrook Road	644	9
Garbutt Grove	118	10
Sitwell Grove	187	11
Almsford Road	434	12
Boroughbridge Road - Carr Lane to Plantation Drive	425	13
Plantation Drive	205	14
Paddock Way	101	15
Farfield	85	16
Langholme Drive	305	17
Total Linear Metres - 5145.5		

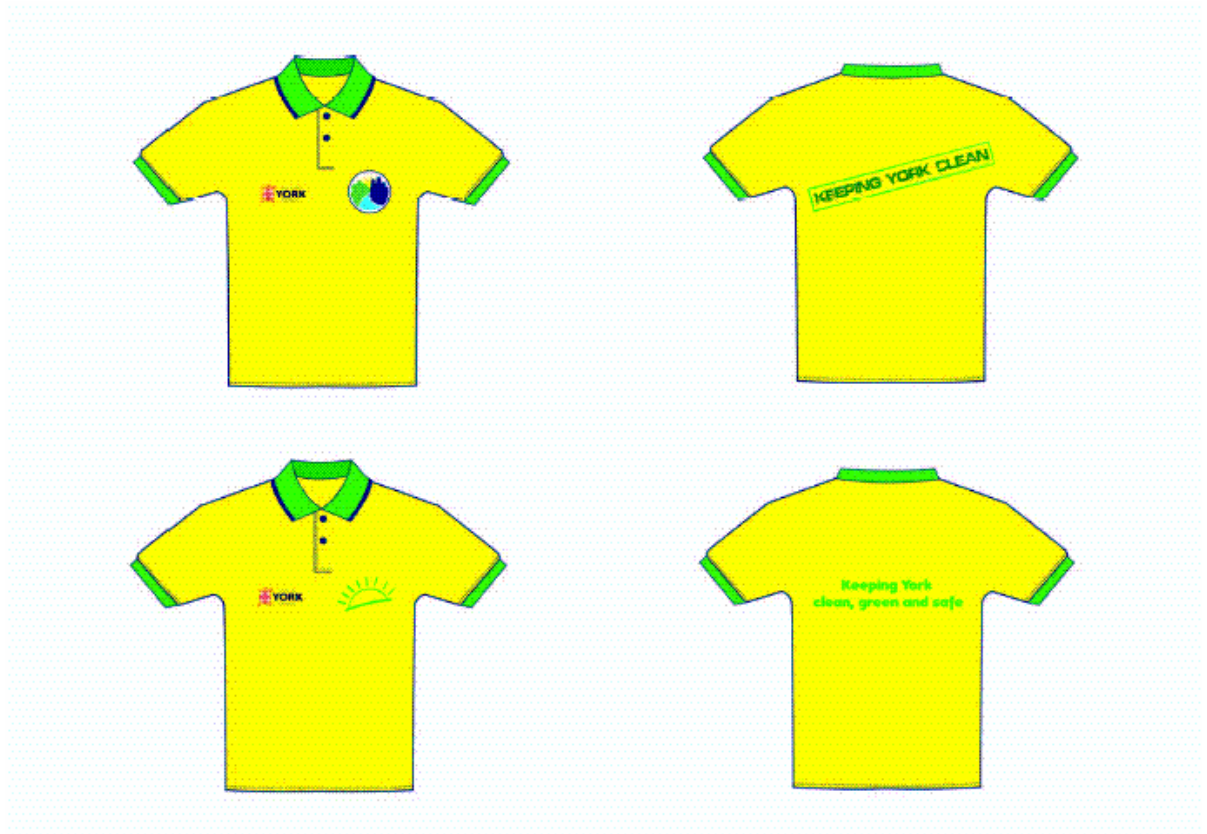
Annex C
Examples of New Branding



CITY PRIDE SERVICES
Keeping York cleaner, greener & safer







Draft Street Scene Customer Standards

York is a fantastic place to live, work and visit. We all benefit from the superb environment both in the city and in neighbourhood areas. However similar to most Council's within the UK we do suffer from relatively small amounts on environmental crime, which can impact negatively on the 'liveability' of our areas.

We recognise that the delivery of effective and value for money environmental services should result in a cleaner, greener and safer environment which is a priority for our customers and the Council.

This Street Scene Customer Charter explains what we will aim to do to maintain the environment so that our historic legacy can be preserved for all to enjoy. We aim to maximise the resources that are available to the Council whilst working in partnership with our community as everyone can play their part in keeping our city and neighbourhood areas clear of litter and environmental crime.

Street Scene consists of the following activities:

- Street Cleansing.
- Removal of graffiti, fly-posting, abandoned vehicles and fly-tipping.
- Maintenance of parks, flower beds and open spaces.
- Environmental enforcement.
- Grounds Maintenance.
- Refuse and Recycling collections.

What we will do:

- We aim to clean and maintain the streets and open spaces as specified by the Environmental Protection Act 1990. This requires us to ensure that, as far as is reasonably possible, public land is kept clear of litter and refuse.
- We will empty litter bins to prevent them overflowing and will aim to empty full bins within 2 hours of them being reported to the Council's Contact Centre.

- We will respond to reports of unacceptable cleanliness in the city or in neighbourhood areas within 24 hours during normal working hours or otherwise where practicable.
- We will clean litter “hot spots” on a daily basis and take appropriate enforcement action as required to deter environmental crime.
- We will require utility companies to work in partnership with the Council so that environmental crime on their property can be promptly cleaned.
- We will work with private landlords and landowners to promote the importance of keeping their areas clean whilst taking action if necessary to enforce the maintenance of property and private land.
- We will aim to remove graffiti and fly-posting that is of an obscene or racially abusive nature within 24 hours of reporting and all other reported material on public land within 5 working days of notification.
- We will aim to remove fly-tipping within 24 hours of it being reported during normal working hours and where practicable at all other times.
- We will work with local communities to encourage and empower them to help improve their local environment.
- We will thoroughly clean play areas at least monthly and will visit to inspect play surfaces and equipment weekly.
- We will maintain green areas, parks and open spaces, keeping them well presented and leaving surrounding pavements free of cuttings.
- We will maintain open spaces with a view to protect and promote biodiversity.
- We will collect domestic refuse and recycling materials in line with current Council policies and the frequencies stated on the Council website.

- We will provide customer focused facilities for our customers to report concerns about performance and respond promptly in response to their requests.
- We will train and encourage all council staff to be more pro-active in reporting incidents.
- Our staff will be courteous and helpful at all times.
- We will provide value for money efficient services.

How you can help:

- Report fly-tipping, vandalism, graffiti, littering etc to the York Pride Action Line (01904) 551551.
- Tell us when you have a concern about what we do by using the York Pride Action Line.
- Help us to help you by placing litter, chewing gum, and extinguished cigarette ends in the nearest bin.
- If you are a dog owner, please deposit waste in the bins provided.
- Put your refuse and recycling out on the correct day.
- Let us know when you are happy about the performance we provide.
- Fill in our customer surveys and questionnaires.

Further information:

For more information about the services provided by the City of York Council, please see our website www.york.gov.uk or local council office.

DRAFT COMMUNICATIONS PLAN OF THE STREET SCENE REVIEW

Introduction

Please refer to the report for full details of the review.

The review has outlined key changes that need to be implemented to bring about improvement to the Street Scene service, most notably

- the introduction of revised street cleansing techniques, covering five zones in the city;
- the introduction of a new 'community champion' figure in each zone, and
- the introduction of a proposed new enforcement team.

The initiative is strongly linked to the overall York Pride campaign.

We would recommend that a variety of communications methods are used to publicise the change in street cleansing practices to the community, and that members are also kept abreast of development and implementation of the pilot and gradual roll out. This will ensure that affected residents and all members are fully aware of the work being carried out to make the city a cleaner place and improve their perception of street cleanliness.

Budget

No budget has been discussed for the communications plan, a dedicated budget has been allocated to the York Neighbourhood Pride Campaigns which may be able to assist with some costs, but this has yet to be discussed and agreed.

Aim

This draft Communication Plan sets out the activity we would recommend is undertaken in order to deliver a campaign through a variety of methods, including media relations.

Campaign Objectives

- Raise awareness that the council has reviewed how street cleansing is carried out and the new working practices that this will entail
- Raise awareness of where the pilot will take place and how the scheme will operate
- Keep key target audiences informed on the pilot progress, its successes and the city roll out
- Ensure that key target audiences know how the scheme applies to them
- Encourage the key target audiences to support their Neighbourhood Maintenance team and help to reduce the amount of litter dropped in the streets of York

Target Audiences (identified using ENCAMs Research)

Internal

- **Council Employees**
The council is one of the largest employers in the region and council staff represent a captive audience who could be encouraged to act as messengers and supporters of the scheme.
- **Council Members**
Council Members are the voices and ears of the council. It is important that they are kept abreast of the scheme's progress and are prepared to speak out in support of it
- **Schools and Public Buildings**
Are important partners in providing welfare facilities for the Neighbourhood Maintenance teams. Partnerships will be developed as part of the preparatory work for the pilot areas, and will be important in assisting in supporting and promoting the scheme.

External

- **All residents within the initial West Pilot Zone**
It is imperative that the campaign targets this group to ensure that they recognise and support the pilot and be able to report if a difference is made when evaluated.
- **Residents in remainder of the city**
It is appropriate that the campaign is promoted to all York residents to share the success and engage them in the roll out to the rest of the city. This will also ensure that they know their neighbourhoods will be seeing changes in the future and reduce speculation that the pilot is a one off.
- **Businesses**
Litter is usually generated by fast food and takeaway food packaging, from confectionary through to pizza boxes. In addition, all businesses can indirectly generate litter through delivery packaging, receipts and litter left by customers. It is therefore important that businesses in each pilot are targeted to educate them in the work being carried out, the impact this will have in their community and to discuss with them the significant negative impact they can indirectly have on the street environment. This will encourage changes in behaviour to help maintain a clean environment with the Neighbourhood team.
- **Local Community Groups**
We need to inform local groups, such as the members of "Without Walls", to encourage buy-in and advocacy for the scheme.

Key Messages

The campaign can be condensed into six key messages that will need to underpin all activity:

- Street cleansing methods are changing for the better
- Education and enforcement will be stepped up to deliver a cleaner environment
- The Neighbourhood Maintenance teams will be a highly visible, strongly branded force
- The scheme will be piloted and then rolled out across the city
- You will see improvements in your neighbourhood
- Help us to maintain these standards by not dropping litter

Key Communication Vehicles

(We have identified a number of ways in which we can get the message across and these are given below. This list will need to be refined when the final budget is agreed by members).

Internal

- **News & Jobs/News in Depth/departmental publications**
The councils own internal publications represent a very cost effective way of reaching council staff and members
- **Team Meetings**
Provide an opportunity as an agenda item across all services, from CMT down to team meetings.
- **Intranet**
The intranet is a communication that can be used to relay timely and dynamic information to council employees and members. Employees living in the city could be asked to give feedback.
- **Members Webpage**
Use our members' webpage to keep council members abreast of the latest developments in the campaign

External

There will be a continual publicity campaign as the pilot is completed and improved services are introduced across the city and into the four other zones. The marketing campaign will take consideration of the York Neighbourhood Campaigns and purdah.

- **Launch event**
A launch event with photocall to maximise media coverage of the launch event. Given the lack of budget allocation, the launch and initial media campaign will be a vital component to attracting media coverage. We will use our extensive media database and experience to place stories in the general and specialist media to ensure that the campaign receives maximum positive publicity for minimum cost. Specifically, we will provide press releases to local and specialist print and broadcast media, arrange media interviews where appropriate including the local Press, local Radio and possibly regional news.
- **Pilot Area residents**

It is proposed that all residents will receive a copy of the Customer Standards and a leaflet containing an overview of the pilot and what this means to them. The leaflet will also give customers the opportunity to contact the council to report problems via the York Contact Centre, backing the 'Call to Action' initiative.

- **Council Display Unit**

Sited in a prominent position in the west zone towards the end of the pilot period, to help measure success of the pilot. Could then be sited in the next zone as a means of publicity and awareness raising, highlighting findings and success from the first pilot.

- Your Ward newsletter

The next appropriate publication is due for issue in January 2007, at this time we can send out the message across the city about how the pilot is developing and where the next zone will be.

- **Council Website**

A copy of the Customer standards and news on the pilot will be displayed on the website with links from the front page. This page will be regularly updated with progress news on the pilot and city wide roll out.

- Ward Committee Meetings

Community Champions will attend the ward committee meetings to update members and residents on the pilot progress. This can be taken to all meetings to keep residents informed, across the city.

- Newspaper ads

Display advertising, entailing costs, could be taken in local newspapers to raise awareness of the scheme amongst the general public.

- Businesses

A vast amount of litter is generated from 'food on the go' outlets. Community Champions and Enforcement Officers will target businesses in problem areas to raise awareness of the pilot and to encourage ownership of indirect litter generation. Their support of the Neighbourhood Maintenance team will also be called upon as a means of generating community spirit.

- Schools

Schools are to be targeted as part of the Litter campaign within York Neighbourhood Pride to encourage children to undertake responsible behaviour for litter from an early age. Community Champions will be encouraging the development of school litter plans. A prize could be awarded to the tidiest school. A poster competition could be launched in the pilot zone to promote the scheme.

- Libraries / waiting rooms / Council Offices

Will be targeted with the Customer Standard and information leaflet.

Specialist

We will endeavour to ensure that the scheme receives publicity in the following specialist publications:

- Local Government Chronicle
- Municipal Journal
- Local Government First
- Local Government Executive
- Local Government News

Campaign Schedule

Schedules and a more refined list of activity will be produced, to be delivered throughout November 2006 in time for the pilot launch on 4 December 2006.

Jackie Armitage
Project Officer

Annex F
Implementation Plan

Item Number	STREET SCENE REVIEW IMPLEMENTATION PLAN	<i>TIME FRAME</i>
	Activity	
1.0	PLANNING	
1.1	Finalise Costing	<i>December 2006</i>
1.2	Mapping of pilot zone	Complete
1.3	Identify Welfare Facilities for zone workers	October 2006
1.4	Devise enforcement programmes for pilot (with regard to York Neighbourhood Pride campaigns)	November 2006
1.5	Agree Branding	November 2006
1.6	Start identifying Community Champions	From October 2006 onwards
1.7	Identification of Zone 2 with mapping	Commence November 2006
1.8	City Zone detailing	December 2006
1.9	Completion of mapping for remainder of city	From November 2006
1.10	Plan for Zone 2 - welfare Facilities for zone workers	December 2006
1.11	Plan for Zone 3	March 2007
1.12	Plan for Zone 4	May 2007
1.13	Plan for Zone 5	July 2007

2.0	STAFFING ISSUES	<i>Time Frame</i>
2.1	Review of Job Descriptions	October 2006
2.2	Agree Enforcement programme for Pilot zone	October 2006
2.3	Identify all staff for Pilot zone	Complete
2.4	Arrange Pilot Staff Meetings	From November 2006
2.5	Communication Meetings for services	From October 2006 onwards
2.6	BVPI 199 (street cleanliness grading) training for staff in trial zone	October 2006
2.7	Organise Health & Safety training (Tool Box Talks)	From November 2006
2.8	Organise enforcement overview for crews	November 2006
2.9	Establish weekly Monitoring Meetings	November 2006 onwards
2.10	Review risk assessments for new pilot work	October 2006

2.11	Meetings with Trade Unions	October 2006 onwards
2.12	Plan for Zone 2, items 2.3 - 2.9	December onwards
2.13	Plan for Zone 3, items 2.3 – 2.9	March 2007 onwards
2.14	Plan for Zone 4, items 2.3 – 2.9	May 2007 onwards
2.15	Plan for Zone 5, items 2.3 – 2.9	July 2007 onwards

3.0	GENERAL	<i>Time Frame</i>
3.1	Devise service communication arrangements	October 2006 onwards
3.2	Agree Communication Protocol	October 2006
3.3	Agree working systems with Easy@York	October-November 2006
3.4	Address back filling for SES	October-November 2006

4.0	IMPLEMENTATION of new Zone Working	Time Frame
4.1	Communication Plan launch	November 2006
4.2	First stage monitoring of pilot zones	December-January 2007
4.3	Review of Cleansing standards	January 2007
4.4	launch of Enforcement Programme in Pilot area	December 2006
4.5	Review of Enforcement Programme (second month of implementation)	January 2007
4.6	Review meeting of Pilot Zone (second month of implementation)	January 2007
4.7	BVPI 199 period three	Starts January 2007
4.8	Launch of Zone 2, items 4.2 – 4.6	March 2007
4.9	Launch of Zone 3, items 4.2 – 4.6	May 2007
4.10	BVPI 199 period 1 (2007-8)	Starts April 2007
4.11	Launch of Zone 4, items 4.2 – 4.6	July 2007
4.12	BVPI 199 period 2 (2007-8)	Starts July 2007
4.13	Launch of Zone 5, items 4.2 – 4.6	September 2007
4.14	Report to members on delivery of new Zone Working	October 2007

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Executive

21 November 2006

Report of the Chief Executive

Chief Executive's Department Restructure – Deferred Posts

Summary

1. This report invites Members to decide whether to proceed with recruitment to three permanent officer posts that were created, but not filled, when proposals for restructuring the Chief Executive's department were considered by the Urgency Committee in August 2006.

Background

2. In August 2006 the Urgency Committee was asked to consider proposals for a restructure of the Chief Executive's department. As part of this Members agreed recurring savings of £150,000 from 2006/07 and a further £77,000 of recurring savings from 2007/08. In addition, savings were found to create a number of new posts to support key corporate work, including £103,700 fully to fund the following posts:

- Safe City Co-ordinator;
- Partnership Officer;
- Scrutiny Officer.

2.1 Safe City Co-ordinator

The restructure formally transferred to Neighbourhood Services responsibility for Safer City. This is one of the Council's priorities but at the time of the restructure there was no dedicated support for it. To address this the restructure report proposed the creation of a Safe City Co-ordinator post at PO1-4. This post was to be based in Neighbourhood Services and funded by savings of £35,000 in the Chief Executive's department.

2.2 Partnership Officer

The restructure also confirmed the transfer to City Strategy of responsibility for the Local Strategic Partnership (LSP) and Partnerships. Partnership working forms a significant part of the Council's 'Improving Organisational

Effectiveness' priority. Previously, partnership work was supported by a Partnership & Improvement Officer at PO1-4 in the Chief Executive's department. Part of the responsibilities of this post were to promote the development and oversight of the Council's partnership working as a whole and the restructure report recommended that this function should continue if the Council were to meet its commitment to improve partnership working. The restructure deleted the post in Chief Executive's department but sought to create a new Partnership Officer post, as part of a new Partnerships Team, in City Strategy. Savings of £35,000 from the Chief Executive's restructure were identified to fund the post.

2.3 Scrutiny Officer

The Urgency Committee accepted a recommendation to delete the post of scrutiny manager. This yielded an annual saving of £41,000. Management responsibility for the scrutiny function transferred to the Democratic Services Manager however, it was recognised that the previous scrutiny manager had also undertaken significant work in directly supporting scrutiny reviews. The Democratic Services Manager does not have capacity to take on more than a management role and for this reason it was proposed that an additional scrutiny officer post be established at SO1/2 to support the scrutiny function. Savings of £33,700 were identified to meet the cost of this post.

3. The Urgency Committee approved creation of the posts of Safe City Co-ordinator, Partnership Officer and Scrutiny Officer but, in view of the Council's current financial pressures, decided that appointment to these posts should be deferred pending further consideration of the Council's in-year financial position.

Consultation

4. The Directors of Neighbourhood Services and City Strategy and the Head of Civic, Democratic and Legal Services, as the chief officers with responsibility for Safer City, Local Strategic Partnership (LSP) and Partnerships and Scrutiny Services respectively, have been consulted in preparing this report. The Resources Directorate has also been consulted on aspects of Council's partnership responsibilities.

Options

5. For the Safe City Co-ordinator and Partnership Officer, the options proposed for each post are:
 - to delete the post;
 - to authorise recruitment to the post.

If members were to decide to proceed with appointment to only one of these two posts, the Chief Executive and the Directors of Neighbourhood Services and City Strategy would recommend that this be the post of Partnership Officer.

6. For the Scrutiny Officer post the options proposed are:
- to delete the post;
 - to convert the post from Scrutiny Officer at SO1/2 to Scrutiny Assistant at Sc4/5 and authorise recruitment to it. The Head of Civic, Democratic & Legal Services has advised that this more junior post would create a more effective team structure and provide additional officer capacity. The difference in the scale of the posts would also generate a recurring saving of £8,700 from 2007/08.

Analysis

7. Comments from the relevant chief officers on the role that holders of each post would be expected to undertake, and the implications of deleting the posts, are shown below:

7.1 Safe City Co-ordinator (comments from Neighbourhood Services)

7.1.1 The Council has established a 'Safer City' priority to "reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York" In addition, it is anticipated that the recommendations of the Lyons Review and statutory change arising from the Crime Disorder Act Review (both to be published later this year) will give rise to significant short and long term issues that will need to be addressed.

7.1.2 Responsibility for leading on Safer City, including the Safer and Stronger Communities Block of the Local Area Agreement, rests with the Director of Neighbourhood Services. At the present time he has no dedicated resources to support him in managing this work. He has expressed concern that the absence of a dedicated resource will have a detrimental effect of his ability to manage and improve performance in this priority area.

7.1.3 If appointed, a Safe City Co-ordinator would support the Safer City agenda by:

- bringing forward detailed proposals to change the current CRDP, SYP Executive and Safer York structures in line with the statutory recommendations from the Lyons and Crime Disorder Act Review;
- proposing changes to the current arrangements for managing the York DAT to ensure that performance is maximised, which will help to reduce crime within York;
- working with the Director of Neighbourhood Services to co-ordinate Council Crime Prevention activities to ensure that they have maximum impact within the community. The result of this would be the achievement of targets included in the Local Area Agreement, Safer and Stronger Block;

- providing monthly updates to Council Members on Safer York activities and, with the Safer York team, detailing specific actions that have occurred during the month and proposed actions for the next month;
- providing an interface between the Council and its customers regarding Safer York activities by attending Ward meetings and working with community groups;
- providing a monthly performance report regarding Safer York activities linking this to the LAA;
- developing and then delivering a rolling programme of activities to reduce crime within York working with partners;
- providing monthly briefings to the Safer York portfolio holder on Safer York activities;
- developing media releases on at least four occasions each month regarding Safer York activities working with the Council's communications team;
- developing informative articles to be included in the Council's Ward updates so that our customers can be kept informed of developments in their neighbourhoods;
- working with the Neighbourhood Pride Team to ensure that Safer York activities are embedded as part of the York Neighbourhoods Pride initiative.

7.1.4 The Director of Neighbourhood Services will be presenting a paper to the CDRP Board on 22 November setting out proposals to integrate SYP into his Directorate. The purpose of this would be to strengthen management support to SYP and improve performance. The proposals have the potential to generate some efficiency savings however, in the absence of a Safe City Co-ordinator, such a reduction in resources could affect the Directorate's ability to manage the Safer City programme.

7.2 Partnership Officer (comments from City Strategy)

7.2.1 The Council is currently involved in over 250 partnerships and working groups. Partnership work is core to how the Council needs to work to deliver its corporate priorities and is the way we do much of our business. Quality partnership working can deliver greater impact for the public through the sharing of experience, knowledge and resources to deliver key outcomes, but only if it is properly developed and managed.

7.2.2 The Council's Improving Organisational Effectiveness priority includes the objective of "improving the way the Council and its partners work together to deliver better services for the people who live in York". Responsibility for the

Local Area Agreement, LSP and partnership working rests with the Director of City Strategy.

7.2.3 The Partnership Officer post would help to co-ordinate the Council's approach to partnership working across the city and would be expected to carry out a review of the Council's strengths and weaknesses in partnership working, with a view to improving relationships with partners across all service areas and facilitating effective partnership working between outside agencies and the Council. This work would start with the LSP and the associated strategic partnerships responsible for supporting and delivering the LAA, but would also encompass a review of the effectiveness of other partnerships. Specifically the post would enable us to:

- know how, where and why we are involved – by maintaining and developing our existing partnership database;
- assess whether partnerships are delivering – by developing simple but effective indicators of performance and reviewing performance against these so that we can demonstrate efficiency or decide to leave the partnership;
- help to ensure that we work effectively with partners – which means supporting officers, members and external partners in their roles through the continuance of the partnership training programme and the development of the draft competency framework;
- draw on best practice – through developing and regularly updating the existing draft Partnership Guidelines, researching and learning from others and recommending optimum ways of working to deliver best value;
- ensure we provide the best and most relevant advice to partnerships-drawing on a network of key contacts to provide expertise and capacity and deliver 'answers' on key topics.

7.2.4 One example of where the Partnership Officer would be involved would be in responding to the recent announcements on redundancies in York. These demonstrate the need for close working with business in the interests of the City's economy. The post holder would co-ordinate and facilitate work with the Chamber of Commerce and other business leaders, who have expressed a wish to promote closer working arrangements.

7.2.5 The Partnerships Officer would work closely with the Partnerships and Grants Accountant in Resources to continue the work suspended following the departure of the previous Partnership and Improvement Officer. This work offers a real opportunity for the Council to attract additional funding, either through pooling resources with partners or attracting grant income from other bodies. Examples of what this work has achieved in the past are:

- an excellent response to Partnership Guidelines. Initial consultation with external partners has confirmed that they would welcome wider dissemination of this guidance to assist all partners in improving performance, and encourage appropriate actions if a particular group is not delivering the desired outcomes;
- a partnership database that allows a rapid and effective response to accounting, audit, risk and control processes but more importantly ensures that we are able to implement a positive programme of improvement to ensure the most effective use of the significant resources applied;
- the partnership training programmes run to date have scored either 'Excellent' or 'Good' ratings from all participants. These sessions are integral to ensuring a greater practical understanding of: ways to improve partnership working; how and when to create new partnerships, and making best use of resources.

7.2.6 Members should also be aware of the importance of partnership in successfully implementing the requirements of the Local Government White Paper "Strong and Prosperous Communities (the White Paper). Partnership working is at the heart of the White Paper and will require local authorities to devolve much more influence to the community and voluntary sector through partnerships and encourage better engagement among the business sector. The Council is also encouraged to review strategic partnership governance and working arrangements across City Regions, and this would need to be included in the remit of the post.

7.2.7 The Council has a legal duty to ensure proper governance, accounting and record keeping for partnerships. This duty varies according to the Council's role in a particular partnership but, as is evident, with a current database of over 250, there is significant scope for difficulties to arise unless there is a proactive approach to managing and mitigating the potential problems.

7.2.8 There is a real risk here that unless this work continues the Council will fall foul of its duties both in relation to CPA and to statutory accounting requirements. Furthermore, the response and commitments we have made to several audits (both internal and by the Audit Commission) will not be delivered. This could lead to further critical audit reports unless we resource this area of work appropriately.

7.3 Scrutiny Assistant (comments from Civic, Democratic & Legal Services)

7.3.1 The present scrutiny team comprises two scrutiny officers and a half time administrator. Previously their capacity was enhanced by a dedicated Scrutiny Manager who also undertook specific scrutiny reviews. Transfer of responsibility for management of the scrutiny team to the Democratic Services Manager generated a significant budget saving but reduced resources available directly to undertake reviews.

7.3.2 Initially it was proposed that a new post of scrutiny officer at SO1/2 should be created to replace capacity. It is now proposed that the post of Scrutiny Officer at SO1/2 should be replaced with a Scrutiny Assistant at Scale 4/5. New streamlined work processes and procedures have recently been put in place, making it possible to provide an effective service with an Assistant post. This would have the added benefit of generating recurring savings of £8,700 from 2007/08.

7.3.3 The White Paper proposes extending scrutiny powers in two areas:

- Community Calls for Action;
- extended scrutiny powers over services external to the Council.

The LGiU briefing on the White Paper summarises these new powers as follows:

“The Community Call for Action will enable members of the public to raise local and neighbourhood matters with their ward councillor. The councillor will play a gatekeeping role in deciding how to resolve the matter, but where informal approaches do not work, there will be the option of reference to an overview and scrutiny committee. The committee will be able to investigate and make recommendations. The Community Call for Action will cover ‘those issues that local authorities are responsible for either alone or in partnership with others’. This will need to be defined more precisely in legislation, but will extend the powers of scrutiny committees to hold to account service providers, including some outside the Council.

The White Paper also proposes a new duty on non-council services to co-operate in the development of Local Area Agreements. This will contribute to the work of Local Strategic Partnerships and the implementation of Sustainable Community Strategies. The agencies covered by this new duty will also be required to respond to local government scrutiny, taking part in meetings or providing information, and having regard to scrutiny recommendations.

The agencies to be covered by this duty are: Councils, Chief Officer of Police, Police Authorities, Local Probation Boards, Youth Offending Teams, Primary Care Trusts, NHS Foundation Trusts, the Learning and Skills Council in England, Jobcentre Plus, Health and Safety Executive, Fire and Rescue Authorities, Metropolitan Passenger Transport Authorities, the Highways Agency, the Environment Agency, Natural England, Regional Development Agencies, National Park Authorities, the Broads Authority, Joint Waste Disposal Authorities.

The response to scrutiny will cover their work ‘insofar as their actions relate to functions or service delivery connected with the Authority’”

7.3.4 The potential impact of these changes on the scrutiny function would be to increase the number of topics to be reviewed and to require more supporting

information to be gathered from a wider range of statutory bodies. It would also suggest a more comprehensive consultation process.

7.3.5 Although the new working procedures are expected to yield an improvement in existing service provision, they do not take account of the implications of the White Paper and it is envisaged that an existing team of two scrutiny officers would be unable effectively to meet these expectations.

7.3.6 The addition of a Scrutiny Assistant would support service improvement and the team's ability to respond to new demands arising from the White Paper. The postholder would provide direct support for scrutiny reviews and would:

- support the scrutiny function by undertaking research and collating information for reviews on behalf of the Scrutiny Officers and Scrutiny Members;
- make arrangements for consultation, meetings and site visits in relation to scrutiny reviews;
- directly support allocated topics in terms of undertaking and bringing to completion any agreed reviews;
- prepare feasibility reports for scrutiny reviews as instructed by Democratic Services Manager;
- compile information for the preparation of an Annual Scrutiny Plan;
- support the Democratic Services Manager in any organisational support arrangements for scrutiny meetings, formal or informal, including the Scrutiny Management Committee.

7.3.7 The scrutiny team's new work procedures and processes are designed to improve planning and efficiency and give greater focus to completion of reviews. The arrangements are too new to evaluate with confidence the effect that they will have on the capacity of the team, but it is estimated that, depending on the nature of the reviews to be carried out and the member scrutiny structure in place, that:

- existing resources could complete between 10 to 14 reviews per year, depending on their scope and complexity;
- with the addition of a scrutiny assistant, between 16 to 20 reviews per year could be completed, depending on their scope and complexity.

Corporate Priorities

8. Appointment to the posts of Safe City Co-ordinator and Partnerships Officer would contribute to the Council's Safer City and Improving Organisational Effectiveness priorities.

Implications

Financial

9. The Council is currently preparing for the 2007/08 budget and savings proposals will be considered by Members in January 2007. Decisions about whether or not to appoint to the three deferred posts will affect the level of savings that can be generated by the Chief Executive's department to contribute to the corporate savings target.

Full year costs

10. Savings of £103,700 were identified from savings within the Chief Executive's department to meet the full cost of these posts. If Members decide to appoint to the posts the full year cost for each (at the top of the scale) is:
- Safe City Co-ordinator PO1-4: £35,000;
 - Partnership Officer PO1-4: £35,000;
 - Scrutiny Assistant Sc4/5: £25,000 (compared with £33,700 for the post of Scrutiny Officer initially proposed).
11. If Members decide not to appoint to any of the above posts the funds released will be available to contribute to the Council's savings target for 2007/08. This would be in addition to savings of £227,000 already offered from the Chief Executive's restructure.

Appointing in 2006/07

12. Estimates of in-year savings for the Chief Executive's department have been based on the assumption that appointments would not be made to the deferred posts in 2006/07. The forecast underspend at Budget Monitor 1 for the Chief Executive's department was £33,000 and the Chief Executive is actively seeking to increase this underspend to assist the overall Council position (First Performance and Financial Monitor – 2006/07 Executive 20th October 2006). If Members recommend appointment to posts before 1 April 2007 this cannot be accommodated within the departmental budget and therefore a request would be made to fund the in-year costs from reserves. Assuming post holders were appointed from 1 January 2007, the costs would be:
- Safe City Co-ordinator: £8,750;
 - Partnership Officer: £8,750;
 - Scrutiny Assistant: £6,250;
 - Estimated recruitment costs: £5,000 (for all three posts);

Total costs 2006/07 £28,750.

13. The Council has reserves that can be used to fund non-recurring expenditure, which will leave the contingency available to fund recurring items. CPA recommends that a minimum level of revenue reserves is held, and for 2006/07 the minimum recommended level is £4.95m. It is estimated that there will be approximately £1.91m of other revenue reserves available, thus the level of the general fund balance should not fall below £3.04m. The current level of the general fund balance, after deducting Member approvals to date, is £3.27m. The balance available, if this application is approved will be £3.24m.

Human Resources (HR)

14. The three deferred posts are newly created, vacant posts and as such no existing postholders will be directly affected by not filling the posts. However if the posts are not filled, the relevant managers would need to consider the capacity of the particular work area and prioritise accordingly. If approved for recruitment, the resulting vacancies would be filled in accordance with established Council policy. This would include consideration of whether the vacancies would constitute suitable alternative employment for an employee who is 'at risk', prior to the posts being released for open recruitment.

Equalities

15. There are no equalities implications.

Legal

16. There are no particular legal implications, but the Director of Neighbourhood Services will ensure that the Council's statutory crime and disorder reduction duties are carried out.

Crime and Disorder

17. Appointment to the post of Safe City Co-ordinator has implications for Crime and Disorder in that it would directly support the Council's Safer City priority.

Information Technology (IT)

18. There are no IT implications.

Property

19. There are no property implications.

Other

20. There are no other implications.

Risk Management

21. Non appointment to the posts of Safe City Co-ordinator and Partnership Officer may risk the ability of the responsible departments fully to meet the demands of the corporate priorities and may necessitate a review of targets and work programmes.
22. Non appointment to the post of Scrutiny Assistant would restrict the number of scrutiny reviews that could be undertaken each year and could compromise the ability of the service to respond to the anticipated demands of the White Paper.

Recommendations

23. Members are asked to:
 - 23.1 decide whether to proceed with recruitment to the post of Safe City Co-ordinator, or to delete the post and realise recurring budget savings of £35,000 from 2007/08.
Reason: To determine the level of resources available to support Safer City.
 - 23.2 decide whether to proceed with recruitment to the post of Partnership Officer, or to delete the post and realise recurring budget savings of £35,000 from 2007/08.
Reason: To determine the level of resources available to support Partnership working.
 - 23.3 decide whether to replace the post of Scrutiny Officer post at SO1/2 created by the Chief Executive's department restructure with a Scrutiny Assistant at Sc4/5 (generating a recurring saving of £8,700 from 2007/08) and proceed with recruitment to the post, or delete the post and realise recurring budget savings of £33,700 from 2007/08.
Reason: To determine the level of resources available to support Scrutiny and, if the lower graded post is approved, to create a more effective and efficient team structure at a net saving of £8,700.
 - 23.4 Subject to decisions at 23.1 – 23.3 above, to decide whether recruitment to any posts should take place before 1 April 2007 and, if so, to approve corresponding release of reserves to fund the part year cost of the posts in 2006/07.
Reason: The Executive needs to agree all requests from Reserves.

Contact Details

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Officer**

Tel No. 552909

Chief Officer Responsible for the report:

David Atkinson

Chief Executive

Report Approved



Date 9 November 2006

Specialist Implications Officer(s)

Financial Implications

Patrick Looker

Finance Manager

551633

HR Implications

Chris Tissiman

HR Corporate Advisor - Employee Relation & Change Management

551715

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

All

For further information please contact the author of the report

Background Papers:

Report to urgency Committee – 18 August 2006 “City of York Council organisational review – stage two”



Executive**21st November 2006**

Report of the Director of Neighbourhood Services

Gambling Act 2005 – Statement of Licensing Policy**Summary**

1. This report advises Members of the consultation exercise carried out in respect of the draft licensing policy as agreed by the Licensing Act 2003 Committee on 7th July 2006. It seeks Members' approval of a revised policy and a recommendation for it to be approved by Council on 30th November 2006. It also seeks Members' direction as to the method of publication of the policy.

Background

2. The Gambling Act 2005 received Royal Assent on 7th April 2005 and will come into full effect from September 2007. In order to implement the legislation the council, as licensing authority, must consult on and publish its statement of licensing policy. This policy should be reviewed from time to time and in any event after 3 years. The policy must be approved by full council.
3. Members will recall that legislation did not allow licensing authorities much discretion in the content of their policies and the July 2006 report highlighted 5 particular areas where local considerations could be made. These will be addressed in the analysis section of this report.
4. Attached to this report at annex 1 is a revised draft of the Gambling Act Policy which has been produced following the consultation and from an exercise conducted by officers to present the policy in a more logical and readable form. Minor clarification issues resulting from the consultation exercise have already been incorporated but member decisions will need to be added. Proof reading will be undertaken when all revisions have been made prior to final publication of the Policy .
5. Members should also note that, as was the case with the introduction of the Licensing Act 2003, we still do not have all the guidance and regulations necessary to operate this legislation.
6. There are requirements as to the publication of the policy. The policy must be published before 3rd January 2007 i.e. 4 weeks before the date it comes into effect which is 31st January 2007.

7. Notice of the publication must be made on the council website and in one or more of the following places: a local newspaper, local newsletters, public notice board near main office of the council or public notice boards of libraries in the area.
8. The policy itself must be published on the council website and be available for inspection at one or more public libraries and other premises ie. council offices.

Consultation

9. At its meeting on 7th July 2006 the Licensing Act 2003 Committee approved a draft policy on which to consult and also approved a list of consultees. The consultation process was subsequently conducted over a period of 12 weeks and ended on 6th October 2006.

As a result of the consultation process 38 responses were received and these are summarised in a table at Annex 2 to this report.

Options

10. Members have the following options:
 - a. To make amendments to the draft policy as recommended.
 - b. To make any other amendments they see necessary.
 - c. To determine a policy for the publication of the policy.

Analysis

11. Members attention is particularly drawn to the following issues where decisions are required to be inserted into the draft policy.
 - a) Casinos – the Licensing Authority may resolve a ‘no casino’ resolution, which will prevent casino operators applying for a casino in the city, should there be a relaxation in the current limitation on the number of casinos nationally. Such a resolution lasts for 3 years and maybe revoked by further resolution. (Draft Policy paragraphs 22.1 and 22.2)

Comment: members will note that there is a mixed view of respondents to the consultation. Of those who commented 11 were in favour of York having a licensed casino and 19 against.

Unless the government amend legislation to allow more casinos to be developed no applications will be possible in York. The adoption or otherwise of a ‘no casino policy’ would however set a marker for the future should legislation change. In any event the councils policy may be changed at any time subject to the proper procedure being followed.

- b) Permits for unlicensed Family Entertainment Centres – these are premises where only low category D gaming machines are in use. There is no restriction on entry or use of machines by children. No operator’s licence is required. A permit is issued by the licensing authority. A licensing authority may include in their policy a statement of principles they intend to apply when considering applications for these permits. The draft policy paragraph 29.5 sets out a statement as suggested by the Gambling Commission but authorities are able to determine their own principles or indeed not adopt any.

Comment: There are no special circumstances in York that would seem to require any different policy to that suggested by the Gambling Commission

- c) Permits for prize gaming – gaming where the size of the prize is not determined by the number of persons playing. Children or young persons may participate in equal chance prize gaming ie bingo and may be attracted to premises offering this facility. A licensing authority may include in their policy a statement of principles they intend to apply when considering applications for these permits. The draft policy paragraph 31.2 sets out options in relation to the authorities principles.

Comment: There are no special circumstances in York that would seem to require any different policy to that suggested by the Gambling Commission

- d) Interested parties-the draft policy paragraphs 10.1–10.6 sets out officers views as to who should be considered as an interested party in general terms giving maximum discretion to the licensing authority. There is scope however for the authority to be more prescriptive.

Comment: Consultees were generally in favour of this approach. The Clementhorpe Community Association did however suggest that community and social groups be included. This is not possible as they are outside the statutory definition of interested party.

- e) Location - the draft policy paragraph 14.4 sets out officers views as to how the licensing authority will consider location of applicants premises in relation to meeting the licensing objectives. The parameters are set give the authority maximum discretion but there is scope to be more prescriptive.

Comment: No specific comments were received in the consultation

- f) Publication of policy - See paragraphs 7 and 8 of this report

Comment : There are no publication dates for “Your City” that will fit into the required time frame. In order to provide a readily evidenced proof that the policy was properly made then it is proposed that notice of its publication be made in the York Press. It is further suggested that notice be placed on the Guildhall notice board and that the policy will be available for inspection by

the public at the Guildhall and 9 St Leonards Place reception and at public libraries.

Corporate Priorities

12. The Gambling Act has 3 objectives:
- a. preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime;
 - b. ensuring that gambling is conducted in a fair and open way; and
 - c. protecting children and other vulnerable persons from being harmed or exploited by gambling.

These contribute to the Council's priority of reducing the actual and perceived impact of violent, aggressive, and nuisance behaviour on people in York.

Such behaviour can be associated with poorly regulated gambling activities.

13. Implications

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – N/A
- **Legal** – The Gambling Act requires a licensing policy statement to be prepared, consulted on and published by the licensing authority before January 7th 2007. This statement is required to set out the principles which the licensing authority propose to apply in exercising its functions under the Act
- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

Risk Management

14. In compliance with the Council's risk management strategy any decision made which is unreasonable or unlawful could be open to legal challenge resulting in

loss of image reputation and potential financial penalty. The Council must adopt a Licensing Policy for application of the Act which is lawful and upon which licensing decisions can be based.

Measured in terms of impact and likelihood, the risk score has been assessed at less than 16. This means that at this point the risks need only to be monitored, as they do not provide a real threat to the objectives of this report.

Recommendations

15. Members of the Executive are requested to consider revisions made to the draft licensing policy by the Licensing Act 2003 Committee, support the policy and endorse it for approval by full council on 30th November 2006.

Contact Details

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Report Approved **Date** 17/10/2006

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

All **yes**

For further information please contact the author of the report

Background Papers:

Gambling Act 2005
Gambling Commission Guidance to Local Authorities
Report to Licensing Act 2003 Committee 7th July 2006

Annexes

- Annex 1 Draft statement of policy (Gambling Act 2005)
- Annex 2 Summary of responses to consultation exercise

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GAMBLING ACT 2005**STATEMENT OF LICENSING POLICY**

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This Statement of Principles has been drafted at a time when a number of regulations, Operating / Personal Licence conditions, Codes of Practice and guidance are not yet published. Should anything in these impact upon the content of this document it will need to be borne in mind and amended at a later stage, bearing in mind resource implications for the authority. All references to the Gambling Commission's Guidance for Licensing Authorities refer to the Guidance published in April 2006.

GAMBLING ACT 2005

1. Preface

- 1.1 The Gambling Act 2005 (the Act) introduces a new regime for regulating gambling and betting which will be introduced throughout the United Kingdom from 1 September 2007. Apart from the National Lottery and spread betting, gambling and betting will be regulated by the Gambling Commission, whose duties include licensing the operators and individuals involved in providing gambling and betting facilities.
- 1.2 City of York Council, along with other licensing authorities, has a duty under the Act to licence premises where gambling is taking place, and to licence certain other activities such as registering small society lotteries. This document sets out how we intend to approach this task.

2. Consultation on Producing City of York Council Gambling Policy

- 2.1 Under section 349 of the Act, licensing authorities are required to publish a statement of the principles which they propose to apply when exercising their functions in accordance with the legislation. This statement must be regularly reviewed and published at least every 3 years. If any part of the document is amended, further consultation and re-publication is required.
- 2.2 The Act requires that the following parties be consulted:
- The Chief Officer of Police for the area;
 - 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.
- 2.3 City of York Council consulted widely upon this policy statement before finalising and publishing it. *[A list of those consulted will be attached at Appendix A.]*
- 2.4 Consultation took place between 14 July 2006 and 6 October 2006 and followed the Revised Code of Practice (which came into effect in April 2004) and the Cabinet Office Guidance on consultations by the public sector.
- 2.5 The full list of comments made and the consideration by the Council of those comments is available via the Council's website at: www.york.gov.uk/licensing.
- 2.6 The policy was approved at a meeting of the Full Council on *[date]* and was published via our website on *[date]*. Copies were also placed in all branches of the public library.

3. Declaration

3.1 In producing the final licensing policy statement, this Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission (the Guidance), and any responses from those bodies consulted on the policy statement.

3.2 It should be noted that this policy statement 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 in accordance with the statutory requirements of the Act.

4. Duplication with other regulatory regimes

4.1 This Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. Planning permission or building regulations approval will not be taken into consideration in determining an application. However, any concerns about conditions that cannot be met by licensees due to planning restrictions will be considered, should such a situation arise.

5. Profile of York

5.1 City of York Council is the Licensing Authority for the application of the Gambling Act 2005 (the Act) within its administrative area.

5.2 City of York Council is a unitary authority that has a population of 181,100 (2001 Census) and covers an area of 105 square miles. It comprises the urban area of York that is surrounded by many small rural and semi-rural settlements covered by parish councils.

5.3 Tourism and leisure are important industries for York attracting over 4 million visitors a year who spend £283 million annually in the city. Over 9,000 jobs have been created in the tourist and leisure industry sector (2004 figures).

5.4 The following premises within the City of York area are currently concerned with the gambling industry: York racecourse, 30 betting offices, 2 bingo halls, 4 amusement arcades, 300 premises with AWP (amusement with prize) machines and 178 small society lotteries.

PART A**ADMINISTRATIVE PRINCIPLES****6. The Licensing Objectives**

6.1 In exercising most of its functions under the Act, this Licensing Authority must have regard to the licensing objectives as set out in section 1 of the Act. These 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 being conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

6.2 In accordance with section 153 of the Act, this Authority will aim to permit the use of premises for gambling:

- 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 this Authority's statement of licensing policy.

6.3 The Gambling Commission's Guidance (5.27) states that "Moral objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers). In deciding to reject an application, a Licensing Authority should rely on reasons that demonstrate that the licensing objectives are not being, or are likely to be met."

7. Licences under the Act

7.1 The Act provides for 4 categories of licence as follows;

- Operating licences
- Personal licences
- Premises licences
- Permits/Temporary and Occasional Use Notices

7.2 This Licensing Authority will be responsible for the issue of premises licences, permits and temporary and occasional use notices. The Gambling Commission will be responsible for the issue of operating licences and personal licences.

8. Licensing Authority Functions

8.1 Under the Act this Licensing Authority is required 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) of 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 This Authority will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

9. Responsible Authorities

9.1 These are public bodies that must be notified of all applications and who are entitled to make representations to the Licensing Authority if they are relevant to the licensing objectives.

9.2 Section 157 of the Act defines those authorities as:

- A Licensing Authority is whose area the premises are wholly or partly situated
- The Gambling Commission
- The Police
- The Fire and Rescue Service
- The Local Planning Authority
- Environmental Health
- The Local Children’s Safeguarding Board
- HM Revenue and Customs
- Any other person prescribed by regulations made by the Secretary of State

9.3 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under section 157(h) of the Act, that is, to designate, in writing, a body which is competent to advise the Authority about the protection of children from harm. These principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority’s area;
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

9.4 This Authority designates the City of York Safeguarding Children Board for this purpose.

9.5 *[The contact details of all the Responsible Bodies are to be added as Appendix B.]*

10. Interested Parties

- 10.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. As defined in the Act a person is an interested party if, in the opinion of the Licensing Authority, 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).
- 10.2 As required by regulations, in determining whether a person is an interested party, this Licensing Authority will determine each case upon its merits and will refer to the advice provided in the Guidance at 8.14 and 8.15 when determining what “sufficiently close to the premises” means. Factors which will be taken into account may include the following:
- the size of the premises;
 - the nature of the premises;
 - the distance of the premises from the location of the person making the representation;
 - the potential impact of the premises;
 - the circumstances of the complaint.
- 10.3 This Authority will also consider the Guidance with regard to interpretation of the phrase “has business interests” which will be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 10.4 The Gambling Commission has recommended that the Licensing Authority state that interested parties include trade associations and trade unions, and residents’ and tenants’ associations (Guidance 8.17). This Authority will view these bodies as interested parties if they are representing someone who can be classed as an interested person as indicated above, ie lives sufficiently close to the premises to be likely to be affected by the activities being applied for.
- 10.5 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. A letter requesting the representation from one of these persons is sufficient.
- 10.6 If individuals wish to approach councillors to ask them to represent their views then care will be taken to ensure that these councillors are not part of the Licensing Committee dealing with the licence application.

11. Decision Process

- 11.1 The ability of the Licensing Authority to take decisions is limited either by the provisions in the Act, Regulations made under the Act, or by the Gambling Commission’s Guidance.

- 11.2 This Licensing Authority will consider each application on its own merits whilst having regard to this Statement of Licensing Policy, the Act, Regulations made under the Act and the Gambling Commission's Guidance.
- 11.3 This Licensing Authority has reviewed its constitution and scheme of delegation to officers to ensure effective implementation of the Act. Licensing 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.
- 11.4 Where representations are received the Licensing Authority will consider whether they are relevant, vexatious, frivolous or if they would influence the Authority's determination of the application, The Head of Licensing together with the relevant Assistant Director will determine if any representation meet this criteria.

12. Exchange of Information

- 12.1 This Licensing Authority will act in accordance with the provisions of sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and 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, which includes the provision that the Data Protection Act 1998 will not be contravened. This Authority will also have regard to any Guidance issued by the Gambling Commission as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

13. Enforcement

- 13.1 This Licensing Authority will apply the following principles in exercising its 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, and will endeavour to be:
- Proportionate: regulators should only intervene when necessary and 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; and
 - Targeted: regulation should be focused on the problem, and minimise side effects.
- 13.2 This Authority will endeavour to avoid duplication with other regulatory regimes so far as possible. It will also adopt a risk-based inspection programme.
- 13.3 The main enforcement and compliance role for this Licensing Authority in terms of the Act will be to ensure compliance with premises licences and other permissions that it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or

repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

- 13.4 This Licensing Authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 13.5 Any enforcement will seek to build upon the good working relationship which currently exists in the City of York between the enforcement areas. All parties recognise the importance of effective co-operation and liaison to ensure those with responsibility under the Act understand and comply with the law. In particular any enforcement should also provide for the targeting of agreed problems and high-risk premises which require greater attention whilst providing a lighter touch in respect of low risk premises which are well run.
- 13.6 This Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Authority a single named point of contact, who should be a senior individual, and whom the Authority will contact first should any compliance queries or issues arise.
- 13.7 This Authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing section.

PART B**PREMISES LICENCES****14. GENERAL PRINCIPLES**

- 14.1 Premises licences will be subject to the requirements set out in the Act and regulations, as well as any specific mandatory and default conditions that will be detailed in regulations issued by the Secretary of State. This Licensing Authority is able to exclude default conditions and also attach others, where it is believed to be appropriate. The grant of a premises licence must be reasonably consistent with the licensing objectives.
- 14.2 This Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks 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 Authority's statement of licensing policy.
- 14.3 This Authority accepts that moral objections are not a valid reason to reject applications for premises licences (Guidance 5.27) and also that unmet demand is not a criterion for a licensing authority (Guidance 6.11).
- 14.4 Demand issues cannot be considered with regard to the location of premises but considerations in terms of the licensing objectives can be considered. This Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this policy statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome.

15. APPLICATION OF LICENSING OBJECTIVES

- 15.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Guidance and further comments are made below in relation to the objectives.
- 15.2 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
The Gambling Commission will take a leading role in preventing gambling from being a source of crime and will aim to achieve this by maintaining rigorous licensing procedures. Anyone applying to the Licensing Authority for a premises licence will have to hold an operating licence issued by the Gambling Commission before a premises licence can be issued. Therefore, this Authority will not generally be involved in determining the suitability of an applicant and where concerns about a person's suitability arise this Authority will bring those concerns to the attention of the Commission.

- 15.3 However, this Licensing Authority will pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors.
- 15.4 **Ensuring that gambling is conducted in a fair and open way**
The Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. Both issues will be addressed by the Gambling Commission through the operating and personal licence regimes.
- 15.5 As betting track operators do not need an operating licence issued by the Gambling Commission, there is more of a role for licensing authorities with regard to tracks and premises licence conditions that is explained in more detail in the ‘tracks’ section at paragraph 25.
- 15.6 **Protecting children and other vulnerable persons from being harmed or exploited by gambling**
This objective means preventing children from taking part in gambling (it includes the restriction of advertising so that gambling products are not aimed at, or are, particularly attractive to children). In general the aim of the Act is that children and young persons should not be allowed to gamble and should be prevented from entering gambling premises which are ‘adult-only’ environments.
- 15.7 In determining an application for a premises licence this Licensing Authority will consider whether specific measures are required at particular premises with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc. The Gambling Commission will issue a Code of Practice in relation to casinos only which will deal with access to the premises for children and young persons.
- 15.8 It is noted that the Gambling Commission does not offer a definition of the term “vulnerable persons” but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who are gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This Licensing Authority will consider this licensing objective on a case-by-case basis.

16. CONDITIONS

- 16.1 Under section 167 to the Act the Secretary of State may make regulations to provide for a specified ‘mandatory’ condition to be attached to a premises licence. Sections 168 and 169 allows the Secretary of State to make regulations prescribing a specified condition be attached to any premises licence unless excluded by the Licensing Authority, these are known as ‘default’ conditions. In addition the Licensing Authority may impose conditions on a premises licence in certain circumstances.

- 16.2 Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises; and
 - reasonable in all other respects.
- 16.3 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. This Authority will also expect an applicant to offer their own suggestions as to the way in which the licensing objectives can be met effectively. Conditions may cover such issues as:
- Proof of age schemes; eg ID such as a PASS accredited proof of age card, driving licence or passport
 - CCTV
 - Door supervisors
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices/signage – to include such information as age restrictions and contact details in the event of complaints.
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare – to include such information as age restrictions and contact details in the event of complaints.
 - Measures / training for staff on how to deal with suspected truant children on the premises.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 16.4 This Licensing Authority will consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Guidance.
- 16.5 This Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where the machines are located is supervised;
 - the area where these machines are located so that it can be observed by the staff or the licence holder; and

- at the entrance to and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- These considerations will apply to premises including buildings where multiple premises licences are applicable.

16.6 This Licensing Authority cannot attach:

- 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 Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winnings or prizes.

17. Door Supervisors

17.1 This Licensing Authority will consider whether there is a need for door supervisors in terms of the licensing objectives of 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 though that the door supervisors at casinos or bingo premises cannot (does not have to be) be licensed by the Security Industry Authority (SIA). This Licensing Authority will consider specific requirements for door supervisors working at casinos or bingo premises on the merits of each application.

17.2 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. This Authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

17.3 Should any generic policy be considered in future full consultation will take place and will be reflected in a subsequent policy.

17.4 Where premises are licensed for the sale of alcohol under the Licensing Act 2003 any door supervisors employed will have to be registered with the SIA.

18. Credit / ATMs

18.1 Section 177 of the Act requires, in relation to casino and bingo premises licences, that a condition be placed on the licence prohibiting the provision of credit in connection with gambling authorised by the licence or any involvement with such provision.

18.2 Section 177 does not, however, prevent the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) providing the arrangement is subject to a requirement that the licensee has no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service-provider and does not profit from the arrangement, nor make any payment in connection with the machines.

- 18.3 The Licensing Authority will expect all ATM or cash machines to be sited separately from gaming machines, so that clients will have to leave the machines for more funds if so required. The siting of ATMs may be subject to further legislation.

PREMISES CLASSIFICATION

19. DEFINITION OF “PREMISES”

- 19.1 Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premise at different times. However, it is possible for a single building to be subject to more than one premises licence, providing they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can be regarded as being separate premises will always be a question of fact in the circumstances to be determined on an individual basis by merit. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 19.2 This Licensing Authority takes specific note of the Guidance (7.11 and 7.13) in that:
- Particular care will be exercised in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.
 - Particular attention will be paid to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Consideration will be given to whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. In addition consideration will be given if, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- 19.3 Applicants cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. A licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. It will be a question of fact and degree whether premises are finished to a standard that they can be considered for a premises licence. The requirement that the building be complete ensures that the Authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

20. ADULT GAMING CENTRES

- 20.1 Adult gaming centres are a new category of premises introduced by the Act and allow category B, C and D gaming machines to be available on the premises. No-one under the age of 18 is permitted to enter these type of premises.
- 20.2 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

21. LICENSED FAMILY ENTERTAINMENT CENTRES

- 21.1 The Act creates two classes of family entertainment centre. This type provides category C and D machines and requires a premises licence. Children and young persons will be permitted to enter these type of premises and may play on the category D machines providing there is clear segregation between those and the category C machines.
- 21.2 This Licensing Authority will have specific 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.

22. CASINOS

- 22.1 The Act defines a casino as an arrangement whereby people are given an opportunity to participate in one or more casino games. Casino games are defined as a game of chance which is not equal chance gaming. Casinos are categorised as regional, large or small dependant on size of the premises, and are subject to various limitations with regard to casino games and gaming machines permitted on the premises.
- 22.2 **No Casinos Resolution**
This Licensing Authority has not passed a ‘no casino’ resolution under section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

23. BINGO PREMISES

- 23.1 Bingo has not been given a statutory definition in the Act, however it is currently categorised as “equal chance gaming”. The Guidance states that it is to have its ordinary and natural meaning.
- 23.2 It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines (Guidance 18.4). Where category C or above machines are available in premises to which children are admitted this Licensing Authority will ensure that:
- All such machines are located in an area of the premises separate 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 the machines are located;
 - Access to the area where the machines are located is supervised;
 - The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
 - At the entrance to, and inside any such area there are prominently displayed notices indicting that access to the area is prohibited to persons under 18.
- 23.3 The Gambling Commission will be issuing further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This Authority will consider this guidance once it is made available.

24. BETTING PREMISES

- 24.1 The Act contains a single type of licence for betting premises. However, within this single class of licence there will be different types of premises which require licensing. One type will be off course betting ie the betting shop, the other will be betting at a track ie a racecourse (dealt with in this part, section 7). There is a separate type of premises licence for betting on tracks, however, it is possible for there to be a premises licence for betting offices on tracks.
- 24.2 With regard to betting machines, this Licensing Authority 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 by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

25. TRACKS

- 25.1 Tracks are sites, including horse racecourses and dog tracks where races or other sporting events take place eg football grounds and cricket grounds.
- 25.2 This Licensing Authority is aware that tracks may be subject to one or more than one premises, provided each licence relates to a specified area of the track. This Licensing Authority will especially consider the impact upon the third licensing objective (ie the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 25.3 This Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 25.4 Further guidance from the Gambling Commission is awaited with regard to gaming machines and where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. Applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.
- 25.5 With regard to betting machines, this Licensing Authority will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. This Licensing Authority will consider restricting the number and location of such machines in respect of application for track betting premises licences.

- 25.6 **Tracks: Condition on rules being displayed** – This Licensing Authority will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.
- 25.7 **Tracks: Applications and plans** – This Licensing Authority will require detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”) and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities, and that plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.
- 25.8 This Licensing Authority considers it preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is a clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

26. TRAVELLING FAIRS

- 26.1 This Licensing Authority will decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 26.2 This Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 26.3 The 27-day statutory maximum for the land being used as a fair, is per calendar year, and it applies to the piece of land on which the fairs are held, regardless of whether it is the same, or different travelling fairs occupying the land. This Authority will work with its neighbouring authorities to ensure that land which crosses its boundaries is monitored so that the statutory limits are not exceeded.

27. PROVISIONAL STATEMENTS

- 27.1 Where a person expects premises to be constructed or altered, or expects to acquire a right to occupy premises, he may apply for a provisional statement from the Licensing Authority, in advance of a full premises licence.
- 27.2 It is a question of fact and degree whether premises are finished to a standard that they can be considered for a premises licence, however, the requirement that the building be complete ensures that the authority could, if necessary, inspect it fully.
- 27.3 In terms of representations about premises licence applications, following 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. This Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which in the Authority's opinion reflect a change in the operator's circumstances.

28. REVIEWS

28.1 Interested parties or responsible authorities can make requests for a review of a premises licence, however, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, 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:

- 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 authority's statement of licensing policy.

28.2 The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate. Where the Authority initiates a review this will be first agreed by the relevant Assistant Director in consultation with the relevant Executive Member.

PART C

PERMITS/TEMPORARY & OCCASIONAL USE NOTICE

- 29. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS (STATEMENT OF PRINCIPLES ON PERMITS – SCHEDULE 10 PARA 7)**
- 29.1 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. In accordance with section 238 of the Act, the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 29.2 The Act states that the Licensing Authority may prepare a *statement of principles* that it proposes 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 Gambling Commission. The “statement of principles” only applies to initial applications and not to renewals .
- 29.3 An application for a permit may be granted only if the Authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre, and if the chief officer of police has been consulted on the application. Applicants should be able to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres;
 - 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 staked and prizes. (Guidance 24.7).
- 29.4 The Licensing Authority cannot attach conditions to this type of permit.
- 29.5 **Statement of Principles**
This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This Authority will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres; 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.

**30. ALCOHOL LICENSED PREMISES GAMING MACHINE PERMITS –
(SCHEDULE 13 PARA 4(1))**

- 30.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. The Authority can remove the automatic authorisation in respect of any particular premise 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 Gambling Act 2005 has been committed on the premises.
- 30.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission, and such matters as this Authority thinks relevant. Any determination will also have regard to the points listed at 30.1 and will be made by the Head of Licensing in consultation with the relevant Assistant Director.
- 30.3 This Authority considers that “such matters” will be decided on a case by case basis particularly with regard to the need to protect children and vulnerable persons. The applicant will need to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to adult only gaming machines. Measures which will satisfy the Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may be necessary. Applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.
- 30.4 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Entertainment Centre premises licence.
- 30.5 The Licensing Authority may 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.
- 30.6 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.
- 30.7 Premises that are subject to a permit issued under the Gaming Act 1968 allowing the siting of more than two machines will automatically be entitled to grandfather rights.

31. PRIZE GAMING PERMITS – (STATEMENT OF PRINCIPLES OF PERMITS – SCHEDULE 14 PARA 8(3))

31.1 The Gambling Act 2005 states that the Licensing Authority may prepare a statement of principles that it proposes to apply in exercising its 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.

31.2 Statement of Principles

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

31.3 In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

31.4 It should be noted that there are conditions in the Act with which the permit holder must comply, but the Licensing Authority cannot attach conditions. The conditions in the Act are:

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

32. CLUB GAMING AND CLUB MACHINE PERMITS

32.1 Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a Club Gaming Permit or a Clubs Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

32.2 Members clubs must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in

nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

- 32.3 An application may only be refused on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Gambling Commission or the police.
- 32.4 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). Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the police, and the grounds upon which the Licensing Authority can refuse a permit are reduced. These grounds are:
- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.
- 32.5 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.

33. TEMPORARY USE NOTICES

- 33.1 A person holding an operating licence can serve on the Licensing Authority a notice regarding the temporary use of premises for:
- a) A casino,
 - b) Facilities for the playing of bingo,
 - c) Use of a gaming machine,
 - d) Other facilities for gaming, or
 - e) Facilities for betting.
- 33.2 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in part 8 of the Act is discussed in part 7 of the Guidance. 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". In considering whether a place falls within the definition of a "a set of premises", this Licensing Authority will look at, amongst other things, the ownership/occupation and control of the premises.

34. OCCASIONAL USE NOTICES

- 34.1 Where there is betting on a track, ie a racecourse, dog track or other sporting place and betting is carried out on 8 days or less in a calendar year, betting may be permitted by an occasional use notice without there being in force a full premises licence. However, anyone actually taking the bets must have the appropriate operating licence.
- 34.2 The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days is not exceeded. This Authority will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

35. TRANSITIONAL ARRANGEMENTS

- 35.1 During the transitional arrangements period specified in the Act, a premises licence will be issued to persons applying under an Order made by the Secretary of State under Schedule 18 of the Act, who have supplied the required information, documentation and fee. Issue of licences will be on the basis of existing permissions being continued. If however, the Police make a representation that the conversion of an existing licence would undermine the crime prevention and disorder objective, the licence will be referred to the Council's Licensing Sub-Committee for consideration.

Appendix A

Appendix A to be attached

Appendix B

Appendix B to be attached

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Schedule of Responses to Licensing Policy

Ref No:	Respondent	Who should be considered an Interested Party?	Response	Should York have a Licensed Casino?	Comments	Appraisal / Response to Comments
1	Cllr S Galloway 6 Stirrup Close Foxwood York YO24 3LU	Ward Councillors	Ward Councillors are included	No	There is no suitable site at present and no proven demand for a casino	Noted
2	Cllr D Livesley 33 Lang Road Bishopthorpe York YO23 2QJ	List in Section 6 seems quite satisfactory		No	I think this would be entirely the wrong direction to take for tourism in a city like York. To enter this field would detract from the ambience of the majority both of residents and visitors.	Noted
3	Tony Lee York Racecourse York YO23 1EX			No	Personal view as a local resident, I believe we have enough evening activity in the city.	Noted

4	<p>Holly Robarts Racecourse Services Coordinator The Racecourse Association Ltd Winkfeld Road Ascot SL5 7HX</p>			Annex 2	<p>A comprehensive response to the policy was received from the Racecourse Association Ltd stressing that consultation between the DCMS, the Gambling Commission and the Racecourse Association was still ongoing. These are the main points relevant to the policy: Delineation - there is the suggestion that a level of delineation will be required between areas on racecourses covered by different betting premises licences. Given the layout of racecourse facilities, this may not be possible or practical. In addition, if these areas are covered by the racecourse's betting premise licence, such segregation will not be necessary.</p>	<p>Any applications received for the racecourse will be considered in line with the legislation and considered on their own merits</p>
	Holly Robarts cont.				<p>Separate licences for certain facilities - the council may require off-course operators with on-course facilities to hold a separate betting premises licence for this area. Discussions with DCMS have indicated that this will not be a mandatory requirement, and will be at the discretion of the racecourse and the betting operator. This should be reflected in the Statement of Principle.</p>	<p>This is already covered in the policy</p>
	Holly Robarts cont.				<p>Location - The council is asked to consider that the location of racecourses will not have altered since their foundation, and cannot be transferred to another location.</p>	<p>Noted</p>

	Holly Robarts cont.			Annex 2	Licensing Act 03 & Private Security Industry Act 01 - racecourses are already required to provide licensed door supervisors in some roles. In line with the Governments Better Regulations Agenda, the council should not impose any further provisions relating to door supervisors.	Noted
	Holly Robarts cont.				Access by Children - note that Section 47 of the Gambling Act allows children to enter a racecourse on days when racing is taking place or is scheduled to take place.	Noted
	Holly Robarts cont.				We would also request that the Statement takes account of the fact that the Guidance to Licensing Authorities does not represent an accurate picture of the intended premise licence regime as it will apply to tracks, though it lays the framework.	Noted
5	Rosemary Suttill 39 Seventh Avenue York YO31 0TZ			No	Protection of children & the vulnerable is imperative, proof of age cards, no gambling using credit, gamblers anonymous hotline to received high profile including a % of profits.	Points regarding protection of children and credit are already covered in the policy and by legislation. The subject of profits is outside the remit of the policy.
6	Alan Faulkner Gamcare Partners 2/3 Manager Baden Place Crosby Row London SE1 1YW				All local authorities must now recognise that they should have a 'Duty of Care' and become 'Corporate Parents' assisting the residents of their authority with gambling addictions.	Noted

	Alan Faulkner cont.			Annex 2	Gamcare request the following are addressed either in the policy or as part of the Licensing conditions:	
	Alan Faulkner cont.				1. The sale and distribution of controlled drugs and the laundering of the proceeds of drugs to support gambling.	Covered by legislation
	Alan Faulkner cont.				2. Prostitution to feed gambling needs.	Covered by legislation
	Alan Faulkner cont.				3. Any unlawful gaming gambling and betting.	Covered by legislation
	Alan Faulkner cont.				4. All leaflets giving assistance to problem gambling clearly displayed in prominent areas such as toilets.	Included in policy, this practice will be encouraged
	Alan Faulkner cont.				5. Self exclusion forms available.	Included in policy, this practice will be encouraged
	Alan Faulkner cont.				6. Operator must have regard to best practice issued by organisations that represent the interests of vulnerable people.	Included in policy, this practice will be encouraged
	Alan Faulkner cont.				7. On machines such as FOBTs the odds clearly displayed.	Covered by legislation
	Alan Faulkner cont.				8. All ATM or cash terminals to be separate from gaming machines, so that clients will have to leave the machine for more funds if so required. They should also display stickers with GamCare Helpline information positioned prominently on machine.	Included in policy at paragraph 18.3 and may be subject to further regulation
	Alan Faulkner cont.				9. Social responsibility must be adhered to and mentioned at all times when reasonable.	Noted

	Alan Faulkner cont.			Annex 2	10. Clear visible signs of age restriction are clearly displayed in gaming or betting establishment, also entrances to gambling and betting areas are well supervised and age identification verified.	Covered in the policy
	Alan Faulkner cont.				11. Posters displayed suggesting 'stay in control of your gambling' with details of GamCare telephone number and website.	Included in policy, this practice will be encouraged
	Alan Faulkner cont.				12. Compulsory non-gambling areas or 'Chill out Rooms' in all casinos if relevant.	Noted
7	John Campion Head of Administration Rank Group Gaming Division Rank Group Plc Stateman House Stafferton Way Maidenhead Berkshire SL6 1AY			Yes	Rank Group Gaming Division is of the view that a casino in York would be beneficial to the city for a number of reasons: 1. An additional leisure facility for the local community. 2. Additional employment and career opportunities for local people. 3. A potential attraction for both existing and additional visitors.	Noted
8	Nick Blitz 22 South Lane Haxby York YO32 3JB			Yes	Would prefer any licensed casino licensed to; - be permitted only in purpose-built premises, rather than modifying an existing structure or within, say, an existing hotel; - that it should not be permitted within the City Centre; - that it should be built on a site with substantial on-site, or adjacent, car parking: clearly this need not exclude a development on, or adjacent to, any current or planned Park & Ride facility.	Noted

9	David Hunter 5 Larch Way Haxby York YO32 3RT	To include all Parish Councils	Parish Councils are already included	Yes Annex 2	A modern tourist city should have modern amenities.	Noted
10	Lee Le Clerq North of England Regional Secretary British Beer & Pub Association 1 Nine Elms Lane London SW8 5NQ				A comprehensive response was received. Points relevant to the policy are listed below; <u>Protection of children and vulnerable persons</u> - stresses importance of the management of gaming machines in pubs to ensure minimum age requirement is complied with, eg by requesting recognised ID such as a PASS accredited proof of age card, driving licence or passport.	Specific reference to recognised ID now included in policy at 16.3.
	Lee Le Clerq cont.				<u>Grant of additional permits</u> - when operators apply for additional machine permits and they are complying with the Gambling Commission Code of Practice [. . .], there is no reason why these should not be granted. It would be helpful if the Statement of Principles could reflect this.	Noted
	Lee Le Clerq cont.				<u>Application procedures for more than two machines</u> - Would welcome inclusion in the policy of an outline of the application procedures for permits for more than two machines.	Included in policy at paragraph 30.2
	Lee Le Clerq cont.				<u>Transitional arrangements</u> - It would be helpful if some reference to transitional arrangements could be included either in the policy or in the form of separate guidance.	Brief reference included in policy at paragraph 35. Guidance will be sent to existing businesses in due course.

11	Alan Robinson Clerk to Rawcliffe Parish Council Green Bank Harton York YO60 7NP	The same as Licensing Act 2003.	Legislative definition of interested party in Gambling Act is wider than the Licensing Act	No Annex 2	1. The Parish Council believes that the draft statement is wide-ranging in content and entirely suitable for its purpose. 2. York should not have a Licensed Casino and suggest that York should not have a Casino policy at all.	Noted
12	Jean Shepherd Foxwood Residents Association 128B Foxwood Lane Acomb York YO24 3LT	People who live close by and people with business interests in the area.	Already included	Yes	As long as it [casino] is run properly and safely I see no problem.	Noted
13	PC 293 Mike Welsh North Yorkshire Police Licensing Section Fulford Road York YO10 4BY				The police neither have any issues with this policy nor have any comments regarding the 'No Casino' resolution. As a responsible authority, the North Yorkshire Police (Licensing Unit) will work closely with the Local Authority to promote the licensing objectives of the Gambling Act 2005.	Noted
14	Graham Huntington graham.huntington@ btinternet.com			No	I think it is very important that the Council reconsiders its policy, and adopts a 'No Casino' approach.	Noted

15	<p>Bond Pearce LLP 3 Temple Quay Temple Back East Bristol BS1 6DZ (on behalf of the Association of British Bookmakers)</p>			Annex 2	<p>Comprehensive response received, items relevant to the policy are listed: <u>Door supervision</u> is not necessary for Betting Offices and request that the following paragraph be added; ". . . there is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate."</p>	Paragraph added to policy at 17.2
	Bond Pearce LLP cont.				<p><u>Betting Machines</u> - request the following paragraph be added; "While the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter."</p>	Noted

	Bond Pearce LLP cont.			Annex 2	<p><u>Re-site applications</u> - Over the last two decades in particular, betting offices have been subject to an evolutionary process of enlargement and improvement [. . .]. Frequently, this has involved re-siting within the same locality. Under the former regime, such re-sites were positively welcomed by licensing authorities concerned to improve the general level of facilities in their area, and were rarely objected to by competitors. This was recognised in the leading case of <i>R(Hestview) v Snaresbrook Crown Court</i>. It is requested that the policy positively encourage, or at least state that the authority will give sympathetic consideration to, re-sites within the same locality and extensions in order to enhance the quality of the facility provided for the benefit of the betting public.</p>	<p>This approach could be contradictory to the presumption that each application should be considered on its own merits. Applications will be determined after taking into account all relevant factors.</p>
	Bond Pearce LLP cont.				<p><u>Enforcement</u> - It is requested that the policy includes: "The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise."</p>	<p>Paragraph added to policy at 13.6</p>

16	Clementhorpe Community Association 2 Lower Ebor Street York YO23 1AY	Houses, businesses, churches, residential/nursing homes, community/social groups and related halls/centres etc within at least half a mile.	Legislation includes residents / businesses in area likely to be affected. A half mile radius excludes representations outside the area which may be relevant to large/complicated applications and could undermine presumption that an application is considered on its merits and with regard to paragraph 10.2. Community/social groups and related halls/centres etc not deemed to be interested persons under the Act unless actual businesses.	No Annex 2		
17	Brenda Ellis brenda@chestnut59. freeserve.co.uk			Yes	People should not be denied a night out to have some pleasure.	Noted
18	Alan L Rowntree 38 Walmer Carr Wigginton YO32 2SX			No	Such establishment could attract elements of the criminal fraternity, create problems associated with addiction and destroy the moral fibre of the city of York.	Noted
19	John Moore 28 The Village Osbalwick			No	A casino would lead to an increase in crime due to the need to gamblers to find extra money to finance such activity.	Noted

20	Phil Jones 1 Almerly Tee Bootham York			Yes Annex 2	I do not agree in banning something that can be a pleasure for the majority who partake for the sake of the potential misdeeds of the minority, as this is the easy option. I do not agree with the 'no casino' resolution.	Noted
21	Vicki Gimbley theall2gether@yahoo.co.uk			Yes	A casino in York is an excellent idea. York has to move with the times.	Noted
22	Anita Bartholomew 71 Seventh Avenue York YO31 0UQ			No	A casino would bring more problems to the area. We already have problems from alcohol abuse and to add gambling on top of this would just make things worse.	Noted
23	Mr D & Mrs S Finch 9 Trentholme Drive York YO24 1EL			No		Noted
24	Nick Bird 20 Raven Grove York YO26 5PL			No	There are enough avenues for gambling already. And I am concerned that some people would be even more prone to addiction if one was to be established.	Noted
25	Mrs J R Turner 128 Moor Lane York YO24 2QA			No		Noted

26	June Hampson & Jean Stubbington twojays-res@supanet.com			No Annex 2	York and it's citizens have a responsibility to the residents and visitors alike, especially for their moral welfare. [. . .] To allow a casino would be to shirk and disregard those responsibilities, it would lower the tone of city life and be providing something that people do not need or expect.	N
27	Gillian Cruddas Chief Executive York Tourism Bureau 20 George Hudson St York YO1 6WR	Tourism Bureau	Tourism Bureau will be considered an interested party as it represents many businesses within York. The relevancy of any representation made will be considered on its own merits		Would like to be kept in the loop, interested from a tourism perspective in the benefits of a casino to certain segments of our target market but that at the present time we are unsure as to what these benefits are.	Noted
28	Mr & Mrs W Sessions Six Rawcliffe Grove Clifton York YO30 6NR			No	Do not want our beautiful city turning into a city of addicts.	Noted
29	P Allenby 57 Kexby Avenue Hull Road York YO10 3HF			No		Noted

30	Dom Doherty 15 Eastfield Crescent Badger Hill York YO10 5HZ			Yes Annex 2	Cllr Waller needs to listen to the people. People are sick and tired of the Nanny State we don't need his outdated views on what we should and shouldn't have.	Noted
31	Stuart Kay SIKay@aol.com			Yes	The risk inherent in gambling can be managed and I believe a city the size of York with its major tourist industry should have a range of amenities including a casino.	Noted
32	Dave Taylor 26 New Walk Terrace York YO10 4BG				Under Part A, 9.1 I wonder what miners' welfare institutes are extent in York. Has this draft been copied from elsewhere?	LACORS (Local Authorities CoOrdinators of Regulatory Services) template used
	Dave Taylor cont.				Part B, 1.5 The combination of alcohol and gambling does not encourage responsible or controlled gambling. Premises should not be licensed for both alcohol and gambling.	No discretion as the legislation allows this
	Dave Taylor cont.			No	Part B, 4.2 I strongly believe that the Authority should pass a no casino resolution. York is not a city which is in need of gambling-led regeneration.	Noted
33	C Godfrey Bishopthorpe Parish Council The Village Hall Main Street Bishopthorpe York YO23 2RB	Residents in close proximity of the proposed development	Already included	No	A casino would attract an entirely different clientele to one that visits the Historic city of York. The two would seem to be in direct conflict and therefore the Casino would not be a desirable addition to this city.	Noted.

34	Meg Armstrong-Speed & Edward Wilcock artconsulyork@aol.com			No Annex 2	A casino would only appeal to gamblers Gambling is a serious addiction that undermines the family - dashes dreams and frays the fabric of society.	Noted
35	R Bileckyj cityandcountrytravel@ vodafone.net			Yes	Yes we should have one. As it gives us the choice on how we spend our money. It could bring more jobs to the city, and a better class tourist with more to spend.	Noted
36	Barbara A Robinson 20 Barmby Avenue Fulford, York, YO1 4HX			No	At our AGM (BAGNARA - Broadway Area Good Neighbour and Residents Association) on 25 July 2006, it was agreed that we were opposed to a licensed casino.	Noted
37	Leslie MacLeod-Miller General Counsel BACTA (British Amusement Catering Trades Association) LindaM@bacta.org.uk	BACTA			BACTA submitted a comprehensive response to the policy stating that they were in consultation with the DCMS and Gambling Commission the following are the main points relevant to the policy: <u>Interested parties</u> It is noted that Gambling Commission Guidance states that 'interested parties' includes trade associations and although BACTA is not of itself an interested person under the terms of the Gambling Act 2005 it does represent, through its members, parties who live sufficiently close to the premises to be affected by activities being applied for.	Covered in the policy

	Leslie MacLeod-Miller cont.			Annex 2	<p><u>Proximity / location</u> [. . .] it would not be appropriate for a licensing authority to take action based upon proximity alone. A decision must only be taken based upon a reasonable analysis of evidence and therefore mere concern is insufficient ground for the refusal of an application or the imposition of conditions.</p>	Noted
	Leslie MacLeod-Miller cont.				<p><u>Door supervision</u> [. . .] a condition for door supervision should not be imposed unless justified on the basis of the application of pre-requisites applying to the addition of conditions set out under the heading above.</p>	Noted
	Leslie MacLeod-Miller cont.				<p><u>Definition of premises</u> The gaming machine industry has operated designated adult areas within family entertainment areas for over 10 years and on the basis of evidence Parliament has accepted that this model of direct access would be adopted specifically in relation to licensing FECs and regional casinos. [. . .] While licensing authorities should take particular care in considering applications for multiple licenses under one premises, their concern should be to ensure that there are clear barriers and that the licence conditions are properly observed.</p>	Noted

	Leslie MacLeod-Miller cont.			Annex 2	<u>(Alcohol) Licensed premises gaming machine permits (Schedule 13 paragraph 4(1))</u> The Minister has guaranteed that those premises that currently site more than two machines will automatically be entitled to grandfather rights [. . .]. This principle should be preserved by licensing authorities and machine numbers should only be reduced if there is evidence of a real regulatory need.	Noted. Included in policy at paragraph 30.7
38	Ian Tempest Secretariat First Stop York Tourism Partnership			Yes	This was a comprehensive response outlining the structure and function of the group and the present situation and rate of growth of the tourist industry in York. The group believes that a high quality casino operation would be a useful addition to this evening economy mix in the city, would attract visitors from York's target markets (both UK and overseas) and would be a sufficient draw to encourage other benefits (spend on evening meals, overnight stays etc) whether it was a standalone facility or as part of a hotel development.	Noted
	Ian Tempest cont.				The Group therefore endorses the current position which is that the Council has NOT so far passed a "No Casinos" resolution and that it should continue NOT to pass this resolution.	Noted



Executive**21 November 2006**

Report of the Director of City Strategy

City of York Local Development Framework – Statement of Community Involvement**Summary**

1. The purpose of this report is to advise Members of the ongoing work on the Statement of Community Involvement (SCI) and to ask the Executive to recommend to Full Council, as the appropriate decision making body, that they approve the Statement of Community Involvement (Copies of the Submission Draft are available in the Members' Library and to view on the Council's website, at www.york.gov.uk). The proposal, subject to Member approval, is for the Statement of Community Involvement to be submitted to the Secretary of State for formal examination in accordance with the Planning and Compulsory Purchase Act 2004.

Background

2. A key aim of the new planning system is to strengthen community and stakeholder involvement in the development of local communities. Under the provisions of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to prepare a Statement of Community Involvement (SCI), which should set out how the Council intends to involve the community in preparing Local Development Documents and making decisions on planning applications.
3. The SCI is the first document to be produced as part of the City of York Local Development Framework. It provides the opportunity to formally outline existing consultation practices as part of the planning system and to set out the Council's overall vision for community involvement. It also provides the opportunity to identify how community involvement in the planning process could be developed in the future.
4. Each Development Plan Document (DPD) produced is required to go through 3 main stages of production:

- **‘Issues & Options’ Stage** – at this point the Council highlights key issues and options for consultation to inform the content, scope and direction of the DPD.
 - **‘Preferred Options’ Stage** – consultation on the Council’s intended approach.
 - **Submission Stage** - consultation on the final document submitted by the Council to the Secretary of State for examination. Any comments received at this stage will be forwarded to the Planning Inspectorate for consideration.
5. In October last year Members considered the draft SCI (‘Preferred Options’) and approved it for public consultation. This report provides a write up of the results of that consultation and identifies suggested amendments to the draft SCI. Subject to Member approval the SCI will be submitted to the Secretary of State for formal Examination. Once the SCI is submitted we are required to undertake a further 6 weeks of consultation. Any comments received at this stage will be forwarded to the Planning Inspectorate for consideration. The Inspectorate will decide on the basis of comments received during the consultation, whether there is a need to hold an examination or whether comments can be dealt with through written representations.
 6. The Submission Draft SCI was considered by the LDF Working Group on 7 November 2006. The recommendations of the group are attached as Annex B to this report.

Consultation

7. Consultation on the draft SCI took place between 22 February 2006 and 10 April 2006. Details of the consultation, highlighting the opportunity to comment were sent out to over 400 contacts on the Local Development Framework database. These contacts included statutory (specific) bodies, local organisations and interest groups and individuals. Specific bodies were sent copies of the draft SCI, whilst all other contacts were sent a summary leaflet with details of where they could view the full document.
8. Copies of the draft SCI, summary leaflet, poster and comment form were placed in the receptions at the Guildhall and 9 St Leonard’s Place and in all local libraries. The documents were also available on the Council’s website, with an electronic comment form which could be submitted online.
9. In order to more widely advertise the opportunity to comment on the draft SCI, a formal notice was placed in the Evening Press, and copies of the leaflet and poster were distributed to local colleges, schools, GP surgeries, major employers, community centres and places of worship, with a request that they be placed where they could be viewed by students, employees and members of the public.
10. In addition to the above, Officers attended meetings of the Environment Forum, the Inclusive York Forum and the Open Planning Forum to present an item on the SCI.

Level of response

11. In total, 238 comments were received. These included responses from specific consultees such as Government Office for Yorkshire and Humber, the Regional Assembly, a number of Parish Councils, English Nature and the Highways Agency, as well as from other general bodies such as Campaign to Protect Rural England (CPRE), community and residents associations and individuals.

Key issues raised in responses

12. The table attached at Annex A sets out a summary of the issues which were raised by respondents, outlines an officer response and where relevant, sets out recommendations for how the issues are addressed in the submission draft SCI which is available in the Member's Library or on-line at
13. In summary the main changes made in the redrafted SCI are as follows:
 - the SCI has been divided into four parts to make it clearer which sections relate to the Local Development Framework and which relate to planning applications;
 - section 4 on Guiding Principles has been expanded to provide more information on how the principles will shape public involvement in planning matters;
 - the sections on 'who will be involved', 'community profile' and 'hard-to-reach groups' have been merged to give a clearer overall picture about who will be involved and to rely more on the detail set out in the annex to avoid duplication (section 5 and Annex 1);
 - section 7 on the LDF has been amended to draw out more clearly the different types of LDF document and our key commitments for seeking to achieve effective community involvement in the preparation of the LDF; and
 - the size of development for which we will seek more in depth community involvement in planning applications has been amended to reflect the statutory definition of 'major' applications (section 8).

Next steps

14. It is anticipated that consultation on the submission draft SCI will be carried out towards the end of 2006 for a period of six weeks. The Council are required to commence consultation immediately after the SCI is submitted to the Secretary of State. The Council is required to make copies of the SCI available for inspection at the Council offices and local libraries, publish the document on the Council's website, send copies to the statutory bodies and publish a formal notice in a local newspaper. In addition the Council will also inform all those who have previously responded that the SCI has been submitted and that there is a further opportunity for comment.
15. As part of the submission we are required to submit a statement of consultation. The statement will be a factual description of consultation undertaken to date and will include summaries of the issues raised by respondents at each stage and how these have been addressed in subsequent

drafts. The main body of this statement will consist of the summaries of comments which have previously been reported to Members for the Issues and Options stage in December 2005, and for the Preferred Options as part of this report.

Options

16. That the SCI is approved for submission to the Secretary of State for examination.

Analysis

17. It is imperative that the SCI is progressed through to adoption to provide a sound basis for carrying out consultation on the Local Development Framework as a whole.

Corporate Priorities

18. The option outlined above accords with the following Corporate Strategic Priorities:
 - Improve our focus on the needs of customers and residents in designing and providing services.
 - Improve the way the Council and its partners work together to deliver better services for the people who live in York.

Implications

19. The following implications have been assessed:
 - **Financial** The costs of undertaking the Statement of Community Involvement can be funded from budgets set aside for the Local Development Framework.
 - **Human Resources (HR)** None
 - **Equalities** None
 - **Legal** None
 - **Crime and Disorder** None
 - **Information Technology (IT)** None
 - **Property** None
 - **Other** None

Risk Management

20. In compliance with the Council's risk management strategy. There are no risks associated with the recommendations of this report.

Recommendations

21. That Members recommend to Full Council:

- i) that subject to changes recommended at the LDF Working Group and at this meeting, the Statement of Community Involvement is approved for submission to the Secretary of State and for formal consultation;

Reason: So that the Statement of Community Involvement can progress through to examination.

- ii) that the making of any incidental changes to the document that are necessary as a result of the recommendation of this report are delegated to the Director of City Strategy and the Executive Member and Opposition Spokesperson for City Strategy; and

Reason: So that changes recommended as a result of discussions at this meeting can be made and the report can progress through to Full Council.

- iii) that the production of the statement of consultation as detailed in paragraph 15 of this report, and the final formatting of the submission SCI document are undertaken in consultation with the Director of City Strategy and the Executive Member and Opposition Spokesperson for City Strategy.

Reason: So that the relevant documents needed for submission to the Secretary of State can be produced.

Contact Details

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Report Approved **Date** 9/11/06

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Wards Affected:

All

For further information please contact the author of the report

Background Papers

None

Annexes

Annex A: Officers' response to issues raised during the consultation and recommended changes to the Statement of Community Involvement.

Annex B: Submission Draft Statement of Community Involvement – recommendations of the LDF Working Group.

ANNEX A: Officers' response to issues raised during the consultation and recommended changes to the Statement of Community Involvement

Summary of Comments made by Consultees on the draft SCI.	Officer Response and Suggested Amendments to Statement of Community Involvement (shown in Bold)
<p>1.0 General/Format of the Document:</p> <p>1.1 This is a long and complex document, documents should be produced in formats which are more accessible and which will encourage participation.</p> <p>1.2 The pictures contribute nothing to the document.</p> <p>1.3 Provide information in community languages and Easy Read.</p> <p>1.4 It is unclear which parts of the SCI relate to the LDF and which relate to applications and it is surprising that the section on applications is low in the order of contents.</p> <p>1.5 The SCI should refer to other Council strategies where appropriate such as the Community Strategy and should accord with any changes made to the Council's constitution.</p>	<p>1.1 Section 4.2 sets out the principle of communicating clearly, we will endeavour to produce all documents in a clear format and minimise jargon. We will produce a glossary, index, and where appropriate a summary, to accompany all documents. Innovative ways of displaying proposals will be encouraged to make them clearer and easier to understand and to facilitate involvement, making use of diagrams and tables as appropriate. Where practicable we will seek input from the Council's marketing and communications team when producing consultation documents. Include additional principle in paragraph 4.3 to state 'seek to provide information in an interesting, clear and accessible way'</p> <p>1.2 Review illustrations in re-formatting of document.</p> <p>1.3 Make reference to Easy Read and community languages (Table 2, Key Commitment 6).</p> <p>1.4 Accept that the current structure makes this unclear. Break document into 4 parts, making it clear that part one and part four relate to both the LDF and applications, part two discusses the LDF specifically and then part three covers applications. It is considered more appropriate to cover involvement in policy documents before dealing with applications.</p> <p>1.5 It is crucial that the SCI takes into account other relevant documents which have been produced or adopted by the Council. The revised Constitution which was agreed on 25 May 2006 has been taken into account in redrafting the SCI. Add additional guiding principle to para 4.3 referring to working with other departments and other strategies produced by the Council.</p>
<p>2.0 Benefits of Community Involvement:</p> <p>2.1 An additional benefit would be better accountability by decision-takers to the community.</p> <p>2.2 Residents do not need to be persuaded of the benefits of community involvement.</p> <p>2.3 The right decision is more important than a speedy decision.</p> <p>2.4 Local knowledge should be better used by officers.</p> <p>2.5 Involving more people could simply spread the frustration and despair.</p>	<p>2.1 Decision makers are accountable to the community, the SCI seeks to make the decision making process more transparent and a benefit of this is that it will build trust and limit misunderstanding.</p> <p>2.2 This paragraph is directed at everyone. Rephrase para 2.1 to indicate that involving the community in the planning process benefits all parties.</p> <p>2.3 Rephrase and amalgamate previous bullet point 1 and 3 under para 2.1 to: Improved and faster decision making, as issues can be resolved at an early stage.</p> <p>2.4 Recognise that utilising local knowledge is an important benefit to increased community involvement. Include additional reference in para 2.1 (5) to making use of local knowledge.</p> <p>2.5 The intentions outlined in the SCI endeavour to improve the process for all.</p>
<p>3.0 The Aim of the SCI</p> <p>3.1 The SCI should set out what is meant by community involvement and what consultation is. What is the purpose of consultation and what is the expectation (this would be different for different parties)?</p>	<p>3.1 Reword para 4.1 to fully explain what we consider to be the purpose of community involvement and consultation. The expectation of consultation is that it will deliver the benefits outlined in section 2 of the SCI.</p>
<p>4.0 Guiding Principles in Consulting the Community:</p> <p>4.1 The principles should take account of the York Compact.</p> <p>4.2 Proposals for a 'continuous process' of public involvement are at odds with CYC's cyclical timetable and low frequency of meetings. A working group of Cllrs and staff should meet weekly to consider views received.</p> <p>4.3 Need to accept that in some cases lack of interest will be impossible to overcome.</p> <p>4.4 Obstacles should be recognised as too much ineffective</p>	<p>4.1 The principles take account of the Code of Practice in the York Compact. Include reference to the York Compact in the Guiding Principles section (para 4.3).</p> <p>4.2 A weekly meeting would have significant resource implications, and would be excessive in the case of document production. The results of all LDF consultations are reported back to Members at the LDF Working Group.</p> <p>4.3 Recognise that a lack of interest is a barrier. By using the principles set out in para 4.3 to guide community involvement, we will seek to address this barrier as far as possible.</p> <p>4.4 Remove reference to too much consultation, expand the guiding principles (para 4.3) to give more detail on how we intend to ensure involvement is effective.</p>

Summary of Comments made by Consultees on the draft SCI.	Officer Response and Suggested Amendments to Statement of Community Involvement (shown in Bold)
<p>consultation rather than 'lack of interest by the community' or 'too much consultation'.</p> <p>4.5 Involvement has to start at the very beginning of any process with an open mind and clean slate, there should be no preconceptions or inappropriate assumptions and questions should not be leading.</p> <p><i>Suggested amendments to the principles:</i></p> <p>4.6 The SCI should also allow for continuous opportunities for public input.</p> <p>4.7 There should be continuous revision of policies and willingness to change core principles in response to public input. Work to improve public confidence that their contributions will be acted upon.</p> <p>4.8 State who you intend to provide feedback and information to.</p> <p>4.9 Coordinate consultation effectively and inclusively, including consideration of location and timing of meetings and efficiency and effectiveness of leaflet distributions.</p> <p>4.10 Ensure consultation processes are adequately resourced to achieve their objectives.</p> <p>4.11 Plan to pro-actively reach groups & individuals, not just passively make information available.</p> <p>4.12 Consultation must be implemented early enough so that opinions and evidence from consultees can be used to inform all stages of the decision making process.</p> <p>4.13 A consultation process that simply asks for opinions on a detailed scheme before implementation should be recognised as flawed, inadequate and inappropriate.</p> <p>4.14 Make it as easy as possible for people to give their opinions.</p>	<p>4.5 This is recognised throughout the SCI and in particular in the guiding principles (para 4.3).</p> <p>4.6 Rephrase para 4.3 (i) to: Early and continuous communication and opportunities for public involvement.</p> <p>4.7 This is recognised in the guiding principles. Expand guiding principles (para 4.3 (iv) and (vii)) to provide more explanation on ensuring ideas and comments are considered and continuous development and improvement.</p> <p>4.8 Amend para 4.3 (vi) to refer to providing feedback to individuals, groups and the wider community.</p> <p>4.9 Expand para 4.3 (viii) to refer to carrying out consultation inclusively and give some examples of the sorts of factors we will consider.</p> <p>4.10 Section 12 of the SCI sets out how the consultation set out in the SCI will be resourced.</p> <p>4.11 Expand para 4.3 (v) to refer to how we will ensure involvement is meaningful and effective, including being pro-active.</p> <p>4.12 Covered under para 4.3 (i) and (v) 'early and continuous communication and opportunities for public involvement' and 'ensure involvement is meaningful and effective'.</p> <p>4.13 This is generally recognised and reflected in the approaches set out in the SCI to fully involve the community in preparing planning documents and in making decisions on applications. Key to this is early involvement and meaningful and effective engagement (para 4.3 (i) and (v)).</p> <p>4.14 A key aim of the Statement of Community Involvement is to encourage more people to get involved in the planning process (para 3.2). Table 2 sets out the range of ways we intend to involve the community in the LDF process, including the range of ways they can make comments (Table 2, Key Commitment 7) . Para 10.5 sets out how people can comment on applications.</p>
<p>5.0 Who will be involved:</p> <p>5.1 Suggested amendments, updates and additions to the groups and organisations listed in Section 5, Section 7 and Annex 3 of the SCI.</p> <p>5.2 Include a sentence on monitoring and keeping the database up to date and give details on who people should contact if they wish to include themselves on the database.</p>	<p>5.1 Accept that the additional groups and organisations suggested should be included on the LDF database and referred to in the Annex of the SCI as appropriate. One respondent requested that contact details were also included, however, it would not be appropriate to include specific contact details as these may quickly become out of date. Merge the 'who will be involved', 'community profile' and 'hard-to-reach' sections to give a clearer overall picture about who will be involved. Update Annex 1 to include additional consultees as appropriate.</p> <p>5.2 Expand paragraph 5.15 to include reference to monitoring the database and keeping it up to date and provide a contact if people wish to add/amend/delete their details.</p>
<p>6.0 Community Profile:</p> <p>6.1 Suggested amendments regarding villages, urban-rural population split, disabilities and the equality profile.</p>	<p>6.1 Amend Paragraph 5.2 – 5.8 to include suggested amendments and additions.</p>
<p>7.0 Hard-to-reach Groups:</p> <p>7.1 Those with most to gain will participate more whilst those likely to be disadvantaged will continue to be relatively powerless.</p>	<p>7.1 A key aim of the SCI is to encourage more people to be involved and make it as easy as possible for them to do so. By clearly setting out the process, the general public are not disadvantaged by a lack of knowledge of the consultation process.</p>

Summary of Comments made by Consultees on the draft SCI.	Officer Response and Suggested Amendments to Statement of Community Involvement (shown in Bold)
<p>7.2 Give more explanation of why each of these groups is considered to be hard to reach.</p> <p>7.3 The general public are also a hard to reach group and there are others outside these hard-to-reach groups who also find it difficult to get involved.</p> <p>7.4 Emphasis on consultation with minority groups may mean that the interests of the majority may not be given enough weight.</p> <p>7.5 Any attempt to be all-inclusive will be wasteful of time and resources, and will fail. A substantial majority should be the target.</p> <p>7.6 This term is a way of excusing why views of groups aren't heard and instead should be replaced with 'need to reach'.</p>	<p>7.2 The groups identified are minority groups which the Council considers are not easily represented and are therefore considered to be 'hard-to-reach'. The membership of the Inclusive York Forum, which was used as a basis for determining hard-to-reach groups, draws on representatives of the various communities of interest in York, namely: race, age, faith, disability, gender and sexuality.</p> <p>7.3 Accept that a large proportion of the general public could be considered to be 'hard-to-reach' because they are not easily involved in the planning system. As respondents suggest, this could be for reasons such as working full time. Reword para 5.11 to emphasise that a large proportion of the general public including those identified in this section are 'hard-to-reach' if these are defined as those not easily involved in the planning system.</p> <p>7.4 Taking into consideration the needs of specific groups such as these when planning consultations is unlikely to impact negatively on the level of interest from elsewhere, as this targeted consultation would be over and above any wider consultation we intend to undertake.</p> <p>7.5 It is accepted that we will never achieve a 100% response rate, even if time and resources were unlimited. However the aim of the SCI is to encourage more people to get involved and to get a response which is representative of the York community. An important part of this is to consider the needs of specific groups who may otherwise be disadvantaged by methods used.</p> <p>7.6 'Hard to Reach' is considered to be a recognisable term for referring to groups that are not easily reached by the planning system.</p>
<p>8.0 Methods of Community Involvement (Table 1):</p> <p>8.1 Newsletters could be another method of creating local awareness (e.g. Huntington Newsletter).</p> <p>8.2 Public meetings and meetings with community groups and other local forums are a good way to get more of the community involved.</p> <p>8.3 The danger of meetings being hijacked by vocal groups can be minimised through a strong chairman and participants at these meetings should conclude with a vote on the key issues.</p> <p>8.4 Further explanation required about area forums</p> <p>8.5 Public meetings should be well advertised by local media.</p> <p>8.6 It should be recognised that the Council has an exhibition unit for public exhibitions.</p> <p>8.7 An additional weakness of Formal Written Consultation / Community Surveys is that these documents can over- simplify.</p> <p>8.8 An additional weakness of focus groups is that they are unaccountable.</p> <p>8.9 Workshops can be manipulated by a facilitator.</p> <p>8.10 Local Press should be briefed on proposals and the Council should investigate running more interactive and coordinated publicity campaigns through the local media.</p> <p>8.11 All documents should be made available on the Council's website and the website should be designed so that documents can be easily located.</p>	<p>8.1 Newsletters are recognised as a possible method and this is reflected in their inclusion in Table 1.</p> <p>8.2 Accept that there are other forums and groups which it would be valuable to involve. Add an additional row to Table 1 covering Community Groups, Organisations and Forums.</p> <p>8.3 Table 1 recognises that one weakness of public meetings and area forums is that they may be hijacked by the most vocal groups – having a strong chairman would be one way of addressing this. The purpose of these meetings and forums is to discuss a range of issues and gather views from different members of the public, in most cases it is inappropriate to cast a vote, as it is not simply a matter of 'for and against'.</p> <p>8.4 Area forums would be set up where appropriate to discuss a particular issue, site or application where these particularly impact on a certain area. Amongst other things the membership could be drawn from existing Ward Committees and Parish Councils.</p> <p>8.5 The Council will seek to make use of local media to advertise consultations and any public events.</p> <p>8.6 Add reference to exhibition venues, including the mobile unit, in Table 1.</p> <p>8.7 Accept that this is a risk when attempting to make information more accessible. Make reference in Table 1 to the possibility of issues being over-simplified.</p> <p>8.8 This is the case with most of the different groups involved. Table 1 recognises that these groups may not be fully representative of the community and they would never be used as the sole method of consultation.</p> <p>8.9 Recognise that a facilitator can manipulate outcomes and this is reflected in the suggestion that an external facilitator brings about the best results.</p> <p>8.10 Agree that the local press provides a good way of reaching large numbers of people. Each consultation will be accompanied by a press release and during some consultations we will produce follow-up releases to encourage more interactive coverage (e.g.: follow-up stories with photographs of consultation events). However, it should be noted that whether items are covered by the press is not within the Council's control. Make reference to issuing press releases at key stages in Table 2.</p> <p>8.11 All consultation documents are made available on our website and during consultations a direct link to the</p>

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<p>8.12 Make more use of electronic forms of communication, as this would increase speed and lower costs (for example, when consulting with Parish Councils on applications or to produce a database of email addresses for interested parties.</p> <p>8.13 Regularly update website information so that key consultation dates are not missed by members of the public.</p> <p>8.14 The web is an effective way of gaining and sharing information.</p> <p>8.15 Include notice board in libraries dedicated to Council business.</p> <p>8.16 Ensure that letters are addressed to the correct individuals. <i>Which methods of community involvement will be used when?</i></p> <p>8.17 SCI should recognise that in most cases an effective consultation will involve employing a wide range of often overlapping measures. There is a lack of clear criteria as to what methods of involvement will be used when – implying that the Council will employ as many or as few as it likes in any given situation.</p> <p>8.18 Suggest additional focal points for contact and information points: supermarkets, schools/colleges, shops, bus stops, work places and businesses and political party flyers.</p> <p>8.19 Table 1 should indicate that Planning Aid is provided free of charge to the public.</p> <p>8.20 Table 1 sets methods against the failings of the public to fit in, it should start with the range of people who may wish to contribute, followed by a decision on the range of measures needed to most effectively reach these people.</p>	<p>relevant page is placed on the Council's homepage. We will continue to seek advice from our web team on the best way to display information on the website.</p> <p>8.12 The Council will continually seek new ways to use electronic communication methods. As applications are now available on the website the scope for this has increased. However, as email and internet access is not available to all the best way is still to contact Parish Councils and all neighbours by post.</p> <p>8.13 Include an additional bullet point in Table 2, commitment 6: The council will seek to maximise use of the City of York Council Website and ensure it provides up to date information.</p> <p>8.14 The Council recognises that the website provides a valuable source of information. Add the following text to table 1: 'is a simple way of sharing and gaining information'.</p> <p>8.15 As libraries have restricted space it is not possible to have a notice board within them dedicated to Council business. For each consultation, we will produce a poster which we will encourage libraries to display to advertise the consultation and the availability of documents within the library.</p> <p>8.16 Where the information is available letters regarding the LDF are addressed to specific individuals or departments within organisations. At each stage of the consultation when responses are received the LDF contact database is updated to record individuals names rather than simply an organisation.</p> <p>8.17 Table 1 sets out the range of methods and paragraph 6.2 states that those used would be dependent on the consultees and the type of document being consulted on. To go into more detail would make the document too prescriptive. The Companion Guide to PPS12 states that SCIs should not be too over-prescriptive as this would have considerable resource implications and would require the statement to be reviewed frequently. However an additional sentence could be added suggesting that consultation involves employing a wide range of measures. Add the following text to Paragraph 6.2: The Council recognises that in most cases an effective consultation involves employing a wide range of often overlapping measures to reach as many people as possible.</p> <p>8.18 During previous consultations we have distributed leaflets and posters widely to venues as suggested here. Accept that further information could be provided in Table 1. In Table 1, include additional examples of where we could distribute leaflets and brochures.</p> <p>8.19 Add additional text to Table 1 to indicate that Planning Aid services are free of charge to the public. In addition, refer to Planning Aid in the Glossary and in the section on Resources.</p> <p>8.20 Agree that who is being consulted is an important consideration when determining which methods to use in each case. Revise 6.2 to include: 'The consultation methods used in each case will be specifically tailored according to those to be consulted and what it is they are to be consulted on, to encourage maximum input. Factors such as the accessibility of venues, timings and working hours, care needs and language must be carefully considered in determining the optimum consultation approach in each case'.</p>
<p>Local Development Documents (LDDs)</p>	
<p>9.0 Consultation on Local Development Documents (LDDs)</p> <p>9.1 Timescales should be set out in the SCI and these should be updated as changes occur.</p> <p>9.2 The SCI is resume of what the Council is already doing. It would be helpful to differentiate between the old and new standards and highlight whether we will still be going beyond what is required by the regulations.</p>	<p>9.1 The Local Development Scheme (LDS) sets out the timescales for the production of the LDF and this will be updated at key stages to provide an up-to-date programme. This is available on the Council's website. Reference to the statutory 6 week consultations could be included in the SCI. Include reference to the statutory 6 week consultation period for Preferred Options and Submission stages in Figure 2.</p> <p>9.2 The Council already carries out considerable consultation with regard to applications and planning documents, in many cases going beyond the requirements of the regulations. The SCI provides the opportunity to formally set out these existing practices but also take on board the new standards introduced by the 2004</p>

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<p>9.3 Different terms are used to refer to the same thing throughout the table (eg. 'you' and 'citizens').</p> <p>9.4 It mentions that copies of reports will be free to non-profit organisations but isn't clear who will have to pay.</p> <p>9.5 Stage 1 in the table should state that issues will be discussed clearly and concisely whilst leaving all options open and providing appropriate background information.</p> <p>9.6 Amend reference to LSP to refer to using them to reach as many groups as possible who would like support to develop their knowledge of the planning system.</p> <p>9.7 Advertise widely the offer of a visit by a planning officer to hard to reach groups and others who are interested.</p> <p>9.8 The Council should state clearly where consensus cannot be reached and what the various points of view are.</p> <p>9.9 The process of LDDs should have an extra stage 0 – seeking ideas. Otherwise stage 2 is only a consultation on options already owned by the Council.</p>	<p>Planning Act, which encourages a more comprehensive and inclusive approach to community involvement. Include additional Annex which summarises the minimum requirements for consultation for the LDF.</p> <p>9.3 Amend terms in Table 2 to make them consistent.</p> <p>9.4 Accept that the wording makes this unclear. Reword relevant parts of Table 2 to read 'Copies will be available free to non-profit making organisations. Copies for residents and others will be available at an affordable rate.'</p> <p>9.5 These points are covered in paragraph 4.3 of the SCI under guiding principles.</p> <p>9.6 Accept that the suggested change would clarify how we intend to work with the Local Strategic Partnership. Amend Key Commitment 5 in Table 2 to clarify reference to LSP.</p> <p>9.7 This is covered in Table 2, Key Commitment 5.</p> <p>9.8 As part of the new system planning authorities are required to set out clear reasons for their selection of the preferred options, together with a précis of the alternatives that were considered. At every stage of the LDF process officers will prepare a report setting out how they intend to respond to issues raised. This is set out in Table 2.</p> <p>9.9 A key aim of the new planning system is to involve communities and stakeholders from the earliest stage in the plan preparation process ('frontloading'). Each Development Plan Document will go through an initial 'issues and options' stage, which will include a discussion of possible issues and options, and evidence gathering (pre-production). Stage 1 is therefore part of that trawl for ideas and a stage which will include full community involvement. This is covered under the guiding principles identified in section 4 and under Key Commitment 1 in Table 2.</p>
<p>10.0 Village Design Statements, Parish Plans, Area Action Plans and Supplementary Planning Documents:</p> <p>10.1 Will Village Design Statements and Conservation Areas be given more weight when considering applications?</p> <p>10.2 Will Supplementary Planning Documents have 'material' status as SPGs currently do?</p> <p>10.3 Does an Area Action Plan exist for Huntington, North East York or Haxby/Strensall? There is a need for an agreed area plan to address the cumulative impacts of applications.</p> <p>10.4 Anything that directly affects a particular town or parish should be highlighted to that area to ensure awareness.</p> <p>10.5 The SCI should make reference to Parish Plans.</p> <p>10.6 Are Area Action Plans the same as development briefs?</p>	<p>10.1 The current aim for design statements is for them to be approved as supplementary planning guidance. The weight attached to the statement depends how closely it reflects national or regional guidance and the level of consultation carried out. This will continue to be the case if they are adopted as SPDs under the LDF. The duty to preserve and enhance the character and appearance of Conservation Areas remains unchanged.</p> <p>10.2 SPDs will form part of the planning framework for the area and will be included in the LDF. Although not part of the statutory development plan, they must be in conformity with the Core Strategy and the DPD policies which they support and will be subject to rigorous procedures of community involvement. They will therefore be material considerations in the determination of applications.</p> <p>10.3 There are no Area Action Plans (AAP) proposed for the areas mentioned. AAPs are used to provide the planning framework for areas where significant change or conservation is needed. In the areas mentioned it might be more appropriate to consider producing design guides or statements.</p> <p>10.4 Paragraph 7.5 of the SCI recognises that some topics will be of localised concern or will only affect certain areas. Consultation on certain documents, such as AAPs and SPDs needs to reflect this. The focus of consultation on these documents will be tailored to the likely level and type of interest. In terms of applications, these are advertised in the local area through site notices, neighbour notification and consultation with the relevant Parish Council or planning panel.</p> <p>10.5 Community Plans such as Parish Plans and Village Design Statements provide an important method for involving the community in the planning system. Provide these as examples in Table 1.</p> <p>10.6 Unlike development briefs which were previously Supplementary Planning Guidance, Area Action Plans will benefit from having development plan status.</p>
<p>11.0 How will comments be brought into the process and what weight will they have?</p>	<p>11.1 All comments will be registered and at every stage of the LDF process officers will prepare a report setting out how they intend to respond to issues raised. With planning applications, the officer draws together all the</p>

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<p>11.1 SCI should give clear indication of how the comments received will be brought into the process and what weight will be attached to them. There is the perception that comments will not be taken into account and that decisions have already been made.</p> <p>11.2 SCI should set out how it intends to ensure that any consultation is open, fair, transparent and democratic.</p> <p>11.3 The results of consultation should be used to inform the decisions makers. All appropriate committee reports on issues likely to have significant impact on local communities will include details of what consultations have taken place and if none, why not.</p> <p>11.4 Provide a reasoned explanation where decisions are contrary to the views expressed by the majority of those consulted, in many cases people would be more interested in consultation if the majority view prevailed.</p>	<p>issues and comments made on a planning application into a written report and makes a recommendation whether to approve or refuse the application, as set out in paragraph 10.6 of the SCI. The comments and reports will be available for the public to view. We believe that all comments are valued, but views often differ and therefore we cannot commit to making all changes requested. Expand guiding principle iv to explain what happens to comments received and amend Key Commitment 2 in Table 2 to refer to responding to issues raised.</p> <p>11.2 Through seeking to increase involvement and clearly setting out how and when members of the public can be involved in the planning process, the SCI seeks to ensure that any consultation is carried out in a way which is open, fair, transparent and democratic. A key part of this is early and continuous involvement and the commitment to providing feedback on comments and decisions.</p> <p>11.3 Consultations on the LDF and applications will be reported back to Members in the relevant committee reports. For the LDF this is a standard process, for applications this would only be the case for larger/significant applications.</p> <p>11.4 As set out above the response to the issues raised/reasons for a decision will be set out by Officers. Public views, even if expressed by a majority of respondents still have to be considered alongside planning guidance and a balanced decision reached.</p>
<p>12.0 Access to Information:</p> <p>12.1 Accounts of meetings with council staff should be available for inspection by the public.</p> <p>12.2 Make it possible for <i>anyone</i> to gain information.</p> <p>12.3 The SCI should set out the opportunities for comment and complaint on development projects.</p>	<p>12.1 Under the Freedom of Information Act certain officer notes will be available to be viewed by the public. However there will be exemptions where matters are confidential.</p> <p>12.2 Include additional Key Commitment to Table 2 which refers to information being made available to everyone.</p> <p>12.3 The SCI as a whole sets out the opportunities available for public comment and involvement. However, it would be good to include contact details for the main teams involved. Include an Annex which sets out contact details for key departments.</p>
<p>13.0 Resources and Training:</p> <p>13.1 The resource implications (time and financial) have been underestimated.</p> <p>13.2 The SCI should state as a matter of principle that the process will be properly resourced throughout.</p> <p>13.3 Invest in training for staff and Members and try to initiate training local people how to use new IT.</p>	<p>13.1 Expand section 12 to set out the resources which will be used to undertake the level of involvement set out in the SCI.</p> <p>13.2 The processes and methods set out in the SCI take into account the level of resources available. The need to adequately resource the process is recognised in section 12.</p> <p>13.3 The Council will seek to make use of opportunities to provide Members and staff with appropriate training. There are many facilities which provide IT training for people, including Learning for Life and Learndirect. Where possible the Council will seek to make people aware of the opportunities.</p>
<p>Planning Applications</p>	
<p>14.0 General Comments:</p> <p>14.1 As well as 'transparency of decision making' include 'leading to a better understanding of the reasons for a decision'.</p> <p>14.2 Make clear that anyone can comment on a planning application.</p> <p>14.3 How can we obtain copies of the Council's 'Good Practice Guide to Development Control'?</p> <p>14.4 All applications should include aerial and plan views of all surrounding properties as well as the proposed property. The planning office should ensure that all plans are accurate or reject the proposal.</p> <p>14.5 Much greater emphasis should be given to the concept of</p>	<p>14.1 Add to para 8.2: 'The Council wishes to make the process of dealing with an application, and the reasons for deciding whether to approve or refuse it, open and accessible to everyone.'</p> <p>14.2 Add to para 10.5: 'Anyone can make a comment on a planning application.'</p> <p>14.3 This is not available yet. Development Control are currently working on a Code of Practice to give more detail on the Development Control process. Remove reference to Good Practice Guide.</p> <p>14.4 We are unable to insist on aerial views, especially for smaller schemes, but these are encouraged for larger ones. A minimum standard of plans is required, together with supporting reports to enable clear understanding of the proposals. Plans have to meet standard or they will not be registered.</p> <p>14.5 Agree consensus and negotiation should be undertaken wherever possible, and this is carried out where tangible benefits are possible.</p> <p>14.6 Amend statements in Part 3 to make it more positive about what is achieved.</p>

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<p>compromise and reaching a consensus.</p> <p>14.6 The applications section should be more positive about current practices and what the SCI seeks to achieve within the resources available.</p> <p>14.7 It is unclear where table 1 is within the SCI.</p> <p>14.8 It is important from a planning point of view to get it right first time. Enforcement costs time and money.</p> <p>14.9 Some of the explanations in paragraph 12.3 are inaccurate or seem arbitrary.</p> <p>14.10 The SCI should encourage public recognition of the benefits of development derived through Section 106 agreements.</p>	<p>14.7 Accept that this may be unclear because it is set out in another section of the document. Include page reference number for Table 1.</p> <p>14.8 Accept Add short section about planning enforcement.</p> <p>14.9 Amend paragraph 10.1 to reflect suggested changes and correct inaccuracies.</p> <p>14.10 Involvement of the community at an early stage and throughout the development of proposals provides opportunities for negotiation and discussion between all parties. One benefit of this is that the public will have greater awareness of the process as a whole including S106 agreements.</p>
<p>15.0 Consultation on Applications:</p> <p>15.1 Include a commitment to consult neighbouring District and Parish Councils.</p> <p>15.2 Neighbours should be defined and should always be consulted by some method to ensure they are aware of proposals.</p> <p>15.3 For larger developments the Council should consult with its own various partnership boards.</p> <p>15.4 The whole application should be available at the nearest library/Post Office.</p> <p>15.5 For all developments there should be observation “windows” so that the public can view the development.</p> <p>15.6 The Council should contact property owners to inform them of applications and not just rely on notifying tenants and advertisements in newspapers.</p> <p>15.7 Does the Council acknowledge all comments on planning applications?</p> <p>15.8 Are Resident Groups and Ward Committees consulted as routine?</p> <p>15.9 Where CYC have a vested interest in an application, residents should be given a bigger role.</p> <p>15.10 Site notices should always be displayed.</p> <p>15.11 Site notices should be redesigned to make them more visible (large print, community languages- this is also the case for newspaper adverts) and the siting of notices should be considered to make them more accessible to disabled people and less vulnerable to vandalism.</p>	<p>15.1 Amend paragraph 10.1 (viii) to refer to consulting, where appropriate, the specific bodies listed in Annex 1, which includes adjoining authorities. Consider that adjoining parishes are better consulted by their District.</p> <p>15.2 Existing practice gives the ‘net’ for notification by letter, this is usually adjoining properties and then wider coverage for large scale applications and extra letters are often sent out following case officers site visit.</p> <p>15.3 Briefing the Local Strategic Partnership Boards will be considered with regard to larger applications as appropriate.</p> <p>15.4 Applications are now available on line and can therefore be accessed in all libraries. Making them available in Post Offices would have significant resource issues.</p> <p>15.5 For major sites, encourage by negotiation with the developer.</p> <p>15.6 This would have significant resource implications and would not be possible to guarantee in all cases, leading to inconsistency.</p> <p>15.7 The Council acknowledge all comments on planning applications.</p> <p>15.8 This is not done as routine on applications but is considered on merits of each case.</p> <p>15.9 An aim of the SCI is that the public should be involved fully in all applications, related to the size/ implications of the proposal.</p> <p>15.10 National legislation defines when we are required to display notices. There would be resource implications if they were displayed in every case. Neighbour letters give good coverage.</p> <p>15.11 We are currently looking at the design and location of site notices.</p>
<p>16.0 Reporting Consultation to Members:</p> <p>16.1 Consultation carried out by a developer and earlier negotiations should be taken into account by committee and this should be viewed as a positive factor when deciding applications.</p>	<p>16.1 A full report on consultation should be included as part of the committee report. Outline in para 9.8 how the consultation undertaken by developers will be fed into the decision-making process.</p>
<p>17.0 Delegated Decisions:</p>	<p>17.1 Refer to delegated decision reports being available in paragraph 10.8.</p>

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<p>17.1 When a decision is delegated, copies of the delegated report are available on request.</p> <p>17.2 It is not clear on what basis a planning decision may be delegated rather than taken to a planning committee.</p> <p>17.3 What action can an objector take if they wish to ensure an application is taken to a planning committee rather than being delegated.</p> <p>17.4 Under "Delegated Authority" Members may overlook significant applications.</p>	<p>17.2 The majority of applications are dealt with through delegated authority. Include additional annex which sets out the scheme of delegation.</p> <p>17.3 As stated in para 10.7, Members can request that an application is considered at Committee, therefore objectors can make a request to their Councillor and they can decide whether they feel it is appropriate.</p> <p>17.4 The delegated decisions process is needed practically and brings benefits to residents, for example by enabling householder applications to have a speedier decision. Approximately 87% of applications do not go to committee, which enables the Council to devote more time to larger scale or controversial applications.</p>
<p>18.0 Speaking at Planning Committee:</p> <p>18.1 The dates and frequency of committee meetings should be made easily available.</p> <p>18.2 Speakers should be allowed to respond to other comments and make factual corrections to things said by other speakers.</p> <p>18.3 Object to only allowing one speaker and limiting speakers to 3 minutes:</p> <ul style="list-style-type: none"> - insufficient when an application is opposed on a variety of grounds or it involves complex issues. The number of speakers could be determined by the size of the application? - potentially discriminatory against hard to reach groups. - inconsistent with the provisions of the human rights Act 1998. <p>18.4 Where a Parish Council wishes to speak will they be in addition to or displace others who wish to speak against?</p> <p>18.5 Local resident objectors should have precedence over remote body objectors.</p> <p>18.6 Only members that undertake site visits should be able to vote. No new material should be able to be presented at Planning Meetings.</p> <p>18.7 Usually the deadline to register to speak is 10am of the day before not 5pm.</p> <p>18.8 Parish Councils should be given a vote on planning committee, the number of vote's dependant on the size of the parish.</p>	<p>18.1 This information is available on the Council's website.</p> <p>18.2 It is necessary to have measures in place to manage the length of meetings. If the right to respond was allowed all speakers could claim the opportunity. Chair can invite further comment.</p> <p>18.3 As above, it is necessary to have some framework to manage the meetings, however, the overall aim should be to get the best balance of views, commensurate with good decision making and meetings of practical duration. In cases dealing with very large applications or complex issues then multiple speakers may be allowed to register for different issues.</p> <p>18.4 The practice is to allow one person to speak on a first come first served basis in addition to the Parish Council.</p> <p>18.5 Parish Councils are always allowed to speak therefore local residents can always have a voice through their Parish Council.</p> <p>18.6 For practical purposes in Committees, this could mean the decision is taken by smaller number of members and would actually be less representative. This remains at the discretion of each member. The introduction of new material at meetings is at the discretion of the chair.</p> <p>18.7 The deadline for registering to speak at a planning committee is 5pm on the day before the meeting.</p> <p>18.8 This is not possible within the existing constitutions for decision making. Parish Councils do not cover the whole of the authority area so this would lead to some inconsistency in decision making and other groups could also claim the right to have a vote.</p>
<p>19.0 Feedback and communication:</p> <p>19.1 Letters of acknowledgment should be personalised to lead to better relations.</p> <p>19.2 Better feedback should be provided to respondents on the outcome of an application. Respondents should be informed of Officers' recommendations on an application and what they can do if they wish to object further.</p>	<p>19.1 Due to the number of letters sent out this would have considerable resource implications.</p> <p>19.2 When an application is considered by Committee, feedback is given to respondents. In the case of delegated decisions, direct feedback is not given due to the resource implications however, the progress of any application can be followed on the internet or by telephoning the planning officer.</p> <p>19.3 Amend para 10.5 to include on-line and fax responses.</p>

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19.3 Comments can also be made on-line or by fax.	
20.0 Major Planning Applications: 20.1 Seek clarity with regard to use of the terms 'major' and 'significant'.	20.1 Agree that the use of the terms 'major' and 'significant' was in cases unclear. For clarity the threshold for what are considered to be major applications should be the same as the statutory definition of 'major'. Amend para 9.3 to clarify what we consider to be 'major' applications.
21.0 Requirements from developers on applications: 21.1 The SCI should clarify that it is not obligatory that developers carry out consultation on applications. 21.2 Developers should be required to involve the community. The SCI should be more prescriptive about what is expected from developers and set out how the LPA will work with applicants. Applications which do not state what involvement has been undertaken should be invalidated. 21.3 There should be a leaflet for developers setting out what is expected of them.	21.1 Include reference to consultation not being obligatory in para 9.8. 21.2 Planning guidance states that it is not obligatory that developers carry out community consultation. We therefore cannot require developers to carry out consultation, we can only encourage them to by outlining the benefits. The SCI should not be too prescriptive about what would be expected from developers allowing for flexibility and innovation depending on the type and location of the proposals. In para 9.4 refer to developers speaking to officers prior to submitting an application to discuss the opportunities for community involvement and provide some further guidance on the type of consultation which will be expected. 21.3 A leaflet could be helpful when resources permit to help applicants and the public to understand and be involved in the process.
22.0 Parish Councils/amendments to applications: 22.1 The cumulative impact of applications needs to be assessed with input from the community via local forums such as the Parish Council at the pre-application stage. 22.2 Parish Councils / Planning Panels should be informed of any amendments to applications, even when not considered significant. 22.3 The Council should inform interested parties about the outcome of appeals from the Inspectorate.	22.1 Part of considering applications is to assess the precedent that could be created and cumulative effects. Parish Councils are consulted on all applications and on major applications, section 9 encourages pre-application discussions, however, this would not be practical for all applications. 22.2 Consultation takes place upon 'significant' amendments. In many cases amendments are minor and in keeping with policy, and re-consultation in all cases would have resource implications. Discretion by the case officer helps to reduce unnecessary delays and avoid consultations that would not yield real benefits. 22.3 The Inspectorate advise anyone who asks for a copy of the decision and this is explained in the initial appeal notification letter. Include a brief section about appeals (para 11.2 and 11.3).
23.0 Other considerations for applications: 23.1 There is a grey area between Planning, Building regulations and Listed building consent. This often impacts on access issues and general DDA considerations. 23.2 The SCI should be informed by guidance from English Heritage. 23.3 The publicity requirements for applications should also consider the Listed Building and Conservation Area Act and the Planning (Listed Building and Conservation Area) regulations 1990. 23.4 There is no explicit mention of archaeology in the SCI. Consultation on archaeological issues should be considered both at an early stage and throughout the development process. Information on investigations should be made available to the public (perhaps in the form of an open day).	23.1 Consideration of Listed Building Consent is determined nationally, regarding issues that can be taken into account. From 10 August 2006, applicants are required to submit a Design and Access Statement with their application, which will consider the sorts of issues raised by this respondent and this is outlined in para 9.8. 23.2 The Council will continue to consult and involve English Heritage on appropriate applications. This commitment to contacting appropriate specific consultees is set out in para 10.1 (viii). 23.3 Refer to 1990 Act in para 8.3. 23.4 Accept that there are often wider issues considered as part of development. Applications are often accompanied by further detailed documents and information, for example on archaeology. All of this information is available on the application file and is available for the public to view. Include sentence in para 10.4 to outline that additional information is often provided as part of applications and this is available to the public as part of the application file – giving example of archaeology.
24.0 Developer and Community Consultation: 24.1 Closer involvement between developers and the community should start at a very early stage. This early involvement is essential to minimise development/design costs. 24.2 Technical input should be provided by the developer or an	24.1 SCI seeks to encourage involvement at an early stage. 24.2 Encourage developer to have technical team at public meetings to answer questions. Meetings may be chaired by an independent facilitator. The community can retain their own experts. In terms of the Council, reports to Planning Committee will involve technical expertise on relevant issues. 24.3 A record of public meetings is important, however the Council cannot ensure this if they are not involved in

Summary of Comments made by Consultees on the draft SCI.	Officer Response and Suggested Amendments to Statement of Community Involvement (shown in Bold)
<p>independent facilitator to enable full understanding of technical issues.</p> <p>24.3 All answers or responses provided by developers to the public should be recorded and logged to help ensure honest and accountable exchanges.</p>	<p>the meeting.</p>
<p>25.0 Monitoring:</p> <p>25.1 Monitor distribution of documents and where documents are viewed, particularly at the libraries.</p> <p>25.2 Set participation levels to measure impact and validity of the process.</p> <p>25.3 Evaluate the success of major consultation processes and use this to inform and improve future exercises to ensure resources are spent wisely.</p> <p>25.4 Set out how monitoring and review will be undertaken and indicate if the intention is to involve partners in monitoring compliance with the SCI.</p> <p>25.5 Would it be appropriate to include commitment to feedback under the monitoring and review section?</p>	<p>25.1 Section 13 of the SCI sets out our commitment to reviewing our consultation process to assess the impact of methods, a key part of this will be to include a question on comment forms asking where the respondent heard about the consultation and seeking views on the consultation process itself. As part of the monitoring and review of consultations the Council will seek to improve the information that is provided to Library staff.</p> <p>25.2 Seeking to achieve a target level of involvement for each consultation would be resource intensive and would not necessarily yield a more representative response.</p> <p>25.3 As set out above there will be a continual review of the success of consultation approaches.</p> <p>25.4 The mechanism used to review the SCI process, through the Annual Monitoring Report, could be made clearer. Reword paragraph 13.1 to provide more detail on how the AMR will monitor SCI outcomes. At this stage there is no intention of involving partners in monitoring compliance with the SCI.</p> <p>25.5 The Council's commitment to feedback is one of the guiding principles set out in para 4.3 (vi). Information on feedback is also outlined under Key Commitment 2 in table 2.</p>
<p>26.0 Annex 1, SCI Process:</p> <p>26.1 Unsure of what scoping means.</p>	<p>26.1 Scoping refers to the initial stage at which we gather evidence to inform the scope or coverage of the document. Annex 1 previously set out the process for preparing the SCI, it is not appropriate to have this in the final version of the SCI. Delete Annex 1.</p>
<p>27.0 Annex 2, Test of Soundness:</p> <p>27.1 Annex 2 should include some explanation of the application of the Test of Soundness.</p>	<p>27.1 The purpose of the examination is to consider the soundness of the SCI. The presumption is that the SCI is sound unless it is shown to be otherwise as a result of evidence considered at the examination. This Annex sets out part of the process of preparing the SCI, it is therefore not appropriate that it appears in the final version. Delete Annex 2.</p>
<p>28.0 Annex 5, City Development:</p> <p>28.1 It would be useful to know the job descriptions or responsibilities of officers/departments so that the applicant can be sure that that information has reached all departments concerned, this would also give a more transparent view of Council procedure.</p>	<p>28.1 Delete diagram in Annex 5 and replace with a list of key contacts and how to contact them (Annex 3: Development Control, City Development, Design and Conservation, Enforcement)</p>
<p>29.0 Glossary:</p> <p>29.1 Should the last glossary term read 'sustainable' instead of supplementary?</p> <p>29.2 It would be helpful to give examples of the different Development Plan Documents.</p> <p>29.3 The Development Control Policies section in the glossary is not clear. Consider rewording: 'suite' and 'spatial'.</p> <p>29.4 Could 'neighbours' be added to the Glossary?</p> <p>29.5 Could Planning Aid be added to the Glossary?</p>	<p>29.1 Amend reference to Sustainability Appraisal (SA).</p> <p>29.2 Examples of Development Plan Documents are set out in the Glossary.</p> <p>29.3 Accept that the Development Control Policies section of the Glossary could be simplified Replace 'suite' with 'range' and remove references to 'spatial'.</p> <p>29.4 The 'net' for notification by letter is in most cases to adjoining properties and then wider coverage for large-scale applications. In many cases extra letters are also sent out following the Case Officers site visit. It is therefore difficult to define who would be contacted through neighbour notification.</p> <p>29.5 Accept Add section on Planning Aid to the Glossary.</p>

City of York Council

Minutes

MEETING	LOCAL DEVELOPMENT FRAMEWORK WORKING GROUP
DATE	7 NOVEMBER 2006
PRESENT	COUNCILLORS REID (CHAIR), D'AGORNE, HORTON, MACDONALD, MERRETT, SIMPSON-LAING, WALLER AND R WATSON
APOLOGIES	COUNCILLOR HYMAN

18. DECLARATIONS OF INTEREST

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

Councillor Merrett declared a personal non-prejudicial interest in agenda item 4 (City of York Local Development Framework – Statement of Community Involvement) as a member of some of the interest groups listed as consultees in Annex 1 of the Statement of Community Involvement.

19. MINUTES

RESOLVED: That the minutes of the Local Development Framework Working Group meeting held on 17 October 2006 be approved and signed by the Chair as a correct record, with the following amendments to minute 17 (Draft Supplementary Planning Guidance: Sustainable Design and Construction):

- (i) To add an additional bullet point to the fourth paragraph to read, "Require the optimum use of south facing roofs for solar generation facilities";
- (ii) To rephrase the sixth paragraph to read, "Officers also undertook to consider comments on the SPG received by e-mail from Barry Otley and circulated to Members before the meeting, and detailed Member comments".

20. PUBLIC PARTICIPATION

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

21. CITY OF YORK LOCAL DEVELOPMENT FRAMEWORK - STATEMENT OF COMMUNITY INVOLVEMENT

Members received a report which sought their views on the Local Development Framework Statement of Community Involvement (SCI) prior to taking a report to Executive and Full Council. The intention, subject to Member approval, was for the Statement of Community Involvement to be submitted to the Secretary of State for formal examination.

Consultation had taken place on the draft SCI between 22 February 2006 and 10 April 2006. Annex A of the report set out the comments received during the consultation, officers' responses and suggested amendments to the SCI. The Submission Draft SCI was attached as Annex B of the report.

The main changes made in the redrafted SCI were:

- (i) To divide the SCI into four parts to make it clearer which sections related to the Local Development Framework (LDF) and which related to planning applications;
- (ii) To expand section 4 on Guiding Principles to provide more information on how the principles would shape public involvement in planning matters;
- (iii) To merge the 'who will be involved', 'community profile' and 'hard-to-reach' sections to give a clearer overall picture about who would be involved and to rely on the detail set out in the annex to avoid duplication (section 5 and Annex 1);
- (iv) To amend section 7 on the LDF to draw out more clearly the different types of LDF document and the Council's key commitments for seeking to achieve effective community involvement in the preparation of the LDF;
- (v) To amend the size of development for which the Council would seek more in depth community involvement in planning applications to reflect the statutory definition of 'major' applications (section 8).

Paragraph 14 of the report explained that as part of the submission the Council was required to submit a statement of consultation. The statement would be a factual description of consultation undertaken to date and would include summaries of the issues raised by respondents at each stage and how these had been addressed in subsequent drafts. The main body of the statement would consist of the summaries of comments which had previously been reported to Members for the Issues and Options stage in November 2005, and for the Preferred Options stage at this meeting.

Following further discussions with the Development Control team, an amended version of Part 3 of the SCI and two additional annexes were circulated at the meeting for Members' consideration. Officers reported that there was a further correction to paragraph 10.7 to include reference to the Area Planning Sub-Committees.

Members' detailed comments on the draft SCI are set out in Appendix 1 to these minutes.

RECOMMENDED: That the Executive recommend the following to Full Council:

- (i) That the Statement of Community Involvement, attached at Annex B of the report, as amended by the revised Part 3 and two additional annexes circulated at the meeting and the correction to paragraph 10.7 to include reference to the Area Planning Sub-Committees, be approved for submission to the Secretary of State and for formal consultation, subject to further changes detailed in Appendix 1;
- (ii) That the making of any incidental changes to the document that are necessary as a result of the recommendation (i) above are delegated to the Director of City Strategy and the Executive Member and Opposition Spokesperson for City Strategy;
- (iii) That the statement of consultation, as detailed in paragraph 14 of the report, be drawn up in consultation with the Director of City Strategy and the Executive Member and Opposition Spokesperson for City Strategy.

REASON:

- (i) So that the Statement of Community Involvement can progress through to examination;
- (ii) So that changes recommended as a result of discussions at the meeting can be made and the report can progress through to the Executive;
- (iii) So that the relevant documents needed for submission to the Secretary of State can be produced.

COUNCILLOR A REID

Chair

The meeting started at 5.00 pm and finished at 6.30 pm.

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STATEMENT OF COMMUNITY INVOLVEMENT
Comments of the Local Development Framework Working
Group

General

- (i) That the layout of the document, particularly the use of text in boxes, be reviewed to ensure it is accessible to disabled people.
- (ii) That version control be used on the document.

Part One: Introduction

- (i) That the final sentence of paragraph 1.1 be rephrased to read, "The Act introduced a new planning system, with a key objective of encouraging more meaningful community involvement in the planning process".
- (ii) That paragraph 1.2 be structured to more clearly indicate what each part of the SCI deals with.
- (iii) That the final sentence of paragraph 2.2 be clarified and expanded on to make it clear that differing positions are identified and then resolved where possible, through a partnership approach between the local authority, the developer and the landowner, and that in cases where the conflicts cannot be resolved, all views are clearly set out and considered.
- (iv) That point iii. of paragraph 4.3 be expanded to make reference to making information accessible to people with reading disabilities.
- (v) That point iv. of paragraph 4.3 be amended to indicate that some decisions are taken by officers.
- (vi) That paragraph 5.7 be amended to make reference to tourism.
- (vii) That the format of Map 1 be reviewed to ensure that the different types of boundaries shown are easily identifiable, including in black and white copies.
- (viii) That the key of Map 1 be amended to refer to draft greenbelt.
- (ix) That defined settlement limits be added to Map 1 around the edge of Hob Moor.
- (x) That paragraph 5.10 be expanded to make reference to people who lack confidence or belief in the system.
- (xi) That Table 1 be re-formatted to include the column headings on each page.
- (xii) That the strengths column in Table 1 be amended to indicate that public exhibitions and one-to-one meetings are a good alternative for those with poor literacy skills, that public exhibitions allow a better quality of presentation and that public meetings provide a good opportunity for straw polls.
- (xiii) That the Area Forums row of Table 1 be expanded to include an explanation of what an Area Forum is.
- (xiv) That Table 1 be amended to include a separate row for Parish Councils as they are statutory consultees.

Part Two: Consultation on the Local Development Framework

- (i) That the format of Figure 1 be improved for clarity, the type size be increased and the words “none currently proposed” be removed from the box on Supplementary Planning Documents.
- (ii) That Table 2 be amended to specify at which Council offices documents will be made available.
- (iii) That the second row of Table 2 be amended to clarify that copies of documents will be made available to residents at affordable rates, at no more than cost price.

Part Three: Consultation on Planning Applications

- (i) That point (vii) of paragraph 10.1 be amended to refer to “the main local newspaper” instead of “the Yorkshire Press”.
- (ii) That Ward Committees be added to the list of examples in the final sentence of paragraph 10.3.
- (iii) That the second sentence of paragraph 10.5 be amended to indicate that the Council will send the acknowledgement of the comment in the same format in which the comment was received.
- (iv) That paragraphs 10.5-10.6 be split into three sections headed “Making Comments or Objections”, “Amendments to Schemes” and “Reporting and Decision Making”.
- (v) That paragraph 10.9 be expanded to indicate that the dates of meetings are available on the Guildhall notice board, as well as the Council’s web site.
- (vi) That paragraph 10.9 be amended to indicate the availability of the ‘Have Your Say’ leaflet on the web site and that the Chair of the meeting always has the discretion to ensure that people are heard fairly.
- (vii) That an additional paragraph be added to make it clear that the public could comment on draft Section 106 Agreements, draft Section 178 Agreements and planning conditions when committee reports are published and that where possible these will be made available for comment at an earlier stage.
- (viii) That an additional point be added to clarify that pre-application consultation may not be appropriate in all cases because of confidentiality where applications are commercially sensitive.
- (ix) That an additional paragraph be added to explain Members’ quasi-judicial role at planning meetings and that they cannot represent residents views at these meetings.

Part Four: Resources and Monitoring

- (i) That paragraph 12.4 be expanded to explain what Yorkshire Planning Aid is and to include their contact details.

Annex 1

- (i) That the list of specific consultation bodies be amended to include the Strategic Rail Authority’s replacement and to indicate that the Countryside Agency and English Nature had merged to form Natural England.
- (ii) That the York Trades Union Council be added to the list of bodies representing the interests of the business community in the area.

- (iii) That the National Trust be added to the list of bodies with a specific remit to protect the historic and architectural heritage of the city.
- (iv) That private schools and bodies representing pre-school education be added to the list of education providers and the list be amended to indicate that York St John had become a university.
- (v) That the Friends Groups (eg: Friends of St Nicholas' Fields) and Greenpeace be added to the list of environmental interest groups.
- (vi) That the National Railway Museum, the Cyclists' Touring Club and the Local Cycle Campaign be added to the list of transport consultees.
- (vii) That clarification be provided as to whether national bodies will be consulted at national or local level.

Annex 2

No comments.

Annex 3

No comments.

Annex 4

No comments.

Annex 5

- (i) That the column heading "View Application at 9 St Leonard's Place" be re-titled "View Application at the Council's Planning Office".
- (ii) That, with regards to the column headed "Site Notice by Council", a footnote be added to clarify that the site notice is issued by the Council but sometimes displayed by the applicant, rather than the Council.
- (iii) That the "Neighbour Notification Letter" column be amended to require letters for applications for certificates of existing and proposed lawful uses and for hedgerow removal notices.
- (iv) That the second footnote be amended to clarify that adjacent properties included properties behind as well as to each side.

Annex 6

- (i) That the introductory paragraph be expanded to explain that government regulations require the Council to operate a scheme of delegation.
- (ii) That the table headed "Commercial Development" be re-titled "Commercial and Other Development".

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