



Summons and Agenda for the

# Extraordinary Council Meeting

to be held on

## 23 April 2013

at

## 6.00pm







To: All District Councillors

cc: Chief Officers  
Directors

You are hereby summoned to attend the Extraordinary Meeting of the Selby District Council to be held in the Council Chamber, Civic Centre, Doncaster Road, Selby on **TUESDAY 23 APRIL 2013** starting at **6.00pm**. The Agenda for the meeting is set out below.

Chief Executive  
15 April 2013

## Opening Prayers

# AGENDA

### 1. **Apologies for Absence**

To receive apologies for absence.

### 2. **Disclosures of Interest**

A copy of the Register of Interest for each Selby District Councillor is available for inspection at [www.selby.gov.uk](http://www.selby.gov.uk).

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

### 3. **Civil Parking Enforcement**

The Council is asked to approve that Selby District Council joins the North Yorkshire Civil Parking Enforcement Scheme. (Pages 6 to 9 attached).

### 4. **The Local Government Boundary Commission For England (LGBCE) Review of Selby District**

To receive the submission on warding arrangements. (Pages 10 to 19 attached).

### 5. **Gambling Policy**

The Council is asked to approve the Gambling Policy. (Pages 20 to 53 attached).

### 6. **Joint Working with North Yorkshire County Council**

The Council is asked to consider the report. (Pages 54 to 83 attached).

**7. Overview and Scrutiny Work Programmes 2013/14**

The Council is asked to approve the Work Programmes for the 2013/14 municipal year. (Pages 84 to 93 attached).

**8. Councillor Conduct Matter**

The Council is asked to consider the conduct matter. (Pages 94 to 130 attached).

Appendices 1 and 2 to the report are exempt from publication by virtue of paragraphs 1 and 2 in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended). If councillors wish to discuss information contained within the appendix it will be necessary to pass the following resolution to exclude the press and public:

**In accordance with Section 100(A)(4) of the Local Government Act 1972, in view of the nature of the business to be transacted, the meeting be not open to the Press and public during discussion of the following item as there will be disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraphs 1 and 2 of Part 1 of Schedule 12(A) of the Act.**



## **Public Session**

**Report Reference Number (C/12/22)**

**Agenda Item No: 3**

---

**To: Council**  
**Date: 23<sup>rd</sup> April 2013**  
**Author: Dean Richardson**  
**Lead Officer: Rose Norris**  
**Executive Member: Chris Metcalfe**

---

**Title: Civil Parking Enforcement**

### **Summary:**

The Council's Executive, on the 1<sup>st</sup> November 2012, resolved to join the North Yorkshire Civil Parking Enforcement scheme with North Yorkshire County Council (and all Districts). This report seeks the necessary Council resolutions, in accord with the Constitution, to implement the scheme in the summer of 2013.

### **Recommendations:**

- i. To Delegate off-street car park enforcement functions to Harrogate Borough Council;**
- ii. To Nominate a Councillor Representative to the Parking & Traffic Regulation Adjudication System.**

### **Reasons for recommendation**

#### **1. Introduction and background**

The Council's Executive, on the 1<sup>st</sup> November 2012, resolved to join the North Yorkshire Civil Parking Enforcement scheme with North Yorkshire County Council, which will commence in the summer of 2013.

The Minutes of Executive (1<sup>st</sup> November 2012) resolved as follows: Minute 64. Civil Parking Enforcement (presented by Councillor Metcalfe)

#### **64. Civil Parking Enforcement (CPE)**

**Resolved:**

**To support the proposed implementation of the Civil Parking Enforcement scheme throughout North Yorkshire and make an appropriate adjustment to the Access Selby Budget.**

The Executive decision was not subject to Call-in by the Scrutiny Committee.

In summary, Civil Parking Enforcement draws together both on-street and off-street car parking enforcement, formerly undertaken by the Police and Local Authorities respectively and de-criminalises parking offences to bring them within a civil enforcement regime.

The Department of Transport subsequently approved North Yorkshire County Council's Civil Parking Enforcement application (supported by District Councils) and this was confirmed to Selby District in February 2013.

**2. The Report**

Officers have continued to work closely with colleagues at North Yorkshire County Council in order to implement the scheme. The necessary steps to do so are broadly as follows with no significant change to the original proposal agreed by Executive.

North Yorkshire County Council is delivering the scheme by extending existing Civil Parking Enforcement arrangements with Scarborough and Harrogate Borough Councils. Harrogate will deliver the scheme for County in Harrogate, Craven, and Selby with Scarborough covering Scarborough, Ryedale, Hambleton & Richmondshire.

Thus, in accordance with the Council's Constitution, it is necessary to delegate the off-street car park enforcement function to Harrogate Borough Council and this will be managed, by Access Selby, through a service level agreement with Harrogate and an under-writing agreement with North Yorkshire County Council, currently being negotiated by the respective Councils' Solicitors.

It is necessary to bring the Council's existing off-street car park Orders into the Civil Parking Enforcement regime and this is achieved by revoking and consolidating the existing Orders made under the Road Traffic Act 1984 into a single Order under the Traffic Management Act 2004, maintaining existing designations and fees. This work is currently being undertaken by Solicitors at Selby and North Yorkshire County Councils.

All participating Civil Parking Enforcement authorities must join the national Parking & Traffic Regulation Adjudication System and have a Councillor Representative to ensure robust governance in respect of enforcement Adjudication procedures. The County Council have provided a briefing concerning this requirement and this is attached as Annex 1.

Membership requires the District Council to sign up to a Memorandum of Participation and to nominate a Councillor Representative to sit on the Joint Committee which governs the Adjudication Body. The Council's Solicitor will negotiate and formalise the Agreement. The Councillor Representative would have the opportunity to attend an annual meeting but would not be compelled to do so. Councillors deal with governance but do not actively participate in appeal proceedings. The Councillor Representative needs to be confirmed prior to commencement of the scheme. It is requested that Council agree and nominate the Representative for Selby.

### **3. Legal/Financial Controls and other Policy matters**

#### **3.1 Legal Issues**

The report seeks the necessary resolutions to implement the Executive's decision to join the North Yorkshire Civil Parking Enforcement scheme and specifically the delegation of off-street enforcement functions and nomination of a Councillor Representative.

#### **3.2 Financial Issues**

There are no significant changes to the financial implications contained in the Executive report (1<sup>st</sup> November 2012) and the relevant under-writing agreement and service level agreement with North Yorkshire County Council and Harrogate Borough Council respectively which will be negotiated and agreed prior to implementation.

### **4. Conclusion**

The Council's Executive, on the 1<sup>st</sup> November 2012, resolved to join the North Yorkshire County Council Civil Parking Enforcement scheme. The report seeks the necessary Council resolutions to implement the decision of the Executive in accord with the Council's Constitution.

### **5. Background Documents**

***Executive Report 1<sup>st</sup> November 2012 – Civil Parking Enforcement.***

***Contact Officer: Rose Norris***

**Appendices: Annex 1. Parking and Traffic Regulation Outside London (PATROL) Joint Committee.**



## **Annex 1. Parking and Traffic Regulation Outside London (PATROL) Adjudication Joint Committee**

### **Background**

The PATROL Adjudication Joint Committee has been established to enable all Councils with Civil Parking Enforcement powers to exercise their functions under Section 81 of the Traffic Management Act 2004 and Regulation 17 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

The functions exercised by the PATROL Adjudication Joint Committee, on behalf of its constituent Councils, are:- appointing independent adjudicators to the Traffic Penalty Tribunal; providing these adjudicators with administrative staff and accommodation; and providing hearing venues. The Traffic Penalty Tribunal will deal with appeals that have been rejected by Harrogate / Scarborough Borough Council, where the driver still wants to appeal to an independent adjudicator.

Expenses for the Joint Committee are shared between member authorities in proportion to the number of Penalty Charge Notices (PCN) issued. The expenses are funded from a fee per PCN issued of £0.60. These fees have already been built into the business case costs prepared by Harrogate / Scarborough Borough Councils and there will be no additional cost to the District Council.

### **Required actions**

Membership requires the District Council to sign up to a Memorandum of Participation. Cheshire East Council as Lead Authority to the Joint Committee will issue a Memorandum of Participation to the District Council for signature and return in time for it to be dated with the commencement date (30 May 2013). The Deed of Arrangement / Memorandum of Participation is enclosed for information, but the document to sign and return will be sent to you by Cheshire East Council.

There is also a requirement to nominate a Councillor Representative to sit on the Joint Committee. The Councillor Representative would have the opportunity to attend an annual meeting but would not be compelled to do so. The Councillor Representative needs to be confirmed by the time of commencement (30 May 2013). Contact details for the Councillor Representative need to be returned to [lhutchinson@patrol-uk.info](mailto:lhutchinson@patrol-uk.info)



## Public Session

Report Reference Number (C/12/23)

Agenda Item No: 4

---

**To:** Council  
**Date:** 23 April 2013  
**Author:** Jonathan Lund, Deputy Chief Executive  
**Lead Officer:** Keith Dawson  
**Executive Member:** Cllr mark Crane

---

**Title:** BOUNDARY REVIEW – PROPOSED WARDING SCHEME

**Summary:** This Report invites the Council to agree a submission to the Local Government Boundary Commission for England (LGBCE) making proposals for warding arrangements across Selby District in response to the Commission's decision to reduce the size of the Council from 41 to 31 Councillors.

### Recommendations:

**To consider and agree the attached submission setting out the Council's proposals for Warding Arrangements in Selby District as part of the consultation currently underway.**

### Reasons for recommendation

To respond to the consultation exercise being operated by the LGBCE which invited interested parties to propose new patterns of warding arrangements for Selby District based upon a council size of 31.

#### 1. Introduction and background

In January 2013 the LGBCE announced that following a Stage I consultation exercise undertaken in 2012 it had considered representations on the size of the Council and had adopted a council size of 31 for Selby District Council for the purposes of the next stage of its review.

Stage II commenced on 29 January 2013 and concludes this month. All interested parties were invited to propose a new pattern of warding arrangements for the District Council based on a council size of 31.

This report puts forward a warding proposal for consideration. The draft submission is attached at Appendix 1.

## **2. The Report**

The LGBCE has set out three statutory criteria that govern electoral reviews. They are:-

**Electoral equality** – to optimise and, so far as possible equalise, the number of electors per councillor. The Commission has indicated that it is prepared to tolerate a variance of +/- 10% from the average Councillor/Elector ratio.

**Community Identity** – using parishes as the building blocks and utilising strong physical boundaries, with a focus on community interaction.

**Effective and convenient local government** – which takes into account councillor workload and delivers coherent wards.

Electorate forecasts taking into account known and anticipated population growth and development have been prepared and agreed with the commission. The proposals are based on electorate forecasts for 2018

The three criteria have been taken into account in developing the draft warding proposals but, inevitably, the warding arrangements necessitate a balance and compromise between the three criteria.

The proposals provide for 21 wards returning a mixture of 1, 2 or 3 councillors each. Every ward is within the 10% tolerance for electoral equality. Over half of the proposed wards have a variance of less than 5% and more than three quarters have a variance below 7.5%. In considering community identity and effective and efficient local government the proposals seek to bring together communities with geographic, transport, community or educational factors in common whilst ensuring that the wards are physically coherent and present realistic and manageable workloads for Councillors.

The Council's proposals will be considered by the Commission alongside others they receive during this part of the consultation. The Commission is at liberty to substitute its own scheme or adopt what it sees as the best of the proposals put to it.

The Commission will publish its draft recommendations on warding in June 2013 and will open a further eight week consultation period when it will invite comment on the recommendations. The Commission's final recommendations will be published in January 2014 in time for implementation for the 2015 District Council elections.

### **3. Legal/Financial Controls and other Policy matters**

#### **3.1 Legal Issues**

The LGBCE is undertaking this review, having been invited by the Council to review the District's electoral arrangements. The review process is governed by statute law and regulations.

#### **3.2 Financial Issues**

There are no financial implications arising directly from this report. A reduction in Council size from 41 to 31 offers the potential to save £41,150 pa in basic allowance (at current rates) from May 2015, but this is dependent upon the decisions of future Councils in relation to Councillor allowances.

### **4 Background Documents**

Ordinance Survey Maps and published information from North Yorkshire County Council on bus routes and school catchment areas have been used to assist the preparation of this report.

**Contact Officer:** *Jonathan Lund (jlund@selby.gov.uk)*

**Appendices:** **Appendix 1 – Draft Submission on Warding Arrangements at Selby District Council**

	Ward Name	Projected Electorate in 2018	Number of Councillors	+/- Variance	Fit with LGBCE Criteria
1	Tadcaster	6733	3	-1.60	<p>The proposed 3 Councillor ward of Tadcaster comprises the existing Tadcaster East and Tadcaster West wards previously served by 2 Councillors each plus the Parish of Healaugh. It achieves an excellent degree of electoral equality.</p> <p>The ward brings together the settlements to the far north east of the District that have strong community, transport (road and bus networks) and educational links with the market town of Tadcaster. Served by 3 District Councillors the new ward will provide for efficient and effective local government and will form a core part of the area's Community Engagement Forum.</p>
2	Church Fenton and Ulleskelf	2119	1	-7.09	<p>Church Fenton and Ulleskelf comprises the parishes of Church Fenton, Little Fenton, Ulleskelf and Biggin all lying south west of the River Wharfe.</p> <p>It achieves a reasonable degree of electoral equality</p> <p>The main settlements are served by local transport connections including the 491, 492, 493 and 494 bus routes. They also sit within the catchment area of the Kirk Fenton Primary School at Church Fenton.</p> <p>Served by a single District Councillor the new ward will provide for efficient and effective local government. As it comprises just four local parish councils the ward is unlikely to generate unreasonable workload issues.</p>
3	Appleton Roebuck	2388	1	4.70	<p>The proposed single Councillor ward of Appleton Roebuck presented the greatest challenge in balancing the criteria of electoral equality, community identity and effective and efficient local government. These proposals represent the most appropriate compromise. The ward comprises the parishes of Bilbrough, Catterton, Steeton, Colton, Bolton Percy, Appleton Roebuck, Acaster Selby, Grimston, Kirkby Wharfe, Lead, Saxton and Towton.</p> <p>It achieves a strong degree of electoral equality.</p> <p>Served by a single District Councillor the settlements which comprise the new ward share a significant number of characteristics including their sparseness and rurality, their proximity and connectivity to the main market town of Tadcaster, and their vulnerability to flooding. All except one of the communities sit within the catchment area of Tadcaster Grammar - Saxton sits within the Sherburn High School catchment area.</p> <p>The number of parishes within the new ward raises potential workload problems but in reality many of the parishes are sparsely populated and generate low levels of casework. The issues which the communities each have in common will help ensure that those issues are appropriately represented.</p>

4	Sherburn North	2094	1	-8.19	<p>The proposed single Councillor ward of Sherburn North comprises a subdivision of the existing three Councillor ward of Sherburn in Elmet. The ward also includes the parish of Barkston Ash. It achieves a reasonable degree of electoral equality. Electorate forecasts up to 2018 have been used in this review, but the growth of Sherburn in the recent past suggest that the degree of overrepresentation (though still comfortably within the +/-10 tolerance) will self- correct over time.</p> <p>The Council believes that, wherever possible, single councillor representation provides for more effective and accountable local government. The community sits entirely within the catchment area of Sherburn High School.</p> <p>Served by a single District Councillor the new ward will provide for efficient and effective local government. As it effectively sub divides the existing ward the proposed new ward is unlikely to generate unreasonable workload issues.</p>
5	Sherburn East	2123	1	-6.92	<p>The proposed single Councillor ward of Sherburn East comprises a subdivision of the existing three Councillor ward of Sherburn in Elmet. It achieves a good degree of electoral equality. Electorate forecasts up to 2018 have been used in this review, but the growth of Sherburn in the recent past suggest that the degree of overrepresentation (though still comfortably within the +/-10 tolerance) will self- correct over time.</p> <p>The Council believes that, wherever possible, single councillor representation provides for more effective and accountable local government. The community sits entirely within the catchment area of Sherburn High School.</p> <p>Served by a single District Councillor the new ward will provide for efficient and effective local government. As it effectively sub divides the existing ward the proposed new ward is unlikely to generate unreasonable workload issues.</p>
6	Sherburn West	2162	1	-5.21	<p>The proposed single Councillor ward of Sherburn West comprises a subdivision of the existing three Councillor ward of Sherburn in Elmet. It achieves a good degree of electoral equality. Electorate forecasts up to 2018 have been used in this review, but the growth of Sherburn in the recent past suggest that the degree of overrepresentation (though still comfortably within the +/-10 tolerance) will self- correct over time.</p> <p>The Council believes that, wherever possible, single councillor representation provides for more effective and accountable local government. The community sits entirely within the catchment area of Sherburn High School.</p> <p>Served by a single District Councillor the new ward will provide for efficient and effective local government. As it effectively sub divides the existing ward the proposed new ward is unlikely to generate unreasonable workload issues.</p>

7	Riccall	2191	1	-3.94	<p>The proposed single Councillor ward of Riccall comprises the Parish of Riccall. It achieves an excellent degree of electoral equality.</p> <p>The proposed new ward achieves a very high degree of community identity being based upon a single civil parish council area served by Riccall Community Primary School.</p> <p>Served by a single District Councillor the new ward will provide for efficient and effective local government. As a ward serving a single parish council area the proposed new ward is unlikely to generate unreasonable workload issues.</p>
8	Derwent	4489	2	-1.59	<p>The proposed two Councillor ward of Derwent comprises the three Parishes of North Duffield, Cliffe, and Hemingbrough and the Osgodby part of the Parish of Barlby and Osgodby. It achieves an excellent degree of electoral equality.</p> <p>The proposed new ward lies to the east of the District with its eastern border formed by the River Derwent. The settlements have good highway links centred upon the A63. North Duffield lies to the north of the road and the communities at Osgodby, Cliffe and Hemingbrough lie on or are bypassed by the road. There are Primary Schools at North Duffield, Hemingbrough and Cliffe which all form part of the catchment area for Barlby High School.</p> <p>Served by two District Councillors the new ward will provide for efficient and effective local government. As a ward serving just four parish council areas the proposed new ward is unlikely to generate unreasonable workload issues.</p>
9	Escrick	2061	1	-9.64	<p>The proposed single Councillor ward of Escrick comprises the Parishes of Kelfield, Skipwith, Thorganby, Escrick and Stillingfleet. It achieves a reasonable degree of electoral equality.</p> <p>The proposed new ward lies on the northern border of the District adjacent to the City of York boundary. The communities are linked by various transport connections including bus routes 42 (Kelfield/Stillingfleet) and 35 (Escrick, Skipwith/Thorganby) All of the proposed new ward lies within the catchment area of Barlby High School.</p> <p>Served by a single District Councillor the new ward will provide for efficient and effective local government. As a ward serving five parish council areas the proposed new ward is unlikely to generate unreasonable workload issues.</p>
10	Cawood and Wistow	2504	1	9.79	<p>The proposed single Councillor ward of Cawood and Wistow comprises the Parishes of Cawood, Wistow and Ryther cum Ossendyke. It achieves a reasonable degree of electoral equality.</p> <p>The proposed new ward lies on the southern side of the Rivers Wharfe and Ouse and its communities share the potential for flooding that arises because of this. The communities have reasonable transport</p>

					links and are served by bus route 42. There are primary schools as Wistow and Cawood (with Cawood also serving the community at Ryther) All three parishes are within the same high school catchment area (Selby High School). Served by a single District Councillor the new ward will provide for efficient and effective local government. As a ward serving three parish council areas the proposed new ward is unlikely to generate unreasonable workload issues.
11	Barlby	2479	1	8.69	The proposed single Councillor ward of Barlby comprises the Barlby part of the Parish of Barlby and Osgodby. It achieves a reasonable degree of electoral equality. The proposed new ward lies on the eastern side of the River Ouse and is bypassed by the A19. There is strong community identity and the ward is served by Barlby Community Primary School and Barlby High School. Served by a single District Councillor the new ward will provide for efficient and effective local government. As a ward serving a distinct part of one parish council areas the proposed new ward is unlikely to generate unreasonable workload issues.
12	Thorpe Willoughby	2307	1	1.15	The proposed single Councillor ward of Thorpe Willoughby comprises the Parish of Thorpe Willoughby. It achieves an excellent degree of electoral equality. The proposed new ward achieves a very high degree of community identity being based upon a single civil parish council area served by Thorpe Willoughby Community Primary School. Served by a single District Councillor the new ward will provide for efficient and effective local government. As a ward serving a single parish council area the proposed new ward is unlikely to generate unreasonable workload issues.
13	Byram and Brotherton	2400	1	5.23	The proposed single Councillor ward of Byram and Brotherton comprises the Parishes of Byram, Brotherton and Fairburn. It achieves a good degree of electoral equality. The communities within the proposed new ward are served by the Brotherton and Byram Community Primary School and the Fairburn Community Primary School and both sit within the same high school catchment area (Sherburn High School) that share transport links including bus routes 493 and 496. Served by a single District Councillor the new ward will provide for efficient and effective local government. As a ward serving a just three parish council areas the proposed new ward is unlikely to generate unreasonable workload issues.



14	Hambleton	4581	2	0.43	<p>The proposed two Councillor ward of Hambleton comprises the Parishes of Hambleton, Beal, Birkin, Burton Salmon, Hillam, Monk Fryston, Gateforth and Burn.</p> <p>It achieves an excellent degree of electoral equality.</p> <p>The communities within the proposed new ward sit close to the A63, Selby by-pass and share good transport links including the 402, 403, 491, 492, 493 and 496 bus routes.</p> <p>Served by a two District Councillors the new ward will provide for efficient and effective local government. As a two-councillor ward serving eight parish council areas the proposed new ward is unlikely to generate unreasonable workload issues.</p>
15	South Milford	2192	1	-3.89	<p>The proposed single Councillor ward of South Milford comprises the Parishes of South Milford and Huddleston with Newthorpe. The warding arrangement may help develop stronger links between Huddleston and Newthorpe, which currently has a parish meeting, and South Milford Parish Council.</p> <p>It achieves an excellent degree of electoral equality.</p> <p>Huddleston with Newthorpe is a sparsely populated parish to the west of the larger settlement of South Milford and there are good local highway connections. The communities within the proposed new ward are served by the same high school catchment area (Sherburn High School).</p> <p>Served by a single District Councillor the new ward will provide for efficient and effective local government. As a ward serving a just two parish council areas the proposed new ward is unlikely to generate unreasonable workload issues.</p>
16	Whitley	2382	1	4.44	<p>The proposed single Councillor ward of Whitley comprises the parishes of Kirk Smeaton, Little Smeaton, Walden Stubbs, Balne, Stapleton, Womersley, Whitley, Heck and Cridling Stubbs</p> <p>It achieves a strong degree of electoral equality.</p> <p>The proposed new ward lies to the south of the District and its northern boundary is approximated by the M62 Motorway and the Aire and Calder Navigation. Served by a single District Councillor the settlements which comprise the new ward share a significant number of characteristics not least of which are their sparseness and rurality and their remoteness to the remainder of the district.</p> <p>The number of parishes within the new ward raises potential workload problems but in reality many of the parishes are sparsely populated and generate lower levels of casework. The issues which the communities each have in common will help ensure that those issues are appropriately represented.</p>
17	Eggborough	2310	1	1.28	<p>The proposed single Councillor ward of Eggborough comprises the Parishes of Eggborough and Kellington.</p> <p>It achieves an excellent degree of electoral equality.</p> <p>The communities lie to the north of the M62 Motorway and principally to the west of the A19, the</p>

					Eggborough Power Station lying to the east of the ward. Served by a single District Councillor the new ward is relatively compact and will provide for efficient and effective local government. As a ward serving a just two parish council areas the proposed new ward is unlikely to generate unreasonable workload issues.
18	Carlton and Camblesforth	4860	2	6.54	The proposed two Councillor ward of Carlton and Camblesforth comprises the Parishes Long Drax, Drax, Newland, Camblesforth, Carlton, Hirst Courtney, Temple Hirst, Chapel Haddlesey, West Haddlesey and Hensall. It achieves a good degree of electoral equality. The settlements within the ward are served by a number of local primary schools and share the same high school catchment areas, being served by both Brayton College and the Holy Family RC High School at Carlton. They are linked by the road network and by bus routes 8, 150, 400, 401 and 486. Served by a two District Councillors the new ward will provide for efficient and effective local government. As a two-councillor ward serving ten parish council areas the proposed new ward is unlikely to generate unreasonable workload issues.
19	Brayton	4943	2	8.36	The proposed two Councillor ward of Brayton comprises the Parishes of Brayton and Barlow and forms the majority of the existing ward of the same name. It achieves a reasonable degree of electoral equality. The proposed new ward achieves a very high degree of community identity being principally based upon the parish of Brayton. Brayton and Barlow are served by primary schools in both Brayton and Barlow and they share the same High School catchment area (Brayton College). Served by a single District Councillor the new ward will provide for efficient and effective local government. As a ward serving a just two parish council areas the proposed new ward is unlikely to generate unreasonable workload issues.
20	Selby West	6815	3	-0.40	The proposed three Councillor ward of Selby West comprises a new subdivision of the existing wards in Selby Town. It achieves an excellent degree of electoral equality. Served by three District Councillors the new ward will be compact and will provide for efficient and effective local government. As it is served by three councillors the proposed new ward is unlikely to generate unreasonable workload issues.

21	Selby East	6572	3	-3.95	<p>The proposed three Councillor ward of Selby East comprises a new subdivision of the existing wards in Selby Town.</p> <p>It achieves an excellent degree of electoral equality.</p> <p>Served by three District Councillors the new ward will be compact and will provide for efficient and effective local government. As it is served by three councillors the proposed new ward is unlikely to generate unreasonable workload issues.</p>
		<b>70705</b>	<b>31</b>		

**To:** Council  
**Date:** 23 April 2013  
**Author:** Tim Grogan - Senior Enforcement Officer  
**Lead Officer:** Rose Norris, Executive Director  
**Executive Member:** Councillor Chris Metcalfe

---

**Title:** Gambling Policy

**Summary:**

In line with the policy of the Government, Selby District Council is required to provide a policy with regard to the Gambling Act 2005. A policy was approved in 2006 and the Licensing Authority is required to prepare and publish every 3 years a Statement of Principles, which it proposes to apply when exercising its functions under the Act. This was undertaken in 2009 and a revised Statement of Principles has since been drafted. This was sent out for consultation from 1 November 2012 until 1 February 2013 and no responses were received.

**Recommendation:**

**That the Gambling Policy prepared under the authority of the Gambling Act 2005 be approved by Council.**

**Reason for recommendation**

This is a statutory requirement.

**1. Introduction and background**

1.1 The Executive received and approved the Gambling Policy at its meeting on 7<sup>th</sup> of March 2013. The Policy details a revised Statement of Principles in connection with the Gambling Act 2005 in order that a Gambling Policy can be approved.

**2. The Report**

- 2.1 The Gambling Policy was originally drafted in May 2006. Consultation was wide and varied and involved all statutory bodies in addition to other interested parties. The Policy was approved, however, the Licensing Authority is required to prepare and publish every 3 years a Statement of Principles, which it proposes to apply when exercising its functions under the Act.
- 2.2 This exercise was undertaken in 2009 and in 2012 a revised Statement of Principles has since been drafted. This was sent out for consultation from 1 November 2012 until 1 February 2013 and no responses were received.
- 2.3 The Gambling Policy will have an impact on the manner in which the Council conducts its approach to gambling.
- 2.4 The aim is to consider how the Gambling Policy could impact on persons who may be vulnerable to gambling and how to maximise positive impacts and minimise potentially negative impacts.
- 2.5 The final decision for approving the policy must be made by Full Council.

### **3. Legal/Financial Controls and other Policy matters**

#### **3.1 Legal Issues**

There are no legal issues.

#### **3.2 Financial Issues**

There are no financial implications in connection with this report.

### **4. Conclusion**

Council is recommended to approve the Gambling Policy.

### **5. Background Documents**

#### **Contact Details:**

**Tim Grogan**  
**Senior Enforcement Officer**  
**x2027**  
[tgrogan@selby.gov.uk](mailto:tgrogan@selby.gov.uk)

#### **Appendices:**

1. The Gambling Policy is attached for consideration.
2. The Gambling Policy letter introducing the revised Statement of Principles.

# **GAMBLING POLICY**

## **GAMBLING ACT 2005**

### **DRAFT STATEMENT OF PRINCIPLES**

**JANURY 2013**

# CONTENTS

Item	Page
<b>Part A</b>	
1. The licensing objectives	1
2. Introduction	1
3. Declaration	3
4. Responsible Authorities	3
5. Interested parties	4
6. Exchange of information	4
7. Enforcement	5
8. Licensing authority functions	5
<b>Part B - Premises licences</b>	
1. General Principles	6
2. Adult Gaming Centres	12
3. (Licensed) Family Entertainment Centres	12
4. Casinos	13
5. Bingo	13
6. Betting premises	13
7. Tracks	14
8. Travelling fairs	15
9. Provisional Statements	15
10. Reviews	16
<b>Part C – Permits / Temporary and Occasional Use Notices</b>	
1. Unlicensed Family Entertainment Centre gaming machine permits	17
2. (Alcohol) Licensed premises gaming machine permits	18
3. Prize Gaming Permits	19
4. Club Gaming and Club Machines Permits	19
5. Temporary Use Notices	20
6. Occasional Use Notices	21

## **PART A**

### **1. The Licensing Objectives**

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

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".

It should be noted 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 Principles

### **2. Introduction**

Selby District Council is situated in the County of North Yorkshire. It covers an area of 227 square miles and is situated to the south of the city of York. The district's population is 76,500 and the principal towns are Selby, Tadcaster and Sherburn-in-Elmet. The council area is mainly rural in character and aspect with a dispersed settlement plan. There are 59 Parish Councils as well as various Parish and Community meetings. Selby in particular is of historical importance built as it is around Selby Abbey. As a consequence tourism and leisure are important industries. Detail of the district is shown in map below.





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 that any amended parts re-consulted upon. The statement must be then re-published.

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

List of persons this authority intends to consult:

- Local Councillors/responsible authorities (including Police)
- Gambling businesses/related businesses
- Residents associations/Parish Councils
- North Yorkshire County Council Review & Quality Section

Our consultation will take place between **1 November 2012 and 1 February 2013** and we will follow the HM Government Code of Practice on Consultation (published July 2008) which is available at:

<http://www.berr.gov.uk/files/file47158.pdf>

The full list of comments made and the consideration by the Council of those comments will be available by request to: **The Licensing Team, Selby District Council, Civic Centre, Doncaster Road, Selby YO8 9FT, Tel 01757 292027, [licensing@selby.gov.uk](mailto:licensing@selby.gov.uk).**

It is intended that this statement of Principles will be approved at a meeting of the Full Council in March 2013 and will be published via our website. Copies will be placed in the public libraries of the area as well as being available in the Council Offices.

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

**Name:-Licensing Team, Selby District Council**

**Address:-Civic Centre, Doncaster Road, Selby YO8 9FT**

**E-mail:-[licensing@selby.gov.uk](mailto:licensing@selby.gov.uk)**

It should be noted that this Statement of 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**

In producing this Statement of Principles, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the Statement of Principles.

### **4. Responsible Authorities**

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
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group

In accordance with the Gambling Commission's Guidance for local authorities this authority designates Cynthia Welburn, North Yorkshire County Council, Room 122 County Hall, Racecourse Lane, Northallerton, North Yorkshire, DL7 8DD for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 will be available via the Council's website at : [www.selby.gov.uk](http://www.selby.gov.uk).

## **5. Interested parties**

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 application is made, the person-

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

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:

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 for local authorities at 8.11 to 8.19. Note though that decisions on premises and temporary use notices must be “in accordance” with Gambling Commission Guidance (Section 153). It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MP’s. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (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.

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 Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing team (see details on page 4).

## **6. Exchange of Information**

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

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.

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

## **7. Enforcement**

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.

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities 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.

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

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 principals set out in this Statement of Licensing Principals

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be 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 will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

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

Bearing in mind the principle of transparency, this licensing authority's enforcement policy when finalised, will be available upon request from the licensing team (see details on page 4).

## **8. Licensing Authority functions**

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) of the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- 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

It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via Operator Licences.

## **PART B PREMISES LICENCES: CONSIDERATION OF APPLICATIONS**

### **1. General Principles**

Premises Licences will be 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.

#### **(i) 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

It is appreciated that as per the Gambling Commission's Guidance for local 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 below) and also that unmet demand is not a criterion for a licensing authority.

#### **(ii) 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.

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 gambling 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.

This licensing authority takes particular note of the Gambling Commission’s Guidance to Local Authorities which states that: 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 being in close proximity to 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.

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?

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

**The Gambling Commission's relevant access provisions for each premises type are reproduced below:**

**7.25:**

### **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

### **Adult Gaming Centre**

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

### **Betting Shops**

- Access must be from a street (as defined at 7.23 of the Guidance) 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.

### **Tracks**

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

### **Bingo Premises**

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

### **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

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.

### **(iii) 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.

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.

In deciding whether a premises licence can be granted where there is outstanding construction or alteration works at 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.

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.

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.

**(iv) 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 Local 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 policy statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome.

**(v) 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 would be the likelihood of the applicant obtaining planning permission or building regulations approval for their purpose.

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.



**(vi) Duplication with other regulatory regimes:**

This authority will seek 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 or building 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.

When dealing with a premises licence application for finished, this authority will not take into account whether those buildings have to comply with the necessary planning or building consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning controls, buildings and other regulations and must not form part of the consideration for the premises licence.

**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 local authorities and some comments are made below.

**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.

**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. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below.

**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.

This licensing authority will also make itself aware of the Codes of Practice as regards this licensing objective, in relation to specific premises.

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 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.

**Conditions** - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises: and
- reasonable in all other respects.

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.

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.

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.

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

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.

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.

**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.

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).

## **2. Adult Gaming Centres**

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.

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-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

## **3. (Licensed) Family Entertainment Centres:**

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.

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

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

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

#### **4. Casinos**

*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 Statement of Principles with details of that resolution. Any such decision will be made by the Full Council.

*Licence considerations / conditions* - The licensing authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance at paragraph 9, bearing in mind the mandatory conditions listed at paragraph 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

*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.

#### **5. Bingo premises**

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.

This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premise into two adjacent premises might be permitted, and in particular that it is not permissible to locate all category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

18.7 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.

#### **6. Betting premises**

*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.

## 7. Tracks

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.

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.

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-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

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

*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.

*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 wants to offer.

**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, paragraph 20.28).

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 20.29).

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 20.31).

In 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 premises boundaries do not need to be defined (See Guidance to Licensing Authorities, paragraphs 20.32).

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, paragraph 20.33).

## **8. Travelling Fairs**

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.

The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

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.

## **9. Provisional Statements**

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.

Section 204 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

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.

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 (except in the case of a

track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

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

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 matter:

- 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 premise 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.

#### **10. Reviews:**

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.

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.

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.

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.

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

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

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.

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.

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**

#### **1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits – Schedule 10 para 7)**

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).

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 for Local 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)

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)

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

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.

Further, applicants will have to provide:- a) a scaled plan of the premises and its location, b) Criminal Records Check (CRB) for staff working on such premises who would specifically come into contact with children, c) evidence that staff have received relevant training to deal with children/children's issues and d) evidence of public liability insurance when making this type of application.

## **2. (Alcohol) Licensed premises gaming machine permits – (Schedule 13 Para 4(1))**

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

**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.*”

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 harm 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 of 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.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

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.

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.

### **3. Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 [3])**

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”.

This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law
- Clear policies that outline the steps to be taken to protect children from harm.

In making its decision on an application for this permit the licensing authority does not need (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]).

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.

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

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).

Gambling Commission Guidance for licensing authorities 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 regulations and these cover bridge and whist clubs, which replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include; working men's clubs, branches of Royal British Legion and clubs with political affiliations."

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.

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."

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 have been cancelled."

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.

## **5. Temporary Use Notices**

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 temporary Use Notices, according to the gambling Commission, would include hotels, conference centres and sporting venues.

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.

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.

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 this 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". 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.

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.

#### **6. Occasional Use Notices:**

This 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.

## ANNEX A

### List of Consultees

Chief Executive  
The Gambling Commission  
Berkshire House  
168 – 173 High Holborn  
LONDON  
WC1V 7AA

North Yorkshire Police  
Headquarters  
Newby Wiske  
Northallerton  
North Yorkshire  
DL7 9HA

Chief Inspector Iveson  
Selby Police Office  
Selby  
YO 8 4QQ

P.C. M Wilkinson  
Licensing Officer  
Selby Police Office  
Selby  
YO8 4QQ

Station Manager  
Selby Fire Station  
Canal Road  
Selby

Wayne Palmer  
Environmental Health  
Selby District Council  
Selby

Eggborough Social Club  
Eggborough  
DN14 0UZ

Mr Simon Parkinson  
Pollution Section  
Dept of Environmental Health

Thorpe Willoughby  
Sports Ass  
Field Lane  
Thorpe Willoughby  
YO8 9FL

Operations Manager  
Health & Safety Executive  
Marshall Mill  
Marshall Street  
Leeds  
LS11 9YJ

Mrs L Carr  
North Yorkshire County Council  
Review & Quality  
St James Lodge  
Masonic Lane  
Thirsk  
YO7 1PS

HMRC  
Written Enquiries  
Dobson House  
Regent Centre  
Gosforth  
Newcastle  
NE3 3PS

Gamblers Anonymous  
PO Box 88  
London  
SW10 0EU

Gamcare  
2/3 Baden Place  
Crosby Row  
London  
SE1 1YN

Mrs L MacLeod-Miller  
C/o BACTA  
Kings Cross House  
211 Kings Cross Road  
London  
Wc1X 9DN

Chief Executive  
The British Gambling Association  
38 Grosvenor Gardens  
London  
SW1W 0OB

The Chairman  
British Greyhound Racing Board  
32 Old Burlington Street  
London  
W15 3AT

The Chief Executive  
The Jockey Club  
151 Shaftesbury  
Avenue  
London  
WC2H 8AL

York Coin Leisure  
Units 4 and 9  
Roland Court  
Huntington  
York  
YO3 9PW

Gamestec Ltd  
Low Lane  
Horsforth  
Leeds  
LS18 4ER

Leisure Link  
3 The Maltings  
Wetmore Road  
Burton on Trent  
Staffs  
DE14 1SE

William Hill Bookmakers  
58, Gowthorpe  
Selby  
YO8 0ET

William Hill, Bookmakers  
35, Micklegate  
Selby  
YO8 0EA

Betfred  
65, Micklegate  
Selby

Betfred  
Low Street,  
Sherburn-in-Elmet  
Leeds  
LS25

William Hill Bookmakers  
12, Beidge Street,  
Tadcaster

Leisurama Gaming  
Centres  
18, Gowthorpe  
Selby  
YO8

Federation of Licensed Victuallers  
Associations  
126 Bradford Road  
Brighouse  
West Yorkshire  
HD6 4AU

Leisurama Entertainments  
42, Gowthorpe  
Selby  
YO8 0HE

Aristomatics  
Unit 9  
South Baileygate  
Industrial Estate  
Pontefract  
WF8 2LN

Sceptre Leisure  
9, Brumhead Road  
Chorley  
PR 6 7BX

Sovereign Games  
9, Brown Place,  
Leeds 11  
LS11 0EF

Tate and Lyle Sports  
Club  
Dennison Road  
Selby  
YO8 8EF

Abbey Leisure Centre  
Scott Road,  
Selby  
YO8 4BL

Barlow Village Club,  
Park Lane,  
Barlow  
YO8 8ES

Selby Golf Club  
Mill Lane,  
Brayton  
YO8 9LD

North Yorkshire Trading  
Standards  
Standards House  
48 High Street  
Northallerton  
North Yorks  
DL7 8EQ

Manor Field Social Club,  
Station Road,  
Tadcaster  
LS 24

Mr N Adams, MP  
17 High Street  
Tadcaster  
LS24 9AP

Mr E J Mayne  
Northcroft  
Highfield Lane  
Nawton  
York  
YO62 7XU

William Hill (North Eastern) Limited  
Greenside House  
50 Station Road  
Wood Green  
London  
N22 7TP

Dawcar Limited  
Bridge Road  
47/55 Bridge Street  
Walsall  
WS1 1JQ

Scalm Park Leisure  
Scalm Lane,  
Wistow  
YO8 3RD

Selby Railway Club  
Station Road,  
Selby  
YO8 4AA

Mr Martin Connor  
Chief Executive  
Selby District Council

Tadcaster Magnets Club  
The Pavillion  
Queens Garth  
Tadcaster  
LS 24 9HD

Association of British Bookmakers  
Ltd  
Regency House  
1-4 Warwick Street  
London  
W1B 5LT

The Bingo Association  
Lexham House  
75 High Street North  
Dunstable  
Beds  
LU6 1JF

Premier Snooker Club  
The Maltings  
Selby  
YO8 4BG

Scarthingwell Golf Club  
Tadcaster  
LS 24 9PF

Tadcaster Leisure  
Centre  
Station Road,  
Tadcaster  
LS 24 9JE

Selby RUFC  
Sandhill Lane,  
Selby  
YO18 4JP

Tadcaster Albion FC  
The Park Ings Lane,  
Tadcaster  
LS 24 9AY

Escrick and Deighton  
Club  
Main Street,  
Escrick  
YO19 6LQ

De Lacy Sports and Social Club  
Rally House  
Old Great North Road,  
Brotherton  
WF 11 9EF

Tadcaster Social Club  
49, Chapel Street  
Tadcaster  
LS 24 9AR

Drax Power Station  
Social Club  
PO Box 3  
Drax  
YO8 8PQ

Elmete Social Club  
12, Low Street  
Sherburn-in-Elmet  
LS 25 6BG

Byram Park Social Club  
Byram  
LS 25

Sherburn Aero Club  
New Lennerton Lane  
Selby LS 25 6AG

Sherburn White Rose Club  
Recreation Ground  
Sherburn  
LDS25 6EL

Selby Town FC  
Richard Street,  
Selby  
YO8 0BS

Selby Masonic Club  
25-27, Church Hill,  
Selby  
YO8 4PL

Sherburn Library  
Finkle Street,  
Sherburn-in-Elmet  
LS25 6AE

Tadcaster Library  
Station Road,  
Tadcaster  
LS24 9JG

Barlby Library  
Howden Road,  
Barlby  
YO8 5JE

Selby Library,  
52, Micklegate,  
Selby  
YO8 4EQ

Stan James  
15 Market Place  
Selby  
YO8 4PB

Ladbrokes  
4 Market Cross  
Selby  
YO8 4JS



## ANNEX B

Table of delegation of licensing functions

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>LICENSING SUB-COMMITTEE</b>	<b>OFFICERS</b>	<b>COUNCIL SOLICITOR</b>
Three year licensing policy	X			
Policy not to permit casinos	X			
Fee setting-when appropriate		X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn	
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn	
Application for a transfer of a licence		Where representations have been received from the Gambling Commission	Where no representations received from the Gambling Commission	
Application for provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn	
Review of premises licence		X		
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn	
Cancellation of club gaming/club		X		

machine permits				
Application for other permits			X	
Cancellation of licensed premises gaming machine permits			X	
Consideration of Temporary Use Notices			X	
Decision to give a counter Notice to a Temporary Use Notice		X		
Determination as to whether a person is an interested party				X
Determination as to whether representations are relevant				X
Determination as to whether a representation is frivolous, vexatious or repetitive				X
Representative of Licensing Authority who will be responsible for making representations as the Responsible Authority on licence applications				X
Responsibility for attaching to premises			X	

licences Mandatory, Default and Specific Conditions				
Representative of Licensing Authority who can initiate a Licence review				X
Representative of Licensing Authority who can reject an application for a Licence review				X

X indicates the lowest level to which decisions can be delegated.

**NB The Council reserves the right to amend this table of delegation**

## Appendix 2

**Please ask for:** Mr. T. Grogan  
**Dial Direct No.:** 01757 292027  
**Fax No.:** 01757 292229

**Your Ref:**  
**Our Ref:** TG/GP  
**E-mail:** tgrogan@selby.gov.uk

31 October 2012

Dear Sir/Madam

Dear Sir/Madam

***Consultation on this Licensing Authority's Review of its Statement of Principles under the Gambling Act 2005***  
***Consultation Period:- 1 November 2012 – 1 February 2013***

The Gambling Act 2005 received Royal Assent on the 7<sup>th</sup> April 2005 and repealed the Betting Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusements Act 1976. The Act introduced a unified regulator for gambling in Great Britain, the Gambling Commission and a new licensing regime for commercial gambling. The Act transferred the responsibility for the licensing of gambling premises from the Magistrates to Licensing Authorities (Selby District Council). The Licensing Authority is required to prepare and publish every 3 years a Statement of Principles, which it proposes to apply when exercising its functions under the Act.

It is now 6 years since the first Statement of Principles was published and this Licensing Authority is legally required to review, approve and publish a new Statement of Principles.

Consultees should note that there has been no significant changes to either regulations issued by the Secretary of State or guidance issued by the Gambling Commission in the intervening 3 year period that materially affects the current Statement of Principles and for that reason the Statement of Principles will remain unchanged for the years 2013 – 2016.

The Statement, like its predecessors is based on the nationally accepted template produced by the Local Authorities Co-ordinators of Regulatory Services (LACORS). This is the local government central body responsible for overseeing local authority regulatory and related services in the UK. The number of premises in this district which currently require licensing is seven.

I now have the pleasure to inform you that draft copies of the revised Statement of Principles 2013 – 2016 are available either on the Council's website at [www.selby.gov.uk](http://www.selby.gov.uk), by request to the Licensing Section (see address below) or by e-mail for your consideration. Feedback on the draft Statement of Principles must reach this Licensing Authority no later than the **1 February 2013**, indicating clearly the paragraph(s) your response refers to.

Also, when responding please state whether you are responding; as an individual, representing a business that may be affected or representing the views of an organisation. If responding on behalf of an organisation please make it clear who that organisation represents. If responding as an individual please mention your own interest.

Please note responses may be made public or published in a summary or responses to the consultation unless you state clearly that you wish your response or name to be treated confidentially. Confidential responses will be included in any statistical summary of comments received. If you are replying by e-mail unless you specifically include a request to the contrary in the main text of your submission to us, we will assume your consent overrides any confidentiality disclaimer that is generated by your organisation's IT system. Please note all responses to be included must be named responses and not anonymous. We will not consider any anonymous responses in this consultation.

All responses should be returned to:-  
Business Support (Licensing Section)  
Selby District Council  
Doncaster Road  
Selby  
YO8 9FT

Further information and copies of the draft Statement of Principles are available from [licensing@selby.gov.uk](mailto:licensing@selby.gov.uk), telephone 01757 292027 or Selby District Council website ([www.selby.gov.uk](http://www.selby.gov.uk)).

Thank you in advance

Yours faithfully

Tim Grogan  
Senior Enforcement Officer



## Public Session

Report Reference Number (C/12/25)

Agenda Item No: 6

---

**To:** Extra Ordinary Council  
**Date:** 23 April 2013  
**Author:** Martin Connor  
**Lead Officer:** Martin Connor  
**Executive Member:** Councillor Mark Crane

---

**Title:** Selby District Council and North Yorkshire County Council  
Collaboration Project

### Summary:

For a period of three months from January 2013, the Chief Executive, along with colleagues at Selby District Council and North Yorkshire County Council, has been examining the concept of increased collaborative working between the two tiers of local government. The intention was to reach a position where a recommendation could be made to both Councils to sign up to a collaboration agreement and to move forward with implementation.

### Recommendations:

- i. Selby District Council is recommended to accept that the concept of collaboration between Selby District Council and North Yorkshire County Council is proven and to commit to its implementation on the lines set out in the attached report.**
- ii. The Council is also recommended to agree to the appointment of a joint post of Chief Executive of Selby District Council and Assistant Chief Executive with North Yorkshire County Council.**
- iii. Both recommendations are subject to the agreement of North Yorkshire County Council along the same lines.**

### Reasons for recommendation

For the Council to consider a recommendation to enter into a collaboration with North Yorkshire County Council for the provision of services in Selby

District and the appointment to a shared post of Chief Executive of Selby District Council and Assistant Chief Executive with North Yorkshire County Council.

The collaboration would enable best use of an increasingly scarce resource in the delivery of services to our joint community.

## **1. Introduction and background**

- 1.1 After a number of years of financial constraint, the opportunities for savings have become harder to find and, with the predictions of further funding cuts, collaborative working is viewed as a logical step to secure financial viability for the future. For both Selby District Council and North Yorkshire County Council there is a real sense that the time to explore these options is now rather than when the need for immediate savings is upon us.
- 1.2 With increasing pressure being placed on local government to reduce expenditure the two Chief Executives of the respective authorities felt that the time was right to explore how County and District might collaborate in service delivery to the benefit of both organisations and the public they serve.

## **2. The Report**

- 2.1 The attached report has been compiled with the assistance of staff from both organisations and follows exploratory discussions between the Chief Executives of the two authorities. Those discussions saw closer integration as a goal at both operational and strategic levels and an initial concept was proposed which envisaged:
  - Retaining the political and democratic sovereignty of the two authorities
  - A place on the North Yorkshire County Council Management Board for the District Chief Executive with the designation of Assistant Chief Executive
  - The development of a working relationship between the County Chief Executive and the Leader, Executive and Council at Selby
- 2.2 In delivering the intended outcome, closer collaboration would include the following elements:
  - Increased resilience in service delivery by the sharing of resource and the development of expertise
  - A more focussed delivery of services at a community level
  - Sharing of back office services in an appropriate and sustainable manner
  - A seamless delivery of front facing services using appropriate

resources in a manner which does not require the recipient to determine whether the service is a District or County function

- A reduction in the overall cost of service delivery to the benefit of both organisations

2.3 Council is asked to consider the report and accept its recommendations in principle for a move to the implementation stage. Because of North Yorkshire County Council elections, the report will not go before the County Council until 15 May 2013. If the report is accepted by both Councils, the two Chief Executives will prepare an implementation plan for further approval by the respective Executives of the two authorities.

2.4 As the recommendations would result in a joint appointment of Chief Executive of Selby District Council and Assistant Chief Executive with North Yorkshire County Council, the recruitment process has been delayed. We are, however, geared up to advertise the new post immediately after the decision of the County Council on 15 May with a proposed appointment being made by the Appointment Panel to a special meeting of this Council on 23 July.

### **3. Legal/Financial Controls and other Policy matters**

Other than those already outlined in this report there are no legal/financial or other policy matters to disclose.

#### **3.1 Legal Issues**

None as a direct result of this report. Should implementation be approved there will be a number of legal and employment matters to be resolved at some future date.

#### **3.2 Financial Issues**

None as a direct result of this report. One of the objectives of the collaboration is to produce savings opportunities for both organisations. These will become clearer during the implementation stage

### **4. Conclusion**

4.1 Collaboration between the two tiers of local government is a logical step in our joint pursuit of efficiencies whilst trying to protect front line services. Council is asked to approve the report.

### **5. Background Documents**

None

**Contact Officer: Martin Connor**



# Selby District Council and North Yorkshire County Council Collaboration Project



## **Making the most of two tier collaboration**

**Martin Connor**

**March 2013**

# Selby DC and North Yorkshire County Council Collaboration Project

## 1. Introduction

- 1.1 Improved two-tier working in North Yorkshire has had rather a chequered history with some good examples of collaboration but no comprehensive integration of services to date. With increasing pressure being placed on local government to reduce expenditure the two Chief Executives of the respective authorities felt that the time was right to explore how County and District might collaborate in service delivery to the benefit of both organisations and the public they serve.
- 1.2 Both authorities are currently financially sound and have made significant strides in reducing costs whilst maintaining front line services. Selby District Council has made a novel departure from the traditional local government service model whilst North Yorkshire County Council has, thus far, pursued savings and efficiencies within departmental structures but has now adopted a “one council” approach to its operations which might lead to a more radical review of service delivery mechanisms and costs.
- 1.3 After a number of years of financial constraint, the opportunities for savings have become harder to find and, with the predictions of further funding cuts, collaborative working is viewed as a logical step to secure financial viability for the future. For both organisations there is a real sense that the time to explore these options is now rather than when the need for immediate savings is upon us.
- 1.4 Though there are several examples of shared service provision and shared management between districts (both successful and not), collaborative working across the two tiers of local government is not well developed nationally. There are examples of shared services, particularly back office services, but efforts so far seem to stop short of integration.
- 1.5 The Chief Executive discussions saw closer integration as a goal at both operational and strategic levels and an initial concept was proposed which envisaged:
  - Retaining the political and democratic sovereignty of the two authorities
  - A place on the North Yorkshire County Council Management Board for the District Chief Executive with the designation of Assistant Chief

#### Executive

- The development of a working relationship between the County Chief Executive and the Leader, Executive and Council at Selby
- 1.6 During the project period, Selby District Council assigned two days per week of Chief Executive Martin Connor's time.
- 1.7 It was agreed that the closer integration of County and District services would have as its intended overarching outcome:  
*"The most effective use of the joint resources of the two organisations in providing services to our shared client base."*
- 1.8 In delivering the intended outcome, closer collaboration would include the following elements:
- Increased resilience in service delivery by the sharing of resource and the development of expertise
  - A more focussed delivery of services at a community level
  - Sharing of back office services in an appropriate and sustainable manner
  - A seamless delivery of front facing services using appropriate resources in a manner which does not require the recipient to determine whether the service is a District or County function
  - A reduction in the overall cost of service delivery to the benefit of both organisations
- 1.9 The concept and intended outcomes received broad support when tested at senior management and Cabinet/Executive levels at both authorities.
- 1.10 The Chief Executive post at Selby District Council will become vacant during 2013 with the retirement of Martin Connor. If this post is to be a joint appointment by Selby District Council and North Yorkshire County Council, clearly there was some sense in testing the collaboration concept quickly so that the appointment could progress with as little delay as possible. The aim, therefore, was to provide proof of concept by the end of March 2013.
- 1.11 This timescale required concentrated effort and, in addition to the time allocated by Martin Connor, Selby District Council and North Yorkshire County Council placed resource at the disposal of the project both at central and localised sites.
- 1.12 In order to explore the implications of more collaborative working, a reasonable starting point is to formulate a potential model and describe how it would be intended to make it work. Any potential issues can then be explored but, more importantly, all parties have a clear understanding of the intended

form of the collaboration mechanism and can express any concerns at an early stage.

1.13 Ideally, the potential model would have been described at an earlier stage but, inevitably, with two such different organisations, a fair degree of exploration preceded the postulation of the model.

1.14 What follows is an attempt at describing the model and its operation.

## **2 The model**

2.1 As anticipated in the project inception document, the collaborative working aim could be divided into two parts:

- Those services which can best be delivered at a local, customer facing level, and
- Those services which are essentially back office and could be brought together to achieve resilience and economies of scale

In addition, there may be some services which are large scale or strategic in nature which would continue to be delivered on a countywide basis.

2.2 Martin Connor and Justine Brooksbank took the current Selby model and had an initial attempt at mapping on to it both County services which could be provided from a local base and services which could be regarded as back office or large scale services for the purposes of this project.

2.3 It became apparent that, for ease of better conveying the concept of the collaboration, seeing Selby as a “branch” of local government in the locality and North Yorkshire County Council as the HQ for local government services, this could be accepted as a rough proxy for what the project was trying to achieve.

2.4 Appendix A sets out an indicative model and, although lacking detail at this stage, starts to set the scene for what might be delivered.

## **3 HQ Services**

3.1 All local authorities have services which support front line provision but, for the most part, do not interface directly with the public. These are collectively known as back office services and include:

- Finance
- Legal
- Human Resources
- IT

- 3.2 These are the services I would identify under the heading “HQ services” which might be included in the collaboration arena. In addition, there are other services which could be combined under the HQ heading, such as a call centre serving both authorities, and others which could be delivered on a “hub and spoke” arrangement, such as communications. Again, I exclude those large scale services which would continue to be delivered on a countywide basis.
- 3.3 Traditionally, it was possible to draw a line around each of these HQ services and treat them as stand-alone units. Selby District Council has forgone this type of structure and consolidated the administration and “non-professional” staff into business support units. The professional elements of Finance, for example, are still recognisable but internal resilience has been improved by the creation of a more generic business support function. North Yorkshire County Council has adopted a similar principle, though the business support function is currently a mixture of centralised and dispersed provision (“hub and spoke”).
- 3.4 In terms of impact, perhaps the easiest impact to explore is in relation to these HQ services. The services could be provided by North Yorkshire County Council on a contractual basis to Selby District Council (Access Selby). A specification could be agreed (probably on a service by service basis); a price for services reached; some agreement formulated on the location of staff and a set of performance indicators determined.
- 3.5 The arrangement would provide increased resilience and produce some immediate savings whilst providing a model for further expansion should other partners wish to take up a similar arrangement.
- 3.6 The mechanics of the operation could be a service level agreement (SLA) with North Yorkshire County Council offering a price for the delivery of a combined back office package to Selby.
- 3.7 The SLA could be delivered using the combined resources of North Yorkshire County Council and Selby District Council without major issues of relocation and without unwarranted travelling between Northallerton and Selby.
- 3.8 Perhaps of greater potential impact for both the organisations and the communities served lies in the locality service delivery described next.

## **4 Locality services**

- 4.1 One of the strengths of the Selby model is its move towards generalists working in communities and developing close links with their patch. This could

be dismissed as merely a walking one-stop-shop but actually presents some real opportunities for joined up, relevant services to the community served by both organisations.

- 4.2 Where work can be carried out by generalists, a number of advantages can be attained:
- Service economies
  - Job enrichment for individual members of staff
  - Resilience
  - A sharing of expertise
  - A more joined up experience for the client
- 4.3 I am not advocating that there is a forced fit into generalist posts but I genuinely believe that the generalist is an important, and often undervalued, part of the team.
- 4.4 The generalist Community Officers in Selby already deal with a whole range of services to residents and businesses (in addition to providing a local resource for elected members). I believe that there is tremendous potential to increase their number and scope by combining them with a County resource already on the ground in Selby.
- 4.5 Some work has already been undertaken on candidates for generic working and there is evidence that a worthwhile proportion of current North Yorkshire County Council activity on the ground could fall into this category. Appendix B identifies some examples of work which could lend itself to generic working.
- 4.6 Exploration is also being undertaken on how these remote workers can best be supported via IT solutions. If we can support our staff in the field and take advantage of the economies of joint working I would suggest, based on evidence of the Selby District Council restructure, that it could be possible to release 20% or more of the current staffing costs either as a saving or to be reassigned to other work. North Yorkshire County Council currently spend over £20m on staffing in Selby District.
- 4.7 The Selby Community Officers are currently supported by specialists and professionals. An expanded community team could equally be supported by a wider range of specialists who could be either County or District employees.
- 4.8 For professional/specialist staff retained within the County structure, I envisage that Access Selby could commission these support services as they would for any other HQ services such as Legal and Finance. Again, I exclude those large scale services which would continue to be delivered on a countywide basis.

- 4.9 I would also expect that work commissioned from Access Selby by the County would be subject to a specification or service level agreement and be monitored through relevant but, hopefully, a limited number of key indicators which would be outcome based wherever possible.
- 4.10 A question to be addressed is whether the monitoring would be done from the centre or by the joint appointment... the County's "branch manager" on the ground.

## **5 What have we tested so far?**

- 5.1 In the limited time available, fully testing every element of the concept has not been feasible. We have, however, been able to explore the practicalities of some of the elements as a proxy for the model as a whole.
- 5.2 In relation to back office, or HQ services, we have made headway in the following:
- Financial Services – exploring the provision of technical accountancy support from North Yorkshire County Council which could be a pre-cursor to the provision of a unified finance function by North Yorkshire County Council using staff based at Northallerton and Selby.
  - Legal Services – a jointly appointed legal manager at Selby which, again, could be a pre-cursor to the provision of a unified legal function by North Yorkshire County Council using staff based at Northallerton and Selby.
  - Communications – an initial commitment to joint web site hosting; a longer term potential for a shared content management system; a centralised web design resource and a hub and spoke arrangement for general communications.
  - Contact Centre – a potential easy win. Exploring the option of using the County customer relationship management (CRM) system to provide a single contact centre serving Selby and the County. The provision of a single number for local government services in Selby would be seen as a major improvement for our residents. The move would also enable a reduction in the total numbers of FTE staff engaged.
  - Income collection – exploring if the County Council and Selby District Council would benefit from some form of shared service arrangements around income collection - in particular Internet Payments and Telephone Payments processed through the Customer Contact Centre.
  - Planning policy – exploring the potential for closer working on shared evidence base, strategic planning applications, use of enforcement function and more joined up input to local plans and strategic planning.
- 5.3 In relation to locality services, two strands have been pursued. The first is a desk top analysis of North Yorkshire County Council staffing resource on the ground in Selby and a mapping exercise against a generic job description.

This work is at an early stage. The second strand was to work with North Yorkshire County Council staff in the Selby locality to elicit practical examples of potential improvements through collaborative working. Part of this exercise included job shadowing by some staff at a local level. There has been an encouragingly positive response from staff in this respect and, to give a flavour of the perceived potential, I have included some of the comments and suggestions received from staff at Appendix C.

## **6 The story so far**

6.1 For ease of reference, the main points of the proposal so far are:

- HQ services to be provided by North Yorkshire County Council
- Large scale services to continue to be provided on a countywide basis
- Expansion of the Community Officer team to take in North Yorkshire County Council generic functions
- Robust challenge to maximise generic activities
- Retention of specialist/professional roles (focussed use)
- Specialist/professional roles could be Access Selby or HQ based
- Commissioning of HQ and specialist services by Access Selby as appropriate
- Service commissioning by North Yorkshire County Council from Access Selby as appropriate

## **7 The role of the Chief Executives**

7.1 In a new joint working relationship between North Yorkshire County Council and Selby District Council there would be the opportunity for innovative joint leadership arrangements. The new Selby District Council Chief Executive post would be part time with the balance of the post holder's time being incorporated into a new role of Assistant Chief Executive within the County Council with an assigned portfolio of service responsibilities. It is envisaged that the Chief Executive of the County Council would work closely with the post holder in both of these roles. The County Council Chief Executive would work closely with the District Council Chief Executive to provide shared Executive Leadership of Place i.e. Selby District. The County Council Chief Executive will also be well placed to help provide guidance, advice and development opportunities for a new post holder in the position of Selby District Council Chief Executive.

7.2 It would be envisaged that the Chief Executive of the County Council would from time to time hold meetings with the Leader of Selby District Council (and other senior politicians when necessary) to help provide an additional senior management view on on-going issues within the District and in terms of broader strategic threats and opportunities. This type of engagement would also provide the opportunity to ensure that the political leadership of both



Selby District Council and the County Council had a similar view of issues that affected the communities of Selby District and that there was the opportunity for politicians from both organisations to identify opportunities for more effective working arrangements between the two Councils. On-going dialogue of this nature would also provide opportunities to keep the partnership under ongoing review, to prevent difficult issues from getting out of proportion and to provide early resolution to any points of conflict that could arise.

## **8 How does this fit in to our direction of travel?**

- 8.1 Examination of the Corporate Plans for both organisations show a high degree of similarity of purpose. From the mission statements:

North Yorkshire County Council

*"We want North Yorkshire to be an even better place for everyone to live, work or visit"*

Selby District Council

*"To improve the quality of life for those who live and work in the district"*

Through to individual objectives:

- good access for all
- safe communities
- flourishing economy
- supporting vulnerable people
- improved health and wellbeing

There is a commonality which is clear.

- 8.2 Further similarity of purpose can be detected in the themes chosen by Selby District Council in its Programme for Growth:

- Jobs
- Housing and infrastructure
- Leisure and well-being
- Retail

There is a real opportunity to ensure that the actions of each organisation are co-ordinated to achieve the greatest impact for the community given these shared objectives.

- 8.3 Though community budgeting has enjoyed varying degrees of support under various guises by successive governments, I can't help but feel that this collaboration project has the opportunity to form a practical start to community budgets in this locality. Encouraging other partners to come on board will be much easier if we can demonstrate that two local government bodies can not only make it work but also deliver a better result for the community as a consequence.

## 9 Is it worth pursuing?

- 9.1 The short answer is an unequivocal Yes. There is sufficient to be gained for our community and the two organisations to press ahead with this initiative without delay.
- 9.2 There are savings to be made from both the back office and localities which could either be used to address budget cuts or be reallocated to other services or activities.
- 9.3 The only things that will hold us back are lack of ambition or lack of commitment. If we are determined to make it happen we will achieve our goal. That is not to say that the project is without its risks and these are covered in the next section of this report.

## 10 The risks

- 10.1 In testing out the concept, I have deliberately avoided starting from the identification of risks, problems and potential barriers. This is a debilitating approach which can result in a list of reasons why you should never try anything.
- 10.2 Nonetheless, the following issues, in particular, would have to be addressed as part of the implementation stage:

### HR

- Staff resistance
- Terms and conditions
- Potential redundancies
- Impact for the rest of County outside of Selby

### Accommodation

- Dealing with redundant resources
- Location issues
- IT support

### Inter-authority charging

- SLA creation, refinement and monitoring
- Sharing savings
- Management costings
- Sharing capital expenditure

### Timescale

- Speed of implementation
- Resources allocated

### Accountability

- Who manages a joint resource?
- How are they held accountable?

#### Governance

- Reporting lines
- Key indicators
- Joint boards?

10.3 None of these issues need be deal breakers. If the commitment is there to make it work, a solution can be found to each of the issues.

## 11 The implementation

11.1 If the two authorities sign up to the collaboration, I would suggest the following pre-requisites for a successful implementation:

- A short timescale – we need to show that this is for real and that we will not let it drag out and/or be kicked into the long grass
- A dedicated resource – we should put our best people on this and backfill temporarily. This will underline our commitment, concentrate minds and secure the best result. The stance should be that this is a team effort and we should ensure the team has the requisite skills to deliver.
- Commitment from the top – success will require political and managerial will to be unwavering.
- Leadership – the practical implementation will require the Chief Executives of both authorities to be personally and actively involved. This will involve not just talking the talk but walking the walk. Daily involvement and direction by the Chief Executives will be essential... not just a nice to have.
- Pragmatism – aiming for perfection is aiming to fail. We need something that works rather than conforms and not everything will work perfectly first time. We should be willing to learn from experience and refine the model.
- Inclusivity 1 – we should start from the position that all elements of all services can be included in the collaboration and add to the exclusions list only after rigorously testing the options and sign off by the Chief Executives.
- Inclusivity 2 – improvements can be generated from all parts of the organisation. There is a real benefit to be had from tasking smaller working groups with brainstorming solutions.
- Sustainability – whatever we do in the implementation has to produce long term sustainability. Workarounds are fine but a longer term solution has to be planned.
- Expandability – the current project involves North Yorkshire County Council and Selby District Council. The longer term aim must be to include other districts and this should be borne in mind during this

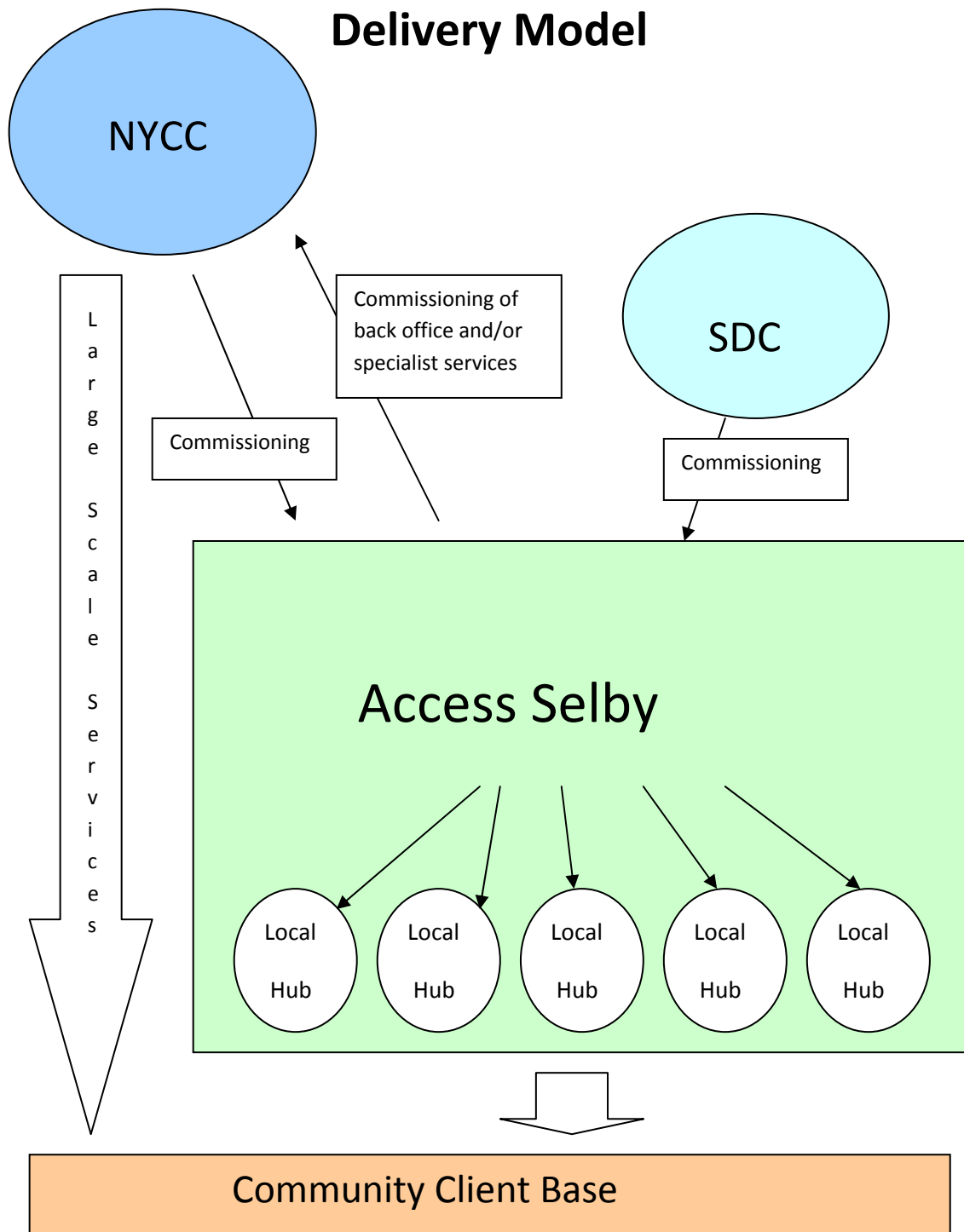
implementation. Everything we do must be scalable.

## **12 The appointment**

- 12.1 If the two councils commit to taking the project forward, the replacement for Martin Connor will be a joint appointment. A job description for this post is included at Appendix D.
- 12.2 SOLACE Enterprises have been engaged for the recruitment process and Richard Flinton, North Yorkshire County Council Chief Executive will join three Councillors from Selby on the appointment panel.

## **13 Recommendations**

- 13.1 Selby District Council and North Yorkshire County Council are recommended to accept that the concept of collaboration between the two organisations is proven and to commit to its implementation on the lines set out in this report.



## Potential Areas for generic joint working

Contact Centre – combined provision

Community Officer Teams - expanded

CEF Community Hubs – expanded to include:

- Libraries
- Children's Centres
- Youth Support Centres
- Leisure Services
- HAS/Voluntary Drop in/Day Centres

Housing Support

Benefits & Financial Assessment

START Teams

Targeted/prevention services

Youth Services

Homelessness Prevention

Equipment & Adaptations

Personal Care at Home

Parent Support

Family Support

Fly Tipping

Highways – reporting and monitoring

Trading Standards – non-professional

### **Staff suggestions and comments**

The following suggestions came forward from staff in the two authorities. Some of the suggestions have already been taken up and some are more practical, or would make a greater impact, than others. They are largely unedited but, importantly, reflect the level of enthusiasm by the staff engaged in the project for more collaborative working between the two organisations to the benefit of our community.

#### ***Buildings and accommodation***

- Shared accommodation could be a possibility
- Services could be better placed and/or distributed with access to both teams' premises
- Store sand and sandbags in one location
- Basic repair work to buildings can be expensive and time consuming. There may be some mileage in linking into Selby District Council contracted services

#### ***Systems and support***

- Use of North Yorkshire County Council electronic diary system could help District staff to manage room lettings.
- 'Tell us Once' service which North Yorkshire County Council now offer to anyone who registers a birth or death could be expanded to district services
- Both local North Yorkshire County Council and Selby District Council teams should be given really good quality, accessible information
- Creation of a sub-site for Selby's web site using North Yorkshire County Council's contract
- Using customer insight information to help in terms of Selby website design
- Sharing of IT equipment and stationery requirements, and possibly IT systems
- Customer Contact Centre integration

#### ***Non-staff resources***

- Buying and storing salt for Selby District Council

## Services

- Coordinate street cleansing in the urban areas
- Liaise with Access Selby over any traffic management North Yorkshire County Council might be putting up so they can clean difficult areas of road
- Selby Council could develop facilities for disabled children in the Selby area (at the leisure centre for example), then the travel costs will reduce and North Yorkshire County Council could support Selby District Council through purchasing the facilities from them rather than from other external providers.
- Public Rights of Way work and potentially some Trading Standards duties (e.g. no cold-calling, checking local shops/premises selling to under age) is possible.
- Combine the planning services with consideration needed as to what element would remain local, based in Access Selby and what would be a HQ function.
- Shared service arrangements around income collection pulling together the methods by which customers can pay by electronic means
- Benefits Advice and Financial Assessment work could be integrated. NY currently employs 1 x Benefits Advisor. Access Selby's Community Officers currently provide general Benefits Advice and assistance in addition to making specific visits to people to identify whether they qualify for a Taxation Disabled down Banding
- Equipment Fitting - both organisations have separate people fitting equipment
- Adaptations referrals – Currently all adaptations referrals are sent directly to NY. The Community Officers could carry out an initial assessment and signpost the customer better and reduce double handling.
- Assessment referrals – Currently all assessment referrals are sent directly to NY. The Community Officers could, where possible, carry out a 'pre-assessment' with clients they are already dealing with prior to referral. Again reducing double handling.
- Disabled Facilities Grants – these Mandatory Grants are administered by the Council (as the Local Housing Authority). Grant approval is made with support from the Home Improvement Agency and North Yorkshire's Occupational Therapy Team –further investigation work is required to determine whether this could be processed differently and thereby reducing the need for Access Selby's involvement.
- Out of Hours Service
- North Yorkshire's START and Access Selby's Housing Support Officers currently duplicate a great deal of work – they share the same clients and both carry out Risk and Needs assessments. The Support Officers are partially funded by Supporting People and install



Telecare on behalf of North Yorkshire. Supporting this, demand for START is unmanageable in the team and has resulted in the Social Care Coordinators assisting to carry out this work and thus impacting on their own delivery of work.

- The Community Officers and the Social Care Coordinators both deal with clients in a front line capacity and seek support from area specialists when dealing with more complex matters. This could be integrated into one team.

### ***Staff and training***

- Joint meetings and training
- Sharing some training courses
- Can Selby District Council workforce salt P1 footways?
- Can Selby District Council drivers drive North Yorkshire County Council gritters?
- Could Selby District Council refuse collection teams check whether North Yorkshire County Council salt bins need refilling?
- Put North Yorkshire County Council Development Control Engineer in Selby District Council's offices a couple of days a week
- Community Officers – get them to work closely with North Yorkshire County Council Highway Inspectors
- Get the Highway Inspectors out “on the beat”
- Community Officers – could identify dangerous defects, unlicensed skips (income), unlicensed scaffold (income), illegal signs
- Instruct staff not to say “That’s not us, it’s a Selby District Council issue” or “that’s not us, it’s a County issue”
- Staff having a co-ordination role across the two authorities so that rather than us passing the contact details on to the public about Selby District Council services, North Yorkshire County Council take responsibility to ensure that issues are picked up and dealt with, and vice versa
- Develop local services with the voluntary sector and others.
- Shared staffing of activities and shared resources

# Draft Job Description

## EMPLOYER SELBY DISTRICT COUNCIL

### JOB DESCRIPTION

#### JOB TITLE:

- Chief Executive Selby District Council
- Assistant Chief Executive (Customer Services)

#### ACCOUNTABLE TO:

- Leader Selby District Council (on behalf of the Council) and
- Chief Executive North Yorkshire County Council

#### RESPONSIBLE FOR:

- Selby District Council
- Customer Services for North Yorkshire County Council

### JOB PURPOSE

#### **Selby District Council**

- To act as the Council's Head of Paid Service and fulfil the statutory responsibilities required of this role.
- To provide strong, inspirational and effective leadership and direction to the Council's Strategic Management Team and to all Council employees, promoting and facilitating joined up working across the Council.
- To manage the interface between Elected Members and Officers, support the democratic processes, and act as the Council's principal advisor on policy options and professional matters.
- To secure the staff and other resources needed to deliver high quality, cost effective services.

- To promote the effective management and development of all the Council's employees and ensure they are consulted, empowered and valued.
- To ensure the Council fulfils its role as Community Leader through determining, in partnership with Elected Members, the LSP and others, the key priorities for the local community.
- To lead the development of a Sustainable Community Strategy which will address those priorities and realise Selby's full potential.
- To develop a strategic vision and key priorities for the authority which will guide its work, assist the Council to allocate resources effectively, and deliver its agreed contribution to the Sustainable Community Strategy.
- Ensure the development, implementation and monitoring of robust financial planning processes in order to meet the Council's priorities and achieve a balanced budget.
- To work closely with Elected Members and Officers to ensure that the Council's vision and priorities are achieved through developing appropriate strategies, policies and plans and translating these into effective action.
- To embed a performance management culture throughout the organisation, driving the continuous improvement of services
- Ensure effective scrutiny arrangements are in place in accordance with statutory requirements and regulation.
- To champion a customer-focussed ethos within the Council and ensure effective and efficient service delivery against agreed standards.
- To ensure there is an effective internal and external communication strategy in place.
- To ensure that internal and external communications are consistent and effectively managed
- To represent the Council and act as advocate and ambassador for Selby District Council in all external relationships

## **North Yorkshire County Council**

- Have professional responsibility for the leadership, strategy and effectiveness of (TBC) for North Yorkshire County Council. Responsible for providing and securing the provision of services which address the needs of customers of Selby District Council and North Yorkshire County Council working closely with other local partners to improve the services for communities.
- As a member of North Yorkshire County Council Management Board and individually, have corporate responsibility for services, assist corporate leadership and strategic direction and actively support the development and delivery of the vision and objectives of both councils.
- Drive and deliver change to achieve continued excellence, efficiency and improved customer service.
- Promote diversity and inclusion across the services of Selby District Council and (TBC) for North Yorkshire County Council in terms of service delivery, policy development, partnership working and staff management.
- Lead the North Yorkshire County Council's (TBC)

## ACCOUNTABILITIES / MAIN RESPONSIBILITIES

<p><u>Corporate Leadership &amp; Management</u></p>	<p>In order to ensure the corporate management of the authorities at a senior level and in the execution of the Selby District Council and North Yorkshire County Council functions:-</p> <ul style="list-style-type: none"> <li>• Serve as a member of the Management Board/Management Team, delivering to the corporate agenda of the two authorities</li> <li>• As a member of the Management Board/Management Team to be accountable for the overall management, resources and performance of the Councils.</li> <li>• Lead on Selby District Services and Customer Services and other related strategies on behalf of North Yorkshire County Council;</li> <li>• Manage a portfolio of North Yorkshire County Council services and functions to be high performing and deliver excellent customer service engendering an approach of continuous improvement.</li> <li>• Develop and implement service and financial plans to provide cost effective services which deliver agreed objectives, priorities and improvements in the context of both Councils' strategies and plans.</li> <li>• Ensure stretching targets and measurable outcomes are agreed with the Chief Executive North Yorkshire County Council and Leader of Selby Council and that these are properly and regularly monitored and managed.</li> </ul> <p>As a member of North Yorkshire County Council's Management Board and lead officer for Selby District services have responsibility to:-</p> <ul style="list-style-type: none"> <li>• Support both Councils and their Executives in improving services to people in North Yorkshire and prioritising the use of resources.</li> <li>• Lead the development and implementation of strategies to ensure the achievement of the corporate objectives and performance targets in the Council Plans, and actively promote and develop the Council Plans.</li> <li>• Be accountable for the overall management, resources and performance of the County Council, Selby District Services and Customer Services.</li> <li>• Ensure management plans and strategies are regularly reviewed and updated to support performance improvement.</li> <li>• Ensure the policies and services provided or commissioned by the County Council and Selby District Council are fit for purpose.</li> <li>• Monitor the performance of the County Council's and Selby District Services and lead on corrective action</li> </ul>
---	--

	<p>where performance falls short of policy objectives and service needs.</p> <ul style="list-style-type: none"> <li>• Develop, deliver and support the County Council and Selby's change programmes</li> <li>• Develop and sustain effective working relationships and partnerships with significant local and regional partners</li> <li>• Keep the Leader and Executive of Selby District Council and Board of Access Selby informed of matters affecting the performance of Selby District Council</li> <li>• Keep the North Yorkshire County Council Chief Executive informed of all matters affecting the performance of his role as Chief Executive of the County Council, including giving advance notice of Executive business.</li> <li>• Keep the Councils' Executive and Management Boards/Management Teams informed of proposals which have significant financial and service implications for the County Council and Selby District.</li> <li>• Keep the Leader of Selby District Council, Executive Members and relevant Group Spokespersons appraised of matters within the post's responsibilities which are particularly sensitive or controversial in nature. In particularly form strong partnerships with the Lead Members.</li> <li>• Ensure services are reviewed and opportunities taken to promote continuous improvement and realise greater efficiencies</li> </ul>
<p><b><u>Leadership &amp; Management</u></b></p>	<ul style="list-style-type: none"> <li>• To support both Councils, Executives and Access Selby Board in improving services for Selby and (TBC) for North Yorkshire County Council</li> <li>• Take responsibility for the services and functions of Selby District Services and allocation of (TBC) for North Yorkshire County Council</li> <li>• Work with Local Government North Yorkshire and York (LGNYY), the LEPs and other strategic partners and lead partnership working for areas of service</li> <li>• Lead and coordinate both Councils' delivery of the Selby District Services and (TBC) for North Yorkshire County Council</li> <li>• Work in partnership with colleagues in Selby District Council and key delivery partners in ensuring the best possible impacts from Council resources</li> <li>• Establish a culture and approach that encourages and promotes performance management and improvement.</li> </ul>

<b><u>Health &amp; Safety</u></b>	<ul style="list-style-type: none"> <li>• Be aware of and implement your health and safety responsibilities as an employee and, where appropriate, any additional specialist or managerial responsibilities as defined in the Health &amp; Safety policies and procedures.</li> </ul>
<b><u>Equal Opportunities</u></b>	<ul style="list-style-type: none"> <li>• Promote, implement and monitor the operation of both Councils' Equal Opportunities policies, practices and procedures.</li> </ul>

**This is a politically restricted post as defined by the Local Government and Housing Act 1989.**

**Local Government in North Yorkshire is dynamic which recognises the need to respond flexibly to changing demands and circumstances. Whilst this job outline provides a summary of the post, this may need to be adapted or adjusted to meet changing circumstances. Such changes would be commensurate with the grading of the post and would be subject to consultation.**

**In relation to Data Protection, Information Security and Confidentiality, all staff are required to comply with the Councils' policies and supporting documentation in respect of these issues.**

**Date Issued:**

**PERSON SPECIFICATION**

<b>CRITERIA</b>	<b>ESSENTIAL</b>	<b>DESIRABLE</b>
<p><b>Qualifications &amp; Training</b></p> <ul style="list-style-type: none"> <li>- Degree or equivalent</li> <li>- Relevant professional and/or managerial qualification</li> </ul>	<p>✓</p>	<p>✓</p> <p>✓</p>
<p><b>Experience</b></p> <ul style="list-style-type: none"> <li>- Able to demonstrate significant management experience at a senior level in a major public, private or voluntary organisation</li> <li>- A proven track record of significant achievement in delivering service(s) in a local authority</li> <li>- Significant experience of working in a political environment</li> <li>- Significant experience of managing services / functions at a senior level within large, complex public sector organisations.</li> <li>- A proven track record of achievement, exploiting new opportunities and winning commitment as a leader in a large, complex and challenging organisation. To include experience of leading service delivery for local communities.</li> <li>- Significant experience of budgetary responsibility including the successful management of large and complex budgets, and the delivery of savings.</li> <li>- Successful strategic and operational budget and staff management in a large complex organisation.</li> <li>- Successful strategic leadership and a proven track record of delivering tangible results and value for money services operating in a corporate as well as service specific context.</li> <li>- A demonstrable track record of leading, motivating and inspiring large multi-disciplinary teams to achieve success.</li> <li>- A record of working successfully with partners, both</li> </ul>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	

<p>internally and externally, to achieve common goals.</p> <ul style="list-style-type: none"> <li>- A track record of working to manage conflicting national and local priorities.</li> <li>- A track record of leading successful major organisational and culture change including effective industrial relations to put the customer at the heart of service delivery.</li> <li>- Evidence of building and maintaining reputation management.</li> <li>- Able to work corporately for the benefit of the wider authority</li> </ul>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	
<b>Skills &amp; Knowledge</b>		
<ul style="list-style-type: none"> <li>- Strategic planning skills and the ability to set high quality goals, objectives and priorities and the determination to secure their achievement.</li> <li>- Highly competent in strategic management with the ability to interpret management information and develop strategy.</li> <li>- An effective and persuasive communicator with the ability to relate to people at all levels including the media.</li> <li>- Able to work effectively with others, managing performance and promoting team working and co-operation within both Councils as a whole and across partners/providers.</li> <li>- Clearly demonstrate leadership qualities and be capable of taking a leading role in initiating action and making decisions.</li> <li>- Able to demonstrate a high degree of probity and work within the constraints of a publicly funded service</li> <li>- Able to display commercial/business awareness and the ability to gain and sustain customer confidence</li> <li>- Ability to successfully work corporately across all service areas</li> <li>- Good understanding of effective governance within a large organisation</li> <li>- Ability to work effectively with members</li> </ul>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	



<ul style="list-style-type: none"> <li>- Ability to work jointly in a proactive and positive way with partners</li> <li>- Significant understanding of the national agenda influencing Local Government and the wider public sector.</li> <li>- Understanding of issues affecting local communities and the ability to develop local strategies and solutions to respond to these.</li> <li>- Ability to work with communities and other stakeholders including partners and elected members to deliver community-based solutions.</li> <li>- Knowledge and understanding of the legislative framework within Local Government and issues relevant to the service responsibilities.</li> </ul>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	
<b>Other Requirements</b>		
<p>A thorough understanding of:</p> <ul style="list-style-type: none"> <li>• the workings of Local Government finances and including knowledge of related legislation and funding arrangements</li> <li>• ○ wider issues facing Local Government, at a time of intense change</li> </ul>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	

# Acknowledgements

Though I take full responsibility for the content of this report, I would like to gratefully acknowledge the help and support I received its compilation. Without the support from the management and staff of the two organisations I could not have completed the task in the timescale allotted.

Whilst it would be impossible to name everyone who contributed in some way, I feel that the following individuals and teams should be recognised:

## ***North Yorkshire County Council***

- The Management Board
  - Richard Flinton
  - Gary Fielding
  - Helen Taylor
  - Justine Brooksbank
  - David Bowe
  - Carole Dunn

Carolyn Bird	Richard Marr
Peter Bright	Ellen McMillan
Rob Davisworth and Team	Vicky Perkins
Helen Edwards	Jackie Ridley
David Fincham	Meg Snape
Sarah Foley	Louise Stockton
Debbie Hogg	Amanda Sykes
Neil Irving	Andrew Terry
Judith Lambert and Team	Kevin Ward
Jon Learoyd	

## ***Selby District Council***

- The Corporate Management Team
  - Jonathan Lund
  - Karen Iveson
  - Rose Norris
  - Mark Steward
  - Janette Barlow
  - Keith Dawson

Suzanne Collins  
Helen Drye  
Mike James  
Simon Parkinson

Jodie Taylor  
Sarah Thompson and Team  
Rob Williams

And to:

- Amanda Fry
- Kate Groves
- Louise Heaps
- Christine Smith
- Alison Davison
- Ann Haller

For keeping me on the straight and narrow



## Public Session

Report Reference Number C/12/26

Agenda Item No: 7

---

**To:** Council  
**Date:** 23 April 2013  
**Author:** Glenn Shelley, Democratic Services Manager  
**Lead Officer:** Karen Iveson, Executive Director (S151)  
**Executive Member:** Councillor Mark Crane

---

### **Title: Overview and Scrutiny Committee Work Programmes**

#### **Summary:**

This report presents the Overview and Scrutiny Committee Work Programmes to Council for approval.

#### **Recommendation:**

**That the Work Programmes be approved by Council.**

#### **Reason for Recommendation:**

**That the Council ensures the contribution of Scrutiny is effective in supporting service improvement and delivery against district wide and Council priorities.**

- 1. Introduction and background**
  - 1.1** The adoption of a revised constitution and an Executive system from May 2011 has placed an increased emphasis on the role of Overview and Scrutiny within Selby District Council.
  - 1.2** The Constitution identifies that the two statutory Overview and Scrutiny Committees of the Council are Policy Review and Scrutiny. Audit Committee also undertakes work that contributes to effective scrutiny.
  - 1.3** The Constitution states that 'Each year all Overview and Scrutiny Committees will formulate a work programme setting out their planned work for the year ahead.' It also states that Overview and Scrutiny Committees will take into account the views of the Executive before presenting their Work Programme to Council.

1.4 The Work Programmes were received by the Executive on 7 March 2013 and are now presented to Council for approval.

## 2. The Report

2.1 The Work Programmes (attached at appendices A, B and C) have now been to discussed at length by each Committee and have received significant input from councillors.

2.2 It is acknowledged that Scrutiny is resource intensive for both councillors and officers.

2.3 The Constitution does allow for amendments to be made to the Work Programmes once they have received Council approval. Adjustments can be made by the individual Committees to allow for the scrutiny of topics which may arise later in the year.

## 3. Legal/Financial Controls and other Policy matters

### 3.1 Legal Issues

Any legal issues arising will be identified in the relevant report at the time of consideration by the Committee.

### 3.2 Financial Issues

There is a 2.5k budget available for the ad hoc costs associated with the support of any Task and Finish Groups. Officer time in supporting each committee will be closely monitored.

## 4. Conclusion

4.1 That Council considers the appended Work Programmes and approves them for the 2013/14 Committee year.

### **Contact Officer:**

**Glenn Shelley, Democratic Service Manager**

**(01757) 292007**

**E-mail: [gshelley@selby.gov.uk](mailto:gshelley@selby.gov.uk)**

**Appendices: A – Scrutiny Work Programme**

**B – Policy Review Work Programme**

**C – Audit Work Programme**

**Scrutiny Committee Work Programme 2013/14**

<b>Date of Meeting</b>	<b>Topic</b>	<b>Action Required</b>
<b>18 June 2013</b>	Time of Meetings	To consider and agree a start time for future meetings
	Year End Performance	To receive the Year End Performance Report
	Access Selby Service Provision – Benefits and Taxation	To scrutinise performance of the Benefits and Taxation service
	Minor Injuries Unit at Selby War Memorial Hospital	To receive the latest update concerning the hospital.
	Access Selby Service Provision – Customer Services	To scrutinise performance of the Customer Services.
	National Non-Domestic Rates Task Group Update	Task Group update
	Call In	Provisional Item on the agenda
<b>24 September 2013</b>	1 <sup>st</sup> Quarter Corporate Plan Report	To review performance against the Corporate Plan – Leader of the Council in attendance.
	Waste Collection and Recycling Yearly Review – <b>INFORMATION PAPER ONLY</b>	To receive a written update on the 2 <sup>nd</sup> year Waste Collection Review of Service from Enterprise.
	Abbey Leisure Centre	To receive an update concerning the latest developments on Abbey Leisure Centre.
	Health	To scrutinise Health provision across the District.
	Street Cleaning	To scrutinise street cleaning provision.
	Police and Crime Panel Update	To receive an update from the Police and Crime Panel on their work scrutinising the work of the Police and Crime Commissioner.
	Call In	Provisional Item on the agenda
<b>21 January 2014</b>	2 <sup>nd</sup> Quarter Corporate Plan Report	To review performance against the Corporate Plan – Leader of the

		Council in attendance.
	Transport Provision	To scrutinise the provision of transport across the District.
	Access Selby Service Provision - Enforcement	To scrutinise performance of the Enforcement service
	Call In	Provisional Item on the agenda
	Crime and Disorder Update	To review the levels of crime and disorder across Selby District – NYP and CSP representatives in attendance.
<b>Feb/March 2014</b>	Nigel Adams MP	To ask questions of the Selby and Ainsty MP regarding issues of concern for Councillors and local residents.
<b>22 April 2014</b>	3 <sup>rd</sup> Quarter Corporate Plan Report	To review performance against the Corporate Plan – Leader of the Council in attendance.
	Scrutiny Committee Work Programme 2014/15	To agree the Scrutiny Work Programme for 2014/15
	Scrutiny Annual Report 2013/14	To discuss the Scrutiny Annual Report for 2013/14
	Access Selby Service Provision - Assets	To scrutinise performance of the Assets service
	Police and Crime Commissioner (PCC) – North Yorkshire	To invite the PCC to give an update on their role and responsibilities
	Call In	Provisional Item on the agenda

- Please note that any items ‘called in’ will be considered at the next available meeting.
- Councillor Call for Action will also be considered at the next available meeting.

**Policy Review Committee Work Programme 2013/14 – Appendix B**

<b>Date of Meeting</b>	<b>Topic</b>	<b>Action Required</b>
4 June 2013	Time of Meetings	To agree a start time for meetings for 2013/14
	Work Programme	To consider the Committee's Work Programme for 2013/14
	<u>Executive Requested items</u> Affordable Housing SPD	To consider the Executive's policy decision from May and offer amendments to the Executive
	<u>Executive Requested items</u> Planning Conditions	To consider on behalf of the Executive motions put to Council from the Labour Group
16 July 2013	<u>Budget and Policy Framework</u> The State of Area Address and the draft Corporate Plan  Council 25 June	To consider the Leader's State of the Area Address.
	<u>Committee Requested items</u> Section 106 Policy	To consider the Council's existing policy and offer amendments to the Executive



	<b><u>Committee Requested items</u></b> Renewable Energy Strategy	To consider the Council's existing policy and offer amendments to the Executive
15 October 2013	<b><u>Budget and Policy Framework</u></b> Financial Strategy	To consider the Executive's proposals for the Council's long term (10 year), resource and spending framework in which the budget strategy and three year financial plan will be developed.
14 January 2014	<b><u>Budget and Policy Framework</u></b> Draft Budget and Medium Term Financial Plan	To consider the Executive's proposals for revenue budgets and the capital programme for 2014/2015.
15 April 2014	<b><u>Constitutional Requirement</u></b> Policy Review Annual Report 2013/14 and Work Programme 2014/15	To review the Policy Review Annual Report and approve the Draft Work Programme for 2014/15

**Audit Committee Work Programme 2013/14 – Appendix C**

<b>Date of Meeting</b>	<b>Topic</b>	<b>Action Required</b>
26 June 2013	<b><u>Committee Requested Item</u></b> Introduction to the Audit Committee	
	<b><u>Committee Requested Item</u></b> Time of Meetings	To agree start time of Audit Committee meetings for 2013/14
	<b><u>Committee Requested Item</u></b> Audit Committee work programme 2013/14	To consider the Committee's Work Programme for the year ahead.
	<b><u>Committee Requested Item</u></b> Internal Audit Annual Report 2012/13	To consider the Internal Audit Annual Report for 2012/13.
	<b><u>Committee Requested Item</u></b> Localised Business Rates	To consider the new funding regime in respect of localised Business Rates
	<b><u>Committee Requested Item</u></b> Risk Management Annual Report	To consider the Risk Management Annual Report for 2012/13
	<b><u>Committee Requested Item</u></b> Review of the Corporate Risk Register	To review the latest Corporate Risk Register

	<p><b><u>Committee Requested Item</u></b></p> <p>Review of the Access Selby Risk Register</p>	To review the latest Access Selby Risk Register
25 September 2013	<p><b><u>Committee Requested Item</u></b></p> <p>Statement of Accounts (post audit)</p>	To approve the Statement of Accounts
	<p><b><u>Committee Requested Item</u></b></p> <p>Annual Governance Statement</p>	To approve the Annual Governance Statement
	<p><b><u>Committee Requested Item</u></b></p> <p>Audit Commission's Annual Governance Report and Opinion on the Financial Statements</p>	To receive the Audit Commission's Annual Governance Report and opinion on Financial Statements
	<p><b><u>Committee Requested Item</u></b></p> <p>Counter Fraud Annual Report</p>	To review the Counter Fraud Annual Report
	<p><b><u>Committee Requested Item</u></b></p> <p>Internal Audit Quarter 1+Report 2013/14</p>	To review progress against the Internal Audit Plan

15 January 2014	<b><u>Committee Requested Item</u></b> Annual Governance Statement – Action Plan Review	To review progress against the AGS Action Plan
	<b><u>Committee Requested Item</u></b> Internal Audit Quarter 2+ Report 2013/14	To review progress against the Internal Audit Plan
	<b><u>Committee Requested Item</u></b> Annual Audit Letter	To receive the Audit Commission’s report on the 2012/13 Audit and Value for Money conclusion
	<b><u>Committee Requested Item</u></b> Review of Risk Management Strategy	To review the Risk Management Strategy
	<b><u>Committee Requested Item</u></b> Review of the Corporate Risk Register	To review the latest Corporate Risk Register
	<b><u>Committee Requested Item</u></b> Review of the Access Selby Risk Register	To review the latest Access Selby Risk Register
16 April 2014	<b><u>Committee Requested Item</u></b> Audit of Grant Claims & Returns 2012/13	To receive the Audit report

	<p><b><u>Committee Requested Item</u></b></p> <p>Annual Governance Statement – Action Plan Review</p>	<p>To review progress against the AGS Action Plan</p>
	<p><b><u>Committee Requested Item</u></b></p> <p>Internal Audit Quarter 3+ Report 2013/14</p>	<p>To review progress against the Internal Audit Plan for 2013/14</p>
	<p><b><u>Committee Requested Item</u></b></p> <p>Internal Charter, Terms of Reference and Audit Plan 2014/15</p>	<p>To approve the Internal Audit Plan 2014/15</p>
	<p><b><u>Committee Requested Item</u></b></p> <p>External Audit Work programme</p>	<p>To receive the Audit Commissions proposals for auditing the financial statements and value for money conclusions for 2013/14</p>
	<p><b><u>Committee Requested Item</u></b></p> <p>Accounts and Audit Regulation 6 Review</p>	<p>To review the Council's Regulation 6 procedures</p>
	<p><b><u>Committee Requested Item</u></b></p> <p>Audit Committee Annual Report 2013/14 and Work Programme 2014/15</p>	<p>To approve the 2013/14 Annual Report and the 2014/15 Work Programme for the committee</p>



- Member on Planning Committee; and if no action is taken in that respect the Council consider the matter further;**
- c) **That Cllr McCartney should undertake one to one training with the Monitoring Officer or his representative on the Code of Conduct; and**
  - d) **That the Council should be asked to review the position in relation to Members being required to sign an undertaking to observe the provisions of the Code of Conduct.**

## **Reasons for recommendation**

The Council has a duty to promote and maintain high standards of conduct by Councillors and co-opted members of the Council. The recommendations in this report seek to enable the Council to undertake that duty by dealing appropriately with Councillors who fail to maintain high standards of conduct.

### **1. Introduction and background**

- 1.1 A complaint about the conduct of Councillor John McCartney at a meeting of the Planning Committee held on 6 March 2013 was made to the Monitoring Officer by the Chair of the Planning Committee, Councillor James Deans.
- 1.2 The complaint is set out in the Complaint form in **Appendix 1**. In accordance with the arrangements for dealing with standards allegations I considered the complaint and sought to identify whether there was a likelihood of an informal resolution of the complaint. There was not. I concluded that if the complaint was found to be proven it would amount to a potential breach of the Code of Conduct. In the circumstances I decided to refer the matter for consideration at a hearing.
- 1.3 The Council has agreed arrangements ('the Arrangements') for dealing with allegations of breach of the Members' Code of Conduct pursuant to the requirements of Sections 28(6) and (7) Localism Act 2011. The Arrangements are set out in **Appendix 3** and the Code of Conduct at **Appendix 4**. The Code of Conduct was agreed by the Council in 2012 and all Members are required, by law, to comply with its requirements. The Council does not, however, require Members to complete an undertaking to comply with the Code.

### **2. The Report and the Complaint**

- 2.1 In accordance with paragraph 10 of the Arrangements, I appointed Carole Dunn, the Monitoring Officer at North Yorkshire County Council to conduct the Hearing on my behalf. The Hearing took place on Monday 8 April 2013 and was attended by the Council's Independent Persons who were consulted upon the matter. The report of the Hearing is attached at **Appendix 2**. This report contains an outline of

the hearing but Members are asked to have regard to the detailed information in the Hearing report in considering this matter.

- 2.2 The Hearing was attended by Councillors Deans and McCartney, and various witnesses. It considered and took into account the complaint, Councillor Deans' submission, Councillor McCartney's submissions, and supplementary information in documents submitted by both Members and information about the incident from others who had been present.
- 2.3 Councillor McCartney is a Member of the Council and he is a Member of the Planning Committee. Councillor Deans is the Chair of the Planning Committee. It was alleged by Councillor Deans that at the Planning Committee meeting on 6 March 2013, during the consideration in public of an application for planning permission, and during the Members' questions stage of the meeting, during an exchange with the Chair, Councillor McCartney interrupted repeatedly, had spoken to the Chairman in a very personally derogatory manner and had sworn at him. The detail of the events as they were described to the Hearing is set out in the report of the hearing in **Appendix 2** to this report.
- 2.4 The Hearing considered verbal evidence provided by a member of the public who was present at the meeting in relation to a planning application, two other elected Members of the Planning Committee, the democratic services officer, the planning lead officer and planning officer. The information from each witness to the events was consistent in reporting that Councillor McCartney had spoken in a derogatory manner to Councillor Deans. Whilst the accounts are not identical they are sufficiently similar to support the account of events at the meeting given by Councillor Deans.
- 2.5 Councillor McCartney explained his position to the hearing. The detail of his account is in **Appendix 2**. He said that he had tried to raise his query with officers and the Chair had interrupted with his own response. Councillor McCartney said that he was entitled to a response from officers, and that he had had a series of questions that he had wanted to follow through with all of them. He referred to other incidents to illustrate that matters he raised were not being responded to appropriately. It was evident that Councillor McCartney had been very frustrated as he considered that issues he was raising at this meeting and on previous occasions were being ignored and brushed aside.
- 2.6 Following his leaving the Hearing, Councillor McCartney had read a written statement submitted by Councillor Deans from another former officer who was present on 6 March at the Planning Committee meeting. Councillor McCartney later wrote to Carole Dunn strongly denying using a certain expletive attributed to him in that statement. Councillor McCartney's e mail is included in **Appendix 2**. Further, on reviewing a draft report of the Hearing and the additional evidence,



Councillor McCartney has written again to vehemently deny using the expletive and his further representations are attached to **Appendix 2**.

- 2.5 Account was taken of all the information provided to the Hearing verbally, and in the documents presented to it. In accordance with the Arrangements it had to be considered, in consultation with the Independent Persons, whether a breach of the Code of Conduct had occurred. If so local resolution could again be attempted, and if not the matter should be reported to Council with recommendations as to sanction.
- 2.6 It was considered whether provisions of the Code of Conduct had been breached. The following potential breaches of the Code were considered:
  1. **You must not behave in a way that a reasonable person would regard as disrespectful to them.**
  4. **You must not bring the Council, or your office as Councillor, into disrepute.**
- 2.7 The conclusion of the Hearing was that it is considered that a breach of the Code of Conduct had occurred for the following reasons.
- 2.8 The first consideration was whether Cllr McCartney's actions could be considered to be such that a reasonable person would regard them as disrespectful. It was acknowledged that Council Members will engage in political wrangling and criticism in the normal course of democratic debate in committees and meetings and that is acceptable. However, the behaviour in question on 6 March 2013 at the Planning Committee went beyond what was acceptable because of the serious nature of the comments that were said to have been used in the witness accounts, the fact that they were directed at the Chairman personally, and the way in which they were used and reiterated in front of the public.
- 2.9 Whilst it was evident that Cllr McCartney was aggrieved that he was not being allowed to make the points that he wanted to, and that he considered such things were happening time and again, the way in which he dealt with the matter was inappropriate and he should have raised those issues differently. It was considered that he had been disrespectful.
- 2.10 Consideration was then given as to whether Cllr McCartney had brought the Council or the office of Councillor into disrepute. The Hearing was mindful in considering this part of the Code that for a breach to occur the reputation of the Council itself or of the office of Councillor, would need to have been brought into disrepute by Cllr McCartney's actions. The Hearing did not consider that the actions in question reflected upon the Council itself, but then gave consideration

as to whether the office of Councillor could have been brought into disrepute.

- 2.11 The Hearing considered that Cllr McCartney had brought the office of Councillor into disrepute. The reasons are set out in **Appendix 2**. Witnesses to the events, experienced within their fields, had been shocked and embarrassed by the events particularly in a public meeting. The Committee was dealing with issues that directly affected the public and the business was disrupted.
- 2.12 Councillor McCartney had left the hearing after the first witness called by the Complainant had been heard and it was not possible to broach any potential for local resolution.

### **3. Legal/Financial Controls and other Policy matters**

#### **3.1 Legal Issues**

The Council has a duty to promote and maintain high standards of conduct by Councillors and co-opted members of the Council. (Localism Act 2011 Section 27) The recommendations in this report seek to enable the Council to undertake that duty by dealing appropriately with Councillors who fail to maintain high standards of conduct.

#### **3.2 Financial Issues**

There are no financial implications arising directly from this report.

### **4 Background Documents**

None

**Contact Officer:** *Jonathan Lund (jlund@selby.gov.uk)*

**Appendices:** **Appendix 1 – Complaint Form**  
**Appendix 2 – Report of the Hearing – 8 April 2013**  
**Appendix 3 – Standards Arrangements**  
**Appendix 4 – Councillors’ Code of Conduct**

Please note **Appendices 1 and 2** to this report are **NOT FOR PUBLICATION**. The Report contains exempt information under paragraphs 1 and 2 Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006

# Arrangements for dealing with standards allegations under the Localism Act 2011

## 1 Context

These “Arrangements” set out how you may make a complaint that an elected or co-opted member of Selby District Council [or of a parish or town council within its area] has failed to comply with that Council’s Code of Conduct, and sets out how the Council will deal with allegations of a failure to comply with the Council’s Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the Council [or of a parish or town council within the Council’s area], or of a Committee or Sub-Committee of the Council, has failed to comply with that Council’s Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the Council to appoint at least one Independent Person, whose views must be sought by the Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage, or by a member [or a member or co-opted member of a parish or town council] against whom an allegation as been made.

## 2 The Code of Conduct

Selby District Council has adopted a Code of Conduct for members, which is attached as Appendix One to these arrangements and available for inspection on the Council’s website and on request at Access Selby in Selby Town Centre.

Each parish or town council is also required to adopt a Code of Conduct. If you wish to inspect a Parish or Town Council’s Code of Conduct, you should inspect any website operated by the parish or town council and request the clerk to allow you to inspect the council’s Code of Conduct.

## 3 Making a complaint

If you wish to make a complaint, please write or email to –

The Monitoring Officer  
Selby District Council  
Civic Centre  
Doncaster Road  
Selby YO8 9FT

Or –

[Insert e-mailbox address here]

The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the standard complaint form, which can be downloaded from the Council's website, next to the Code of Conduct, and is available on request from Access Selby. If you choose not to use the standard form please ensure that you provide us with all of the equivalent information, otherwise we may not be able to deal with your complaint.

Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.

#### 4 Will your complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits further formal action. This decision will normally be taken within 21 days of receipt of your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision.

Where he/she requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the member against whom your complaint is directed. [Where your complaint relates to a Parish or Town Councillor, the Monitoring Officer may also inform the Parish or Town Council or your complaint and seek the views of the Parish or Town Council before deciding whether the complaint merits formal investigation.]

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for further formal action. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the Council. Where the member or the Council make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits further formal action.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

**5** How is further formal action taken?

The Council has adopted the following procedure to deal with misconduct complaints.

If the Monitoring Officer decides that a complaint merits further formal action s/he will arrange a Hearing. The Monitoring Officer will make reasonable efforts to ensure that the date for the hearing is suitable to all parties but will not tolerate unreasonable delay.

The Hearing will be conducted by the Monitoring Officer.

The Complainant will be invited to set out their complaint and show why they think the action(s) complained of represent a breach of the Code of Conduct. The Complainant may call witnesses to support their arguments. The Subject Member will have an opportunity to respond to the Complaint and call witnesses to support their arguments. Both sides may question the evidence and the witnesses.

The Monitoring Officer will seek to establish the facts and may take reasonable steps to ensure that the evidence presented is relevant and pertinent to the matters under consideration.

The Monitoring Officer will then decide whether a breach has occurred and announce his findings. If the Monitoring Officer finds no breach of the Code of Conduct he will close the hearing and close the complaint.

If the Monitoring Officer finds a breach of the Code of Conduct he may, after consulting the Independent Person, seek a local resolution. S/he will consult with the Independent Person and with the complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Council [and the Parish or Town Council] for information, but will take no further action. However, if the Complainant tells the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer will refer the matter to the Council with a recommendation on the appropriate sanction.

**6** What action can the Monitoring Officer recommend the Council to take where a member has failed to comply with the Code of Conduct?

6.1 Publish the findings in respect of the member's conduct;

6.2 Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;

- 6.3 Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 6.4 Arrange training for the member;
- 6.5 Remove [or recommend to the Parish or Town Council that the member be removed] from all outside appointments to which he/she has been appointed or nominated by the Council [or by the Parish or Town Council];
- 6.6 Withdraw [or recommend to the Parish or Town Council that it withdraws] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- 6.7 Exclude [or recommend that the Parish or Town Council exclude] the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Council has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

## 7 What happens at the Council Meeting?

At the Council Meeting the Monitoring Officer will state his decision as to whether the member failed to comply with the Code of Conduct and his recommendation to Council as to any actions which it ought to take. The Council will make the final decision on the matter.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice, and send a copy to you, to the member [and to the Parish or Town Council], and make that decision notice available for public inspection.

## 8 Who is the Monitoring Officer?

The Monitoring Officer is a senior officer of the Council who is appointed to act as Monitoring Officer in addition to his/her other duties. The Monitoring Officer has an independent statutory duty to report on any action or proposal by Selby District Council which would be unlawful, in breach of a statutory code or give rise to maladministration or injustice.

The Monitoring Officer at Selby District Council is also the Council's Deputy Chief Executive

In addition, the Monitoring Officer has responsibilities in connection with the Councillor Code of Conduct and enacting the arrangements (these arrangements) for dealing with allegations under the Localism Act 2011.

## 9 Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.

A person cannot be “independent” if he/she –

- 9.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the Council;
- 9.2 [Is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the Council’s area], or
- 9.3 Is a relative, or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, “relative” means –
  - 9.3.1 Spouse or civil partner;
  - 9.3.2 Living with the other person as husband and wife or as if they were civil partners;
  - 9.3.3 Grandparent of the other person;
  - 9.3.4 A lineal descendent of a grandparent of the other person;
  - 9.3.5 A parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;
  - 9.3.6 A spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or
  - 9.3.7 Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

## **10** Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Monitoring Officer the discretion to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

## **11** Appeals

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer.

If you feel that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.



---

## CODE OF CONDUCT FOR SELBY DISTRICT COUNCIL

---

Selby District Council (“the Council”) adopted this code of conduct on 26 June 2012 to come into force on 1 July 2012. The Code sets out the conduct that is expected of you when acting as a Selby District Councillor or when you are appointed as a co-opted member on any Committee of the Council.

The Code of Conduct is based upon the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

In undertaking your duties as a Councillor

1. You must not behave in a way that a reasonable person would regard as disrespectful to them.
2. You must not bully or intimidate or attempt to bully or intimidate any person.
3. You must not do anything which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the Council.
4. You must not bring the Council, or your office as a Councillor, into disrepute.
5. You must not do anything which may cause the Council to breach any equality enactment
6. You must not use or attempt to use your position as a Councillor improperly to confer on or secure for yourself or any other person any advantage or disadvantage.
7. You must always use the resources of the Council in accordance with the Council’s reasonable requirements and never use those resources for political purposes.
8. If, because of your membership of the Council, you are in receipt of or are offered any gift or hospitality with an estimated value of £50 or more you must disclose this to the Monitoring Officer; and you must decline to accept any such gift or hospitality which could reasonably be perceived as creating an obligation upon the Council, or upon yourself as a member of the Council.
9. You must not knowingly prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
10. You must not disclose information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, unless:
  - You have the consent of a person authorised to give it; or

- You are required by law to do so; or
  - The disclosure is made to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
  - The disclosure is reasonable, in the public interest, made in good faith, and made in compliance with the reasonable requirements of the Council.
11. You must not take part in the scrutiny of any decision you have been involved in making – except that you may provide evidence or opinion to those undertaking the scrutiny process.
12. The Council’s Monitoring Officer will maintain a Register of Interests for Councillors and Co-opted members. Subject to paragraph 16, you must register your interests in the Council’s Register of Interests. In this code of conduct “your interests” means any disclosable pecuniary interest as defined in paragraph 14 below and also those other interests set out in paragraph 15, where those interests are held in either case
- by you, or
  - to your knowledge, by your spouse or civil partner, by a person with whom you are living as husband and wife, or by a person with whom you are living as if you were civil partners.
13. You must register information regarding your interests by giving written notice to the Monitoring Officer, who maintains the Register; and you must give such notice:
- before the end of 28 days beginning with the day of your appointment as a member of the Council; and/or
  - before the end of 28 days beginning with the date of any change in your interests.
14. The following are disclosable pecuniary interests referred to within paragraph 12:
- Your employment, office, trade, profession or vocation carried on for profit or gain;
  - Any payment or provision of any other financial benefit (other than from the Council) made or provided in respect of any expenses incurred by you in carrying out your duties as a Councillor or co-opted member or towards your election expenses including any payment or financial benefit from a Trades Union;
  - Any contract which is made between you (or a body in which you have a beneficial interest) and the Council for the provision of goods or services or the exchange of works and which has not been fully discharged;
  - Any beneficial interest which you have in land which is within the Council’s area
  - Any licence you hold either alone or jointly with others to occupy land in the Council’s area for a month or longer;
  - Any tenancies where you know that the Council is the landlord and that the tenant is a body in which you have a beneficial interest
  - Any beneficial interest in securities in a body where you know that body has a place of business in the Council’s area and either

1. the total nominal value of the securities exceeds £25,000 or one hundredth of the total share capital or
  2. if the share capital of the body is more than one class, the total nominal value of the shares of any one class in which you have a beneficial interest exceeds one hundredth of the total issued share capital in that class.
15. The following are the other interests referred to within paragraph 12:
  - Your membership of any body to which you are appointed by the Council;
  - Your membership of any public body;
  - Your membership of any charitable body;
  - Your membership of any political party, trade union, or other body where one of the principal purposes of that body is to influence public opinion or policy;
16. Where you consider that disclosure of the details of any of your interests could lead to you, or a person connected with you, being subject to violence or intimidation, you should tell the Monitoring Officer; and if the Monitoring Officer agrees, a note will be made in the register to the effect that you have a registerable interest, details of which are withheld under Section 32 of the Localism Act 2011.
17. Where you attend a meeting of the Council, or of a Committee of the Council, and you are, or ought reasonably to be, aware that any of your interests are relevant to an item of business which is being considered, then unless the interest is one which has been registered under paragraph 12, you must disclose to that meeting the existence and nature of that interest at the commencement of that item of business, or when the interest becomes apparent, if later.
18. Where you attend a meeting of the Council, or of a Committee of the Council, and you are, or ought reasonably to be, aware that a decision in relation to any item of business which is to be transacted might reasonably be regarded as affecting your well being or financial position, or the well being or financial position of a person described in paragraph 19 to a greater extent than the majority of inhabitants of Selby District, then you must disclose to that meeting the existence and nature of that interest at the commencement of that item of business, or when the interest becomes apparent, if later.
19. The persons referred to in paragraph 18 are:
  - (a) a member of your family;
  - (b) any person with whom you have a close association;
  - (c) in relation to persons described in (a) and (b), their employer, any firm in which they are a partner, or company of which they are a director or shareholder.
20. You must comply with the Procedure Rule adopted by the Council which requires Councillors to leave the room and take no part during that part of

any meeting at which a matter in which you have a disclosable pecuniary interest is being discussed.

21. You may make a written request to the Monitoring Officer seeking a dispensation from the rules regarding interests and the Monitoring Officer may agree to grant a dispensation in the following circumstances:-
1. Where so many members of the decision-making body have DPIs in a matter that it would “impede the transaction of the business”.
  2. Where, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
  3. Where the dispensation is in the interests of persons living in the Council’s area;
  4. Where, without a dispensation, no member of the Executive would be able to participate in a matter before the executive; or
  5. Where the Monitoring Officer considers that it is otherwise appropriate to grant a dispensation.