

**Notice of a public meeting of
Executive**

To: Councillors Carr (Chair), Gillies, Lisle, Orrell, Rawlings, Reid, Runciman and Waller

Date: Thursday 28 September 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 Monday 2 October 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 - 16)
To approve and sign the minutes of the last Executive meeting held on 31 August 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 27 September 2017**. Members of the public can speak on agenda items or matters within the remit of the committee.

To register to speak please contact Democratic Services (contact details at the foot of this 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 Democratic Services (contact details 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

- 4. Forward Plan** (Pages 17 - 22)
To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.

- 5. Tour de France Scrutiny Review Final Report**
(Pages 23 - 46)

This report presents the findings of the Tour de France Scrutiny Review Task Group’s review into the planning of major events.

6. Demonstrating Delivery of the Older Persons' Accommodation Programme

(Pages 47 - 66)

The Programme Director, Older Persons' Accommodation, to present a report which sets out the progress of the Older Person's Accommodation Programme towards delivering over 900 new units of accommodation with care for older people. The report also seeks consent to undertake consultation on the option to close two further Council run older persons' homes.

7. Community Safety Plan 2017/2020

(Pages 67 - 88)

The Assistant Director for Housing & Community Safety to present a report which summarises the partnership's Community Safety Strategy 2017-20 including the current trends, emerging priorities and the implications of the strategy.

8. Sale of Land at Bootham Row Car Park

(Pages 89 - 94)

The Assistant Director of Regeneration and Asset Management to present a report which seeks a decision on the sale of a strip of land at Bootham Row Car Park to Bootham Developments LLP, owners of 27 Bootham.

9. Asset Management Strategy 2017-2022

(Pages 95 - 110)

The Assistant Director for Regeneration and Asset Management to present a report which sets out a refreshed and updated Asset Management Strategy for the Council for the period 2017-2022.

10. Enforcement Policy

(Pages 111 - 160)

The Trading Standards Manager to present a report regarding the formal enforcement action as well as the surveillance activity undertaken in 2016-17 by a number of agencies.

11. Urgent Business

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

Democratic Services

Name: Fiona Young

Contact details:

- Telephone – (01904) 551027
- E-mail – fiona.young@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

Meeting	Executive
Date	31 August 2017
Present	Councillors Carr (Chair), Gillies, Lisle, Rawlings and Runciman (Minute Item 41 only)

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS**35. 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.

36. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of Annex B to agenda item 10 on the grounds that it contained 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).

37. Minutes

Resolved: That the minutes of the last Executive meeting held on 27 July 2017 be approved and then signed by the Chair as a correct record.

38. Public Participation

It was reported that there had been three registrations to speak at the meeting under the Council's Public Participation Scheme.

Gwen Swinburn spoke on the budget setting process and issues around transparency and openness, given the timescale for consultation in the previous year. She urged Members to follow Supreme Court and Cabinet Office guidance and allow for thorough consultation. She also expressed her concern at the recent removal of two Members of the Executive.

Councillor Danny Myers spoke on several agenda items which directly affected his ward. Firstly he urged that Burton Stone Lane Community Centre remained a community focused project and centre moving forward. He stressed the importance of continued work with residents, current community groups and future users to safeguard the long term use of the centre. Secondly, he welcomed the improvements to Scarborough Bridge and hoped that Officers would work closely with Ward Members to ensure that the comments put forward by residents during consultation were realised. Finally he commented that the Labour Party were not in favour of the governance model put forward by the Police and Crime Commissioner in relation to future governance of North Yorkshire Fire and Rescue Service, but that some of the proposals contained in the report, such as halting the Fire Cover Review and reversal of cuts to services were welcomed.

Councillor Tony Richardson spoke to express his concerns over the proposals of the PCC for Future Governance of NYFRS. He stated he felt that the security and safety of York residents was not best served by the governance model. He also suggested that there was no clear evidence for the savings detailed in the report.

39. Forward Plan

Resolved: That the Executive 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.

40. Police & Crime Commissioner Proposal on Future Governance of North Yorkshire Fire & Rescue Service

The Chief Executive presented a report which outlined proposals for the future governance of the North Yorkshire Fire & Rescue Services. The report included a proposal from the Police & Crime Commissioner's (PCC) Local Business case (LBC) and an alternative from North Yorkshire Fire & Rescue Service.

The Leader invited both the PCC and the Chair of the North Yorkshire Fire and Rescue Authority to speak on their proposals.

Julia Mulligan, North Yorkshire Police and Crime Commissioner, spoke to outline her proposed governance model. She stated that this would improve support to the public and offered genuine benefits for the people of York. She outlined the work of York Pathways and need for a joined up approach to supporting vulnerable residents. She went on to stress the importance of putting frontline services first and explained how this proposal would see money put back into frontline spending. Finally she discussed the public consultation and the robustness of the chosen methodology.

Councillor Backhouse, Chair of the Fire Authority spoke to express concern over moving to a governance model. He stated that there was an understanding of the need to 'balance the books' and for collaboration between emergency services, but that it was felt the representation model could achieve this without the drastic move to governance, from which there was no return. He reasoned that this was not a failing service and therefore there was no need to accelerate consultation and rush to transfer governance. Finally he suggested that the figures put forward in the report were not fully accurate, as both models allowed for sharing of back room services so the savings should not be as different as was claimed by the PCC.

Councillor Ashley Mason spoke, as Vice-Chair of the North Yorkshire Police and Crime Panel. He expressed concern around the workload for Members of the panel who were already providing overview and scrutiny of the PCC and key appointments. This would become unmanageable if the work of the Fire Authority was included. He stated that the Police and Crime Panel were in favour of the representation model, as this

left more room moving forward than moving straight into a governance model.

The Chief Executive reminded Members that this item had been presented to the Customer and Corporate Services Scrutiny Management Committee, who had recommended the representation model. She also stated that there was no easy way to reverse the governance model if this was chosen and then proved unsuccessful.

In response to Member questions the Chief Executive and PCC clarified that this was a formal consultation process and CYC was a consultee. Once all responses had been received then the business case would be adjusted to address feedback, before a report was submitted to the Home Secretary for approval. If CYC or North Yorkshire County Council formally objected to this report it would go to Independent Review.

In response to further questions the PCC stated that:

- This was not a staged process. The legislation was clear that if a representation model was taken forward, and then proved unsuccessful, the whole consultation process would have to start again in order to move on to a governance model.
- She disagreed with the Chair of the Fire Authority that this was a high performing service, as she believed that it was not resilient.
- There was no suggestion that the NY Police Service was a perfect service, however in terms of the 101 control room 60 new staff had been recruited which would make it far more robust moving forward.
- In response to comments on 'mission creep' this proposal had been in her manifesto which she was voted in on.

After considering both proposals from the PCC's LBC and the North Yorkshire Fire & Rescue Authority as well as considering the feedback from CSMC, it was:

Resolved: That the Executive;

- I. Agree that the representation model would be their preferred option for the future governance of North Yorkshire Fire & Rescue Services;

- II. Instruct the Chief Executive, in consultation with the Leader, to submit a formal response on behalf of the Council.

Reason: To facilitate the effective consideration of the Police & Crime Commissioner's LBC.

41. A Further Phase of the Older Persons' Accommodation Programme Deciding the Future of Woolnough House Older Persons' Home

The Programme Director, Older Persons' Accommodation presented a report which provided the results of the consultation undertaken with the residents, relatives and staff of Woolnough House residential care home to explore the options for its future.

The Executive Member for Adult Social Care & Health spoke to recommend closure of Woolnough House, with the requirement that all moves be safely and carefully managed. She also thanked Officers involved in this extremely successful programme for the many hours of work they had put in.

In response to Member questions, Officers stated that alternative provision would be made for respite care and short stays.

Resolved: That the Executive;

- I. Note that the Older Persons' Accommodation Programme aimed to address the needs and aspirations of older people who needed accommodation and care, both now and in the future, equipping York to meet their needs by delivering new Extra Care accommodation and good quality residential and nursing provision which meets modern day standards;
- II. Receive the outcome of the consultation undertaken with residents, family, carers and staff of Woolnough House to explore the option to close the home with current residents moving to alternative accommodation;

- III. Agree to close Woolnough House residential care home, with a requirement that residents' moves to their new homes are carefully planned and managed, in line with the Moving Homes Safely protocol;
- IV. Agree that the alternative uses of the Woolnough House site and adjacent land, in total 0.76 acres, be examined in accordance with the revised Corporate Asset Strategy and should it be concluded that sale is the preferred option that it be sold forthwith in order to generate a capital receipt to support the wider Older Persons' Accommodation Programme.

Reason: In order to increase the supply of good quality accommodation with care for independent living together with new residential and nursing home provision to address the changing needs and aspirations amongst York's older population and ensuring that more can choose to live independently at home.

42. Investment in New Extra Care Accommodation for Older People at Marjorie Waite Court Following the Closure of Burton Stone Lane Community Centre

The Programme Director, Older Persons' Accommodation and Strategic Services Manager presented a report providing information on the outcome of public consultation concerning the future of Burton Stone Lane Community Centre and were asked to confirm its closure and approve investment into the provision of new Extra Care accommodation for older people and new community facilities in its place.

The Executive were asked to agree to invest in new Extra Care accommodation for older people and new community facilities as an extension to Marjorie Waite Court following the closure of Burton Stone Lane Community Centre.

Officers gave a brief background to the report and in response to Member questions stated:

- Care costs were complex and varied, however there were significant savings when comparing extra care with residential care, for both CYC and individuals.
- In relation to Community Groups and the changeover of facilities, consultation had taken place with all of the groups involved and work was ongoing.
- The new Community Centre would share a main entrance with the lobby of the Extra Care Accommodation, which would also have two other private entrances for residents.

Resolved: That the Executive;

- I. Agree that Burton Stone Community Centre (“the Centre”) should close in 2018 with services transferring to other locations and that new, community focused, facilities be provided and integrated into the newly built extension of Marjorie Waite Court;
- II. Approve the appropriation of the site of the Centre for planning purposes to facilitate the redevelopment of the site for an Extra Care Scheme to contribute to the promotion or improvement of economic, environmental or social well-being of the Council’s area;
- III. Approve the gross capital investment of £6.667m in the 33 apartment and bungalow extension of Marjorie Waite Court Extra Care Scheme and new Community Facilities in order to help to meet the need for additional Extra Care accommodation in York and to continue community activities in the area;
- IV. Agree to dispose of up to ten of the new Extra Care apartments for purchase as Older People’s Shared Ownership opportunities in accordance with the Council’s Financial and Contract Procedure Rules, helping to meet the need for tenure diversity in Extra Care provision in York, subject to obtaining any necessary consent (from the Secretary of State for Communities and Local Government) under Section 32 of the Housing Act 1985 and subject to a market value test and cost benefit

appraisal closer to the date of completion, with the receipts received used to reduce the gross cost of the scheme and, should the sale not proceed, retain some or all of these properties for rent

Reason: In order to deliver a more cost-efficient community facility service, and increase the supply of Extra Care accommodation, with care to address the changing needs and aspirations amongst York's older population and ensuring that more can choose to live independently at home.

43. Re-Commissioning a Short Break Service for Adults with a Learning Disability based at Flaxman Avenue, York

The Commissioning Manager presented a report which sought agreement for the re-commissioning of the Short Breaks Service for adults with a learning disability based at Flaxman Avenue.

Members were asked to agree to undertake a tender exercise to procure a provider to deliver the Short Breaks Service.

Resolved: That the Executive;

- I. Agree option 1 of the report; to procure a provider to deliver the short breaks service for adults with a learning disability based at Flaxman Avenue, York;
- II. Agree to delegate the award of the tender process to the Corporate Director of Health, Housing & Adult Social Care in consultation with the Portfolio Holder.

Reason: The current contract expires on 30 April 2018, therefore agreement is sought to progress the tender process and subsequent appointment of the preferred provider.

44. Commissioning a Day Base for Adults with a Learning Disability at Burnholme Health and Wellbeing Campus

The Commissioning Manager presented a report proposing the development of a day base for adults with a learning disability to be situated at Burnholme Community Centre as sighted in previous papers relating to the site.

Members were asked to agree to go to tender to procure a provider to deliver support for adults with a learning disability from a Day Base to be located at Burnholme Community Centre.

The Executive Member for Education, Children & Young People reminded Members that the numbers published in paragraph 8 of the report may increase due to instances of late diagnosis, particularly in relation to autism.

Resolved: That the Executive;

- I. Agree to procure a provider who will be able to deliver the concept of the Base for adults with a learning disability based in the Community Health and Wellbeing Campus at Burnholme;
- II. Agree to delegate the award of the tender process to the Corporate Director of Health, Housing & Adult Social Care in consultation with the Portfolio Holder.

Reason: To progress the development of the base which aims to empower adult customers with a learning disability to exercise independence, choice and control over their day opportunities (in line with the principles of the Care Act 2014), and, to progress the tender process and subsequent appointment of the preferred provider.

45. Carers Support Services - Future Approach to Provision

The Commissioning Manager presented a report seeking agreement to re-commission Carers Support Services for adults and young carers. He stated the importance of support to carers, and its significance in preventing a future breakdown in Adult Social Care.

In response to questions from Members relating to staff terms and conditions , Officers stated that many of the current staff were on NHS T&C's and all staff earned well in excess of minimum wage.

Resolved: That the Executive;

- I. Approve Option 1 within the report; to undertake a tender exercise to recommission Carers Support Services for adults and young people in line with the Key Decision criteria as set out in section 7.7 of the council's Contract Procedure Rules;
- II. Agree to delegate the award of the tender process to the Corporate Director of Health, Housing and Adult Social Care in consultation with the Portfolio Holder.

Reason: To deliver a sustainable, integrated support model for carers, delivered by a competent and professional external provider who fully understands the needs of carers of all ages and from all backgrounds.

46. Scarborough Bridge – Footbridge Replacement and Upgrade

The Head of Transport presented a report outlining the proposals to replace and upgrade the existing footbridge spanning the River Ouse adjacent to 'Scarborough (Railway) Bridge'.

In discussing the item, it was agreed that recommendation IV be amended to reflect that delegations would be taken in consultation with the Executive Member and an equalities impact assessment carried out.

Resolved: That the Executive;

- I. Approve in principle the replacement and upgrade of the Scarborough Bridge footbridge and associated ramps / structures;

- II. Note the continued progression of the scheme at risk through the planning and procurement stages Grant the Assistant Director for Transport, Highways & Environment delegated powers to make any future required amendments to the scheme as a result of emerging detailed design etc;
- III. Approve an allocation for risk within the Local Transport Plan programme 2018/19 in order to ensure that sufficient funds are available to deliver the proposed scheme;
- IV. Subject to funding agreements being agreed with other contributors and relevant planning consent being granted authorise the Assistant Director for Transport, Highways & Environment, in consultation with the Executive member for Transport & Planning, to progress the scheme including awarding contracts for the future delivery of the project, including an equalities impact assessment prior to progression.

Reason: The recommended replacement of the footbridge offers a unique opportunity to significantly improve one of a limited number of city centre river crossings and significantly improve access to the Railway Station and York Central Development site.

47. Consent for Establishment of Transport for the North

The Head of Transport presented a report seeking Members consent to the making of Regulations by the Secretary of State to establish Transport for the North as a Sub – National Transport Body under section 102E of the Local Transport Act 2008. The consent of each Constituent Authority is required to the making of Regulations by the Secretary of State.

The Executive Member for Transport & Planning stated that this decision was pivotal for York and reminded Members that combined with the West Yorkshire Combined Authority York would hold more votes than Greater Manchester.

The Executive were asked to give the required consent and approve the associated changes to arrangements for Rail North.

Resolved: That the Executive formally consent to;

- a) The making by the Secretary of State of Regulations under section 102E of the Local Transport Act 2008 to establish Transport for the North as a Sub-National Transport Body;
- b) The transfer of Rail North Limited to TfN so that it can be subsumed within TfN;
- c) The signing of a new Rail Franchise Management Agreement with TfN replicating as far as possible the current Rail North Limited Members Agreement;
- d) Continuation of the payment of the current funding for Rail North Limited to TfN after its inauguration.

Reason: To ensure that the City Council is fully engaged in the governance of the proposed Sub-National Transport body. As the City of York Council is a proposed Constituent Authority consent is required to the making of Regulations by the Secretary of State.

48. Proposed Temporary Use of Part of Castle Car Park

The Corporate Director Economy and Place presented a report asking the Executive to consider a 10 week temporary use of part of the Castle Car Park during 2018.

In response to Member questions he confirmed that when closing part of the Car Park, disabled and accessible parking would be the priority when allocating the remaining spaces. It was also agreed that better signage for St George's Field Car park be considered during this period.

The Executive were be asked to agree the proposal including the financial terms on which it is taken forward and to the granting of a lease.

Members felt that this was an excellent scheme which would positively impact the city culturally.

Resolved: That the Executive;

- I. Agree the proposed use of part of the car park subject to planning permission and other relevant statutory approvals.
- II. Note the alternative parking arrangements proposed.
- III. Delegate to the Assistant Director Legal and Governance the drawing up of a lease.

Reason: Shakespeare's Rose Theatre would help drive temporary vibrancy to the Castle Gateway, raise the profile of the area, allow the council to understand the impact of the displacement of car journeys without an impact on revenue, and potentially pave the way for the long term redevelopment of Castle car park as the key to unlocking the regeneration of this part of the city.

49. Q1 Finance & Performance Monitor

The Deputy Chief Executive & Director of Customer & Corporate Services presented a report which details the overall finance and performance position for the period 1 April 2017 – 30 June 2017, together with an overview of any emerging issues. This was the first report of this financial year and assessed performance against budgets, including progress in delivering the Council's savings programme.

Resolved: That the Executive note the finance and performance information.

Reason: To ensure expenditure is kept within the approved budget.

50. Q1 Capital Programme Monitor

The Deputy Chief Executive & Director of Customer & Corporate Services presented a report which set out the projected outturn position for 2017/18 including any under/overspends and adjustments, along with requests to re-profile budgets to/from current and future years.

Resolved: That the Executive;

- I. Note the 2017/18 revised budget of £111.638 as set out in paragraph 6 and Table 1;
- II. Note the restated capital programme for 2017/18 – 2021/22 as set out in paragraph 17, Table 2 and detailed in Annex A.

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

PART B - MATTERS REFERRED TO COUNCIL

51. Investment in New Extra Care Accommodation for Older People at Marjorie Waite Court following the closure of Burton Stone Lane Community Centre

The Programme Director, Older Persons' Accommodation and Strategic Services Manager presented a report providing information on the outcome of public consultation concerning the future of Burton Stone Lane Community Centre and were asked to confirm its closure and approve investment into the provision of new Extra Care accommodation for older people and new community facilities in its place.

The Executive were asked to agree to invest in new Extra Care accommodation for older people and new community facilities as an extension to Marjorie Waite Court following the closure of Burton Stone Lane Community Centre.

Recommendation: That Executive recommend to Council that the estimated £6.667m of gross cost for the Marjorie Waite Court extension and the community facilities are added to the Capital Programme with the costs to be funded from the Housing Revenue Account (HRA) investment reserve, recycled right to buy

receipts, other Housing Capital Receipts and capital held by the Older Persons Accommodation Programme for the purpose of expanding the provision of accommodation with care with the receipts received from the sale of Older People's Shared Ownership properties being used to reduce the gross cost of the scheme.

Reason: In order to delivery a more cost-efficient community facility service and increase the supply of Extra Care accommodation with care to address the changing needs and aspirations amongst York's older population and ensuring that more can choose to live independently at home.

52. Q1 Capital Programme Monitor

The Deputy Chief Executive & Director of Customer & Corporate Services presented a report which set out the projected outturn position for 2017/18 including any under/overspends and adjustments, along with requests to re-profile budgets to/from current and future years.

Recommendation: That Executive recommend to Full Council the adjustments resulting in a decrease in the 2017/18 budget of £14.065m as detailed in the report and contained in Annex A.

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

Cllr D Carr, Chair

[The meeting started at 5.30 pm and finished at 7.50 pm].

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Forward Plan: Executive Meeting: 28 September 2017

Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 19 October 2017

Title and Description	Author	Portfolio Holder
<p>Future Management of Allotments</p> <p>Purpose of Report: Report on the future management of allotments by way of a Charitable Incorporated Organisation, which will take on the letting and management of 1,250 allotment plots spread over 18 sites.</p> <p>Executive is asked to: Approve the letting of 18 allotment sites to the Trustees of the Charitable Incorporated Organisation.</p> <p>This item was called in for pre-decision scrutiny and was considered at a meeting of the Economy & Place Scrutiny Committee on 11 September 2017.</p>	<p>Tim Bradley / Dave Meigh</p>	<p>Executive Member for Culture, Leisure & Tourism</p>
<p>Upper & Nether Poppleton Neighbourhood Plan – Referendum Result & Adoption</p> <p>To inform Members of the positive outcome of the Referendum and recommend that Members at Full Council on 26th October formally ‘make’ the Upper and Nether Poppleton Neighbourhood Plan and adopt it as Council policy.</p> <p>The report will recommend that Members note the positive outcome of the Referendum and recommend that Members at Full Council on 26th October formally ‘make’ the Upper and Nether Poppleton Neighbourhood Plan and adopt it as Council policy.</p>	<p>Rebecca Harrison</p>	<p>Executive Member for Transport and Planning</p>

<p>Minerals & Waste Joint Plan – Submission</p> <p>To inform Members of the outcomes of the public consultation on the Minerals and Waste Joint Plan – Proposed Changes and to request that they approve the final Submission version of the Plan, requesting that they agree that it can be submitted for Examination by making a recommendation to Full Council.</p> <p>Executive will be asked to: Note the outcomes of the Proposed Changes Consultation and request that they recommend to Full Council on 26th October that they approve the Submission Draft Plan and supporting documents for submission for Examination in November 2017, in line with the updated Local Development Scheme.</p>	<p>Rebecca Harrison</p>	<p>Executive Member for Transport and Planning</p>
<p>Delivering Health & Wellbeing Facilities for York: Sports Pitches at the Askham Estate and a Health Hub at Burnholme</p> <p>Purpose of Report: This report will seek consent for investment in and preparation and submission of the planning applications to deliver sports pitches and related facilities on land at the Askham Estate and Chesney Fields and seek agreement to dispose of land at Burnholme to facilitate the provision of a health hub on the site.</p> <p>Executive will be asked to: Give consent for investment in and preparation and submission of the planning applications to deliver sports pitches and related facilities on land at the Askham Estate and Chesney Fields and seek agreement to dispose of land at Burnholme to facilitate the provision of a health hub on the site.</p>	<p>Roy Wallington</p>	<p>Executive Member for Adult Social Care & Health</p>

<p>Disposal of Willow House, Walmgate</p> <p>The report will seek an Executive decision to select a preferred bidder for the sale of the former Elderly Persons Home at Willow House.</p>	<p>Tim Bradley</p>	<p>Executive Leader (incorporating Finance & Performance)</p>
<p>York Central – Preferred Access Route and Preparation for Planning</p> <p>To consider the York Central Partnership recommended access route for inclusion in the master plan, to provide an update on progress and to agree the release of funds to support future work on master planning, consultation and planning application submission.</p> <p>The Executive will be asked to: Agree an access route and agree funding for the next stages of work to take the scheme through the planning application stage.</p>	<p>Tracey Carter</p>	<p>Executive Leader (incorporating Finance & Performance)</p>

Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 15 November 2017

Title and Description	Author	Portfolio Holder
<p>Refresh of Housing Revenue Business Account – Business Plan</p> <p>This is an annual refresh of the 30 year business plan.</p> <p>The Executive will be asked to agree the amended plan and finances.</p>	Denis Southall	Executive Member for Housing & Safer Neighbourhoods

Table 3: Items Slipped on the Forward Plan

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage
<p>Housing Register and Allocations</p> <p>Purpose of Report: To agree the future direction in respect of access to / allocation of social housing.</p> <p>The Executive Member will be asked to:</p> <ul style="list-style-type: none"> • Agree the direction regarding remaining with North Yorkshire Home Choice or introducing a York system; and • Agree allocation policy 	<p>Becky Ward</p>	<p>Executive Member for Housing & Safer Neighbourhoods</p>	<p>7/12/17</p>	<p>15/2/18</p>	<p>To allow for the statutory consultation period.</p>

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Executive**28 September 2017**

Report of the Children, Education & Communities Policy & Scrutiny Committee

Tour de France Scrutiny Review - Cover Report**Introduction**

1. This cover report presents the final report from the Tour de France Scrutiny Review and asks the Executive to approve the recommendations arising from the review.

Review Recommendations

2. The Children, Education & Communities Policy & Scrutiny Committee was pleased to note that a number of improvements had been made, as a result of the lessons learnt from the Tour de France project. Noting those improvements, the Scrutiny Task Group agreed a number of their proposed recommendations had already been implemented (see table in Annex A at paragraph 73). However, they proposed a number of further recommendations were required to ensure the appropriate project management of major events in the future, and these were considered and endorsed by the full Scrutiny Committee in early July 2017. Those recommendations are listed below for the Executive's consideration:
 - i. The engagement of any external promoters, providers or contractors must be carried out in accordance with CYCs procurement rules, and the Procurement Team must be consulted as part of the procurement process before any written contract document is drafted or any implied contract is created.
 - ii. In regard to the involvement of Councillors by organising bodies e.g. CYC, Make it York etc, in any future significant events or any possibly controversial smaller activity:
 - A thorough assessment of the current local political situation should be made and reviewed as part of the consideration / planning stage.

- Ward Member(s) in which an event(s) is to be held must be consulted as plans for the event are being drawn up and before they are made public.
 - All Councillors should be kept updated to seek cross-party consensus.
- iii. Project work must be allocated to staff at the appropriate level so that managers and team leaders are not unnecessarily diverted on to lower level work.
- iv. Staff leave during the critical period before delivery of any event must be carefully managed and restricted where necessary to ensure that event planning and delivery continues in accordance with the overall timetable.
3. In regard to the appropriate promotion of future major events:
- v. Arrangements for publicity must be planned before the event, and advertising and publicity for events must be checked for accuracy before implementation.
- vi. Plans for public engagement meetings must take account of any anticipated objections from Ward Members, existing community groups or groups of residents. Such engagement meetings must take place in or near to the relevant area and proper notice of such events must be given.
4. To ensure the risks associated with future major events are assessed and mitigated effectively:
- vii. The event manual for each planned event must be prepared and supplied to the SAG and event management staff by the required pre-event deadline.
- viii. For those events where ticket sales are required, in order to mitigate any associated financial risk, arrangements for monitoring ticket sales must be made before tickets go on sale and an effective method for the continuous assessment of sales against targets put in place. Any proposed price changes or special offers to boost sales must be assessed and agreed before implementation.

- ix. Where an additional event is proposed to be run alongside an existing externally-originated programme, it must be agreed from the outset that this can be done and that no element of competition is anticipated.

Implications

5. There are no Legal, HR, Financial, Crime & Disorder, IT or Equalities implications associated with the recommendations arising from this review.

Risk Management

6. The corporate project framework guides project staff to develop and manage risk registers from an early stage of the project (Pre-project right through to closure, with risk workshops). All elements that have been identified as “in the scope” of the project should be assessed for risk, and controls and actions put in place to mitigate the risk.
7. In regard to recommendations vii – ix, a key part of the corporate project framework process, is to ensure that it is clear what is “in scope” and what is “out of scope” (exclusions). This will be clearly written into the Project Initiation Document. If an item is not in the initial scope of a project, there will need to be a change control process, through the project board, that either formally places the item “in scope” explaining the adjustments to the business case, plan and risks, or articulates the arrangements that will be in place if it is “out of scope”, because there is a clear link between the project and the new item. This will be reflected in board minutes and decisions.

Council Plan 2015-19

8. The Tour de France provided the council with an opportunity to impress visitors, businesses and residents with the quality of the city, and its legacy continues to increase visitor numbers and opportunities for income generation, thereby supporting the ‘Prosperous City for All’ priority of the 2015-19 Council Plan.

Options

9. Having considered the final report at Annex A, the Executive may choose to amend and/or approve, or reject the recommendations arising from the review

Recommendation

10. Having considered the final report and its annexes, the Executive is recommended to approve the recommendations as set out in paragraphs 2 & 3 above.

Reason: To conclude the Scrutiny Review in line with CYC Scrutiny procedures and protocols.

Contact Details

Author:

Melanie Carr
Scrutiny Officer
Scrutiny Services
Tel No.01904 552054

Chief Officer Responsible for the report:

Andrew Docherty
Assistant Director, Legal & Governance

Report Approved

Date

24 July 2017

Specialist Implications Officer(s) N/A

Wards Affected:

All

For further information please contact the author of the report

Background Papers: None

Annexes:

Annex A – Tour de France Scrutiny Review Final Report



Children, Education & Communities Policy & Scrutiny Committee

5 July 2017

Report of the Tour de France Scrutiny Review Task Group

Tour de France Scrutiny Review – Final Report**Summary**

1. This final report presents the findings of the Scrutiny Review into the planning of major events.
2. The Task Group accepted that delivering the Tour de France in York was an outstanding achievement for the City Council but recognised not every aspect worked well and there were lessons that should be learned for any similar events in the future. The Task Group is therefore asked to endorse the proposed review recommendations ahead of the report's presentation to the Learning & Culture Policy & Scrutiny Committee.

Background to Review

3. In November 2014, the Committee considered a scrutiny topic submitted by Councillor Cuthbertson, proposing a scrutiny review of the planning, promotion and delivery of the Council's programme of activities which accompanied the Tour de France (TdF). At the same time, the Committee received detailed background information on the TdF and was informed by the Director of Communities & Neighbourhoods that work was already underway to assess the overall TdF project including outputs, budgets, reviews etc, with the intention of providing a report to Cabinet in January 2015.
4. It was suggested that the Cabinet report may answer the questions raised in Councillor Cuthbertson's scrutiny topic submission, so it was agreed the Committee would wait to consider that report before deciding whether a scrutiny review was necessary.
5. In January 2015, the Cabinet report detailing the outcomes achieved against the objectives set for TdF by Cabinet in 2013 was considered. The report included a number of background papers providing information on TdF's economic and social impact and feedback on

reviews carried out on individual elements of the delivery programme, including management of the event, its financial implications, and the lessons learned for the future.

6. Having considered all of the information provided, the Committee agreed they would like to proceed with a review based on the following review remit:

'To consider the appropriate planning, promotion, and delivery of future major events to ensure all associated risks are managed effectively, including Health & Safety and reputational risk. The review will examine the Grand Departy, and the provision of the entertainment Hubs and camping sites.'

7. Having taken account of their outstanding review work, the Committee agreed it would not be possible to conduct their review in the available time prior to the purdah period for the 2015 elections. They therefore agreed the topic should be revisited at the start of the new 2015-16 municipal year to enable the newly appointed Learning & Culture Policy & Scrutiny Committee to re-confirm their decision to proceed with the review.
8. In June 2015 the new Committee agreed to form a Task Group made up of the following members to carry out the review on their behalf:
- Cllr Dave Taylor (up to May 2016)
 Cllr Keith Myers
 Cllr Margaret Wells
 Cllr Ian Cuthbertson (Co-optee)
 Cllr Denise Craghill (from May 2016)
9. Work on the review did not start immediately as the Task Group were made aware of an ongoing Veritau review. The resulting Veritau report was made available to the Task Group in Nov 2015 enabling work on the scrutiny review to commence.

Consultation

10. As part of their review the Task Group met with a number of CYC officers, Councillors and external parties:
- 2 x Operational Leads (Crown Management Solutions)
 - Commercial Innovator - responsible for camp sites and merchandise (seconded from Visit York)
 - Spectator Hubs & Grand Departy Lead Officer (CYC)
 - Chair of Safety Advisory Group (CYC)
 - Strategic Lead & Chair of TDF Operations Board (CYC)

- Ward Cllr for Heworth Without Ward
 - Executive Member for Culture, Leisure & Tourism at the time of the TdF
11. The Task Group took account of the different perspectives of the consultees and the different levels of their involvement. They also noted that the degree of detail obtained about each area examined, varied considerably because of the passage of time since the events concerned took place, as evidenced by the different levels of information provided by the various consultees.
 12. They also sought to consult with the Chief Executive and Council Leader from the time of the TdF, but were unsuccessful.

Information Gathered

13. Throughout the review the Task Group considered evidence relating to TdF. This provided information on the timeline of the project i.e. the work undertaken in support of the various elements, the meetings held and the decisions made. This was helpful in supporting and adding clarity to the evidence provided by the consultees.

Provision of Camping Sites

14. Because there was limited hotel accommodation and the cost looked set to rise, it was proposed to include camping as alternative accommodation at an affordable rate, and it was hoped this would generate income.
15. Initially, provision of camping facilities went broadly to plan, with sites planned for Millennium Bridge/Rowntree Park, the Designer Outlet and Monk Stray. The three sites were marketed with different approaches aimed at three different groups of customers - Millennium Bridge being for families, the Designer Outlet for 'glamping' while Monk Stray would be a 'Glastonbury' style offer.
16. However, the use of Monk Stray for public events had previously been the subject of local residents' concern and the Task Group found no evidence to suggest that this was taken into account when considering possible camping sites.
17. The advertisement of the Monk Stray campsite appeared on the website in January 2014, before a licensing application was submitted or other public consultation took place. The licensing application for the Heworth end of the Stray was submitted in early February 2014, for a premises

licence for events up to 14 days per year. This resulted in immediate protests from local residents because it brought to mind their past concerns about a previous licensing application made in 2010¹.

18. There were also errors in marketing; the campsite's postcode was incorrectly given as that for the Heworth end of the Stray (over which controversy had arisen in 2010) instead of the Hopgrove end of the Stray, which was what it should have been. A similar mistake was made on the website with the Millennium Bridge campsite postcode being shown as Millennium Bridge Terrace.
19. Two public meetings were held; the Member for the Heworth Without Ward held a public meeting in February 2014 at the local cricket club (near the Heworth part of Monk Stray). Plans for the event were displayed and factual information about the licensing application was given out.
20. CYC subsequently held a public 'engagement' meeting in March 2014 at Bell Farm Social Hall, some 650m from the Heworth part of Monk Stray and less accessible. At the time there were questions raised about the adequacy of the publicity and notice given for that meeting, and no record of that meeting appears to have been retained, nor any details of the large numbers of e-mails sent by members of the public to CYC both direct and via the Member for the ward.
21. The Monk Stray licensing application was determined in late March 2014. The hearing considered 286 representations by residents, while Cllrs Boyce and Ayre and Julian Sturdy MP all attended to raise concerns. There was no public support for an unlimited licence which would allow events of up to 14 days per year after the TdF weekend and in the end, a licence was granted for the day of the TdF only with alcohol sales up to 20:00 and other activities finishing by 23:00.
22. In parallel, in February 2014, the ward Member advised the Strategic Lead that the proposed campsite location on Monk Stray nearer Hop Grove was directly opposite another campsite for which planning permission had recently been refused because of traffic access from Malton Road. For CYC to make an application for the proposed location would have meant embarrassment if the Planning Committee were to refuse it or, if allowed; it would provide grounds for an appeal against the earlier refusal.

¹In September 2011 at a Cabinet Member Decision Session on the Council's events protocol, it had been stated that any future licensing application for that part of Monk Stray would be subject to consultation. It seems this was widely understood as a promise to hold a public consultation before any future licence application was made.

23. In late May 2014, the involvement of the Caravan Club in providing camping facilities on Monk Stray near the Hopgrove gained prominence. It was alleged that the use of the Caravan Club to run the campsite under its exemption certificate was a way of avoiding making a planning application in respect of that site. Unfortunately, this generated negative publicity for the plans in the local press. Because of this, the Caravan Club withdrew its support, giving the reason as its wish not to suffer reputational damage arising from the local political problems.
24. At this point, a decision was taken not to proceed with the Monk Stray campsite plans (although the spectator hub at the Heworth end of Monk Stray would operate for the one permitted day) and the plans for the Designer Outlet campsite were also abandoned on commercial grounds. This left Millennium Bridge as the only campsite still on offer. Bookings already taken for the other sites had to be offered the choice of an alternative pitch at Millennium Bridge or a refund. This caused additional work and a number of refunds had to be made.
25. Additional support was needed in preparing and operating the Millennium Bridge campsite. This caused additional work and expense in employing East Riding of Yorkshire staff to perform this function. The camping at Millennium Bridge was otherwise successful, operated efficiently and received very positive feedback from campers, residents and Members.

Provision of Entertainment Hubs

26. Large numbers of visitors to the city were expected for the TdF event. The aim was that they would stay for the weekend and generate money for the city. Because of the numbers of visitors expected, it was planned to provide spectator hubs which would allow audiences to view the race on large screens, allow them to get food and drink, and for there to be some entertainment throughout the day.
27. Four hubs (at the Knavesmire, Designer Outlet, Rowntree Park and the Heworth end of Monk Stray) were planned initially. However, late in the day, over the weekend of 6th-9th June 2014, plans to use the Heworth end of Monk Stray as a spectator hub were abandoned and arrangements for a new spectator hub at Huntington Stadium to replace it were announced. Local councillors were not consulted about the additional use of the Stadium for this purpose. It is not clear why a change of venue for this hub was seen to be necessary and there is no record of this decision being made. It appears that, following the

withdrawal of the Caravan Club from organising the camping (see paragraph 21 above), the Strategic Lead asked the Events Officer to find cost reductions. The Strategic Lead advised that using the Stadium as a venue for both the Grand Depart (GD) concert and an entertainment hub would reduce costs, but the Task Group found no evidence to support this.

28. Arrangements for the provision of large screens proved unreliable. The screen that had been intended for the Rowntree Park hub was positioned in Parliament Street by mistake, but could not then be moved to Rowntree Park because of crowds and traffic on the day. This was a source of complaints on the day. The consultees confirmed there were also difficulties with over-loaded mobile networks on the day which led to communications difficulties within the team.

Grand Depart Concert

29. The Task Group found evidence to suggest the Grand Depart Concert (GD concert) was first mooted in July 2013 as a way of generating up to £250k to offset the costs of the TdF.
30. The Commercial Innovator and the external management consultants confirmed that while the TdF Opportunities Register of late November 2013 recorded 'Organising a Concert' as a possibility, there was no further development of this idea until late March/April 2014.
31. The Strategic Lead confirmed that in late December 2013, the GD Lead Officer was asked to think about what a GD concert event might look like; it seems that it was initially intended to be a folk festival. The Strategic Lead also confirmed that the concert was not seen as a money generating exercise but would offer campers at Monk Stray (and residents) some entertainment.
32. From its onset, TdF staff were told not to get involved in the GD concert because this was one person's responsibility i.e. the GD Lead Officer. This focused a dependency on an individual officer, increasing the potential risks associated with the GD concert.
33. The Task Group found no record of any clear objective, no commercial analysis of feasibility, programme planning, detailed cost estimates, the likely timetable, projected ticket sales, income and potential profit, or the risks involved.
34. Furthermore, the Task Group found no evidence to suggest the positioning and marketing of the GD concert within the overall TdF

events programme had been established before planning commenced. It was seen as an extra item and secondary to the main TdF programme, yet there was insufficient definition of what the event would be and understanding of what support and co-operation would come from the regional TdF delivery team. In fact, it subsequently emerged that the GD concert could not be marketed within the wider TdF promotion and publicity because it was seen as a non-TdF event, which would potentially direct custom and revenue away from the TdF concert arranged by Welcome to Yorkshire for 3 July in Leeds. There was no record of that risk being assessed.

35. The Task Group also found little or no record of local arrangements, pre-contract meetings, exchanges of e-mails with promoters etc. The GD Lead Officer commented that “A lot of ... GD concert meetings went either un-minuted or no notes of the meeting were produced”.
36. Unsubstantiated figures of £250k for income and £100k costs for a GD concert first appeared in a ‘Commercial Opportunities Budget’ spreadsheet in February 2014 but the Task Group found no evidence of any breakdown of those figures or of work to ascertain what amounts were involved. The income figure seemed to be based on sales of 10,000 tickets at £25 each, yet there is no evidence of any check on venue capacity being made or of any commercial assessment as to ticket pricing or number of tickets that could be sold.
37. Although entries relating to the Grand Depart can be seen in ‘Project Highlights reports’ from March 2014 these refer to ‘*community activities over the weekend of the Grand Depart*’ and not to a GD concert per se.
38. The external management consultants confirmed that, at their handover in early April 2014, there were no defined plans for the GD concert and it was necessary to put together a complete list of what would be needed. Their view was that this was far too late for an event date of 4 July and was not within the TdF delivery plan timescale. Despite the late start on the concert planning work, the external management consultants noted that the Events Officer had ‘strong political support from the Cabinet Member and that it was generally felt that all would turn out OK in the end’
39. No details of the GD concert otherwise emerge until April 2014, when ward councillors were notified in two separate e-mails from the Strategic Lead and the GD Lead Officer. The e-mail from the Strategic Lead to Huntington & New Earswick ward councillors on 4 April confirmed that CYC was ‘looking to do a family concert on the Friday 4 July in the stadium’ and said that ‘we are in the early stages of planning’. Shortly

after this, an e-mail from the GD Lead Officer to H&NE ward councillors on 20 April confirmed that the Strategic Lead had taken a decision on 17 April to go ahead with the concert - with just over 11 weeks to go.

40. The Task group found no record of the Strategic Lead's decision to proceed with the GD concert in April, nor of any formal decision at Executive Member level which would endorse such action. However they noted that when asked at the Council meeting held on 17 July 2014 'who had added the concert to the TdF calendar and when', the Executive Member for Culture, Leisure and Tourism stated "the Huntington Stadium concert was added to the calendar of events under the delegated authority of the Director of Communities and Neighbourhoods".
41. It is not until May 2014 that the Project Highlights report (which recorded progress during April and is the last such report available,) included any mention of a concert at Huntington Stadium. Significantly, the event was given a 'red' status in the RAG rating section of the report as soon as it appears because of problems with resources and lack of budget details. Despite this, there appeared to have been no ongoing evaluation of risk as the GD concert project developed over the two months still to go.
42. Although minimal risk status details appeared in the Project Highlights report for May 2014, the Task Group found no other formal risk assessment for the GD concert as a project from the outset. By contrast, the TdF event had a full risk assessment for all aspects of the Grand Depart, although the Task Group found no evidence to suggest the risk register was kept updated. Yet, despite the GD concert's late start, the team's lack of experience of such events and the high reputational and financial risks, the concert was not included in any risk register.
43. The GD Lead Officer confirmed that she did not believe it was feasible to do the work in-house to promote the GD concert, and after an unsuccessful search, was recommended to contact Cuffe & Taylor by one of the possible tenderers. After the details for a family event were discussed with them at a meeting and site visit, a contract was effectively in existence. This approach to engaging a provider was highly informal; there was no clear evidence of a tendering process and the arrangement breached CYC procurement rules. Nevertheless, the GD Lead Officer advised that Cuffe and Taylor were the only company interested in doing the GD concert. The contract was signed on 15 May 2014, with just over 7 weeks to go.

44. The appointment of Cuffe and Taylor as promoters was done without the involvement of the CYC Procurement team, who were unaware of the whole process until after it had been completed. While the Procurement team did offer support and advice on other aspects of TdF procurement (e.g. catering, camping and security), they confirmed they were not aware of what was being done in respect of concert promotion until after the contract was signed.
45. It is understood that the Cuffe and Taylor contract was provided by the firm as an example of their standard contract. When shown the document, the finance team put a list of questions to the GD Lead Officer but these were not answered. Because placement of the contract did not conform to procurement rules, a waiver was needed, so written justification was requested from the GD Lead Officer to enable Cuffe and Taylor to be set up as a supplier in the finance system. The response received was not adequate and this was reported to the appropriate Assistant Director, who refused to approve the waiver. The Strategic Lead was advised to seek Executive Member approval before proceeding but the Task Group found no record of any such decision having been formally taken.
46. Although no waiver was granted, there was a legal requirement for CYC to pay Cuffe and Taylor because a contract existed, so they were set up as a supplier in the finance system.
47. There were delays in sorting out the line-up of acts for the GD concert. The acts offered kept changing and there was some dallying over decisions at the CYC end. The GD Lead Officer then encountered problems with the licensing arrangements – receiving the wrong information from stadium management led to a 3-4 week delay in decision-making. All this led to knock-on delays, not only in marketing and publicity, but in the event management and safety planning (e.g. impact on policing, safety and broader risk analysis).
48. The Strategic Lead confirmed that a decision point came when the Caravan Club withdrew from managing the camping in late May 2014, at which time there had been poor ticket sales for the GD concert. The Task Group found no evidence of any analysis of where the concert audience might come from following the loss of the Monk Stray campers. Without that analysis, but concerned about preserving ‘our reputation as a city’, the Strategic Lead decided to continue with the concert after discussing this with the Chief Executive and others. At this point, the emphasis changed from one of balancing the books to getting people to come. From 10 June 2014, tickets were being sold at half price, and in

the last few days; free tickets were offered to staff, partners and local armed forces personnel.

49. The Task Group found that negative reports about the concert appeared in local print and broadcast media, besides being promoted by an ex-councillor on social media. Parallel news reports of the controversy over the cancellation of the camping at Monk Stray also fuelled perceptions of negative publicity.
50. According to the GD Lead Officer, publicity material for the concert was 'delayed' and she had to put up banners herself. The GD Lead Officer - a key member of the team - took two weeks' leave in early-mid June before the TdF weekend. At this point, only a few tens of tickets had been sold since they went on sale in mid-May; an emergency meeting with the promoters was held to seek improved sales and ticket pricing was changed to allow heavy discounts for future sales.
51. The GD Lead Officer confirmed that on her return from leave, banners and publicity material were still on her desk and she found boxes of leaflets for the concert in the basement; which should have been distributed by then. The GD Lead Officer was 'horrified by the lack of sales, leaflet distribution failure and changes in pricing policy'. Extra marketing support was subsequently provided by Cuffe & Taylor, and by the CYC marketing team.
52. The Safety Advisory Group (SAG) confirmed that an event manual for the concert promised for early June, was supplied far too late (only 48 hours before the event), contravening agreed timescales.
53. Close to the GD concert, it was realised that no stewards had been arranged for the event. The external management consultants were able to engage the TdF stewards on a separate contract from the regional TdF operation, which incurred further work and overheads. There were also difficulties in acquiring equipment for the TdF weekend, such as mobile phones, via the Council's usual procurement channels.
54. In the end, the weather on the day of the GD concert was bad. This and poor ticket sales meant that attendance was very poor – press reports estimated this at around 1500, far below what had been hoped for. Officers later conceded in hindsight that the concert line-up was wrong and a mix that was intended to appeal to everyone in the end appealed to very few. There were concerns about safety at the event, which were exacerbated by publication of the minutes of the SAG's post-concert review meeting.

55. It took some time for the Task Group to clarify the political accountability for the Grand Depart - it emerged that the GD concert was considered to be part of the commercial stream of the TdF activity and was therefore under the control of the Leader of the Council, who during the period covering the TdF preparations was the Cabinet Leader with responsibility for Economic Development. The Task Group found no record of any decision by the Cabinet Leader approving the inclusion of the GD concert or its continuation following the loss of the campsite at Monk Stray.

Analysis

Camping Sites

56. Some of the negative public feedback could have been averted if the website advertisement for the various campsites had been properly checked and the incorrect postcodes identified.
57. The potential for a public outcry and resident's objections should have been foreseen for both the unlimited events licensing application and the planning application for an additional access in Stockton Lane to the Heworth end of Monk Stray, particularly bearing in mind the previous difficulties over a licence application for the Heworth end of Monk Stray.
58. The apparent poor handling of the CYC engagement meeting with residents in March 2014 added to the public disquiet over the plans for the Heworth end of Monk Stray.
59. There was a significant risk of major embarrassment associated with the management of the campsites by the Caravan Club, had they used their exemption certificate to avoid a need to apply for planning permission for camping at the Hop Grove end of Monk Stray. This risk should have been foreseen and mitigated. The risk of knock-on effects on the whole camping programme and the sale of tickets for the Grand Depart coming from a failure to deliver a campsite at the Hop Grove end of Monk Stray should also have been foreseen and mitigated.
60. Given that East Riding of Yorkshire staff were needed to manage the single campsite at Millennium Bridge, it is likely that further external resources would have been needed to manage campsites at the Designer Outlet and Monk Stray had they been operational. The additional costs and overheads should have been assessed and included in the project budget.

Spectator Hubs

61. Planning and delivery of the spectator hubs seems to have been successful, although no explanation was given for the decision to replace the Monk Stray (Heworth end) hub with a new hub at Huntington Stadium. Instead of saving money, this most probably cost additional effort and resources, making for additional strain on an already stretched team and putting the successful delivery of the project at risk. The possibility of over-loaded mobile networks should also have been foreseen, together with the possibility of the miss-placement of the large screens, both of which illustrate a lack of staff resource and clear co-ordination.

Grand Departy Concert

62. The cultural, commercial, logistic rationale and timetable for the concert were not defined from the outset. There was also no detailed assessment of the viability of the proposed concert, based on estimated ticket sales and concert costs, or that the target selling price for seats sold in the Stadium would at least cover the costs.
63. The proposed concert was not included in the collective planning vision until too late in the day - rather than being part of the regional TdF event marketing, the concert was ultimately seen as conflicting with it and was not properly supported.
64. There was a failure to maintain and retain a significant proportion of ongoing project documentation for the GD concert. The general TDF documentation was also incomplete – some Operational Board minutes were missing and Project Highlight reports were also missing, as were budget statements and ongoing financial records.
65. Delays arose within CYC when deciding which acts to have in the line-up.
66. Difficulties with the Huntington Stadium licensing application for the GD arose because of a delay in contacting the Stadium management.
67. It is not appropriate for key officers to be allowed annual leave at a critical point in an event planning process. In this case, this led to a crucial delay in the distribution of publicity material, contributing to the poor ticket sales.
68. The decision to continue with the concert despite the Caravan Club's withdrawal and poor ticket sales, all in the hope of not damaging the

city's reputation, led to the sale of tickets at heavy discounts in the hope of breaking even, compounding the problems.

69. The need for stewards at the concert was realised too late in the day and additional disruption was caused by the need to arrange these at short notice. There were also difficulties in terms of arranging for supply of mobile phones.
70. Concerns about safety of the event arose on the day of the concert, putting SAG officers under unnecessary pressure, which could have been avoided if the event manual had been supplied in ample time.
71. It was not clear where the political responsibility for the concert lay until some time after the event.

Review Conclusions

72. Whilst recognising the Council's outstanding achievement of delivering the Tour de France in York, the Task Group having considered all of their findings pertaining to the commercial activities undertaken, agreed that:
 - Due to the limited time available between the decision to proceed with the Grand Depart and the concert taking place there was insufficient time to plan and apply a number of the Council's processes e.g. proper/appropriate procurement, project and risk management procedures.
 - Time was also a factor affecting the council's other commercial activities undertaken as part of the programme accompanying the Tour de France, which resulted in the Council not fully applying its own project management principles to those activities.

Review Recommendations

73. As a consequence of their review, the Task Group identified a number of draft recommendations aimed at ensuring appropriate project management of future major events. However, it was subsequently confirmed that a number of those draft recommendations had already been implemented as a result of lessons learnt from the TdF project - officers confirmed that a detailed officer review was undertaken of project management, which resulted in the following improvements:

Task Group's Proposed Recommendation	Feedback From Officers regarding progress improvements
a. The cultural, commercial,	The Council's Project Management

<p>logistic rationale and timetable for an event must be defined from the outset and it must include all related activities.</p>	<p>framework now sets out a process for the development of a business case and associated plans and this includes scoping, cost/benefit analysis and risk management. A project like TdF would likely be classified as a large project and therefore be reported to CMT on a regular basis and be included in the Large Project Highlight Report which is routinely presented to the Audit and Governance Committee for scrutiny in terms of process.</p>
<p>b. All project documentation for both principal and subsidiary events must be produced in a timely manner, maintained during planning and retained post implementation. This includes financial, cultural and commercial appraisals, minutes or notes of meetings, project logs, action lists/ progress reports, records of decisions made formally and under delegated authority, risk registers, estimates, budgets and financial statements, , all purchase and sales contracts, orders, invoices and payment records.</p>	<p>The Project Management framework now dictates that these documents are in place, particularly for large projects, so this would be captured for elements that are in scope of the project. Links and dependencies would also be identified.</p>
<p>c. A detailed assessment of financial viability must be carried out for any event, particularly where an admission charge is to be made (including ticket prices, total number and value of expected ticket sales, concert costs and venue costs), in order to inform the decision on whether to proceed. This should include the costs and other overheads associated with using external</p>	<p>This would now be included in the business case development process.</p>

agencies/bodies etc.	
d. As part of assessing whether or not to proceed with a project, consideration should be given to how best to deliver it i.e. in-house or by an external provider	
e. Both the administrative and political lead must be identified to the staff team, external contractors/providers and to Members of Council as soon as possible after project initiation and before approval to proceed is given.	As part of the Project Management Framework, roles and governance are now identified during the pre-project phase to ensure robust arrangements and that it is clear who has been identified to perform a particular role in relation to the project.
f. Performance and availability of necessary resources must be monitored against project plans so that remedial action can be taken where needed, and if a decision is taken to change the direction of a project mid-process, this must be recorded with written justification.	Operating within the project management framework, these decisions are now recorded (including justification). As part of the corporate project governance arrangements, a project the size of TdF would be regularly reviewed by CMT and Audit and Governance as routine, as part of the Large Project Highlight Report to supplement individual reports that would go to CMT and Executive.
<p>g. Each element of a project must be included in the overall project risk register and monitored within the project management process. This should include the possible risks associated with:</p> <ul style="list-style-type: none"> ▪ Any necessary planning or licensing applications (to include examining and factoring in the previous history of local event planning or licensing applications associated with a site/venue). ▪ Using external agencies to manage/provide event related activities - this must include 	The corporate project framework now in place guides project staff to develop and manage risk registers from an early stage of a project (pre-project right through to closure, with risk workshops). All elements that have been identified as “in the scope” of the project should be assessed for risk and controls and actions be put in place in order to mitigate the risk. A key part of the process, in order to cover the issues presented below, is to ensure that it is clear what is “in scope” and what is “out of scope” (exclusions). This will be clearly written into the Project Initiation Document. If an item is not in the initial scope of a project, there will

<p>an assessment of CYC's relationship with those external agencies</p> <ul style="list-style-type: none"> ▪ The knock-on effects of cancelling or significantly changing one element of an event on other elements ▪ Not being ready to deliver an event by the agreed date, particularly where time is limited between project initiation and event date' ▪ The supply of equipment for an event - where a pre-event trial cannot be carried out, suppliers must be vetted thoroughly and references obtained before any contract is placed. ▪ Equipment failure - back-ups for vital equipment which is used only for the duration of the target event (e.g. walkie-talkie radios to cover mobile phone failure) must be arranged and user-tested in good time, before the event. 	<p>need to be a change control process, through the project board, that formally places the item "in scope" explaining the adjustments to the business case, plan and risks or articulates the arrangements that will be in place if it is "out of scope", but there is a clear link between the project and the new item. This will be reflected in board minutes and decisions.</p>
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74. The Task Group were pleased to note the improvements made to date, and therefore agreed their proposed recommendations listed in the table above had already been implemented. However, they did agree further recommendations were required to ensure the appropriate project management of major events in the future as listed below:

- i. The engagement of any external promoters, providers or contractors must be carried out in accordance with CYC's procurement rules, and the Procurement Team must be consulted as part of the procurement process before any written contract document is drafted or any implied contract is created.

- ii. In regard to the involvement of Councillors by organising bodies e.g. CYC, Make it York etc, in any future significant events or any possibly controversial smaller activity:
 - A thorough assessment of the current local political situation should be made and reviewed as part of the consideration / planning stage.
 - Ward Member(s) in which an event(s) is to be held must be consulted as plans for the event are being drawn up and before they are made public.
 - All Councillors should be kept updated to seek cross-party consensus.
 - iii. Project work must be allocated to staff at the appropriate level so that managers and team leaders are not unnecessarily diverted on to lower level work.
 - iv. Staff leave during the critical period before delivery of any event must be carefully managed and restricted where necessary to ensure that event planning and delivery continues in accordance with the overall timetable.
75. In order to ensure the appropriate promotion of future major events:
- v. Arrangements for publicity must be planned before the event, and advertising and publicity for events must be checked for accuracy before implementation.
 - vi. Plans for public engagement meetings must take account of any anticipated objections from Ward Members, existing community groups or groups of residents. Such engagement meetings must take place in or near to the relevant area and proper notice of such events must be given.
76. To ensure the risks associated with future major events are assessed and mitigated effectively:
- vii. The event manual for each planned event must be prepared and supplied to the SAG and event management staff by the required pre-event deadline.
 - viii. For those events where ticket sales are required, in order to mitigate any associated financial risk, arrangements for monitoring ticket sales must be made before tickets go on sale and an effective method for the continuous assessment of sales against targets put

in place. Any proposed price changes or special offers to boost sales must be assessed and agreed before implementation.

- ix. Where an additional event is proposed to be run alongside an existing externally-originated programme, it must be agreed from the outset that this can be done and that no element of competition is anticipated.

Associated Implications

77. There are no Financial, Legal, HR, Crime & Disorder, IT or Equalities implications associated with the draft recommendations arising from this review

Risk Management

78. The corporate project framework guides project staff to develop and manage risk registers from an early stage of the project (Pre-project right through to closure, with risk workshops). All elements that have been identified as “in the scope” of the project should be assessed for risk, and controls and actions put in place to mitigate the risk.
79. In regard to recommendations vii – ix, a key part of the corporate project framework process, is to ensure that it is clear what is “in scope” and what is “out of scope” (exclusions). This will be clearly written into the Project Initiation Document. If an item is not in the initial scope of a project, there will need be a change control process, through the project board, that either formally places the item “in scope” explaining the adjustments to the business case, plan and risks, or articulates the arrangements that will be in place if it is “out of scope”, because there is a clear link between the project and the new item. This will be reflected in board minutes and decisions.

Council Plan

80. The TdF provided the council with an opportunity to impress visitors, businesses and residents with the quality of the city, and its legacy continues to increase visitor numbers and opportunities for income generation, thereby supporting the ‘Prosperous City for All’ priority of the 2015-19 Council Plan.

Contact Details

Author:

Chief Officer Responsible for Report:

Melanie Carr
Scrutiny Officer
Scrutiny Services

Andrew Docherty
Assistant Director, Legal & Governance

Tel No. 01904 552054

Report Approved



Date

26/06/2017

Specialist Implications Officer(s)

Wards Affected: List wards or tick box to indicate all

All



For further information please contact the author of the report

Background Papers: None

Annexes: None

Abbreviations:

CYC – City of York Council
CMT – Council's Management Team
GD – Grand Depart
H&NE – Huntington & New Earswick
SAG - Safety Advisory Group
TdF – Tour de France

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Executive**28 September 2017**

Report of the Corporate Director of Health, Housing and Adult Social Care

Portfolio of the Executive Member for Adult Social Care and Health

Demonstrating Delivery of the Older Persons' Accommodation Programme, An Update**Summary**

1. This report will demonstrate the progress of the Older Person's Accommodation Programme towards delivering over 900 new units of accommodation with care for older people. The report also seeks consent to undertake consultation on the option to close two further Council run older persons' homes.

Recommendations

2. The Executive will be asked to:
 - a. Note the contents of the report and the progress being made to deliver the Older Persons' Accommodation Programme.

Reason: So that Executive can be assured that the Older Persons' Accommodation Programme is delivering its objectives.

- b. Agree that, this autumn, a six week period of consultation is undertaken with the residents, family, carers and staff of one of the Council's Older Persons' Homes to explore the option to close the home, with current residents moving to alternative accommodation and that a further report on the outcome of this consultation be received by Executive before a final decision to close is made and that this process is repeated in the first half of 2018 in respect of a further Council operated Older Persons' Home.

Reason: So that the Executive may decide which homes may close having been fully informed of the views of and options available to existing residents.

Background

3. York's older persons' population is growing rapidly with the number of over 75s expected to increase by 50% over the next fifteen years. The supply of accommodation with care is currently inadequate and, as the population increases, the shortfall will grow if no action is taken, as shown in Table 1, below. The Older Persons' Accommodation Programme was devised to address this problem and by 2020 can halt the increasing shortfall, as shown in Table 2, below. However, further work will be needed in the following decade to keep pace with the growing older persons' population.

Table 1: Demand and Supply of Accommodation with Care

		2014	2020	2030
Estimated Demand based on national benchmarks	Residential Care	1,936	2,156	2,828
	Extra Care	440	490	645
Current provision	Residential Care	1,235		
	Extra Care	110		
Shortfall in provision	Residential Care	-701	-921	-1,593
	Extra Care	-330	-380	-535

Table 2: The impact of planned new provision

		2014	2020	2030
<i>Planned net new provision (subject to planning)</i>	<i>Residential Care</i>		267	
	<i>Extra Care</i>		371	
Shortfall in provision	Residential Care	-701	-654	-1,326
	Extra Care	-330	-9	-164

4. The Council's Executive on 30th July 2015 approved the Business Case for the Older Persons' Accommodation Programme (the Programme). This will:
- fund 24/7 care at Auden House [Fishergate ward], Glen Lodge [Heworth ward] & Marjorie Waite Court [Clifton ward] Extra Care schemes;
 - build a 27 home extension to the Glen Lodge Extra Care scheme;
 - build a new Extra Care scheme at Oakhaven in Acomb [Holgate ward];
 - procure a new residential care facility as part of the wider Health & Wellbeing Campus at Burnholme [Heworth ward]; and

- e. encourage the development of additional residential care capacity in York including block-purchase of beds to meet the Council's needs.
5. Executive on 14th July 2016 agreed the following additions to the Programme:
 - a. the development of a care home on the former Lowfield School site [Westfield ward] as part of a wider redevelopment of the site; and
 - b. examination of options for the future of Haxby Hall older persons' home [Haxby & Wigginton ward] as an alternative to closure.
 6. Executive on 31st August 2017 agreed that the Programme should be further extended to deliver an additional 33 new units of Extra Care accommodation by extending Marjorie Waite Court onto the current site of Burton Stone Community Centre after closing that community centre [Clifton ward].
 7. The Programme is overseen by a Programme Board, chaired by the Deputy Chief Executive and Director Customer and Corporate Services. It also reports to an external stakeholder panel and has regularly reported to, and been scrutinised by, the Health and Adult Social Care Policy and Scrutiny Committee and the Audit & Governance Committee.
 8. The Council's external auditors have twice reviewed governance and management of the Programme and report satisfaction with the arrangements in place. They have asked that regular updates on the Programme be given to Executive and this report forms one of those regular updates.

The Update

9. Good progress is being made with the Programme and confidence is held in its ability to deliver the outcomes required by Executive. The following paragraphs provide an update on progress.

New Extra Care Provision

10. 24/7 Extra Care provision is now in place at Auden House on Cemetery Road, Glen Lodge in Heworth and Marjorie Waite Court in Clifton. A recent review reveals increasing number of customers with high care needs now live in these facilities as an alternative to residential care.
11. Construction is nearly complete of the 27 home extension to Glen Lodge, providing dementia-ready accommodation at this Council-operated Extra Care facility. The project has received a £850,500 grant

from the Homes & Communities Agency and is expected to be completed within budget. However, the move-in date is approximately ten weeks later than originally planned, partly because we decided to re-model the entrance to the existing scheme and, therefore, delayed completion until this was ready. Delays were also caused by poor weather and difficulties getting utilities connected.

A public open day will be held to show neighbours and other stakeholders what has been achieved.

To date 13 homes have been pre-allocated and further applicants are being assessed for letting. We anticipate the first customers moving in by early November 2017.

12. We have procured and appointed Ashley House plc as our partner to construct an Extra Care facility on the site of Oakhaven older persons' home on Acomb Road. They propose a 56 home mixed tenure facility and are currently refining designs prior to submission of a planning application in the autumn. They are also finalising the appointment of a Housing Association partner to operate this facility. The delivery of this scheme is running later than originally planned as this procurement was launched later than anticipated due to lengthier examination of the procurement and legal options associated with the plan. Further delays have occurred as Ashley House develop their design. At present we would expect completion of the building, subject to grant of planning permission, in Q3 2019 at the earliest.
13. Executive in August gave consent to build a £6.6m, 33 home extension to the Marjorie Waite Court Extra Care scheme, delivering 29 apartments and 4 bungalows, both to rent and to buy. Designers have been appointed and we will now apply for planning permission. Subject to the grant of planning permission, construction work can begin in Q3 2018. We plan for completion by Q4 2019. The new building will be funded primarily by the Housing Revenue Account – drawing upon recycled Right to Buy receipts, other monies held and borrowing – with the General Fund meeting the cost of enabling the works and funding the community facilities on the site.
14. Planning permission has been granted to the Joseph Rowntree Housing Trust for a 105 home Extra Care facility and a 44 bed care home in New Earswick. The Council has secured nomination rights to homes in this scheme and construction is expected to begin in Q3 2017 with the first of the new homes available in Q2 2019, later than expected.

15. A planning application has been submitted for a 25 home extension to the Abbeyfield Society Extra Care facility at Regency Mews. The Abbeyfield Society have been awarded Homes & Communities agency grant to help fund this development which will be mixed tenure (with homes to buy and homes to rent) and will provide some specialist accommodation for people with dementia. Pre-planning public engagement showed support for the scheme. However, immediate neighbours have expressed objection to the development, primarily on the grounds of traffic generation.

New Residential and Nursing Care provision

16. We have procured and appointed Ashley House working in partnership with HC One to construct and operate a care home on the Burnholme Health & Wellbeing Campus site and they have submitted, in early August, the planning application for the new 80 bed residential and nursing care home on the site. This will provide residential, nursing and dementia services and the Council will contract with HC One to purchase 25 care beds for up to fifteen years, at our Agreed Cost of Care rate.
17. Plans for the development of a care home, health hub, homes (including bungalows and apartments for the over 55s) and public open space at Lowfield Green, in their final draft form, were the subject of further public engagement in July. Engagement has shown support for the proposed development. However, there is strong objection to the development from the Save Lowfields Playing Field Action Group. We will be ready to submit the planning application for this proposed development in September 2017. Later in the autumn Executive will be asked to decide if we are to build the new homes ourselves or sell the land so that another developer can do so.
18. In parallel to the Lowfield plans, we are also progressing plans for new sports pitches at the Ashfield Estate land off Tadcaster Road and will bring a further report on this matter to Executive in October 2017.
19. Members have given sanction for Officers to seek a sustainable future for the Haxby Hall older persons' home and to consult residents, relatives, interested parties and staff of Haxby Hall on the option to seek a partner who will take over its ownership and management with a commitment to build a new care home on the site in the near future to deliver modern residential and nursing care accommodation. Market testing of the proposal was undertaken with potential partners in early September and consultation with residents, relatives and carers will begin later this month. The results of this consultation will be brought to

Executive in November 2017. Should it be agreed that transfer should take place, we will seek a partner over the winter and expect transfer to take place in mid to late 2018.

20. Octopus Healthcare Development Ltd have entered into a contract to purchase the site of the former Fordlands Road Older Persons' Home (which closed in 2011) subject to Octopus obtaining planning permission (on terms reasonably acceptable to them) for construction of a care home of at least 64 beds of residential and nursing care on the site. If that condition is satisfied by the date specified in the Contract then Octopus will acquire the site from the Council. The transfer to Octopus would be subject to a covenant that the site can only be used for the operation of a care home, though that covenant will expire/be released once construction of the proposed new care home is completed.

The proposals for a care home on this site were well received by local residents during public engagement with many expressing the view that they preferred a care home on the site in preference to any other type of development. Octopus submitted their planning application for this development in August and, subject to award of that consent, Octopus have indicated that they intend to begin construction in early 2018 with completion in early to mid 2019.

21. Joseph Rowntree Housing Trust have been granted planning permission to construct a 44 bed residential and nursing care home as part of their proposed New Lodge development in New Earswick. Construction is expected to begin in Q3 2017 with the new care beds available in Q2 2019.
22. The 90 bed care home at the Terry's Chocolate Works is now open and is being occupied. Its design and approach to care has been well received.
23. A planning application remains under consideration for a 79 bed residential and nursing care home on the site of the Carlton Tavern on Acomb Road. The proposal is welcomed from a care provision perspective but has received opposition from those who do not wish to see the loss of a public house located in a Victorian villa on this site. A decision on this application is due shortly and, should consent be agreed, construction is likely to begin in early 2018 and the care home complete by Q2 2019.

The Burnholme Health & Wellbeing campus

24. The transformation of the Burnholme school site to create a health and wellbeing campus is approved and is progressing well.
25. Enabling works and demolition of unwanted classrooms are complete.
26. Planning consent for the new community & library facilities was granted in December 2016 and works begun on site in June 2017. Good progress is being made and completion is expected in May 2018.
27. We continue to work with Priory Medical Group to deliver a Health Hub with GP facilities and an urgent care centre at Burnholme. Unfortunately, their bid for NHS Transformational Capital Funding for primary care facilities, while supported by the local Clinical Commissioning Group, is unlikely to be approved by NHS England. The health practice, therefore, plan to fund the development themselves. Designs for the new facility will be the subject of public engagement in the autumn and a planning application will be submitted later in the autumn of 2017. Should planning consent be awarded, completion of the health centre is expected by Q2 2019.
28. Plans for investment in the improved sports facilities and playing pitches and new management arrangement are being drawn up and we will seek Executive approval for these proposals later in 2017.
29. Design for the new homes on the site will begin shortly and should it be decided that the Council build these homes, in preference to selling the land for development, then construction could begin in the second half of 2018 subject to obtaining planning permission and the appointment of building contractors.

Existing Council run care homes

30. Grove House, Oakhaven and Willow House older persons' homes have closed, with residents moving safely to other homes. Some residents have been able to move back into independent living.
31. St John's Mews York Ltd have entered into a contract to purchase the site of the former Grove House Older Persons' Home subject to them obtaining planning permission (on terms reasonably acceptable to them) for construction of apartments on the site. If that condition is satisfied by the date specified in the Contract then they will acquire the site from the Council. Willow House will also be sold and the capital receipts from the sale of both Grove House and Willow House will be

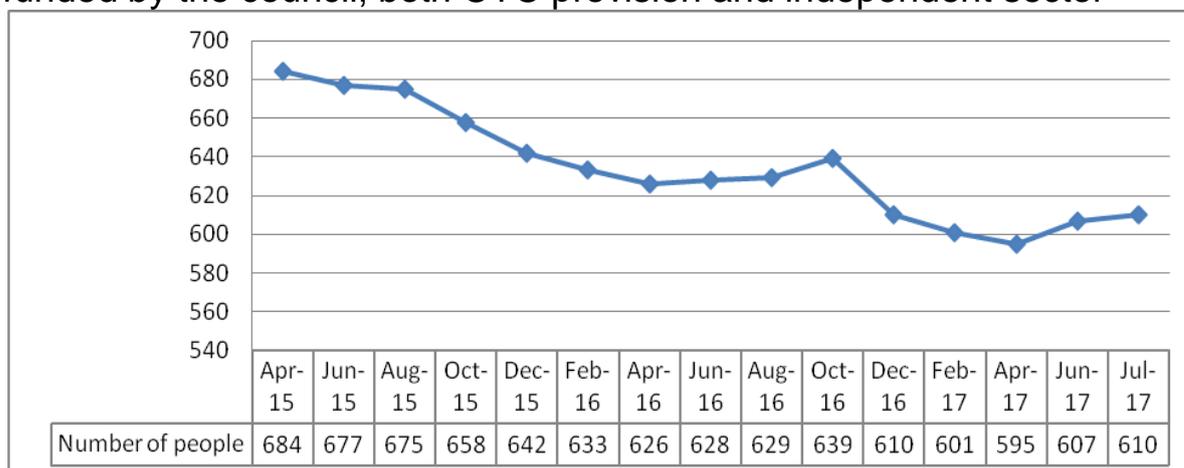
used to further the aims of the Programme. Offers for both sites have significantly exceeded expected receipts.

32. Executive on 31st August 2017 agreed to close Woolnough House and residents have now begun to move safely to new accommodation. The last permanent resident is expected to move in October and short-stay and step-down provision will be provided elsewhere. We expect some of the residents who use the step-down facilities at Woolnough House to move to the new Extra Care accommodation at Glen Lodge when it opens in November.
33. We are evaluating new uses for the Woolnough House site, including both care and housing options, and will decide shortly whether one of these uses is most suitable or whether the site should be sold.
34. Subject to the granting of consent from Executive at this meeting, the remaining two Council-run older persons' care homes [Windsor House in Westfield Ward and Morrell House in Clifton Ward] will be the subject of consultation on the option to close, with one consultation held in the autumn of 2017 and one held in the spring of 2018.

The operation of the care market in York

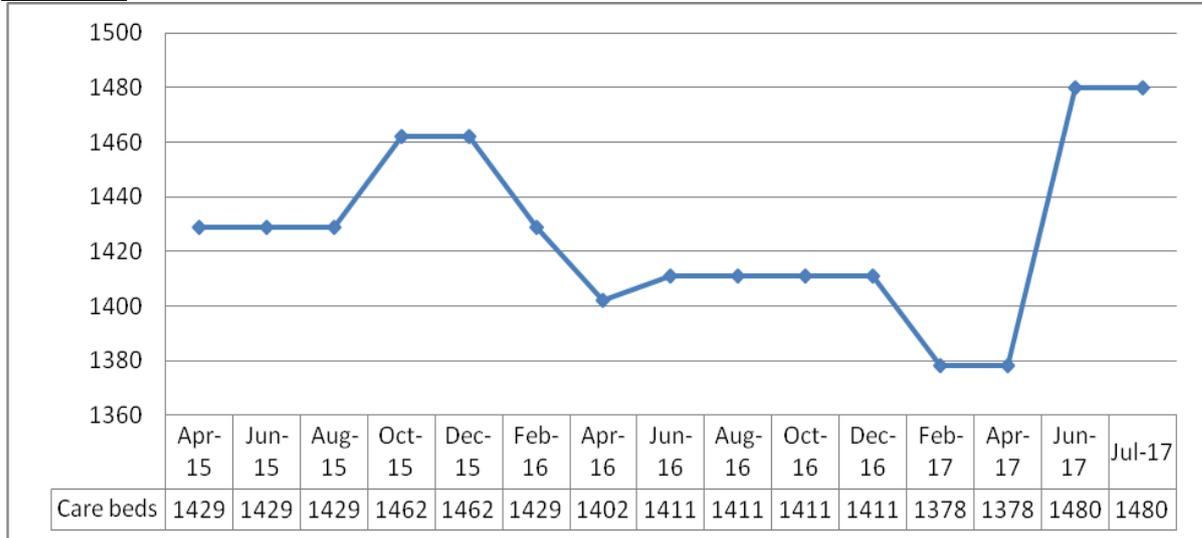
35. As the Programme has progressed, and as we continue to work to support people to living independently in their own home, we have seen a slow but steady reduction in the number of older people who are supported by the Council to live in permanent residential and nursing care, as shown in Table 3. However, this records the number of people who the Council fund in care; with the rising older persons' population we expect the total number of people in care to rise, hence the need for additional capacity.

Table 3: Numbers of people in permanent residential and nursing care funded by the council, both CYC provision and independent sector



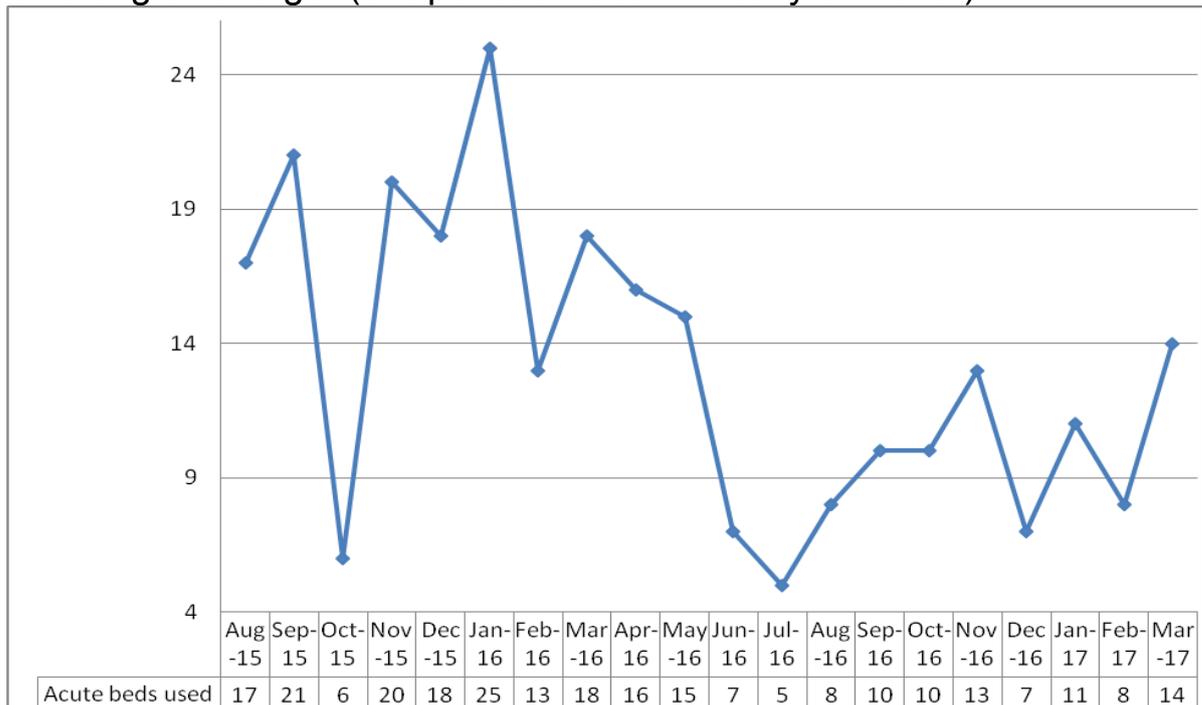
36. At the same time, the total number of care beds available for use has initially fallen (as Council-run homes are closed) and is now beginning to increase as new provision, such as The Chocolate Works, is brought into use, as Table 4 shows.

Table 4: Care beds available for use



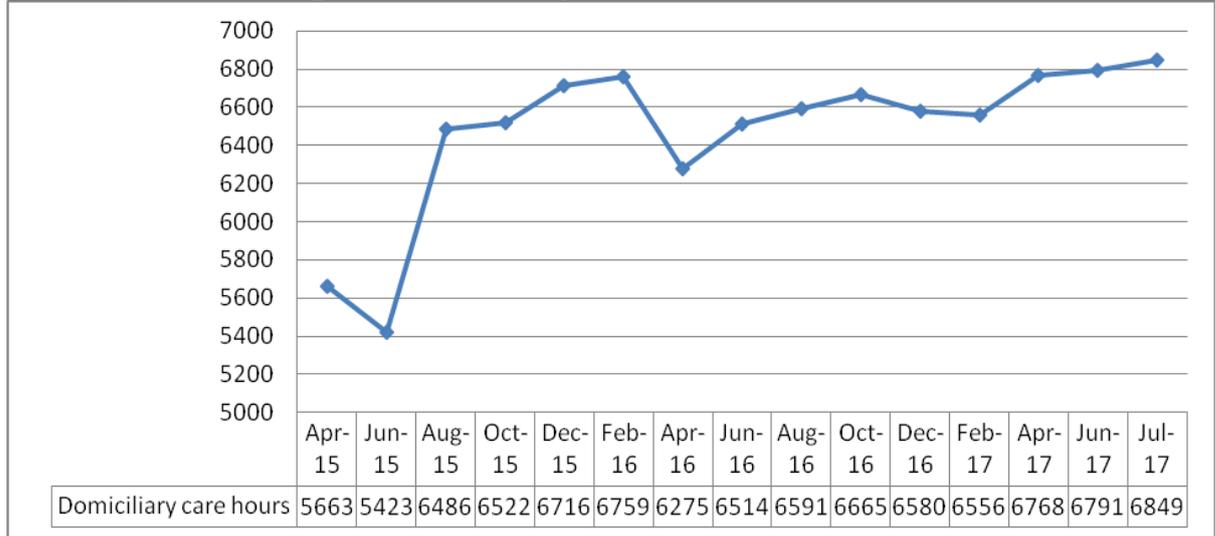
37. The changes in the number of residential care beds over the same period and including the closure of Grove House, Oakhaven and Willow House, does not appear to have had a detrimental effect upon the number of people awaiting discharge from hospital, as the graph in Table 5 shows.

Table 5: Numbers in acute hospital beds occupied by someone "awaiting discharge" (Snapshot on last Thursday of month)



38. Finally, we see from the trend in use of domiciliary care over the same time period that more activity is recorded, suggesting that those with higher care needs are being helped to continue to live independently at home, as Table 6 shows.

Table 6: Net change in domiciliary care hours



39. The longer term position regarding the demand and supply of accommodation with care, as described in paragraph 3 and Table 1, is that the rising population will place continuing pressure on the need for Extra Care, residential and nursing care accommodation despite the efforts and intentions of Future Focus and other initiatives designed to help support people to live independently in their own home. Therefore, our efforts must remain focused, particularly in the decade following 2020.

Key Milestones

40. Key milestones in the Programme are:

Date	Milestone
Q4 2016	Executive approval regarding the option to close a third care home, Burnholme Community & Library investment, a sustainable future for Haxby Hall and the Lowfield Green redevelopment.
Q1 2017	Appointment of a partner to deliver the Burnholme care home. Appointment of a partner to deliver the Extra Care facility at Oakhaven.
Q2 2017	Burnholme community facilities start on site.
Q3&4 2017	Consideration of Burnholme care home planning application.
Q4 2017	Complete Glen Lodge extension.
Q4 2017	Submit Oakhaven Extra Care facility planning application.
Q1 2018	Burnholme care home start on site.
Q3 2018	Oakhaven Extra Care facility starts on site.
Q3 2018	Marjorie Waite Court extension starts on site.
Q3/4 2018	Haxby Hall “transfer of undertaking” can take takes place
Q1 2019	Complete Fordlands care home.
Q2 2019	Complete Burnholme care home.
Q2 2019	Complete 25 home extension to Regency Mews.
Q3 2019	Complete Oakhaven Extra Care facility.
Q3 2019	Complete Phase 1 of the New Lodge Care development.
Q4 2019	Complete Marjorie Waite Court extension.

Outcomes

41. The Programme is expected to deliver the following outcomes:

OPAP initiative	Quantity of Accommodation
Residential & Nursing Care	
Chocolate Works Care Home	90
Burnholme Care Home	80
Fordlands Care Home	64
Carlton Tavern	79
New Lodge Care Home	44
Lowfield Green Care Home	70
Haxby Hall new build (provisional)	65
<i>TOTAL Residential & Nursing provision</i>	<i>492</i>
Extra Care	
Auden House; move to 24/7 care	41
Glen Lodge to 24/7 care	42
Marjorie Waite Court to 24/7 care	42
Glen Lodge – extension	27
Marjorie Waite Court – mixed tenure extension	33
Oakhaven – mixed tenure new provision	56
New Lodge, New Earswick	105
Regency Mews extension	25
<i>TOTAL extra care provision</i>	<i>371</i>
Housing for the over 55s/downsizing	
Lowfield Green over 55s accommodation	44
TOTAL new provision	907
Closure of existing OPHs, subject to consultation	-225
TOTAL NET NEW PROVISION	682

Council Plan 2015-2019

42. The Programme is set in the context of the Council Plan for 2015-19 and will contribute to achieving its ambitions. Based on our statutory responsibilities and the aims of the administration, the plan focuses on three key priorities:

- a prosperous city for all - where local businesses can thrive and residents have good quality jobs, housing and opportunities;
- a focus on frontline services - to ensure all residents, particularly the least advantaged, can access reliable services and community facilities; and
- a council that listens to residents - to ensure it delivers the services

they want and works in partnership with local communities.

43. To support these corporate priorities and under the guidance of the Health & Wellbeing Board, York has developed proposals to achieve a new focus for adult health and social care which delivers:
- a. self care and self management;
 - b. better information and signposting;
 - c. home is best;
 - d. early intervention and prevention;
 - e. reablement and intermediate care (targeted resources);
 - f. managing long term conditions;
 - g. delivering services at a community level where this is desired and possible;
 - h. to reduce loneliness and increase social interaction amongst older persons and their communities; and
 - i. that York becomes a dementia friendly environment.

IMPLICATIONS

Financial

44. The Programme is on track to deliver an agreed recurring annual saving of £284,000 from 2019/20 rising to £553,000 in 2023. The achievement of this savings target remains under regular review.
45. Capital receipts from the sale of older persons' homes that have closed has exceeded expectations and the capital position of the Programme is therefore healthy.

Legal

46. Legal services have been involved in the development of the Programme and their advice incorporated. Further examination of the legal implications of the various property and procurement elements of this Programme will be undertaken as proposals are developed further and brought forward for due consideration, as we progress with the various elements of the Programme.
47. Legal advice has been sought and is followed to guide the consultation on the option to close or transfer care homes.
48. Department for Education consent has been granted for the disposal/change in use of former school land at Burholme and they have also confirmed that no such consent is needed for Lowfield Green

because of the elapse of time since the school closed.

Human Resources

49. The HR implications of the Programme are regularly under review and implications are the subject to specific reports and decisions.

Equalities

50. An Equality Impact Assessment for the Programme and its parts is in place and is regularly updated. It particularly highlights the positive implications of the Project for the health, security and wellbeing of all residents. This has and will continue to be updated as the project progresses.
51. An Older Persons' Accommodation Project Board and a Reference Group have been established to act as a sounding board for the development of plans as the implementation of the Project unfolds. The project team also continues to use established channels to communicate with, and gather the views of, members of the local community, partners, stakeholders and staff.

RISKS

52. Key risks are kept under review and mitigations are pro-actively managed.
53. One key risk currently presents itself: the granting of planning consents for new developments. At this stage of the Programme, with a number of planning consents imminent, a key risk remains the failure to secure planning consent for new provision. This risk is mitigated by carrying out public engagement prior to the submission of each planning application and seeking to reflect, where possible, local concerns into re-design. However, change is opposed by various interested parties. The Planning Authority will need to give due regard to the immediate concerns of residents and the longer term needs of the city and its citizens.
54. Recent progress in mitigating risks include:
 - a. The operation of a healthy care market which has seen an increase in the number of people who are able to continue to live at home with care support, reducing the number of people we support to live in residential or nursing care homes.
 - b. A strong interest in new provision from independent sector partners

willing and able to invest in York.

- c. The acceptance of good offers for sites sold has helped considerably in reducing the funding risk of the Programme.
- d. Department for Education consent has been granted for the disposal/re-use of the Burnholme school site and they have confirmed that no consent is needed to dispose of the Lowfield site.

55. Other risks and their mitigations can be summarised as follows:

ref	Risk	Mitigating Action
a)	Options for accommodation for older people do not match the expectations and aspirations of current residents.	A wide range of options are made available and current residents are supported to assess these against their needs and wishes.
b)	Those with high care needs and their carers/advisers/assessors do not recognise Extra Care accommodation as suitable because there are limited examples in York of this type of accommodation and the care pathways are unclear.	A dedicated care manager will work with residents to explore with them and their relatives how Extra Care operates, how it can be a flexible model for those with high care needs and how it operates elsewhere as a viable alternative to residential care.
c)	Insufficient funding to deliver all elements of the project.	The Programme financial model is regularly reviewed and is expected to deliver both its revenue and capital targets.
d)	Title / related property issues, incorrect procurement of capital works and/or development.	Applying due diligence to ensure Council's normal approach to the disposal of land, procurement of capital works and/or a development partner is applied.
e)	Increase in interest rates would impact negatively on borrowing.	An interest rate sensitivity test has been run against the Programme and it remains affordable.
f)	Risk of the new developments/deals driving up the price the Council pays to external residential care providers	Undertaking negotiations with Independent providers. Actual Cost of Care rates agreed and is proving to be at a level to secure beds.
g)	Loss of OPH staff morale leading to negative impact on service	Maintain staff morale and focus through regular, open and honest

ref	Risk	Mitigating Action
	provided to existing OPH residents	briefings/updates; engagement through OPH Managers and staff groups; investment in staff training, support & development.
h)	The cost of any associated redundancy is greater than estimated.	The financial model has been “stress tested” to assess the impact of a 50% increase in the cost of staff change and is still viable. Staff change will be managed carefully in order to minimise cost and legal risks.
i)	Challenge and negative publicity from existing OPH residents and relatives, OPH staff/TUs, other stakeholders, opposition parties, wider public	Development of well planned Communications approach through briefings to Residents and relative, Executive, group leaders, TUs, OPH Management & Staff, OPH Review Wider Ref Group, Media.

Contact Details

Author:		Chief Officer responsible for the report:		
Roy Wallington Programme Director, Older Persons' Accommodation Tel: 01904 552822 roy.wallington@york.gov.uk		Martin Farran Corporate Director of Health, Housing and Adult Social Care		
		Report Approved	✓	Date 14 th Sept 2017
Specialist Implications Officer(s) Legal – Cathryn Moore (Ext 6006) and Gerry Allen (Ext 2004) Finance – Debbie Mitchell (Ext 4161) and Steve Tait (Ext 4065) Property – Tim Bradley (Ext 3355) and Ian Asher (Ext 3379)				
Wards Affected: All Wards				
For further information please contact the authors of the report				

Abbreviations:

NHS – National Health Service

OPH – Older Persons' Home, previously referred to as Elderly Persons' Homes

Background Papers:

19 July 2011	Report to Executive giving formal approval for the commencement of the Programme.
1 Nov 2011	Report to Executive giving the results of consultation and proposed a programme of closures, supported by a further consultation period on proposed closures of Oliver House and Fordlands.
10 Jan 2012	Report to Executive authorising consultation with staff, residents and their families and carers on proposal to close Fordlands and Oliver House, including changes to day care services as a result. Recommendation to close Fordlands and Oliver House.
15 May 2012	Report to Executive noting the successful homes closure and transition for residents
4 June 2013	Report to Executive seeking agreement on modernisation programme. The Council to fund the building of the two new care homes and so retain ultimate ownership of the buildings and the land with care homes designed, built, operated and maintained by an external provider.
3 Mar 2015	Report to Executive seeking approval of revised proposals based on creating new Extra Care Housing and reforming the Council's existing ECH stock; building a new care home on the Burnholme site as part of wider health and community facilities; and working more closely with current care providers to deliver more specialist dementia accommodation across the city.
30 July 2015	Report to Executive seeking approval of the Business Case for the Older Persons' Accommodation Programme and agreement to proceed.
29 Oct 2015	Report to Executive providing the results of the consultation undertaken with the residents, relatives and staff of Grove House and Oakhaven residential care homes to explore the option to close each home with current residents moving to alternative accommodation. Executive agreed to close Grove House and Oakhaven.

29 Oct 2015	Report to Executive regarding securing a viable future for the Burnholme school site in Heworth ward. Following extensive public consultation Members agreed to sanction further work to identify partners to progress the continued community and sports use of the site, complemented with wider health and enterprise services, the building and operation of a residential care home for older people and the provision of housing.
19 May 2016	Report to Executive that obtained consent to begin to deliver the Burnholme Health & Wellbeing Campus and secure a viable future for the former Burnholme Community College site (the Site) in Heworth ward.
14 July 2016	Report to Executive by the Director of Adult Social Care. Agreement to move forward with examination of the development potential for Lowfield, alternatives to closure of Haxby Hall and sanction to consult on the closure of a further two older persons' homes.
28 th Sept 2016	Report to the Audit & Governance Committee by the Programme Director, Older Persons' Accommodation, providing an update on progress of the Programme and actions taken to address External Audit recommendations.
24 th Nov 2016	Report to Executive by the Corporate Director of Health, Housing and Adult Social Care. The Executive received the results of the consultation undertaken with the residents, relatives and staff of Willow House residential care homes to explore the option to close the home with current residents moving to alternative accommodation, and agreement to close Willow House and sell the site.
7 th Dec 2016	Report to Executive by the Corporate Director of Health, Housing and Adult Social Care. The report obtained consent to complete the next phase of delivery of the Burnholme Health & Wellbeing Campus including sanction for the investment of £4.73m in new and refurbished community and library facilities, subject to Department for Education (DfE) approval to dispose of redundant land, as well as £200,000 in urgent repairs and works to the sports facilities on site.
9th Feb 2017	Report to Executive by the Corporate Director of Health, Housing and Adult Social Care. The Executive agreed to sell the site of the former Fordlands Road older persons' home to Octopus Healthcare who propose to develop a residential and nursing care home on the site.

16 th March 2017	Report to Executive by the Corporate Director of Health, Housing and Adult Social Care. The Executive received an update on progress made towards delivering health & wellbeing services at Burnholme and agreed to enter into a long lease with a care home developer over a portion of the Burnholme Health & Wellbeing Campus site. Executive also agreed to enter into a head lease over the Community & Library facilities and the disposal of the Tang Hall Library site.
16 th March 2917	Report to Executive by the Corporate Director of Health, Housing and Adult Social Care. The Executive received an update on progress made towards delivering an Extra Care facility at Oakhaven on Acomb Road. Executive agreed to sell the Oakhaven site to an Extra Care developer. As part of this procurement the Council will secure nomination rights to 25 affordable rented and discount sale apartments.
31 st August 2017	Report to Executive by the Corporate Director of Health, Housing and Adult Social Care. The Executive received the results of the consultation undertaken with the residents, relatives and staff of Woolnough House older persons' home to explore the option to close the home with current residents moving to alternative accommodation, and agreed to close Willow House and explore options for its future use or, if none were found, to sell the site.
31 st August 2017	Report to Executive by the Corporate Director of Health, Housing and Adult Social Care and the Corporate Director of Children, Education and Communities. The Executive received information on the outcome of public consultation concerning the future of Burton Stone Lane Community Centre and agreed to close the Centre and approved investment into the provision of a 33 home extension to Marjorie Waite Court Extra scheme to provide accommodation for older people and new community facilities.

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Executive**28 September 2017**

Report of Director of Health, Housing & Adult Social Care

Portfolio of the Executive Member for Housing & Safer Neighbourhoods

Community Safety Strategy**Summary**

1. In accordance with S6 Crime and Disorder Act 1998, Safer York Partnership produces and implements a Community Safety Strategy for reducing crime and anti-social behaviour, combating misuse of drugs and alcohol and for the reduction of reoffending. This report summarises the partnership's Community Safety Strategy 2017-20 including the current trends, emerging priorities and the implications of the strategy. The attached community safety strategy shows how the Council and its partners will work together to reduce crime and anti-social behaviour and make progress to ensure that York remains one of the safest cities in the UK. It is a statutory three year plan that gets refreshed on an annual basis.

Background

2. Every three years, Safer York Partnership prepares a Community Safety Strategy which reflects the community safety priorities for the city. This strategy is refreshed annually to reflect the often rapidly changing patterns of crime and risk. Priorities are determined from local consultation and intelligence and from the production of a Joint Strategic Intelligence Assessment carried out by North Yorkshire Police but including data and information from a range of partners, from more detailed thematic problem profiles and other strategic needs assessments which are linked to community safety.
 - 2.1 The last Community Safety Strategy was considered in 2014. This was in many ways a departure from previous strategies in that it reflected explicitly the huge potential impact of high profile events that could damage communities. These included possible terrorism and

radicalisation, child sexual exploitation, domestic abuse and anti-social behaviour. The strategy also recognised the individual impact of more everyday crime such as burglary, robbery and criminal damage.

- 2.2 In considering the new strategy, it has been recognised that these high profile risks to community safety have not declined and, therefore the new strategy focuses again on threat, harm and risk and those most vulnerable within our communities.
- 2.3 The work that underpins each of the strategic priorities is delivered by a range of partner organisation and in some cases is already identified within the work-plans of other strategic partnership boards. In 2015, this was formally recognised through the establishment of an interboard network to ensure that communication links are in place between the York Health and Wellbeing Board, Childrens and Adults Safeguarding Boards and the Community Safety Partnership. The Community Safety plan brings together those cross cutting themes where delivery is achieved through another board's remit but the outcomes have an impact on Community Safety.
- 2.4 Detailed action plans drawing together new activities and those which are already contained within other partnership plans are currently being prepared for consideration by the SYP Board. These action plans will provide the framework by which the partnership's performance will be monitored.

Consultation

3. The initial selection of strategic priorities within the strategy is undertaken through a Joint Strategic Intelligence Assessment. This is cross referenced with the results of the Council's 'Talk About' Residents Survey and the community consultation undertaken by the Police and Crime Commissioner in relation to the development of the police and crime plan. The strategy is developed through Safer York Partnership and as such, each draft includes the contribution of those partners who make up the Safer York Partnership Board. These include:
 - Police
 - Local Authority
 - Fire & Rescue
 - Office of the Police and Crime Commissioner
 - National Probation Service
 - Public Health

- Yorkshire, Humberside and East Lincolnshire Community Rehabilitation Company

Options

4. Members are asked to note the content of the strategy and agree to provide support to the Council in delivering the strategic priorities contained within the strategy.

Analysis

5. The community safety strategy sets out the priorities identified through data and intelligence analysis and consultation and sets out how the partnership will work together to tackle crime and anti-social behaviour. It is underpinned by a joint Police and City of York Council Community Safety Unit based within City of York Council's headquarters and a delivery structure of thematic sub-groups reporting to the Safer York Partnership Board. The structure also recognises the input of existing and relevant groups which contribute to the delivery of the Community Safety Partnership priorities. The strategic priorities contained within the plan include:
 - River and Road Safety
 - Keeping the City Centre Safe
 - Protecting People from Harm
 - Tackling Anti-social Behaviour
 - Tackling Serious Organised Crime
 - Tackling Substance Misuse (including the delivery of the community safety elements of the York Alcohol Strategy)

The strategy includes an assessment of each priority in terms of community impact and sets out the strategic objectives that will drive delivery of that priority.

- 5.1 The Strategy will be underpinned by more detailed one year action plans aligned to each strategic priority. Priorities will be owned by partners represented on the Safer York Partnership Board and a detailed update on two of the priorities will be presented to the Board at each quarterly meeting with other priorities reporting by exception in relation to the challenges they experience in delivering their action plans.
- 5.2 Where applicable, action plans will cross reference the other strategic plans, documents and partnerships responsible for the delivery of Safer

York Partnership's strategic priorities. This will strengthen the links between strategic boards as agreed through the Inter-board protocol.

Council Plan

6. The Community Safety Strategy links to the following priorities within the Council Plan 2015-19:
 - **A focus on frontline services** – to ensure all residents, particularly the least advantaged, can access reliable services and community facilities
 - **A council that listens to residents** – to ensure it delivers the services they want and works in partnership with local communities

Implications

7. In producing this report the following implications have been considered:
 - **Financial** – There are no financial implications however there will be implication in relation to specific actions
 - **Human Resources (HR)**– The only HR implications relate to the Community Safety Team within City of York Council that supports Safer York Partnership and delivery of the Anti-social behaviour element within the strategy.
 - **Equalities**– There are no equalities implications, a one planet York assessment will be required
 - **Legal**) The Community Safety Strategy is a legal requirement stated at S6 of the Crime and Disorder Act 1998.
 - **Crime and Disorder** – The Community Safety Strategy is a key document aligned to the development and delivery of partnership work to tackle crime and anti-social behaviour.
 - **Information Technology (IT)** –there are no identified IT implications
 - **Property** – There are no identified property implications
 - **Other** – There are no other identified implications.

Risk Management

8. There are no known risks.

Conclusions

- 9. The Community Safety Strategy was approved by Safer York Partnership Board at it's meeting on 27th June 2017. Detailed action plans are being prepared which will determine the future performance management framework for the partnership and will be the basis of the bi-annual Safer York Partnership updates to the Housing, Health and Adult Social Care, Policy and Scrutiny Committee.

Recommendation

- 10. Members are asked to note the content of the strategy and agree to provide support to the Council in delivering the strategic priorities contained within the strategy.

Reason

- 11. In accordance with S6 Crime and Disorder Act 1998 the Council is required to have a community safety plan for the City.

Contact Details

Author:

Jane Mowat
Head of Community Safety
Tel: 01904 555742

Chief Officer Responsible for the report:

Martin Farran
Director of Housing, Health & Adult Social Care
Tel: 01904 554045

Report Approved **Date** 19/09/17

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

Implication ie Financial

Name

Title

Tel No.

Implication ie Legal

Name

Title

Tel No.

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

All *tick*

For further information please contact the author of the report

Annexes

Annex 1 – Community Safety Strategy

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COMMUNITY SAFETY STRATEGY

2017-2020

Introduction

We are pleased to introduce Safer York Partnership's Community Safety Strategy 2017-2020. The Community Safety Partnership (CSP) brings together the local Council, North Yorkshire Police, North Yorkshire Fire and Rescue Service, Public Health, Probation and the Office of the Police and Crime Commissioner. Collectively, the agencies of the CSP work with one overriding objective – to make York a safe place to live, work and visit.

Safer York Partnership published its first Crime and Disorder Reduction Strategy 17 years ago. During that time, we have achieved significant reductions in crime and anti-social behaviour. We are proud of these achievements and are committed to preventing crime and anti-social behaviour, protecting people and bringing offenders to justice. However, we know that more needs to be done.

Reducing crime and anti-social behaviour is an important element in improving the lives of York residents. We will achieve this through partnership working, particularly through early intervention and prevention and challenging and changing behaviour.

We are keen to work with local people to make York safe and this strategy contains information on how residents can further get involved in volunteering.

Dave Dryburgh, Chair Safer York Partnership

ABOUT SAFER YORK PARTNERSHIP

Under the Crime and Disorder Act 1998 Community Safety Partnerships (CSPs) are required to work together in formulating and implementing strategies to tackle local crime and disorder and reduce reoffending in the area and to have in place, partnership plans setting out their priorities.

To ensure that the partnership is proactive and well informed, we carry out an annual Joint Strategic Intelligence Assessment in order to review existing priorities and identify any new or emerging priorities that the partnership should focus on. This is not undertaken in isolation and is cross referenced with the Joint Strategic Needs Assessment undertaken by Public Health and consultation carried out to inform the Police and Crime Commissioner's Police and Crime Plan.

The Community Safety Strategy sets out the priorities identified through the above process and sets out how the partnership will work together to tackle crime and anti-social behaviour and achieve its priorities. It is underpinned by a joint Police and City of York Council Community Safety Unit based within City of York Council Headquarters and a delivery structure of thematic sub-groups reporting to the Safer York Partnership Board. This structure also recognises the input of existing and relevant groups which contribute to the delivery of the CSP priorities.

OUR PARTNERS

City of York Council
North Yorkshire Police
North Yorkshire Fire & Rescue
Humberside, Lincolnshire & North Yorkshire Community Rehabilitation Company
Office of the Police and Crime Commissioner
City of York Council Public Health
Vale of York Clinical Commissioning Group

THE CITY OF YORK

The City of York is a Unitary Authority covering 272km² and is surrounded by seven district councils that make up the county of North Yorkshire. The arterial routes of the A19 and A64 pass through the area and direct train services include destinations such as London and Edinburgh via the East Coast mainline and Leeds and Manchester on the TransPennine line

The population of the city is estimated to be 202,447. Population estimates forecast an increase in the older population in York, most notably in those over 85 years old.

York has a rich heritage having adapted from being a railway and confectionary making city into an international tourist destination, hub for science and technology and a national centre for education, financial and business services. As a world-famous historic city it attracts around seven million visitors every year, making it one of the UK's most visited tourist centres. York is also home to the University of York and York St John University and two higher education colleges. More than 20,000 students attend these higher education establishments and this affects the overall population profile with a higher percentage in the 15-24 age bands. The city is also home to a number of Military establishments including Imphal Barracks and Queen Elizabeth Barracks. Events such as York City League football matches, the festive St Nicholas Fayre and large race meetings significantly boost the number of people in the city.

York is a relatively prosperous city, however, there are pockets of deprivation with parts of the city amongst the most deprived in the country. Lower super Output Areas (LSOA) with the highest index of multiple deprivation within the city are concentrated within Guildhall, Hull Road, Clifton and Westfield Wards.

OUR PRIORITIES

Introduction

Each year North Yorkshire Police produce a Joint Strategic Intelligence Assessment (JSIA). This year's JSIA has been compiled utilising the National MoRILE (Management of Risk in Law Enforcement) threat matrix. In order to support the delivery of an evidence based and comprehensive assessment, a large number of thematic research reports have been generated to support the scoring process and these incorporate the full range of harm likelihood, confidence and organisational position measures. In addition, reference has been made to York's Joint Strategic Needs Assessment which identifies substance misuse and mental health as issues in York

Information has been obtained from NorthYorkshire Police data bases, existing intelligence products, internal and external subject specialists, partners' reports and from a broad range of open and closed information sources including multiple local authority partners. However, it must be noted that the remit of a Community Safety Partnership (CSP) is broad and needs to reflect, not just those themes which pose threat, risk and harm from a policing perspective but also those of our partners and communities. The results of the Council's Talk About Survey and the York results from consultation carried out by the Office of the Police and Crime Commissioner have been analysed to ensure that the strategy addresses those priorities identified by our communities. Chosen priorities are those which impact most significantly on the city and those who work, live and visit there.

Our priorities are:

River & Road Safety

Keeping the City Centre Safer

Protecting People from Harm

Tackling Anti-social Behaviour

Tackling Serious Organised Crime

Tackling Substance Misuse (including delivery of the community safety elements of the York Alcohol Strategy)

River & Road Safety – Lead Agency North Yorkshire Fire & Rescue

York's Rivers

York is located at the confluence of two rivers: The River Foss and the River Ouse. It is prone to flooding from the River Ouse and has an extensive network of flood defences with walls along the river and a liftable barrier across the River Foss where it joins the Ouse at Blue Bridge. Until 2015 these defences had largely been effective but in December of that year severe flooding caused extensive damage to both residential and commercial properties in the city. In addition to the danger posed by flood water, both rivers have been the scene of a number of drowning fatalities. The circumstances of these fatalities range from suicide to accidental death, however, more recently a high proportion of fatalities have occurred where alcohol has been a contributing factor. In 2014, four deaths within a very short period of time at the start of the year, led to the commissioning of an audit of York's rivers by RoSPA. The resulting report made recommendations for increasing the security and safety measures along the rivers and these have been implemented by City of York Council in a programme of work which concluded in 2016. However, despite these improvements, there have been further fatalities, suggesting that work needs continue to educate and promote personal safety messages as an ongoing priority for Safer York Partnership.

Community Impact

Significant levels of concern are raised by residents in the city whenever an incident involving York's rivers receives media attention. Rivers are inherently a hazard but the impact increases significantly when combined with other risky behaviour and factors such as excessive consumption of alcohol. Following implementation of the RoSPA recommendations, the rivers and banks have been made as safe as is practical with the installation of additional grab rails, chain fencing, additional lifebuoys and better illumination. However, the issue of their danger remains when combined with additional factors such as alcohol consumption, risky behaviour and the low water temperature particularly during the colder months.

York's Roads

The historic centre of York is characterised by narrow pedestrian streets within the boundary of ancient city walls. Visitors are encouraged to use one of the Park and Ride Facilities located on the Ring Road as traffic congestion within the city is problematic

at peak times. The main routes in and out of the city include the A1 and A64 with an outer ring road creating easy access to the surrounding towns and villages and into the popular tourist destinations within North Yorkshire.

In 2004 North Yorkshire County Council took the lead in establishing the 95 Alive Partnership together with North Yorkshire Police, North Yorkshire Fire and Rescue and City of York Council. The partnership aimed to save 95 lives between 2005 and the end of 2010. At the conclusion of the campaign in 2011, 126 lives had been saved. But as casualty reduction remains a significant priority for the North Yorkshire County partners, the partnership has remained in place to continue its programmes of education and road safety advice across the county and city.

Although speed is less of a significant factor in road collisions in York due to the nature of the road network, other safety factors such as inexperienced drivers, use of mobile phones, correctly fitted child seats, high numbers of cyclists and exceeding speed limits in built up areas are all relevant to York's road users.

Despite many years of sustained campaigning, drink driving still remains a significant factor in relation to road collisions. However, of more concern is the growing tendency for people to drink large, unmeasured quantities of alcohol at home, which place them at risk of exceeding the permitted blood alcohol limit into the following day.

Community Impact

York encourages the use of cycles in the city and as such a large number of residents and employees in the city choose this form of transport. The narrow streets combined with traffic congestion in the city centre, do pose a risk to cycle users. Whilst the roads do not lend themselves to excessive speed, many are subject to a 30mph restriction which is often ignored, particularly within the villages on the outskirts of the city. Mobile technology has increased significantly with large numbers of the population owning and using smartphone technology, using their phone to access email, internet and music. However, using a mobile device whilst driving poses a significant risk if a driver's attention is taken away from the road. Changes to drinking habits, with more people consuming large volumes of alcohol at home also pose a risk from being 'over the limit' the following day.

We will:

- **Establish an active Water Safety Forum to address the broad issues of water safety and river usage**
- **Work with partners to increase awareness of the risk in, on and around the waterways amongst communities most at risk**
- **Engage with public, private and voluntary sectors with responsibility for waterways to ensure they understand the risks and have appropriate mitigation factors to address them**
- **Develop Stronger links between the Road Safety Task Group, 95 Alive and Safer York Partnership**

Keeping the City Centre Safe – Lead Agency North Yorkshire Police

York city centre is host to a diverse population of residents, employees, businesses and both local, UK and international tourists. It is also temporary home to a large student population. Part of York's charm is the compact nature of the city centre, bringing together both retail and tourist attractions into one easily accessed area. However, this poses other problems where licensed premises exist alongside shops and residential properties.

According to Crime Statistics, York is one of the safest cities in the UK with lower than average crime for a city that attracts so many visitors. However, due to the consequences of its layout and attraction as a weekend destination for large groups of males and females, tensions have been created between residents and visitors where alcohol consumption has led to behaviour which is deemed to be anti-social. Whilst much work has been undertaken by Safer York Partnership to tackle these issues, working with North Yorkshire Police, City of York Council, the rail providers and British Transport Police it is an ongoing issue which needs continued attention to ensure that the problem does not increase to levels experienced by other UK cities.

During the summer tourist season, two issues regularly increase in the city centre and cause conflict with local businesses, residents and visitors. These are begging and anti-social behaviour associated with street drinkers. Due to the presence of Designated Public Place Orders and Alcohol Restriction Zones, the problem regularly becomes displaced to various locations across the city when enforcement action is taken.

York has a vibrant economy with many business and retail premises located in the City Centre and out of town retail/business parks. York Business Against Crime was established in 2015 to facilitate the exchange of intelligence in relation to offenders and provide advice and support in relation to combating travelling criminals and shoplifters.

As a major tourist destination, York attracts large numbers of both International and British visitors who come to view the iconic buildings and attend key events such as St Nicholas Fayre at Christmas and the Races. With the national security level remaining SEVERE, the risk to the city of terrorist attack is highly likely and as such mitigation of the threat from terrorism is a priority for the Community Safety Partnership.

Community Impact

Whilst York is has low levels of crime, the fear of crime and perception of crime is much higher. Positive perceptions of York are important to the city's status as a major tourist destination. The unique layout of the city with its mix of residential, commercial and licenses premises makes it difficult to avoid conflict between different user groups. Excessive consumption of alcohol can lead to anti-social and violent behaviour but equally raises issues of personal safety and links closely to the work that is being undertaken to prevent river deaths

The summer of 2017 has seen terrorist attacks take place in London and Manchester therefore the risk of a future attack taking place in a provincial city is increased, making York a likely target due to the high numbers of visitors who come to the city each year

We will:

- **Work in partnership to address issues of anti-social behaviour concentrated within the city centre**
- **Develop information and intelligence sharing between members of the business community and the police**
- **Develop scalable multi-agency counter terrorism control measures in order to protect city centre locations from possible terrorist attack**

Protecting People from Harm – Lead Agency CYC Safeguarding (Children & Adults)

Some communities, groups and individuals are more likely to be victims of crime because of specific vulnerabilities. Protecting vulnerable people through safeguarding and prevention helps to reduce crime and increase confidence, building safer and stronger communities.

Occurrence types with the highest potential victim harm include cyber enabled sexual crime, fraud, trafficking and slavery, domestic abuse and child abuse/neglect. Other categories of abuse include Hate and Mate crime, physical , sexual or psychological abuse,

FGM, forced marriage or organisational abuse. Identifying, preventing and investigating the exploitation of the vulnerable, particularly in the adult safeguarding arena, remains a significant challenge. The publication and dissemination of information to the public about recognising abuse and knowing how to seek help, either for themselves or others must therefore be a priority

The national threat level remains at Severe due to an increase in the threat of international terrorism arising from the conflict in Syria. Engagement with a range of vulnerable and hard to reach communities is essential to ensure that community concerns and risk, including under-reporting, are effectively identified.

Community Impact

Cyber Crime

Focus on victims is key to tackling cybercrime as it is often difficult to track down and arrest offenders. Targeting those with internet access and those who are more at risk due to identified vulnerabilities including social isolation, loneliness, poor mental health or those that may be exploited due to age-related vulnerabilities may assist in preventing further or repeat crimes.

Fraud

According to the most recent findings of the Crime Survey, fraud and cybercrime are now the most prevalent crimes committed against people in England and Wales. Whilst large scale fraud continues to be committed against businesses, there is an increasing level of reported targeting of individual and often vulnerable victims within communities. Locally, older people are particularly at risk of scams such as doorstep fraud, bank and card account takeover, pension liberation and investment fraud. Younger people are more likely to be victims of online purchase related fraud relating to retail or auction websites.

Domestic Abuse

The numbers of both domestic abuse with and without injury reported to North Yorkshire Police continues to rise and are both at their highest recorded levels since 2008/9. This trend is linked to a focus on encouraged reporting. Independent Domestic abuse Services (IDAS) report that they are experiencing an increase in the number of parents presenting because of domestic related issues with their children. Nationally there is a growing recognition of children being abusive towards family members. Domestic abuse, either committed against or witnessed by children and young people is a key push factor in them going missing from their home address. This then exposes them to a wider set of vulnerabilities including sexual or criminal exploitation.

Child Abuse and Neglect (Including CSA and E)

Protecting children and young people from significant harm (as a result of abuse or neglect) remains a key priority of the partnership. Close working between all agencies (in line with 'Working Together' and the local children safeguarding board (CYSCB) is critical to this. The scope of child abuse is broad and incorporates physical, sexual or emotional abuse and neglect. It has the potential to occur in any geographic, social or economic group. Current multi-agency analysis of child abuse and neglect is seeking to better understand the profile within York and North Yorkshire.

Prevent

Incidents across Western Europe in 2016 and recent attacks on the UK Mainland demonstrate the continued willingness of people to give up their lives for a cause. The diversification of approaches from the destruction of commercial airliners to the use of co-ordinated shooting incidents and low-technology methods such as hostile vehicle attacks demonstrate the need for intelligence and law enforcement agencies, as well as a broad range of public, private and third sectors to be involved in the identification and response to vulnerable sites, routes and people. Social isolation, poor mental health as well as violent tendencies are becoming more understood as relevant factors to vulnerability to radicalisation alongside the traditionally seen element of religion. It is crucial that all partners work to raise awareness of Prevent within their own organisations and that staff are well informed and confident to identify those potentially at risk from radicalisation and know who to report their concerns to. Prevent is a safeguarding issue whereby the specific counter terrorism risks are identified and addressed alongside other support needs of individuals brought to the attention of the Community Safety Team.

We will:

- **Work collaboratively to ensure that domestic abuse becomes socially unacceptable and that the harm caused to victims and their families is reduced**
- **Take effective preventative and enforcement action to protect children from sexual exploitation**
- **Provide a multi-agency approach to support and reduce the vulnerability of people with multiple and complex needs from becoming victims or perpetrators of crime and anti-social behaviour**
- **Work proactively to prevent people from being drawn into terrorism and reduce the likelihood of extremism**
- **Work with partners to ensure that staff are well informed in relation to Prevent and confident to raise concerns and make referrals through the appropriate channels**
- **Raise awareness of Prevent both within organisations and communities to ensure that concerns are reported and the community risks from terrorism are reduced**

Tackling Serious Organised Crime – Lead Agency North Yorkshire Police

Although Serious Organised Crime (SOC) is often thought of in a regional, national or international context, its impact is most felt by local communities. It harms individuals, families and local businesses alike with rippling implications for even the smallest most rural communities. However, it is not a crime itself, SOC is controlled and led by organised crime groups (OCGs) that use intimidation tactics and corruption for unlawful gain. OCGs are deceitful and unscrupulous in their pursuit of money, power or personal gratification through the harm of others.

In January 2016, North Yorkshire Police produced a Serious Organised Crime Problem Profile for York and North Yorkshire. This profile was presented to both Community Safety Partnerships and it was agreed that Safer York Partnership would ensure that partners are engaged in supporting the police to gather and share intelligence and disrupt organised crime groups operating in the city.

Community Impact

These hidden crimes take place around us every day. Too often the theft of a mobile phone or possession of drugs for personal use enables a more insidious organised and pervasive criminality such as human trafficking or fraud. SOC has a significant social and economic cost – estimated at £24billion each year to the overall economy. These criminals often prey on vulnerable communities and individuals to profit financially or otherwise. They supply and distribute illegal drugs, commit fraud, tax evasion and facilitate human trafficking and child sexual exploitation (CSE).

Based upon local economic, crime and intelligence profiles, the types of human trafficking and modern slavery most prevalent within York and North Yorkshire are:

- Labour exploitation – being forced to work very long hours, often in hard conditions and to hand over the majority, if not all of their wages. Examples include car washes and nail bars
- Domestic servitude – being forced to work in private households, performing household tasks for long hours for little, if any pay.
- Criminal exploitation – involving forcing victims to engage in criminal activities such as cannabis farming, forced begging, pickpocketing and benefit fraud.
- Sexual exploitation – Includes prostitution, pornography and escort work. Men women and children can all be victims and many will have been groomed or deceived with promises of a better life before being controlled through violence and abuse

We will:

- **Work in partnership across the county and city to increase the sharing of intelligence relating to organised crime groups in order to bring those involved to justice**
- **Increase awareness of staff in order to improve the gathering of information and intelligence relating to human trafficking and modern slavery**
- **Work to in partnership to embed a programme of support to victims of Serious Organised Crime, Human Trafficking and Modern Slavery**

Tackling Anti-social behaviour – Lead Agency, CYC Community Safety

In 2014 City of York Council and North Yorkshire Police established the Community Safety Unit essentially to tackle anti-social behaviour in a more joined up way. A team of City of York Council ASB Officers and six police officers work together to risk assess on a daily and weekly basis and facilitate partners to work together to address the most serious cases in the most effective and efficient way. In addition a Neighbourhood Enforcement team tackle environmental ASB such as graffiti, littering and flytipping, operates the council's domestic noise nuisance service at weekends and works proactively with police safer neighbourhood teams on planned operations to tackle local issues of ASB in the community.

Community Impact

Anti social behaviour is activity that impacts on other people in a negative way. It can include a variety of behaviours covering a whole range of unacceptable activity that can blight the quality of life for individuals, families and communities. Anti-social behaviour is most often defined as behaviour that causes or is likely to cause harassment, alarm, or distress to one or more people not of the same household as the person responsible (perpetrator).

If anti-social behaviour is allowed to continue unchallenged, the effects for individuals and the community can be devastating. The Anti-social behaviour, Crime and Policing Act provides a community trigger which allows victims and communities the right to demand that anti-social behaviour is dealt with.

Hate crime is any criminal offence committed against a person or property that is motivated by hostility towards someone based on their disability, race, religion, gender identity or sexual orientation. Whilst levels of recorded hate crime in York are low, we have anecdotal evidence from a range of agencies working with communities of interest that the true extent may not be known. This may leave vulnerable individuals who feel unable to come forward and report issues which impact significantly on their own and their family's quality of life. Hate crime cases are dealt with by the Community Safety Unit and are addressed through discussion and action planning at the weekly multi-agency meetings.

We will:

- **Prevent anti-social behaviour and reduce the impact that it has on people's lives through using our collective resources to target offenders and address issues based on threat, harm and risk**
- **Help to reduce ignorance and prejudice by helping people to get to know each other and challenging myths and racism**
- **Defuse community tensions when they arise by recognising the signs early and having the right tools and skills available to reduce them.**
- **Tackle issues of environmental crime through programmes of education and enforcement action, empowering communities to tackle issues themselves**

Substance Misuse – Lead agency CYC Public Health

There are clear links between many aspects of the health and wellbeing agenda and community safety. Substance misuse (whether drugs or alcohol) is strongly linked to both crime and disorder. Substance misuse can also make some people more vulnerable and therefore at risk of becoming victims of crime.

The aim of the York Alcohol Strategy is for stakeholders to work together to reduce and prevent the alcohol related harms that people might experience within their lifetime. This will be achieved by encouraging responsible drinking and positive behaviour. By providing those who are drinking at risky and harmful levels with the right information, effective support or treatment, alcohol related harm will be reduced. As a major tourist destination, many visitors choose to come to York because it is such a vibrant, compact city with many venues offering food and alcohol. However, this can result in conflict with other tourist and resident groups within the city, particularly where alcohol is involved and anti-social behaviour becomes a consequence of excessive drinking. The strategy is supported by a vision for safe alcohol use. It will be delivered in collaboration with local stakeholders and will promote a

whole life approach towards alcohol through encouraging positive behaviour, responsible drinking, reducing and preventing the harms associated with alcohol and providing effective interventions and treatment for those who are drinking at risky and harmful levels.

Community Impact

A large amount of resource is required to deal with alcohol related issues. The ambulance service, accident and emergency department, police, fire and rescue service and members of the public routinely deal with the consequences of alcohol. Harm to families, such as domestic abuse, child abuse and neglect as well as violent crime, binge drinking, absenteeism from work, drink driving, alcohol related accidents and anti social behaviour are all issues associated with alcohol.

We will:

- **Commission holistic drug and alcohol services to encourage, support and empower individuals to take control of their lives and minimise the harm caused by drug and alcohol misuse**
- **Work in partnership to drive the delivery of the Alcohol Strategy for York, connecting those areas of the community safety plan where alcohol has an impact**

Monitoring Performance

The Community Safety Plan is a living document and will be refreshed annually throughout its lifespan. Detailed action plans will be owned by the relevant leads and will be monitored by the Safer York Partnership Board.

How can you get involved?

You can have more direct involvement in the work of Safer York Partnership by interacting with us on Social Media. Find us @saferyork on Facebook and Twitter or visit our website www.saferyorkpartnership.co.uk You can also join the North Yorkshire Police Volunteer scheme or become a member of Neighbourhood Watch in your area.

We can be contacted at:
Safer York Partnership
West Offices
Station Rise
York
YO1 6GA
01904 551550

Email: info@saferyorkpartnership.co.uk



Executive**28 September 2017**

Report of the Director of Economy and Place

Portfolio of the Executive Member for Finance and Performance

Sale of Land at Bootham Row Car Park**Summary**

1. This report seeks a decision on the sale of a strip of land at Bootham Row Car Park to Bootham Developments LLP, owners of 27 Bootham.

Recommendation

2. The Executive is asked to :

Approve the sale of land at Bootham Row car park for the sum of £155,000.

Reason: To achieve a capital receipt and improve the environment and public realm of Bootham Row and the surrounding area.

Background

3. The site is currently used as part of the Bootham Row car park. It provides parking for motorcycles and 5 car parking spaces. A plan of the site is included at annex 1.
4. The site adjoins 27 Bootham, owned by Bootham Developments LLP. The main building is grade II listed. There is a vacant shop at ground floor level, with flats above. There is a mid twentieth century flat roof building at the back which was last used for storage. The development site is within the Central Historic Core Conservation Area at the rear of 25/27 Bootham. 19, 21 & 25 Bootham are also grade II listed. Due to the proximity of the rear building to the main building and its scale and form it detracts from the listed building and the conservation area setting.
5. The developers have approached the Council with the intent of demolishing the unattractive building at the rear and developing houses. One of the options includes an extended commercial unit at ground level and flats above.

6. The proposed scheme contains improvements to the public realm and the setting of the conservation area and listed buildings. However a significant concern over the proposals was the inadequate access provision for residents. The access points would be via the strip of land on Bootham Row (behind Bootham Tavern) currently used for motor cycle parking. The surfacing is uneven and poor quality. The pavement is narrow (about 1m wide) on both sides. The environment is unattractive and though the scheme can be developed without improved street design, the use of adjoining Council land will deliver a significant improvement to the visual amenity and setting of the scheme.
7. Due to the shallow depth of the site, the land is not capable of being redeveloped in its own right for any other use, other than the existing car parking.
8. A provisional agreement has been negotiated with Bootham Developments to sell the strip of land for the sum of £155,000, which reflects the open market value of the site. The sale price equates to £2.87m per acre. This compares well with the £1.25m per acre land value achieved for the sale of a small 0.01 acre strip of land at Percy's Lane to enable a development off Walmgate.
9. The sale will provide the following improvements for local residents
 - a) Provision of a new footpath where none exists at present.
 - b) Attractive paved and landscaped open space.
 - c) Trees
 - d) Improved street design.

These improvements will enhance the environment of the immediate area by changing what is currently an unattractive access to the car park into an attractive landscaped area with the loss of only a small area of motorcycle and car parking space which can be absorbed into the remainder of the car park

10. The proposed sale to Bootham Developments offers the opportunity to realise a capital receipt, improve the public realm, improve the environment for neighbouring properties, and enhance the value of the Council's retained land. This could not be achieved by selling the property to any one else.

Consultation

11. Parking Services and Development Management have been consulted in connection with the proposed sale.

Analysis

12. The disposal of land will generate a capital receipt and contribute to the improvement of the overall environment of Bootham Row and the surrounding area, thus enhancing the public realm and providing an attractive access to this public car park. However, the sale will involve the loss of a small amount of operational car park which generates income estimated at £7k pa. There is a strong likelihood that this income will be displaced into the main car park and any revenue impact will be mitigated by the capital receipt.
13. Rejecting the sale will allow the existing income levels to be maintained from the operational car park. However, the opportunity to achieve a capital receipt and improve the public realm in that area will be lost.

Council Plan

14. This proposal contributes towards providing a prosperous city for all where local businesses can thrive and provide good quality housing.

Implications

15.

Financial - The council budgets for £377k income from Bootham Row car park and the loss of 5 spaces will impact revenue estimated at circa £7kpa. Car park income is a key income generator for the council (£5.7m budget) and variations will be reported to Executive through the regular monitoring regime.

Human Resources (HR) – There are no human resources implications.

Equalities – The scheme will deliver general improvements to the pedestrian access to the car park and the residential and commercial spaces that adjoin it. .

Legal - Pursuant to S.123 of the Local Government Act 1972 the Council can dispose of property for a price equal to open market value/best consideration without needing to obtain the consent of the Secretary of State. The sale contract and transfer deed will not oblige the purchaser to carry out any works to the purchaser's existing land, the sale property or the Council's retained land.

Crime and Disorder – There are no crime and disorder implications.

Information Technology (IT) – There are no information implications.

Property – Implications are included in this report.

Risk Management

- 16. The loss of car parking space is very small and is unlikely to have any significant impact on parking provision in the city. It will however improve the pedestrian access and therefore reduce the risk of accidents.

Contact Details

Authors:
Tracey Carter

Tracey Carter - Assistant
Director for Regeneration
and Asset Management Tel
No. 553419

Chief Officer Responsible for the report:
Neil Ferris
Director of Environment and Place

Report Approved **Date** 18 September 2017

Tim Bradley
Asset Manager
Asset and Property
Management
553355

Report Approved

Specialist Implications Officer(s) *List information for all*
Financial *Legal*
Patrick Looker *Gerard Allen*
Finance Manager *Senior Solicitor*
551633. *552004.*

Wards Affected: Guildhall

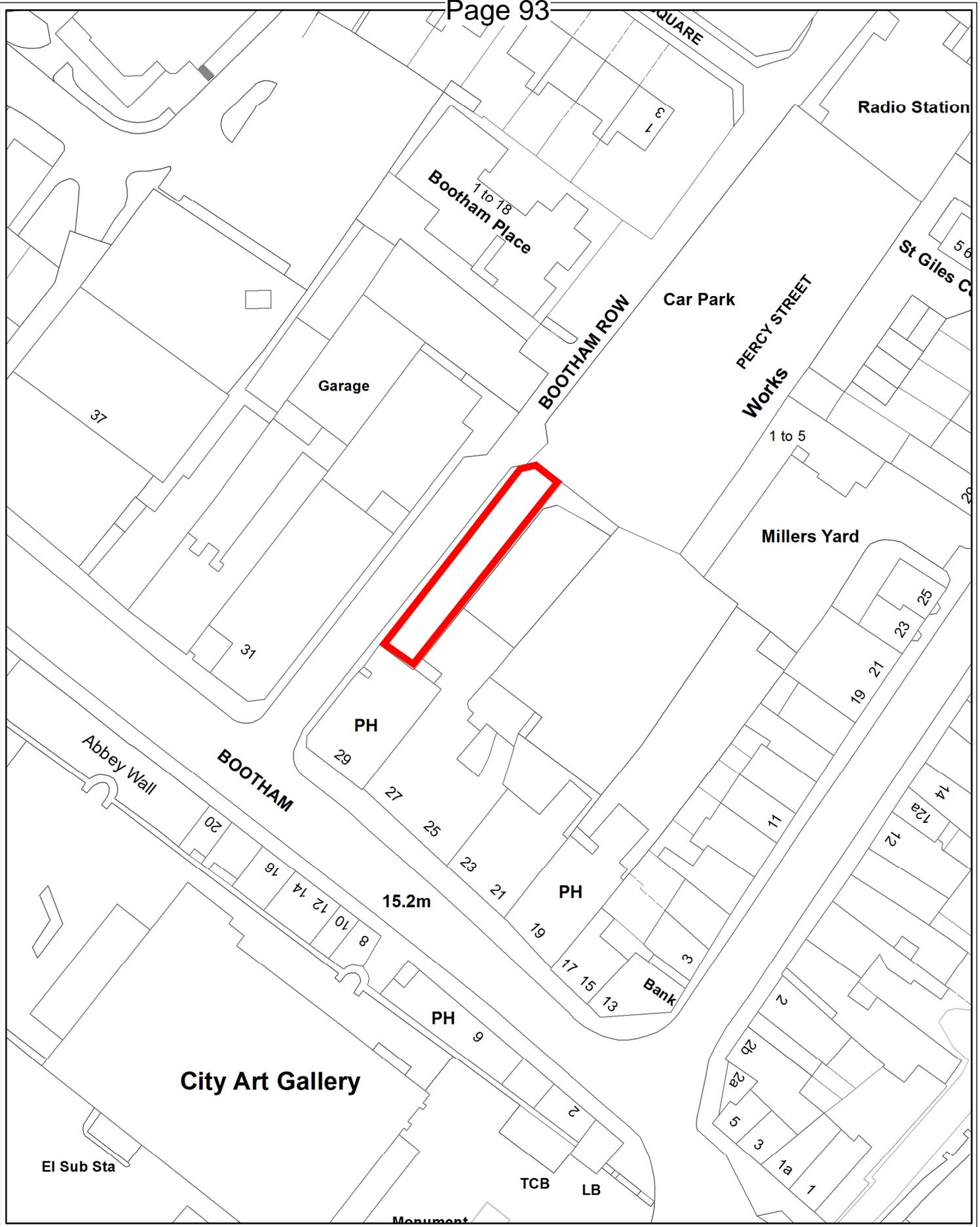
All

For further information please contact the author of the report

Background Papers:

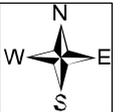
Annexes

Annex 1 – Site Plan



**Asset & Property
Management**

Sale of Land at Bootham Row Car Park



SCALE 1:713

DRAWN BY: CC

DATE: 07/08/2017

Originating Group:

Asset & Property Management

Drawing No.

E00181_4

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Executive**28 September 2017**

Report of the Director of Economy and Place

Portfolio of the Executive Leader (incorporating for Finance and Performance)

Asset Management Strategy 2017-2022**Summary**

1. This report sets out a refreshed and updated Asset Management Strategy for the Council for the period 2017-2022. It sets out work undertaken over the last 2 years to improve the financial performance and social outcomes arising from the Council's land and property assets and sets out the developing principles that will drive future decision making on our assets. The report also recommends further Scrutiny Committee consideration of these principles and the work we are doing to develop detailed asset plans for all aspects of our property assets.

Recommendations

2. The Executive is asked to :
 - a) Agree the principles and approaches set out in the Corporate Asset Strategy and to use these to shape future asset decisions;
 - b) Agree to refer the Asset Management Strategy to Economy and Place Policy Development Committee to review and provide input and to bring back a report to Executive in the new year;
 - c) Agree the approach to developing a Community and Operational Asset Strategy;
 - d) Agree to use of contingency funding of £165k to fund the proposals set out in paragraph 22.

Reason: To establish clear principles to guide and shape future use of our assets and set out a programme of work to develop comprehensive plans for all Council assets.

Background

3. Executive agreed the Housing Revenue Account (HRA) Asset Management Plan in February 2016 which covers all social housing assets held in the Housing Revenue Account and which sits outside the General Fund. An updated HRA Business Plan will be brought to Executive in November 2017.
4. The current Asset Management Plan 2011-16 needs updating to make it relevant for the next 5 years and to make it more specific and actionable. The key principles that have driven work to date are:-
 - a. Make best use of publicly owned assets across York
 - b. Encourage shared use of property resources
 - c. Minimise cost of occupation of land and buildings
 - d. Ensure the assets comply with the Council's Sustainability policies including the Carbon Management Policy.
5. Whilst these principles remain relevant they do not go far enough to lead our decision making about the future of our assets. The new strategy needs to respond to the Corporate Strategy with a new context, new delivery models and new methodologies for engaging customers and communities, all of which have changed and evolved significantly since 2011.
6. We can see this evolution by looking at work already underway on :-
 - a. **Council accommodation** – in 2012 we moved from 17 buildings into 2, supporting service integration with partners and reducing costs by over £1m pa with a target of generating rental income and contribution towards running costs from West Offices in excess of £1m pa.
 - b. **Regeneration of key city centre areas** to make them economically and socially active e.g. York Central and Castle Gateway.
 - c. **Finding new economically viable uses for historic buildings** – e.g. West Offices and The Guildhall.
 - d. **Investing in important historic buildings** to make them fit for purpose for the next generation e.g. Mansion House.

- e. **Proactive expansion and commercially focussed management** of our Commercial Estate which generates over £4.28m pa revenue to support Council service delivery.
- f. **Strategic acquisitions of high performing commercial assets** (such as Swinegate) and the disposal of poor performing assets (e.g. Stonebow House).
- g. **Disposal** of a number of surplus assets to generate capital receipts.
- h. **Older People's Accommodation** – remodelling of service provision around the need to move away from provision of general residential accommodation to increasing the private sector supply of specialist dementia nursing provision with our focus on enabling support at home and provision of more extra care beds – leading to an overhaul of the Older Persons Accommodation estate and a disposal and reinvestment model.
- i. **Libraries** – the development of library premises into multi-use community facilities (the Centre@Burnholme, New Earswick Folk Hall, and Haxby Memorial Hall) to provide a more holistic offer to communities, whilst seeking income generating models like Rowntree Park Reading Cafe.
- j. **Community Centres** – Undertaking community asset transfer where there is a strong voluntary group with a compelling business case. For those community groups not ready for a full asset transfer, a medium term lease has allowed them to still take control with limited liability. This approach has allowed voluntary groups to flourish and increase activity, improve outcomes and attract external funding. Closure of older community centres has created opportunities to create multi-use facilities. For example; Clifton's residents support the closure of Burton Stone Community Centre to develop more extra care homes whilst integrating a small community centre for use by all the community.
- k. **Young People's Services** – Youth Centres have moved from direct CYC delivery to create community capacity allowing voluntary and charitable youth providers to use CYC assets.

sector estate and identifies opportunities for collaboration and synergy. The board has also given greater focus to the opportunities for joint working on health and social care and opportunities are already being worked upon.

Strategic Objectives and Principles

9. From this work we have developed three objectives and a set of principles to drive future asset planning. The Objectives are:-
 1. To use our assets to deliver policy goals;
 2. To operate our estate efficiently and dynamically to support the effective delivery of council services;
 3. To use council assets to generate maximum income in order to support the delivery of council priorities.

10. These objectives are broken down into more detailed principles which guide our activity planning and decision making, the principles are :-
 - a. We will use our assets to maximise positive outcomes for our communities;
 - b. In order to protect direct services we should reduce the overall cost of the estate through:-
 - I. rationalisation of assets
 - II. disposal of poor quality assets
 - III. exploiting commercial opportunities
 - IV. co-location of Council and other public sector services (inc Health, care, police, education);
 - c. We will use our commercial assets to generate income to support service delivery;
 - d. We will use our assets to create efficiencies and reduce service costs, for example to reduce reliance on out of city placements for people with complex needs;
 - e. Assets should support CYC and partners to achieve joined up services and improved outcomes - buildings should not be exclusive to one particular service and community spaces should where possible be flexible and adaptable to support a range of uses.
 - f. We will acquire or hold assets to drive economic development or regenerate an underperforming part of the city;
 - g. We will use assets to deliver and accelerate housing provision in the city.

- h. We will ensure assets comply with the Council's Sustainability policies and we will explore opportunities, where financially viable, to reduce the carbon footprint and water use across our retained estate;
- i. Assets should be operated by the community where a community group is best placed to deliver outcomes;
- j. We should use assets to support area based working - through a three zone city model;
- k. Where schools become Academies we will work to maximise the use of education land to the benefit of education and wider community use.

Our Estate

11. The councils' property estate is large and extremely varied with 1250 assets with a value of £367m (including schools valuing £188m) generating an annual income of £5.29m. This estate can be classified into three separate blocks:-
 - Operational and Community Assets
 - Commercial portfolio
 - Surplus land for housing delivery

Operational and Community Assets

12. In addition to our core administrative buildings at West Offices and Hazel Court, council staff operate out of a number of buildings in community settings. In addition we own and operate community facilities in the same communities, some of which are operated by the council whilst others are operated by other organisations such as community groups.
13. These arrangements are largely historic but over the last few years we have implemented programmes of service change which have led to remodelling of the asset base e.g. Children's centres and Older People's Accommodation.
14. The rationalisation of administrative and community buildings and centralisation of staff, coupled with the letting of office space in West Offices to achieve income generation, have placed a pressure on council space in the building. A further report will be brought back to Executive setting out plans for core office provision for staff and the delivery of the income target.

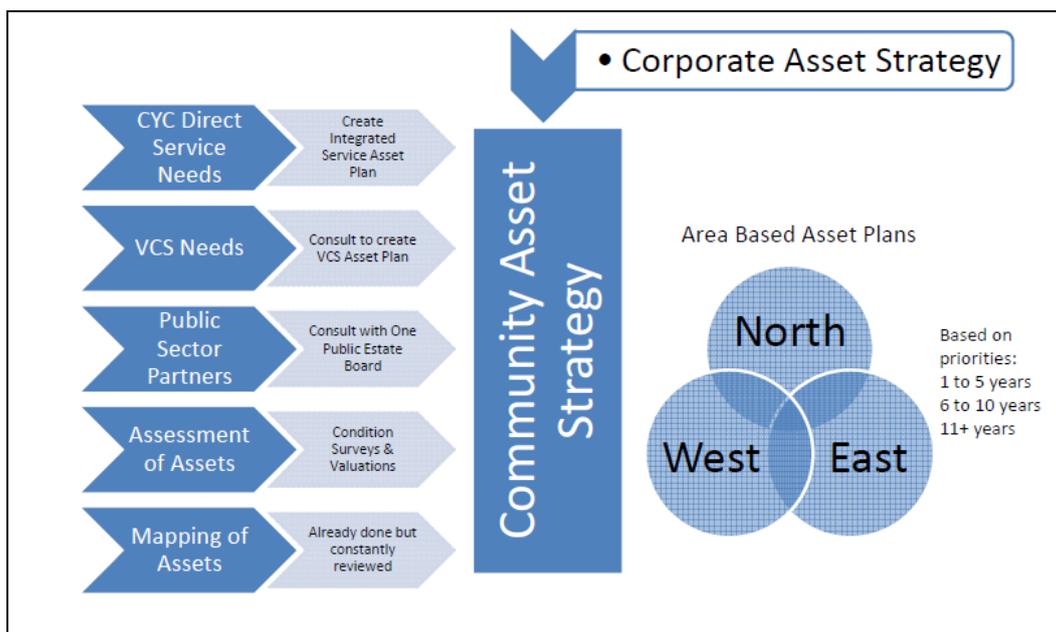
15. There are however still a large number of staff working out of community settings and we need to develop proposal for the future location of staff in community settings that align with community provision in those same areas. As we develop our future plans we want to apply the principles set out in this report to maximise the positive impact of our estate and to ensure a cohesive plan for the location of CYC staff and the effective operation of community assets.
16. We have continued to transfer assets to the community where a community group are able to use the asset for improved community or social outcomes but this process is most effective when it is developed in partnership with communities to develop shared visions, collaborative proposals and when we ensure that groups taking on the responsibility for operating assets have the support and capability to do this successfully. This can be a resource intensive and time consuming process carefully managed and properly resourced.
17. There is not a one size fits all solution to shape community provision. Each area has a different starting point and has different needs. Rather than devising a high-level, theoretical vision and then trying to apply this top down approach across a range of different localities with different needs and starting points we need to do a more detailed piece of work to understand :-
 - Changing service delivery models in our people and place based services
 - The potential for collaboration with our partners in the city especially health and specifically GPs
 - The state of our estate, the future liabilities and the potential of our assets.
 - Through engagement with our communities, to better understand what they value and what they need.

Developing detailed plans for Community Assets

18. The principles set out in this report need to be built into a comprehensive plan for our community assets. In order to create this plan we need to :-
 - a. Update our intelligence on our current estate – undertaking up to date condition surveys and valuations

- b. Capture service needs and build into an integrated CYC service strategy
- c. Work with partners to develop ideas for co-location and integrated service delivery
- d. Pursue options within the OPE programme for specific exemplar projects with partners
- e. Escalate the importance of asset strategy with partners and seek top level commitment to joint working on specific projects.
- f. Develop a programme of community engagement in three zones to develop our understanding of community capacity, strengths, needs, aspirations and opportunities.
- g. Develop a high level business plan and phasing plan to deliver the Community Asset vision. This will potentially require investment which will need to be delivered by some disposals and will also need to deliver some ongoing revenue savings. This may be expressed as a series of opportunities that will be decided upon on a case by case basis as each proposition is worked up in detail.
- h. Revise the Administrative Accommodation strategy for the next 5-10 years. In order to achieve budget income targets from leasing desk space out at West Offices.
- i. The development of a Community Asset Strategy will require additional resources estimated at £165k over 2 years to fund staff resources, surveys and valuations.

19. The diagram below shows how the Community and Operational Asset Strategy can be developed through a sequential process of identifying needs through to the completion of three area based community assets plans.



Indicative Programme

20. The development of the Community Asset Strategy will take time to coordinate and evolve through community and partner conversations. It is important to note that this will be an iterative process that will require flexibility in terms of application. The speed of delivery and results will highly depend on the volume of resources targeted to this work stream. The programme shown below is only indicative but sets out an early view of how phasing this project could be achieved.

No.	Indicative Programme	2018				2019				2020			
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
1	Create Integrated Service Asset Plan												
	Review Library Service Asset needs												
	Review Children's Service Assets needs												
	Review Adult's Service Asset needs												
	Review Housing Service Asset needs												
	Review Public Health Service Asset needs												
	Other service reviews to be determined												
2	Creating a central data base on assets												
	Mapping assets												
	Space appraisals												
	Condition & valuations												
3	Consultation with Voluntary Community Sector												
	Community engagement - North area												
	Community engagement - East area												
	Community engagement - West area												
4	One Public Estate Partnership Consultation												
	OPE Partners Meetings												
5	Area Asset Based Plans Created												
	North Area Draft Community Asset Plan												
	East Area Draft Community Asset Plan												
	West Area Draft Community Asset Plan												
	Consultation on draft plans												
	Short, Medium and Long term priorities set												
6	Implementation												
	Resources identified to delivery projects												

Phases	One
	Two
	Three
	Four

Resources

21. This is a significant programme of work which will require investment to deliver and cannot be accommodated from within existing limited staff resources. The management of this work stream will be the responsibility of the whole Corporate Management Team.
22. This work is substantial and cannot be achieved within existing staff resources his will require a full-time project manager to drive the work streams, have responsibility for creating the community relationships that are needed if this approach is going to be successful and report progress back to the Corporate Management Team. In addition, a part-time surveyor will be required from the Asset Management Team to coordinate all the space appraisals and building condition surveys. The estimated cost over two years is £115k based on 1.5 FTE at grade 9. A budget will also be required of approximately £50k to commission building condition surveys

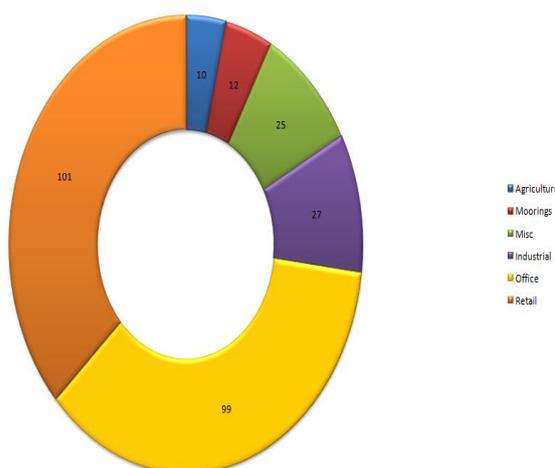
and valuations to inform the strategy, giving a total budget requirement of £165k.

23. It is proposed that the one off costs of preparing the strategy are met by contingency. The council's contingency currently stands at £926.6k and this allocation will reduce the value to £761.6k.
24. The strategy will give rise to a series of business cases which may deliver ongoing savings but may require investment in order to do so which could be funded from the potential disposal of surplus assets.

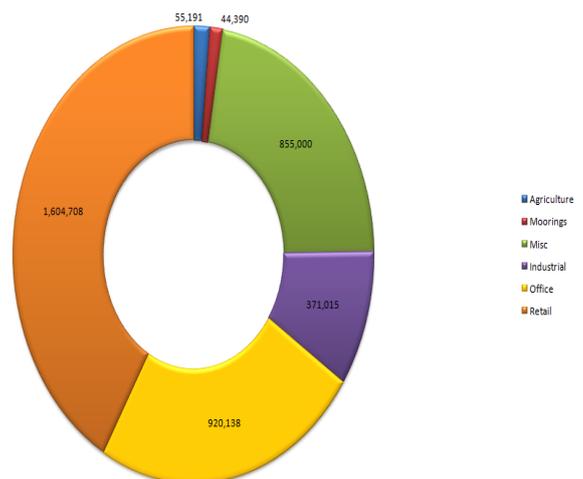
Commercial Assets

25. Our Commercial Estate is an essential income generator. The council owns 492 commercial assets and there are 1,074 occupational commercial agreements relating to those assets. The portfolio generates £4.28m pa, rising to £5.29m when you include West Offices. These figures do not yet include the newly acquired Swinegate properties which are subject to contract and which will substantially increase the portfolio's annual income. The assets range in use with the majority office and retail with some use types such as retail generating higher yields than others such as agricultural. The graphs below illustrate the property portfolio by asset use. These figures exclude minor agreements as well as operational property such as school and community lettings and the income from West Offices.

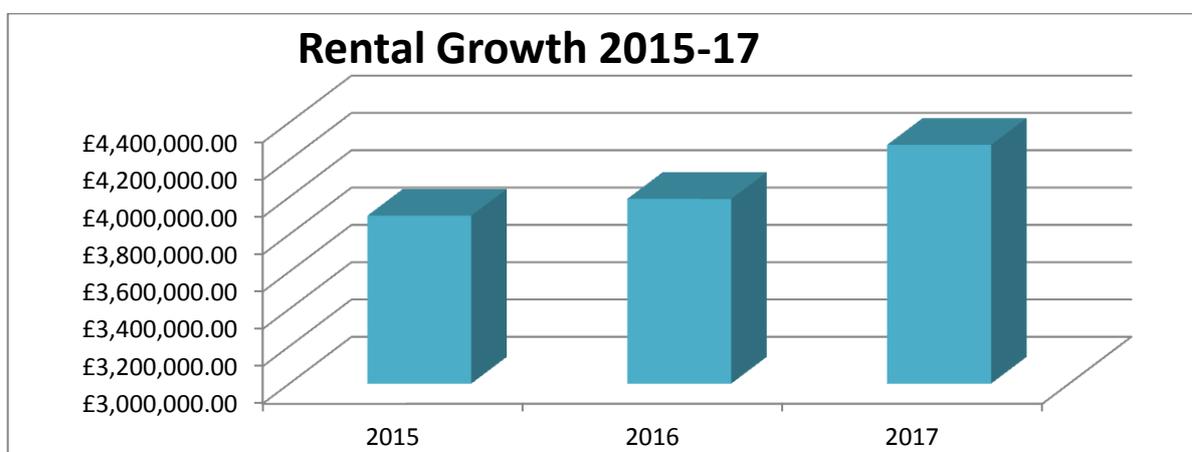
No's of Asset by Type



Asset Type by Annual Income



26. The Estate was assembled over a long period of time often to safeguard buildings at risk (the Shambles) or to prepare for large capital schemes. We purchased a number of premises on Gillygate for an aborted inner ring road scheme in the 1960s. Many of these assets deliver a good financial yield and the income is an important part of our overall financial strategy.
27. The long term financial strategy identifies an increased income target of £1m pa over 4 years (excluding West Offices for which there is an additional target of £1m pa.) This has been achieved to date and through strategic acquisitions such as Swinegate and Hospital Fields Road and plans are in place to deliver the full target. The graph below shows the increase in commercial rental income over the last 2 years.



28. It is proposed that the Commercial Asset team continue to explore further commercial investment opportunities and bring back to members opportunities to generate further income whilst enabling the improvement and regeneration of areas of the city that may be struggling to maintain their character or economic vibrancy.
29. The Commercial Asset team recently took the management of the Eco Centre at Clifton Moor back in house from an outsourced contract and through effective management have managed to turn a fairly significant loss into a small surplus. When the Guildhall opens it is proposed that that will also be internally managed to ensure the council take the full financial benefit from the scheme.

Assets for Housing Delivery

30. In March 2017 Executive considered a report setting out the principle of using surplus public sector land assets to increase the volume and accelerate the pace of housing delivery in the city. The report identified that York needs more homes to address the shortage of supply across all tenures and to address a local housing market that is characterised by high

demand and high prices. The existing market dynamic of mismatched supply and demand leads to :

- Difficulty in providing affordable housing for those in greatest need (high land prices)
- An inflationary impact upon private rent levels creating an affordability gap even for those on middle incomes
- Escalating house prices meaning that the option for home ownership is out of reach even for those on median incomes

31. This in turn impacts upon the long term health and growth potential of our economy which requires a readily available and diverse housing supply at different price points. There is a strong need for affordable housing in York, both because house prices (to buy and to rent) are higher than regional averages and incomes are lower than regional averages:

32. Executive agreed to :-

- Enter into a Memorandum of Understanding (MoU) to establish a strategic partnership for housing development and investment with the Homes & Communities Agency.
- Agree that a detailed business case for council-led housing development, including project management, governance, funding arrangements and risk assessments be presented for Executive approval.
- Agree that the council will explore partnership and funding opportunities to deliver accelerated housing on public land.

33. A Memorandum of Understanding (MoU) has been agreed with the Homes and Communities Agency (HCA) and the HCA have selected 5 CYC sites to go through to the next round of the bidding process for the Accelerated Construction programme. This will involve the development of site by site business cases prior to a further stage of evaluation which may eventually lead to some upfront enabling financial support and risk sharing.

34. The detailed business case work is ongoing and a report will come to Executive in November setting out the business case and analysis of different delivery mechanisms, the relative timescales of each of these approaches, the legal advice regarding our powers to develop housing outside the HRA. It is likely that the council will need to establish an arms length trading company in order to either directly deliver housing outside the HRA or enter into a joint venture to do so.

35. The November report will also identify which sites will be recommended for consideration for housing development and which will be proposed for disposal to generate a capital receipt. It will summarise financial commitments already agreed by Executive based upon earmarked capital asset receipts and will demonstrate how these will be delivered.

Consultation

36. The Asset Management Strategy is an important area of long term policy development and would benefit from cross party input before detailed plans are devised. It is therefore recommended that the Economy and Place Policy Development Committee are asked to consider the Asset Management Strategy as part of their work plan for the year, and to bring back to Executive any suggested amendments to this strategy. In the meantime the principles set out in this report will continue to inform decision making.
37. The next stage in the development of the Community Asset Strategy will require significant public engagement and consultation.

Council Plan

38. The strategy will assist in the creation of a Prosperous City for All, and be a Council that listens to residents particularly by ensuring that :
- i. Everyone who lives in the city can enjoy its unique heritage and range of activities.
 - ii. Residents can access affordable homes while the greenbelt and unique character of the city is protected.
 - iii. Visitors, businesses and residents are impressed with the quality of our city.
 - iv. Local businesses can thrive.
 - v. Environmental Sustainability underpins everything we do.
 - vi. We are entrepreneurial, by making the most of commercial activities.
 - vii. Engage with our communities, listening to their views and taking them into account.

Implications

39. Financial - The budget strategy has identified that additional budgetary targets are to be set relating to increasing revenues from the council's commercial portfolio and West Offices. The need for an updated and refreshed asset strategy is a key tool in being able to deliver these increased revenues.

Human Resources (HR) – Recruitment to new posts will be undertaken in line with HR policies

Equalities – There are no equalities implications

Legal – There are no legal implications

Crime and Disorder – Crime and disorder implications for individual assets and community facilities will be considered as part of the development of the Community Asset Strategy.

Information Technology (IT) – There are no information implications.

Property – Implications are included in this report.

Risk Management

40. The risk of not developing an Asset Management Strategy would leave the Council with a very short term view of its own assets and will not fully consider the range of possibilities for their future use and may endanger the achievement of financial targets associated with the council's property portfolio.
41. New service delivery models such as; Local Area Co-ordination and Local Area teams are seeking efficiencies from tactically moving into community buildings to not only save money but to provide better outcomes. Without this overarching strategy there is a risk that services may not be able to make the savings they have identified based on new delivery models.

Contact Details

Authors:	Chief Officer Responsible for the report:
Tracey Carter - Assistant Director for Regeneration and Asset Management	Neil Ferris Corporate Director of Environment & Place

Report
Approved



20.09.17

Specialist Implications Officer(s) List information for all
Financial Legal
Patrick Looker Gerard Allen
Finance Manager Senior Solicitor
551633. 552004.

Wards Affected

All



For further information please contact the authors of the report

Background Papers:

[Corporate Asset Management Plan 2011 – 2016](#)

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Executive**28 September 2017**

Portfolio of the Executive Member for Culture, Leisure & Tourism

Report of the Director of Economy and Place

Update on Formal Enforcement Action and Review of Enforcement Policies**Summary**

1. The purpose of this report is to enable the Executive Members to review the formal enforcement action as well as the surveillance activity undertaken in 2016-17 by:-
 - Public Protection (Environmental Health, Trading Standards and Licensing)
 - Housing Services
 - Community Safety
 - National Trading Standards Regional Investigation and National Trading Standards eCrime teams (previously Scambusters and eCrime)
2. The report also asks members to consider updating the enforcement policies used by the above teams. Please note: Public Protection, Housing and Community Safety have one policy and the National Trading Standards teams have a separate policy. Furthermore, these policies do not cover the activities of Planning as well as Transport and Highways (which includes parking services) as these are subject to their own enforcement guidelines.

Recommendations

3. That the Executive Members approve the report, and the changes to the enforcement policies.

Reason: To provide oversight to the formal enforcement activity in 2016-17 (including surveillance activity), and introduce updated policies addressing current issues and other administrative changes.

Background

Formal enforcement Action Taken

4. This report details the results of formal enforcement action taken in the period specified. Each case is considered on its merits before legal proceedings are instituted. Annex A summarises the action taken, it also gives details of our surveillance activity. The names of persons listed have previously been put into the public domain through the court process.

Enforcement Policies

5. The Cabinet Member for Crime and Stronger Communities approved an enforcement policy for Environmental Health, Trading Standards, Licensing, Street Environment and Enforcement Services in February 2012. The Executive Member for Culture Leisure and Tourism approved an Enforcement policy for the National Trading Standards Regional Scambuster Team and National Trading Standards eCrime Team on 21 November 2016. The policies have become outdated due to emerging issues and other administrative matters – in the case of the latter policy, a change of name.
6. Annex B is the existing enforcement policy which covers Public Protection, Housing and Community Safety services as they are now known. The proposed updated version is contained in Annex C. The main changes in the new policy are as follows:

New policy paragraph no	Summary of change	Reason
Title	Public Protection, Housing Services and Community Safety Enforcement Policy	To reflect the new names of services.
Opening paragraph	Reference to Regulators Code	Regulators Code replaces 'Statutory Code of Practice for regulators'.
Opening Paragraph	<i>Please note, whilst this policy acknowledges that officers will adhere to principles of good practice in their enforcement activity,</i>	Makes it clear what is excluded.

	<i>it does not prescribe the way investigations will be conducted or the authorisation of surveillance activity. Furthermore, it does not include enforcement action by Planning, and Transport and Highways (including Parking services) which operate under their own guidance.</i>	
2.0	Reference to carrying out our activities in a way that supports those we regulate comply and grow.	Reflects the requirement under Regulators code
4.0	We will signpost towards additional business support services where appropriate.	Added to reflect our wider role of providing support to business (at the request of the York, North Yorkshire and East Riding Growth Hub).
4.0	Note that there may be a fee payable for our advice	Makes it clear that we may charge for the advice requested
5.0	Random inspections will be carried out where it is a condition of a licence	For clarity expands the circumstances in which inspections will be carried out.
7.0	Various changes to situations in which formal enforcement will be considered.	Changes for clarification: ‘Unfair commercial practices’ broadened to ‘Unfair practices’ generally to reflect that unfair practices extend beyond consumer protection matters (where the concept of unfair commercial practices is derived from) Word ‘Illegal’ added to sales of age restricted products to accurately reflect the situation in which enforcement action is considered.

		<p>'Operation of unlicensed taxis' etc. changed to 'operating without a licence when one is required' added to widen the circumstances in which action can be taken beyond taxis.*</p> <p>New additions: Health and Safety in the home added – important for housing services. Unauthorised encampments and tethered horses added – specific reference for clarity.</p> <p>Deleted: 'Commercial Fraud' deleted – unclear what it refers to. 'Composition of (sic) safety of animal feeding stuffs' deleted – no action has been taken since last revision. 'Overloaded goods vehicles' deleted – no action has been taken since last revision.</p> <p>Please note in relation to any deletion the provision that the Head of Service has discretion to institute proceedings on any other matter considered necessary remains.</p>
7.0	Changed 'Before' enforcement action is taken' to 'When enforcement action is taken'	For clarification that the opportunity to discuss the case etc will take place when enforcement action is taken.
7.0	We will take reasonable steps to discuss the circumstances of the case (unless it is an emergency situation)	Previously said there would be an opportunity to discuss the circumstances of the case (unless an emergency) but it is not always practicable to do so e.g if the person is abroad, in prison etc.
7.0	Discussion about the case may be under caution (previously said it may follow a	The caution exists for the protection of the person suspected of an offence and it is not appropriate to establish the

	caution) Added opportunity to discuss the proportionality or consistency of our intended course of action.	circumstances surrounding the offence without it. The addition of opportunity to discuss the decision (once the facts have been established through the investigation) is the opportunity intended to be provided.
7.0	Reworded examples of formal enforcement action	Added civil penalty notices for letting agents and landlords** as well as the suspension and revocation of a licence for clarity. Removed 'injunctive action' and added 'other court action' to simplify the wording.
10.0	Added an annual review of action taken under policy	Specified the timescales of the reviews.

** Work is underway to authorise Taxi Licensing Officers across York and West Yorkshire to enforce each others licence conditions.*

*** The Housing and Planning Act 2016 introduced the concept of civil penalties as an alternative to prosecution of landlords in certain cases. This provision will not become live until national guidelines have been issued and the provision formally adopted by the Executive Member for Housing and Safer Neighbourhoods.*

7. Annex D is the existing enforcement policy for the Scambusters and eCrime teams, the proposed changes are purely administrative and reflect a recent change in the name of the teams. The amended policy is contained in Annex E.

Consultation

8. A survey of Talkabout panellists was undertaken between 21/11/16 and 18/12/16 and they were asked to rank the importance of different aspects of the service carried out by Public Protection, Housing Services and Community Safety. Under the new enforcement policy, formal enforcement action will remain an option in all the areas they identified as important.
9. A survey of businesses was undertaken in October 2015. Respondents were asked about their priorities for Public Protection. There was a very small response – only 14 in total – but one of the key priorities was 'taking action against those flouting the law'. In this case, 8 out of 14

respondents gave 'Action against, including prosecution of, businesses breaking the law' an importance score of 4 or more out of 6. The enforcement policy enables such action to be taken.

10. The draft policy has also been shared with the Chamber of Commerce, the Federation of Small Business, the York, North Yorkshire and East Riding Growth hub, the Leeds City Region Growth Hub, Make it York and the Business Improvement District and the responses have all been supportive. See Appendix F for a full list of comments.
11. The service managers for Public Protection, Housing and Community Safety as well as legal services have been consulted on the amendments and all comments incorporated.

Options

12. Option 1 – note the action taken with comments as necessary and approve the amended policies.
13. Option 2 – note the action taken with comments as necessary and approve amended policies with any changes as thought fit.
14. Option 3 – note the action taken with comments and choose not to approve the amended policies.

Analysis

15. Option one will ensure that formal enforcement action (and surveillance activity) taken in 2016-17 has been reviewed. Furthermore, amending the policy will ensure that future enforcement action is proportionate and consistent, as well as being targeted appropriately.
16. Option two is likely to be of similar effect to option one, subject to the changes considered necessary.
17. Option three will leave us continuing to work with outdated enforcement policies.

Council Priorities

18. The legal actions support the Council's priorities in respect of the following:
 - A prosperous city for all – enabling legitimate businesses to thrive by tackling competition based on unfair and unsafe practices and ensuring residents having good quality housing.

- A focus on frontline services – many of the actions are taken in response to complaints from members of the public some of whom are the most disadvantaged in the City.
- This action is taken as part of our statutory duties.

Implications

19. **Financial:** There are no financial implications associated with this report.
20. **Human Resources:** There are no Human Resources implications associated with this report.
21. **Equalities:** There are no equalities implications associated with this report .
22. **Legal:** Under the City of York Council's delegation scheme, legal proceedings may only be approved if they are in accordance with an approved enforcement policy.
23. **Crime and Disorder:** Formal enforcement action contributes to reducing anti social behaviour and dishonest trading.
24. **Information Technology (IT):** There are no IT implications associated with this report.
25. **Other:** There are no other implications associated with this report.

Risk Management

26. Applying the Council's risk scoring criteria, operating with outdated enforcement policies poses a 'major risk' (potential action in a national court with the national media coverage) and a likelihood of 'possible' giving a score of **12** (yellow risk). Updating the policies, reduces the likelihood to 'unlikely' giving a score of **8** (green risk).

Contact Details

Author:

Matt Boxall
Head of Public Protection
Phone: 01904 551528

Chief Officer Responsible for the report:

Neil Ferris,
Director of Economy and Place

**Report
Approved**



Date 14.09.2017

Specialist Officer Implications: None

Wards Affected:

All

Background Papers:

None

Annexes

- Annex A - Summaries of Formal Enforcement Action 1st March 2016 to 31st March 2017
- Annex B - Existing Enforcement Policy - Environmental Health, Trading Standards, Licensing, Street Environment and Enforcement Services Enforcement Policy (February 2012)
- Annex C – Proposed Enforcement Policy
- Annex D – Existing Enforcement Policy - Trading Standards Scambuster Team and National Trading Standards eCrime Centre Enforcement Policy Statement (June 2013)
- Annex E – Proposed Enforcement Policy - National Trading Standards Regional Investigation and National Trading Standards eCrime teams
- Annex F – Responses from Consultation
- Annex G – Better Decision Making tool

Abbreviations: None

Annex A: Summaries of Formal Enforcement Action 1st March 2016 to 31st March 2017

Public Protection (including Environmental Health, Trading Standards and Licensing)

Defendant	Legislation	Nature of Case	Penalty	Costs
Paul Edward Harris	Licensing Act 2003	Noise from premises breaching licence conditions	£1500 (plus £120 surcharge)	£1377.15
Hayati Kucukkoylu (trading as Macumba)	Environmental Protection Act 1990	Breach of noise abatement notice	£390 (£39 victim surcharge)	£1105
Stephen Dockerty	Consumer Protection Act 1987	Supply of foreign labelled tobacco – no health warnings	12 week curfew between 6pm and 6am (£60 victim surcharge)	£260
AX1 Ltd (trading as Alexander Snee Vehicles)	Road Traffic Act 1988 Consumer Protection from Unfair Trading Regulations 2008 Consumer Protection Act 1987	Supply of an unroadworthy vehicle and poor after sales service. Also supply of a vehicle in breach of a safety suspension notice.	£2000 (£1450 compensation to customers)	No costs awarded
Mamaz Pizzeria Takeaway Ltd	Food Safety and Hygiene (England) Regulations 2013	Breaches of food safety requirements and failure to comply with a food hygiene improvement notice.	£770 (£70 victim surcharge)	£1050
Yasar Altin	Food Safety and Hygiene (England) Regulations 2013	Director of Mamaz Pizzeria Ltd - breaches of food safety requirements and failure to comply with a food hygiene improvement notice.	£770 (£70 victim surcharge)	£1050
Mohammed Nawaz	Town Police Clauses Act 1847	Private hire vehicle illegally plying for hire	£79 (£30 victim surcharge)	£427
Joseph Rowntree	Health and Safety at Work etc. Act 1974	Failing to provide a sufficient health and safety risk	£50,000	£28,000

Housing Trust		assessment at Red Lodge		
Robert Henry Holly	Fraud Act 2006	Mis-selling of wills, property trusts and similar legal products	15 months imprisonment	No costs awarded
Michael John Wild	Fraud Act 2006	Mis-selling of wills, property trusts and similar legal products	15 months imprisonment	No costs awarded

1 x '48 hour premise closure order' in lieu of prosecution for two illegal sales of alcohol within two months.

3 x simple cautions were issued for breaches of food safety requirements

3 x simple cautions were issued for selling alcohol to a person under the age of 18.

2 x taxi/private hire drivers licences revoked – no longer considered 'fit and proper' persons to hold a licence.

*Please note that a Simple Caution is a Home Office approved procedure which is an alternative to prosecution. It involves a written acceptance that an offence has been committed and may be drawn to the attention of a court if any subsequent offence is committed within two years of issue.

Regional Trading Standards team/eCrime

Defendant	Legislation	Nature of Case	Penalty	Costs
Martin Sersen	Consumer Protection from Unfair Trading Regulations 2008	Providing customers false information as to source, quality, manufacture or supply of kitchen units and nature of sales process and delivery.	2 x 15 months imprisonment concurrent	No Costs awarded
David Alan Hourigan	Consumer Protection from Unfair Trading Regulations 2008	Providing customers false information as to source, quality, manufacture or supply of kitchen units and nature of sales process and delivery.	2 x 18 months imprisonment concurrent	No Costs awarded
Richard Brundrett	Consumer Protection from Unfair Trading Regulations 2008	Proving customers with false information about the nature of sales process and delivery of kitchen units.	9 months imprisonment	No Costs awarded
Nicola Brodie	Trade Marks Act 1994 Consumer Protection from Unfair Trading Regulations 2008	Unauthorised use of B&Q trademark and providing customers false information as to source, quality, manufacture or supply of kitchen units.	2 x 12 months imprisonment concurrent	No Costs awarded
Matthew James Leak	Consumer Protection from Unfair Trading Regulations 2008	Providing customers false information as to source, quality, manufacture or supply of kitchen units and nature of sales process and delivery.	2 x 6 months imprisonment concurrent	No Costs awarded
Karen Stocks	Trade Marks Act 1994 Consumer Protection from Unfair Trading Regulations 2008	Unauthorised use of B&Q trademark. Offences relating to the advertising and marketing and nature of sales process and delivery.	9 months imprisonment (5 months and 2 months imprisonment concurrent)	No Costs awarded
Peter Kelly (Trading as RS Bitumen, Road Surfacing and Tarmac UK)	Common Law	Cold Calling and targeting vulnerable victims to lay tarmac driveways by misleading as to price. Conspiracy to defraud elderly victims.	2 years imprisonment £3,950 compensation	£10,000

Defendant	Legislation	Nature of Case	Penalty	Costs
Peter Thomas Kelly (Trading as RS Bitumen, Road Surfacing and Tarmac UK)	Common Law	Cold Calling and targeting vulnerable victims to lay tarmac driveways by misleading as to price. Conspiracy to defraud elderly victims.	2 years imprisonment	No Costs awarded
Kirk Michael Claus	Proceeds of Crime Act 2002	Failed to pay back money under confiscation award.	2,266 days imprisonment	No Costs awarded
Paul Wray (Company Secretary of Dreamwell Ltd)	Consumer Protection from Unfair Trading Regulations 2008	Engaged in aggressive commercial practices to mis-sell unnecessary, unsuitable and expensive mobility-related products to elderly and vulnerable customers of Dreamwell Ltd.	28 months imprisonment Disqualified from being a Director for nine years.	No Costs awarded
Claire Wray (Director of Dreamwell Ltd)	Consumer Protection from Unfair Trading Regulations 2008 Proceeds of Crime Act 2002	Engaged in aggressive commercial practices to mis-sell unnecessary, unsuitable and expensive mobility-related products to elderly and vulnerable customers of Dreamwell Ltd. Money Laundering.	12 months imprisonment Disqualified from being a Director for seven years.	No Costs awarded
Ramiro Rohan Depas (Director of Impetus Solutions Ltd)	Consumer Protection from Unfair Trading Regulations 2008	Copycat website for Blue Badges. Disabled people were misled into paying £49 for non-existent Blue Badges.	£1,230 Fine £5,139.98 Compensation (Victim Surcharge £120)	£4,847.37
Impetus Solutions Ltd	Consumer Protection from Unfair Trading Regulations 2008	Copycat website for Blue Badges. Disabled people were misled into paying £49 for non-existent Blue Badges.	£4,000 Fine (Victim Surcharge £120)	No Costs awarded
Craig Brannigan	Proceeds of Crime Act 2002	Section 22 'Uplift' relating to Motorshop car matching scam.	Further Confiscation award of £20,000	N/A

A simple caution was issued under Common Law for conspiracy to defraud elderly victims.

Housing Services

Anti Social Behaviour

Defendant	Legislation	Nature of Case	Penalty	Costs
Susan Fairress	Housing Act 1985	Possession Application	Adjourned generally with liberty to restore	No order for costs
Sean Harman	Housing Act 1985	Possession Application	Possession Forthwith	£155.00
Janice Norburn	Housing Act 1985	Possession Application	Possession Forthwith	Costs, not to be enforced without leave of the court
Simon Illingworth	Housing Act 1985	Possession Application	Suspended Possession	No order for costs
Tracey Fowler	Housing Act 1985	Possession Application	Possession Forthwith	No order for costs
Brenda Waugh	Housing Act 1985	Possession Application	Suspended Possession	No order for costs
Arthur & Roseanne Smith	Housing Act 1985	Possession Application	Suspended Possession	No order for costs
Denise Ibbotson	Housing Act 1985	Possession Application	Suspended Possession	No order for costs
Grant McDonald	Housing Act 1985	Possession Application	Possession Forthwith	£432.00
Natalie Donaldson	Housing Act 1985	Possession Application	Postponed Possession Order	No order for costs
Sara Green	Housing Act 1985	Warrant Application	Application dismissed – evicted	No order for costs
Daniel White	Housing Act 1985	Possession Application		No order for costs
Laura Nicholson	Anti Social Behaviour, Crime & Policing Act 2014	Injunction Application	Injunction Order and Power of Arrest granted	No order for costs
Gary Kendrick	Housing Act 1985	Possession Application	Suspended Possession	No order for costs
Philip Zooman	Anti Social Behaviour, Crime & Policing Act 2014	Injunction Application	Injunction Order and Power of Arrest granted	No order for costs
Emma Kasiuk	Housing Act 1985	Possession Application	Suspended Possession	No order for costs
Darren Barrett	Housing Act 1985	Possession Application	Possession in 7 days	Costs, not to be enforced without leave of the court

Ian Muir	Housing Act 1985	Warrant Application	Warrant suspended on terms	£110.00
Carla Dundas	Housing Act 1985	Possession Application	Suspended Possession Order	No order for costs
Nicholas Hall	Housing Act 1985	Possession Application	Suspended Possession Order	No order for costs
Nicholas Hall	Anti Social Behaviour, Crime & Policing Act 2014	Injunction Application	Injunction Order	No order for costs
Donna Hudson	Housing Act 1985	Possession Application	Suspended Possession Order	£432.00
Karl Dobson	Housing Act 1985	Warrant Application	Warrant suspended on terms	No order for costs
Sarah Allan	Anti Social Behaviour, Crime & Policing Act 2014	Injunction Application	Injunction Order and Power of Arrest	No order for costs
Shayne Garnett & Shantel Laing	Housing Act 1985	Possession Application	Possession Forthwith	£432.00
Royston & Pauline Thomas	Housing Act 1985	Possession Application	Suspended Possession Order	£432.00
Christopher Welburn	Housing Act 1985	Possession Application	Suspended Possession Order	£432.00
Davide Smiley	Housing Act 1985	Possession Application	Suspended Possession Order extended	£255.00

Rent (CYC) Held in Chambers (Private) so details as to names cannot be disclosed.

Legislation	Nature of Case	Penalty	Costs	Number of Cases
Housing Act 1985	Possession Application	Outright Possession Order	£319.50	14
Housing Act 1985	Possession Application	Outright Possession Order	No order for costs	0
Housing Act 1985	Possession Application	Suspended Possession Order (SPO)	£319.50	72
Housing Act 1985	Possession Application	Suspended Possession Order (SPO)	No order for costs	1
Housing Act 1985	Possession Application	Adjourned generally with liberty to restore	£319.50	24
Housing Act 1985	Possession Application	Adjourned generally with liberty to restore	£250.00	0
Housing Act 1985	Possession Application	Adjourned generally with liberty to restore	No order for costs	7
Housing Act 1985	Possession Application	Application dismissed	No order for costs	0

Housing Act 1985	Application to suspend warrant	Warrant suspended	£110.00	23
Housing Act 1985	Application to suspend warrant	Warrant suspended	No order for costs	9
Housing Act 1985	Application to suspend warrant	Application dismissed – evicted	£110.00	6
Housing Act 1985	Application to suspend warrant	Application dismissed – evicted	No order for costs	3

Other Possessions (CYC)

Defendant	Legislation	Nature of Case	Penalty	Costs
Danielle Smith		Trespass Case	Possession forthwith	No order for costs (Legal Aid)
Debbie Coggin	Housing Act 1996	Possession for Trespass	Possession Forthwith	£349.50
Neil Mizon	Housing Act 1996	Possession for Trespass	Possession Forthwith	£424.50
Karma Brown	Housing Act 1996	Possession from Temporary Accommodation	Possession Forthwith	£424.50
Claire Brownhill	Housing Act 1996	Possession from Temporary Accommodation	Possession in 14 days	£424.50
Kamila Koziarska	Housing Act 1996	Possession from Temporary Accommodation	Possession in 14 days	£424.50
Ryan Dobson	Housing Act 1996	Introductory Tenancy	Possession Forthwith	£424.50
Sakir Koc	Housing Act 1996	Introductory Tenancy	Possession Forthwith	£424.50

A simple caution was offered in respect of the Protection from Eviction Act 1977.

16 x civil penalty notices served on letting agents failing to properly disclose their fees.

4 x improvement notices and 2 prohibition notices under the Housing Act 2004

Community Safety

Domestic Waste Presentation Offences:

192 x Section 46 Environmental Protection Act 1990 (EPA) Warning Notices served
4 x Section 46 EPA Fixed Penalty Notices served

Persistent anti-social behaviour/unreasonable conduct:

98 x Community Protection Notice (CPN) Warnings served
14 x Community Protection Notices served

Fly-tipping:

11 x Section 33 EPA warning letters sent
6 x Section 33 EPA Fixed Penalty Notices (small scale fly-tipping) served
5 x Section 33 EPA Prosecutions

Waste – Duty of Care offences:

56 x Section 34 EPA Notices served
15 x Section 34 Fixed Penalty Notices (FPN's) served

Dog-related offences:

6 x Dog fouling FPNs served
2 x Micro chipping Notices served
2 x Dangerous dog prosecutions

Littering offences

10 x litter FPNs served

Fly-posting

126 x removal Notices served

Illegal Encampments

16 x Directions to leave Notices served

Statutory Noise nuisance (domestic)

62 x Noise Abatement notices served

Repairing vehicle on the public highway

1 x FPN served

Surveillance Activity

	Activity	Reason
Public Protection	1 x directed surveillance	Recording attempted test purchases of alcohol by children
Public Protection	7 x communications data	To further investigations into unfair trading
Community Safety	1 x communications data	To further investigation into fly tipping
National Trading Standards Regional Investigation and National Trading Standards eCrime teams	9 x communications data	To further investigations into unfair trading

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Annex B - Existing Enforcement Policy - Environmental Health, Trading Standards, Licensing, Street Environment and Enforcement Services Enforcement Policy (February 2012)



Environmental Health, Trading Standards, Licensing, Public Protection and Street Environment and Enforcement Services

Enforcement Policy

This document is the enforcement policy for City of York Council's public protection, environmental health, trading standards, licensing and street environment and enforcement services. It sets out the key principles under which officers will seek to achieve compliance with the legislation enforced by these services. In carrying out their duties officers will adhere to the principles of good enforcement set out in the 'Statutory Code of Practice for Regulators' and all other relevant codes of good practice including those with the investigation of offences or the prosecution of offenders.

All enforcement activity undertaken under this policy will have regard to the Human Rights Act 1998 and the European Convention of the Protection of Human Rights and Fundamental Freedoms.

1.0 Introduction

The main purpose of the public protection, environmental health, trading standards, licensing and street environment and enforcement services are to maintain a fair and safe trading environment for consumers and businesses, to help reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York and to improve and protect public health and improve the environment. We recognise that effective and well-targeted regulation is essential in achieving this.

We will ensure legal compliance by:

- Helping and encouraging businesses and individuals to understand and comply with the law.
- Responding proportionately to breaches of the law.

We want to achieve the following outcomes:

- Support economic growth, especially in small businesses, by ensuring a fair, responsible and competitive trading environment
- Protect the environment for future generations including tackling the threats and impacts of climate change
- Improve quality of life and wellbeing by ensuring clean and safe neighbourhoods
- Help people to live healthier lives by preventing ill health and harm, and promoting public health
- Ensure a safe, healthy and sustainable food chain for the benefits of consumers and the rural economy.

2.0 Economic Progress

We will consider the impact that our regulatory activities may have on businesses, including consideration of costs, effectiveness and perceptions of fairness. We will only adopt a particular approach if the benefits justify the costs and in doing so will endeavour to try to keep any perceived burdens to a minimum.

(References to costs and benefits include economic, social and environmental costs and benefits).

3.0 Risk Assessment

We will allocate our resources where they will be most effective by assessing the risks due to non-compliance with the law. The risk factors include:

- the potential impact on residents, consumers, business and the environment in failing to meet legal requirements.
- the likelihood of non-compliance taking into account matters such as:
 - the past history,
 - the systems a business has in place,
 - management competence of the business
 - and willingness to comply.

4.0 Advice and Guidance

We recognise that prevention is better than cure and will actively work with business and residents to advise on and assist with, compliance with the law. In doing this we will ensure that:

Legal requirements are made available and communicated promptly upon request.

The information we provide will be in clear, concise and accessible language. Advice will be confirmed in writing where necessary.

We will clearly distinguish between legal requirements and guidance aimed at improvements above minimum standards.

5.0 Inspections and Other Visits

All inspections and other visits to businesses will be undertaken after consideration of the risk the business poses if it fails to comply with the law (see paragraph 3.0 above), where the business has requested advice or where intelligence/information suggests that an inspection or visit is appropriate.

- Where we carry out inspections we will give feedback to the business on what the officer has found; this will include positive feedback to encourage and reinforce good practice.
- Where practicable we will co-ordinate inspections with other regulators to minimise the burden on businesses.
- Random inspection will be undertaken where government guidelines require us to do so. A small amount of random inspections may also be undertaken to test our risk assessments or the effectiveness of any action we have taken.

6.0 Information Requirements

We will only ask businesses for information that is necessary after considering the cost and benefit to obtaining the information. Where possible we will share this information with our partners (taking account of data protection) to prevent the need for providing the information more than once.

7.0 Compliance and Enforcement Actions

We recognise that most businesses and individuals wish to comply with the law, however firm action will be taken against those who break or flout the law or act irresponsibly.

We will carry out all of our enforcement duties, including taking formal enforcement action, in a fair, equitable and consistent manner. Whilst officers exercise judgement in individual cases, we will have arrangements in place to promote consistency including liaison with other agencies and authorities.

Formal enforcement action will only be considered and taken in the first instance in cases involving unfair commercial practices against consumers or businesses, commercial fraud, sales of age restricted products, supply of counterfeit goods, intellectual property crime, occupational health and safety, public safety, risk to public health (including food safety), statutory nuisances, animal health and welfare, the compositions of safety or animal feeding stuffs, damage to the environment, overloaded goods vehicles, dog fouling, trading standard offences committed by doorstep sellers, beaches of licence conditions, operation of unlicensed taxis, unauthorised street trading activities and charitable collections, or in any other case in which a head of service considers formal enforcement action is necessary.

Formal enforcement action will also be considered and may be taken where advice has been ignored.

Where formal enforcement action is necessary, we will consider the most appropriate course of action (from the range of sanctions and penalties available) with the intention of: -

- Aiming to change the behaviour of the offender
- Aiming to eliminate any financial gain or benefit for non-compliance
- Being responsive and considering what is appropriate for the particular offender and issue involved, including punishment and the public stigma that may be associated with criminal convictions
- Being proportionate to the nature of the offence and harm caused
- Aiming to restore the harm caused by non-compliance
- Aiming to deter future non-compliance.

Before formal enforcement action is taken:

- There will be an opportunity to discuss the circumstances of the case, unless immediate action is required e.g. to prevent the destruction loss of evidence or there is an imminent risk to the environment, public health or health and safety. This discussion will usually follow an interview under caution if a prosecution is being considered.
- Where immediate formal enforcement action is taken, which will usually be the service of a written notice, reasons for such action will be given at the time (if possible) and confirmed in writing within 10 working days.
- Where there are rights of appeal against formal enforcement action, notification of the appeal mechanism will be clearly set out in writing at the time the action is taken.
- Clear reasons will be given for any formal enforcement action taken, and confirmed in writing.

For the purpose of this policy 'formal enforcement action' includes serving a legal notice (e.g. an improvement, suspension, prohibition, fixed penalty or abatement notice), the seizure of goods, the seeking of an injunction, the issue of a 'formal' written caution and prosecution. In cases involving food safety and the issue of legal notices and voluntary closure of premises we will follow guidance set out in the appropriate Food Standards Agency Food Law Code of Practice.

If the formal enforcement action being considered is a prosecution we will also consider a number of additional factors in line with the Code for Crown Prosecutors and any other nationally recognised guidance such as the Enforcement Management Model published by the Health and Safety Executive. These factors may include the following:

- The seriousness of the alleged offence
- The history of the party concerned
- The willingness of the business or the individual to prevent a recurrence of the problem and co-operate with officers
- Whether it is in the public interest to prosecute
- The realistic prospect of conviction

- Whether any other action (including other means of formal enforcement action) would be more appropriate or effective
- The views of any complainant and other persons with an interest in prosecution.

These factors are NOT listed in order of significance. The rating of the various factors will vary with each situation under consideration.

In investigations that may result in a prosecution for an acquisitive crime i.e. the acquiring of assets (including money) from offences such as fraud or intellectual property crime, we will undertake a financial investigation into the circumstances of the case. This may result in an investigation into money laundering and confiscation action being taken through the courts.

8.0 Accountability

We will be accountable for the efficiency and effectiveness of our activities, while opportunities for feedback on our service.

- We shall provide businesses and individuals with effective consultation and opportunities for feedback on our service.
- Officers will be courteous, fair and efficient at all times, and will identify themselves by name and, where appropriate, identity card.
- Any complaints about the way you have been treated will follow the City of York Council's complaints procedure, which is easily accessible to all service users, and explains how to make a complaint and the timescales involved. A copy of the complaints procedure can be obtained from 9 St Leonard's Place, York, by telephoning 01904 551550 or via our website at www.york.gov.uk

9.0 Application of our enforcement policy

All officers will have regard to this document when making enforcement decisions.

Any departure from this policy must be exceptional, capable of justification and be fully considered by the head of service before a final decision is taken. This proviso shall not apply where a risk of injury or to health is likely to occur due to a delay in any decision being made. In cases of emergency or where exceptional circumstances prevail, the chief executive may suspend any part of this policy where it is necessary to achieve the effective running of the

service and/or where there is a risk of injury or to health of employees or any members of the public.

10.0 Review

This documents will be subject to review as and when required. Improvements will be made if there are any changes in legislation or in local needs. If you have any comments please contact the head of public protection by calling 01904 551550 or by writing to 9 St Leonard's Place, York, YO1 7ET or email to trading.standards@york.gov.uk

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

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Annex C – Proposed Enforcement Policy



Public Protection (Environmental Health, Trading Standards, Licensing), Housing and Community Safety Services

Enforcement Policy

This document is the enforcement policy for City of York Council’s Public Protection (Environmental Health, Trading Standards, Licensing), Housing and Community Safety services. It sets out the key principles under which officers will seek to achieve compliance with the legislation enforced by these services.

In carrying out their duties officers will adhere to the principles of good enforcement set out in the Regulators’ Code (2014) and other relevant codes of practice including those concerned with the investigation of offences or the prosecution of offenders.

All enforcement activity undertaken under this policy will have regard to the Human Rights Act 1998 and the European Convention of the Protection of Human Rights and Fundamental Freedoms.

Please note, whilst this policy acknowledges that officers will adhere to principles of good practice in their enforcement activity, it does not prescribe the way investigations will be conducted or the authorisation of surveillance activity. Furthermore, it does not include enforcement action by Planning, and Transport and Highways (including Parking services) which operate under their own guidance.

1.0 Introduction

The main purpose of the Public Protection, Housing and Community Safety Services are to maintain a fair and safe trading environment for consumers and businesses, to help reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York and to improve and protect public health and improve the environment. We recognise that effective and well-targeted regulation is essential in achieving this.

We will ensure legal compliance by:

- Helping and encouraging businesses and individuals to understand and comply with the law.
- Responding proportionately to breaches of the law.

We want to achieve the following outcomes:

- Support economic growth, especially in small businesses, by ensuring a fair, responsible and competitive trading environment
- Protect the environment for future generations including tackling the threats and impacts of climate change
- Improve quality of life and wellbeing by ensuring clean and safe neighbourhoods
- Help people to live healthier lives by preventing ill health and harm, and promoting public health
- Ensure a safe, healthy and sustainable food chain for the benefits of consumers and the rural economy.

2.0 Economic Progress

We will carry out our activities in a way that supports those we regulate comply and grow, remembering that it is important to maintain a level playing field for all businesses to thrive.

We will consider the impact that our regulatory activities may have on businesses, including consideration of costs, effectiveness and perceptions of fairness. We will only adopt a particular approach if the benefits justify the costs and in doing so will endeavour to try to keep any perceived burdens to a minimum.

References to costs and benefits include economic, social and environmental costs and benefits.

3.0 Risk Assessment

We will allocate our resources where they will be most effective by assessing the risks due to non-compliance with the law. The risk factors include:

- the potential impact on residents, consumers, business and the environment in failing to meet legal requirements.

- the likelihood of non-compliance taking into account matters such as:
 - the past history,
 - the systems a business has in place,
 - management competence of the business
 - and willingness to comply.

4.0 Advice and Guidance

We recognise that prevention is better than cure and will actively work with business and residents to advise on and assist with, compliance with the law. In doing this we will ensure that:

Legal requirements are made available and communicated promptly upon request.

The information we provide will be in clear, concise and accessible language. Advice will be confirmed in writing where necessary.

We will clearly distinguish between legal requirements and guidance aimed at improvements above minimum standards.

We will signpost towards additional business support services where appropriate.

Please note: there may be a fee payable for our advice. Where this is the case you will be informed and provided with details of the charge or an estimate if the exact fee is not known.

5.0 Inspections and Other Visits

All inspections and other visits to businesses will be undertaken after consideration of the risk the business poses if it fails to comply with the law (see paragraph 3.0 above), where the business has requested advice or where intelligence/information suggests that an inspection or visit is appropriate.

- Where we carry out inspections we will give feedback to the business on what the officer has found; this will include positive feedback to encourage and reinforce good practice.
- Where practicable we will co-ordinate inspections with other regulators to minimise the burden on businesses.
- Random inspection will be undertaken where government guidelines/policies or a condition of a licence requires us to do so. A small amount

of random inspections may also be undertaken to test our risk assessments or the effectiveness of any action we have taken.

6.0 Information Requirements

We will only ask businesses for information that is necessary after considering the cost and benefit to obtaining the information. Where possible we will share this information with our partners (taking account of data protection) to prevent the need for providing the information more than once.

7.0 Compliance and Enforcement Actions

We recognise that most businesses and individuals wish to comply with the law, however firm action will be taken against those who break or flout the law or act irresponsibly.

We will carry out all of our enforcement duties, including taking formal enforcement action (described below), in a fair, equitable and consistent manner. Whilst officers exercise judgement in individual cases, we will have arrangements in place to promote consistency including liaison with other agencies and authorities.

Formal enforcement action will only be considered and taken in the first instance in cases involving unfair practices against individuals or businesses, illegal sales of age restricted products, supply of counterfeit goods and other intellectual property crime, occupational health and safety, public safety, risk to public health (including food safety), health and safety in the home, statutory nuisances, animal health and welfare, damage to the environment, dog fouling, trading standards offences committed by doorstep sellers, breaches of licence conditions or operating without a licence when one is required and any other case in which a head of service considers formal enforcement action is necessary.

Formal enforcement action will also be considered and may be taken where advice has been ignored.

Where formal enforcement action is necessary, we will consider the most appropriate course of action (from the range of sanctions and penalties available) with the intention of: -

- Aiming to change the behaviour of the offender
- Aiming to eliminate any financial gain or benefit for non-compliance

- Being responsive and considering what is appropriate for the particular offender and issue involved, including punishment and the public stigma that may be associated with criminal convictions
- Being proportionate to the nature of the offence and harm caused
- Aiming to restore the harm caused by non-compliance
- Aiming to deter future non-compliance.

When formal enforcement action is taken:

- We will take all reasonable steps to discuss the circumstances of the case, unless immediate action is required e.g. to prevent the destruction loss of evidence or there is an imminent risk to the environment, public health or health and safety. This discussion may be in the form of an interview under caution if a prosecution is being considered. We will provide the opportunity for further dialogue about the proportionality or consistency of our action upon request.
- Where immediate formal enforcement action is taken, which will usually be the service of a written notice, reasons for such action will be given at the time (if possible) and confirmed in writing within 10 working days.
- Where there are rights of appeal against formal enforcement action, notification of the appeal mechanism will be clearly set out in writing at the time the action is taken.
- Clear reasons will be given for any formal enforcement action taken, and confirmed in writing.

For the purpose of this policy 'formal enforcement action' includes serving a legal notice e.g. an improvement, suspension, prohibition, fixed penalty or abatement notice and civil penalty notices to letting agents and landlords, the seizure of goods, suspension or revocation of a licence, a formal 'simple' caution, prosecution or other court action.

If the formal enforcement action being considered is a prosecution we will also consider a number of additional factors in line with the Code for Crown Prosecutors and any other nationally recognised guidance such as the Enforcement Management Model published by the Health and Safety Executive. These factors, not an exhaustive list, may include the following:

- The seriousness of the alleged offence

- The history of the party concerned
- The willingness of the business or the individual to prevent a recurrence of the problem and co-operate with officers
- Whether it is in the public interest to prosecute
- The realistic prospect of conviction
- Whether any other action (including other means of formal enforcement action) would be more appropriate or effective
- The views of any complainant and other persons with an interest in prosecution.

These factors are NOT listed in order of significance. The rating of the various factors will vary with each situation under consideration.

When formal enforcement action is being considered for an acquisitive crime i.e. the acquiring of assets (including money) from offences such as fraud or intellectual property crime, we will undertake a financial investigation into the circumstances of the case. In serious cases this may result in the seizure of a suspect's cash and legal proceedings for money laundering and confiscation of assets under the provisions of the Proceeds of Crime Act 2002.

8.0 Accountability

We will be accountable for the efficiency and effectiveness of our activities:

- We shall provide businesses and individuals with effective consultation and opportunities for feedback on our service.
- Officers will be courteous, fair and efficient at all times, and will identify themselves by name and, where appropriate, identity card.
- Any complaints about the way you have been treated will follow the City of York Council's complaints procedure 'Have Your Say'. A copy of the complaints procedure can be obtained from our website at www.york.gov.uk

9.0 Application of our enforcement policy

All officers will have regard to this document when making enforcement decisions.

Any departure from this policy must be exceptional, capable of justification and be fully considered by the head of service before a final decision is taken. This proviso shall not apply where a risk of injury or to health is likely to occur due to a delay in any decision being made. In cases of emergency or where exceptional circumstances prevail, the chief executive may suspend any part of this policy where it is necessary to achieve the effective running of the service and/or where there is a risk of injury or to health of employees or any members of the public.

10.0 Review

There will be an annual review of the action taken under this policy. This document will also be subject to review as and when required. Improvements will be made if there are any changes in legislation or in local needs.

If you have any comments please contact the Head of Public Protection, Head of Housing or Head of Community Safety by calling 01904 551550 or by writing to City of York Council, West Offices, Station Rise, York, YO1 6GA or email to ycc@york.gov.uk

This information can be provided in your own language.

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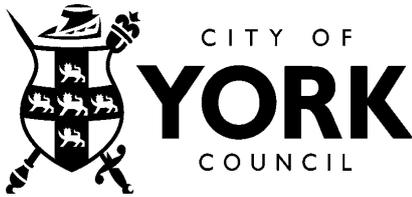
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 **(01904) 551550**

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Annex D – Existing Enforcement Policy - Trading Standards Scambuster Team and National Trading Standards eCrime Centre Enforcement Policy Statement (June 2013)



**National Trading Standards
Yorkshire and the Humber Regional Scambuster Team and
National Trading Standards eCrime Team
Enforcement Policy**

This document is the enforcement policy for the National Trading Standards Yorkshire and the Humber Regional Scambuster Team and National Trading Standards eCrime Team (Scambusters) hosted by City of York Council on behalf of the National Trading Standards Board (NTSB)

The purpose of Scambusters is to tackle the scams and complex cases of fraud perpetrated on a regional and national basis in an effective way that is not readily achievable by individual local authorities. Scambusters investigate individual cases and practices referred to them by local authority trading standards services and through the tasking arrangements of NTSB.

The purpose of Scambusters is not to provide advice, information or carry out inspections of regulated businesses. Scambusters are charged with taking on major investigations, and in appropriate cases, bringing them to a just conclusion through the courts using both criminal and civil sanctions.

Scambusters will have regard to The Code for Crown Prosecutors issued by the Director of Public Prosecutions, the Regulators' Code and other relevant codes including those concerned with the investigation of offences.

Scambusters will take appropriate formal enforcement action in cases concerning fraud, significant unlawful consumer detriment, unlawful exploitation of vulnerable consumers groups, intellectual property crime and any other matter that the head of regional investigations considers necessary within the scope of the purpose of Scambusters. For the purposes of this policy formal enforcement action includes prosecution, civil action, confiscation proceedings or the issue of a simple caution.

Formal enforcement action under this policy will be in the public interest and will:

- aim to change the behaviour of the offender;
- aim to eliminate any financial gain or benefit from crime/non-compliance;
- be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
- be proportionate to the nature of the offence and the harm caused;
- aim to restore the harm caused by the crime/regulatory non-compliance, where appropriate;
- and
- aim to deter future offending/non-compliance.

All enforcement activity undertaken under this policy will have regard to the Human Rights Act 1998 and Equalities Act 2010.

Signed:

Neil Ferris
Corporate Director – Economy and Place
On behalf of City of York Council

21st November 2016

Annex E – Proposed Enforcement Policy - National Trading Standards Regional Investigation and National Trading Standards eCrime teams



National Trading Standards Yorkshire and the Humber Regional Investigations Team and National Trading Standards eCrime Team Enforcement Policy

This document is the enforcement policy for the National Trading Standards Yorkshire and the Humber Regional Investigations Team and National Trading Standards eCrime Team (NTS RIT and eCrime) hosted by City of York Council on behalf of the National Trading Standards Board (NTSB)

The purpose of NTS RIT and eCrime is to tackle the scams and complex cases of fraud perpetrated on a regional and national basis in an effective way that is not readily achievable by individual local authorities. NTS RIT and eCrime investigate individual cases and practices referred to them by local authority trading standards services and through the tasking arrangements of NTSB.

The purpose of NTS RIT and eCrime is not to provide advice, information or carry out inspections of regulated businesses. NTS RIT and eCrime are charged with taking on major investigations, and in appropriate cases, bringing them to a just conclusion through the courts using both criminal and civil sanctions.

NTS RIT and eCrime will have regard to The Code for Crown Prosecutors issued by the Director of Public Prosecutions, the Regulators' Code and other relevant codes including those concerned with the investigation of offences.

NTS RIT and eCrime will take appropriate formal enforcement action in cases concerning fraud, significant unlawful consumer detriment, unlawful exploitation of vulnerable consumers groups, intellectual property crime and any other matter that the head of regional investigations considers necessary within the scope of the purpose of NTS RIT and eCrime. For the purposes of this policy formal enforcement action includes prosecution, civil action, confiscation proceedings or the issue of a simple caution.

Formal enforcement action under this policy will be in the public interest and will:

- aim to change the behaviour of the offender;
- aim to eliminate any financial gain or benefit from crime/non-compliance;
- be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
- be proportionate to the nature of the offence and the harm caused;
- aim to restore the harm caused by the crime/regulatory non-compliance, where appropriate;
- and
- aim to deter future offending/non-compliance.

All enforcement activity undertaken under this policy will have regard to the Human Rights Act 1998 and Equalities Act 2010.

Signed:

Neil Ferris

Corporate Director – Economy and Place

On behalf of City of York Council

XXXXXXXXX 2017

Annex F – Responses from Consultation

Federation of Small Businesses

'Appears to mainly simplify the language with no major changes? Thus seems straightforward to us.'

Make it York

'The proposed changes and all seem sensible and for good reason. It doesn't feel as though the changes are at all controversial.'

York BID

'None of the changes look like an issue for me.'

York, North Yorkshire and East Riding Growth Hub

'I think there's an additional outcome that is worth adding around making every contact count and improving connectivity between regulators and wider business support services

I think it might be worth adding something in about signposting towards additional business support services as well e.g. there are grants available to help businesses improve their production processes and the Growth Hub can introduce businesses to them.'

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The 'Better Decision Making' tool should be completed when proposing new projects, services, policies or strategies.

This integrated impact assessment tool was designed to help you to consider the impact of your proposal on social, economic and environmental sustainability, and equalities and human rights. The tool draws upon the priorities set out in our Council Plan and will help us to provide inclusive and discrimination-free services. The purpose of this new tool is to ensure that the impacts of every proposal are carefully considered and balanced and that decisions are based on evidence.

Part 1 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. If you are following the All About Projects Framework it should be completed before going through Gateway 3.

Part 2 of this form should be filled in once you have completed your proposal and prior to being submitted for consideration by the Executive. If you are following the All About Projects Framework it should be completed before going through Gateway 4. Your answer to questions 1.4 in the improvements section must be reported in any papers going to the Executive and the full 'Better Decision Making' tool should be attached as an annex.

Guidance to help you complete the assessment can be obtained by hovering over the relevant text or by following this link to the 'Better Decision Making' tool on Colin.

Guidance on completing this assessment is available by hovering over the text boxes.

Please complete all fields (and expand if necessary).

Introduction

Service submitting the proposal:	Public Protection (lead)
Name of person completing the assessment:	Matt Boxall
Job title:	Head of Public Protection
Directorate:	Directorate of Economy & Place
Date Completed:	12/07/2017
Date Approved: form to be checked by service manager	

Part 1

Section 1: What is the proposal?

	Name of the service, project, programme, policy or strategy being assessed?
1.1	Revised enforcement policies for • Public Protection (Environmental Health, Trading Standards and Licensing) • Housing Services • Community Safety • National Trading Standards Regional Investigation and National Trading Standards eCrime

	What are the main aims of the proposal?
1.2	To revise/update the enforcement policies to address current issues and other administrative changes.

	What are the key outcomes?
1.3	To approve the new enforcement policy more relevant to emerging issues and various administrative amendments such as names and addresses of teams.

Section 2: Evidence

	What data / evidence is available to understand the likely impacts of the proposal? (e.g. hate crime figures, obesity levels, recycling statistics)
2.1	The council is required to have an enforcement policy for Regulatory Services (see Regulators Code). Complaint figures, Council priorities, National regulators priorities e.g Food Standards Agency, DEFRA and consultations with businesses and residents have helped shape the areas in which formal enforcement action will be taken.

2.2	What public / stakeholder consultation has been used to support this proposal? Talkabout residents survey, business surveys, comments of key business associations. Various service managers.
-----	---

2.3	Are there any other initiatives that may 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?) No
-----	---

Part 1

Section 3: Impact on One Planet principles

Please summarise any potential positive and negative impacts that may arise from your proposal on staff or residents.
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?
3.1	Impact positively on the business community in York?	Positive	Business support formal enforcement action against unfair competition and support economic growth. Source: Business Survey.
3.2	Provide additional employment or training opportunities in the city?	Neutral	
3.3	Help individuals from disadvantaged backgrounds or underrepresented groups to improve their skills?	Neutral	The enforcement policy encourages formal enforcement action in many instances affecting vulnerable residents. See also 3.4

Health & Happiness

Does your proposal?		Impact	What are the impacts and how do you know?
3.4	Improve the physical health or emotional wellbeing of staff or residents?	Positive	The enforcement policy encourages formal enforcement action in many instances affecting wellbeing of residents such as creating clean, safe and pleasant neighbourhoods. There is particular emphasis on illegal activity targeting vulnerable residents.
3.5	Help reduce health inequalities?	Positive	As above e.g action tackling underage sales of alcohol/tobacco and tackling cheap/illegal tobacco.
3.6	Encourage residents to be more responsible for their own health?	Neutral	
3.7	Reduce crime or fear of crime?	Positive	The policy is intended to help reduce crime by setting out the instances in which action will be taken..
3.8	Help to give children and young people a good start in life?	Positive	As above e.g action tackling underage sales of alcohol/tobacco and tackling cheap/illegal tobacco.

Culture & Community

Does your proposal?		Impact	What are the impacts and how do you know?
3.9	Help improve community cohesion?	Positive	The policies enables formal enforcement action to be taken where crimes are impacting upon local communities.
3.10	Improve access to services for residents, especially those most in need?	Neutral	
3.11	Improve the cultural offerings of York?	Neutral	
3.12	Encourage residents to be more socially responsible?	Neutral	

Zero Carbon and Sustainable Water

Does your proposal?		Impact	What are the impacts and how do you know?
3.13	Minimise the amount of energy we use, or reduce the amount of energy we will use/pay for in the future?	Neutral	
3.14	Minimise the amount of water we use or reduce the amount of water we will use/pay for in the future?	Neutral	
3.15	Provide opportunities to generate energy from renewable/low carbon technologies?	Neutral	

Zero Waste		
Does your proposal?	Impact	What are the impacts and how do you know?
3.16 Reduce waste and the amount of money we pay to dispose of waste by maximising reuse and/or recycling of materials?	Positive	Policy incudes formal enforcement action being taken in respect of damage to the environment.

Sustainable Transport		
Does your proposal?	Impact	What are the impacts and how do you know?
3.17 Encourage the use of sustainable transport, such as walking, cycling, ultra low emission vehicles and public transport?	Neutral	
3.18 Help improve the quality of the air we breathe?	Positive	Policy incudes formal enforcement action being taken in respect of damage to the environment.

Sustainable Materials		
Does your proposal?	Impact	What are the impacts and how do you know?
3.19 Minimise the environmental impact of the goods and services used?	Neutral	

Local and Sustainable Food		
Does your proposal?	Impact	What are the impacts and how do you know?
3.20 Maximise opportunities to support local and sustainable food initiatives?	Positive	Policy is designed to ensure a safe and healthy food chain.

Land Use and Wildlife		
Does your proposal?	Impact	What are the impacts and how do you know?
3.21 Maximise opportunities to conserve or enhance the natural environment?	Positive	Policy incudes formal enforcement action being taken in respect of damage to the environment.
3.22 Improve the quality of the built environment?	Neutral	
3.23 Preserve the character and setting of the historic city of York?	Positive	Policy incudes formal enforcement action being taken in respect of damage to the environment.
3.24 Enable residents to enjoy public spaces?	Positive	Policy incudes formal enforcement action being taken in respect of damage to the environment.

3.25	Additional space to comment on the impacts	

Part 1

Section 4: Impact on Equalities and Human Rights

Please summarise any potential positive and negative impacts that may arise from your proposal on staff or residents. 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 indicators
4.1	Age	Policy enables formal enforcement action to be taken against those targeting young and old e.g age restricted sales and trading standards crimes against cold callers	Avoid premature mortality, physical security, be healthy
4.2	Disability	As above	As above
4.3	Gender		
4.4	Gender Reassignment		
4.5	Marriage and civil partnership		
4.6	Pregnancy and maternity		
4.7	Race		
4.8	Religion or belief		
4.9	Sexual orientation		
4.10	Carer		
4.11	Lowest income groups	Policy enables formal enforcement action in cases of scams and other issues tackling those on low incomes.	Treated fairly
4.12	Veterans, Armed forces community		

Human Rights

Consider how a human rights approach is evident in the proposal

	Impact	What are the impacts and how do you know?
4.13	Right to education	
4.14	Right not to be subjected to torture, degrading treatment or punishment	Policy is about fair treatment of those suspected of offending
4.15	Right to a fair and public hearing	As above
4.16	Right to respect for private and family life, home and correspondence	As above
4.17	Freedom of expression	
4.18	Right not to be subject to discrimination	As above
4.19	Other Rights	

4.20

Additional space to comment on the impacts

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Part 1

Section 5: 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, economic, and equalities 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.

5.1 Taking into consideration your responses about all of the impacts of the project in its current form, what would you consider the overall impact to be on creating a fair, healthy, sustainable and resilient city?

Positive impact on all of the above - particulalry vulnerable groups.

5.2 What could be changed to improve the impact of the proposal on the One Planet principles? (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)

None

5.3 What could be changed to improve the impact of the proposal on equalities and human rights? (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)

Section 6: Planning for Improvement

6.1 What further evidence or consultation is needed to fully understand its impact? (e.g. consultation with specific communities of identity, additional data)

6.2 What are the outstanding actions needed to maximise benefits or minimise negative impacts in relation to this proposal?
Please include the action, the person(s) responsible and the date it will be completed (expand / insert more rows if needed)

Action	Person(s)	Due date

--	--	--

6.3	Additional space to comment on the impacts

Part 2

Section 1: Improvements

Part 2 builds on the impacts you identified in Part 1. Please detail how you have used this information to make improvements to your final proposal.

Please note that your response to question 1.4 in this section must be reported in the One Planet Council implications section of reports going to the Executive.

1.1	For the areas in the 'One Planet' and 'Equalities' sections, where you were unsure of the potential impact, what have you done to clarify your understanding?
	N/a

1.2	What changes have you made to your proposal to increase positive impacts?
	N/a

1.3	What changes have you made to your proposal to reduce negative impacts?

1.4	<p>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?</p> <p>Your response to this question must be input under the One Planet Council implications section of the Executive report. Please feel free to supplement this with any additional information gathered in the tool.</p>
	<p>Positive impact - particularly ensuring a level playing field for businesses to thrive and protecting some of the most vulnerable members of our society.</p>

Any further comments?

1.5