

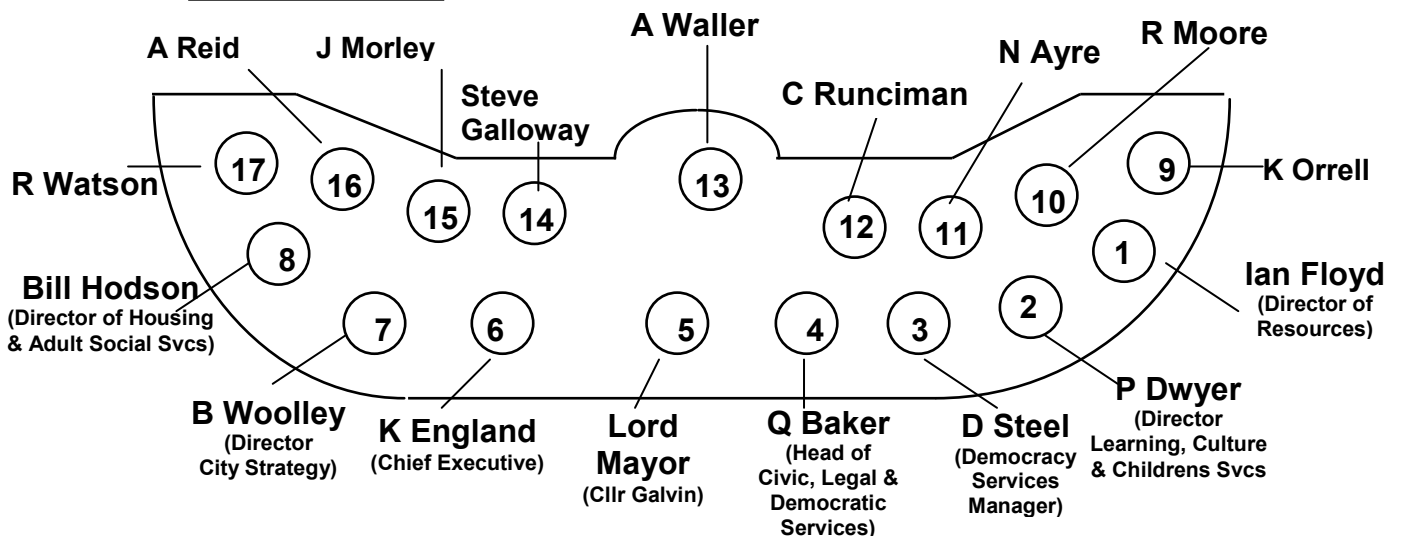
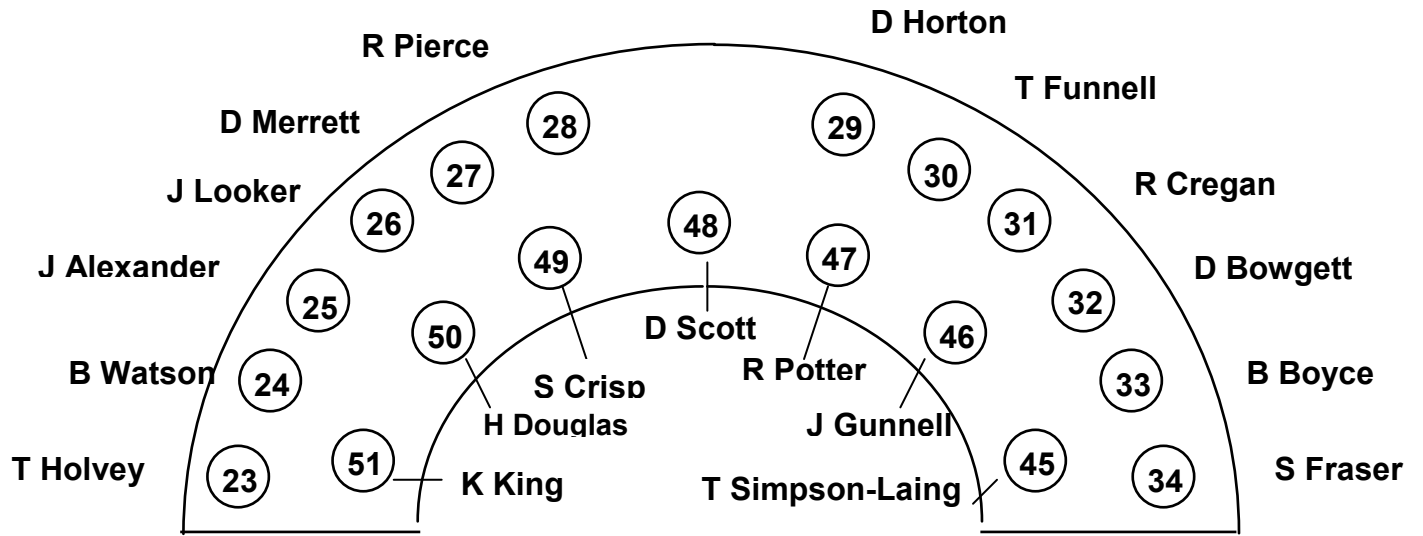
## CITY OF YORK COUNCIL SUMMONS

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

Thursday, 3 December 2009 at 6.35 pm



# COUNCIL CHAMBER





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

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

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

### **2. Minutes (Pages 1 - 24)**

To approve and sign the minutes of the Council meeting held on 15 October 2009.

### **3. Civic Announcements**

To receive any announcements made by the Lord Mayor in respect of Civic business.

### **4. Public Participation**

At this point in the meeting, any member of the public who has registered to address the Council, or to ask a Member of the Council a question, on a matter directly relevant to the business of the Council or the City, may do so. The deadline for registering is **5:00pm on Wednesday, 2 December 2009**.

### **5. Petitions**

To consider any petitions received from Members in accordance with Standing Order No.7. To date, notice has been received of petitions to be presented by:

- (i) Cllr Simpson-Laing, on behalf of residents calling for the introduction of a 20 mph zone on Cranbrook Road.
- (ii) Cllr Horton, on behalf of residents calling for the introduction of a 20 mph zone on Beckfield Lane.
- (iii) Cllr Funnell, on behalf of residents calling for the introduction of a 20 mph zone on Dodsworth Avenue.
- (iv) Cllr Boyce, on behalf of residents requesting that council-owned homes in the Monkton Road area be fitted with energy efficient double glazing.

**6. Report of Executive Leader and Executive Recommendations** (Pages 25 - 40)

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

Meeting	Date	Recommendations
Executive	20 October 2009	Minute 99: <i>More for York - Blueprints</i>
Executive	17 November 2009	Minute 111: <i>Capital Programme – Monitor Two</i>  Minute 112: <i>Draft Revised Contract Procedure Rules</i>  Minute 113: <i>Corporate Debt Policy</i>  <u>Note:</u> the draft revised Contract Procedure Rules and Corporate Debt Policy can be accessed via the link below: <a href="http://democracy.york.gov.uk/ieListDocuments.aspx?CId=102&amp;MId=4317&amp;Ver=4">http://democracy.york.gov.uk/ieListDocuments.aspx?CId=102&amp;MId=4317&amp;Ver=4</a>

**7. Recommendations of the Standards Committee** (Pages 41 - 54)

To consider the following recommendations for approval from the Standards Committee

Date of Meeting	Recommendations
20 November 2009	Minute 30: <i>Member Training and Development Policy</i>

Note: a copy of the draft Policy is attached.

**8. Recommendations of the Gambling & Licensing Acts Committee** (Pages 55 - 84)

To consider the following recommendations for approval from the Gambling & Licensing Acts Committee

Date of Meeting	Recommendations
20 November 2009	Minute 25: <i>Gambling Act 2005 - Triennial Review of the Statement of Policy</i>

**9. Scrutiny - Report of the Chair of the Scrutiny Management Committee** (Pages 85 - 86)

To receive a report from Councillor Healey, the Chair of the Scrutiny Management Committee (SMC) on the work of the SMC.

**10. Report of Executive Member** (Pages 87 - 92)

To receive a written report from the Executive Member for City Strategy, and to question the Executive Member thereon, provided any such questions are registered in accordance with the timescales and procedures set out in Standing Order 8(2)(a).

**11. Activities of Outside Bodies**

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

- North Yorkshire Fire & Rescue – meeting on 09/09/09
- Quality Bus Partnership – meeting on 10/09/09
- Safer York Partnership – meetings on 11/08/09 and 13/10/09
- Without Walls Partnership – meeting on 23/11/09
- Yorkshire & Humber Assembly – meetings on 18/03/09 and 23/03/09
- York NHS Foundation Trust – meetings on 01/07/09 and 02/09/09
- Economic Development Partnership Board – meeting on 09/03/09
- Local Government North Yorkshire & York – meeting on 29/06/09

- Local Government Yorkshire & Humber – meetings on 26/06/09 and 10/09/09

The web address is:-

<http://sql003.york.gov.uk/mgListOutsideBodies.asp?bcr=1>

Copies of the minutes may also be obtained by contacting Democratic Services at the Guildhall, York (tel. 01904 551088).

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

## **12. Appointments and Changes to Membership**

### **a) Establishing a Mansion House and Mayoralty Advisory Group (Pages 93 - 98)**

To consider a report of the Interim Head of Civic Democratic and Legal Services, which proposes the establishment of an Advisory Group to oversee the ongoing development and use of the Mansion House and promote the profile of the Lord Mayor and Civic Party.

### **b) Membership of Committees and Outside Bodies (Pages 99 - 100)**

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

## **13. Notices of Motion**

To consider the following Notices of Motion under Standing Order 11:

### **A – Motions referred from the Executive in accordance with Standing Order 11(a)(i)**

None



**B – Motions submitted for consideration directly by Council, in accordance with Standing Orders 11(a)(ii)**

(i) From Cllr Waller

“As councils across the country prepare for public spending cuts over the next few years, Council regrets that York is yet again being put at a disadvantage by unfair government funding formulas.

Council notes that

- Despite the welcome announcement of extra funding for concessionary fares, the funding does not cover the £1.1m paid by local Council Tax payers to fund the service over the last six years.
- Having paid over £15m in landfill taxes over the past 13 years, York has only received £2.5m in grants to help improve recycling.
- York is still not getting a fair deal in its core funding from Government. This year York will receive £1.155m less than should have been allocated by the formula.

Council looks forward to a time when York receives a fair deal on funding from the government and instructs the Chief Executive to write to the Secretary of State expressing the Council’s concerns.”

(ii) From Cllr Scott

“Council notes that the Executive failed to change its decisions following the meeting of the Scrutiny Management Committee on the 26<sup>th</sup> October 2009.

Council further notes that, contrary to the decision of this Council, the Executive on the 17<sup>th</sup> November failed to follow an agreed motion to progress to a Quality Contract Scheme for bus operators in the City.

Council therefore resolves that the Executive reconsider those matters and recommends that the Executive change their decision to:

- a) Set SMART objectives for assessing the effectiveness of attracting and promoting Green Jobs to the City.
- b) Start the process for delivering a city centre pool by:
  - creating a leisure reserve from directorate under-spends and section 106 agreements
  - commissioning a report to identify city centre sites within the city centre for a community pool, with particular reference to Huntgate, and provide provisional designs.
  - Identifying the amount needed from reserves to enable such a report to be produced.
- c) Progress with preparatory work for implementing a Quality Contract scheme within York, with a review to be conducted after the publication of the Department of Transport Guidance.

For the avoidance of doubt the following Councillors request the reconsideration of these decisions:

Cllr J Alexander  
Cllr D Bowgett  
Cllr B Boyce  
Cllr R Cregan  
Cllr S Crisp  
Cllr H Douglas  
Cllr S Fraser  
Cllr T Funnell  
Cllr J Gunnell  
Cllr D Horton  
Cllr K King  
Cllr J Looker  
Cllr D Merrett  
Cllr R Pierce  
Cllr R Potter  
Cllr D Scott  
Cllr T Simpson-Laing  
Cllr B Watson”

(iii) From Cllr Wiseman

“This Council notes with concern reports that the Ministry of

Defence is examining closing RAF Linton-on-Ouse. The effects of the closure of RAF Linton on the City of York would be significant, with the loss of 700 jobs and the loss of an estimated £25 million of economic activity that the base generates for the local economy.

The Council therefore asks the Chief Executive to write to the Minister of Defence in order to request a meeting with the appropriate party to enable CYC to make its representations to the MOD regarding possible closure of the base as early in the consultation process as possible."

(iv) From Cllr Gunnell

"Council notes:

- That York's Local Area Agreement has set a target to reduce the numbers of 16-18 years olds not in education, employment or training (NEET) under National Indicator 117, a target which was not met last year and is not being met this year
- As at the 15<sup>th</sup> October 2009 the City of York Council had only 21 Traineeships
- Only 3 out of 5 directorates had Traineeships;
- The impact of the economic downturn on training and employment opportunities for those that are NEET and those who have little or no work experience.

In response to this challenge, Council:

1. Requests the Chief Executive to take the necessary action to devise a comprehensive and strategic programme to increase the number of traineeships within the city by:

- Drawing up an action plan to increase the number of Traineeships, training and work experience placements available within the Council that:-
  - Involves all council directorates
  - Involves a wide range of council functions and disciplines
  - Has a full understanding and appreciation of the two distinct groups of vulnerable young people, those who fall out of education, employment and training and those with the potential to

- Acknowledges the Council's responsibilities as a Corporate Parent, ensuring that looked after children and care leavers are prioritised
- Incorporates, utilises and achieves the Aims of the Councils Sustainability Procurement Policy
- Ensures that advertising opportunities on internet sites are relevant to this audience
- Devising a mechanism to work in partnership with other large employers, interested smaller employers and educational establishment within the city to identify opportunities to increase the number of Traineeships

2. Requests the Effective Organisation Overview and Scrutiny to consider devising how such a programme would be developed and implemented, before making recommendations to the Scrutiny Management Committee, which in turn will make recommendations to Full Council no later than April 2010.”

(v) From Cllr Vassie

“As the UN Framework Convention on Climate Change in Copenhagen approaches, Council recognises the need to send a clear message to the Government that the public expect a global deal to reduce carbon emissions.

Council therefore resolves to join the 963 local authorities across Europe, representing over 130 million people, in signing up to the Covenant of Mayors, signalling the clear intention of local people to tackle climate change on a local level and sending the message that similar action on an international level is expected from national governments.

Council also requests that Officers report to the Executive on how energy consumption can be reduced at Listed buildings in the City.”

**14. Questions to the Executive Leader and Executive Members received under Standing Order 10(c)**

To deal with the following questions to the Executive Leader and / or other Executive Members, in accordance with Standing Order

10(a):

- (i) To the Executive Leader, from Cllr Alexander:  
“Can the Executive Leader please tell Council how many meetings he has had with the Council's Information Management and E-Government Champion to specifically discuss Information Management and E-Government since being in the position?”
- (ii) To the Executive Member for City Strategy, from Cllr Gillies:  
“Can the Executive Member brief the Council on the progress made on identifying the availability of sites and the availability of funding for the community stadium and whether these activities are meeting the timeline?”
- (iii) To the Executive Member for City Strategy, from Cllr Wiseman:  
“Could the Executive Member set forth the requirements for when Highways officers are required to attend planning meetings in order to address members’ queries regarding their response, or lack of written response, to planning applications?”
- (iv) To the Executive Member for City Strategy, from Cllr Wiseman:  
“Can you tell us why Lendal Bridge is no longer lit up at night?”
- (v) To the Executive Member for Corporate Services, from Cllr Healey:  
“When does the Executive Member expect the adult social care provision part of More4York to come before the Executive?”
- (vi) To the Executive Member for Corporate Services, from Cllr Alexander:  
“Can the Executive Member for Corporate Services tell Council how many meetings he has had with the Council's Efficiency, Procurement and Risk Management Champion to specifically discuss Efficiency, Procurement and Risk Management since being in the position?”

- (vii) To the Executive Member for Corporate Services, from Cllr Scott:  
“Does the Executive Member for Corporate Services still believe in openness and transparency in local democracy in the operation of the Council?”
- (viii) To the Executive Member for Housing & Adult Social Services, from Cllr Alexander:  
“Would the Executive Member for Housing and Adult Social Services explain whether the Council offers those who receive a 'meals on wheels' service to opt for a frozen meal alternative, and if so does the Council provide microwaves free of charge to these individuals?”
- (ix) To the Executive Member for Housing & Adult Social Services, from Cllr Simpson-Laing:  
“Will the Executive Member for HASS work with me to increase signing up to the Organ Donor Register by ensuring that all Council buildings, both public and private, display information on how to join the Register and that this information is also included for the next 12 months in all Council internal and external publications to help aid the rise in those signed to the register in the City?”
- (x) To the Executive Member for Learning, Culture & Children’s Services, from Cllr Healey:  
“Would the Executive Member outline the contingency arrangements for SEN children who move into the authority's catchment area during the school year?”
- (xi) To the Executive Member for Neighbourhood Services, from Cllr Alexander:  
“Can the Executive Member for Neighbourhood Services report to Council how many times police officers have been ‘rented’ under the Police Act 1996 to further reduce crime and as in line with their Election pledge of 2007?”
- (xii) To the Executive Member for Leisure, Culture & Social Inclusion, from Cllr Crisp:  
“Can the Executive Member for Leisure & Culture describe his plans to increase York residents’ take up of sport and

active leisure in relation to the continued decreasing figures, as reported in the Council's National Indicator Report?"

### **15. Urgent Business**

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

#### Democratic Services Officer for this meeting:

Name: Fiona Young

Contact details:

- Telephone – (01904) 551027
- E-mail – [fiona.young@york.gov.uk](mailto: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

Contact details are set out above.

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**CITY OF YORK COUNCIL**

Resolutions and proceedings of the Meeting of the City of York Council held in Guildhall, York on Thursday, 15th October, 2009, starting at 6.30 pm

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

**ACOMB WARD**

Simpson-Laing  
Horton

**BISHOPTHORPE WARD****CLIFTON WARD**

King  
Scott  
Douglas

**DERWENT WARD**

Brooks

**DRINGHOUSES & WOODTHORPE WARD**

Reid  
Holvey  
Sunderland

**FISHERGATE WARD**

D'Agorne  
Taylor

**FULFORD WARD**

Aspden

**GUILDHALL WARD**

Looker  
B Watson

**HAXBY & WIGGINTON WARD**

R Watson  
Firth

**HESLINGTON WARD**

Jamieson-Ball

**HEWORTH WARD**

Potter  
Funnell

**HEWORTH WITHOUT WARD**

Ayre

**HOLGATE WARD**

Crisp  
Bowgett

**HULL ROAD WARD**

Cregan

HUNTINGTON & NEW EARSWICK  
WARD

Orrell  
Hyman  
Runciman

MICKLEGATE WARD

Fraser

OSBALDWICK WARD

Morley

RURAL WEST YORK WARD

Hudson  
Healey  
Gillies

SKELTON, RAWCLIFFE & CLIFTON  
WITHOUT WARD

Moore  
Waudby  
Watt

STRENSALL WARD

Kirk  
Wiseman

WESTFIELD WARD

Sue Galloway  
Steve Galloway  
Waller

WHELDRAKE WARD

Vassie

Apologies for absence were received from Councillors Merrett, Hogg, Pierce,  
Alexander and Gunnell

**34. HON ALDERMAN GERALD DEAN**

The Lord Mayor invited all Members to observe a minute's silence in memory of Hon Alderman and ex-Councillor Gerald Dean, who had died the previous month.

**35. DECLARATIONS OF INTEREST**

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

Cllrs Crisp, Douglas and Simpson-Laing each declared a personal and prejudicial interest in agenda item 14 B (iii) (Cllr Gillies' Notice of Motion in respect of the Shadow Executive), as members of the Shadow Executive in receipt of special responsibility allowances for that role. Cllr Simpson-Laing also wished to place on record her membership of UNISON.

Cllrs Potter and Scott each declared a personal, non prejudicial interest in agenda item 14 B (iii), as members of the Shadow Executive not in receipt of special responsibility allowances for that role.

**36. POINT OF ORDER**

At this stage in the meeting, Cllr Scott announced that he wished to raise a point of order in respect of Cllr Gillies' Notice of Motion at item 14 B (iii) on the agenda. He objected to the inclusion of this motion on the agenda, on the grounds that it was ultra vires, being already under consideration by the Audit and Governance Committee in accordance with Standing Order 16. Having taken advice from the Head of Legal Services, the Lord Mayor ruled against Cllr Scott's submission and confirmed that the motion had been properly included on the agenda and would be debated later in the meeting.

**37. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the press and public be excluded from the meeting during any discussion on the exempt minutes of the Extraordinary meeting of Council held on 22 July 2009, on the grounds that they contain information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. Such information is classed as exempt under paragraph 5 of Schedule 12A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

**38. MINUTES**

RESOLVED: (i) That the minutes of the Ordinary Council meeting held on 9 July 2009 be approved and signed by the Chair as a correct record, subject to the following amendments:

- a) Under minute 13 (Declarations of Interest), Cllr Simpson-Laing's declaration of interest was as a member of UNISON and not as a previous member.
- b) Under minute 18 (Petitions), the reference to the no.18 bus at petition no. (ix) should refer to the no.16 bus.

(ii) That the minutes of the Extraordinary Council meeting held on 22 July 2009 be approved and signed by the Chair as a correct record.

**39. CIVIC ANNOUNCEMENTS**

The Lord Mayor welcomed to their first meeting of Council the new Chief Executive, Kersten England, Cllr Barbara Boyce, the new Member for Heworth and Sally Burns, the new Director of Neighbourhood Services. He also announced the imminent departure of Quentin Baker, the Head of Civic, Legal and Democratic Services, and wished him well in his new post in Cambridge.

The Lord Mayor then announced the receipt of the following gifts, which were on display in the Council Chamber:

- A book entitled *Stonegate Voices*, presented by the York Archaeological Trust
- A book entitled *Celebrating Jorvik*, which provided a photographic record of historic artefacts in York.

**40. PUBLIC PARTICIPATION**

The Lord Mayor announced that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

Joe Armer, of the Youth Council, spoke about young people in York and their problems and aspirations. He urged Council Members to listen to and work with young people, who were not only future citizens but were often directly affected by Council decisions.

With the consent of the Lord Mayor, Cllr Runciman, the Executive Member for Children and Young People's Services, responded to Joe Armer's comments. She welcomed the involvement of young people in the meeting and drew attention to the Youth Council debate held in the Council Chamber as part of Local Democracy Week, and to a forthcoming debate of the Youth Parliament to be held in the House of Commons.

#### 41. PETITIONS

Under Standing Order 7, petitions were presented by:

- (i) Cllr Simpson-Laing, on behalf of residents calling for a 20 mph zone on Ouseburn Avenue.<sup>1</sup>
- (ii) Cllr Simpson-Laing, on behalf of residents calling for a 20 mph zone in Millgates.<sup>2</sup>
- (iii) Cllr Brooks, on behalf of Kexby Parish Council, calling for a 40 mph speed limit on the A1079 through Kexby.<sup>3</sup>
- (iv) Cllr Crisp, on behalf of residents calling for a 20 mph zone in the Holly Bank area of the City.<sup>4</sup>
- (v) Cllr Simpson-Laing, on behalf of residents calling for a 20 mph zone in Viking Road.<sup>5</sup>
- (vi) Cllr Simpson-Laing, on behalf of residents calling for a 20 mph zone in Low Poppleton Lane.<sup>6</sup>

It was then

RESOLVED: That the above petitions be referred to the Executive or appropriate Committee.<sup>1-6</sup>

#### Action Required

1-6: Schedule report/s on Forward Plan for Executive or Executive Member Decision Session and keep the relevant Members updated on progress SS

#### 42. REPORT OF EXECUTIVE LEADER AND EXECUTIVE RECOMMENDATIONS

A written report was received from the Executive Leader, Cllr Andrew Waller, on the work of the Executive.

In presenting his report, the Leader endorsed the comments of the Lord Mayor with regard to the welcoming of Kersten England, Sally Burns and Cllr Boyce to the meeting and the departure of Quentin Baker. These comments were echoed by leaders of the Opposition Groups in their responses to the report. The Leader also responded to questions from the Opposition Group leaders in respect of his recent visit to Brussels, the provision of swimming facilities in the City, the Barbican and Castle Piccadilly sites, the Urban Eco Settlement, improvements to the Ring Road and preparations for potential cuts in public spending following the General Election.

The Leader then moved, and Councillor Runciman seconded, the recommendations contained in the following minutes of the Executive

meetings held on 21 July, 8 September, 22 September and 6 October 2009 respectively:

- Minute 55 – Land at the Rear of Acomb Explore, Front Street, Acomb<sup>1</sup>
- Minute 68 – Minutes of Working Groups<sup>2</sup>
- Minute 69 – Capital Programme Monitor 1<sup>3</sup>
- Minute 81 – Administrative Accommodation Project Financial Update<sup>4</sup>
- Minute 90 – Revised Financial Regulations<sup>5</sup>
- Minute 91 – Swimming Facilities

Each set of recommendations was moved, seconded, debated and voted upon separately and on being put to the vote each was declared CARRIED. It was therefore

RESOLVED: That the recommendations contained in Minutes 55, 68, 69, 81, 90 and 91 of the Executive meetings held on 21 July, 8 September, 22 September and 6 October 2009 be approved.

Action Required

- |   |    |
|---|----|
| 1. Vary the Capital Programme to bring forward funding to acquire the two sites | SA |
| 2. Make the required change to the Constitution and membership list for YPWG    | SA |
| 3. Make the agreed adjustments to the Capital Programme                         | SA |
| 4. Make the agreed adjustments to the Capital Programme                         | SA |
| 5. Incorporate the revised Financial Regulations into the Constitution          | SA |

**43. NOTICE OF MOTION - SHADOW EXECUTIVE**

The Lord Mayor announced that he intended to vary the order of business so as to deal at this point in the meeting with the Notice of Motion submitted by Cllr Gillies in respect of the Shadow Executive, at item 14 B (iii) on the agenda. This was to enable Members to debate the matter fully.

It was then moved by Cllr Gillies and seconded by Cllr Watt that:

“The new scrutiny format has made the institution of the Shadow Executive redundant. The Council therefore moves to amend the Constitution to abolish the role of Shadow Executive with immediate effect and with the consequence of not paying special responsibility allowances for Shadow Executive spokespersons.

The Council therefore instructs the Monitoring Officer, in accordance with the powers under Article 16 of the Constitution, to effect the necessary changes to the Constitution and to report back upon the details to the Executive in due course.”

On behalf of the Labour Group, Cllr Scott requested that a named vote be taken on the above motion. He then announced that his Group would not be

participating in the vote. On the advice of the Lord Mayor, all members of the Labour Group, except for Cllrs Fraser and B Watson, left the Chamber after the debate and before the vote was taken.

In accordance with Standing Order 15.2.1, a named vote was then taken of those Members present, with the following result:

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cllr Aspden		Cllr Galvin (Lord Mayor)
Cllr Ayre		
Cllr Brooks		
Cllr D'Agorne		
Cllr Firth		
Cllr Sue Galloway		
Cllr Steve Galloway		
Cllr Gillies		
Cllr Healey		
Cllr Holvey		
Cllr Hudson		
Cllr Hyman		
Cllr Jamieson-Ball		
Cllr Kirk		
Cllr Moore		
Cllr Morley		
Cllr Orrell		
Cllr Reid		
Cllr Runciman		
Cllr Sunderland		
Cllr Taylor		
Cllr Vassie		
Cllr Waller		
Cllr R Watson		
Cllr Watt		
Cllr Waudby		
Cllr Wiseman		
<b>27</b>	<b>0</b>	<b>1</b>

The motion was therefore declared CARRIED and it was

RESOLVED: That the above notice of motion be approved.<sup>1</sup>

*Note: Cllrs Crisp, Douglas, King and Simpson-Laing all left the Chamber during consideration of the above item, having previously declared their prejudicial interests in this matter, and took no part in the debate or decision thereon.*

Action Required

1. Make the agreed changes to the Constitution and schedule a report on the Forward Plan for a future meeting of the Executive

SA

**44. RECOMMENDATION OF THE STANDARDS COMMITTEE**

As Vice Chair of the Standards Committee, Cllr Horton moved, and Cllr Taylor seconded, the recommendation contained in Minute 21 of the Standards Committee meeting held on 28 August 2009 in respect of the Review of the Protocol on Officer / Member Relations: Reference Back from Council.

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

RESOLVED: That the recommendation contained in Minute 21 of the Standards Committee meeting held on 28 August 2009 be approved.<sup>1</sup>

Action Required

1. Incorporate the agreed Protocol on Officer / Member Relations in the Constitution SA

**45. RECOMMENDATIONS OF THE AUDIT & GOVERNANCE COMMITTEE**

As Chair of the Audit & Governance Committee, Cllr B Watson moved, and Cllr Jamieson-Ball seconded, the recommendations contained in the following minutes of the Audit & Governance Committee meeting held on 21 September 2009:

- Minute 31 – The Introduction of a Corporate Approach to Handling Petitions and E-Petitions<sup>1</sup>
- Minute 32 – Review of the Audit & Governance Committee's Terms of Reference (Articles & Functions)<sup>2</sup>

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

RESOLVED: That the recommendations contained in minutes 31 and 32 of the Audit & Governance Committee meeting held on 21 September 2009 be approved.<sup>1-2</sup>

Action Required

1. Introduce a Corporate Petitions Register and e-petitions facility based upon the ModGov CMS system DS  
2. Appoint an independent advisor to the Audit & Governance Committee and amend the Committee's terms of reference accordingly SA



**46. SCRUTINY - REPORT OF THE CHAIR OF THE SCRUTINY MANAGEMENT COMMITTEE AND SMC RECOMMENDATIONS**

A written report was received from Cllr Paul Healey, the Chair of the Scrutiny Management Committee (SMC) on the work of the SMC since the last report to Council, on 9 July 2009.

Cllr Healey then moved, and Cllr Funnell seconded, the recommendations contained in Minute 14 of the SMC meeting held on 28 September 2009 and relating to a referral from the Community Safety Overview and Scrutiny Committee requesting a change to their terms of reference.

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

RESOLVED: That the recommendations contained in Minute 14 of the Scrutiny Management Committee meeting held on 28 September 2009 be approved.<sup>1</sup>

Action Required

1. Amend the Constitution to incorporate the agreed changes to the terms of reference of the Economic & City Development and Community Safety Overview & Scrutiny Committees SA

**47. REPORT OF EXECUTIVE MEMBER**

A written report was received from Cllr Reid, the Executive Member for Neighbourhood Services.

Notice had been received of ten questions on the report, submitted by Members in accordance with Standing Orders. The questions were put and answered as follows:

(i) From Cllr King:

“Would the Executive Member agree that air quality monitoring is of little value unless the Council takes action to improve air quality. In doing so will she confirm to Council what action has been taken to improve air quality in the AQMA against a trend of worsening air quality, given this wasn't deemed important enough to feature in her report?”

***The Executive Member replied:***

*I would agree that monitoring on its own has little value but I can assure Cllr King that the monitoring has informed a great deal of action.*

*The review and assessment of air quality is a legal requirement under sections 82-84 of the Environment Act 1995 Part IV.*

*We have an extensive range of air quality monitoring, comparable to larger cities in the country that includes 11 real time air quality monitoring stations monitoring air pollution continuously. We have 325*

*diffusion tubes that monitor air pollution on radial routes and other busy roads.*

*Once we declared an Air Quality Management Area in 2002 it became a legal requirement to monitor air pollution in the AQMA. The air quality monitoring stations also monitor pollution from major developments in certain areas of York.*

*This network enables the council to determine where air pollution is impacting on the health of local residents and to monitor the effects of transport policy on air quality.*

*The Environment Act 1995 Part IV also imposed a legal duty to produce an air quality action plan (AQAP) to improve air quality in York and to meet the health based air quality objectives.*

*Many of the measures in the Plan have already been delivered. These include:*

- New planning guidance on sustainability*
- A successful car club*
- Cleaner, lower emission taxis*
- Graduated parking charges based on vehicle age, fuel type and engine size*

*And we are progressing.*

- 3 New Park & Rides*
- A low emission zone feasibility study*

*Other measures to improve air quality will be progressed via the Local Development Framework, the City Centre Area Action Plan, the third Local Transport Plan (LTP3) and the emerging Low Emission Strategy.*

*These include:*

- Extension of the foot streets and their hours of operation*
- A freight transshipment centre to remove heavily polluting diesel lorries from the city centre and AQMA*
- Promotion of electric vehicles and the infrastructure to support them.*
- A low emission strategy will build on the existing air quality action plan, LTP3 and the Climate Change Strategy and look holistically at emissions of CO<sub>2</sub>, nitrogen dioxides and particulates from all sources and not just transport or development.*

*A word of caution is needed as not all the measures that seem attractive have the desired effect. For example, the government is encouraging vehicle manufacturers to reduce CO<sub>2</sub> emissions, but by adjusting their engines, emissions of nitrogen dioxides have increased.”*

In response to supplementary questions put by Cllrs King, Simpson-Laing and D’Agorne, the Executive Member confirmed that the issue of air quality on Water End, Clifton Green and Westminster Road as a result of traffic works carried out in that area had not been raised as a matter of concern, but Officers had raised concerns about air quality in the Fulford Road and Leeman Road areas. She had no details to hand of the Council’s response to government on Air Quality Action Areas but could supply this information to Cllr D’Agorne.

In response to a further supplementary question from Cllr R Watson on financial support received from government, which was allowed by the Lord Mayor on the grounds that Cllr Watson's early request to put the question had been ignored due to technical problems, the Executive Member replied:

*"The grants from DEFRA in the past have enabled us to build a proactive air quality programme and it had been hoped to money would be available to continue that approach and progress some of these measures, especially the feasibility study for a low emission zone, at a fast rate. Unfortunately, this has been delayed by disappointing grants from DEFRA in the last 2 years.*

*In 2008/09 CYC submitted a bid for £222k. We initially received only £15k; initially, but a further request that year did give us a further £27k. In 2009/10 we asked for £195,025. We received £16,500, but have again requested that they reconsider.*

*Both these grants are well below what we need to progress our plans and reflects that the overall grant available across the country have not be increased to reflect the legal obligations on Local Authorities and the increased work that is now taking place nationally."*

(ii) From Cllr King:

"Would the Executive Member agree with me that the Government should be congratulated for awarding the City of York a grant to run a publicity campaign on under age tobacco sales?"

***The Executive Member replied:***

*"It was welcome extra income in order for us to enact Government legislation."*

In response to a supplementary question put by Cllr Holvey, the Executive Member replied:

*"In 2008/09 we received £8,162.04 of funding from the Department of Health to assist in education and enforcement work in relation to tobacco. We ran a promotional campaign (on bus shelters near to secondary schools and at the cinema) We also undertook a series of test purchases including targeting vending machines. The targeting of vending machines where there is less supervision and the raise in the legal age for buying tobacco does show a sharp rise in the level of illegal sales compared to previous years.*

*From 2004 -08 - test purchasing produced no illegal sales of tobacco. During the period that the funding was used in 2008/09 there were 10 test purchases of vending machines with 6 illegal sales and 60 test purchases at retailers with 3 illegal sales all in October when the law had only just changed."*

(iii) From Cllr King:

"It is pleasing to see working days lost to sickness are down to 11.25 days on average per full time employee from 19.2. Can the Executive Member inform us when the Council is likely to reach the lower agreed target that has been set?"

***The Executive Member replied:***

*“The directorate is continuing to implement the absence management policy robustly, sickness does remain a priority within the directorate plan, and that we are continuing to seek proactive ways to improve the level of staff absence. We will continue to hold initiatives such as health fairs, which look at a lifestyle as well as health issues and don't just concentrate on work related issues. Involving staff in the Excellence in Everything programme is also improving attendance levels and attitudes to work. We will also continue to look at using machinery and new technology that helps reduce injuries at work. The recently acquired machine to lift kerb and paving stones is one example of this and expanding the use of wheeled bins and therefore reducing the amount of lifting that our waste operatives have to do is another.*

*The 08/09 outturn was 11.25 days with a target this year of 11 days. Up to end August 09/10 we had lost 4.71 days compared to 6.37 days in the equivalent period in 08/09. I am therefore hopeful that we will hit the 11 day target.”*

In response to supplementary questions put by Cllrs Taylor and King, the Executive Member indicated that any examples of abuse of the absence management policy should be brought to the attention of the appropriate director and that she was as confident as she could be at this stage that any changes to working practices arising from the More for York review would not lead to an increase in the number of working days lost to sickness.

[Answers to the following questions were supplied in writing after the meeting, the ten minute deadline for questions on the Executive Member's written report having expired at this point.]

(iv) From Cllr Looker:

“I agree with the Executive Member that the Groves recycling pilot has been successful, but could she comment on the significant resistance to the proposal that wheelie bins be stored to the fronts of properties, as well as the more general requirement that refuse be presented to the fronts of properties, rather than at the rear as residents have been used to?”

***The Executive Member replied:***

*“There has been some reaction to wheeled bins in a few streets and officers are working with residents in these areas. This work is ongoing and compromise has been reached to the satisfaction of many residents.*

*Further consultation is being undertaken by officers and a report on the work being carried out as a result of the petitions received from just 3 streets in the Groves area will come to my Executive Member Decision Session in November. The lead petitioner was happy with that timescale.*

*Because of the way recycling is collected, all residents are asked to put their recycling at the front of their property. It therefore makes sense to also ask for residual waste to be put at the front of properties.*

*Presenting waste in rear lanes does have an impact on the efficiency of our hardworking crews and adds to manual handling problems. Guidance from the Health & Safety Executive states such work should be kept to a minimum and avoided where possible. I am sure that Cllr Looker would agree with me that the health and welfare of our staff is an important factor when we make decisions about waste collection. We also now have many streets that are part of the wider alley gating scheme and our agreed policy is we will not go into gated alleys to collect waste.*

*If we did want to continue collecting from back lanes we would either have to invest in smaller vehicles in order to empty wheeled bins from the rear of houses, clearly considerably less efficient as the vehicles would need to be emptied more often. The alternative would be to impose central collection points. We are exploring this option in some very specific locations but Labour found to their cost that residents were not happy to have this solution imposed on them wholesale.*

*I would remind Council that of the nearly £15.5 million we have paid in landfill tax to the Government they have returned to us only just over £2.5million in grants. If we had received more back we might have more collection options available to us.”*

(v) From Cllr Firth:

“Can the Executive Member outline how City of York Council compares to “family group” of Local Authorities (as defined by Government) and Unitary Council delivering a similar service in terms of recycling rates, value of money and residents’ satisfaction?”

***The Executive Member replied:***

*“Of the 15 Unitary Authorities in our family group we have the best recycling rates. In 2007/08, the last year for which we have comprehensive figures, we recycled 43.37% of our waste. The next closest was Bath with 42.94% and the lowest Calderdale with just 25% of waste recycled.*

*What is most interesting to note, however, is the collection costs. We also have the 2<sup>nd</sup> cheapest collection and disposal costs of the 15 at £78.53 per ton. The cheapest, Stockton pay £76.20 per ton but only recycle 26.22% of their waste. Ironically, the worst recycle, Calderdale, have the highest collection costs at £112.10 a ton.*

*Comparing our customers opinions with that of 27 Unitary Authorities delivering similar service the Place Survey showed that York is 10<sup>th</sup> in a league table of satisfaction with refuse collection at 79%, 10<sup>th</sup> in a league table of satisfaction with kerbside recycling and 10<sup>th</sup> overall in the combined measure. However, in terms of Value for Money York is third in the league table, behind two authorities with much lower levels of satisfaction.*

*East Riding, our closest Unitary Authority, still operates a weekly residual waste collection alongside a doorstep recycling. Our overall satisfaction rate with refuse and doorstep recycling collections is 77% while theirs is only 2 points higher at 79%. But, as I said, our collection costs are £78.53 per ton whilst theirs is over 22% higher at £100.92.*

*By all the measures, we offer our residents a value for money service which has a high satisfaction level but our Waste Strategy is designed to improve on those results.”*

(vi) From Cllr King:

“I am glad to see security changes have now been implemented at the Eco depot. Could the Executive Member tell me how much money has been wasted by putting the reception at the rear of the building and not providing proper security when the building was first built?”

***The Executive Member replied:***

*“The plans approved in 1999 were not really fit for purpose by the time the Council was in a position to progress a new depot in 2003. The new Lib Dem Council was very creative in progressing the Eco depot but constructing the largest straw building in Europe with its many sustainable features had slightly higher build costs. The contract was design and build and as the project progressed it was felt that a stand alone gatehouse was not necessary at the time for a number of reasons.*

- There were absolutely **no** security measures at the old site. Members of the public were able to walk around at will and there was open access at night.*
- The location was in the same area and therefore not subject to significant higher levels of burglary, theft, anti social behaviour etc.*
- The security office was to be situated overlooking the entrance gates.*
- CCTV was installed.*
- There were no Member objections either at the design stage or at Planning Committee.*
- There is no public access to the Eco depot site*
- The new sites would have gates that have always been closed at night and weekends.*

*As with all new developments there are often changes to be made once operations are up and running. As already reported to Council the Road Haulage Association carried out a risk assessment and recommended some changes but the major catalyst for the security barriers was the high profile given to the sole incident of theft by a member of this Council.*

*The cost of purchasing the barriers themselves are the same as they would have been. Retrospective fitting would have cost a few thousand. There was never a plan to site reception at the gate but this is felt to be desirable now that the Eco depot has been in operation for some time.”*

(vii) From Cllr Hyman:

“Can the Executive Member tell Council more about the waste minimisation work?”

***The Executive Member replied:***

*“Waste minimisation work is a very important strand in our efforts to decrease the amount of waste we send to landfill. We are members of*

*the York and North Yorkshire Waste Partnership which allows us to take a county wide coordinated approach to waste campaigns.*

*Our Waste Minimisation Strategy is designed to limit waste growth to only the additional number of properties being built, i.e. 'zero' growth from existing households, and includes several targeted campaigns and supports the business and community sectors in reducing waste. By linking in with regional and national campaigns, as well as targeted specific local campaigns, the success of this strategy has far outweighed expectations, with York showing an overall fall in waste arising by over 4%. It is pleasing that this trend has continued into the current financial year with a further 5% reduction so far.*

*All campaigns include radio adverts and are backed up with press releases and information on our web site.*

*Real Nappy Week is a regular event and includes Nappochino mornings when parents can come along and see the alternatives that are on offer.*

*Compost Awareness Week was held in May along with an Autumn Tidy Up to promote reuse & composting. York Rotters play an integral part in promoting composting and have helped to divert 220 tonnes of rubbish from landfill. This year they have held 3 training events, attended 10 summer roadshows, attended talks and meetings, work in 6 schools and given about 3,000 tonnes of soil improver to residents at 5 giveaway events*

*18 schools have set up composting schemes and advice has been given to 18000 residents on home composting.*

*The Love Food Hate Waste campaign ran a competition linked to the recent Food Festival asking people for their favourite recipes using left over food. A 4 day stall at the Festival attracted more than 1,000 people with practical cooking demonstrations in Parliament St showing quick and easy ways to use food rather than throwing it away.*

*A competition in Primary schools encouraged children to design posters illustrating ways to reuse and recycle waste generated at home. Winning schools received a wormery composter, with the individual winner receiving a 'worm world' for observing worms at home.*

*The Choose2Resuse campaign encourages residents to buy and donate reusable items at charity shops and we support the Furniture Warehouse. A roadshow is planned for the city centre after Christmas for people to donate unwanted Christmas presents and items from the traditional post Christmas clear out.*

*Waste Strategy staff regularly attend a variety of events including ward committee meetings, roadshows, festivals etc. where help and information is freely available to residents."*

(viii) From Cllr Sunderland:

*"Can the Executive Member enlarge on the results of the Place Survey as they relate to Neighbourhood Services?"*

***The Executive Member replied:***

*"9 of the questions in the Place survey related to Neighbourhood Services and the results are very encouraging. 5 are in the top quartile of Unitary Authorities with 2 each in the 2<sup>nd</sup> and 3<sup>rd</sup> quartile.*

*67.4% of residents said that they were very or fairly satisfied with keeping public land clear of litter and refuse and 75% of people agreed that local public services are working to make the area cleaner and greener. These are not only top quartile but puts us at number 1 of all 55 Unitary Authorities. Other top quartile results are that 87.4% of residents are satisfied with their local area as a place to live with 91.9% of those over 65 agreeing. 31.7% agreed that they can influence decisions in their local area. Although that might seem a low percentage it still put us 7<sup>th</sup> out of 55 Unitary Authorities. Some other authorities must be very low.*

*74% of residents are satisfied with both recycling collections and household waste sites and 78.8% with waste collections. In all but one of the 9 measures we are above the Unitary Average.”*

*Only 12.7% of residents said that they have been involved in decisions that affect their area in the last 12 months. This is the one score that was perhaps slightly disappointing particularly given the number of people who are involved in Ward Committees and vote for schemes. We shall be investigating ways of encouraging participation and ensuring people realise that their views really can make a difference.”*

(ix) From Cllr King:

“I welcome the refurbishment of the toilets at the crematorium, however, could the Executive Member inform council when we will see a report on security and recommendations on disabled people’s toilets for the city?”

***The Executive Member replied:***

*“Officers have sourced an alarm system which when triggered would still show a flashing light outside the facility but also alert a service provider who when then implement an agreed call out procedure. The problem is identifying a service provider who could respond.*

*Officers are talking to partners to identify a provider who could ensure that the alarm is responded too.*

*An update on the Community Toilet scheme is due to come to my EMDS in the New Year and an update on this issue will be included.”*

(x) From Cllr King:

“Whilst welcoming the intention to provide a better service to bereaved families, can the Executive Member square this objective with the recent unsympathetic removal of families’ personal mementoes from the Garden of Remembrance without any consultation whatsoever with the bereaved families concerned?”

***The Executive Member replied:***

*“The placing of personal mementoes at cemeteries and in the grounds of crematoria around the country is a problematic and sensitive issue.*

*Mementoes that are meaningful to some are seen as inappropriate by others. All facilities, including York, receive complaints when the numbers of such mementoes around the grounds increase or are placed near to another loved ones memorial . Members will realise it is a difficult situation to manage.*



*At the crematorium we do explain to the bereaved that only authorised memorabilia is permitted in the grounds. We display a large sign which advises visitors of that fact, and asks them not place memorabilia on the lawns, flower beds and in trees. The sign also advises that we reserve the right to remove such items.*

*This is an action we do take from time to time. Prior to this action we advise all visitors we do see that this will take place. We do not however have the resources to track down each person responsible for the placing of the item and advise them personally of this action. We do what we can.*

*We do regret any distress caused to any one because of this action but it is a process we do need to repeat from time to time and is accepted most with good grace and understanding.”*

#### **48. ACTIVITIES OF OUTSIDE BODIES**

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

- North Yorkshire Fire & Rescue – meeting on 24/06/09
- North Yorkshire Police Authority – meeting on 29/06/09
- Quality Bus Partnership – meeting on 04/06/09
- Regional Transport Forum – meeting on 16/06/09
- Safer York Partnership – meeting on 23/06/09
- Without Walls Partnership – meeting on 14/07/09
- Yorkshire & Humber Assembly – meeting on 16/01/09

No questions had been submitted to representatives on the above bodies.

#### **49. APPOINTMENTS AND CHANGES TO MEMBERSHIP**

##### **(i) Appointments Committee for the Post of Head of Legal Services (Monitoring Officer)**

Cllr Waller moved, and Cllr Runciman seconded, the recommendations contained in a report of the Director of Resources seeking approval to establish an Appointments Committee for the post of Head of Legal Services.

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

RESOLVED: That the recommendations contained in the report of the Director of Resources be approved and an Appointments Committee be established for the post of Head of Legal Services.<sup>1</sup>

##### Action Required

1. Establish and convene the Appointments Committee

SA

**(ii) Membership of Committees, Working Groups and Outside Bodies**

RESOLVED: That the appointments to Committees, Outside Bodies and Working Groups set out on the list circulated around the Council Chamber be approved, subject to confirmation of the correct name of the body listed as the '*Local Government Yorkshire and Humber Regeneration & Housing Board*'.

Note: the full list of agreed appointments is attached as an annex to these minutes.

**50. NOTICES OF MOTION**

**(i) York Central**

It was moved by Cllr Waller and seconded by Cllr Steve Galloway that:

“Council notes:

1. The suspension of the development of York Central by Network Rail and the National Railway Museum (National Museums of Science and Industry) due to the current difficult economic climate.
2. The importance of the York Central site to the long term economic interests of the city and to the wider region.
3. The progress that has been made by the York Central Board.

Council calls for the York Central Board to remain in operation to aid with:

1. The promotion and development of the site
2. Maintaining work on the development potential of the site with partner
3. Examination of funding sources, and mechanisms, for infrastructure costs associated with the development of the site.”<sup>1</sup>

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

RESOLVED: That the above notice of motion be approved.<sup>1</sup>

**(ii) 10:10 Campaign to Reduce Carbon Emissions (Cllr Potter)**

A notice of motion had been submitted by Cllr Potter in the following terms:

“The UK has ambitious targets to reduce damaging greenhouse gases over the coming decades, most notably to reduce its own share by 80% by 2050 below 1990 levels.

Council believes every individual and every organisation, both large and small, has a responsibility to contribute to this reduction, as this is the only way both short and long-term targets will be achieved.

The current 10:10 campaign is targeting individuals, schools, hospitals businesses and every other type of organisation to get them to commit to reducing their carbon emissions by 10% by the end of 2010.

Council recognises the importance of collective action, and importantly of its own ability to show leadership by signing up to the campaign. In doing so, Council is signalling its serious intent to reduce its impact on the environment, whilst also benefiting the tax payer by saving money.”

Council therefore resolves to sign up to the 10:10 campaign immediately, and to task officers with setting out within three months the action required to ensure Council achieves this target.”

Cllr Potter now sought leave to alter the above motion, to read as follows:

“The UK has ambitious targets to reduce damaging greenhouse gases over the coming decades, most notably to reduce its own share by 80% by 2050 below 1990 levels.

Council believes every individual and every organisation, both large and small, has a responsibility to contribute to this reduction, as this is the only way both short and long-term targets will be achieved.

The current 10:10 campaign is targeting individuals, schools, hospitals businesses and every other type of organisation to get them to commit to reducing their carbon emissions by 10% by the end of 2010.

Council recognises the importance of collective action, and importantly of its own ability to show leadership by signing up to the campaign. In doing so, Council is signalling its serious intent to reduce its impact on the environment, whilst also benefiting the tax payer by saving money.”

Council therefore resolves to sign up to the 10:10 campaign immediately, and to **invite the Executive to** task officers with setting out within three months the action required to ensure Council achieves this target.”

Council having agreed to that alteration, Cllr Potter moved, and Cllr Vassie seconded, the motion as altered.

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

“In the third line of the last paragraph:

- insert the word ‘*costed*’ after the word ‘*the*’
- delete the word ‘*action*’ and substitute ‘*actions*’.”

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

**The motion, as amended, now read as follows:**

“The UK has ambitious targets to reduce damaging greenhouse gases over the coming decades, most notably to reduce its own share by 80% by 2050 below 1990 levels.

Council believes every individual and every organisation, both large and small, has a responsibility to contribute to this reduction, as this is the only way both short and long-term targets will be achieved.

The current 10:10 campaign is targeting individuals, schools, hospitals businesses and every other type of organisation to get them to commit to reducing their carbon emissions by 10% by the end of 2010.

Council recognises the importance of collective action, and importantly of its own ability to show leadership by signing up to the campaign. In doing so, Council is signalling its serious intent to reduce its impact on the environment, whilst also benefiting the tax payer by saving money.”

Council therefore resolves to sign up to the 10:10 campaign immediately, and to invite the Executive to task officers with setting out within three months the costed actions required to ensure Council achieves this target.”

Cllr Reid then moved, and Cllr Holvey seconded, a further amendment, as follows:

“After the first paragraph insert:

*‘Council looks forward to the government implementing a series of annual targets and projects to meet the long term targets, in the way that the council has done for the 25% reduction in CO2 by 2013.’*

At the beginning of the second paragraph insert the words:

*‘In the mean time’*

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

**The motion, as amended, now read as follows:**

“The UK has ambitious targets to reduce damaging greenhouse gases over the coming decades, most notably to reduce its own share by 80% by 2050 below 1990 levels.

Council looks forward to the government implementing a series of annual targets and projects to meet the long term targets, in the way that the council has done for the 25% reduction in CO2 by 2013.

In the mean time Council believes every individual and every organisation, both large and small, has a responsibility to contribute to this reduction, as this is the only way both short and long-term targets will be achieved.

The current 10:10 campaign is targeting individuals, schools, hospitals businesses and every other type of organisation to get them to commit to reducing their carbon emissions by 10% by the end of 2010.

Council recognises the importance of collective action, and importantly of its own ability to show leadership by signing up to the campaign. In doing so, Council is signalling its serious intent to reduce its impact on the environment, whilst also benefiting the tax payer by saving money.

Council therefore resolves to sign up to the 10:10 campaign immediately, and to invite the Executive to task officers with setting out within three months the costed actions required to ensure Council achieves this target.”<sup>2</sup>

The motion, as amended, was then put to the vote and declared CARRIED and it was

RESOLVED: That the above notice of motion be approved.<sup>2</sup>

**(iii) Yorkshire Water Discount**

It was moved by Cllr Scott and seconded by Cllr Crisp that:

“Council calls upon the Chief Executive of the City of York Council to write in support of the campaign to ensure that York residents retain their 15% discount from Yorkshire Water as agreed at the time of the merger.”<sup>3</sup>

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

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

**(iv) 10:10 Campaign to Reduce Carbon Emissions (Cllr Reid)**

The Lord Mayor ruled out of order the Notice of Motion submitted by Cllr Reid in respect of the 10:10 Campaign to reduce carbon emissions, on the grounds that, if put to Council, it would be substantially repetitious of the motion moved by Cllr Potter, which had already been approved.

**Action Required**

- |   |    |
|---|----|
| 1. Chief Executive to write to Network Rail and the NRM in these terms  | DB |
| 2. Ensure that the Council is signed up to the 10:10 campaign and schedule a report on the Executive Forward Plan | SS |
| 3. Chief Executive to write to Yorkshire Water in these terms   | DB |

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

Five questions had been submitted to Executive Members under Standing Order 11.3(a). The questions were put and answered as follows:

- (i) To the Executive Member for Resources, from Cllr Scott:  
“Does the Executive Member for Resources believe in openness and transparency in local democracy and in the operation of the Council?”

**Reply**  
“Yes.”

- (ii) To the Executive Member for Children & Young People’s Services, from Cllr Douglas  
“Can the Executive Member provide details of how many Physical Education (PE) sessions have been cancelled at each primary and at each secondary school operating under the Local Education Authority (LEA), due to the timetabling of extra activities such as concerts, plays and visits, during the last academic year, both as a total and as a percentage of all timetabled PE sessions?”

**Reply**  
*“The information that the Shadow Member requests is not currently collected and reported. To do so would be a highly time consuming and intensive task - I would be extremely reluctant to ask for this to be done, given the additional demands it would make on the time of school leaders, along with the distraction that it would cause from core activities.*  
*The evidence suggests that physical activity within our schools is well promoted - our Children and Young Peoples Plan describes progress on the Healthy Schools agenda, which has been nationally recognised. We have made steady improvements to indoor and outdoor sports facilities in schools and the proportion of students who get an average of 2 hours per week quality PE and schools sports is now over 90%. This Liberal Democrat administration has a firmly stated ambition to continue to work with schools and governing bodies to ensure that arts and sports play a key role in the opportunities provided for enjoying and achieving in our schools. We intend to keep this a priority.*

- (iii) To the Executive Member for Children & Young People’s Services, from Cllr Waudby  
“Can the Executive Member tell Council more about The Fostering Network annual conference which she attended in York earlier this month?”

**Reply**  
*“I was delighted to be asked to speak at the National Fostering Network Conference in York recently and to give a councillor’s perspective. It has been clear to me for many years that all children need a family in which to grow up and – if their own family is not available, a foster family gives the best alternative.*

*As in every other authority, the numbers of children coming into our care have increased significantly in the last few years, especially following the publicity after the baby P case. This brings increased pressure on the children's social care budget.*

*To cope with this demand we have steadily increased the number of foster carers that we have – there are now 95 - and a greater proportion than ever of the children we look after are able to access foster care. In 2006/7 it was 70.92% - it is now 85.78%.*

*This Liberal Democrat Administration is firmly committed to keeping children who come into our care in the city wherever possible so that they can keep in touch with their friends and family and have some continuity in their lives. We will continue to recruit foster carers.*

*I am indebted to all foster carers who dedicate their lives and – very often – those of their own children, for their commitment to the young people of the city, demonstrated all year round.”*

- (iv) To the Executive Member for Children & Young People's Services, from Cllr Jamieson-Ball

“Can the Executive Member tell Council what steps are being taken to tackle youth unemployment in the city?”

**Reply**

*“A recent meeting held in LCCS brought together representatives of the local authority, the Economic Development Unit, Learning City York, the National Apprenticeships Service and those involved in the 14 to 19 strategy, recognising that problems at 14 to 19 can lead to later unemployment.*

*The meeting focused particularly on apprenticeships and promoting take up in York and the local area by raising the awareness of employers in York of the advantages this brings. The role of the Diplomas in linking to apprenticeships was also discussed and the importance of giving early information, advice and guidance to young people.*

*The 18 to 24 age group is more vulnerable to the recession as they may have few qualifications and little experience. Although the situation in York is no worse than other parts of the country, plans are being made to increase opportunities to build skills for jobs and prepare for employment.*

*At a recent post 16 event, held at York Racecourse, 1500 young people and their parents came to seek advice about opportunities for training and education as well as apprenticeships and jobs. It is hoped that this will become an annual event.*

*The group will meet regularly to review progress in this area.”*

- (v) To the Executive Member for Children & Young People's Services, from Cllr Aspden

“Can the Executive Member give Council details of the recent GCSE results achieved by pupils in the city?”

**Reply**

*“This year’s GCSE results were the best ever and I must pay tribute to the hard work of everyone in the schools, staff and students alike, and the work of the central team who support them. These results are also significantly above the England average and reflect well on the education provided in York’s schools, which is recognised by Ofsted as amongst the country’s best.*

*%5+A\*-C grades*

*The percentage of pupils achieving 5 or more A\* to C grades has increased significantly compared to 2008. The 2009 City of York figure is 73.4% compared to 68.5% in 2008. The England average last year was 65.3% (the last year for which figures were available).*

*%5+A\*- C grades including English and Maths*

*The percentage of pupils achieving 5 or more A\* to C grades including English and Maths has also increased significantly to 59.5% from 53.8% in 2008. The England average last year was 47.6% (this is the last year for which figures are available).”*

**52. URGENT BUSINESS - APPOINTMENTS COMMITTEE FOR THE POST OF ASSISTANT DIRECTOR OF CITY DEVELOPMENT AND TRANSPORT**

The Lord Mayor had agreed to receive under urgent business a report of the Director of City Strategy, seeking approval to establish an Appointments Committee for the post of Assistant Director of City Development and Transport, on the basis that the appointment should be made as quickly as possible given that the post holder would play an essential role in developing York’s first Spatial Plan.

Cllr Steve Galloway then moved, and Cllr Runciman seconded, the recommendations contained in the report at paragraph 11. On being put to the vote the recommendations were declared CARRIED and it was

RESOLVED: That the recommendations contained in the report of the Director of City Strategy be approved and an Appointments Committee be established for the post of Assistant Director of City Development and Transport.<sup>1</sup>

Action Required

1. Establish and convene the Appointments Committee SA

J Galvin  
LORD MAYOR OF YORK  
*[The meeting started at 6.30 pm and concluded at 9.57 pm]*



**Leader's Report to Full Council 3<sup>rd</sup> December 2009****1. Economic situation**

The latest Job Seekers Allowance Figures show that York's unemployment rate at 3% remains 1.8% below the regional figure, and 1.1% below national levels. There are positive signs that investment continues to come into the city, with new retailers coming into the city. I have asked for an urgent meeting to be arranged with the new operators of the East Coast train service now that the government has taken back the franchise in order that promises about headquarter functions and jobs remaining in the city can be verified.

I have met with directors from Yorkshire Water, Aviva and Network Rail as part of the regular meetings that I have with major businesses in the city, and since the last meeting of council there have also been meetings of the Economic Partnership, and the Business Forum. Work is continuing with the Green Jobs Task Group to ensure that the city gains full benefit from new jobs being created in this area, and I have visited a number of companies in the area specialising in this part of the economy.

**2. York Means Business and Science City DVDs**

There was a launch of the DVD promoting the city in the Mansion House on 17<sup>th</sup> November which has been developed by the Press as part of the 'York Means Business Campaign' and created by local filmmaker Christopher David. Members will have received a DVD from Science City York which also shows the positive steps that have been taken to gain European Union investment into the University of York expansion, and the work that is going to ensure that York has a solid foundation into the research of the low carbon industries of the future.



Launch of York Means Business DVD  
Mansion House 17<sup>th</sup> November  
Cllr Waller, Steve Hughes (Press), Denise Stuart  
(yorkengland.com)



Christmas Lights : Berwick Kaler,  
Sherrif, Lady Mayoress, Sheriff's  
Consort and Archdeacon of York 19<sup>th</sup>  
November

**End of Year events in the city**

I would like to thank officers from City of York Council and Visit York, who have worked hard to deliver a programme of events to promote the city and to get us into the seasonal festivities (with the traditional method of making money stretch further than many other councils manage). St Helen's Square was full on 19<sup>th</sup> November as the Lantern Parade of young people was met at the Mansion House steps by the Civic Party and Archdeacon of York for the switching on of the lights of the Christmas tree.

<b>START</b>	<b>END</b>	<b>LOCATION</b>	<b>EVENT</b>
05-Nov-09	08-Nov-09	Parliament Street	Big Green Market
07-Nov-09		Acomb Wood	Bulb Planting & Woodland Picnic
08-Nov-09		Eye of York	Festival of Remembrance
13-Nov-09		Parliament Street	York Farmers Market
14-Nov-09	10-Jan-10	Eye of York	Ice Factor
14-Nov-09		West Bank Park	National Tree Week
14-Nov-09		Rawcliffe Country Park	National Tree Week
17-Nov-09	18-Nov-09	York Racecourse	Mary Howard Christmas Fair
18-Nov-09		Rawcliffe Country Park	McMillan Walking on Fire
19-Nov-09	22-Nov-09	Parliament Street	Childrens Christmas Fair
26-Nov-09	29-Nov-09	City Wide	St Nicholas Fayre
29-Nov-09		York Racecourse	Dolls House and Miniatures Fair
03-Dec-09	06-Dec-09	NCEM	York Early Music Christmas Festival
03-Dec-09	13-Dec-09	St Sampsons	Made in Yorkshire
12-Dec-09	13-Dec-09	The Quarter	Festival of Angels
13-Dec-09		West Esplanade	Santa Jog
13-Dec-09		York Racecourse	Toy Fair
20/12/2009		West Bank Park	Christmas Wreath Making
21/12/2009		Rowntree Park	Recycled Christmas Gift Making

**3. Efficiency Programme**

The Council Executive has considered the More for York Blueprints for the efficiency programme. It is clear that there will be a major reduction in the amount of public sector spending due to the scale of money that has been used to bail out badly regulated banks. Nevertheless it is important that the actions following on from the Blueprints are democratically accountable, and visible. The Executive have passed resolutions to achieve this.

**4. 'Breathing Space'**

The Executive also agreed the engagement with the 'Breathing Space' Mortgage Rescue scheme to provide interest free secured loans to help home owners in difficulty with their mortgages.

## 5. Major projects work for the new York Renaissance Team

A positive voicing of support for the future development of York has come from a commitment from Yorkshire Forward with the Economic Masterplan and York Renaissance Team. The new team of six officers will be funded by Yorkshire Forward and English Heritage, and will involve the establishment of a York Renaissance Academy to enhance staff skills in “place making”. Whilst this piece of jargon may be one of those words that has been ‘banned’ by the LGA, the objective is to ensure that there is a long term understanding of how to ‘create attractive places where people can live and thrive’ as it is about the physical quality of development in conjunction with economic and social impacts of developments.

The key issue is progressing projects so that when the economy picks up they are ready to be delivered. The new team will provide project management architecture, urban design and landscape design skills to ensure these major economic projects are of a quality the city deserves. The following key developments will benefit;

- **Castle-Piccadilly** – leading the CYC team in partnership with Centros and their team to deliver a major new retail scheme and world class public realm around the Eye of York
- **York Central** – to take the York Northwest Area Action Plan vision and requirements and then, working with the developers, translate these into a high quality scheme.
- **British Sugar** - to take the York northwest Area Action Plan vision and requirements and then, working with the developers, translate these into a high quality scheme; includes supporting work on the Urban Eco-settlement for British Sugar.
- **University of York new campus** - lead the CYC team in partnership with the University to deliver the new campus
- **Nestle and Terrys** – providing design input to ensure the delivery of these significant mixed use sites
- To deliver the projects that flow from the York Renaissance Project **Economic Visioning and Masterplanning** which has just been commissioned – to be published in Spring 2010.
- To deliver the projects that flow from the **City Centre Area Action Plan** – York’s first comprehensive plan for the city centre since the Esher Report of the late 1960s. There are a number of ‘big ideas’ in the Vision Prospectus for the City Centre Area Action Plan which we are planning to take to the LDF working Group in December

The Executive also put a requirement on how the masterplanning will improve the sustainability objectives of the council in developing York as an exemplar low carbon economy, and how future development can help to stimulate the creation of local jobs, and training.

## **6. Leeds City Region Forerunner Status**

In the 22<sup>nd</sup> April Budget speech the Chancellor Alistair Darling announced that the Leeds City Region, of which York is part, had been selected to be one of the two forerunner city regions.

By the time of the council meeting we will know what devolution there has been from central government to the Leeds City Region and I shall update members on the evening as the details will be released at the Summit on 27<sup>th</sup> November in Harrogate. As a precursor to this on 3<sup>rd</sup> November I joined a delegation from the LCR as Chair of the Housing Panel together with our Chief Executive at the House of Commons. The meeting was chaired by Rt Hon John Denham Secretary of State for Communities and Local Government. More details on the proposals are given on the Leeds City Region Website at [http://www.leedscityregion.gov.uk/About\\_Us/Leeds\\_City\\_Region\\_-\\_A\\_Pioneering\\_Forerunner.aspx](http://www.leedscityregion.gov.uk/About_Us/Leeds_City_Region_-_A_Pioneering_Forerunner.aspx)

The meeting was an opportunity for an exchange of information to develop the details of devolution focusing on housing (Urban Eco Settlement) transport and skills.

## **7. Second performance and financial monitor for 2009/10.**

The Executive considered the second performance and financial monitor for 2009/10.

Key issues coming forward were;

- The latest crime figures indicate that the projection is for a 42% reduction in 'serious acquisitive crime' on the 3459 incidents reported in 2008/9. The percentage of young people (10-17) within the Youth Justice System sentenced to custody has remained low at 3% between April and September against a target of 5%.
- The amount of waste generated from households has continued to fall from the 629 kg collected in 2008/09 which was in turn a 12% reduction on the previous year. This shows that the waste minimisation message is reaching residents, and recycling levels remain high at 45%.



**Crime figures moving down**



**Leaf collection – contributing to street cleanliness**

- Staff attendance levels continue to improve with the average sickness levels per full time equivalent standing at 3.21 days compared to 3.64 days for the same period (April to August) last year.

### **Capital Programme : Monitor 2**

The new 'Energise' sports facility has been handed over to the council. I can report that I have received a refresher course on the gym equipment and shall endeavour to achieve the 3 x 30 which the council is encouraging residents to engage with. The Energise Pool is due to open on 14<sup>th</sup> December which will include a 6 lane 25m pool, a learner pool, a hydrotherapy pool and a new changing area.

The Central Library closed on 31st October for its refit into York Explore a community learning centre, and Changing Places Facility. It will re-open at the start of April.

The Executive approved works at Lendal Boatyard where urgent repairs to the riverbank have been identified, and it is anticipated that savings can be made by utilising the company that is currently making the repairs further upstream at Clifton.



York Central Library as it was  
31/10/09

There is a £540,000 refit of the library to bring it to an 'Explore' standard by removing much of the clutter that has accumulated over the last 70 years. This is being done with support from Aviva's CSR programme.



River bank repairs at Clifton – piles being set into river bank, and accumulations of silt being stripped off bank tops



Lendal Boatyard where scouring by the river has created need for repairs

## **8. Treasury Management**

Despite the recession, and the significant reduction in Treasury Management's contribution to the Council's income, the Treasury Management team have performed above both the London Inter-Bank Deposit rate and the average base rate for the period, despite the market interest rates being lower than expected. This is a very good result and credit is due to the officers for achieving it. Again, when borrowing, the team has managed to achieve loans under the long term borrowing rates. As a result the predicted under recovery in income has not deteriorated

## **9. Headquarters.**

The evaluation team has been reviewing the tenders for the Headquarters project and the results will be coming to Executive on 15<sup>th</sup> December. This will be a positive step forward for the scheme, and the announcement will be of interest to a large section of the city.

## **10. Barbican**

An advert was placed in the Official Journal of the European Union seeking proposals for the delivery of a scheme to bring the auditorium back into public use, as a conference and/or entertainment venue. The advert asked potential bidders to fill in a Pre-Qualification Questionnaire by November 24. The responses will be used as the first stage of selecting bidders, who will then be invited to participate further in the procurement process.

**11. Other Items**

The executive has also approved a report updating the corporate debt policy, and considered the revised Contract Procurement Rules which will be coming to Full Council for all members' consideration.

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MEETING	EXECUTIVE
DATE	20 OCTOBER 2009
PRESENT	COUNCILLORS WALLER (CHAIR), AYRE, STEVE GALLOWAY, MOORE, MORLEY, REID AND RUNCIMAN

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

### **99. MORE FOR YORK - BLUEPRINTS**

*[See also under Part A minutes]*

Members considered a report which informed them of the outcomes of the recent blueprinting exercise undertaken as part of the More for York improvements and efficiencies programme (involving efficiency partners Northgate Kendric Ash) and proposed a series of decisions required to initiate work on delivering the programme benefits.

On 7 July, the Executive had received a review report on the programme and had approved further work to complete detailed business cases, or 'blueprints', for ten work streams. Since then, intensive work had been carried out on nine of the work streams to baseline costs and performance, explore options and develop firm proposals to deliver efficiencies. The results of this work were summarised in paragraph 22. Full details of the blueprints had been made available on the Council's website as Annex 1 to the report. With regard to the Adult Social Care stream, work was still ongoing to finalise the reviews of Home Care and Elderly People's Homes, the results of which would be reported to the Executive in November 2009 and January 2010. Details of the Organisational review stream, which would incorporate the outcomes of the other nine work streams, would be reported to the Executive in the next few months.

The gross savings predicted from each work stream were summarised at paragraph 31 of the report. The capital and revenue investments required to deliver the programme efficiencies were set out in Annexes 2 and 3 respectively. Annex 4 detailed savings and investments made in the Housing Revenue Account (HRA), while Annex 5 presented for Members' approval a log of decisions arising from the blueprinting exercise.

Having noted the comments of the Shadow Executive on this item, it was

**RECOMMENDED:** (i) That Council agree a capital investment budget of £700k (£475k in 2009/10, £200k in 2010/11) to deliver the efficiencies, to be financed through prudential borrowing, with associated revenue implications being funded from savings arising from the programme, as set out in Annex 2 to the report.

(ii) That Council agree to a one-off revenue spend of £215k (£15k in 2009/10, £200k in 2010/11) and ongoing revenue investments of £410k (£128k in 2009/10, £82k in 2010/11, £200k in 2011/12), as set out in Annex 3 to the report, to be funded from savings arising from the programme.

REASON:

To enable the Council to commence work on the delivery of this strategic objective to be an Effective Organisation, to deliver service improvements and create efficiency savings of £15m over the next three years.

A Waller, Chair

[The meeting started at 2.00 pm and finished at 2.50 pm].

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MEETING	EXECUTIVE
DATE	17 NOVEMBER 2009
PRESENT	COUNCILLORS WALLER (CHAIR), AYRE, STEVE GALLOWAY, MOORE, MORLEY, REID AND RUNCIMAN
IN ATTENDANCE	COUNCILLOR ALEXANDER

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

### **111. CAPITAL PROGRAMME - MONITOR TWO**

*[See also under Part A Minutes]*

Members considered a report which presented the likely out-turn position of the 2009/10 capital programme, based on information up to October 2009, and sought approval for changes to the programme, allocations from contingency funding and slippage of funding where required.

At this stage, an out-turn of £67.379m was predicted, representing a net increase of £0.345m on the current approved budget of £67.034m. The variances leading to this increase were outlined in paragraph 5 (Table 2). By the end of September, £19.623m (26.6%) of the approved budget had been spent. Details of the revised position in respect of each department in the Council were set out in paragraphs 9 to 32 of the report and in Annex A. Details of adjustments to the Administrative Accommodation scheme were set out in paragraphs 26-29.

Members were asked to consider the following requests for funding from contingency:

- £140k to fund urgent repair work to the slipway at Lendal Bridge. Further details of this scheme were attached at Annex B to the report.
- £32k to supply essential furniture and IT/phone circuits for the new hostel on Fishergate.

RECOMMENDED: (i) That Council approve the net adjustments of £0.345m in 2009/10, £3.233m in 2010/11 and £3.550m in 2012/13, as set out on a scheme by scheme basis in the report and in Annex A, be approved.

(ii) That Council approve £3.050m of prudential borrowing, supported by the £250k revenue budget established in 2009/10.

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

**112. DRAFT REVISED CONTRACT PROCEDURE RULES**

Members considered a report which presented a set of draft revised Contract Procedure Rules for comment and onward referral to Full Council.

The draft revised CPRs, attached at Annex A to the report, were intended to provide a more flexible set of rules and reflect the more devolved decision-making framework adopted by the Council in April 2009, whilst maintaining the key principles of the current procurement regulations. Unlike the current regulations, which formed part of the Financial Regulations, they would be maintained as a separate document. One major change contained in the revised CPRs was that 'routine' procurements over £500k (as defined in Annex B to the report) would no longer need to go to the Executive for approval. Other substantial and minor changes were listed in paragraph 10 of the report.

The draft CPRs had been issued to finance managers and other key Officers for consultation. Member consultation had been undertaken at the Audit & Governance Committee meeting on 4 November and changes recommended at that meeting were highlighted in italics in Annex A, for consideration.

Officers at the meeting suggested some amendments to the draft CPRs and the accompanying guidance to address Members' concerns in relation to the delegation of decision-making in awarding a contract or waiver and the financial evaluation of contractors prior to their appointment.

RECOMMENDED: (i) That Council approve the revised draft Contract Procedure Rules at Annex A to the report, subject to the inclusion of the following table setting out delegation and recording arrangements for the award of contracts:

**Delegation Thresholds**

Decision	Approval	Delegated Powers	Thresholds	Record
To award a contract based on VFM	Officer	To approve contracts ≤ £5k or delegated limit in scheme of financial delegation whichever is the lower.	> £0 and ≤ £5K	CR
To award a contract based upon written quotation > £5K and ≤ £139K or EU threshold whichever is the lower	Officer	To approve contracts ≤ £139k or EU Threshold up to delegated limit in scheme of financial delegation whichever is the lower.	> £5K and ≤ £139K or EU Threshold	CR

based upon lowest cost or MEAT.				
To award a contract based upon tender $\geq$ 139K or EU threshold and $<$ £500K based on lowest cost or MEAT.	Officer	To approve contracts $\geq$ £139k or EU Threshold and $<$ £500K up to delegated limit in scheme of financial delegation whichever is the lower.	$\geq$ £139k or EU Threshold and $<$ £500K	CR
To award a contract based upon tender $\geq$ £500K and classed as 'Routine'	CFO/MO	Contract Procedure Rules	$\geq$ £500K and classed as 'Routine'	CR/DL
To award a contract based upon tender $\geq$ £500K and not classed as 'Routine'	Executive	Constitution Key Decision limit	$\geq$ £500K and not classed as 'Routine'	CP
To award a contract $>$ £5K and $\leq$ £139K or EU threshold not on lowest cost or MEAT	Local Chief Officer	Contract Procedure Rules		WR
To award a contract $>$ £139K or EU threshold not on lowest cost or MEAT	CFO	Contract Procedure Rules		DL
Exceptional circumstances above Key Decision limit non-routine	CFO/MO	Contract Procedure Rules		DL

## Key

- CR - Contract Register
- DL - Officer Decision Log
- CP - Committee Paper
- WR - Waiver Register
- Officer - Officers with delegated powers to approve expenditure

CRO - Chief Finance Officer (Section 151 Officer) Director of Resources  
MO - Monitoring Officer

REASON: To ensure that the revised CPRs are appropriate in maintaining the integrity of the Council's procurement arrangement and to provide clarity and transparency to the process for the awarding of contracts.

(ii) That Council approve the delegation of routine procurements (defined in Annex B to the report) to the Chief Finance Officer in consultation with the Monitoring Officer, as set out in paragraphs 6-8 of the report.

REASON: To ensure that the Council can continue to deliver business as usual and that only non-routine procurements are referred to the Executive for approval.

### **113. CORPORATE DEBT POLICY**

Members considered a report which presented a draft Corporate Debt Policy, for comment and onward referral to Full Council.

The draft Policy, attached as Annex A to the report, set out a framework for a consistent, 'firm but fair' approach to debt collection that would apply across the organisation to ensure that the Council continued to maximise collection performance, in line with its Income Policy.

The draft Policy had been circulated to all finance managers and key Officers involved in debt collection across the Council, as well as to efficiency partners Northgate Kendrick Ash. Consultation had also taken place with the Social Inclusion Working Group and comments had been invited from the Citizens Advice Bureau, Christians Against Poverty and the North Yorkshire Credit Union. Further Member consultation had been undertaken at the Audit & Governance Committee meeting on 4 November 2009; their recommended amendments were highlighted in italics in the draft policy at Annex A.

Officers reported at the meeting that the North Yorkshire Credit Union had commented favourably on the draft policy and were supportive of its aims. Officers also suggested some amendments to the policy to address concerns raised by Members.

RECOMMENDED: That Council approve the draft Corporate Debt Policy at Annex A to the report, subject to the following amendments:

a) Removal of disconnection of water supply as a result of not paying the bill, as this is no longer classed as a priority debt;

- b) Amendment of the debt write-off list to reflect that the category of 'Deceased and Bankrupt' only applies where there are no assets;
- c) Amendment of the wording at paragraph 45(b) of the draft policy in relation to debt recovery officers attending a customer's home, to ensure that it sounds supportive rather than threatening, to reflect the intention of the paragraph.

REASON:

To ensure a consistent, 'firm but fair' approach to debt collection, whilst enabling the Council to maximise collection performance, in line with its Income Policy.

A Waller, Chair

[The meeting started at 2.00 pm and finished at 2.45 pm].

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City of York Council

Committee Minutes

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MEETING	STANDARDS COMMITTEE
DATE	20 NOVEMBER 2009
PRESENT	MRS BAINTON (INDEPENDENT MEMBER, IN THE CHAIR) COUNCILLORS HORTON (VICE-CHAIR), HUDSON, TAYLOR AND WAUDBY MR DIXON AND MR HALL (INDEPENDENT MEMBERS) COUNCILLORS CRAWFORD, FORSTER AND MELLORS (PARISH COUNCIL MEMBERS)
APOLOGIES	MR WILSON (INDEPENDENT MEMBER)

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

### **30. MEMBER TRAINING AND DEVELOPMENT POLICY**

Members considered a report which presented a proposed Member Training and Development Policy, produced in consultation with the Member Development Steering Group.

The draft Policy, attached as Annex A to the report, aimed to provide a clear direction and purpose with regard to the provision of training and development opportunities for York's elected Members. Mike Leitch, representative of Local Government Yorkshire and Humber, had assisted in its drafting and had confirmed that it would meet the criteria required to achieve I&DeA Charter status.

The Committee commented that the draft Policy appeared to be very focused upon elected Members and suggested that this be addressed by ensuring that the term 'Members' was clearly defined in the introduction to the Policy as including co-opted and independent members of council bodies.

**RECOMMENDED:** That Council adopt the draft Member Training and Development Policy, subject to the amendment referred to above.

**REASON:** In order to comply with the requirements of the I&DeA Charter.

C Bainton, Chair

[The meeting started at 3.00 pm and finished at 3.55 pm].

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# Member Training & Development Policy



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## Member Development Policy Statement - A Commitment

The Member Development Steering Group (MDSG) has overseen the development of a policy aimed at promoting training and development opportunities for York's elected members.

The Steering Group is committed to ensuring the Council has well trained Members to:

- become effective Community Leaders;
- fulfil their varying roles;
- further the Council's values and priorities set out in its Corporate Strategy, including improving the Council's organisational effectiveness; and
- play their part in achieving a shared vision for York.

Underpinning this commitment, the Group has developed a policy based upon the following principles of the joint Local Government Yorkshire & Humber/Improvement & Development Agency (ID&eA) Charter.

- developing elected members as effective community leaders
- adopting a member lead strategic approach to member development
- having a member learning and development plan in place that clearly identifies the difference development activities can make
- ensuring that learning and development is effective in building capacity
- addressing wider development matters to promote work-life balance and citizenship


To succeed in its ambitions, the Group is committed to ensuring:

- All members and co-opted members have equality of access to an annual core programme of training and development activities providing the skills and knowledge required to be effective both in their communities and their varying roles
- A planned and structured approach to training and development allowing equal access to development activities and maximising engagement at all levels
- Members take responsibility for their own development needs and fully participate in training and development activities
- Information on training and development activities is communicated in such a way as to give sufficient notice to attend
- adequate provision of resources for training and development opportunities to include a dedicated officer (Senior Member Support Officer) as first point of contact for all Member Training and Development matters
- all Members are offered an annual Personal Development Review with the aim of identifying and prioritising current training and development needs
- Where appropriate, shared training for members, senior officers and partners both within and across authorities is explored, to foster healthy working relationships and to make best use of resources
- there are no physical, social, religious or cultural barriers to Members participating in training and development activities
- evaluation and feedback relating to development activities are effectively monitored and reviewed so that future provision of training and development remains relevant and to a high standard

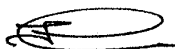
The delivery of our ambitions and commitment to developing Members to their full potential is set out in the Council's Member Training & Development Policy, which we will review annually.



Councillor Carol Runciman  
**Chair of Member Development Steering Group**



Councillor Sian Wiseman  
**Member Development Steering Group**



Councillor Julie Gunnell  
**Member Development Steering Group**

## Member Training & Development Policy

### Introduction

It is vital that members on the Council are supported in all their diverse roles on the Council and this policy sets out the Council's commitment to providing a consistent and structured approach towards developing and supporting members in:

- Carrying out their existing roles efficiently, including effective community leadership;
- Preparing for future roles on an individual basis;
- Undertaking their specific duties and responsibilities;
- Contributing to improving the effective organisation of the Council;
- Keeping up to date with new legislation and changing policies

To demonstrate its commitment in recognising the potential and value of a well trained organisation, the Council has signed up to achieving Local Government Yorkshire & Humber/ I&DeA Member Development Charter status, pledging to adopt nationally recognised good practice guidelines .

### Being Corporate

City of York Council's revised Corporate Strategy sets out the Council's new strategic priorities for the period 2009/2012. As well as demonstrating to the city as a whole the work we are doing for our communities, it also gives all teams in the council, however different in their day to day work, a shared purpose.

The Corporate Strategy has eight themes:

- Thriving City – supporting York's successful economy
- Sustainable City – focussing on reducing our impact on the environment
- Safer City – reducing crime rates
- Learning City – providing local people with the opportunities to develop their skills and aspirations
- Inclusive City – making sure all citizens regardless of race, age, disability, sexual orientation, faith or gender feel included in the life of York
- City of Culture – inspiring residents and visitors to explore their creative talents
- Healthy City – providing healthier lifestyle choices and responsive health and social care provision
- Effective Organisation – Improving further its organisational standards to become a modern council and a great place to work

The Council recognises that one of the many factors in achieving its shared vision for the City in the provision of good quality training and development opportunities for both officers and members and these are identified as key areas for improvement in the Council's single improvement plan.

## A Councillor's Role

Once elected a councillor (elected Member) must represent the best interests of their residents, the Council and the City working in partnership. In performing their duties, a councillor will have the following roles:

- Representing the local interests of the community they are elected to serve (ward councillor)
- Setting and developing council policies
- Helping to shape and advise upon the policies of others (partners with whom the Council works)
- Scrutinise and investigate the Council's work and activities and the work and activities of others (statutory partners)
- Promoting and maintaining high standards of behaviour across the Council and its parishes
- Consider and determine applications for planning and licensing consents and related issues

In addition to their roles as community representatives councillors may be appointed to:

- The Executive
- Scrutiny
- Planning
- Standards or governance committees
- Outside Bodies
- Local Strategic Partnerships (LSP) Boards
- Ward Committees

This policy is built around supporting all councillors in their particular roles, taking account of their diverse needs.

## The Aims

- To ensure that support is available enabling individuals to acquire and develop a full range of skills to maximise their ability and capacity to deliver
- To encourage councillors to take responsibility for their continuing professional development whilst reinforcing that they are key to enabling the Council to achieve its aims and objectives
- To clearly define corporate responsibilities for officers in relation to member training and development, including a named officer with a co-ordinating role
- To identify adequate resources to meet the objectives of the learning and development programme

In fulfilling these aims we will observe the following **key principles**:

- provide a planned approach to Member Development
- involve Councillors in their learning and development, from planning the learning programme through to delivery and evaluation
- maximise development opportunities for Councillors through partnership with other organisations and neighbouring authorities

- ensure that the contribution that member learning and development makes to meeting the Council's aims is evaluated and recognised
- support individual learning and development valuing and recognising the skills and experiences that councillors bring with them
- identify individual development needs through a focussed approach to personal development
- adopt a Member Development Programme with clear objectives and links to the aims of the Council, the roles and functions of members and the key changes affecting the Council's priorities
- deliver training and development in innovative ways to make the best use of the resources available to the Council;
- ensure that every member takes responsibility for their own learning and self development
- be flexible about the delivery of training and development, taking into account the diverse needs of individual councillors
- encourage and support mentoring both within party groups 'buddying' and by use of I&DeA peer mentors
- support members with caring responsibilities

## Supporting the Aims

The following resources and support will assist in delivering the aims and key principles of the Member Training & Development Strategy

### The Member Development Steering Group (MDSG)

The MDSG is made up of representatives from all parties who will oversee all Councillor training and development on behalf of the Council and will lead on the development of relevant strategies, policies and programmes for councillors.

Each member of the MDSG will act as an ambassador for training and development and positively support and encourage other Councillors to identify training needs and take advantage of development opportunities.

In particular the MDSG will:

- Ensure that a comprehensive induction programme in all appropriate Council functions and services is made available to all newly elected Councillors
- Ensure that all Councillors are encouraged to take part in a Personal Development Review (PDR) on an annual basis
- Ensure that an annual programme of development opportunities is provided meeting the identified needs through the PDR process and that delivery reflects individual learning style preferences
- Facilitate new approaches to learning and development and to encourage a culture of lifelong learning
- Review the Member Development Policy annually to ensure that it remains fit for purpose and continues to support the Council's aims and the needs of Members
- Encourage the Council and all councillors to actively promote citizenship
- Encourage the Council to promote community leadership and Councillors to develop their roles as community leaders



### Member to Member Support

Members will be encouraged to share their knowledge and expertise with fellow members, where appropriate, by:

- leading workshops
- supporting newly elected mentors (buddying)
- speaking at external conferences & seminars in their capacity as an elected member
- considering the opportunity to become an accredited peer with the ID&eA which involves mentoring elected members from outside the authority and being involved in the delivery ID&eA seminars and conferences

All of the above activities and opportunities can be explored through the personal development planning process. The benefits of engaging in such activities are considerable for those involved and are a valuable addition to Members' individual training profiles.

### Officer Support

Democratic Services will support training and development by:

- Providing the main support officer for all Councillor training and development, who is the Senior Member Support Officer, and ensuring that all members are clearly aware of training and development opportunities in good time;
- Providing officer support in relation to the preparation of agenda and minutes relating to meetings of the MDSG
- Providing 1-2-1 support to newly elected members as part of their planned induction programme
- Devising and delivering in consultation with the MDSG a programme of induction training for new Councillors
- Devising and delivering, in consultation with the MDSG, a comprehensive annual training and development programme for all Councillors based on the needs identified through PDR's and other essential training;
- Provide administrative support for all training and including communication with Members and provision of feedback to providers;
- Managing the member training budget in consultation with the Member Development Steering Group;
- Advising and assisting the MDSG in carrying out their role

### ITT Resources and Support

**ITT equipment:** is made available to each member upon election to enable:

- More effective communication with residents, the Council and it's partners
- The opportunity to explore e-learning/distance learning
- Self development opportunities e.g. researching information on the internet

**Broadband Connections:** are either paid on behalf of Members or reimbursed on a monthly basis depending on the broadband package.

**ITT support:** is made available via the Council's ITT helpdesk including out of hours assistance. Members also have access to the ITT on-line help facility.



## Budget

The Council allocates a Member Development Budget each year against which the MDSG monitors spending. In addition, from time to time regional funding is made available for specific areas of training and development, e.g. IT, mentoring etc. Where appropriate training and development opportunities will be opened up to neighbouring Councils at a nominal charge to help maximise resources.

Expenses incurred by Members attending training and development events will be reimbursed under the Members Scheme of Allowances and in accordance with an agreed protocol.

## Delivering Our Aims

Elected and co-opted Members have a diverse range of development needs and learning preferences which will be delivered through a range of options to both provide and promote that diversity. Whether delivered through the Council's internal expertise or through specialist external training providers, access to training will be offered as follows:

- Core programme courses
- Pre-Council Seminars, in-house briefings and workshops
- External conferences and seminars
- Written learning materials
- Peer mentors, political group/officer buddying
- E-Learning packages
- Study visits to other Councils or relevant partners
- Targeted training for newly elected Members
- Shadowing opportunities
- Sharing knowledge with other elected and co-opted Members
- Leadership development opportunities

Specifically, the key strategic elements are:

### Induction:

A **comprehensive induction programme of training** for every newly elected Councillors, enabling them to 'fast track', learning about the organisation and supported by the following:

- an induction day to meet key senior Councillors and Officers and learn more about corporate and constitutional processes
- a 1-2-1 with the Senior Member Support Officer to discuss the support available to them and to identify any individual needs or concerns confidentially;
- an induction pack setting out the entitlements, support and guidance available, together with other useful information about the Council and its processes;
- a six month review (1-2-1) to check 'satisfaction' levels and to identify any areas of concern

### **Personal Development Reviews:**

- A personal development review (PDR) for all Councillors to identify individual needs in a safe and confidential environment with a trained consultant. A confident Councillor will naturally be more effective in taking forward the Council's improvement agenda and ensuring the delivery of strategic aims and priorities.
- An annual PDR review to check how the outcomes from the PDR have progressed and review individual development or training needs as a result of changes in roles, lifestyle or working practices;
- An annual review by MDSG relating to the personal development review process. Such a review will look at outcomes from the process and actual reviews undertaken and identify any key themes which need to be fed into the Annual Core Training & Development Programme for Councillors.

### **Core Annual Training & Development Programme:**

An annual core programme will be developed in consultation with the MDSG based on:

- identified needs from Personal Development Reviews (PDR's);
- the requirements of new legislation and emerging corporate themes;
- the Corporate Strategy and emerging corporate themes;
- ethical and governance requirements and changing standards;
- the impact of any scrutiny recommendations in terms of changing corporate practice;
- emerging themes or developments from partners

### **Seminars and External Conferences**

- Attendance at seminars and conferences to inform learning on specific and specialist subjects, for instance as an Executive or Scrutiny Member or serving on a particular Committee;
- A commitment from each groups elected representative on the Steering Group (MDSG) to gain feedback from group Councillors attending conferences etc, to assist in future proofing conferences/seminars;
- A protocol to manage attendance at external conferences/seminars will be overseen by the Steering Group (MDSG) to ensure the Member Development Budget is spent appropriately

## **Our Approach to Communicating and Raising Awareness**

Communicating the commitments set out in this policy is essential to delivering successful training and development for Members. This will be achieved through:

- The Steering Group creating a supportive environment in which all Members feel able to take part in and take control of their own learning and development ;
- The role of the Council's Management Team in reinforcing the Council's commitment to developing officers and Members alike and raising the profile and awareness of this policy and the commitments within it;
- The Senior Member Support Officer in providing advance notification of the core programme and events, involving and informing Members as early as possible and proactively seeking their engagement;
- Provision of IT&T, in terms of using the intranet and other means to provide ongoing information on the policy, the core programme, emerging training opportunities and the Council's evolving approach to developing Members.

## **Our Approach to Monitoring & Evaluation**

To be of real benefit, effective training has to try to match the needs of Members, the objectives of the organisation and its partners in achieving a shared vision for York.

It is essential therefore that all provision is reviewed for relevance and effectiveness. Monitoring and evaluation processes and outcomes will:

- be open and constructive, enabling any necessary enhancements to be made to future delivery;
- be regularly monitored by MDSG and Standards Committee, to ensure delivery of objectives and continuous improvement;
- be clearly communicated to Members and the public, through the reporting arrangements to MDSG and Standards Committee;
- set clear standards for achievement. Members will be required to attend a minimum number of training & development activities in a year (12 for Executive Members and 8 for non-Executive Members);
- ensure Members achievements are recognised and acknowledged both individually and within the political groups
- encourage Members to be self-aware in recognising their strengths and weaknesses;

Set out on the next page is the intended cycle of monitoring and evaluation arrangements

<b>MONITORING AND EVALUATION REPORTING CYCLE</b>			
<b>Review</b>	<b>Steering Group</b>	<b>Standards Cttee</b>	<b>Full Council</b>
<b>Annual review of policy</b>	October	November	December
<b>Bi-annual monitor of take-up and evaluation of events</b>	November	January	February
	May	June	July
<b>Annual budget monitor</b>	January	January	February
<b>Agree Member Development Programme</b>	March	April	April

## Looking to the Future

This policy presents a corporate approach for the provision and delivery of all elected Member training and development, setting out strategies for communicating, monitoring and evaluating training provision.

The Policy will be reviewed annually by the Member Development Steering Group to ensure that it appropriately reflects the Council's approach towards Member training and development and that provision continues to meet the needs of the organisation and its Members.

City of York Council

Committee Minutes

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MEETING	GAMBLING & LICENSING ACTS COMMITTEE
DATE	20 NOVEMBER 2009
PRESENT	COUNCILLORS MERRETT (CHAIR), AYRE, FUNNELL, SUE GALLOWAY, HORTON, HYMAN, LOOKER, ORRELL, PIERCE, REID, TAYLOR, B WATSON AND WISEMAN (VICE-CHAIR)
APOLOGIES	COUNCILLORS MOORE AND RUNCIMAN

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**PART B MATTERS REFERRED TO COUNCIL****25. GAMBLING ACT 2005 - TRIENNIAL REVIEW OF THE STATEMENT OF POLICY**

*[See also under Part A Minutes]*

Members considered a report which advised them of the review of the Council's Statement of Gambling Policy, of the consultation undertaken and the changes made as a result and revised guidance. Members were asked to recommend the revised policy to Council for approval.

Section 349 of the Gambling Act 2005 (the Act) requires licensing authorities to keep their statements of Gambling Policy under review and to be reviewed before each successive period of three years. The current policy is due to expire on 31 January 2010. The template suggested by the Department of Culture Media and Sport has been used and comments made during the consultation, which ended on the 9 October 2009 have been incorporated.

Members made the following comments:

- Officers were requested to point out what is local policy as Members felt it was difficult to distinguish what is narrative, prescriptive and what is local policy. Officers advised that the whole document will be council policy but that the majority of the document was not subject to local discretion. It was pointed out that page 22 paragraph 19.5 and page 23 paragraph 21.2 outlined City of York Council's Statement of Principles.
- Members queried whether there is scope to require operators of Licensed Family Entertainment Centres to ensure staff are Criminal Records Bureau checked. Officers advised that no other authority have introduced this and City of York Council would be open to challenge if it was introduced.
- Members expressed concern over the lack of power to attach conditions to Gaming Permits. Officers advised that the Code of

Practice covers all expected controls such as location and operation of machines and the protection of children from harm.

Members then made the following changes to the policy, detailed by reference to the page number of the policy:

Page 8 – Decision Making – paragraph 9.3 – wording to be adjusted as it is unclear if Members can reject applications due to moral reasons.

Page 20 – Reviews – paragraph 18.1 does not link with the wording inside the box and at the end of paragraph 18.2, the words ‘ and there has been no change in circumstances’ to be added to the end of the sentence.

Officers advised they would correct any typing errors.

**RECOMMENDED:** That Council approve the Statement of Gambling Policy for approval by Council, subject to the amendments outlined above.

**REASON:** To satisfy the requirements of Section 349 of the Gambling Act 2005.

Councillor Merrett, Chair

[The meeting started at 2.00 pm and finished at 2.40 pm].





**GAMBLING ACT 2005**  
**STATEMENT OF LICENSING POLICY**

Item	Page
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9. General Principles	
10. Adult Gaming Centres	
11. (Licensed) Family Entertainment Centres	
12. Casinos	
13. Bingo	
14. Betting premises	
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18. Reviews	
<b>Part C - Permits / Temporary and Occasional Use Notices</b>	
19. Unlicensed Family Entertainment Centre gaming machine permits	
20. (Alcohol) Licensed premises gaming machine permits	
21. Prize Gaming Permits	
22. Club Gaming and Club Machines Permits	
23. Temporary Use Notices	
24. Occasional Use Notices	
Appendix A – Gambling Policy Consultees	
Appendix B – Contact details of Responsible Bodies	

This Statement of Principles was approved by City of York Council on XXXXX.

All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 3<sup>rd</sup> Edition, published May 2009.

**PART A**

**1. The Licensing Objectives**

1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

1.3 This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority’s statement of licensing policy

**2. Introduction**

2.1 City of York Council is a unitary authority covering an area of 105 square miles and a population of 193,300. It comprises the urban area of York that is surrounded by many small rural and semi-rural settlements covered by parish councils.

2.2 Tourism and leisure are important industries for York attracting over 4.1 million visitors a year who spend £363.6 million annually in the city. Over 9,970 jobs have been created in the tourist and leisure industry sector (2006/07 figures).

2.3 The following premises within the City of York area are currently concerned with the gambling industry: York racecourse, 30 betting offices, 2 bingo halls, 8 adult gaming centres, 219 premises with AWP (amusement with prize) machines and 164 small society lotteries.

2.4 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

2.5 The Gambling Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

2.6 A list of other persons this authority consulted can be found at Appendix A.

2.7 City of York Council consulted widely upon this statement before finalising and publishing.

2.8 Our consultation took place between 13 July to 9 October 2009 and we followed the HM Government Code of Practice on Consultation (published July 2008), which is available at: <http://www.berr.gov.uk/files/file47158.pdf>

2.9 The full list of comments made and the consideration by the Council of those comments is available via the Council's website at: [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing)

2.10 The policy was approved at a meeting of the Full Council on **[X]** date and was published via our website on **[x date]**. Copies were placed in the public libraries of the area as well as being available in the Guildhall.

2.11 Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

Alcohol & Entertainment Licensing  
City of York Council  
9 St Leonard's Place  
York  
YO1 7ET

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

2.12 It should be noted that this statement of licensing principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

### **3. Declaration**

3.1 In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from

those consulted on the statement.

#### **4. Responsible Authorities**

4.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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

4.2 In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose.

4.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available at Appendix B.

#### **5. Interested parties**

5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

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

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

5.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

5.3 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities at 8.11 to 8.19. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

5.4 Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will

be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 5.5 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Gambling & Licensing Sub Committee dealing with the licence application. If there are any doubts then please contact the Alcohol and Entertainment Licensing Section.

## **6. Exchange of Information**

- 6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

- 6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

- 6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

## **7. Enforcement**

- 7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

- 7.2 This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;

- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

7.3 As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

7.4 This licensing authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

7.5 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

7.6 This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

7.7 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the licensing department [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing). Our risk methodology is also available upon request.

## 8. Licensing authority functions

8.1 Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits to Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines

- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

8.2 It should be noted that licensing authorities are not be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

PART B

**PREMISES LICENCES: CONSIDERATION OF APPLICATIONS**

**9. General Principles**

9.1 Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

**9.2 Decision-making**

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

9.3 It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos – page number 15) and also that unmet demand is not a criterion for a licensing authority.

9.4 This Council has reviewed its constitution and scheme of delegation to officers to ensure effective implementation of the Act. Gambling Act 2005 Committee and Sub-Committees have been set up to deal with licensing issues and the determination of applications in certain cases, ie those where representations have been made or where premises licences require review. Non contentious applications (ie those where no representations have been made), will be delegated to officers.

9.5 Where representations are received the Licensing Authority will consider whether they are relevant, vexatious , frivolous or if they would influence the Authority's determination of the application. The Head of Licensing together with the relevant Assistant Director will determine if any representation meet this criteria.

9.6 **Definition of "premises"** – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are



issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

9.7 The Gambling Commission states in the third edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

9.8 This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity names on the premises licence.

9.9 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

9.10 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

9.11 **The Gambling Commission's relevant access provisions for each premises type are reproduced below:** Section 7.25 of the Gambling Commission's guidance.

9.12 **Casinos**

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

9.13 **Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises.

9.14 **Betting Shops**

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

9.15 **Tracks**

- No customer should be able to access the premises directly from:
  - a casino
  - an adult gaming centre

9.16 **Bingo Premises**

- No customer must be able to access the premise directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

9.17 **Family Entertainment Centre**

- No customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

9.18 Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its

decision-making.

9.19 **Premises “ready for gambling”** - The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

9.20 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

9.21 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

9.22 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

9.23 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59-7.66 of the Guidance.

9.24 **Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission’s Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

9.25 **Planning** - The Gambling Commission Guidance to Licensing Authorities states:  
7.59 – In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

9.26 This authority will not take into account irrelevant matters as per the above guidance.

In addition this authority notes the following excerpt from the Guidance:

7.66 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

- 9.27 **Duplication with other regulatory regimes** - This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 9.28 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.
- 9.29 **Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.
- 9.30 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.
- 9.31 **Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

*For Local Authorities with tracks:* There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section– see page number 16).

- 9.32 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 9.33 This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.
- 9.34 As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis.
- 9.35 **Conditions** - Any conditions attached to licences will be proportionate and will be:
- |  |
|--|
| <ul style="list-style-type: none"><li>• relevant to the need to make the proposed building suitable as a gambling facility;</li><li>• directly related to the premises and the type of licence applied for;</li><li>• fairly and reasonably related to the scale and type of premises; and</li><li>• reasonable in all other respects.</li></ul> |
|--|
- 9.36 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.
- 9.37 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.
- 9.38 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

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

9.39 These considerations will apply to premises including buildings where multiple premises licences are applicable.

9.40 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

9.41 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

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

9.42 **Door Supervisors** - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

9.43 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

## 10. Adult Gaming Centres

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

10.2 This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

**11. (Licensed) Family Entertainment Centres:**

11.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

11.2 This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Measures / training for staff on how to deal with suspected truant school children on the premises.

- 11.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 11.4 This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

## **12. Casinos**

- 12.1 *No Casinos resolution* - This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.
- 12.2 *Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

## **13. Bingo premises**

- 13.1 This licensing authority notes that the Gambling Commission's Guidance states:  
18.4 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.
- 13.2 This authority also notes the Guidance at paragraph 18.5 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.
- 13.3 This licensing authority notes that the Gambling Commission Guidance states:  
18.6 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

## **14. Betting premises**

- 14.1 *Betting machines* - This licensing authority will, as per the Gambling Commission's



Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

## 15. Tracks

15.1 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

15.2 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

15.3 This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

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

15.5 *Gaming machines* -Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

15.6 *Betting machines* - This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the

number/nature/circumstances of betting machines an operator proposes to offer.

- 15.7 **Applications and plans** - The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.28).
- 15.8 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, para 20.29).
- 15.9 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, para 20.31).
- 15.10 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See Guidance to Licensing Authorities, para 20.32).
- 15.11 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, para 20.33).

## **16. Travelling Fairs**

- 16.1 This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 16.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 16.3 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities

to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **17. Provisional Statements**

17.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

17.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

17.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

17.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

17.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

17.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and

this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

**18. Reviews**

18.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

18.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

18.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

18.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

18.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

18.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

18.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

18.8 In particular, the licensing authority may also initiate a review of a premises licence on

the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

18.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

## PART C

### Permits / Temporary & Occasional Use Notice

#### 19. **Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)**

19.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

19.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.6)

19.3 Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and

- that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)

19.4 It should be noted that a licensing authority cannot attach conditions to this type of permit.

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

**20. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))**

20.1 **Automatic entitlement: 2 machines:** There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.

20.2 The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

20.3 **Permit: 3 or more machines:** If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” Any determination will be made by the Head of Licensing in conjunction with the relevant Assistant Director.

- 20.4 This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare. Compliance with the Gambling Commissions Code of Practice for Gaming Machines Permits will be a condition of any permit issued.
- 20.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 20.6 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 20.7 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

## 21. Prize Gaming Permits

- 21.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- 21.2 **Statement of Principles:** This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This Authority will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes as set out in regulations; that the applicant has no relevant convictions (as set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.
- 21.3 In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).
- 21.4 It should be noted that there are conditions in the Gambling Act 2005 by which the

permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

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

## **22. Club Gaming and Club Machines Permits**

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

22.2 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

22.3 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

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

22.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to Licensing Authorities states: "Under



the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

22.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

### **23. Temporary Use Notices**

23.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

23.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

23.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

23.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

23.5 In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

23.6 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

**24. Occasional Use Notices**

- 24.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

### **GAMBLING POLICY CONSULTEES**

- North Yorkshire Police
- Selby and York Primary Health Care Trust
- City of York Council Adult Services (Community Services)
- City of York Safeguarding Children Board
- Children and Young People's Champion
- Safer York Crime and Disorder Reduction Partnership
- Officers within the City of York Council responsible for regeneration, tourism, cultural strategy and planning
- Representations of Parish Councils
- Tenants and Residents Association
- Ward Committees
- Organisations representing disabled persons
- Elderly Persons Forum
- Citizens Advice Bureau
- Council for Voluntary Services
- GamCare
- Casino Operators Association
- British Casinos Association
- Association of British Bookmakers
- William Hill Bookmakers
- Ladbrokes Bookmakers
- Coral Bookmakers
- BACTA (gaming machines)
- Racecourse Association
- Business in Sport and Leisure
- British Pub and Beer Association
- Bingo Association
- Mecca Bingo
- Clifton Bingo Hall
- Club and Institutes Union
- Trade Associations and Trade Council
- Clifton Moor Business Association
- CAMRA (Campaign for Real Ale)

**RESPONSIBLE AUTHORITIES**

City of York Council  
Alcohol & Entertainment Licensing  
9 St Leonard's Place  
York  
YO1 7ET

Gambling Commission  
Fourth Floor  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Chief Officer of Police  
North Yorkshire Police Headquarters  
The Licensing Section  
Fulford Road  
York  
YO10 4BY

North Yorkshire Fire and Rescue Service  
The Area Fire Safety Office  
York Fire Station  
Clifford Street  
York  
YO1 1RD

City of York Council  
Environmental Protection Unit  
9 St Leonard's Place  
York  
YO1 7ET

City of York Council  
Development Control (Planning)  
9 St Leonard's Place  
York  
YO1 7ET

City of York Council Corporate Support  
(Licences – Children's Services)  
10 – 12 George Hudson Street  
York  
YO1 6LP

HM Revenue & Customs  
Greenock Accounting Centre  
Custom House  
Custom House Quay  
Greenock  
PA15 1EQ

## Scrutiny Report To Council December 2009

### Report of the Chair of Scrutiny Management Committee

1. This report is submitted by the Chair of Scrutiny Management Committee (SMC), in accordance with the constitutional requirements set out in Standing Order 4.3(l) to update Council on scrutiny work during the period of activity since the last Council meeting and to set out any recommendations such as may be made to Council in relation to that work.

### Update on Scrutiny Work

2. **SMC** have met to consider 3 call-ins as follows:
  - 26<sup>th</sup> October 2009
    - Green Jobs Task Force
    - Swimming Facilities
  - 23<sup>rd</sup> November 2009
    - Beckfield Lane - Extension of Cycle Route

### Standing Scrutiny Committees

3. Further meetings of the standing scrutiny committees have taken place since the last Council meeting. Each has received the Second Quarter Monitoring Report for 2009/10, and each was attended by the relevant Executive Members to discuss their priorities within their portfolio areas.
4. **Health Scrutiny Committee** will meet again on 2 December 2009 when they will discuss the scoping and timetable for the agreed review of 'Childhood Obesity'. They will also receive presentations from relevant officers in the Council and from the relevant Trusts as background to the topic. They will also receive an update on dental provision in the area.
5. **Effective Organisation Overview & Scrutiny Committee** received a presentation on Risk Management at their last meeting, as they are considering carrying out a scrutiny review on how the Council manages risk. In addition, the Committee agreed the scope of their current review of the 'Effective Use of the Executive Forward Plan'.
6. **Economic & City Development Overview & Scrutiny Committee** has not met formally since the last Council meeting. The Committee will, however, be meeting again on 8 December 2009 where they will be receiving, amongst other things, a scoping/timetabling report regarding Newgate Market, two feasibility studies on newly put forward topics and an interim report regarding the Water End Councillor Call for Action (CCfA).

7. The Task Group for the Water Lane CCfA has twice met informally since last Council. Once to draft a scope and timetable of the review and once to visit the site in question.
8. **Learning & Culture Overview & Scrutiny Committee** met recently to receive a presentation on the national picture in regard to 'looked after' children. This was requested in an effort to analyse the reasons behind the current budget overspend in that service area. They also received a presentation on 'Playbuilder' data in support of the suggested topic on casual play opportunities.
9. The Committee is scheduled to meet again on 10 December 2009 to receive an update on the implementation of the approved recommendations arising from the previously completed Cultural Quarter scrutiny review, and a scoping report for their new review of casual play opportunities in the city.
10. **Community Safety Overview & Scrutiny Committee** met recently to consider a report on the Council's alleygating policy and information on the restructure of North Yorkshire Police, in particular what this would mean for York.
11. **Traffic Congestion Ad Hoc Scrutiny Committee** have now agreed the format and content of their city-wide residents survey. At the request of City Strategy, it has been agreed to defer the distribution of the survey until February 2010 to avoid problems with overlap with the LTP3 introductory leaflet & questionnaire. The Committee will sign off their final report once the survey results have been fed in.

**Councillor Paul Healey**  
**Chair of Scrutiny Management Committee**

## 1 **Investment**

2 The current approved capital programme is for just over £5 million. This includes Regional  
3 Transport Board supplementary funding which is to be invested in reducing traffic  
4 congestion on the A1237 northern by pass. Good progress is being made on the delivery of  
5 schemes in the programme including the Fulford Road multi-modal scheme, Crichton  
6 Avenue cycle route and Mill Lane/Wigginton Road traffic signals, which are all anticipated to  
7 be delivered by the end of the year. The position on some of the other major schemes is as  
8 follows:

### 9 ***Access York Phase 1 (3 Park and Ride sites)***

10 Planning approval was granted for the relocation of the Askham Bar Park & Ride site in  
11 September 2009. Public consultation has been carried out for the proposed A59 and Clifton  
12 Moor Park & Ride sites. It is currently proposed to submit the planning application for the  
13 Poppleton Bar site in mid-December 2009 and the application for the Clifton Moor site in  
14 January 2010.

### 15 ***Outer Ring Road/Access York Phase 2 (A19/A1237 Roundabout)***

16 The outline design for this scheme was approved in October. Work will continue in 2009/10,  
17 with public consultation taking place in December with the expectation that the scheme will  
18 progress to the detailed design stage. The allocation for this scheme is being increased by  
19 £150k, in the current year, to allow an earlier commencement of construction work in  
20 2010/11.

21 The Highways Agency improvement scheme at Hopgrove Roundabout was completed in  
22 September.

### 23 ***Multi Modal Schemes***

24 The Fulford Road scheme will be completed during the present financial year. Some short  
25 term inconvenience to road users in that area is inevitable, but improved safety for cyclists  
26 and reduced journey times for public transport users, will be evident later next year.

27 Elsewhere consultation will start shortly on options for improving safety in the Blossom  
28 Street area. While alternative cycle routes can be achieved in the area around the railway  
29 station, proposals to change lane arrangements on the approach to Micklegate Bar could be  
30 more controversial.

31 Similarly, officers are working on proposals for the Fishergate gyratory system. Full  
32 consultation on the options will take place next year.

### 33 ***Parking***

34 It has been agreed to trial new ticketing machines in the Piccadilly car park. As well as  
35 allowing differential pricing, which would allow promotional offers to be made available at  
36 less busy times of the day, the machines will accept debit and credit card payments. If  
37 successful it is likely that similar machines will be installed at other car parks.

38 ***Public Transport***

39 Network Rail is still working on its pre design assessment work for Haxby station. A decision  
40 from Network Rail on the future of the project is expected before the end of the year.

41 ***Walking***

42 £115,000 is being invested this year in schemes designed to help pedestrians. Of this,  
43 £15,000 is being spent on the foot-streets review with developed options timetabled to be  
44 consulted on before the end of the financial year. A review of walking facilities in Haxby is  
45 also planned.

46 ***Cycling***

47 A number of projects are taking place under the Cycling City banner. Beckfield Lane phase  
48 1 and the Moor Lane bridge cycle lanes have been completed since the last report.

49 Schemes in the pipeline include:

- 50 • The Lendal hub station (not to be confused with the nearby Railway station cycle  
51 point which will provide much improved cycle storage facilities for travellers)
- 52 • A new cycle lane and track on Crichton Avenue. The highway will be resurfaced at  
53 the same time so as to provide a “complete” approach to transport in the area.
- 54 • New cycle lanes and paths on Wigginton Road near the hospital
- 55 • Provision of a new crossing on Bootham although – following delays during  
56 consultation – this will not now be completed until late spring.
- 57 • Solar powered route marking lights which are initially to be provided on the Bootham  
58 Stray path

59 ***Safety***

60 Nearly £500,000 is being invested this year in improving safety on our roads. A report on  
61 investment in speed reduction measures is being considered at a decision session on 1<sup>st</sup>  
62 December. Schemes aimed at improving safety on the A166 at Dunnington and on the  
63 Strensall Road near Towthorpe have been published.

64 ***Safe Routes to school***

65 Schools benefiting from this programme include Acomb Primary, Carr Infants, Wigginton  
66 Primary, Clifton Without, Dringhouses Primary, Ralph Butterfield and York High school.

67 NB. We have 8 vacant sites for school crossing patrols they are in the following locations -  
68 Headlands primary - (Oak Tree Lane), Tang Hall Primary- (Melrosegate/4th Avenue),  
69 Dringhouses Primary (Tadcaster Road/St Helens), Rawcliffe Infants (Eastholme Drive), New  
70 Earswick Primary (New Earswick), Hemplands Primary (Hemplands/Stockton Lane),  
71 Poppleton Road Primary (Poppleton Road/Water End), Haxby Road Primary (Jct  
72 Huntington/Fossway/Haleys Terrace)



## 73 Revenue budget

74 The department's budget has been hit by a reduction in income. This stems from the  
75 economic recession. We expect a £500,000 drop in planning fees this year and this  
76 inevitably will mean that there will need to be a realignment of resources. There have also  
77 been reductions in other areas such as building control and parking income although the  
78 latter is much less than might have been expected given the scale of the recession. Costs  
79 are being controlled to ensure that the Department outturns on budget at the end of the  
80 year.

81 One piece of good news on the financial front has been the publication of a central  
82 government consultation proposal on the allocation of funds for concessionary fares  
83 (pensioners "fares free" bus travel). If implemented, our concessionary account should next  
84 year balance for the first time. The accumulated losses – born by the Council Taxpayer –  
85 will, of course, not be refunded.

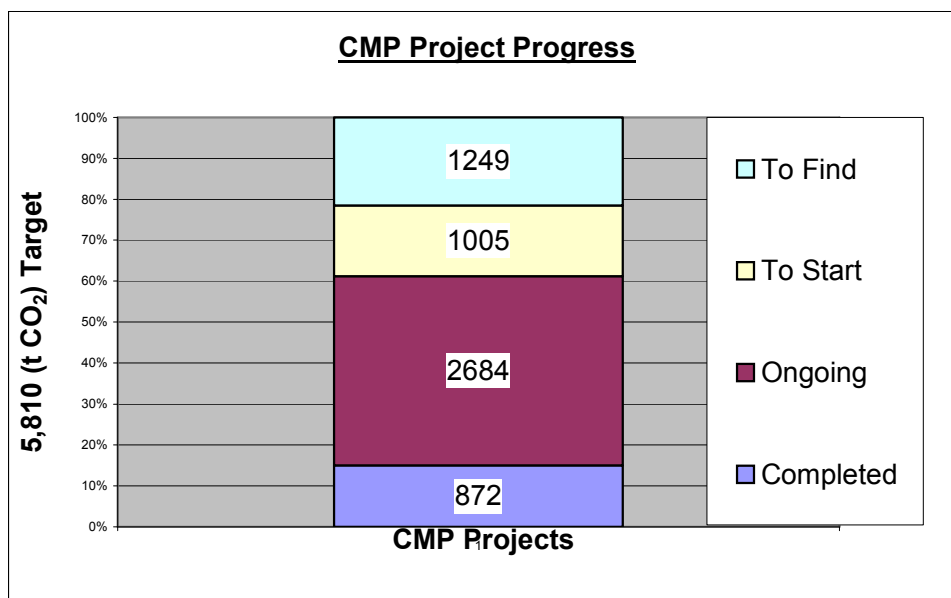
## 86 Air Quality

87 Progress was made towards achieving the, health based, air quality objectives for nitrogen  
88 dioxide within the Air Quality Management Area (AQMA) until 2005, after which pollution  
89 began increasing. The environmental protection unit are currently producing a low emission  
90 strategy to provide a comprehensive approach to reducing traffic and carbon dioxide  
91 emissions through the planning, transport planning, carbon management and procurement  
92 processes. These measures will feed into LTP3.

## 93 Carbon Management Board

94 The last Board meeting on 11/11/09 heard that the Council is on target to achieve its 2013  
95 objectives. Officers are relying heavily on "behaviour change" amongst Staff and Councillors  
96 to achieve the new 10:10 carbon reduction programme targets.

### 97 FIGURE 1: CMP PROJECT PROGRESS



98

99 **Smart meters**

100 The installation of smart meters across CYC buildings is underway. CYC will pay the  
101 schools' costs associated with obtaining the data from the smart meters in year one. In  
102 subsequent years, each individual school will cover the cost of obtaining the data from the  
103 smart meters.

104 **Energy Saving Week**

105 Energy Saving Week took place from 19<sup>th</sup> to 25<sup>th</sup> October. Carbon Management Team  
106 members conducted energy walkabouts across a selection of CYC buildings. Energy saving  
107 tips were provided to employees, and 'Save Us' posters / stickers were distributed across  
108 the majority of offices. Feedback on the whole has been positive. It is hoped that the  
109 activities conducted during the week will contribute to financial and emission savings from  
110 employees changing their behaviour while at work. As part of this event a workshop was  
111 undertaken with senior officers to attempt to identify additional projects that could be  
112 included in the Carbon Management Programme.

113 **NI186 update**

114 The latest NI186 figures released from the Department for Energy and Climate Change  
115 (DECC) indicate that York's per capita CO<sub>2</sub> emissions decreased by 10% from 6.9 tonnes  
116 per capita to 6.1 tonnes per capita over the period 2005 to 2007. Table 1 below sets out the  
117 emissions reduction from each sector.

118 **York CO2 emissions: Table 1: NI186 2005 to 2007**

Year	Industry & Commercial (t CO <sub>2</sub> )	Domestic (t CO <sub>2</sub> )	Road Transport (t CO <sub>2</sub> )	Average per person (t)
2005	525,000	463,000	312,000	6.9
2006	522,000	463,000	308,000	6.7
2007	434,000	444,000	309,000	6.1

119 York was the second best performing local authority in the Yorkshire and Humber region  
120 (after Rotherham). However the level of commercial activity – particularly manufacturing -  
121 heavily effects these figures. (e.g. Terry's and British Sugar closing down will have had an  
122 influence)

123 **Strategic Planning**

124 The December meeting of the LDF working group will receive update reports. Some  
125 highlights include:

- 126 • Following a three year process and three stages of city wide consultation our  
127 Statement of Community Involvement was submitted to the Planning Inspectorate  
128 and deemed 'sound'.
- 129 • The quality of York's Core Strategy document has recently being recognised by  
130 CABE who have highlighted it along with the work of three other authorities as  
131 representing national best practice in the way we communicate and define our vision  
132 and spatial strategy.
- 133 • The Allocations DPD will identify sites for housing, employment, retail, transport,  
134 waste and minerals and a range of community facilities as well as setting the green  
135 belt and settlement boundaries. Consultation on the Allocations Issues and Options  
136 document was carried out from March to May 2008. This sought views on sites put  
137 forward and also acted as a 'call for sites'. Comments were received from 211  
138 respondents. Following the consultation, any new sites put forward for housing and  
139 employment have been assessed through the Strategic Housing Land Availability  
140 Assessment (SHLAA) and Employment Land Review (ELR) respectively. Site  
141 assessments for other uses are currently being undertaken. These assessments will  
142 consider a number of elements including: comments received at the Issues and  
143 Options stage; the findings of the Sustainability Appraisal; conformity with the Core  
144 Strategy; and information from the evidence base. This will inform the production of  
145 a Preferred Options Allocations document which we intend to make available to  
146 support the submission of the Core Strategy.
- 147 • The competitive dialogue process for the York Central site has recently been  
148 suspended due to the current economic situation. In view of this officers will now be  
149 working with the York Central Consortium (Yorkshire Forward, Network Rail and the  
150 National Railway Museum) to review the position and see how best we can deliver  
151 development in this area. Alongside this, work is progressing on the former British  
152 Sugar site and regular liaison takes place with the consultant team engaged by  
153 Associated British Foods. These events may have implications for the production of  
154 an area action plan for the site
- 155 • A City Centre Area Action Plan Issues and Options document was subject to public  
156 consultation between July and September 2008, in total 127 responses were  
157 received. The Preferred Options document is currently in preparation. Yorkshire  
158 Forward are funding a "Renaissance York" team who will assist with regeneration  
159 initiatives in the City.
- 160 • Officers have completed the Sustainability Appraisal Scoping Reports and  
161 statements for all the LDF documents highlighted. In addition a full sustainability  
162 appraisal was produced to sit alongside the Core Strategy Preferred Options  
163 document.
- 164 Finally we have been working closely with the developers/owners of some of the major  
165 development sites in the city. In particular, the master plans for Terrys and Nestle South are

166 actively reviewed to ensure that both of these important sites can come forward for re-  
167 development as soon as possible.

168  
169

Steve Galloway  
23<sup>rd</sup> November 2009



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Council

3 December 2009

Report of the Head of Civic Legal and Democratic Services

## **Establishing a Mansion House and Mayoralty Advisory Group**

### **Summary**

- 1) This report proposes the establishment of an Advisory Group to oversee the ongoing development and use of the Mansion House and promote the profile of the Lord Mayor and Civic Party.

### **Background**

- 2) The Office of Lord Mayor in York is traditionally the second oldest in the country after London and the Mansion House is officially the formal residence of the Lord Mayor.
- 3) During the 1970s and 1980s a Sub-Committee of Policy & Resources was formally established to deal with issues related to the Mansion House. That Sub-Committee disbanded and some years after, during the 1990s, a Mansion House Advisory Group, comprising various interested parties and relevant Members was created but never formally established on the Council's structure. This Group no longer exists.
- 4) However, considerable interest has been maintained outside formal structures in the future of the Mansion House and the Lord Mayoralty in York by collective former Lord Mayors and Sheriffs.
- 5) There is much work to be done now to maximize the potential of the Mansion House in its own right as a corporate and events venue and a building of historical importance, as well as it being the official home of the Lord Mayor. Some of that work has been started by officers. However, it is now considered appropriate to revive the former Advisory Group with a clearly structured reporting line, to assist in taking forward the work which has been started.

### **Consultation**

- 6) Group Leaders have been consulted on the establishment of this Advisory Group, as have the current and former Lord Mayors. All are agreed that such a Group would now be appropriate to assist in further development work with the Mansion House and the profile of the Lord Mayoralty.

## Analysis

### 7) Terms of Reference and Reporting Lines

Attached at Annex A are some proposed draft terms of reference for the Advisory Group, to which Members' approval is sought.

- 8) It is suggested that the Group report to the Executive to advise it on the future development and use of the Mansion House and on promoting the Lord Mayoralty in York. On a diarised basis the Group would meet 4 times a year, unless required specifically for a special purpose otherwise. It would be comprised as follows:

Lord Mayor (to Chair the Group)  
Deputy Lord Mayor

3 x elected Members (cross party, on the proviso that the party taking the current Lord Mayor position, relinquishes their seat that year to another party perhaps not otherwise represented)

4 x representatives from former Lord Mayors

In addition, the Advisory Group (see proposed terms of reference), be given delegated authority to co-opt relevant external organisations or individuals as it sees appropriate and commensurate with the work.

## Options

- 9) (a) To establish the Advisory Group with a reporting line to the Executive and approve the composition and proposed terms of reference, as set out in this report;  
(b) To agree not to establish the Advisory Group;  
(c) To establish the Advisory Group with some revisions to the proposed terms of reference, attached at Annex A

## Corporate Priorities

- 10) Establishing this Advisory Group to assist in the ongoing development of the Mansion House and Lord Mayoralty would most directly contribute to the Councils' aspirations to be a City of Culture (in terms of providing greater access to the Mansion House) and to be a more effective organisation in terms of how we promote and manage our business, making greater use of the Lord Mayor in their ambassadorial role.

## Implications

11) There are no known financial, legal, human resource or other implications associated directly with the contents of this report, which is purely to set up an Advisory Group.

## Risk Management

12) In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations in this report. If, however, an Advisory Group were not formerly set up on the structure, there would continue to be a danger that progress in these areas would be less structured.

## Recommendation

13) Members are asked to establish a Mansion House and Mayoralty Advisory Group based on the composition set out in this report and to approve the draft terms of reference for that Group, set out at Annex A.

## Reason

14) To enable a formal process to be established for overseeing the development of the Mansion House and Lord Mayoralty

## Contact Details

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Dawn Steel  
Democratic Services Manager

Tel: 01904-551030

**Chief Officer Responsible for the report:**  
Alison Lowton  
Interim Head of Civic Democratic and Legal Services

**Report Approved**  **Date** 24/112009

## Specialist Implications Officer(s)

None

**Wards Affected:**

All

Guildh  
all

For further information please contact the author of the report

## Background Papers:

None.

## Annexes:

Annex A – Draft Terms of Reference

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## **MANSION HOUSE & MAYORALTY ADVISORY GROUP**

### **Terms of Reference**

This Advisory Group will be scheduled to meet 4 times a year on average, subject to any special meetings being required.

It will have the delegated authority to co-opt such external or other representation as may be appropriate and will report and make recommendations to the Executive, as necessary upon:

- the ongoing development and use of the Mansion House, including the establishment of a long term Development Plan;
- developing the profile of the Lord Mayor and Civic Party in York and more widely;
- income generation and sponsorship opportunities associated with the Mansion House and Guildhall;
- repairs and maintenance issues associated with the Mansion House/Guildhall

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**Membership of Committees, Working Groups and Outside Bodies****Committees/Working Groups****Mansion House and Mayoralty Advisory Group**

Subject to Council approving its establishment, to make the following appointments to the Group:

Cllr Galvin (Lord Mayor) (Chair)  
Cllr B Watson (Deputy Lord Mayor)

3 additional cross-party elected Members (nominations tba)  
4 former Lord Mayors (nominations tba)

**Scrutiny Management Committee**

To appoint the following additional substitute members:

Liberal Democrat	(3 <sup>rd</sup> substitute)	<i>tba</i>
	(4 <sup>th</sup> substitute)	<i>tba</i>
	(5 <sup>th</sup> substitute)	<i>tba</i>
Labour	(3 <sup>rd</sup> substitute)	<i>tba</i>
	(4 <sup>th</sup> substitute)	<i>tba</i>
	(5 <sup>th</sup> substitute)	<i>tba</i>
Conservative	(2 <sup>nd</sup> substitute)	<i>tba</i>
	(3 <sup>rd</sup> substitute)	<i>tba</i>

**Gambling & Licensing Acts Committee and Community Safety Overview & Scrutiny Committee**

To note that the appointment of Cllr Boyce to the above committees was made incorrectly at the last meeting and should therefore be disregarded:

**Outside Bodies / Partnerships****Local Government North Yorkshire and York Regeneration & Housing Board**

To confirm the appointment of Cllr Sue Galloway as the Council's substitute representative on the above Board, which was incorrectly referred to at the last Council meeting as the 'Local Government Yorkshire and Humber Regeneration & Housing Board'.

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