



**Notice of a public meeting of  
Executive**

**To:** Councillors Carr (Chair), Aspden (Vice-Chair), Ayre, Gillies, Lisle, Rawlings, Runciman and Waller

**Date:** Thursday 27 April 2017

**Time:** 5.30 pm

**Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

**AGENDA**

**Notice to Members – Post Decision Calling In:**

Members are reminded that, should they wish to call in any item\* on this agenda, notice must be given to Democracy Support Group by **4:00 pm on Tuesday 2 May 2017**.

\*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Corporate and Scrutiny Management Policy and Scrutiny Committee.

**1. Declarations of Interest**

At this point, Members are asked to declare:

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

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

- 2. Minutes** (Pages 1 - 22)  
To approve and sign the minutes of the last Executive meeting held on 16 March 2017.

- 3. Public Participation**  
At this point in the meeting members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Wednesday 26 April 2017**. Members of the public can speak on agenda items or matters within the remit of the committee.

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

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

*“Please note this meeting will be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.*

*Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.*

*The Council’s protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at [http://www.york.gov.uk/download/downloads/id/11406/protocol\\_f\\_or\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_f_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)*

- 4. Forward Plan** (Pages 23 - 28)  
To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.

**5. Licensing of Sex Establishments - Licensing Policy**

(Pages 29 - 72)

The Licensing Manager to present a report which seeks the Executive's formal adoption of the new Licensing Policy which relates to the licensing of sex establishments.

**6. Proposed Long Term Lease - Tang Hall Community Centre**

(Pages 73 - 82)

The Assistant Director of Regeneration & Asset Management and the Operations Manager to present a report which seeks an Executive decision on granting a lease of Tang Hall Community Centre to the Trustees of Tang Hall Community Centre for a term of 30 years at a peppercorn rent.

**7. Sale of 29 Castlegate, York**

(Pages 83 - 92)

The Assistant Director of Regeneration & Asset Management and Head of Asset and Property Management to present a report which sets out options for the future disposal of the property at 29 Castlegate.

**8. CYC Customer Transport - Future Options and Approaches**

(Pages 93 - 130)

The Commissioning Manager to present a report which considers the options available for the delivery of an efficient sustainable transportation model for adult social care customers (aligned with the principles of independence, choice and control as set out in the Care Act 2014).

**9. Local-Area Based Financial Inclusion**

(Pages 131 - 144)

The Director of Children's Services, Education & Skills and the Principal Neighbourhood Management Officer to present a report which outlines plans for the delivery of a new local-area based financial inclusion project (4Community Growth York) to be carried out over 2 years as part of the York Financial Assistance Scheme.

## 10. Urgent Business

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

### Senior Democracy Officer:

Name: Jill Pickering

Contact details:

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

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

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

Contact details are set out above.

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

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

City of York Council

Committee Minutes

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Meeting	Executive
Date	16 March 2017
Present	Councillors Carr (Chair), Aspden (Vice-Chair), Ayre, Gillies, Lisle, Rawlings, Runciman and Waller
Other Members participating in the meeting	Councillors D'Agorne and Looker

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### **123. Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. No additional interests were declared.

### **124. Exclusion of Press and Public**

Resolved: That the press and public be excluded from the meeting during consideration of the following:-

- Annexes 7a and 7b to Agenda Item 15 (Development of the Guildhall Complex)
- Annex A to Agenda Item 16 (Community Stadium and Leisure Facilities Report)
- Annex 2 to Agenda Item 17 (Update on the Re-Provision of the Ordnance Lane Temporary Homeless Accommodation)

on the grounds that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information). This information is classed as exempt under Paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

**125. Minutes**

Resolved: That the minutes of the Executive meetings held on 26 January and 9 February 2017 be approved and then signed by the Chair as a correct record.

**126. Public Participation**

It was reported that there had been 3 registrations to speak at the meeting under the Council's Public Participation Scheme and that 1 Member of Council had also requested to speak. The registrations were in respect of the following items:

Community Stadium and Leisure Facilities

Fiona Evans spoke on behalf of the Yearsley Pool Action Group. She outlined the Group's role in the Yearsley Pool Review and the detailed and wide ranging discussions that had taken place in order to identify an affordable long term operating model to preserve community access and the high service standards at the facility. She asked the Executive to adopt the option proposed in the report to ensure the long term future of a unique and valuable pool.

Additional Primary School Places for Micklegate

Jonny Crawshaw spoke as a parent and member of the community. He welcomed the proposed expansion of Scarcroft Primary School, but questioned whether the plans for a small multi use games area (MUGA) on the site included the levelling of the sloping playground and laying of a multi use surface. He added that it was vital that there was a full and meaningful consultation as to the siting of the full sized MUGA at the Millthorpe School site and asked that it be made available to all parts of the community with hire fees in line with other similar council facilities.

### The Development of the Guildhall Complex

Brian Watson, Honorary Alderman, raised concerns as to the proposed development of the Guildhall Complex, both in terms of cost and public access, as well as the number of days available for civic use and opportunities to promote the City. He referred to the Civic Trust withdrawing from the project and raised concerns as to the size of the potential drinking venue. He added that the proposed working group should be made up of independent persons.

With regards to the Community Stadium, he questioned whether GLL would be abiding by the Council's budget.

### General Remit of the Committee – Highway Works by Utility Companies

Councillor Warters raised concerns as to the co-ordination and inspection of utility works on the highway network. He questioned the recording of defects and asked for an urgent review of operations of the Streetworks inspection team, with a view to aligning with the highways maintenance section.

Councillor Warters also questioned whether additional funds had been requested for remedial works following broadband roll out, given that it was a government initiative and asked if utility companies were required to re-turf grass verges after excavations.

#### **127. Forward Plan**

Members received and noted details of the items that were on the Forward Plan for the next two Executive meetings, at the time the agenda had been published.

#### **128. City of York Safeguarding Children Board Annual Report 2015/16**

Members considered a report which presented the City of York Safeguarding Children Board's Annual Report for 2015/16.

The Chair of York's Safeguarding Children's Board outlined that the Board was one of only 2 in the country to be named as

outstanding in a recent external inspection by OFSTED. He referred to the hard work of front line staff as well as parents and carers in making York a safe city. Members in turn thanked the Chair for his achievements and work with the Board.

**Resolved:** That the Executive receive the Annual Report of the Independent Chair of the City of York Safeguarding Children Board.

**Reason:** For members to have the opportunity to reflect on the key messages and priorities when considering plans.

### **129. Additional Primary School Places for Micklegate**

Members considered a report which provided the Executive with an update on the plans to add additional school places to Scarcroft Primary School after their decision to approve the use of basic need funding to remodel the interior of the school.

It was noted that this had been a complex piece of work which had benefited from significant levels of community engagement. It was confirmed that if the additional expenditure from Basic Need funding was agreed, a mini multi use games area would be created through the removal of car park spaces at the Scarcroft site.

**Resolved:** That the Executive agree to:

- (i) The expenditure of an estimated £225k of Basic Need funding to enable Scarcroft Primary School to increase by 0.5 form of entry (15 pupils per year group) to a 2 form of entry (60 pupils per year group). The funding will cover the cost of making internal refurbishment to the school building to add additional classroom space and other required facilities.
- (ii) £26k of additional expenditure from Basic Need funding to increase the amount of playing area on the school site (removal of car park spaces).



- (iii) £1m of basic need funding for a full size multi use games area (MUGA) to be located on the Millthorpe Secondary School site with additional parking spaces. The South Bank Multi Academy Trust has agreed to consult with the local community to determine the most appropriate place to locate these additional facilities on the school site. The Academy Trust has also agreed that during the school day the MUGA would be available for use by a number of schools in the area including Scarcroft Primary.<sup>1</sup>

Reason: To enable the council to meet its statutory duties to provide sufficient school places, it supports the proposed changes to Scarcroft Primary school's building and the need to create additional outdoor play space. As from the 1 April 2016 Scarcroft Primary School became part of the South Bank Multi Academy Trust. This means that although the council remains responsible for ensuring there are enough school places in its area it will be the South Bank Multi-Academy Trust Board who have requested approval for the increase in the size of the school through the Regional Schools Commissioner.

Action Required

1. Action the use of Basic Need funding as set out in the report JS

**130. Play Provision Scrutiny Review Final Report**

Members considered a report which presented the final report arising from the Play Provision Scrutiny Review.

The Executive welcomed and accepted the findings of the review and thanked the Chair of the Task Group for undertaking the review. It was requested that the Best Practice Guide be developed as quickly as possible, given that playground capital investment had been agreed and schemes would be taken forward.

Resolved: That the Executive agree:

- (i) That a Best Practice Guide be introduced for Members containing a range of information (including those detailed in paragraph 40ii of the report), to be used when committing ward funds to the future development of community spaces schemes which incorporate play provision.
- (ii) The Best Practice Guide be used to support Members when new open spaces improvement schemes come forward. For example the proposed playground capital investment schemes in 2017 (see paragraph 40vi of the report)
- (iii) An appropriate Member training package be introduced to provide members with the necessary skills to effectively engage with children and young people in their local wards.<sup>1</sup>

Reason: To take the recommendations from the Scrutiny Task Group forward in order to facilitate future improvements to the neighbourhood working model.

Action Required

1. Implement the agreed recommendations arising from the Play Provision Scrutiny Review CC

**131. Ward Funding Scrutiny Review Final Report**

Members considered a report which presented the final report arising from the Ward Funding Scrutiny Review.

In presenting the report, the Chair of the Task Group highlighted that there had not been a large response to the review's survey. However, feedback indicated that whilst councillors recognised the potential benefits of having funds to spend locally, the structures in place to do this were hard to navigate.

The Deputy Leader and Executive Member for Economic Development & Community Engagement thanked the Task Group for their work and welcomed the review findings. Whilst the recommendations were agreed in principle, the following amendments were proposed to Recommendation (i) and 3(v).

Recommendation (i) - whilst the value of training was recognised, it was not felt that mandatory training was appropriate in this area. Members would be actively encouraged to engage in any training opportunities available and Political Groups would be instrumental in facilitating this.

Recommendation 3 (v) - Executive endorsed the principle of additional staff resource being provided in the Communities and Equalities Team (CET), but the nature and level of this resource should be identified and agreed on a Ward by Ward basis. Ward Councillors to liaise with community officers to identify the resources required.

Following discussion as to the most appropriate allocation of ward resource and support to councillors, the importance of community infrastructure and community engagement were acknowledged and the aforementioned changes were agreed.

It was noted that Members would receive information further to the meeting as to the availability of the findings of the recent internal audit of ward funding<sup>1</sup>.

Resolved: The Executive agree:-

- (i) That Members be actively encouraged to engage in any training opportunities available and the Political Groups be instrumental in facilitating this<sup>2</sup>.
- (ii) That a set of standards be agreed to formalise the working arrangements between the Communities and Equalities Team (CET) and other CYC teams, eg Highways, in order to better manage the flow of information and manage councillor expectations, and speed up the progression of ward funded schemes.
- (iii) That appropriate changes be made to the internal processes to address the Veritau

findings and scrutiny review findings, including:-

- Improving communication and publicity of ward committee meetings;
  - Replacing the downloadable application form with an online application form, and providing guidance on the frequency that individual wards make their funding decisions, and how long it will take to receive the funding once an application has been approved etc;
  - Introducing a form to monitor the implementation and effectiveness of ward funded projects; and
  - A 'live' system be introduced with the capability to detail successful applications, pending applications, and the balance of available funding
- (iv) All case studies, fact sheets and other training materials be stored in a central depository made accessible to all councillors.
- (v) To endorse the principle of additional staff resource being provided in CET. The nature and level of this resource to be identified and agreed on a Ward by Ward basis. Ward Councillors to liaise with community officers to identify the resources required<sup>2</sup>.
- (vi) That CET continue to provide a range of support in a range of ways to suit individual councillors' preferences and identify future improvements where feasible.
- (vii) That the Political Groups provide peer support to their ward members to enable them to progress schemes in their wards.
- (viii) The Scrutiny Committee to receive a future update on implementation progress of the model in order to assess any outstanding issues<sup>3</sup>.

Reason: To take the recommendations from the Scrutiny Task Group forward in order to facilitate future improvements to the neighbourhood working model.

Action Required

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|---|----|
| 1. Confirm availability of the internal audit of ward funding report  | AD |
| 2. Note the amendments agreed to Recommendations (i) & 3(v)   | CC |
| 3. Implement the recommendations arising from the Ward Funding Scrutiny Review as agreed by the Executive (noting the aforementioned amendments to (i) and 3 (v)) | CC |

**132. Oakhaven Extra Care Facility: the sale of land to facilitate the development**

Members considered a report which sought Member agreement to the appointment of the preferred bidder for the provision of an Extra Care facility at Oakhaven in Acomb.

Resolved: That the Executive agree to:

- a) Note the appointment of Ashley House plc as the developer and operator of the Extra Care facility at Oakhaven and the securing of nomination rights to 20 affordable rented and 5 discount sale apartments for 80 years.
- b) Sell to Ashley House plc the 0.87 acres of land at Oakhaven on Acomb Road which will be used for the development of the Extra Care facility.<sup>1</sup>

Reason: To progress to deliver the Extra Care facility at Oakhaven as part of the Older Persons' Accommodation Programme.

Action Required

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|---|----|
| 1. Proceed with the sale of land as set out in the report | RW |
|---|----|

**133. Burnholme: the sale of land to facilitate the development of a Care Home; agreement to management arrangements for the Community & Library facilities; disposal of the Tang Hall Library site**

Members considered a report which provided details of the appointment of the preferred bidder for the construction and provision of Care Home services on the Burnholme site in the Heworth ward. Members were asked to agree to the sale of the land associated with this appointment as well as the management arrangements for the Community and Library facilities.

Resolved: That the Executive agree:

- a) To note the appointment of Ashley House working with HC-One Care Group as the developer and operator of the care home on the Burnholme site and the partner in a contract to provide 25 care beds for up to fifteen years at an agreed price.
- b) To grant Ashley House a long lease of the 1.13 acres of land at Burnholme which will be used for the development of the care home for a term of 125 years in return for the Council receiving payment of a premium of £500,000.
- c) That the Council enter into a head lease with Explore York Libraries and Archives Mutual Limited for the management of community and library facilities at Burnholme on substantially the terms outlined within the report.<sup>1</sup>
- d) To sell the Tang Hall Library land on Fifth Avenue for development or alternatively for the Council to undertake development of the land for housing and the funds released by this sale or development are used to support the provision of community, library and sports facilities on the Burnholme Site.<sup>2</sup>

Reason: To progress to deliver the Burnholme Health & Wellbeing Campus including the delivery of a Care Home as part of the Older Persons' Accommodation Programme.

Action Required

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|---|----|
| 1. Draw up agreed leases for Ashley House and Explore York Libraries and Archives Mutual Ltd          | RW |
| 2. Proceed with the sale of land or alternatively undertake land development as set out in the report | RW |

**134. Delivering One Planet Council**

Members considered a report which provided an update on how the council was working towards becoming a One Planet Council, including the new One Planet Council Policy and Action Plan, delivery of the new Carbon Management Plan, 'Better Decision Making' tool and information on the proposed approach to internal communications.

An amendment was proposed and subsequently agreed to Recommendation 6(ii and iii), which delegated to the Director of Economy and Place, in conjunction with the Executive Member for the Environment, the making of any revision to the 'Better Decision Making' tool, as required, rather than following a 6 month pilot period, as well as the roll-out of the tool for other council decisions.

It was highlighted that the One Planet Council programme encompassed social and economic as well as environmental legislative requirements.

Resolved: That the Executive agree to:

- (i) Approve the use of the One Planet Council Framework and the associated Action Plan (Annex 1 of the report).<sup>1</sup>
- (ii) Approve the 'Better Decision Making' tool (Annex 2) for all new proposals going before the Executive (subject to the limitations set out in paragraph 28 of the report).<sup>2</sup>

- (iii) Delegate to the Director of Economy and Place, in conjunction with the Executive Member for the Environment, the making of any revision to the 'Better Decision Making' tool, as well as the roll-out of the tool for other council decisions.<sup>3</sup>
- (iv) Note the use of the proposed One Planet Council Communication Plan (Annex 3 of the report).

- Reason:
- (i) In order to embed sustainability and resilience into council decision-making processes and work towards 'One Planet Living', as set out in the Council Plan (2015–19).
  - (ii) The tool is a fundamental practical step to embedding the One Planet principles into decision-making processes across the Council.
  - (iii) To validate the proposed changes and enable the One Planet Council Programme to move forward.
  - (iv) To raise staff awareness of One Planet Council and gain the support of employees from across the Council.

Action Required

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|---|----|
| 1. Implement the One Planet Council Framework and Action Plan                                 | MG |
| 2. Roll out the use of the 'Better Decision Making' tool                                      | MG |
| 3. Note the delegation of powers in relation to revisions to the decision making tools agreed | MG |

**135. Strategic Partnership opportunities with the Homes and Communities Agency for the Accelerated Delivery of Housing**

Members considered a report which outlined opportunities for closer working with the Homes and Communities Agency to deliver the City's Housing needs.



It was noted that this was a innovative and ambitious strategy and would be one of the first such partnerships in the Country. It sought to address key housing challenges in York and would provide opportunities to increase the speed of delivery and a more varied tenure mix to bridge the affordability gap.

With regards to embedding sustainability, opportunities to develop the supply chain and skills were highlighted and the need to ensure an appropriate balance with sufficient open public space was acknowledged.

Resolved: That the Executive agree:

- (i) To enter into a Memorandum of Understanding (MoU) to establish a strategic partnership for housing development and investment with the Homes & Communities Agency.<sup>1</sup>
- (ii) That a detailed business case for council-led housing development, including project management, governance, funding arrangements and risk assessments be presented for Executive approval in the summer of 2017.<sup>2</sup>
- (iii) That the council will explore partnership and funding opportunities to deliver accelerated housing on public land.
- (iv) That as part of the development of business cases the council will engage with health and education partners to explore the local impacts of housing development on other strategic services.
- (v) To note that the financial plan for the council requires that an additional £1m of annual revenue is generated from Council-owned property and land by 2020 and using budgets already held for this purpose, establish a project team who will develop proposals for housing development.

- (vi) To note that work has begun to develop proposals for housing on the Burnholme and Lowfield sites [in accordance with Executive decisions of 19th May 2016 and 8th December 2016] and agree that work begins to develop the business case for the development of homes on the Askham Bar site, the former Clifton Without School site and the Manor school site.<sup>3</sup>
- (vii) To note the good progress made in delivering new affordable housing via Housing Revenue Account Investment and agree that this will continue, subject to individual consent for investment in accordance with Financial Regulations.

Reason: To progress with the building of much needed new homes in York.

Action Required

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|--|----|
| 1. Draw up the MOU as agreed   | TC |
| 2. Add report regarding the detailed business case to the Council's Forward Plan | TC |
| 3. Develop the business case for the development of homes on the sites agreed    | TC |

**136. The Development of the Guildhall Complex**

*[See also Part B minutes]*

Members considered a report which outlined proposals to develop the Guildhall complex.

It was noted that the business case sought to deliver a secure future for one of the City's most historically significant buildings and ensure its ongoing council and civic use in an affordable way.

It was confirmed that following planning approval, a further recommendation had been added to make a further listed building consent application to add a second lift into the south range to enable disabled access to both sides of the complex.

Resolved: That Executive agree to:

- (i) The detailed business case for the regeneration of the Guildhall as set out in this report.
- (ii) Accept the terms of the Local Growth Fund (LGF) grant of £2.347m, from the Leeds City Region Local Enterprise Partnership (LCR LEP).<sup>1</sup>
- (iii) Make a further listed building consent application to add a second lift into the south range to enable disabled access to both sides of the complex.<sup>2</sup>
- (iv) The award of a 25 year lease to a restaurant operator for the new build north annex riverside restaurant following a competitive marketing exercise.
- (v) Put in place arrangements for CYC to manage and operate the serviced office and business club, Guildhall space and to procure an operator for the cafe provision for the Guildhall complex.
- (vi) Procure a construction contractor and to commence the construction of the Guildhall project in accordance with the Planning and LBC approvals and business case.<sup>3</sup>
- (vii) The Mansion House, Guildhall and Common Hall Yard Management Plan to establish how the shared elements of the scheme will facilitate the operation of the Guildhall complex and the effective occupation of the Mansion House by the Civic Party.
- (viii) Form a cross party working group, working with Civic and Democratic Services to make recommendations to the Executive on refining the Management Plan before completion of the development and to keep the plan under review in operation.<sup>4</sup>

- Reason:
- (i) To ensure the future viability and effective re-use of the Guildhall as one of the City's most significant historic buildings, through the creation a vibrant business and civic venue, with supporting commercial development on the riverside.
  - (ii) To ensure that the complex is as accessible as possible for disabled users.
  - (iii) To ensure that the income generated by the Guildhall complex will fund the regeneration costs and will attract the high levels of use necessary to secure future viability, and manage the financial risk to the council.
  - (iv) To ensure that the Guildhall will attract the high levels of use necessary to secure the future viability of the complex; deliver wider economic benefits to the city; manage the financial risk to the council and ensure the continuing civic use of the Guildhall.
  - (v) To ensure the regeneration of the Guildhall complex and manage the financial risk to the council of developing a historic building.
  - (vi) To satisfy the planning conditions and to ensure that the status of the Lord Mayoralty is enhanced, with safe and effective management and use of the public space and amenity for the Civic Party in the Mansion House.
  - (vii) To ensure that the status of the Lord Mayoralty is enhanced, with safe and effective management and use of the public space and amenity for the Civic Party in the Mansion House.

Action Required

- 1. Implement the acceptance of the LGF grant from the LCR LEP as outlined in the report TC, DW
- 2. Proceed with the listed building consent TC, DW

application as set out in the report

3. Proceed with management arrangements, procurement exercises and lease agreement as agreed TC, DW

4. Form a cross party working group and report back to Executive on the Management Plan TC, DW

### 137. **Community Stadium and Leisure Facilities Report**

Members considered a report which provided the findings and recommendations following the conclusion of the Yearsley Review. The report also provided an update on the progress of the wider Community Stadium and Leisure Facilities Project since the last report brought to Executive in December 2016.

The significant work undertaken by Greenwich Leisure Ltd, the Yearsley Pool Action Group and the Leisure Management Team in exploring the options was highlighted. It was noted that the recommended option offered reasonable financial revenue savings per year with little impact to the operational facility. Whilst there would be a 10% reduction in service, hours would be retained to accommodate peak times and aquatic clubs would be able to operate and develop.

With regards to the stadium, it was noted that the judicial review had been successful and the process was found to be fair.

Resolved: That the Executive agree to:

- a) Note the work of the Review which was to secure a long-term future for Yearsley Swimming Pool (YSP).
- b) Approve Option A-4 which will allow Greenwich Leisure Ltd (GLL) to continue to operate YSP for 91 hours per week under the Design, Build, Operate and Maintain contract (DBOM Contract) until 2024/25. (Details of Option A-4 are set out at paragraphs 22 – 24 of the report).<sup>1</sup>
- c) Acknowledge the £300k New Homes Bonus budget allocation previously approved by Members at the 2015/16 Budget Council, will

be used from 2019/20 to 2023/24 financial years, to maintain the operation of YSP.

- d) Acknowledge that a decision on the continued operation by GLL of YSP and the funding considerations for YSP from 2024/25 onwards can only be made at the point of considering the overall financial position of the DBOM Contract for the full Project. A further report will be brought to Executive detailing the final financial position of the full Project prior to Financial Close later in the year (Final Executive Report).<sup>2</sup>
- e) Approve for the Director of Economy and Place to have delegated powers to agree terms with Nestle to formalise access and use of the adjacent Nestle car park which is used by YSP customers.<sup>3</sup>

Reason: To agree the long-term management arrangements for Yearsley Swimming Pool following the opening of the New Leisure Facility to be delivered as part of the proposed New Stadium and Leisure Complex (“NSLC”) at Monks Cross.

Action Required

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|--|----|
| 1. Implement Option A4 as outlined within the report                               | AL |
| 2. Add report detailing the final financial position to the Council's Forward Plan | AL |
| 3. Note delegations to agree terms with Nestle                                     | AL |

**138. Update on the Re-Provision of the Ordnance Lane Temporary Homeless Accommodation**

*[See also Part B minutes]*

Members considered a report which provided an update on the proposals for the re-provision of the temporary homelessness accommodation at Ordnance Lane, York.

It was noted that Option 1 as proposed provided an unique opportunity to consolidate and bring together a range of

services. It was also confirmed that there would be consultation as part of the planning process.

Resolved: That the Executive agree to:

- (i) Subject to Council agreement of recommendation (i) [see Part B minutes], on the completion of the construction works at James House, agree to the disposal of 92 Holgate Road at market value to the highest bidder, with the proceeds used towards the costs of the James House purchase and conversion.<sup>1</sup>
- (ii) Write off abortive costs relating to the Ordnance Lane scheme of £420k to the Housing Revenue Account funded from the HRA Investment Reserve.<sup>2</sup>

- Reason:
- (i) To enable the re-provision of the council's temporary homeless accommodation at Ordnance Lane, Holgate Road, Crombie House and Acomb Road to a single service based at James House.
  - (ii) In order to account for the abortive costs incurred on the project to date.

Action Required

- |   |    |
|---|----|
| 1. Subject to Council agreement, proceed with the disposal of 92 Holgate Road and purchase of James House | TB |
| 2. Action the write off costs relating to the scheme as agreed  | TB |

**139. Shareholder Committee – Appointment of Replacement Representative**

As a Committee of the Executive, Members were asked to consider the appointment of Councillor Gillies to replace Councillor Steward as one of the representatives on the Council's new Shareholder Committee.

Resolved: That the Executive approve the appointment of Councillor Gillies to replace Councillor Steward as one of the representatives on the Council's new Shareholder Committee.<sup>1</sup>

Reason: In order to make appropriate appointments to the Shareholder Committee for the current municipal year.

Action Required

1. Action appointment

CT

**PART B - MATTERS REFERRED TO COUNCIL**

**140. The Development of the Guildhall Complex**

*[See also Part A minutes]*

Members considered a report which outlined proposals to develop the Guildhall complex.

Following discussion it was:-

Recommended: That Council approve a total capital budget of £12.780m with prudential borrowing of £8.683m to fund the construction works to develop the Guildhall complex.<sup>1</sup>

Reason: To ensure the future viability and effective re-use of the Guildhall as one of the City's most significant historic buildings, through the creation a vibrant business and civic venue, with supporting commercial development on the riverside.

Action Required

Refer to Council

CT



**141. Update on the Re-Provision of the Ordnance Lane Temporary Homeless Accommodation**

*[See also Part A minutes]*

Members considered a report which provided an update on the proposals for the re-provision of the temporary homelessness accommodation at Ordnance Lane, York.

Following discussion it was:-

Recommended: That Council approve a revised overall budget of £10.5m from the Housing Revenue Account for the purchase (subject to contract) and conversion of James House as a permanent replacement for the council's current temporary homeless accommodation at Ordnance Lane.<sup>1</sup>

Reason: To enable the re-provision of the council's temporary homeless accommodation at Ordnance Lane, Holgate Road, Crombie House and Acomb Road to a single service based at James House.

Action Required  
Refer to Council

CT

Cllr D Carr, Chair

[The meeting started at 5.30 pm and finished at 8.40 pm].

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**Forward Plan: Executive Meeting: 27 April 2017**

**Table 1: Items Scheduled on the Forward Plan for the Executive Meeting on 18 May 2017**

Title and Description	Author	Portfolio Holder
<p><b>Delivery of Shared Ownership Homes Programme Match Funded by Homes and Communities Agency</b>                      Purpose of Report: to set out detailed proposals for the delivery of 65 shared ownership homes utilising £2.76m of grant funding from the Homes and Communities Agency. The report will seek the approval of the Executive to match fund the HCA grant from the Housing Revenue Account investment fund.</p> <p>Executive will be asked to: (1) Approve the proposed Shared Ownership delivery programme; and (2) Approve a £2.76m budget from the HRA Investment Fund to match fund the grant from the Homes and Communities Agency</p>	<p>Paul Landais-Stamp</p>	<p>Executive Member for Housing &amp; Safer Neighbourhoods</p>
<p><b>Events Strategy</b>                      Purpose of Report: The report proposes an approach to developing key events in the city.</p> <p>Executive will be asked to: approve the strategy and use of appropriate business rates pool funding to support it.</p>	<p>Charlie Croft</p>	<p>Executive Member for Culture, Leisure &amp; Tourism</p>

<b>Title and Description</b>	<b>Author</b>	<b>Portfolio Holder</b>
<p><b>Discretionary Rate Relief Policy Budget 2017 and Enterprise Zone Policy</b>            To approve a policy for allocation of discretionary hardship relief following business rate revaluation &amp; Budget 2017 and a business rate relief policy for the Enterprise Zone.</p> <p>Executive is asked to consider and approve both policies.</p>	David Walker	Executive Leader (incorporating Finance & Performance)
<p><b>Proposals for Highway and Public Realm Projects 2017/18</b>            Purpose of Report: To set out proposals for Highway and Public Realm Projects for 2017/18</p> <p>Executive will be asked to confirm the projects for expenditure of Council budgets including Built Environment Fund, Lendal Bridge Reserves and external funding in order to meet the objectives of external funders and the Council's Local Transport Plan.</p>	Steve Wragg	Executive Member for Transport and Planning
<p><b>Science City York</b>            Purpose of Report: This report, referred to the Executive by the Shareholder Committee which considered it on 20 March, proposes that the Council withdraw from its membership of Science City York in order that ownership of the company can be passed to Make it York.</p> <p>The Executive will be asked to: accept the recommendation of the Shareholder Committee that the Council withdraw from membership of Science City York subject to Make it York having been admitted to membership.</p>	Charlie Croft	Executive Member for Transport and Planning

Title and Description	Author	Portfolio Holder
<p><b>Park &amp; Ride Operator Procurement</b>            Purpose of the Report: To report on progress in the procurement of a Park &amp; Ride service operator.</p> <p>Members are asked to: Gain approval for any measures required to enable the continued provision of the City's Park &amp; Ride service.</p>	Andrew Bradley	Executive Member for Transport & Planning

**Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 29 June 2017**

Title and Description	Author	Portfolio Holder
<p><b>Finance &amp; Performance Outturn</b>            Purpose of Report: To provide members with the year end position on both finance and performance.</p> <p>Executive are asked to note the outturn.</p>	Debbie Mitchell	Executive Leader (incorporating Finance & Performance)
<p><b>Treasury Management Annual Report &amp; Review of Prudential Indicators</b>            Purpose of Report: To provide the annual treasury management review of activities and the actual prudential and treasury indicators.</p> <p>Executive are asked to note the issues and approve any adjustments as required to the prudential indicators or strategy.</p>	Debbie Mitchell	Executive Leader (incorporating Finance & Performance)

Title and Description	Author	Portfolio Holder
<p><b>Capital Programme Outturn</b>  Purpose of Report: To provide members with the outturn position on the capital programme.</p> <p>Executive are asked to note the outturn and recommend to full Council any changes as appropriate.</p>	Emma Audrain	Executive Leader (incorporating Finance & Performance)
<p><b>Community Flood Resilience Work</b>  Purpose of Report: In response to the Independent Flood Enquiry the Executive agreed on 9 February 2017: (i) that further work be carried out to identify wider actions to deliver the agreed recommendations of the report; (ii) that funding be allocated to deliver the agreed recommendations; and (iii) that a further report be brought back. This paper reports back on that further work.</p> <p>Executive will be asked to agree a range of measures with respect to flood resilience.</p>	Charlie Croft	Executive Member for Environment

**Table 3: Items Slipped on the Forward Plan**

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage
<p><b>Science City York</b>            Purpose of Report: This report, referred to the Executive by the Shareholder Committee which considered it on 20 March, proposes that the Council withdraw from its membership of Science City York in order that ownership of the company can be passed to Make it York.</p> <p>The Executive will be asked to: accept the recommendation of the Shareholder Committee that the Council withdraw from membership of Science City York subject to Make it York having been admitted to membership.</p>	Charlie Croft	Executive Member for Transport and Planning	27/04/17	18/05/17	The decision date has been deferred from 27 April to 18 May 2017 in order to clarify the process.

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**Executive**

**27 April 2017**

**Report of the Director of Economy and Place (Portfolio of the Executive Member for Housing and Safer Neighbourhoods)**

**Licensing of Sex Establishments – Licensing Policy**

**Summary**

1. In accordance with the requirements of the Council's Constitution, this report seeks the Executive's formal adoption of the new Licensing Policy which relates to the licensing of sex establishments. It advises of the consultations undertaken, and the amendments made to the draft policy following the consultation. The Licensing Policy was approved by Gambling, Licensing and Regulatory Committee (GLR Committee) on the 6 February 2017.

**Recommendations**

2. That Members approve Option 1 of this report and adopt a revised Licensing Policy relating to the licensing of sex establishments.

Prior to their approval of the proposed Licensing Policy the GLR Committee took into consideration the responses received to the public consultation.

**Reason:** This will allow the Council to implement a more robust Licensing Policy and conditions relating to the licensing of sex establishments.

**Background**

3. In 2010 the Government introduced a new category of sex establishment called a 'sexual entertainment venue'. This reclassified lap dancing clubs and other similar venues as sexual entertainment venues (SEVs), and gave local authorities the powers to regulate such venues.

4. At a meeting of the Licensing and Regulatory committee on 2 July 2010 members resolved to adopt the provision of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 (1982 Act), with effect from 1 December 2010. Full Council approved this resolution on 7 October 2010.
5. Unlike other licensing regimes, there is no statutory requirement for local authorities to set policies in relation to the licensing of sex establishments. It is, however, considered best practice to do so as the benefits bring transparency, accountability, certainty, consistency and the promotion of good standards in licensing. Policies are an integral part of the decision-making process. A policy guides, but does not bind, a local authority.
6. In 2010 a Licensing Policy and standard conditions were approved by members, as part of the resolution to adopt the provisions of the 1982 Act. The Policy was deemed to be adequate at that time.
7. Since this policy was approved the operation of sex establishments have changed. The number of sex shops has reduced (internet sales) and sexual entertainment venues have become more high profiled, with the venues in York requesting longer operating hours. Legal precedence surrounding policies has also been set since 2010, following legal challenge to policies and council decisions.
8. In 2015 members of the GLR Committee asked officers to review this policy and standard conditions, to produce a more robust policy and more robust standard conditions.
9. Following this request officers sought best practice advice from other licensing authorities, who had also reviewed their policies. Officers have developed an approach to this policy review based on good examples of best practice. A working group was formed to review the policy. This group was made up of members of the GLR Committee, council officers and the police.

10. The group undertook a public consultation between 24 June to 5 August 2015 with regard to the licensing of sexual entertainment venues, especially in relation to the appropriate number of lap dancing clubs and the most appropriate locations for them. The results of the public consultation assisted in the formulation of the proposed Licensing Policy.
11. A report was brought to GLR Committee on the 13 September 2016, detailing the results of the public consultation, and asking for approval to formally consult on a proposed Licensing Policy. This proposed policy took into consideration the results of the public consultation. Members authorised officers to go out for formal consultation on the proposed policy with one amendment, that the appropriate number of sexual entertainment venues should be set at two, as they believed this was in line with the results of the public consultation and an adequate number for the acceptable locality.

### **Consultation**

12. An 8 week consultation was carried out on the proposed revised Licensing Policy, from the 19 September to 14 November 2016.
13. As part of the consultation process the Council consulted over 40 organisations/individuals (see Annex 1 for list of consultees) and the three licensed sex establishments premises within the authority area.
14. Two responses were received to the consultation from Make it York and North Yorkshire Police.

### **Options**

15. Option 1 – approve and adopt the revised Licensing Policy (incorporating standard conditions) at Annex 2 to this report. Prior to their approval of the Licensing Policy GLR Committee took into consideration the responses received to the public consultation.
16. Option 2 – make further minor amendments and editing changes to the revised Licensing Policy at Annex 2 to this report which do not alter the substance of the document prior to approval and adoption.

## Analysis

17. The Council currently licences three sex establishments, one sex shop and two SEVs. The SEVs are located in Micklegate and Toft Green.
  - Sex Shop – means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in the connection with, or for the purpose of stimulating or encouraging sexual activity.
  - Sexual Entertainment Venue – means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser (i.e. a person who is responsible for organisation of management of the entertainment or the premises).
  - Relevant entertainment – means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
18. During the consultation on the proposed Licensing Policy members of GLR Committee undertook unannounced site visits to the two licensed SEVs, on an evening to see how they operate and speak directly to managers and dancers about the day to day operation of lap dancing clubs.
19. Two responses were received to the consultation:
  - a) Make It York – we are keen to discourage as much as possible the development of such establishments. York is facing an ongoing battle of anti-social behaviour and ‘sex establishments’ are not conducive to the ‘family friendly’ atmosphere that Make It York and many other organisations are trying to create and promote. We hope that any final policy is as tight as it possible can be in terms of limiting any expansion in this area.
  - b) North Yorkshire Police – fully support the amendments and changes that have been looked at for the new and improved Licensing Policy for the City of York. My only observation

would be that any variations / transfers of sexual entertainment venue licence should be consulted by the Sub Committee at the least rather than a delegated officer. There may well be concerns that committee members (via residents) have and I believe it would be more appropriate to consult with at least the Sub Committee.

20. Each application for a sex establishment must be considered on its own merits. There is however, provision within the 1982 Act to impose a numerical control on the number of sex establishments in a particular locality. Within the Licensing Policy premises/places with particular sensitive uses have been identified, along with an appropriate locality in relation to SEVs, and an appropriate number of SEVs within this locality.
21. Appendix B 'Schedule of Delegation' within the proposed Licensing Policy has been amended to reflect the comments from North Yorkshire Police and the recommendations made by GLR Committee when they approved the policy.

#### Proposed Licensing Policy

22. The proposed policy is attached an Annex 2.

#### **Council Priorities**

23. The implementation of a Licensing Policy will support the Council's plan of a prosperous city for all, where local businesses can thrive and a council that listens to residents.

#### **Implications**

24. The direct implications arising from this report are:
  - (a) **Financial** – There are no financial implications for the council.
  - (b) **Human Resources (HR)** - There are no HR implications.
  - (c) **Equalities** – An equalities impaction assessment will be undertaken in relation to the new Licensing Policy.
  - (d) **Legal** – There is no statutory requirement to adopt a Licensing Policy however, it is best practice to do so. Whilst

an adopted policy will be a consideration in determining applications it should be noted that irrespective of the details of a sex establishment licensing policy, the Council must accept and determine properly made applications and must consider each one on its own merits so that individual circumstances, where appropriate, are taken into consideration.

- (e) **Crime and Disorder** – The Licensing Policy introduces requirements to aid the prevention of crime and disorder.
- (f) **Information Technology (IT)** - There are no IT implications.
- (g) **Property** - There are no property implications.
- (h) **Other** - There are no other implications.

### Risk Management

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

### Contact Details

<b>Author:</b>		<b>Chief Officer Responsible for the report:</b>		
Lesley Cooke Licensing Manager 01904 551515		Mike Slater Assistant Director – Planning and Public Protection		
		<b>Report Approved</b>	√	<b>Date</b> 17/03/17
<b>Specialist Implications Officer(s)</b> Sandra Branigan Senior Solicitor Ext: 1040				
<b>Wards Affected:</b>			<b>All</b>	√
<b>For further information please contact the author of the report</b>				

## **Background papers**

Local Government (Miscellaneous Provisions) Act 1982 as amended

Agenda and minutes of the Gambling, Licensing and Regulatory Committee on the 6 February 2017

<http://democracy.york.gov.uk/ieListDocuments.aspx?CId=606&MId=9638&Ver=4>

## **Annexes**

**Annex 1** – List of Consultees

**Annex 2** – Licensing Policy (incorporating standard conditions)

## **List of Abbreviations Used in this Report**

GLR Committee - Gambling, Licensing and Regulatory Committee  
SEVs – Sexual Entertainment Venues

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CYC – Director of Communities and Neighbourhoods  
CYC – Director of Adult Social Care  
CYC – Director of Public Health  
CYC – Director of City & Environmental Services  
CYC – Director of Children’s Services  
CYC – Assistant Director Planning & Sustainable Development  
CYC – Assistant Director Children & Families  
CYC – Assistant Director Public Health  
CYC – Assistant Director Adult Social Care  
CYC – Assistant Director Communities, Culture & Public Realm  
CYC – Assistant Director Housing & Community Safety  
CYC – Assistant Director Governance & ICT  
CYC – Head of Communities and Equalities  
CYC – Head of Service (Safeguarding)  
Ward Councillors  
Parish Councils  
Chief Superintendent, North Yorkshire Police (York)  
City of York Group Manager, North Yorkshire Fire & Rescue Service  
Safer York Partnership  
British Transport Police, York Police Station,  
Chief Executive, York Hospital  
York Hospitality  
Pubwatch  
Business Improvement District  
Make it York  
Coppergate Centre  
Clifton Moor Shopping Centre  
Monks Cross Shopping Centre  
Vangarde York Shopping Centre  
York Designer Outlet  
Stonegate Traders  
Chamber of Commerce  
York Retailers Forum  
CAB, Blossom Street  
CVS, Priory Street  
Churches Together in York  
York LGBT  
Survive  
Independent Domestic Abuse Service  
Older People’s Assembly  
Older Citizens’ Advocacy York  
Older People’s Forum  
Age UK York  
York Private Hire Association  
York Taxi Association  
Independent Taxi Association

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# Licensing of Sex Establishments

## Licensing Policy

Local Government (Miscellaneous Provisions) Act 1982  
as amended by the Policing and Crime Act 2009

Further copies of this policy can be obtained from:

e-mail: [licensing.unit@york.gov.uk](mailto:licensing.unit@york.gov.uk)

tel: 01904 552512

web: [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing)

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

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## 1. Introduction

- 1.1 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009, provides for local authorities to adopt a policy and standard conditions relating to the regulation of:
  - **sexual entertainment venues**
  - **sex shops**
  - **sex cinemas**
- 1.2 City of York Council (the council) adopted the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 on 7 October 2010, with effect from 1 December 2010.
- 1.3 In October 2010 the council adopted a policy and standard conditions to be applied when determining sex establishment licences within the authority area.
- 1.4 This policy was reviewed and a revised policy was adopted on XX XXXXXX 2017 with effect from XX XXXXXXXX 2017.
- 1.5 This policy sets out the councils approach to the regulation of the premises detailed in paragraph 1.1 above under the provisions of the 1982 Act.
- 1.6 This policy should be read with reference to the statutory Statement of Licensing Policy published under the Licensing Act 2003.
- 1.7 This policy will be reviewed regularly.
- 1.8 Interpretations can be found at Appendix A.

## 2. Purpose and Scope

- 2.1 This policy is concerned with the regulation of sex establishments as defined by the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 (the Act), namely
- sexual entertainment venues;
  - sex shops; and
  - sex cinemas
- 2.2 The full legal definition of a sexual entertainment venue, sex cinema and sex shop can be found at sections 2, 2A, 3 and 4 of the Act.
- 2.5 The aim of this policy is to ensure that sex establishments operate within the authority area in a safe, fair and discreet manner. The policy addresses sensitive areas and premises by dealing with locality. Standard conditions address advertising, external appearance, crime and disorder safe guards and staff welfare.
- 2.6 The council has also had regard to guidance issued by the Home Office.
- 2.7 The council will impose conditions where necessary to promote responsible licensed activity and will use effective enforcement to address premises where there are problems, in partnership with key agencies such as:
- North Yorkshire Police
  - North Yorkshire Fire & Rescue Service
  - Safer York Partnership
- 2.8 The council will keep the policy under constant review and make such revisions it considers appropriate.

### Public Consultation

- 2.9 The council held a public consultation from 24 June to 5 August 2015, to gain the views of residents and businesses with regard to the appropriate localities and number of sexual entertainment venues. A total of 329 online survey responses were submitted. The results of this consultation has assisted in the formulation of this policy.
- 2.10 Following the initial public consultation the council has consulted on the policy, the following organisations and people were consulted:
- Representatives of local residents
  - Representatives of local businesses
  - Representatives of existing licence holders
  - North Yorkshire Police
  - City of York Council – Director of Children’s Services, Education & Skills
  - City of York Council – Director of Adult Social Care
  - City of York Council – Director of Public Health
  - Safer York Partnership

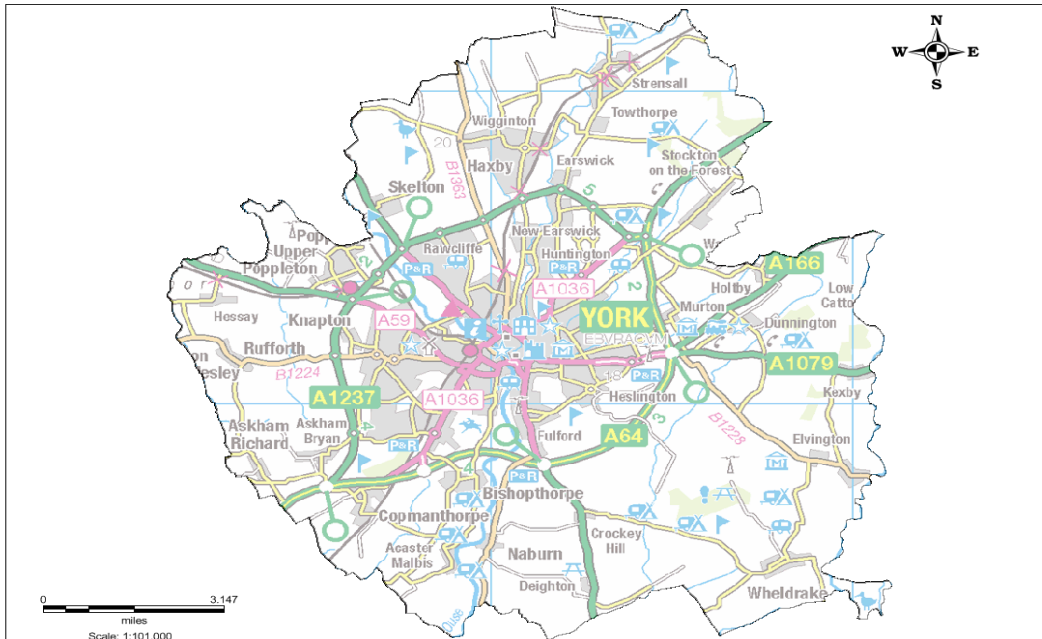
- York Primary Care Trust

2.11 The consultation on the policy took place from 19 September to 14 November 2016.



### 3. Profile of York

- 3.1 City of York Council is a unitary authority covering an area of approximately 105 square miles, with a population of approximately 202,000 (2014 est.) which includes a small black and minority ethnic population (9.81%). It comprises the urban area of York that is surrounded by many small rural and semi-rural settlements covered by parish councils.
- 3.2 City of York Council Authority Area



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- 3.3 York is a nationally and internationally prominent city for a range of reasons. Not only is it an historical centre for England, it is also one of the most visited tourist destinations in the UK. York has excellent rail links across the country, is a centre of academic excellence, and is an important location for the Church of England. Each year around 22,500 higher education students make up approximately 11% of York's population in term time.
- 3.4 Tourism and leisure are important industries for York, attracting over 6.8 million visitors a year, who spend £608 million in the city. Over 20,300 jobs have been created in the tourist and leisure industry sector. This level of tourism can, however, present challenges to the city in balancing the requirements of residents against the economic benefits that tourism can bring.
- 3.5 As an historical centre the city has many historical buildings and museums, such as York Minster, Merchant Adventurers Hall, the Guildhall, Yorkshire Museum, Castle Museum and the Jorvik Viking Centre. The city has many outstanding restaurants, numerous high quality traditional and historic public houses and bars, and entertainment venues, including 3 cinemas and 6 theatres.

## 4. General principles

- 4.1 In determining licensing applications the council will treat each application on an individual basis, on its own merits, taking into account this policy, the guidance issued by the Home Office and the Act.
- 4.2 A decision to refuse the licence application may not be made on moral grounds or that the establishment may cause offence.

### Mandatory grounds for the refusal of an application

- 4.3 Mandatory grounds for the refusal of an application for a sex establishment are that the applicant:
- is under the age of 18;
  - is for the time being disqualified from holding a sex establishment licence;
  - is not a body corporate, and is not resident or has not been resident in an EEA state for six months immediately preceding the date of the application;
  - is a body corporate which is not incorporated in an EEA state;
  - has in the period of 12 months preceding the date of the application been refused the grant or renewal of a licence for the premises, vehicle, vessel, or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

### Discretionary grounds for the refusal of an application

- 4.4 Discretionary ground for the refusal of an application for a sex establishment are that:
- the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
  - if the licence were to be granted, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
  - the number of sex establishments, or sex establishment of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
  - the grant would be inappropriate, having regard –
    - to the character of the relevant locality;
    - to the use to which any premises in the vicinity are put;
    - to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

### Suitability of applicant

- 4.5 When considering the suitability of the applicant to hold a licence the council will take into account such matters as it considers to be relevant including but not limited to whether the applicant:

- is honest;
- is qualified by experience to run the type of sex establishment in question;
- has a clear understanding of the conditions that may be attached to the licence;
- has no unspent conviction of a nature that deem him/her unsuitable;
- a management structure is in place which delivers compliance with the operating conditions, e.g. through managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and policies for welfare of dancers;
- will act in the best interests of dancers / performers, e.g. the facilities they enjoy, how they are protected and how and by who their physical and psychological welfare is monitored;
- can be relied upon to protect the public, e.g. transparent charging, freedom from solicitation;
- can show a track record of management of compliant premises, or that he/she will employ individuals who have such a track record.

4.6 The council will require the applicant to identify the proposed manager or beneficiary of the business. In considering the suitability of these persons the council will apply the principles at 4.5 of this policy.

### **Appropriate numbers and localities**

4.7 There is provision within the Act which enables the council to impose a numerical control on the number of sex establishments in a particular locality. The control applies not only to the number of sex establishments overall, but also to the number of each kind premises.

4.8 The council may refuse a licence on the grounds that the number of licences of that type is equal to or exceeds the number which the authority considers is appropriate for that locality. The council has considered the authority area in order to identify whether there are any localities in which the licensing of sex establishments is appropriate.

4.9 The initial public consultation revealed that a majority of respondents considered that sexual entertainment venues are inappropriate in the vicinity to premises/places with particular sensitive uses, as follows:

- Residential areas
- Parks / play areas
- Places of worship
- Women's refuge facilities
- Family leisure facilities such as cinemas, theatres and concert halls
- Youth facilities
- Places used for celebration or commemoration
- Schools and other education establishments
- Cultural leisure facilities such as libraries and museums

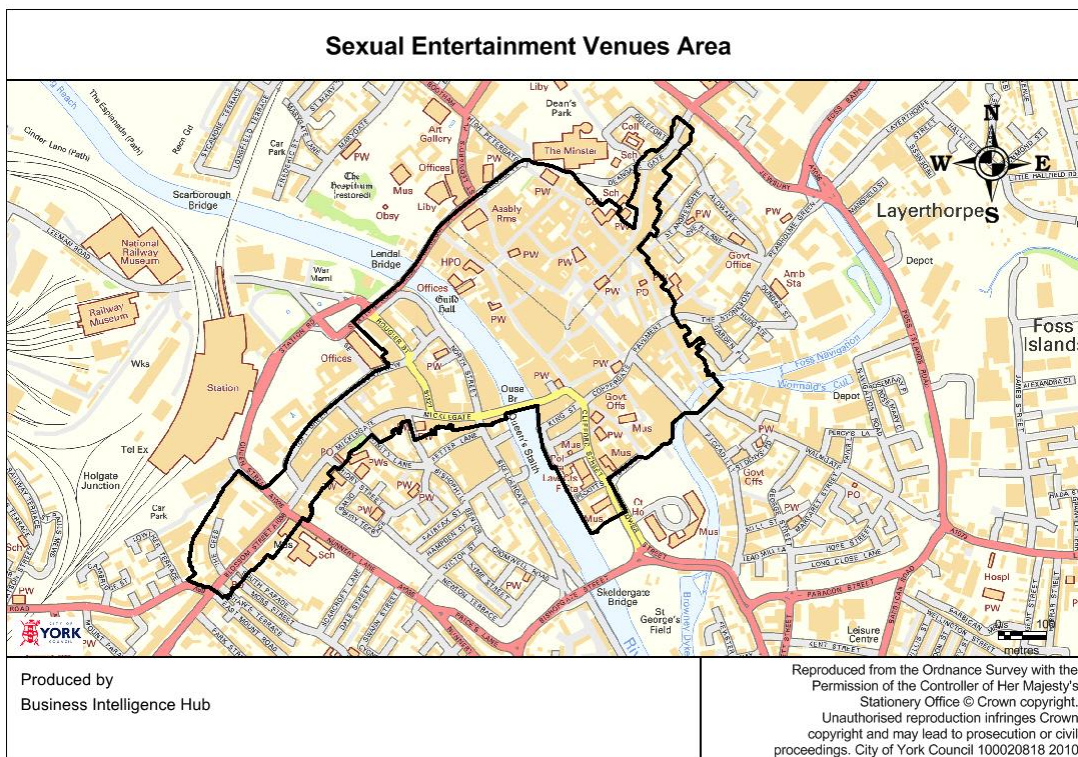
- Historic buildings
- Retail shopping areas

4.10 The council agrees that these uses are sensitive and that sexual entertainment venues are generally not appropriate near them.

4.11 The initial public consultation indicated that rural, built up and residential areas were unacceptable localities for sexual entertainment venues to be located. The council has considered the authority's area and has determined that all areas outside of the city centre to be unacceptable localities for sexual entertainment venues to be located due to their proximity to rural, built up or residential areas.

4.12 The public consultation also indicated, by a small majority, that the city centre late night economy area would be an acceptable locality to locate sexual entertainment venues.

4.13 The extent of the city centre area is indicated on the following map:



4.13 Therefore, it is the council's policy that there is no locality outside the city centre area (identified above) in which it would be appropriate to licence a sexual entertainment venue. Accordingly the appropriate number of sexual entertainment venues outside of this area is nil.

4.14 Taking into consideration all the matters mentioned in this section the appropriate number of sexual entertainment venues in the city centre area is a maximum of two, providing those premises are not to near and/or do not impact properties with sensitive uses or in sensitive locations.

- 4.15 The council has not determined a limit on the number or locality in relation to sex shops or sex cinemas. These applications will be dealt with on a case by case basis. Applicants should, however, take into consideration paragraph 4.9 of this policy with regard to sensitive use premises and areas.

### **Links to other Legislation**

- 4.16 The council will consider and have regards to the following legislation when applications are determined:
- a) Crime and Disorder Act 1998
  - b) The Provision of Services Regulations 2009
  - c) Equality Act 2010
  - d) Human Rights Act 1998

### **Planning**

- 4.17 The use of premises is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.
- 4.18 In general, all premises which are the subject of an application, should have the benefit of planning permission, or be deemed permitted development. The onus will be on the applicant to demonstrate that planning permission has been granted or that the premises have the benefit of permitted development rights.
- 4.19 In addition, all new developments and premises which have been subject to works that require an application covered by Building Regulations, should have building control approval in the form of a Building Regulations Completion Certificate. The onuses will be on the applicant to demonstrate that any such works have been approved by a building control body.
- 4.20 Any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful and correct.

### **Advertising**

- 4.21 As part of the standard conditions attached to licences there is a requirement that all advertising and the external appearance of the premises must be approved by the council. This approval will be sought at a sub-committee hearing. Applicants will be entitled to attend the hearing. Please contact the Licensing Section for further information on how to submit changes to advertising material and external appearance.

### **Staff Training**

- 4.22 The council recommends that all persons employed on licensed premises are trained and made aware of their responsibilities in relation to the Act, especially the offences under the Act, and the conditions of the licence.

4.23 Licensed premises will be required to document training undertaken by staff. Such records will be kept for a minimum of one year and will be made available for inspection on request by an authorised officer or the police.

### **Fining**

4.24 The council is aware that in some sexual entertainment venues it is the usual practice of some businesses to fine dancers for misdemeanours such as chewing gum, wearing inappropriate clothing or being late for a shift. The practice of fining can lead to an air of mistrust and resentment in the work place. More importantly the council is aware that in a majority of cases of fining that have been noted in premises th, predominantly male management fine female dancers, however they do not fine bar staff or door staff.

4.25 Therefore, for reasons of gender inequality, a standard condition has been imposed on all new and renewed licences to prohibit the practice of fining.

### **Exemptions**

4.26 Under the Act there is an exemption for sexual entertainment venues for premises which provide relevant entertainment on an infrequent basis. These are defined as premises where –

- no relevant entertainment has been provided on no more than 11 occasions within a 12 month period;
- no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
- no such occasion has lasted longer than 24 hours
- other premises or types of performances or displays exempted by an order of the Secretary of State.

4.27 This exemption does not apply to sex shops or sex cinemas.

## 5. Application Procedure

### Application procedure

- 5.1 Applications must be made to the council in the form prescribed, which is available from the Licensing Section or at [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing).
- 5.2 The applicants/operators suitability will be checked before a licence is granted. The suitability of the applicant/operator is important to ensure that the interests of the public are protected. The council will use the methods detailed below to ensure that the proposed licence holder and operator:
- is honest
  - has a clear understanding of the conditions that may be attached to the licence
  - has a suitable business plan which will deliver compliance of the standard conditions
  - has no unspent convictions of a nature that deem him/her unsuitable
- 5.3 Applicant/operator suitability checks may be achieved by the following means:
- application form
  - criminal record check
  - personal interview
  - accreditation
- 5.3 On receipt of the application it will be sent to North Yorkshire Police who may conduct a check. Applicants/operators may be asked to provide basic Disclosure and Barring Service checks, or attend an interview, to support their application.
- 5.4 Applications for sexual entertainment venue sex establishment licence will also show that there are clear policies and codes of conduct in place, to protect staff and the interests of customer, in relation to:
- employee welfare policy
  - code of conduct for employees
  - code of conduct for customers
  - pricing policy
- 5.5 These criteria will be taken into account when the council determine the licence. Non-compliance with one or more of the criteria will not necessarily exclude the operator from holding a licence, providing the applicant is able to prove to the council that the interest of the public is protected.
- 5.6 Checks/enquiries may also be made with regard to the operator's company structure, to ensure that the operator is not working on behalf of an individual or company that would not be granted a licence in their own right.
- 5.7 These checks/enquiries may be made via North Yorkshire Police, Companies House, personal interview or applicants may be asked to provide business records.

## **Fees**

- 5.8 The fee must be submitted as part of the application. The fee is based on the recovery of costs incurred by the council in determining the application.

## **Notices**

- 5.9 It is a legal requirement that the applicant must advertise the application in the following ways:
- publish an advertisement in a local newspaper within 7 days of the application being submitted to the council
  - display a notice of the application on or near the premises for 21 consecutive days
  - send a copy of the notice of application to the Chief Officer of Police for North Yorkshire within 7 days of the application being submitted to the council
- 5.10 Proof that the applicant has advertised the application will be required.

## **Objections**

- 5.11 Anyone can object to an application for a sex establishment. Objection should be received by the council no later than 28 days after the date that the application was received by the council. Objections can be on any matter but should not be based on moral grounds/values. Appropriate weight will be given to objections which relate to the purpose of the legislation which is the control of sex establishments.
- 5.12 The council will notify the applicant in writing of the general terms of any objection it receives within the 28 days of the application. Objectors will, however, remain anonymous and efforts will be made to redact the contents of the objections so the objector's identity remains anonymous. If the objectors wish for their details to be released to the applicant they should make this clear in their objection.

## **Hearings - decision making process**

- 5.13 The council's schedule of delegation can be found at Appendix B.
- 5.14 It is the council's practice to provide notice of committees and sub-committee hearings to all interested parties (applicants and objectors) five days before the hearing as laid down in the Local Government Act 1972. This notice will provide the date and time of the hearing, the procedure for the hearing, and will require the addressee to confirm their attendance and the attendance of any witnesses they may wish to call. The hearing will take place in public except where the public interest requires otherwise.
- 5.15 In determining licence applications under the Act the council will take into consideration the application before it, any objections received as well as local knowledge including local issues and cultural sensitivities.
- 5.16 Every decision to refuse a licence made by the Gambling, Licensing and Regulatory Committee, sub-committee or officers will be accompanied by clear reasons for the decision.



- 5.17 Where possible a decision will be given verbally at the sub-committee hearing, with the written reasons to follow in due course. However in exceptional circumstances the sub-committee may defer the decision in order to allow further consideration of the case and in such circumstances the decision and reasons will be issued in writing to all parties.

### **Conditions**

- 5.18 The council will impose standard conditions on all licences. However, if deemed necessary, the council may add to, change or replace the standard conditions with conditions that are relevant to the application. The standard conditions can be found at Appendix C.
- 5.19 Through the standard conditions the council seeks to ensure that sex establishments are well managed and supervised, restrict sexual entertainment activities and the manner in which they are permitted to be provided, protect performers, protect customers and control the impact that the premises has in relation to the general public and locality.
- 5.20 Any change to the standard conditions will be applied to licences at the time of renewal when all conditions are reviewed.
- 5.21 Where it is considered appropriate the council may attach conditions, in addition to the standard conditions, to a licence in the individual circumstances of an application.

### **Right of appeal**

- 5.22 Only the applicant has the right to appeal the council's decision to the Magistrate's Court and only on limited grounds, within 21 days of written reasons of decision. There is no right to appeal for objectors or statutory authorities. Further information can be found at Section 27 of the Act.

### **Term of licence**

- 5.23 A sex establishment licence shall remain in force for a maximum period of one year. The authority may grant a shorter licence period if it thinks fit. A licence may be brought to an early end by being surrendered or revoked.

### **Renewal / transfer**

- 5.24 The process for applying for a renewal or transfer of the licence is the same as when applying for a new licence.
- 5.25 Applications for the renewal of a licence must be made prior to the date of expiry. The licence is deemed to continue until the application is withdrawn by the applicant or determined by the licensing authority.

### **Variation**

- 5.26 A licence holder can apply to vary the terms, conditions or restrictions of a licence at any time. The 1982 Act does not set out procedural requirements in relation to variations.

Licence holders should contact the Licensing Section before making their application to discuss if a new application is more suitable.

## **Revocation**

- 5.27 The council may revoke the sex establishment licence if information is received in relation to either the mandatory grounds, detailed at paragraph 4.3, or the first two of the discretionary grounds, details at paragraph 4.4.
- 5.28 Should the council consider revocation of the licence to be appropriate, the licensee will be given an opportunity to appear before and be heard by the Gambling, Licensing and Regulatory Committee.
- 5.29 The licensee will be given a statement in writing of the reasons for revocation within seven days of the requirement being made.
- 5.30 The revocation will take effect once the appeal period has expired, or if an appeal is lodged after the determination or abandonment of the appeal.

## **Waiver**

- 5.31 Provisions within the Act allows licensing authorities to waive the need for a licence. Should the council decide that a licence would be unreasonable or inappropriate, it may waive the need for a licence, for example in the case of a medical book shop, sex clinic, in border line cases, to correct errors or for minor or temporary events.
- 5.32 The council would only waive the need for a licence where activity is low risk and/or temporary. However, a waiver will not be considered in the cases where a licence is reasonable and appropriate or where there is public interest.
- 5.33 The application for a waiver uses the same form as an application for a new licence, this should be accompanied by a letter which describes the circumstances under which the need for a licence should be waived. There is no requirement to advertise the application. There is a fee. Applicants should contact the Licensing Section before making their application.
- 5.34 The decision to waive the need for a licence will be taken at a licensing sub-committee hearing and a Notice of Waiver will be issued in due course.
- 5.35 Unsuccessful applications for waivers will be notified accordingly and provision will be made for them to make a formal application for a sex establishment licence.

## 5. Enforcement

- 5.1 In carrying out its enforcement duties with regards to the inspection of premises, and the powers to institute criminal proceedings in respect of certain offences under the Act, the council will endeavour to be:
- **Proportionate:** regulators should only intervene when necessary, remedies should be appropriate to the risk posed and costs identified and minimised;
  - **Accountable:** regulators must be able to justify decisions and be subject to public scrutiny;
  - **Consistent:** rules and standards must be joined up and implemented fairly;
  - **Transparent:** regulators should be open and keep regulations simple and user friendly;
  - **Targeted:** regulation should be focused on the problem, and minimise side effects.
- 5.2 The council will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 5.3 The council will also adopt a risk-based inspection programme in line with government recommendations around better regulation and the principles of the Hampton Review.
- 5.4 The main enforcement and compliance role in terms of the Act will be to ensure compliance with the conditions placed upon the licence.
- 5.5 The council also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 5.6 The council's enforcement/compliance protocols/written agreements are available upon request.

## Interpretation

**Advertisement** means any word, letter, image, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or partly for the purposes of, advertisement or announcement.

**Authorised officer** means an officer employed by City of York Council and authorised by the council to act in accordance with provisions of the Local Government (Miscellaneous Provisions) Act 1982.

**The council** means City of York Council.

**Display of nudity** means:

- (a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
- (b) in the case of a man, exposure of his pubic area, genitals or anus.

**Dancer / performer** means dancer, entertainment, performer, or other such person employed, or otherwise, to provide relevant entertainment.

**Licence** means any sex establishment that the council can grant under this Act.

**Licensee** means the holder of a sex establishment licence.

**Licensed area** means the part of the premises marked on the plan where licensable activities are to take place.

**Premises** includes any vehicle, vessel or stall but does not include any private dwelling to which the public is not admitted.

**Relevant entertainment** means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

**Responsible person** means the person nominated by the licensee who has personal responsibility for and be present on the premises whilst the premises is open to the public. This may be the manager or the relief manager.

**Sex shop** means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in the connection with, or for the purpose of stimulating or encouraging sexual activity.

**Sexual entertainment venue** means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser (i.e. a person who is responsible for organisation of management of the entertainment or the premises).

**Standard conditions** will mean any terms, conditions or restrictions contained or referred to in the schedule to a licence granted under Schedule 3, but does not include any private dwelling to which the public is not admitted.

**Unsolicited** (in relation to advertising) means any material that is unasked for, not looked for or unsought, i.e. newspaper advertising, flyers, posters, radio advertisements, television advertising, advertising hoardings etc.

**Vehicle** means a vehicle intended or adapted for use on roads.

### Schedule of Delegation

Functions under Schedule 3 are the responsibility of the full council of the appropriate authority. Under section 101 of the Local Government Act 1972, local authorities may arrange for the discharge of these responsibilities by a committee or sub-committee of the appropriate authority.

The council has appointed a Gambling, Licensing and Regulatory Committee of 15 councillors. Licensing functions will often be delegated to a subcommittee of three councillors or, in appropriate cases to officers of the council.

The schedule of delegation in relation to sex establishment licences is as follows:

<b>Matter to be dealt with</b>	<b>Committee</b>	<b>Sub-committee</b>
Approval of policies and standard conditions relating to sex establishment licensing	All cases	
Application for the grant of a sex establishment licence, sex shop and/or sex cinema	All cases	
Application for the grant of a sex establishment licence, sexual entertainment venue	All cases	
Application for the renewal of a sex establishment licence opposed, sex shop or sex cinema		All cases
Application for the renewal of a sex establishment licence unopposed, sex shop or sex cinema	All cases	
Application for the renewal of a sex establishment licence opposed, sexual entertainment venue		All cases
Application for the renewal of a sex establishment licence unopposed, sexual entertainment venue	All cases	
Application for transfer or variation of a sex establishment licence opposed, sex shop or sex cinema		All cases
Application for transfer or variation of a sex establishment licence unopposed, sex shop or sex cinema	All cases	
Application for transfer or variation of sex establishment licence opposed, sexual entertainment venue		All cases
Application for transfer or variation of a sex establishment licence unopposed, sexual entertainment venue	All cases	
External appearance of the premises and advertising	All cases	

**Standard Conditions****Sexual Entertainment Venues****General**

1. In accordance with Home Office guidance, where a condition conflicts with a condition in a Licensing Act 2003 premises licence, the more onerous applies.
2. Unless stated otherwise, the licence hereby granted will remain in force for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
3. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
4. In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sex establishment the special conditions shall prevail.
5. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the Council in writing.

**Exhibition of the licence**

6. The licence or a certified copy must be prominently displayed at all times so as to be readily and easily seen by all persons using the premises and all authorised officers. A copy of the conditions attached to the licence must be kept on the premises and be available for inspection by an authorised officer of the Council.

**Hours of opening**

7. Except with the written consent of the council, the premises will only open to the public during the following hours:

Monday	21:00 – 03:30	Friday	21:00 – 04:30
Tuesday	21:00 – 03:30	Saturday	21:00 – 04:30
Wednesday	21:00 – 03:30	Sunday	21:00 – 03:30
Thursday	21:00 – 03:30		

**Conduct of the premises**

8. Relevant entertainment will only be performed by the dancer. There must be no audience participation.
9. Dancers will only perform on the stage area, or in booths/areas for VIPs as identified on the plan attached.
10. There must be no physical contact (touching) by a customer of a dancer while a performance is taking place, except for the placing of gratuities into the hand of the dancer

at the beginning or conclusion of the performance. A dancer may have physical contact with the customers while the performance is taking place, this is restricted to touching the customers knees (including sitting on their knee), lower legs, upper chest, arms, face and head. There will be no physical contact of the pubic area or genitals.

11. Any performance will be restricted to dancing and the removal of clothes. There will not be any other form of sexual activity or stimulation which, for the avoidance of doubt, includes kissing.
12. Sex toys must not be used and penetration of the genital area by any means must not take place.
13. Dancers shall re-dress at the conclusion of the performance.
14. Customers will not be permitted to throw money at the dancers.
15. No customers shall be admitted to the premises or allowed to remain on the premises if they appear to be intoxicated or unruly.
16. No person shall take any photographs, videos or other similar recordings (including mobile phones and video streaming) of the authorised relevant entertainment.

### **External appearance**

17. There will be a notice displayed inside each entrance or doorway to the premises, clearly visible on entering the premises, which states the following words and no others:

<p style="text-align: center;"><b>STRICTLY NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE</b></p> <p style="text-align: center;">This premises operates a Challenge 25 policy. Persons who appear to be under the age of 25 will be required to show proof of age.</p>
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18. The external appearance of the premises must be approved by the council in writing. Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the council in writing before work is undertaken.
19. Access to the licensed area of the premises should be through a lobby area which is constructed in such a way that the inside of the licensed premises where relevant entertainment takes place is not visible to passing members of the public when the doors of the premises are opened.
20. Windows and opening to the premises, other than entrances, shall be obscured in a manner and with such material approved by the council. Door entrances shall also be obscured by blinds or material approved by the council so as to prevent any member of the public from seeing through to the premises whilst relevant entertainment is taking place.
21. External signage will only be illuminated between 9.00pm and 5.00am, and movable signs placed outside the premises will be removed between 4.30am and 9.00pm.

### **Advertising**

22. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by

the council in writing.

23. Staff employed or subcontracted by the premises will not verbally or otherwise promote, tout or advertise the premises, except by way of flyers. Staff employed or subcontracted by the premises will not direct potential customers to transport connected with the premises.
24. The distribution of flyers will only be permitted in such a way where it does not cause public offence. Therefore, the distribution of flyers is only permitted between the hours of 9.00pm and 3.30am. The licensee will remove any leaflets/flyers from the highway within a 100 metre radius of the premises by 5.00am. Flyers must not be distributed by and to persons under the age of 18 years.

### **Layout of the premises**

25. Access to ground floor premises may only be through two or more doors placed consecutively, so arranged that when a person enters or leaves the premises the interior of the premises is not recognisable to persons outside the premises. The first set of entry doors must be fitted with a device to provide for their automatic closure and such a device shall be maintained in good working order.
26. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
27. No alterations (including temporary alterations) will be made to the structure and installations on the premises, without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.
28. Where works necessitate the premises being closed for a long period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the council of the satisfactory completion of the work.
29. All parts of the premises shall be well maintained and kept in a clean condition to the satisfaction of the council.

### **Management of the premises**

30. Where the licensee is a body corporate, or an un-incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change of personnel will be furnished within 14 days of a request in writing from the council.
31. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager") will have personal responsibility for and be present on the premises whilst relevant entertainment is being performed. Any such nomination will be produced on demand to an authorised officer of the council or the police.
32. The licensee will ensure that any person nominated by him/her under the above:
  - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
  - b) is in possession of a written nomination referred to about at all times when they are in charge of the premises.



33. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue (“the manager”), is convicted of an offence, they must, as soon as practicable after the conviction, inform the council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.
34. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises affected by the termination of a lease or other event affecting the licensee’s control of the premises.
35. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.
36. No person under the age of 18 will be admitted to the premises.
37. The licensee will operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 will be displayed on the premises.
38. The licence holder will not employ any person under the age of 18 in any capacity.
39. The licensee will comply with all statutory provisions and any regulations made hereunder.
40. The licensee will provide, for approval in writing of both the police and the licensing authority, a code of practice for the dancers. This code must be given to all dancers and displayed in staff areas. This code must be made available upon request to both the police and authorised officers.
41. The licensee will provide, for approval in writing of both the police and the licensing authority, a code of conduct for customers, this must be printed in a manner which is clear and easy to read during normal operation of the premises. This code must be prominently displayed at each entrance to the premises, at the entrance to any private dance areas and in suitable locations within the licensed premises, such locations to be agreed with the council, such as at bars.
42. Price lists for both drinks and sexual entertainment will be clearly displayed at each entrance to the premises, at each bar and at each table.
43. Suitable and sufficient training will be provided to all staff including the nominated responsible person. The training will be recorded and the training records must be made available upon request to both the police and authorised officers.
44. The name of the person responsible for the management of the premises, whether the licensee or manager, shall be displayed in a conspicuous position within the premises throughout the period during which he/she is responsible for its conduct.

### **Safety and security**

45. A colour digital CCTV system will be maintained and operational at the premises at all times when licensable activities are being carried out and at any other times when member of the public are present on the premises.
46. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors, stairways, each dance booth and VIP areas (excluding within toilets and changing rooms). The CCTV system will cover the main

entrances and external areas of the premises occupied by the public, for example queuing areas, beer gardens, smoking areas and car parks.

47. The locations of CCTV cameras are identified on the site plan of the premises. No amendments to the locations of the cameras will be made without prior consultation with North Yorkshire Police and the council.
48. The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.
49. Recorded CCTV images will be maintained and stored for a continuous period of 28 days. The CCTV equipment shall have constant time/date generation which must be checked on a daily basis for accuracy.
50. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard DVD player.
51. The nominated person ("the manager") must be trained in the use of any such CCTV equipment and be able to produce CCTV images to the police or Licensing Authority.
52. CCTV footage will be controlled and kept in a secure environment to prevent tampering and unauthorised viewing.
53. The data controller, under the Data Protection Act 1998, who is responsible for any CCTV images captured on cameras on the premises will, on the lawful request of the police or an authorised officer of the council, cause any required footage to be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. Where the CCTV images are not supplied at the time of the request being made the data controller will ensure that they are secured to prevent any overwriting.
54. A minimum of two Security Industry Authority registered door staff (numbers to be subject to police and licensing authority approval) will be present on the premises during the performance of relevant entertainment.
55. A refusals/incident/accident register will be maintained and shall record all refusals relating to alcohol, access to the premises and all incidents or accidents.
56. The licensee will ensure that a fire safety risk assessment is carried out in connection with the premises, and is retained on the premises at all times and available for inspection by an authorised officer or a member of the Fire Authority.
57. The licensee will maintain good order in the premises at all times, and ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents in the vicinity and persons passing by.

### **Staff welfare**

58. Dancers will be aged 18 years or over.
59. Before a dancer is permitted to work on the premises the licensee will ensure that the dancer:
  - a) has not been convicted of theft, drug offences or prostitution
  - b) has the right to work in the UKThe licensee will keep records of the checks, including copies of any documentation such as a basic disclosure, passport, visa, driving licence or national insurance number provided

by the dancer.

60. All premises that provide relevant entertainment will provide dancers with copies of the following documents:
  - a) A copy of the conditions attached to the Sex Establishment Licence;
  - b) Details of any other conditions applied by management of the premises;
  - c) A copy of the code of practice for dancers;
  - d) A copy of the code of conduct for customers;
  - e) Price lists for drinks and sexual entertainment.
61. Dancers will be provided with separate secure dressing rooms, facilities to secure valuables and proper sanitation facilities. No person other than performers and authorised staff will be allowed in or near the dressing rooms, therefore safe and controlled access will be maintained at all times. The documents detailed in condition 60 will be displayed in the dressing rooms.
62. There will be at least one female member of staff authorised to be responsible for the safety and welfare of the dancers. This staff member must on the premises at all times when licensable activities are taking place.
63. All booths and VIP areas used for private dances must be visible to supervision and must not have closing doors, any curtains used must be approved by the council in writing.
64. All booths and VIP areas used for private dances must be directly supervised by either a SIA registered door supervisor, or a member of staff who has direct contact with a SIA registered door supervisor working on the premises at all times the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.
65. Dancers will only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.
66. Any person on the premises who can be observed from outside the premises will be properly and decently dressed.
67. The practice of fining is prohibited.
68. Customers and staff must not be allowed to interact while using the smoking area, and where possible a separate smoking area should be provided for staff. Dancers must be covered up at all times with knee length robes or coats whilst using the smoking areas.
69. Throughout the lap or table dance customers will remain seated and fully clothed, with their hands clearly visible, either resting on the arms of the chair/sofa or on the seat cushion, or customers must be asked to sit on their hands.
70. If a dancer is invited to have a drink with a customer, the dancer will remain fully clothed during this period. Dancers will not be paid commission on the sale of beverages.
71. On leaving the premises dancers will be escorted to their transport by a SIA registered door supervisor.

### **Vessels, vehicles and stalls**

72. In the case of licensed premises that are a vessel, vehicle or stall, the licensee shall not move the vessel, vehicle or stall from the location specified in the licence unless 28 days written notice is given to the council of such intended removal. The council may require the licensee to lodge such written application as it may deem appropriate and pay such a fee

as it may deem reasonable in respect of such application.

73. The requirements of condition 72 will not apply to a vessel, vehicle or stall habitually operating from a fixed location, which is regularly moved, whether under its own propulsion or otherwise, from another place for storage purposes. This place must be specified in the licence and must not be used for the purposes for which the licence is granted and any other location than that specified in the licence.
74. Vehicles must not be used for personal solicitation, touting or advertising.

**Variation of conditions**

75. The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
76. The licensee may apply to the council to vary any of the terms of the licence.
77. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the grant, renewal or transfer of the licence.

**Standard Conditions**

**Sex Shops**

**General**

1. Unless stated otherwise, the licence hereby granted will remain in force for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
2. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
3. In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sex establishment the special conditions shall prevail.
4. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the Council in writing.

**Exhibition of the licence**

5. The licence or a certified copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises and all authorised officers. A copy of the conditions attached to the licence shall be kept on the premises and be available for inspection by an authorised officer of the council.

**Hours of opening**

6. Except with the written consent of the council, the premises will only open to the public during the following hours:

Monday	09:00 – 20:00	Friday	09:00 – 20:00
Tuesday	09:00 – 20:00	Saturday	09:00 – 20:00
Wednesday	09:00 – 20:00	Sunday	12:00 – 20:00
Thursday	09:00 – 20:00		

**Conduct of the premises**

7. The premises will be conducted primarily for the purpose of the sale or hire of goods by retail.
8. The licensee, or any other person concerned in the conduct or management of the premises, will only obtain custom by means of personal solicitation or touting from the premises in such a way that it does not cause concern to the public or the licensing authority. All literature used will not contain images or text of a sexually explicit, obscene or offensive nature.

9. No part of the premises will be used by prostitutes.
10. All sex articles or other items displayed for sale, hire, exchange or loan within the premises will be clearly marked to show the price being charged.
11. All printed material offered for sale, hire, exchange or loan will be available for inspection prior to purchase and a notice to this effect will be displayed in a conspicuous position within the premises.
12. No film, DVD or video recording (or computer game) will be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect.
13. No moving picture will be provided on display at the licensed premises unless it is that of advertising videos on a loop system or allowing a prospective purchaser a short preview of films upon request, being no longer than 3 minutes in length.
14. Items offered for sale, hire, exchange or used in any promotion/advertising must not contravene any current legislation i.e. Section 12 Video Recordings Act 1984 (as amended).

### **External appearance**

15. There will be a notice displayed inside each entrance or doorway to the premises, clearly visible on entering the premises, which states the following words and no others:

<p style="text-align: center;"><b>STRICTLY NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE</b></p> <p style="text-align: center;">This premises operates a Challenge 25 policy. Persons who appear to be under the age of 25 will be required to show proof of age.</p>
--

16. The external appearance of the premises must be approved by the council in writing. Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the council in writing before work is undertaken.
17. The frontage of the licensed premises will be of such a nature that the inside of the licensed premises are not visible and the contents of the licensed premises should not be visible when the doors of the licensed premises is open.
18. There will be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises on the public highway.

### **Advertising**

19. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
20. The distribution of flyers will only be permitted in such a way where it does not cause public offence. Flyers must not be distributed by and to persons under the age of 18 years.

### **Layout of the premises**

21. Access to ground floor premises may only be through two or more doors placed consecutively, so arranged that when a person enters or leaves the premises the interior of the premises is not recognisable to persons outside the premises. The first set of entry doors must be fitted with a device to provide for their automatic closure and such a device shall be maintained in good working order.
22. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
23. No alterations (including temporary alterations) will be made to the structure and installations on the premises, without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

### **Management of the premises**

24. Where the licensee is a body corporate, or an un-incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change of personnel will be furnished within 14 days of a request in writing from the council.
25. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager") will have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination will be produced on demand to an authorised officer of the council or the police.
26. The licensee will ensure that any person nominated by him/her under the above:
  - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
  - b) is in possession of a written nomination referred to about at all times when they are in charge of the premises.
27. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue ("the manager"), is convicted of an offence, they must, as soon as practicable after the conviction, inform the council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.
28. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises affected by the termination of a lease or other event affecting the licensee's control of the premises.
29. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.
30. The holder of the licence will keep a record of all employees who are asked to work on the premises which will include their full name, date of birth, current and previous address and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).

31. An authorised and certified copy of the full personal record or a record of an individual will be produced on demand to an authorised officer of the council or the police.
32. No person under the age of 18 will be admitted to the premises.
33. The licensee will operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 will be displayed on the premises.
34. The licence holder will not employ any person under the age of 18 in any capacity.

### **Vessels, vehicles and stalls**

35. In the case of licensed premises that are a vessel, vehicle or stall, the licensee shall not move the vessel, vehicle or stall from the location specified in the licence unless 28 days written notice is given to the council of such intended removal. The council may require the licensee to lodge such written application as it may deem appropriate and pay such a fee as it may deem reasonable in respect of such application.
36. The requirements of condition 35 will not apply to a vessel, vehicle or stall habitually operating from a fixed location, which is regularly moved, whether under its own propulsion or otherwise, from another place for storage purposes. This place must be specified in the licence and must not be used for the purposes for which the licence is granted and any other location than that specified in the licence.
37. Vehicles must not be used for personal solicitation, touting or advertising.

### **Variation of conditions**

38. The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
39. The licensee may apply to the council to vary any of the terms of the licence.
40. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the grant, renewal or transfer of the licence.



## Standard Conditions

### Sex Cinemas

#### General

1. Unless stated otherwise, the licence hereby granted will remain in force for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
2. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
3. In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sex establishment the special conditions shall prevail.
4. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the Council in writing.

#### Exhibition of the licence

5. The licence or a certified copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises and all authorised officers. A copy of the conditions attached to the licence shall be kept on the premises and be available for inspection by an authorised officer of the council.

#### Hours of opening

6. Except with the written consent of the council, the premises will only open to the public during the hours specified in the licence.

#### Conduct of the premises

7. The premises will be conducted primarily for the purpose of the exhibition of films.
8. The licensee, or any other person concerned in the conduct or management of the premises, will only obtain custom by means of personal solicitation or touting from the premises in such a way that it does not cause concern to the public or the licensing authority. All literature used will not contain images or text of a sexually explicit, obscene or offensive nature.
9. No part of the premises will be used by prostitutes.

#### External appearance

10. There will be a notice displayed inside each entrance or doorway to the premises, clearly visible on entering the premises, which states the following words and no others:

**STRICTLY NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE**

<p>This premises operates a Challenge 25 policy. Persons who appear to be under the age of 25 will be required to show proof of age.</p>
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11. The external appearance of the premises must be approved by the council in writing. Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the council before work is undertaken.
12. The frontage of the licensed premises will be of such a nature that the inside of the licensed premises are not visible and the contents of the licensed premises should not be visible when the doors of the licensed premises is open.
13. There will be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises.

### **Advertising**

14. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
15. The distribution of flyers will only be permitted in such a way where it does not cause public offence. Flyers must not be distributed by and to persons under the age of 18 years.

### **Layout of the premises**

16. Access to ground floor premises may only be through two or more doors placed consecutively, so arranged that when a person enters or leaves the premises the interior of the premises is not recognisable to persons outside the premises. The first set of entry doors must be fitted with a device to provide for their automatic closure and such a device shall be maintained in good working order.
17. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
18. No alterations (including temporary alterations) will be made to the structure and installations on the premises, without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

### **Management of the premises**

24. Where the licensee is a body corporate, or an un-incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change of personnel will be furnished within 14 days of a request in writing from the council.
25. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager") will have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination will be produced on demand to an authorised officer of the council or the police.

26. The licensee will ensure that any person nominated by him/her under the above:
  - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
  - b) is in possession of a written nomination referred to about at all times when they are in charge of the premises.
27. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue (“the manager”), is convicted of an offence, they must, as soon as practicable after the conviction, inform the council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.
28. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises affected by the termination of a lease or other event affecting the licensee’s control of the premises.
29. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.
30. The holder of the licence will keep a record of all employees who are asked to work on the premises which will include their full name, date of birth, current and previous address and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).
31. An authorised and certified copy of the full personal record or a record of an individual will be produced on demand to an authorised officer of the council or the police.
32. No person under the age of 18 will be admitted to the premises.
33. The licensee will operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 will be displayed on the premises.
34. The licence holder will not employ any person under the age of 18 in any capacity.

### **Safety and security**

35. A colour digital CCTV system will be maintained and operational at the premises at all times when licensable activities are being carried out and at any other times when member of the public are present on the premises.
36. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors and stairways. The CCTV system will cover the main entrances and external areas of the premises occupied by the public, for example queuing areas, smoking areas and car parks.
37. The locations of CCTV cameras are identified on the site plan of the premises. No amendments to the locations of the cameras will be made without prior consultation with North Yorkshire Police and the council.
38. The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.
39. Recorded CCTV images will be maintained and stored for a continuous period of 28 days. The CCTV equipment shall have constant time/date generation which must be checked on

a daily basis for accuracy.

40. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard DVD player.
41. The nominated person (“the manager”) must be trained in the use of any such CCTV equipment and be able to produce CCTV images to the police or Licensing Authority.
42. CCTV footage will be controlled and kept in a secure environment to prevent tampering and unauthorised viewing.
43. The data controller, under the Data Protection Act 1998, who is responsible for any CCTV images captured on cameras on the premises will, on the lawful request of the police or an authorised officer of the council, cause any required footage to be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. Where the CCTV images are not supplied at the time of the request being made the data controller will ensure that they are secured to prevent any overwriting.
44. Regular checks will be carried out in the auditorium(s) when screenings are taking place.
45. A refusals/incident/accident register will be maintained and shall record all refusals relating to alcohol, access to the premises and all incidents or accidents.
46. The licensee will ensure that a fire safety risk assessment is carried out in connection with the premises, and is retained on the premises at all times and available for inspection by an authorised officer or a member of the Fire Authority.
47. The licensee will maintain good order in the premises at all times, and ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents in the vicinity and persons passing by.

### **Vessels, vehicles and stalls**

48. In the case of licensed premises that are a vessel, vehicle or stall, the licensee shall not move the vessel, vehicle or stall from the location specified in the licence unless 28 days written notice is given to the council of such intended removal. The council may require the licensee to lodge such written application as it may deem appropriate and pay such a fee as it may deem reasonable in respect of such application.
49. The requirements of condition 48 will not apply to a vessel, vehicle or stall habitually operating from a fixed location, which is regularly moved, whether under its own propulsion or otherwise, from another place for storage purposes. This place must be specified in the licence and must not be used for the purposes for which the licence is granted and any other location than that specified in the licence.
50. Vehicles must not be used for personal solicitation, touting or advertising.

### **Variation of conditions**

51. The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
52. The licensee may apply to the council to vary any of the terms of the licence.
53. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the grant, renewal or transfer of the licence.



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**Executive**

**27 April 2017**

**Report of the Director of Economy and Place**

**Portfolio of the Executive Member for Finance and Performance and Executive Member for the Environment**

**Proposed Long Term Lease – Tang Hall Community Centre**

**Summary**

1. This report seeks an Executive decision on granting a lease of Tang Hall Community Centre to the Trustees of Tang Hall Community Centre (TTHCC) for a Term of 30 years at a peppercorn rent.

**Recommendations**

2. The Executive agree to the letting of the Tang Hall Community Centre to the Trustees of Tang Hall Community Centre for a Term of 30 years, at a peppercorn rent, in accordance with the general conditions set out in the Council's Community Asset Transfer Policy.

Reason: To ensure the sustainable future use of a community facility and transfer maintenance and repair responsibilities to the trustees.

**Background**

3. The Council has a history of transferring the management of community centres to the community, for example;
  - a) Clementhorpe Community Centre – 30 year lease
  - b) Priory Street Community Centre – 99 year lease
  - c) Oaken Grove Community Centre – 99 year lease
  - d) Clements Hall – 99 year lease

4. The Council's Community Asset Transfer policy states that qualifying community groups may be offered a lease up to 99 years on a nil rent basis subject to the conditions referred to in that policy including that:
  - i) The tenant has full responsibility for repairs and decoration and for payment of all outgoing relating to the premises including insurance, business rates and utility costs.
  - ii) The premises must be open to the public for a minimum period during each year
  - iii) The tenant is restricted from transferring the lease.
5. The terms of the proposed lease of the Property to TTHCC will reflect these conditions except it is suggested that that the Council reimburse TTHCC for the cost of repairs carried out by them for the first 4 years of the lease period subject to the following provisos:
  - i) The cost of repairs claimable from the Council cannot exceed a total of £7,000 per annum and
  - ii) Written permission is obtained from the Council by TTHCC before they carry out any repairs or alterations to the Property.
6. Under the Community Asset Transfer Policy, the term of a lease granted to a tenant is to be decided on a case-by-case basis, but should be long enough to ensure that the tenant can apply for any funding needed to support the use it will make of the premises, and any work it needs to repair/refurbish/improve the property.
7. The property is a council owned, but community managed facility in an area of high deprivation, with mixed communities of families, older people and students.
8. The property has a main hall which is a fantastic function space with supported kitchen facilities. The ground floor also consists of; main reception office, 6 small meeting/office spaces and associated toilet and changing rooms. On the first floor, via a separate entrance is an open plan office. The grounds are secure with a small playground and multi games court with floodlights. The property also has a modest car park.

9. In November 2014 the TTHCC, voted at their AGM to become a Community Incorporated Organisation (CIO) with a new constitution and rules. The purpose of the organisation and charitable trustees are :
  - i. To promote the benefit of the inhabitants of Tang Hall without distinction of sex, sexual orientation, age, disability, nationality, race or of political, religious or other opinions, by associating together the said inhabitants and the statutory authorities, voluntary and other organisations in a common effort to advance education and to provide facilities in the interests of social welfare for recreation and leisure-time occupation with the object of improving the conditions of life for the said inhabitants.
  - ii. To maintain and manage the community centre (whether alone or in co-operation with any statutory authority or other person or body) in furtherance of the Objects.
10. The work of the current trustees has transformed the use of the centre and made a substantial difference to the local community. They have a five year business plan and have identified their 'Unique Selling Points' as:
  - a. It is a community centre run by local people themselves, and so embodies the spirit and principles of collective self-help, community action and voluntary endeavour
  - b. It generates significant added value, not least through the number of volunteers regularly committing their time to organising and supporting activities
  - c. Precisely because the centre and its portfolio of activities doesn't rely on contract income, it is independent of state influence and therefore can be wholly aligned with what local people say they need and want
  - d. It has the ability to 'reach the parts that others cannot reach'; through its strong local networks and connections it can reach out to the most vulnerable and disadvantaged people, enabling them to benefit from the centre's services
11. Tang Hall is the largest area of social housing in York covering two wards and has a range of social and economic problems and challenges. TTHCC responds to this by housing a range of services - debt advice, housing advice, a food bank, mental health advocacy services, social support for people with learning

disabilities, social activities such as lunch clubs and cafés, sports and health services.

12. In addition the TTHCC have a proven track record of drawing in funding to match the needs and aspirations of the local community to deliver community engagement projects. For example, they have a project called 'Tang Hall Online' which has been funded by the People's Health Trust. The aim of this 2 year project is to improve access to new technology for all by making Tang Hall Community Centre a hub for digital literacy. This will improve basic literacy and numeracy and, by offering informal group learning that is family orientated, will help to alleviate loneliness and improve social and community skills, and thus improve physical and mental health.

### **Consultation**

13. There has been ongoing dialogue between the trustees and the Council's Strategic Services Manager for the last 4 years, to explore the best way to formalise the landlord and tenant relationship that has existed for some time.
14. In 2013, the Council supported the trustees to apply for a £10k 'Pre-feasibility' grant to investigate whether an asset transfer would be the right move. Their grant application to Locality as part of the Community Ownership and Management of Assets (COMA) was successful.
15. The next 12 months involved the trustees working with Locality to assess:
  - i. The building condition
  - ii. Community engagement survey
  - iii. Legal advice on terms of lease
  - iv. Business planning support and advice
  - v. Asset transfer health check
16. The Council were able to support the process by providing an Asset Transfer Pack which contained all the information needed to allow the trustees to make an informed decision.

### **Council Plan for 2015 – 2019**

17. Under the Council Plan these proposals will assist in supporting;



- A prosperous city for all
  - Local residents enjoy a facility to promote creativity and the well being of those in the neighbourhood.
  - Residents can enjoy use of a building which is part of the city's unique heritage and be included in a range of activities.
- A focus on frontline services
  - Everyone has access to opportunities regardless of their background
  - Residents are encouraged and supported to live healthily
- A council that listens to residents
- Engaging with the community to provide creative space for local residents

## Implications

18. **Financial** – an immediate saving of £5k per annum can be made from the annual revenue budget for community centres, with a further saving from 2021/22. The proposal will support the delivery of this saving.

**Human Resources (HR)** – none

**Equalities** - none

**Legal** – The General Disposal Consent Order gives the Secretary of State's consent (for the purposes of S.123 of the Local Government Act 1972) to the disposal (including by way of lease) of non-housing property by local authorities for a consideration less than the best reasonably obtainable provided that both of the following conditions are satisfied:

- (i) the difference between the consideration being obtained and the best consideration reasonably obtainable/market value does not exceed £2m and
- (ii) the Council (acting reasonably and properly) considers that the disposal is likely to facilitate the promotion or improvement of the economic, environmental or social well-being of the area.

**Crime and Disorder** – none

**Information Technology (IT) - none**

**Property** – The building condition survey completed in 2016 identifies significant investment of over £60,000 required over the next 30 years and CYC have agreed to support this for the first four years of the lease capped at £28,000. This allows the charity to work up a funding strategy to manage the longer term lifecycle liability cost. The council financial support will be made from the community centres revenue budget.

**Public Health** – none

**Planning** – none

**Risk Management**

- 19. There is a risk that the TTHCC ceases to exist or fails and in that eventuality the lease will terminate and the asset will revert back to the council so the risk is considered to be low.

**Contact Details**

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Asset Management  
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Strategic Services Manager  
Communities and Equalities  
Tel No. 01904 553370

**Chief Officer Responsible for the report:**

**Neil Ferris**  
**Director Economy and Place**

**Report Approved**  **Date** 11<sup>th</sup> April 2017

**Specialist Implications Officer(s)** List information for all

Implication - Financial  
Patrick Looker  
Finance Manager  
Tel No. 01904 551633

Implication - Legal  
Gerrard Allen  
Senior Solicitor (Property)  
Tel No. 01904 552004

**Wards Affected:** Heworth

**All**

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

**Background Papers:**

**Annexes**

Annex 1 – Plan – Tang Hall Community Centre

**List of Abbreviations Used in this Report**

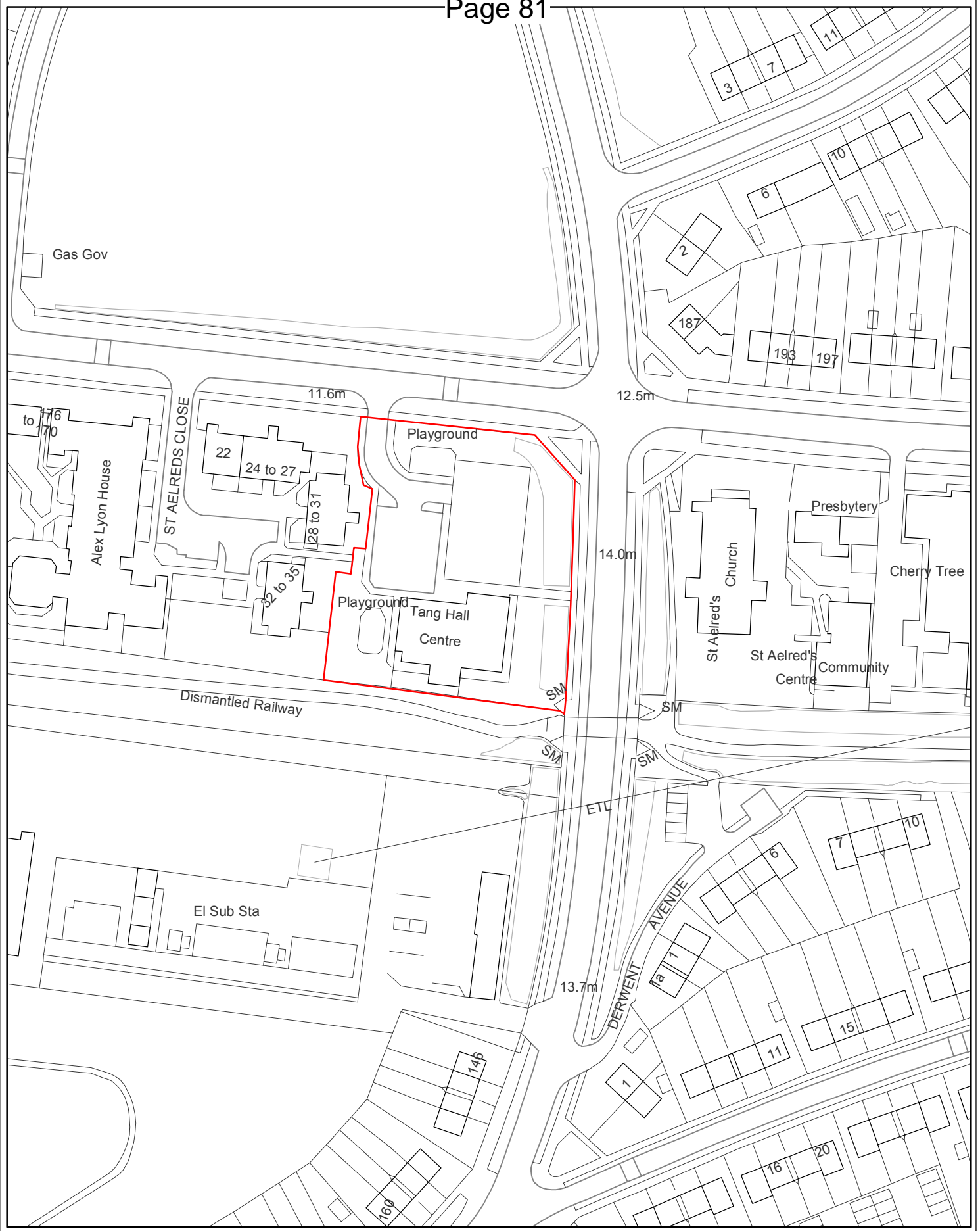
AGM – Annual General Meeting

CIO - Community Incorporated Organisation

COMA - Community Ownership and Management of Assets

TTHCC - Trustees of Tang Hall Community Centre

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**CBSS**  
**Asset & Property**  
**Management**

# Tang Hall Community Centre



SCALE 1:1,250      DRAWN BY: CC      DATE: 21/03/2013

Originating Group: **Asset & Property Management**

Drawing No. **E00755-1**

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**Executive**

**27 April 2017**

**Report of the Director of Economy and Place  
Portfolio of the Executive Member for Finance and Performance**

**Sale of 29 Castlegate, York**

**Summary**

1. This report seeks an Executive decision to dispose of the freehold of 29 Castlegate, to York Conservation Trust for £431,250. The property will become vacant at the end of 2018 following the relocation of the Connexions service to Sycamore House. The capital receipt reflects the benefit of enabling York Conservation Trust, in partnership with York Civic Trust, to substantially alter and refurbish this building together with the adjoining Fairfax House and to expand and improve the accessibility and use of both properties as a significant leisure attraction for the public, especially the schools and residents of York

**Recommendations**

2. The Executive is asked to:
  - 1) Agree to the disposal of the freehold of 29 Castlegate to York Conservation Trust for £431,250

**Reason:** To obtain a substantial capital receipt and also considerable social value in enabling disabled access to and the development of an improved leisure and historic attraction in conjunction with the adjoining Fairfax House.

**Background**

3. 29 Castlegate is to be vacated by Connexions (Youth Service) who are relocating to Sycamore House. There is no ongoing Council requirement for this property. The property is a Grade II listed building and located on the north side of Castlegate (see plan at Annex 1) between the Coppergate Centre and Castle Car Park. It is also immediately adjacent to Fairfax House, a fine example of a Georgian Town house which is owned by York

Conservation Trust and operated by York Civic Trust and is open to the public. The property is approximately 3,500 sq ft. in size and is 3 storeys. It is currently used as offices but could be converted, subject to planning permission, to a number of other commercial uses.

4. An independent external valuation of the property has been obtained which reflects the potential for these other uses and also its location adjacent to the Coppergate Centre and within the Castle Gateway area with the current proposals for the regeneration and improvement of the area. The valuation suggested is £575,000.
5. A condition survey of the Property has also been carried out which has highlighted that there are approximately £30,000 of immediate repair and redecoration works needed to the property now with a further £10,000 in the next 2-5 years (total £40,000).
6. York Conservation Trust (YCT) has made an offer to buy the freehold of the Property for a sum which is 25% less than the independent valuation figure as they say the sale of the Property to them will assist extending and improving Fairfax House which, in their view, will create significant social and economic benefits and advantages to the public and to the York economy. YCT believe that a direct sale to them will enable the rejuvenation and improvement of the Fairfax House visitor attraction and will:-
  - i. Attract investment in improvements to Fairfax House and 29 Castlegate estimated at £2.8m.
  - ii. Create full disabled access to all floors of 29 Castlegate and Fairfax House via a new lift (Fairfax House currently has no disabled access). The cost of this lift and access works is estimated to be at least £85,000
  - iii. Provide a new education centre in 29 Castlegate combining a working Georgian kitchen and adjacent Servants hall providing the delivery of learning programmes for all ages, especially schools
  - iv. Repair and restore the external and internal fabric of the building
  - v. Enable the Relocation of museum work spaces and offices from Fairfax House to 29 Castlegate
  - vi. Enable an increase in visitor numbers which will both support the local economy and renew local and international interest in this important historic building and its unique picture of Georgian life in York.
  - vii. Contribute to the long term economic sustainability of the Fairfax House visitor attraction



## Consultation

7. York Conservation Trust have been in conversation and negotiation with the council for some time regarding their proposed improvement and extension plan, to ensure both the long term conservation of an important city asset and to ensure that the Council can demonstrate that it has achieved a reasonable capital return for the disposal of the property.

## Options

8. There are 2 options :-
1. Sell the property to York Conservation Trust for £431,250 on the terms as set out below
  2. Refuse the sale to York Conservation Trust at the discounted figure and sell on the open market once CYC have moved out

### Option 1

9. Sale to York Conservation Trust for the open market value less 25%  
The following terms have been agreed with York Conservation Trust as a condition of the sale
- The sale is unconditional – i.e. Not subject to planning permission or a condition survey
  - The building will only be used in accordance with the proposed project with the adjoining Fairfax House.
  - York Conservation Trust will proceed with the purchase now and lease back the property to the City of York Council until Connexions have relocated
  - If the proposal for the project with Fairfax House should not proceed and 29 Castlegate is used for a commercial use then York Conservation Trust will pay the difference between the sale price and the commercial market value at the time or the independent valuation figure, whichever is the greater.
10. In addition to these terms York Conservation Trust have also put together a report which sets out the other social benefits to the Council and the City. In summary these are as follows :-
- Enriching and Championing York's Heritage
    - i. Safeguarding 2 important listed buildings
    - ii. Strengthening the Castle Gateway offer
    - iii. Preservation of the streetscape and facade along Castlegate
    - iv. Offering something new to the residents of York and visitors at no capital or revenue cost to the Council

- Economic
  - i. Inward investment from HLF and other grants substantially contributing to the estimated project costs of £2.8M for the development of both properties
  - ii. Increasing by at least 50% the number of visitors to the refurbished Fairfax House and the impact on increased visitor spend
  - iii. Employment of at least 8 additional staff
- Education, Engagement and Partnerships
  - i. Creation of a nationally-recognised learning facility
  - ii. Education for all levels and ages, especially for schools with a full-scale education programme with a key theme of food and production
  - iii. Collaboration with University of York Centre for Lifelong Learning to create resource and research areas and dedicated work-space
- Public Engagement and Building Audiences
  - i. Engagement with new and wider audiences through the creation of an events space, exhibition space, working kitchen which appeals to all ages.

## **Option 2**

11. Sell 29 Castlegate on the open market. The independent valuation has confirmed that it is very likely that there would be interest in this property from commercial organisations if this building was offered for sale and the receipt of £575,000 should be obtained. However it is likely any sale would be subject to planning consent as the current use is offices.
12. Whilst it is likely consent for other uses such as retail and restaurant would be obtained, it would result in a delay in obtaining the capital receipt and also any offer made may be reduced depending on the conditions imposed by any consent and any alterations to the building required such as for disabled access.
13. If the property were sold on the basis of unconditional offers only, then the capital receipt would be less than the market value indicated as any purchaser would want to reflect the risk that was being transferred to them. The offer from York Conservation Trust is unconditional. As it is likely any purchaser would be retail or restaurant use then this could complement the existing users in the Coppergate Centre and might draw increased numbers to this part of the Centre and any potential development of it and the adjoining car park.

## Conclusion

14. Option 1 is the recommended option because
- The proposal will bring significant social and economic benefits to the city arising from the major alterations and remedial conservation works to Fairfax House and 29 Castlegate.
  - This option will provide increased public access and an enhanced experience of a heritage visitor attraction, educational site and a fine example of a regional Georgian Townhouse, run by York Civic Trust. This would not be provided by any other purchaser of 29 Castlegate
  - An unconditional offer means the certainty of a substantial capital receipt earlier (with an increase to the agreed market value if the scheme does not proceed)
  - Although the capital receipt is 25% less than the market value for other uses, there is no certainty now that this figure would be achieved and also there would be a delay in obtaining the receipt as any offer would be subject to conditions such as obtaining planning consent
  - The estimated costs of carrying out the immediate repair works and also creating full disabled access to the building is at least £115,000 which equates to the majority of the 25% reduction from the market valuation being offered by YCT (£143,750). The Council would have to carry out these works if it was to retain the building for its own future operational use to obtain maximum use of the whole building and if the Council were to sell the building on the open market a purchaser may make an adjustment of this order from the suggested market value to reflect the need for these works to be carried out.

## Council Plan

15. The Council's Plan 2015-19 sets out 3 key priorities
- A prosperous city for all
  - A focus on front-line services
  - A Council that listens to residents
16. The proposed sale to York Conservation Trust of 29 Castlegate and the subsequent project to improve Fairfax House falls within some of the key aims of the first of these priorities, namely
- Everyone who lives in the city can enjoy its unique heritage and range of activities.
  - Visitors, businesses and residents are impressed with the quality of our city.

17. In addition, the property falls within the Castle Gateway project area where members have approved proposals to regenerate this area, to provide a mixed use development of underused and vacant land in partnership with adjoining landowners and developers. If the sale of Castlegate is approved and the scheme proposed for Fairfax House proceeds, then this will contribute to the outcomes of the project by providing an improved resident and visitor attraction.

## 18. Implications

- **Financial** – the capital receipt obtained will contribute to the total capital receipts which the Council receive and which will be reported to members as part of the capital monitoring reports.
- **Human Resources (HR) & Equalities** - There are no implications
- **Legal** – The General Disposal Consent Order 2003 gives the consent of the Secretary of State under S.123 of the Local Government Act 1972 to the disposal of non-housing land by the Council for less than best consideration/full market value where both of the following conditions are satisfied:
  - (i) the difference between the price being obtained and best consideration/full market value is less than £2 Million and
  - (ii) the Council considers that the purpose of the disposal will contribute to the promotion/improvement of the economic, environmental or social well-being of the area

If the Council sells the Property to York Conversation Trust for a price equal to 75% of its market value (a discount of approximately £143,750) then this may be construed as conferring a benefit on YCT, which is a characteristic of State Aid. However this falls within the 'de minimis' exception and is thus permissible provided that the total benefit conferred on YCT within a 3 year period does not exceed the threshold of €200,000 which it has not.

- **Crime and Disorder & Information Technology (IT)** – There are no implications
- **Property** – all contained within this report

## Risk Management

19. If the scheme for Fairfax House and 29 Castlegate does not proceed due to lack of funding or a failure to obtain planning consent York Conservation Trust have confirmed that they would find another commercial use for the property and pay an additional amount to the Council to meet full market value. Therefore the Council would be protected in both obtaining market value for the property and also not having a vacant unit.

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**Report**  **Date** 13/04/17  
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**Wards Affected:** Guildhall

**All**  tick

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**Background Papers:**

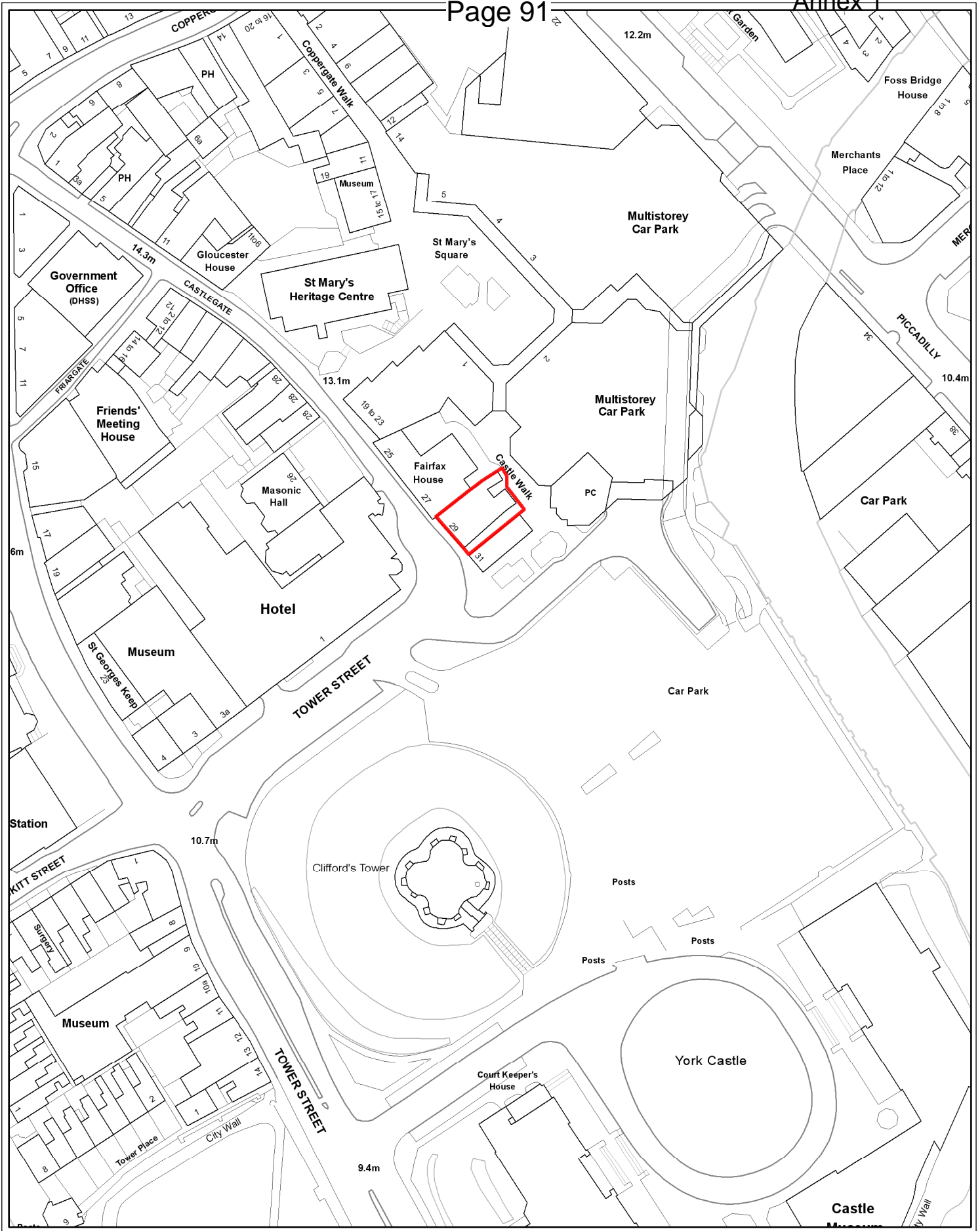
**Annexes**

Annex 1 – Location Plan

**List of Abbreviations Used in this Report**

YCT – York Conservation Trust  
HLF – Heritage Lottery Fund

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**CBSS**  
*Asset & Property Management*

**29 Castlegate**



SCALE 1:1,250      DRAWN BY: DH      DATE: 03/06/2014

Originating Group: **Asset & Property Management**

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**Executive**

**27 April 2017**

**Report of the Director of Housing, Health and Adult Social Care  
Portfolio of the Executive Member for Adult Social Care & Health**

**CYC Customer Transport – Future Options and Approaches**

**SUMMARY**

This report considers the options available for the delivery of an efficient sustainable transportation model for adult social care customers (aligned with the principles of independence, choice and control as set out in the Care Act 2014).

Whilst various approaches have been considered it is highly recommended that CYC executive adopts a personalised approach whereby every adult customer is offered a direct payment to make their own transport arrangements. The recommendation is fully in line with the principles of the Care Act 2014; to create a culture of personal commissioning, placing emphasis on prevention, early intervention and the maximisation of self care.

The report also recommends establishing a set of clear eligibility criteria for access to transport services, embedding the principle of personalisation and ensuring that customers assessed as having the potential to travel independently are encouraged and supported to do so.

**RECOMMENDATIONS**

1. The Executive are asked to:
  - a) Approve Option 1 within the report – the personalised approach.
  - b) Approve the eligibility criteria for access to transport services (as set out in Section 7.2).
  - c) Approve the closure of the CYC Fleet Transport Service by March 2020.

Reason: To deliver a sustainable, integrated transportation model which empowers adult customers to exercise independence, choice and control over their transport arrangements (in line with the principles of the Care Act 2014).

## BACKGROUND

- 2.1 There is a pressing need to consider personalised transport solutions which will equip adult customers with the confidence to shape their own support. The recommended option will ensure that transportation to adult social care destinations is flexible, accessible and tailored to the specific requirements of disadvantaged individuals and communities of interest.
- 2.2 Driven by the principles of the Care Act 2014 the proposal forms part of a broader movement within Adult Social Care to encourage customers with complex needs to use health and care services more effectively, focusing on the lives they want to live and exploring better alternatives to traditional services. Recognising citizens' abilities to make decisions and enabling them to exercise greater control over their day-to-day lives are the primary aims of this philosophy.
- 2.3 This philosophy has been applied to adult social care transportation to an extent over the last 18 months (through the introduction of YILTS independent travel training and peak time travel passes). However, the majority of the 184 adult customers requiring transport to reach their social care destinations are still heavily reliant on CYC commissioned support.
- 2.4 Approximately two thirds of these customers are currently being transported via an in-house fleet of rapidly ageing vehicles, whilst one third are transported by shared or individual taxis via a CYC contract with Streamline Taxis. Over 90% of the overall customer cohort are adults with learning disabilities (travelling to centres such as Brunswick Organic Nursery, Greenworks, Pine Trees etc). A small number of older (Long Term Team) customers use commissioned transport to access day care services on a regular basis.
- 2.5 The existing approach is fragmented and inefficient. It also represents a conventional approach to commissioning which fosters a culture of dependency amongst adult customers and does nothing to promote independence or self determination. This goes against the principles of the Care Act which seek to place the customer at the centre of the decision making process, equipping them with the confidence to shape their own care and support arrangements.

## **Initiatives to Encourage Independence:**

- 2.6 Over the last 18 months the adults commissioning team has introduced various measures to encourage independent travel e.g. YILTS travel training, the issuing of peak time travel passes and greater utilisation of mobility vehicles. Where these options have been taken up they have often led to highly positive outcomes for the adult customer, and there is potential to expand these schemes through the personalised approach (See Appendix A for further details of independent travel initiatives).

## **Budgetary Implications**

- 2.7 Through its active promotion of independent travel the recommended approach is expected to achieve budgetary savings of over £272k by March 2020. (£89k of which have already been realised, leaving an additional £183k savings to be achieved over the forthcoming 3 financial years). Whilst savings are to be welcomed it should be emphasised that they are very much a consequence of a more appropriate and fitting approach to service provision rather than a driver for change in themselves.
- 2.8 Any budgetary savings should be viewed within the wider context of significant CYC investment in passenger transport. In 2016/17 CYC committed £5.4m towards concessionary bus passes for elderly and disabled customers, £690k in local bus service contributions and £100k in support of Dial-and-Ride. CYC remains firmly committed to supporting passenger transport over forthcoming years.

## **3. CONSULTATION**

- 3.1 Previous Consultation: All adult users of transport services, their carers (and key service providers / representative forums) were contacted in writing and invited to express their views/opinions to their usual Social Worker, or to attend a Transport Consultation Event held at the Priory Street Centre in November 2014.
- 3.2 The intention of the Consultation Event was to gauge the willingness of adults with substantial needs to accept a personal budget / direct payment for the transport element of their support and their willingness to explore independent travel options.
- 3.3 The event was attended by over 40 people (predominantly service users, but also carers and support agencies) with additional correspondence received from customers unable to attend i.e. 50 responses in total.

- 3.4 Some customers (particularly younger customers with learning disabilities) were dissatisfied with the 'one size fits all approach' of fleet vehicles transporting them en masse from home to a particular destination, sometimes resulting in journey times of an hour or more. However, it should be noted that some older learning disability customers (and parents) were concerned at the potential removal of the fleet and the necessity to make their own transportation arrangements.
- 3.5 Several customers expressed interest in having access to transport direct payments to facilitate personalised, independent travel. These customers welcomed the opportunity to select a provider of their choosing rather than have one imposed on them by CYC. A number of innovative travel approaches were also put forward, including the pooling of direct payments to employ an escort to accompany customers on public transport. Again it should be noted that the concept of a personalised approach was far more popular with younger learning disability customers than those who had travelled by fleet or individual taxi for many years.
- 3.6 Since the consultation event YILTS Independent Travel Training was introduced in 2015. This led to a series of ongoing conversations with adult transport customers, service providers and parents about the benefits of a personalised approach and the likelihood that CYC might introduce a personalised model whereby every adult customer was offered a direct payment to make their own transport arrangements.
- 3.7 Adult customers with learning disabilities were contacted by CYC in writing in January 2017 informing them of potential changes to commissioned transport arrangements, the need to deliver a more efficient adult transport model moving forwards and the necessity to introduce a clear set of eligibility criteria for access to CYC commissioned transport services.
- 3.8 As part of the detailed project plan accompanying the recommended approach one of the first actions will be the appointment of a dedicated project manager with a strong social care background who will support vulnerable customers with the introduction of the personalised model.

## 4. OPTIONS

### OPTION 1: Personal Budget Approach

- 4.1 As outlined at 2.1 there is a pressing need to consider personalised transport solutions which will equip adult customers with the confidence to shape their own support. Option 1 proposes that CYC introduces an entirely personalised approach whereby every adult customer is offered a direct payment to make their own transport arrangements.
- 4.2. Through this option adult customers will be offered a transport direct payment and will be able to choose their support from a Framework of CYC Approved Providers, who will set out a clear menu of charges. Customers will be at liberty to pursue other creative transport options or to purchase support from providers not included on the framework if they so desire. Customers will be supported in this process through the appointment of a dedicated Project Manager for at least the first 18 months of the personalised approach.
- 4.3 Through Option 1 the extended contractual arrangements with Streamline Taxis would cease on 31<sup>st</sup> October 2017 and would not be retendered. It is anticipated that CYC's internal fleet service would reduce incrementally over the next 3 years with a view to close the service by 31<sup>st</sup> March 2020.<sup>1</sup> Reduction in staff numbers may occur by natural wastage over the same period. If not, the remaining workforce would potentially be at risk of redundancy by 31<sup>st</sup> March 2020 at the latest.
- 4.4 It is proposed to keep the calculation of transport direct payments (and customer contributions) separate to the broader RAS calculation of customer care and support costs. CYC will only need to meet the costs of any eligible transport needs that cannot be met by the customer's mobility benefits. (See Section 7.1 charging for further detail).
- 4.5 The CYC fleet provision and Streamline Taxi contracts were managed by Children's Services until 31<sup>st</sup> March 2017. Irrespective of which option is adopted it has been agreed to transfer management of both functions to Adults Provider Services from 1<sup>st</sup> April 2017 onwards.

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NB: This does not mean that all Streamline Taxi customers must take up Direct Payments (DP) by November whilst the take up of transport DPs is introduced over a longer timeframe for fleet customers. *Destinations* rather than customers will determine the first customer cohort to take up Transport DPs i.e. where customers are travelling to the same destination at the same times (be it via fleet or taxi) they should be the first to take up a DP. These customers will be encouraged to pool their Transport DPs to pursue options such as sharing a minibus, employing a shared escort etc. It is likely that by November 2017, some of the taxi customers who struggle with the concept of DPs may be transferred to the fleet (for a short time at least). And by the same token some fleet customers would leave the fleet and take up a DP sooner than anticipated.

## Option 1: Advantages

- 4.6 Option 1 is by far the most closely aligned to the principles of independence, choice and control as set out in the Care Act 2014. It gives customers the confidence to take ownership of their own support requirements and significantly strengthens personal resilience.
- 4.7 Option 1 breaks away from traditional approaches to the commissioning of transport that have reinforced dependency amongst citizens and stifled innovation. It is the only option which will allow truly imaginative, flexible approaches to adult transport. The proposal is in line with emerging initiatives within Adult Social Care to create a culture of personal commissioning - placing emphasis on prevention, early intervention and the maximisation of self care. The proposal forms one element within the introduction of a new Operating Model for Adult Social Care which maximises self support / management for all and concentrates on embracing risk and supporting individuals to manage risk.
- 4.8 The project will contribute positively to community cohesion by encouraging customers with learning disabilities to integrate within their wider communities and neighbourhoods, thus avoiding the potential stigma and isolation associated with the existing approach of being transported separately within council fleet vehicles. The project may also open up a completely closed transportation system in favour of voluntary / shared community transportation schemes involving both customers with learning disabilities and members of the wider community.
- 4.9 Equipping adult customers with the skills and confidence to travel independently will enable them to become more actively involved in social and leisure opportunities within their local neighbourhoods, and to more actively participate in the life of their communities. The fact that customers are no longer travelling through formal, structured provision offered by CYC may in turn lead these customers to explore alternatives to their existing social care destinations. For instance customers may be inspired to seek out new alternative care destinations in their local area - joining local voluntary groups and local community based activities for example or forming their own localised support networks.
- 4.10 The cohort of adult customers who have already embraced personalization through YILTS training have seen genuinely transformative benefits. Being equipped with the confidence to travel independently has developed customers' social skills, financial skills, has

allowed access to leisure opportunities and genuinely proved to be a positive force for good in their lives.

- 4.11 Feedback from customer consultation points to keen interest in transport direct payments amongst some adult customers. Many younger customers would like to take up transport direct payments immediately and are frustrated that there is not already an Approved Provider Framework in place to facilitate access.
- 4.12 In terms of creating a healthy, thriving marketplace of specialist transport providers in York for customers to choose their support from it should be noted that several providers have already expressed an interest in being included on an Approved Provider Framework.
- 4.13 Option 1 over achieves against the requisite budgetary savings of £183k by March 2020. As well as being the most personalised approach it is also the most cost effective.

#### **Option 1: Disadvantages**

- 4.14 The calculation and commissioning of each adult customer's transport direct payment on an individual basis might initially prove to be a complex process. Some customers may struggle at the outset with the process of organising all transportation bookings themselves. However, the adjustment to new operating procedures should become easier to manage over time. This initial confusion will be addressed by appointing a dedicated transport Project Manager within the ASC Learning Disabilities team for at least the first 18 months of the personalised approach. (These costs have been taken into account within the cost modelling exercise).
- 4.15 The risk of some existing customer cohorts not fully engaging with the personalised approach will also be mitigated through the employment of the dedicated Project Manager. This individual will possess a strong track record of supporting social care customers through change and will work intensively with the hardest to reach client groups.
- 4.16 The personalised approach places faith in a marketplace of relatively untested providers in York (although any provider included on the CYC Approved Transport Framework will be expected to adhere to stringent safety and safeguarding procedures and must have a clear track record of supporting vulnerable customers with disabilities).

## Option 1 Timescales

Task	Date
Tender Waiver Secured	Jan 17
Seek DMT approval for proposed approach	Mar 17
Seek CMT approval for proposed approach	Mar 17
Executive Member Briefing	Mar 17
Seek Executive approval for proposed approach	April 17
DJCC/CYC staff impacted informed of proposed approach	April 17
Ongoing consultation with CYC staff	May 17
Approved Framework of Transport Providers published	Jun 17
Begin to implement the personalised model	Jun 17
Streamline Provision ends	Nov 17
Fleet Provision Reduces with resultant reduction in CYC staff	Mar 18
Ongoing roll-out of the personalised model	Mar 18
Fleet provision ends.	Mar 20

## ALTERNATIVE OPTIONS

4.17 The report asks CYC Executive to consider three alternatives to the personalised approach outlined above. However, it should be noted that all three alternative options adhere to a traditional commissioning model which creates a culture of long term dependency and does not encourage customers to shape their own care and support. (In all three alternative options, CYC would still be required to offer customers the choice of having a Direct Payment, but it would not be the predominant approach).

## OPTION 2: Approach the Market to deliver Adult's Transport

4.18 CYC would approach the market to seek a single external provider to deliver the majority of adults' transportation requirements from November 2017 onwards.

4.19 Option 2 recommends a change to service provision by contracting out the existing CYC in-house fleet provision by 31<sup>st</sup> October 2017. The existing fleet staff would be subject to transfer to the new provider in accordance with the Transfer of Undertakings Protection of Employment Regulations (TUPE). They would be transferred on their existing employment contract. This and their main terms and conditions of service would be protected under the TUPE regulations. A waiver has



been secured to extend the current arrangements with Streamline Taxis until the same date, beyond which point the new external provider would undertake this provision also.

- 4.20 As part of the proposed contractual arrangements the successful provider would take on responsibility for all back office functions, including route planning, complaint handling and customer enquiries.

### **Option 2: Advantages**

- 4.21 Option 2 is likely to exceed the requisite budgetary savings by 2019/20 (see Financial Analysis, Section 5).
- 4.22 Option 2 has advantages over other conventional commissioning arrangements - back office management functions are likely to be delivered efficiently through the market and additional staffing costs (for sickness and holiday cover etc) are anticipated to be lower than in-house arrangements due to the economies of scale afforded by the new provider.
- 4.23 If an adult customer wished to receive a transport direct payment in order to exercise choice and control over their transportation requirements this could still be facilitated (following the approach outlined in Option 1).

### **Option 2: Disadvantages**

- 4.24 Option 2 represents a continuation of the traditional, paternalistic approach to service provision with the vast majority of customers exercising no choice and control over their transport arrangements.
- 4.25 Option 2 does nothing to develop the provider marketplace. Instead it places faith in a single transport operator to cater for all customers' needs.

### **OPTION 3: In-House Approach**

- 4.26 Option 3 proposes an expansion of the in-house fleet from 6 to 8 15-seater vehicles to accommodate the majority of adult customers. Once the extended agreement with Streamline Taxis expires on 31<sup>st</sup> October 2017 the majority of adult customers would transfer to CYC fleet provision.

### **Option 3: Advantages**

4.27 Option 3 would provide stability and continuity for the majority of adult customers. It is a lower risk approach, retaining existing arrangements that are safe and familiar whilst at the same time maintaining the employment of the existing fleet staff.

### **Option 3: Disadvantages**

4.28 Lack of flexibility: Adult customers would continue to be transported en masse via 15-seater minibuses. This creates significant journey times for some customers and does little to promote the personalisation agenda. This option is by far the least favoured by ASC Operational colleagues.

4.29 As with Option 2 this represents a conventional approach to service provision with the vast majority of customers exercising no choice and control over their transport requirements.

4.30 There would be insufficient space within existing CYC premises to house the extended fleet, and new premises would need to be identified (although this has been taken account into the cost modelling exercise for Option 3).

4.31 At some stage new fleet vehicles would need to be purchased (either outright or through contract hire arrangements) which could impact on the cost of this option.

### **OPTION 4: Continuation of Existing Arrangements**

4.32 This option proposes a continuation of existing adults transport arrangements i.e. a split between in house and external provision, retaining the existing fleet of 6 vehicles and re-tendering the individualised transportation element currently provided by Streamline Taxis when existing arrangements expire on 31<sup>st</sup> October 2017.

### **Option 4: Advantages / Disadvantages**

4.33 The advantage Option 4 is that it offers stability and continuity of provision for all existing adult customers. Aside from the lack of personalisation and continued reliance on CYC to provide support the clear disadvantage would be the expense of this model which is financially unsustainable and would continue to be so in the future. It is therefore recommended that Option 4 is noted, but not considered as a viable model.

## 5. ANALYSIS

### 5.1 Financial Analysis

£89k of the £272k adult transport savings agreed through the 2015 corporate budget process have already been realised. The financial appraisal of the options for delivering the remaining £183k saving and improving the transportation of customers are shown in tables 2 – 4 below:

**Table 2: Adults Transport Budgets 2017/18 to 2019/20 (£000)**

	Budget 2017/18	Budget 2018/19	Budget 2019/20
Fleet	469	469	469
Taxis	315	315	315
Cumulative budget saving	(48)	(98)	(183)
Budget available to recommission	<b>736</b>	<b>686</b>	<b>601</b>

**Table 3: Cost of transport options and comparison to future year budgets (£000)**

Option	Cost 17/18	(Under) / Overbudget	Cost 18/19	(Under) / Overbudget	Cost 19/20	(Under) / Overbudget
(1) Adopt a DP driven approach	743	7	607	(79)	527	(74)
(2) Re-tender transport provision	710	(26)	656	(30)	578	(23)
(3) In-house option	711	(25)	662	(24)	593	(8)
(4) Do nothing	810	74	758	72	719	118

### Analysis

- Option 1 assumes that adult customers will use their mobility allowances to meet their transport needs. It is estimated that mobility payments will cover 25% of the costs of adult's eligible transport needs.

- Option 1 delivers £74k above the required budget saving by 31<sup>st</sup> March 2020.
- Potential redundancy costs mentioned for option 1 are not included in the figures in Table 3
- Option 2 delivers £23k above the required budget saving by 31<sup>st</sup> March 2020.
- Option 3 delivers £8k above the required budget saving by 31<sup>st</sup> March 2020.
- Option 4 is £65k cheaper than the current budget but does not deliver the full budget saving.

**The above analysis makes the following assumptions:**

- All options make the assumption that 7 customers will travel to social care destinations via Mobility Vehicle by March 2019/2020 (see Table 4 below).
- All options make the assumption that 16 additional existing customers will utilise public transport by March 2019/2020 (see Table 4 below).
- All options assume that by March 2020 an additional 24 transitions customers will also have been diverted away from commissioned transport through YILTS Travel Training.

**Table 4: Adult Transport 2016-2020 by Customer Usage and Unit Cost**

Transport Mode		2017/18	2018/19	2019/20	2020/21
	Unit Cost	Customers	Customers	Customers	Customers
Fleet	4,423	83	56	28	0
Direct Payment (without mobility benefit)	4,891	63	80	99	127
York Wheels	1,800	10	12	15	15
Mobility Vehicle	0	2	5	7	7
Public Transport	0	26	31	35	35
<b>Total Customers</b>		<b>184</b>	<b>184</b>	<b>184</b>	<b>184</b>

## **6. COUNCIL PLAN**

- 6.1 The proposals are fully in line with corporate priorities, as set out in the Council's Plan 2015-19 in particular the following themes:

### **A focus on frontline services**

Future transportation proposals are in line with one of the Key Aims of this priority that all children and adults are listened to, and their opinions considered. This initiative will ensure that a joined-up approach is taken across services and that services are firmly people focused.

### **A council that listens to residents**

Adult transport proposals are in line with proposals to be more flexible and responsive to customer and resident requirements, working in partnership with customers and communities to deliver the services people need and want.

## **7. ANALYSIS**

### **7.1 Additional Financial Information**

#### **Customer Charging:**

Advice has been sought from the CYC Legal Team who have supplied the following information re adults transport and CYC's duties under the Care Act:

Local authorities have a duty under the Care Act to provide transport where the assessment of an individual has concluded that the person has an eligible need for transport e.g. to get him / her to a social care related activity. Mobility benefits must be disregarded in the financial assessment. Furthermore, the minimum income guarantee cannot be reduced by the cost of the transport to the council.

However, it is lawful for local authorities to charge for meeting the eligible transport costs of individuals. Therefore if Options 2, 3 or 4 were to be recommended a similar arrangement to the current charging policy would be likely to apply i.e. customers are financially assessed as to what they can afford to contribute to the cost of their journey, the maximum amount being £4 per journey at present.

If an individual is in receipt of mobility benefit, it is unlikely that they will have eligible transport needs as they can use their mobility allowance to meet their transport needs. However, if an individual has transport needs

over and above those that can be met by the mobility allowance, then this extra need will be an eligible transport need. The council will have a duty to meet this need and can do so in a number of ways e.g. directly providing the support, commissioning / contracting with a provider or making a Direct Payment. The council must then disregard the mobility component of disability living allowance or the mobility component of personal independence payments in any financial assessment because these will already be being used by the customer to meet their transport costs .

It is lawful for CYC to offer a direct payment based on the most cost effective mode of transport provided it meets the customer's eligible transport needs. CYC will calculate the direct payment based on the charge of the least expensive provider on the Approved Provider Framework. If the customer wishes to use a more expensive operator they will be able to do so but will be expected to make up the difference in cost from their own resources.

It is acknowledged that a separate piece of work needs to be undertaken regarding the specific detail of customer charging options, bearing in mind the Legal advice in respect of customer charging set out above.

**Community Centre Vehicles:** Aside from fleet vehicles a proportion of the overheads for a further 5 x vehicles (2 x Yorkcraft vans and 3 x minibuses based at Pinetrees, Pastimes and Community Base) are currently charged against the central ASC transport budget code (amounting to £24k per annum). These costs have been taken into account when calculating the figures in Table 3.

## 7.2 Customer Eligibility Criteria

It is recommended that the following eligibility criteria are adopted in relation to adults commissioned transport provision:

A) CYC commissioned transport will only be provided to adult customers in future if it is the only reasonable means of ensuring that the customer can be safely transported to an assessed and eligible service. In all other circumstances, the adult will be provided with a Direct Payment with which to purchase their own transport. In the absence of any CYC commissioned transport from April 2020 onwards all adult customers with eligible transport needs will be provided with a Direct Payment with which to purchase their own transport.

B) Prior to accessing commissioned transport adult customers will be assessed in terms of their ability to travel independently, and customers with the potential to do so will be supported through the YILTS initiative (see Annex A). The assessment process will form part of a customer's social care review process and will be updated on an annual basis. Access to commissioned transport may be removed or refused if customers are unwilling to participate in the assessment process.

C) Mobility Vehicles: If a customer has access to a vehicle funded through the Motability scheme this vehicle must be used to support the customer to reach their social care destinations wherever it is reasonable and possible to do so. As above access to commissioned transport may be removed or refused where it has been deemed reasonable and possible for customers to reach their social care destinations using their mobility vehicle.

CYC Executive are asked to endorse the above criteria for future access to adults commissioned transport services. (The criteria will be communicated to customers as part of their ongoing review process. It is also envisaged that the criteria will be clearly set out within a combined Adults and Children's Transport Policy Document to be produced by the Autumn of 2017).

### **7.3 The Approach of Other Local Authorities**

A number of local authorities have already adopted an entirely personalised approach to the provision of adults transport. Some of the London Boroughs no longer provide in-house or authority contracted position, instead offering customers comprehensive advice and information to access services safely and independently from the marketplace. Enfield Council are a key example, whilst others (Hammersmith & Fulham, Kensington & Chelsea and the City of Westminster) offer very limited in-house / contacted provision as increasing customer numbers use Personal Budgets to arrange their own transport.

Neighbouring authorities within the Yorkshire region in have adopted a more traditional approach. North Yorkshire County Council transports approximately 90-95% of its Adult Social Care learning disability customers (3,300 customer journeys per week) via an in-house fleet of 42 vehicles (at a cost of approximately £2m per annum). The remaining customers travel by community transport or spot purchased taxi arrangements. Similar arrangements exist in East Riding where the council also supports the majority of its learning disability and elderly

customers via in-house fleet arrangements. (780 journeys per week via a fleet of 25 vehicles supported by 5 spot purchased private hire taxis). Annual costs are in the region of £1.1m.

However, it should be noted that East Riding Council has recently introduced transport direct payments. Take up has so far been relatively modest. However, as with the London boroughs, usage is anticipated to increase over forthcoming years.

## 8. IMPLICATIONS

8.1 **Human Resources (HR):** The current CYC fleet employs 6 permanent staff comprising 5 FTE Drivers at Grade 4 and one 0.64 FTE Escort at Grade 2. The proposed personal budget approach would result in a phasing out of the current internal provision by 31 March 2020. Over this period staffing levels would need to reduce incrementally. Appropriate consultation with trade unions and staff would need to be conducted to ensure that potential job losses are managed in accordance with the council's existing policy on Supporting Transformation (managing change) to mitigate compulsory redundancies, wherever possible.

8.2 **Equalities:** In considering this matter the Council must have regard to the public sector equality duty. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- a. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- b. Advance equality of opportunity between people who share a protected characteristic and those who do not.
- c. Foster good relations between people who share a protected characteristic and those who do not.

The Act explains that having due regard for advancing equality involves:

- a. Removing or minimising disadvantages suffered by people due to their protected characteristics.
- b. Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- c. Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The key equalities implications associated with this report and proposed actions to mitigate any potentially negative impacts are set out within Annex B, Integrated Impact Assessment.



- 8.3 **Legal:** As outlined in paragraph 7.1 the Council has a duty to meet the eligible needs of an individual. It follows that if an adult customer has an eligible need for transport i.e. because without it they cannot access activities in the community (that form part of their assessed care package) then the council should meet this need. The need can be met in a number of ways e.g. directly providing the support, commissioning / contracting with a transport provider or making a direct payment.

The council will only know whether the customer has an eligible need for transport following an appropriate assessment.

The Council are entitled to adopt criteria to determine the eligibility of individuals for forms of transport which meet their assessed needs. The criteria set out in paragraph 7.2 are lawful.

- 8.4 **Crime and Disorder:** There are no crime and disorder implications.
- 8.5 **Information Technology (IT):** There are no information technology (IT) implications.
- 8.6 **Property:** There are no property implications.

## 9. RISK MANAGEMENT

- 9.1 Risks associated with the recommended approach include customer reliance on a range of transport providers who are relatively untested in York. This risk will be mitigated by the ASC Commissioning Team making it clear to providers on the Approved Framework that it will seek feedback from social care staff and customers regarding their performance. If aspects of a provider's performance give cause for concern to either City of York Council or its customers the right is reserved to remove the organisation from the Approved Framework.
- 9.2 A further risk associated with the Approved Framework could be the inability of transport operators to offer wheelchair and escort provision at peak time periods due to conflicting demands. It will be essential to attract operators (particularly specialist community transport operators) in sufficient number to meet demand from the adult customer client group.

- 9.3 There may be a safeguarding risk for customers who choose to use transport operators not on the approved CYC framework, and therefore not subject to the same stringent checks on safety and other operating procedures.
- 9.4 The other key risk associated with the personalised approach revolves around the amount of support customers may require (at least at the outset of the personalised approach) to form friendship groups and make collective or individual transport arrangements. This risk will be mitigated by employing a dedicated Project Manager within the LD team to analyse customer journey patterns, make customers aware of sharing opportunities and support the launch of the personalised approach through ongoing engagement with customers and their families.
- 9.5 **Emergency Bookings:** On some occasions it may be necessary for CYC to rapidly make emergency arrangements for one-off journeys. Often these are emergency respite placements (i.e. where the carer has been admitted into hospital) or carers breaks. They are typically for customers who need wheelchair taxis or emergency placements and those customers where the family / carers cannot assist. In situations of crisis CYC will need to spot purchase support for these customers moving forwards.
- 9.6 Other risks (and mitigating factors) associated with the recommended approach in terms of its impact upon specific customer cohorts are set out in detail within the Integrated Impact Assessment (Annex B) which contains a detailed action plan to mitigate risk.

**Contact Details:**

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	Report Approved	✓	Date	18/04/17
<b>Specialist Implications Officer(s)</b>				
Finance Steve Tait (ext 4065) Legal Melanie Perara (ext 1087) HR Beverley Kershaw (ext 2269)				
<b>Wards Affected:</b> List wards or tick box to indicate all				<b>All</b>
For further information please contact the author of this report				

**Background Papers:****Annexes**

Annex A: Summary of Independent Transport Initiatives and Travel Patterns

Annex B: Integrated Impact Assessment

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## **ANNEX A: INDEPENDENT TRAVEL INITIATIVES**

### **Existing and Future Initiatives to Encourage Independent Travel:**

1. Over the last 12 months £89k of adult transport savings have been realised through initiatives introduced by the Adults Commissioning Team to promote independent travel (alongside the remodelling of the CYC Fleet Service - leading to the closure of Fleet Run 7).
2. These initiatives will continue to play a crucial role in delivering an additional £183k budgetary savings by March 2020 (as well as promoting personalisation, choice and control for adult customers). A summary of achievements so far, and proposed next steps, is set out below.

### **York Independent Living and Travel Skills Service (YILTS) Travel Training**

3. ASC has contracted with the in-house YILTS Service to deliver travel training to adult LD customers through a 2-year SLA, making a sum of £85,141 available from the LDDF budget (now the ASC base budget) to employ 1.5 FTE travel trainers for 2 years from 1<sup>st</sup> November 2015 to 31<sup>st</sup> October 2017.

At the end of Year 1 (31<sup>st</sup> October 2016) YILTS achievements were as follows:

- Successfully trained 12 adult customers (10 existing fleet/taxi users and 2 transitions customers).
  - 3 x customers were in receipt of ongoing training.
  - 2 x customers undertook YILTS training but proved not to be capable of travelling independently.
4. Within the space of 12 months YILTS has significantly increased the independence and life skills of adult LD customers and has changed perceptions towards independent travel - promoting its benefits amongst service providers, social workers, customers and their families. Feedback from all parties has been extremely positive in terms of YILTS's professionalism and quality of training.

5. ASC has agreed to extend Adult YILTS scheme for a further 2 years (to October 2019) whereupon the initiative will continue to act as a contributory factor towards the achievement of the outcomes set out in the Adults Transport Vision. Over the project lifetime it is envisaged that YILTS will have successfully travel trained almost 40 adult customers (circa 26 adult customers and 11 transitions customers).
6. It is difficult to determine an averaged unit cost saving per successful YILTS trainee. If the recommended option (Option 1) is adopted budgetary savings will only be realised at the point when adult customers have moved away from commissioned transport in sufficient volume to reduce the overall complement of vehicles that are required by the provider.
7. YILTS training, the take up of community transport and the increased use of mobility vehicles will all play a collective role in steadily reducing the overall number of adult customers reliant on CYC commissioned transportation on an ongoing basis (and therefore the number of vehicles required) as outlined in Option1, Annex B.

### **First York - Peak Time Travel Passes**

8. Prior to 2015 adult customers were unable to use their bus passes at 'peak' travel times between 6.00 and 9.00 in the morning. (Public transport is free of charge for LD customers at all other times through a national Government initiative).
9. During the course of 2015 negotiations were held with First York who agreed to extend peak time bus travel to LD customers who had successfully completed YILTS training through the issue of a new Peak Time Travel Pass at a subsidised rate of £100 per customer per annum. (Costs to be met by ASC on an ongoing basis).
10. 12 YILTS trained adult customers have now been issued with Peak Time travel passes, alongside a cohort of 9 Brunswick Organic Nursery (BON) customers who were already travelling by bus, but whose extensive use of peak time travel was proving financially prohibitive.

11. The introduction of the Peak Time Pass has proved to be a significant incentive for adult customers to undertake YILTS training. The Peak Time Pass is an essential accompaniment to YILTS training and will continue to act as a key contributory factor in ongoing efforts to reduce customer reliance on CYC commissioned transport.

### **Development of the Community Transport Market**

12. York Wheels is the primary provider of community transport in York. York Wheels relies on volunteer drivers (utilising their own vehicle) to transport customers to and from various destinations in and around the City. Spot purchasing of provision from York Wheels has increased from 2 to 7 adult customers over the last 12 months and has the potential for further expansion. York Wheels offers a cost effective form of alternative transport, and the steady growth of this grassroots organisation will be nurtured and encouraged as part of future adults transport plans.

### **Use of Mobility Vehicles**

13. At present there are at least 10 adult LD customers who continue to reach their social care destinations by CYC commissioned provision despite their family having been issued with a mobility vehicle for this purpose. If these vehicles were utilised appropriately (in some instances there may be legitimate reasons for not so doing) this would lead to a further reduction in the cohort of customers reliant on CYC commissioned provision.

### **Summary of Independent Travel Initiatives**

14. The initiatives outlined above have a crucial role to play in plans to promote independent transport and could realise significant budgetary savings in themselves. Up to 23 adult customers may be travelling independently by 2020 as a result of these activities (in addition to transitions customers). This represents almost one third of adult transport customers, but leaves a cohort of approximately 142 adult customers who will require assistance to reach their social care destinations on an ongoing basis. (Options to support these customers are considered in Section 4 of the main report).

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'Better Decision Making' Tool  
Informing our approach to sustainability, resilience and fairness

The 'Better Decision Making' tool has been designed to help officers consider equalities and social, economic and environmental sustainability, when developing a new proposal. The purpose of the 'Better Decision Making' tool is to ensure that the impacts of every proposal are carefully considered and balanced, and that decisions are based on evidence.

The questions contained within this tool draw upon priorities set out in the Council Plan, and will help us to realise its ambitions by maximising the opportunity to embed positive impacts in the new initiatives we put forward. The tool is key to ensuring that we as a council meet our statutory duties set out in the Equalities Act (2010) to provide inclusive and discrimination-free services. Essentially, it is a tool that helps deliver decisions that we can have confidence in.

The 'Better Decision Making' tool should be used for proposals going to the Executive, whether to propose a new project, policy or strategy, or to make changes to services.

**Sections 1–7** of this form should be completed as soon as you have identified a potential area for change, and when you are just beginning to develop a proposal. This should be done to identify any potential negative impacts and highlight any areas for improvement. If you are following the All About Projects Framework it should be completed before going through Gateway 2.

**Section 8** of this form should be filled in once you have completed your proposal and prior to being submitted for consideration by the Executive. This is to demonstrate how the proposal has been amended in light of information gathered in Sections 1–7. If you are following the All About Projects Framework it should be completed before going through Gateway 5.

Please note that your answer to Question 8.4 in Section 8 must be reported in Executive reports, and the full 'Better Decision Making' tool must be attached as an annex.

Guidance on completing this assessment is available by hovering over the text boxes. The full guidance document can be accessed by following this link to the 'Better Decision Making' tool on Colin.

**Please complete all fields** (and expand if necessary).

### Section 1: Introduction

1.1	<b>Service submitting the proposal:</b>	Adult Social Care
1.2	<b>Name of person completing the</b>	Adam Gray
1.3	<b>Job title:</b>	Commissioning Manager
1.4	<b>Directorate:</b>	Health, Housing and Adult Social Care
1.5	<b>Date Completed:</b>	22nd March 2017
1.6	<b>Date Approved:</b> form to be checked by service manager	10th April 2017

### Section 2: What is the proposal?

2.1	<b>Name of the service, policy or strategy being assessed?</b>	Adult Social Care - Adult Customer's Transportation Service
2.2	<b>What are the main aims of the proposal?</b>	To deliver a sustainable, integrated transportation model which empowers adult customers to exercise independence, choice and control over their transport arrangements (in line with the principles of the Care Act 2014).

<b>What are the intended effects and key outcomes?</b>	
2.3	To create a culture of personalised commissioning and self-managed support, driven by individual citizen's choices for better life outcomes.

### Section 3: Evidence in support of the proposal

<b>What data is available to understand the likely impacts of the proposal? (e.g. hate crime figures, obesity levels, recycling statistics)</b>	
3.1	<p>Adult Transport Journey Patterns: Current data indicates that 184 adult customers are currently reliant upon CYC to reach their social care destinations (included those being supported through independent travel training initiatives). Journey pattern data (and customer spend) is monitored on a monthly basis.</p> <p>Approximately two thirds of adult customers are currently being transported via an in-house fleet of rapidly ageing vehicles, whilst one third are transported by shared or individual taxis. The existing approach is fragmented, inefficient and will not realise budgetary savings by March 2020.</p>

<b>What further evidence (including all engagement and co-design feedback) has been used to support this proposal?</b>	
3.2	<p>Previous Consultation: Adult users of transport services, their carers (and key service providers / representative forums) were contacted in writing and invited to express their views/opinions to their usual Social Worker, or to attend a Transport Consultation Event (held at the Priory Street Centre) in November 2014. The intention of the Consultation Event was to gauge the willingness of adults with substantial needs to accept a personal budget / direct payment for the transport element of their support and their willingness to explore independent travel options. The event was attended by over 40 people (predominantly service users, but also carers and support agencies) with additional correspondence received from customers unable to attend i.e. 50 responses in total. Some customers (particularly younger customers with learning disabilities) were dissatisfied with the 'one size fits all approach' of fleet vehicles transporting them 'en masse' from home to a particular destination, resulting in journey times of an hour or more.</p> <p>Feedback indicated that the smaller the vehicle and customer sharing cohort the better in terms of personalising and tailoring services to individual requirements. It should be noted that some older customers and parents were concerned at the potential for removal of the fleet and the necessity to make their own transportation arrangements. Several customers expressed interest in having access to transport direct payments to facilitate personalised, independent travel and welcomed the opportunity to select a provider of their choosing rather than have one 'imposed' on them by CYC. A number of innovative travel approaches were also discussed, including the pooling of direct payments to employ an escort to accompany customers on public transport. Again it should be noted that the concept of a personalised approach was far more popular with younger learning disability customers than those who had travelled by fleet or individual taxi for many years. Further to the consultation event adult customers with learning disabilities were contacted in writing in January 2017 informing them of potential changes to commissioned transport arrangements, the need to deliver a more efficient adult transport model moving forwards and the necessity to introduce a clear set of eligibility criteria for access to CYC commissioned transport services. Further intensive customer, family and provider engagement events will be delivered over forthcoming months.</p>

<b>Are there any emerging initiatives which will produce a combined impact with this proposal? (e.g. will the same individuals/communities of identity also be impacted by a different project or policy?)</b>	
3.3	<p>The proposal is in line with emerging initiatives within Adult Social Care (driven by the Care Act 2014) to create a culture of personal commissioning - placing emphasis on prevention, early intervention and the maximisation of self care. The proposal forms one element within the introduction of a new Operating Model for Adult Social Care which maximises self support / management for all and concentrates on embracing risk and supporting individuals to manage risk. One of the actions arising from the Integrated Assessment is to appoint a dedicated project manager and to conduct ongoing engagement / facilitated Q&amp;A sessions with customers, families and carers throughout the course of 2017 to ensure that all relevant parties are fully aware of, and comfortable with, the introduction of the personalised transportation approach. Another emerging initiative is the production of a cross directorate customer and community Transport Policy, clearly setting out an aligned approach to transportation (including overarching strategic objectives and eligibility criteria for specific client groups).</p>

### Section 4: Impact on One Planet principles

Please summarise any potential positive and negative impacts that may arise from your proposal on staff or service users. This section relates to the impact of your proposal on the One Planet principles.

For 'Impact', please select from the options in the drop-down menu.

If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'.

#### Equity and Local Economy

Does your proposal?		Impact	What are the impacts and how do you know?
4.1	<b>Impact positively on the business community in York?</b>	Positive	The initiative will support local transport businesses (including community transport organisations) and will help to develop a healthy, thriving marketplace of specialist transport providers in York.
4.2	<b>Provide additional employment or training opportunities in the city?</b>	Positive	The option may create employment opportunities for drivers, escorts and personal assistants.
4.3	<b>Help individuals from disadvantaged backgrounds or underrepresented groups to improve their skills?</b>	Positive	The cohort of adult customers who have already undertaken YILTS training and embraced independent travel have experienced transformative benefits within their lives (as evidenced within a comprehensive evaluation report produced by the YILTS team) including the development of significantly improved social skills and financial management skills amongst a range of other benefits.

#### Health & Happiness

Does your proposal?		Impact	What are the impacts and how do you know?
4.4	<b>Improve the physical health or emotional wellbeing of staff or residents?</b>	Positive	The project will equip customers with the confidence to take ownership of their own support requirements and will significantly strengthen personal resilience. As indicated above customers who have already been trained to travel independently have experienced positive outcomes and transformative benefits.
4.5	<b>Help reduce health inequalities?</b>	Positive	The project will improve the emotional health and wellbeing of a disadvantaged community of interest (older people and people with learning disabilities) and will therefore reduce health inequalities between these communities of interest and the wider population of the city.
4.6	<b>Encourage residents to be more responsible for their own health?</b>	Positive	The proposal breaks away from traditional commissioning approaches that have reinforced dependency amongst individuals from disadvantaged backgrounds and stifled innovation. The project will enable customers to take ownership of their own support requirements, which will strengthen their confidence and personal resilience.
4.7	<b>Reduce crime or fear of crime?</b>	Neutral	The project will not impact positively or negatively on the reduction of crime, or the fear of crime.

Culture & Community		
Does your proposal?	Impact	What are the impacts and how do you know?
4.8 <b>Help improve community cohesion?</b>	Mixed	The project will contribute positively to community cohesion by encouraging customers with learning disabilities to integrate within their wider communities and neighbourhoods, thus avoiding the potential stigma and isolation associated with the existing approach of being transported separately, en masse, within council fleet vehicles. The project may also open up a completely 'closed' transportation system in favour of voluntary / shared community transportation schemes involving both customers with learning disabilities and members of the wider community. Customers with learning disabilities might begin to explore wider social activities and events within their local neighbourhoods which, over time, could as an alternative to traditional social care destinations. This is less likely to happen without active supporting and facilitation - making linkages and connections with initiatives such as the new Local Area Co-ordinators scheme. Without support such there remains the risk that customers with learning disabilities might be more visible within their local community without achieving true integration.
4.9 <b>Improve access to services for residents, especially those most in need?</b>	Mixed	The project will ensure that social care transportation services are accessible, flexible and tailored to the specific needs of disadvantaged individuals and communities of interest. The project forms part of a broader movement to encourage customers with complex needs to use health and care services more effectively, focusing on the lives they want to live and exploring better alternatives to traditional services. At the same time it is recognised that the introduction of a personalised approach to transport represents a challenge to customers who have been used to having this service provided for them by CYC. There remains a risk that some customers might potentially withdraw from accessing services altogether if they feel that it will be more difficult / challenging to reach their social care destinations. Older customers with learning disabilities are particularly at risk and this client cohort will be offered extensive support to become comfortable and familiar with the new process. The client cohort and usage of transport direct payments will be carefully monitored in order to identify whether some existing client groups begin to travel less frequently through the personalised approach. If this is the case these individuals will be offered intensive support.
4.10 <b>Improve the cultural offerings or heritage of York?</b>	Neutral	The project will not impact positively or negatively on the cultural offerings or heritage of York.
4.11 <b>Encourage residents to be more socially responsible and participate in their communities?</b>	Positive	Equipping adult customers with the skills and confidence to travel independently will enable them to become more actively involved in social and leisure opportunities within their local communities, and to more actively participate in the life of their communities. The fact that customers are no longer travelling through formal, structured provision offered by CYC may in turn lead these customers to explore alternatives to their existing social care destinations. For instance customers who previously travelled to a council run facility may be inspired to seek out new 'alternative care destinations' in their local area - joining in with local voluntary groups and activities for example.

### Zero Carbon and Sustainable Water

Does your proposal?		Impact	What are the impacts and how do you know?
4.12	<b>Minimise the amount of energy we use, or reduce the amount of energy we will use/pay for in the future?</b>	Positive	The project will promote the use of shared transport wherever possible, reducing fuel consumption and carbon emissions. It is also likely that customers choosing their support from the market will have access to more modern, fuel efficient vehicles than the existing fleet cohort.
4.13	<b>Minimise the amount of water we use or reduce the amount of water we will use/pay for in the future?</b>	Neutral	The project will not impact positively or negatively on water usage.
4.14	<b>Provide opportunities to generate energy from renewable/low carbon technologies?</b>	Neutral	The project will not impact positively or negatively on energy generation from renewable / low carbon technologies.

### Zero Waste

Does your proposal?		Impact	What are the impacts and how do you know?
4.15	<b>Reduce waste and the amount of money we pay to dispose of waste by maximising reuse and/or recycling of materials?</b>	Neutral	The project will not impact positively or negatively on waste reduction.

### Sustainable Transport

Does your proposal?		Impact	What are the impacts and how do you know?
4.16	<b>Encourage the use of sustainable transport, such as walking, cycling, ultra low emission vehicles and public transport?</b>	Positive	One of the primary aims of the project will be to promote greater use of sustainable transport, particularly public transport. For customers unable to pursue these options the project will encourage the formation of friendship groups and the pooling of transport direct payments to book shared taxi and community transport, as opposed to multiple individual bookings to the same destination.
4.17	<b>Help improve air quality?</b>	Positive	The project will promote the use of shared transport wherever possible, reducing fuel consumption and carbon emissions. It is also likely that customers choosing their support from the market will have access to more modern, fuel efficient vehicles than the existing fleet cohort.

### Sustainable Materials

Does your proposal?		Impact	What are the impacts and how do you know?
4.18	<b>Minimise the environmental impact of the goods and services we buy?</b>	Positive	See above.

### Local and Sustainable Food

Does your proposal?		Impact	What are the impacts and how do you know?
4.19	<b>Maximise opportunities to support local and sustainable food initiatives?</b>	Neutral	The project will not impact positively or negatively on local sustainable food initiatives.

Land Use and Wildlife			
	Does your proposal?	Impact	What are the impacts and how do you know?
4.20	<b>Maximise opportunities to conserve or enhance the natural environment?</b>	Neutral	The project will not impact positively or negatively on conservation or the natural environment.
4.21	<b>Improve the quality of the built environment?</b>	Neutral	The project will not impact positively or negatively on the quality of the built environment.
4.22	<b>Preserve the character and setting of the historic city of York?</b>	Neutral	The project will not impact positively or negatively on the quality on the character and setting of the city.
4.23	<b>Enable residents to enjoy public spaces?</b>	Neutral	The project will not impact positively or negatively on public spaces.

4.24	<b>Additional space to comment on the impacts</b>
	The risk of some existing customer cohorts not fully engaging with the personalised approach will be mitigated through the employment of a dedicated Project Support Officer. This individual will possess a strong track record of supporting social care customers through change and will work intensively with the hardest to reach client groups.

### Section 5: Impact on Equalities and Human Rights

Please summarise any potential positive and negative impacts that may arise from your proposal on staff or service users. This section relates to the impact of your proposal on **advancing equalities and human rights** and should build on the impacts you identified in the previous section.

For 'Impact', please select from the options in the drop-down menu.  
If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'

#### Equalities

Will the proposal **adversely impact** upon 'communities of identity'?  
Will it **help advance equality** or foster good relations between people in 'communities of identity'?

		Impact	What are the impacts and how do you know?	Relevant quality of life
5.1	<b>Age</b>	Mixed	For many younger customers with learning disabilities the project offers a welcome opportunity to exercise choice, independence and control over their lives. However, it should be noted that a small proportion of commissioned adults transport services are provided for elderly customers with dementia, who have no family or support network. In such circumstances it would not be appropriate to expect these customers to take up a direct transport payment. Alternative solutions may need to be considered for this client group	N/A
5.2	<b>Disability</b>	Mixed	A primary focus of the project is to support customers with learning disabilities (LD). As previously mentioned it is anticipated that this project will impact positively on this client cohort, recognising citizens' strengths and abilities to make decisions, enabling them to exercise greater control of their day-to-day lives. (and significantly boosting their confidence and self-esteem). The proposals have been welcomed by some younger LD customers. However, some older LD customers who have used to travelling via CYC fleet or taxis for many years (and who feel safe / comfortable in this setting) are likely to find the prospect of having to organise their own transport arrangements a significant upheaval. The intention is to introduce change incrementally for these customers - the CYC fleet will not completely close until March 2020. Some customers might initially continue to travel by fleet for a proportion of their journeys, thereby moving steadily towards a personalised approach rather than facing its sudden and immediate introduction.	N/A
5.3	<b>Gender</b>	Mixed	For the most part the project will not impact positively or negatively on gender. There may be a potential negative impact for older female customers who might feel particularly vulnerable if faced with the prospect of travelling in isolation.	N/A
5.4	<b>Gender Reassignment</b>	Neutral	The project will not impact positively or negatively on gender reassignment.	N/A
5.5	<b>Marriage and civil partnership</b>	Neutral	The project will not impact positively or negatively on marriage and civil partnership.	N/A
5.6	<b>Pregnancy and maternity</b>	Neutral	The project will not impact positively or negatively on pregnancy or maternity.	N/A
5.7	<b>Race</b>	Neutral	The project will not impact positively or negatively on race.	N/A
5.8	<b>Religion or belief</b>	Neutral	The project will not impact positively or negatively on religion or belief.	N/A

5.9	<b>Sexual orientation</b>	Neutral	The project will not impact positively or negatively on sexual orientation.	N/A
5.10	<b>Carer</b>	Negative	The project will result in greater reliance on carers and family members to support the adult customer, assisting them with making decisions and choices around transportation. Carers and family members may also find themselves supporting the customer with the financial aspects of managing a Direct Payment. Carers and family members will require more support and confidence building to adjust to the personalised approach. The risk will be mitigated by encouraging Carers to access support networks and share best practice (through support groups facilitated by York Carers Centre). They will also receive support with the financial and practical aspects of managing a Direct Payment (through the Approved Framework of DP Support Providers). City of York Council will also appoint a dedicated project manager for 18 months to work intensively with customers, carers and family members and help to prepare them for the personalised approach.	N/A
5.11	<b>Lowest income groups</b>	Negative	The project will place responsibility on the customer to use their mobility allowance to meet their social care transportation requirements in the first instance. If an individual has transport needs over and above those that can be met by the mobility allowance the council will have a duty to meet this need. Therefore the initiative should result in a neutral impact on the lowest income groups. However, it may be the case that some customers were mistakenly using mobility benefits towards their wider costs of living. For customers in these circumstances the reapportionment of mobility benefits could impact negatively on their financial circumstances. The risk will be minimised by facilitating consultations with York CAB and other financial advisory services to ensure that customers are in receipt of full benefits entitlements, and are supported to manage their finances efficiently.	N/A
5.12	<b>Veterans, Armed forces community</b>	Neutral	The project will not impact positively or negatively on veterans or the armed forces community.	N/A



<b>Human Rights</b>		
Consider how a human rights approach is evident in the proposal		
	Impact	What are the impacts and how do you know?
5.13	<b>Right to education</b>	Neutral The project will not impact positively or negatively on the right to education.
5.14	<b>Right not to be subjected to torture, degrading treatment or punishment</b>	Neutral The project will not impact positively or negatively on the right not to be subjected to torture, degrading treatment or punishment.
5.15	<b>Right to a fair and public hearing</b>	Neutral The project will not impact positively or negatively on the right to a fair and public hearing.
5.16	<b>Right to respect for private and family life, home and correspondence</b>	Neutral The project will not impact positively or negatively on the right to respect for private and family life, home and correspondence.
5.17	<b>Freedom of expression</b>	Neutral The project will not impact positively or negatively on freedom of expression.
5.18	<b>Right not to be subject to discrimination</b>	Mixed The project will bring learning disability customers into greater contact with members of the public, particularly by encouraging greater use of public transport and walking to social care destinations. This is regarded as a positive development inasmuch as it helps to breakdown barriers between communities and overcomes the existing paternalistic approach of transporting LD customers in isolation. However, there remains the risk that some adult customers might potentially be subjected to discrimination whilst travelling independently. This risk will be mitigated by the continued support of YILTS travel training officers and social workers who will remain in close contact with customers. It will also be mitigated by the development of the Safe Places scheme which can offer immediate support and sanctuary to LD customers who feel scared or at risk when they are out and about in the community.
5.19	<b>Other Rights</b>	Neutral The project will not impact positively or negatively on other rights.

5.20	<b>Additional space to comment on the impacts</b>
	It is recognised that some customers have more than one protected characteristic. Customers falling into this category are likely to feel particularly vulnerable if faced with the prospect of travelling in isolation. The project support officer will undertake a careful analysis of the customer cohort and offer more intensive support to clients in this position.

**Section 6: Developing Understanding**

Based on the information you have just identified, please consider how the impacts of your proposal could be improved upon, in order to balance social, environmental, and economic concerns, and minimise any negative implications.

It is not expected that you will have all of the answers at this point, but the responses you give here should form the basis of further investigation and encourage you to make changes to your proposal. Such changes are to be reported in the final section.

6.1	<p><b>Taking into consideration your responses about <u>all of the impacts</u> of the project in its <u>current form</u>, what would you consider the overall impact to be on creating a fair, healthy, sustainable and resilient city?</b></p> <p>The proposal breaks away from traditional approaches to the commissioning of adult social care transport that have reinforced dependency amongst citizens and stifled innovation. It is the only option which will allow truly imaginative, flexible and sustainable approaches to the provision of adult's transport. However, as a result of conducting the Integrated Impact Assessment it is clear that there are some vulnerable customer cohorts for whom the introduction of a personalised approach presents a particular challenge. Without an action plan to support these vulnerable customers the overall impact of the initiative in its current form is likely to be mixed.</p>
6.2	<p><b>What could be changed to improve the impact of the proposal on the <u>One Planet principles</u>? (please consider the questions you marked either mixed or negative)</b></p> <p>Some additional work could be undertaken to minimise the environmental impact of the project - making it a condition that transport providers on City of York Council's Approved Provider Framework use fuel efficient vehicles for instance. A targeted piece of work could be undertaken to raise awareness of the employment opportunities that may be associated with the proposed approach. More importantly however work needs to be undertaken to mitigate the risk that some customers might potentially withdraw from accessing services altogether if they feel that it will be more difficult / challenging to reach their social care destinations. Customer take up and usage of transport direct payments needs to be monitored carefully to ensure that nobody is left behind as a result of the new model. Vulnerable groups need to be offered ongoing assistance and support. Work also needs to be undertaken to actively encourage the wider community to integrate with adult LD customers through voluntary car share schemes, and through wider social activities and events which may over time act as an alternative to traditional social care destinations. This is less likely to happen without actively supporting it - making linkages and connections with initiatives such as the new Local Area Co-ordinators scheme.</p>
6.3	<p><b>What could be changed improve the impact of the proposal on <u>equalities and human rights</u>? (please consider the questions you marked either mixed or negative)</b></p> <p>There are a number of potential measures to mitigate mixed or negative impacts. These include ongoing customer / family engagement sessions to ensure that the most vulnerable customers and their carers are fully aware of the personalised model, the practicalities of how it will operate and the implications and opportunities associated with it. This will be supplemented by support for families and carers with the financial and practical elements of the personalised approach, alongside social and emotional support. Work also needs to be undertaken (particularly by the project co-ordinator) to understand the needs and concerns of customers with protected characteristics (sometimes multiple protected characteristics). Above all it is essential to ensure that the new approach does not lead to isolation for any of the existing client cohort.</p>

### Section 7: Planning for Improvement

	<p><b>What further evidence or consultation is needed to fully understand its impact?</b> (e.g. consultation with specific communities of identity, additional data)</p>
7.1	<p>Ongoing monitoring and customer feedback will take place as the personalised approach is implemented. As indicated in 7.2 there will be continual engagement sessions with customers, providers, carers and families throughout the roll-out of the personalised approach. The extent to which the personalised service is being accessed by specific communities of interest / customers with protected characteristics will also be carefully monitored in order to understand impact.</p>

7.2	<p><b>What are the outstanding actions needed to maximise benefits or minimise negative impacts in relation to this proposal?</b> Please include the action, the person(s) responsible and the date it</p>
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Action	Person(s)	Due date
Appoint Dedicated Project Manager to support customers, carers, family members and providers.	Project Manager	May-17
Engagement / Q&A sessions with customers, carers and families	Project Manager / Adults LD / YILTS Team	May - Nov 17
Engagement / Q&A sessions with care providers.	Project Manager / Adults LD / YILTS Team	May - Nov 17
Produce cross directorate customer and community Transportation Policy	Health, Housing & Adult Social Care / Children, Education & Communities directorates	Nov-17
Practical / financial support with the management of Direct Payments	DP Support Framework Providers	Ongoing
Practical / financial support with the wider aspects of money management, income maximisation.	Financial Inclusion Network	Ongoing
Social and emotional support for families and carers	York Carers Centre	Ongoing
Explore alternative solutions for elderly customers with dementia and no family support.	Adults Long Term Team	Ongoing
Reduce the risk of discrimination against vulnerable customers.	YILTS / Safe Places Scheme	Ongoing
Encourage transport providers on the Approved CYC Framework to adopt sustainable principles.	Adults Commissioning Team	May-June 2017
Explore employment opportunities for Personal Assistants and Escorts created through the personalised approach.	Adults LD Team	Ongoing

Support volunteering and integration with wider community events and activities and promote shared transport schemes involving the wider community.	Local Area Co-ordinators	Ongoing
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<b>Additional space to comment on the impacts</b>	
7.3	N/A

**Section 8: Improvements**

Section 8 builds on the impacts you identified in sections 1-7. Please detail how you have used this information to make improvements to your final proposal.

**Please note that your response to question 8.4 must be reported in the One Planet Council implications section of reports going to the Executive.**

8.1	<b>For the areas in sections 4 and 5 where you were unsure of the potential impact, what have you done to clarify the situation?</b>	<p>There are few areas of the project where its impact will be uncertain. However, there will be areas where the impact of the initiative will contain a mixture of both positives and negatives which will be addressed through the Action Plan in Section 7.</p>
8.2	<b>What changes have you made to your proposal to increase positive impacts?</b>	<p>Customers will be encouraged to embrace the positive aspects of personalisation - there will be ongoing support and assistance to make the proposed approach a genuinely positive one for all customers, carers and families.</p>
8.3	<b>What changes have you made to your proposal to reduce negative impacts?</b>	<p>The ongoing changes as indicated in the Actions in Section 7.</p>
8.4	<b>Taking into consideration everything you know about the proposal <u>in its revised form</u>, what would you consider the overall impact to be on creating a fair, healthy, sustainable and resilient city?</b>  <b>**This information must be input into the One Planet Implications section of the Executive Report**</b>	<p>With the implementation of the actions identified in Section 7 it is anticipated that the project will impact positively on the creation of a fair, healthy, sustainable and resilient city than was originally envisaged. The actions identified through the Integrated Impact Assessment are critical to enhancing the quality of the project and mitigating risk - and will be delivered thoroughly and diligently over forthcoming months.</p>
8.5	<b>Any further comments?</b>	<p>N/A</p>

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**Executive**

**27 April 2017**

**Report of the Director of Children, Education and Communities**

**Portfolio of the Executive Member for Education, Children & Young People**

**Local Area-Based Financial Inclusion**

**Summary**

1. This report outlines plans for the delivery of a new local area-based financial inclusion project (4CommunityGrowthYork) to be carried out over 2 years as part of the York Financial Assistance Scheme.

**Recommendations**

2. The Executive is asked to agree:
  - The implementation of the 4CommunityGrowthYork – Local area-based financial inclusion project as outlined in paragraphs 7 – 20 in this report.
  - That the multiagency 4CommunityGrowthYork Local Action Group be supported.
  - The use of a Social Return on Investment measurement tool for the duration of the project, in order to measure impact and social value for every £ invested and to support funding decisions.

Reason: In order to support people in the identified communities to realise their potential and encourage financial stability and self reliance.

**Background**

3. This paper follows on from the decision at Budget Council to allocate £250,000 to run a financial inclusion project in the 4CommunityGrowthYork Project area. The budget allocation decision required a paper to be brought to the Executive.

4. This proposal is informed by local models of good practice including the Kingsway West Area Project in Westfield, the Delivering Differently in Neighbourhoods Project in Haxby Road, Tang Hall Big Local and the findings of the 4CommunityGrowthYork Local Action Group. This initiative supports the council's commitment to area-based services and the devolution of budgets thus building on the momentum created through ward committee budgets and capacity-building in communities. The proposed project offers an enhanced opportunity to target funds where they are most needed and to work with communities to design effective interventions.
5. This proposal is for funding to run a multi agency financial inclusion project in targeted areas within the following wards:
  - Westfield (all)
  - Clifton (part)
  - Guildhall (part)
  - Heworth (part)
  - Hull Road (part)
6. The project area is shown at Annex A. The project concentrates on the communities in York currently or recently in the bottom 20% nationally as ranked against the Indices of Multiple Deprivation (IMD). In 2010 York had 9 Lower Super Output Areas (LSOA's) in the bottom 20% IMD nationally. This figure was updated in 2015 to 5 LSOAs in the bottom 20% IMD nationally. These LSOAs in the bottom 20% IMD (see Annex A) are pepper-potted across the authority area and in many cases our most deprived households are adjacent to some of the most affluent which in itself polarises the issue for residents.

### **Project Principles**

7. Evaluation of previous projects demonstrates that a multi-agency, coordinated approach is the most effective. Projects which facilitate opportunities for communities to design and ultimately implement local solutions from initiation are the most likely to have a profound and sustainable impact. Good practice and experience shows that effective practice offers a holistic approach which is targeted to those least likely to engage proactively with existing services without intervention.
8. Consultation in the proposed project area highlighted the following as priority considerations when designing intervention strategies:



- **Small steps** – Previous experience using a multiple agency approach has shown the need to breakdown work into realistic and achievable targets that build confidence and trust. This aspect takes time and needs a supportive and nurturing environment that encourages positive steps – toward greater resilience and reducing dependency.
  - **Hyper local & bespoke** – Where practical project activities should take place within the target community, in accessible and familiar venues especially in the initial stages. Each named area should be treated as a project within a project with its own identity, and preferred methods of engagement and delivery through locally trusted organisations and individuals.
9. Utilising the small steps and hyperlocal intervention logic a typical range of activities under this programme might include:
- Benefit take-up campaigns
  - Debt and financial planning advice, support and guidance
  - Personal development and Wellbeing support
  - Employability workshops
  - Volunteering and work experience opportunities
  - Community engagement and capacity building events
  - Campaigns to raise the profile of area and its assets
  - Aspiration raising and confidence building
  - Mentoring and capacity building
10. In terms of timing there are a number of key elements which can be linked to add momentum and capacity to the project including:
- Ward Committees and Ward Teams
  - Local Area Teams
  - Local Area Coordination
  - Estate Management
  - Area-Based Working
  - Strong local Voluntary and Community Sector
  - Volunteering and Social Action Initiatives
  - Digital Interventions

## Project Outline

11. The project is an invest-to-save initiative and will operate as a grant-giving and commissioning project delivered through a multi-agency Local Action Group. The project will maximise opportunities for local networking, partnership working and for local residents and stakeholders to shape the delivery programme.
12. The project budget will be made up of a grants and commissioning pot to deliver local projects and interventions, an allocation for staff resource and an operational budget to support local engagement and promotion events and project publicity for maximum impact. The indicative allocation is shown in the table; this may be refined in line with the project delivery plan.

<b>Budget Detail</b>	<b>2017/2018</b>	<b>2018/2019</b>
Grants and Commissioning pot	£65,000	£65,000
Staff Resource	£50,000	£50,000
Operational	£10,000	£10,000

13. It is proposed to allocate £50,000 per annum for the staff resource to drive the project forward, actively seek additional funding opportunities and ensure connectivity with the 4CommunityGrowthYork Local Action Group, the Financial Inclusion Steering Group, Ward Committees and Ward Teams.
14. A key part of the investment in staffing resource will be to attract additional external funding streams. All applications for additional funding will build in management costs in order to maximise the delivery pot available to be invested in projects locally.
15. The 2 year fixed term post will sit within the Communities and Equalities Team.
16. Research into good practice in evaluating the impact of similar area-based projects has highlighted the effectiveness of Social Return on Investment measurement tools. Social Return on Investment produces a description of how a project creates value and a ratio that states how much social value in £s is created for every £ of investment.

17. The 4CommunityGrowth York Local Action Group is already established and is made up of representatives from the local authority, Universities, voluntary and community sector, schools, local business and residents. This group is well placed to support the delivery of the project and maximise the opportunities on offer through a multi-agency partnership approach. The Local Action Group is also well placed to support applications for additional funding to develop and extend the project.
18. Ward committees and ward teams are a vital part of this project bringing local intelligence, knowledge and established networks with residents and local stakeholders. With this wealth of expertise they are ideally placed to innovate, propose and prioritise project activities and to shape local delivery to maximise effectiveness.
19. Ward Members may also decide to use their ward committee budget to buy in additional or complementary activities e.g. if a project course on volunteering was oversubscribed ward members could choose to fund an additional course and/or a local event to promote local learning and volunteering opportunities. In turn the project offers a mechanism which supports ward priorities, offers insight into the financial challenges experienced by ward residents and the opportunity to test and measure the effectiveness of innovative and bespoke solutions.
20. Ward Committees offer a platform for promotion and awareness-raising of the project and community engagement. There is also the potential for ward committee events to support project delivery directly e.g. Ward Members could choose to host a Ward Committee event themed around debt advice and financial planning.
21. The project will utilise a multi-media approach in order to have the maximum reach in communities, where possible using existing and established communications methods and consistent branding which emphasises a positive approach. 4Community Growth York has been established as a brand across the proposed project area and this can be further qualified to reflect the very local area e.g. 4CommunityGrowth - Westfield
22. The minimum length of project would be 2 years in order to build trust and deliver a project which has at its core Community Led Local Development and therefore the potential to deliver sustainable outcomes. The project could be extended subject to additional funding being secured.

23. A communication plan is being developed to support keeping all stakeholders informed of progress and ways to get involved.

### **Consultation**

24. A concentrated period of consultation was undertaken between February and August 2016 in order to support the production of the 4CommunityGrowthYork Local Development Strategy. The consultation was carried out through face to face conversations in communities; paper and electronic questionnaires and at stakeholder events; Ward Team and Local Action Group meetings.

### **Options**

25. **A** – to approve the recommendations at listed as paragraph 2.
26. **B** – to reject all or part of the recommendations at paragraph 2.

### **Analysis**

27. Approval of option a) would allow the project to get started immediately to support communities within the project area to develop financial resilience. There are no identified disadvantages to the proposal. Rejection at this stage would delay implementation of the project and therefore the identification and delivery of initiatives to support development of financial resilience within the project area. Option A is therefore recommended.

### **Council Plan**

28. This proposal supports all three priorities of the Council Plan 2015 – 2019:
- A prosperous city for all
  - A focus on frontline services
  - A council that listens to residents
29. The project also offers an opportunity to demonstrate good practice in community engagement and encourage coproduction.

### **Implications**

30. **Financial:** Confirmation of allocation of £250,000 as part of the York Financial Assistance Scheme

31. **Human Resources (HR):** This paper references the creation of a 2 year fixed term post which sits within the Communities and Equalities Team. The establishment of and recruitment to that post will be carried out in line with the Council's HR and management of change procedures.
32. **Equalities:** It is recognised that a wide variety of engagement and community methods will be needed in order that the opportunities offered through the project reach the target communities.
33. **Legal:** There are no legal implications.
34. **Crime and Disorder:** There are no crime and disorder implications.
35. **Information Technology (ICT):** There are no information technology implications
36. **Property:** There are no property implications

### **Risk Management**

37. In compliance with the Council's risk management strategy the main risks that have been identified associated with the proposals contained in this report are those which could lead to the inability to meet business objectives and to deliver services, leading to damage to the Council's reputation and failure to meet stakeholders' expectations. The level of risk is assessed as "Low". This is acceptable but means that regular monitoring is required of the operation of the project.

**Contact Details**

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**Report  
Approved**



**Date** 12.4.17.

**Specialist Implications Officer(s)** Nick Carter, Human Resources

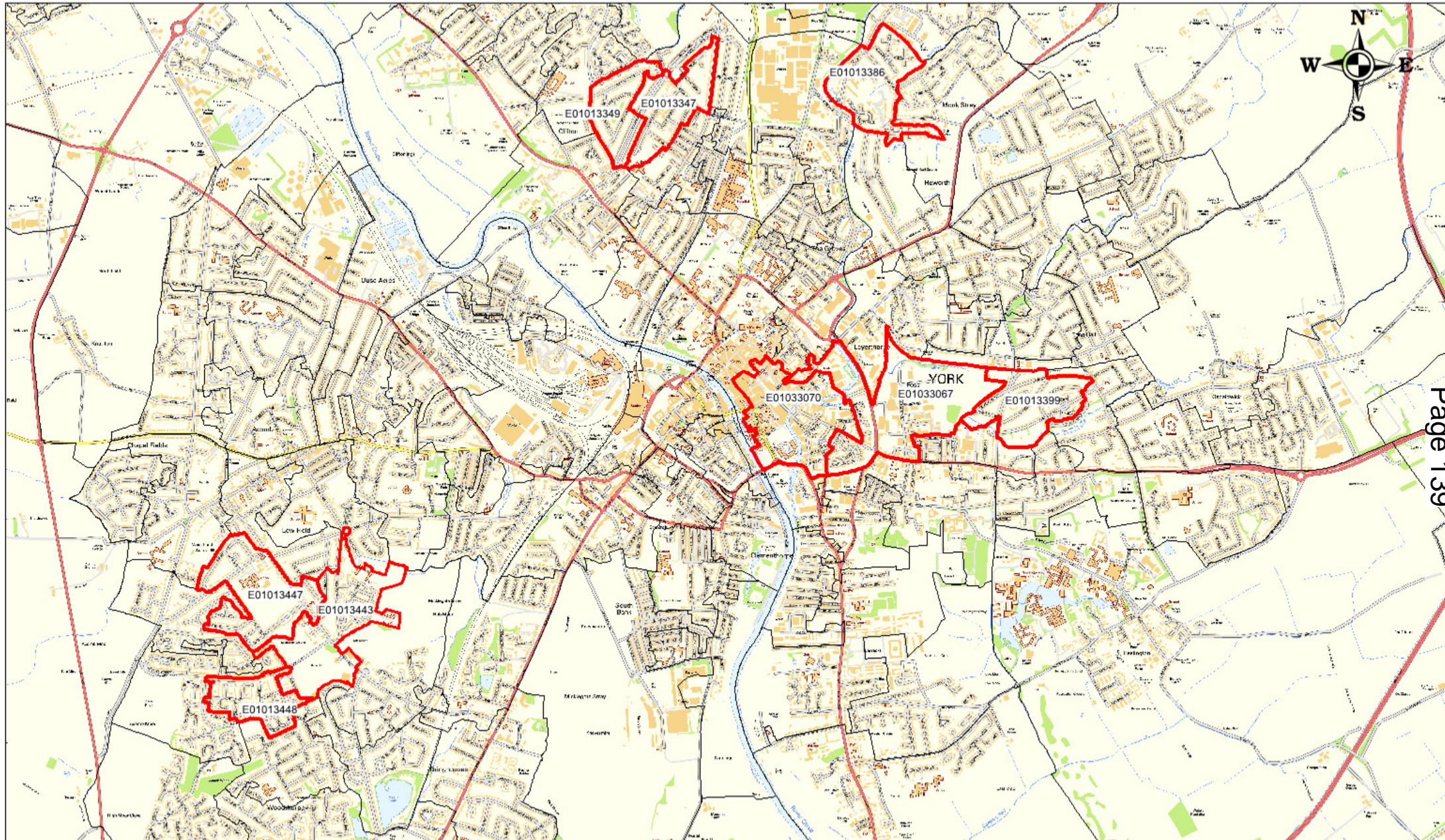
**Wards Affected:** Westfield, Heworth, Hull Road, Clifton and Guildhall

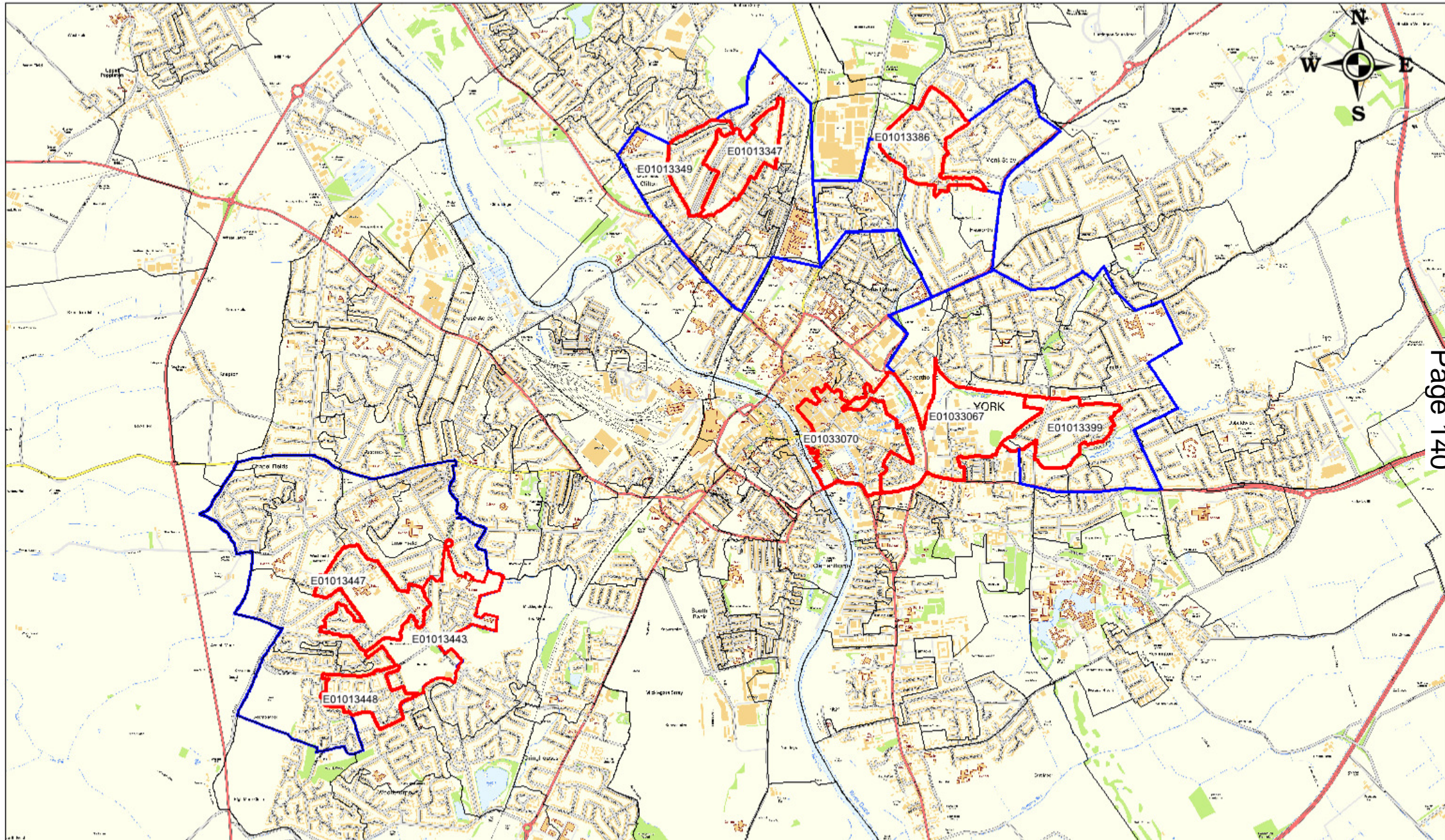
**For further information please contact the author of the report**

**Background Papers:** 4CommunityGrowthYork Local Development Strategy

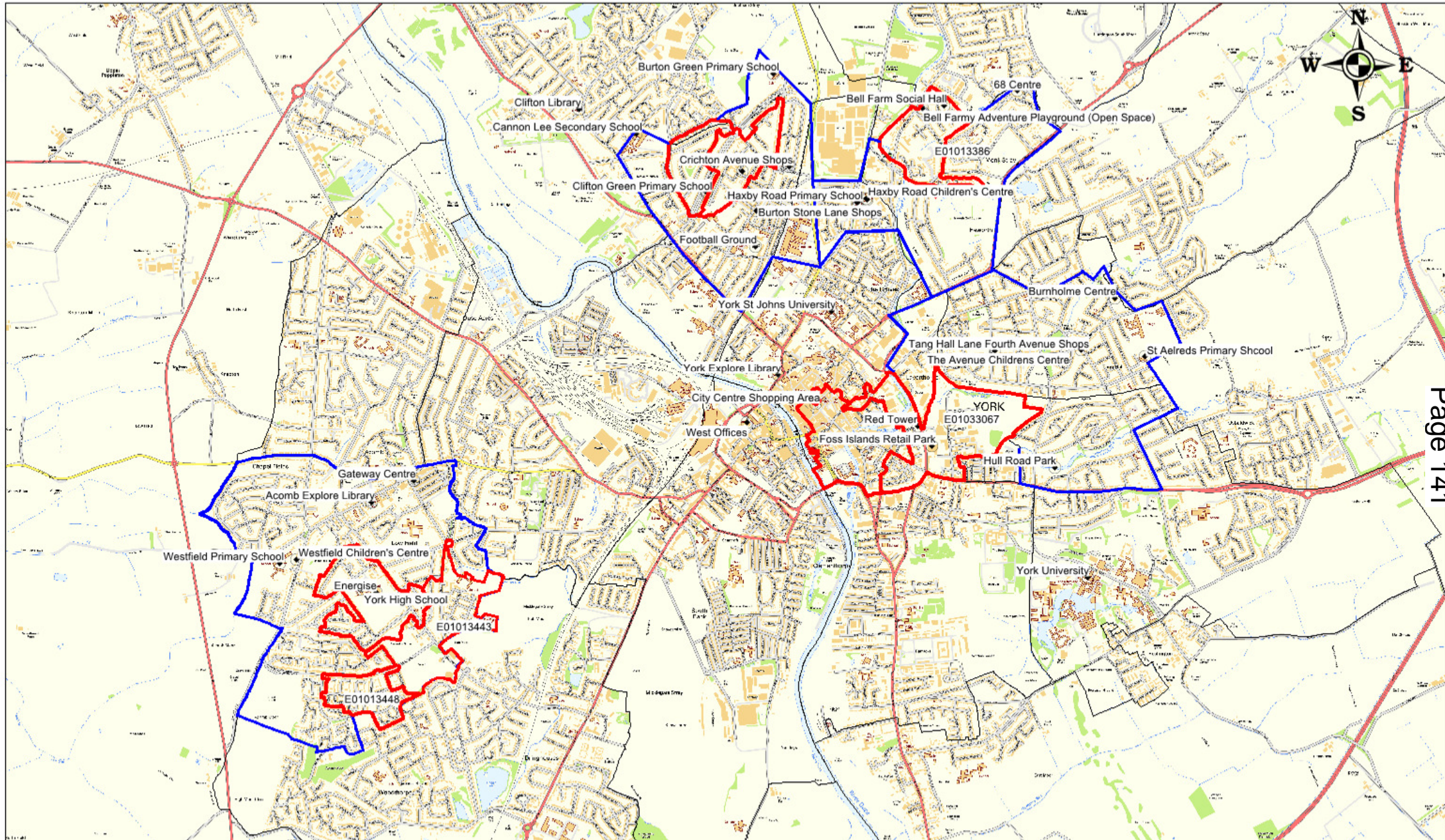
**Annexes**

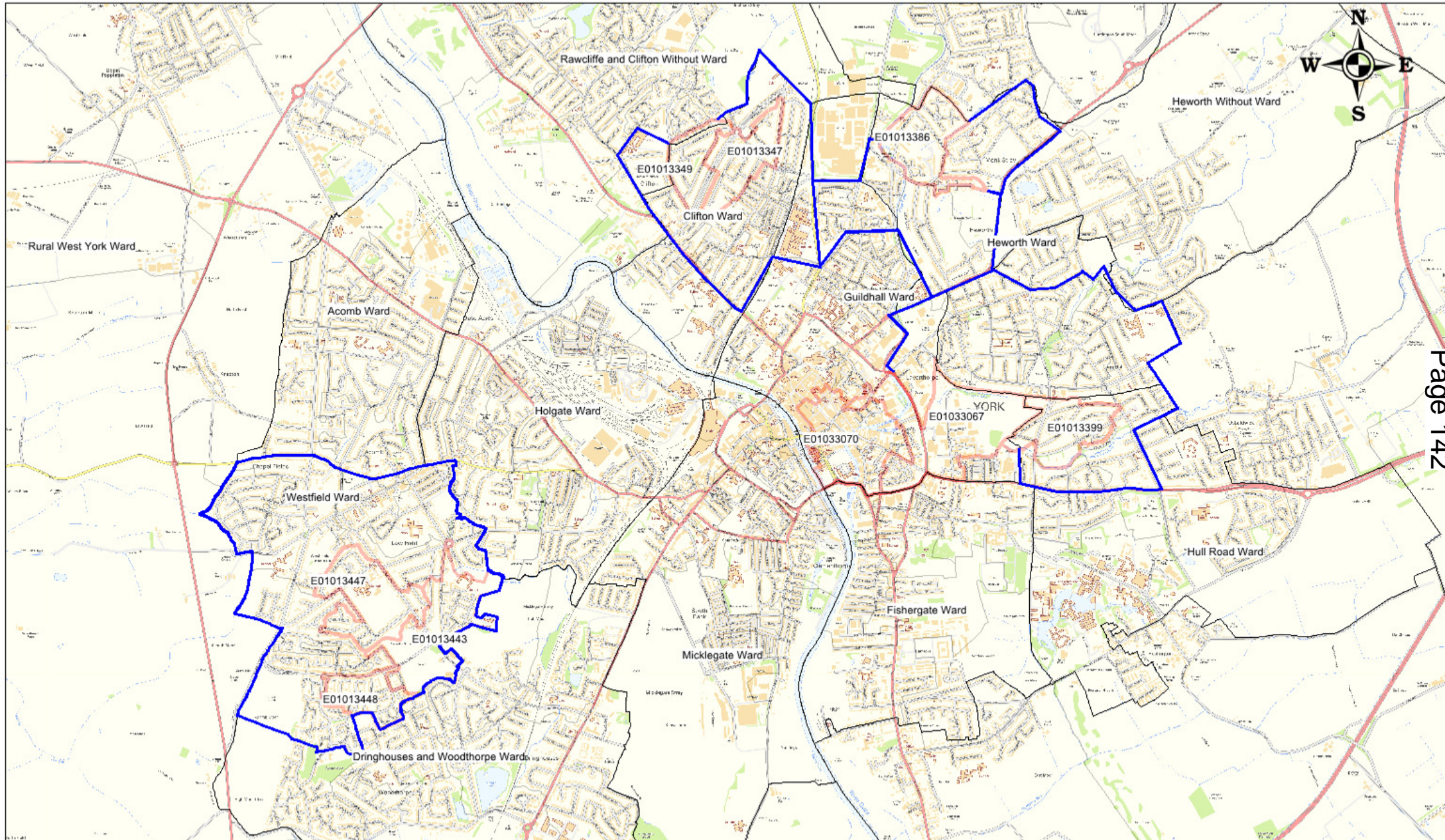
Annex A – Project Area











Type	Details	Normalised (per 1,000 population) data for LSOA's									
		E01013443	E01013447	E01013448	E01013347	E01013349	E01013399	E01013386	E01033070	E01013367	
		Westfield	Westfield	Westfield	Clifton	Clifton	Hull Road	Heworth	Guildhall	Guildhall	York
Adults	Average Weekly Homecare Hours	1.14	1.14	1.14	1.78	1.78	1.04	1.30	1.11	1.11	2.29
	Total Homecare Clients	9.92	9.92	9.92	6.11	6.11	2.16	6.39	4.19	4.19	5.6
	Adults Safeguarding Concerns	5.87	5.87	5.87	3.49	3.49	3.06	3.16	5.28	5.28	4.6
	Assessment Notices (formerly Section 2 Notices) issued by Hospitals	7.10	7.10	7.10	5.52	5.52	2.99	4.45	4.39	4.39	5.04
	Limiting long term illness or disability	188.00	188.00	188.00	152.00	152.00	101.36	152.94	141.24	141.24	154.21
Children	Pensioners living alone	61.64	61.64	61.64	50.34	50.34	28.40	53.68	51.07	51.07	58.33
	Child Development at age 5	6.50	6.50	6.50	3.90	3.90	3.84	6.49	3.88	3.88	6.72
	% of children in Year 6 recorded as being obese	6.23	6.23	6.23	4.46	4.46	0.00	4.70	2.47	2.47	3.54
	Looked After Children	2.10	2.10	2.10	3.20	3.20	1.72	1.79	0.75	0.75	0.81
	Troubled Families identified for Education	6.23	6.23	6.23	5.52	5.52	2.91	4.38	0.96	0.96	1.87
Crime / ASB	Troubled Families identified for "in need of Help"	4.71	4.71	4.71	2.33	2.33	1.79	2.58	0.82	0.82	1.17
	Lone Parents (Working Age 16-64)	10.86	10.86	10.86	4.56	4.56	3.73	6.89	4.87	4.87	3.33
	Troubled Families identified for Crime / ASB	5.21	5.21	5.21	5.04	5.04	2.76	3.52	1.10	1.10	1.5
	Troubled Families identified for Domestic Violence	1.96	1.96	1.96	0.09	0.09	0.30	0.86	0.48	0.48	0.36
	All Crime per 1000 population	721	721	721	501	501	501	570	2953	2953	473.05
Health	ASB per 1000 population	751	751	751	431	431	450	463	2651	2651	431.82
	Number of Reports of Domestic Abuse Incidents reported to NYP	26.14	26.14	26.14	20.84	20.84	16.65	16.7	19.90	19.90	12.02
	Binge drinking adults	216.50	216.50	216.50	276.68	276.68	306.74	276.44	373.36	373.36	245.44
	Troubled Families identified for Health (D&G / MH / Behaviour)	0.00	0.00	0.00	0.10	0.10	0.00	0.00	0.07	0.07	0.01
	Adults Safeguarding Concerns Client Type: Mental Health	1.16	1.16	1.16	0.48	0.48	0.67	0.43	0.82	0.82	1.07
Economics	Visits GP more than once a month	250.92	250.92	250.92	169.32	169.32	66	142.59	68.55	68.55	72.26
	Do not take care of self as well as should	224.64	224.64	224.64	232.90	232.90	259	242.97	336.72	336.72	179.74
	I do a lot to keep in shape	29.47	29.47	29.47	185.21	185.21	206.9	158.53	389.76	389.76	180.16
	Obese adults	229.28	229.28	229.28	197.14	197.14	187.8	187.15	175.87	175.87	189.52
	Troubled Families identified for Worklessness	5.58	5.58	5.58	4.17	4.17	2.84	3.59	0.82	0.82	1.44
Com's	JSA Claimants: Number of Working Age Population (16-64)	7.60	7.60	7.60	4.94	4.94	2.76	5.24	4.94	4.94	3.19
	Total Out of Work Benefit Claimants (Working Age 16-64)	74.23	74.23	74.23	49.14	49.14	25.16	49.25	57.78	57.78	33.58
	Total ESA and Incapacity Benefit Claimants (Working Age 16-64)	50.33	50.33	50.33	35.38	35.38	16.50	32.24	41.79	41.79	24.25
	Total Carer Benefit Claimants (Working Age 16-64)	10.14	10.14	10.14	6.40	6.40	2.46	6.32	4.60	4.60	4.95
	Total Disabled Benefit Claimants (Working Age 16-64)	6.88	6.88	6.88	5.33	5.33	3.66	5.31	4.12	4.12	4.41
Population	Number of Business Start Ups	2	2	2	5	5	3	5	10	10	
	Troubled Families	9.85	9.85	9.85	7.75	7.75	4.55	6.32	1.85	1.85	2.76
	Indices of Multiple Deprivation										
	Indices of Multiple Deprivation Score 2010	44.94	34.35	36.95	36.92	40.77	38.32	36.82	35.02	35.02	12.93
	LSOA in Bottom 20% (IMD 2010) - National	Y	Y	Y	Y	Y	Y	Y	Y	Y	
	LSOA in Bottom 20% (IMD 2010) - Regional	Y									
	Ward in Bottom 20% (IMD 2010) - National	Y	Y	Y							
	Ward in Bottom 20% (IMD 2010) - Regional										
	Indices of Multiple Deprivation Score 2015	43.71	29.19	37.46	39.70	42.70	33.83	32.75	19.79	34.45	12.22
	LSOA in Bottom 20% (IMD 2015) - National	Y		Y	Y	Y				Y	
Poverty	LSOA in Bottom 20% (IMD 2015) - Regional	Y				Y					
	Ward in Bottom 20% (IMD 2015) - National										
Poverty	Ward in Bottom 20% (IMD 2015) - Regional										
	LSOA (ONS Mid 2014 Estimates)	1,558	1,519	1,418	1,694	1,456	1,854	1,803	1,975	1,762	204439
Poverty	Ward (ONS Mid 2014 Estimates)	13,859	13,859	13,859	10,427	10,427	13,608	13,963	15,176	15,176	204439
	% of Children in low-income families (2013)	28.10%	16.50%	26.10%	27.40%	26.30%	33.70%	23.40%	14.70%	34.90%	10.60%
Poverty	% Households in Fuel Poverty	8.70%	10.20%	7.40%	12.90%	12.00%	14.60%	10.60%	7.00%	5.20%	10.70%
	Ethnicity - White	96.35%	96.93%	96.51%	94.26%	95.39%	93.52%	90.35%	85.96%	88.04%	94.28%
	Household Tenure - Owned	34.13%	51.54%	41.39%	38.08%	35.37%	23.90%	38.11%	23.50%	18.96%	66.10%
Poverty	% Households with Dependent Children	48.50%	48.09%	52.00%	52.22%	57.91%	65.01%	47.98%	20.18%	34.62%	39.08%
	All Qualifications (Number)	1,242	1,171	1,045	1,270	1,002	1,306	1,390	1,219	1,484	166,275
	No Qualifications	37.28%	31.51%	28.80%	35.28%	35.23%	29.56%	28.27%	8.02%	22.81%	17.96%
Qualifications - All Ages (Census Data)	Level 1 Qualifications	12.64%	16.48%	16.94%	14.02%	17.86%	14.09%	15.40%	6.87%	10.09%	10.61%
	Level 2 Qualifications	16.99%	17.51%	19.14%	12.99%	13.57%	13.78%	13.74%	9.64%	10.09%	13.87%
	Apprenticeships	4.91%	4.36%	2.39%	2.44%	2.89%	3.22%	3.38%	1.62%	2.71%	4.47%
	Level 3 Qualifications	10.06%	10.50%	10.14%	13.62%	10.48%	18.76%	12.73%	31.67%	17.23%	16.59%
	Level 4 Qualifications	14.41%	14.77%	18.18%	15.75%	15.97%	16.46%	21.58%	37.06%	31.83%	32.40%
	Other Qualifications	10.06%	10.50%	10.14%	13.62%	10.48%	18.76%	12.73%	31.67%	17.23%	4.10%
	All Qualifications (Number)	168	191	170	285	184	384	272	618	386	31,804
	No Qualifications	12.50%	13.09%	20.00%	18.60%	26.09%	8.07%	14.71%	2.10%	7.09%	5.66%
Qualifications - Ages 16 - 24 (Census Data)	Level 1 Qualifications	23.21%	27.75%	25.29%	15.79%	23.91%	15.36%	26.84%	4.85%	9.46%	10.38%
	Level 2 Qualifications	27.98%	30.89%	30.00%	18.60%	23.37%	15.63%	19.49%	10.52%	14.53%	19.25%
	Apprenticeships	1.19%	4.71%	1.76%	3.16%	0.54%	1.82%	2.94%	0.49%	0.34%	1.94%
	Level 3 Qualifications	19.05%	12.04%	14.12%	27.37%	19.57%	46.09%	24.26%	64.24%	38.85%	43.59%
	Level 4 Qualifications	14.29%	8.38%	5.88%	14.74%	5.98%	10.68%	10.66%	13.75%	24.66%	15.99%
	Other Qualifications	1.79%	3.14%	2.94%	1.75%	0.54%	2.34%	1.10%	4.05%	5.07%	3.19%
Life Expectancy (2008 - 2012)	Males	74.8	74.8	74.8	78.6	78.6	79.7	77.2	76.1	76.1	80.1
	Females	79.8	79.8	79.8	83.9	83.9	82.8	83.3	82.6	82.6	83.5

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