

Selby District Council



Agenda

Meeting: **Executive**
Date: **Thursday 5 November 2015**
Time: **4.00pm**
Venue: **Committee Room**
To: **Councillors M Crane (Chair), J Mackman (Vice Chair),
C Lunn, C Metcalfe and D Peart.**

1. Apologies for absence

2. Minutes

The Executive is asked to approve the minutes of the meeting held on 1 October 2015 (pages 1 to 10 attached).

3. Disclosures of Interest

A copy of the Register of Interest for each Selby District Councillor is available for inspection at 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.

4. Financial Results and Budget Exceptions Report to 30 September 2015 – Key Decision

Report E/15/31 outlines the financial results and budget exceptions for quarter two to 30 September 2015 (pages 11 to 26 attached).

5. 2nd Interim Treasury Management Report – Key Decision

Report E/15/32 reviews the Council's borrowing and investment activity for the six month period 1 April 2015 to 30 September 2015 and presents performance against the Prudential Indicators (pages 27 to 36 attached).

6. Revenue and Benefits Procurement Exercise

Report E/15/33 updates the Executive on the procurement of a Strategic Partner for the delivery of the Revenues and Benefits Services at Selby and Craven District Councils and requests authority to progress through the next stage in the procurement process (pages 37 to 40 attached).

7. S106 Affordable Housing Commuted Sum Allocation – Key Decision

Report E/15/34 presents an outline proposal for the allocation of s106 commuted sums for affordable housing (pages 41 to 46 attached).

8. Fees and Charges 2016/17 - Key Decision

Report E/15/35 considers four services and proposes new charges, uplift above the RPI and a reduction in fees as part of the corporate open for business initiative (pages 47 to 58 attached).

9. Asset Management Strategy and Action Plan 2015-18 – Key Decision

Report E/15/36 presents the draft Asset Management Strategy for consideration (pages 59 to 90 attached).

10. Alcohol Licensing Policy Review

Report E/15/37 presents the draft Alcohol Licensing Policy for consideration (pages 91 to 142 attached).

11. Community Infrastructure Levy

Report E/15/38 outlines details of the Community Infrastructure Levy (CIL) and the Community Infrastructure Levy Charging Schedule (pages 143 to 167 attached).

Mary Weastell
Chief Executive

Dates of next meetings
19 November 2015 - Executive Briefing, 2pm
19 November 2015 – Special Executive, 4pm
26 November 2015 – Executive Briefing, 11.30am

For enquiries relating to this agenda please contact Palbinder Mann,
Democratic Services Manager on 01757 292207 or pmann@selby.gov.uk.

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Selby District Council



Minutes

Executive

Venue:	Committee Room, Civic Centre, Selby
Date:	Thursday 1 October 2015
Time:	4pm
Present:	Councillors M Crane (Chair), J Mackman (Vice Chair), C Lunn, C Metcalfe, and D Peart.
Officers present:	Chief Executive, Deputy Chief Executive, Executive Director (s151), Solicitor to the Council, Business Manager (minute items 43, and 52 to 54), Lead Officer – Benefits and Taxation (minute items 44 to 46), Policy Officer (minute item 48), Policy Officer (minute item 49), Lead Officer – Contracts (minute items 50 to 51) and Democratic Services Manager.
Also Present:	Councillor B Packham
Public:	0
Press:	0

NOTE: Only minute numbers 43 to 52 are subject to call-in arrangements. The deadline for call-in is 5pm on Tuesday 13 October 2015. Decisions not called in may be implemented from Wednesday 14 October 2015.

40. Apologies for Absence

There were no apologies for absence.

41. Minutes

The Executive considered the minutes from the last meeting held on 3 September 2015.

RESOLVED:

To approve the minutes of the meeting held on 3 September 2015 with.

42. Disclosure of Interest

Councillor Mackman declared an “other interest” in item 5 “Disposal of sites and offer of loans to Selby and District Housing Trust for the development of affordable housing – Phase 2” and item 7 “Selby and District Housing Trust – Request for a grant for the proposed development at Riccall” arising from his appointment by the Council to the Selby and District Housing Trust. He stated he would be leaving the meeting during the consideration of these items.

The Chair agreed to amend the running order of the agenda so that items 4, 5, and 7 were considered at the end of the agenda.

43. Potential sale of Units 1 and 2 Hurricane Close – Key Decision

Councillor Lunn presented the report which asked the Executive to consider the sale of units at Hurricane Close, Sherburn Industrial Estate.

RESOLVED:

- i) To declare Units 1 and 2, Hurricane Close, Sherburn, surplus to the requirements of the Council.**
- ii) To delegate authority to the Executive Director (s151) after consultation with Councillor Lunn to negotiate and agree the terms for a sale of the units subject to valuation.**

Reasons for the decision

The premises have served their purpose and therefore are surplus to requirements.

44. National Non-Domestic Rates Discretionary Reliefs

Councillor Lunn presented the report which outlined proposed revisions to the Council's National Non-Domestic Rates Discretionary Relief scheme.

The proposals included changes to relief for partly occupied premises and the removal of caps to discretionary reliefs based on the Rateable Value (RV) for properties where the RV exceed a prescribed value.

The Executive were supportive of the proposals however suggested that the scheme should be kept under regular review.

RESOLVED:

To approve the revised Policy set out at Appendix A in the report.

Reason for the decision

To ensure a robust policy framework is in place so that decisions regarding the award of discretionary rate relief are taken in a fair, consistent and transparent manner giving due consideration to the interests of local tax payers.

45. National Non-Domestic Rates Transitional Relief Scheme

Councillor Lunn presented the report which sought approval for a draft National Non-Domestic Rates Transitional Relief policy. The Council was seeking to extend the existing policy to take into account the fact that the Government had extended the life of the Ratings List to March 2017.

RESOLVED:

To approve the scheme set out at Appendix A of the report.

Reasons for the decision

To allow applications for Transitional Relief for National Non-Domestic Rates (NNDR) to be assessed in accordance with Government guidance.

46. Localism Rate Relief

Councillor Lunn presented the report which sought views from the Executive on the provision of National Non-Domestic Rate Relief (NNDR) under the Localism Act 2011.

Councillor Lunn proposed that the second recommendation should be amended to recommend that Council approve the draw down from reserves of funding of £100,000 pa for three years commencing in 2015/16. Councillor Lunn also asked to delete the words "in 2015/16" in recommendation (ii) and to add recommendation (iii) that delegated authority be given to the Executive Director (s151) after consultation with the Leader of Council to grant relief in accordance with the policy and approved budget (if approval were granted by Council).

Discussion took place on the report and it was clarified that the proposals sought the release of a previously identified £300k reserve to fund the general rate relief policy rather than relating specifically to Church Fenton airfield. Screen Yorkshire had made an approach for such relief but it was by no means certain that the businesses which moved there would be eligible for any level of relief or that other businesses elsewhere would not apply. It was agreed that the report going before Council needed to reflect this more clearly. It was also stated that the wording in the report around employment needed to be clarified as it was inconsistent in different parts of the report.

RESOLVED:

- i) To give delegated authority to the Executive Director S151 after consultation with the Leader of the Council to determine applications for rate relief as appropriate subject to the applications meeting the criteria in the Council's Discretionary Rate Relief Policy.**
- ii) To recommend to Council that £100,000 per annum be drawn down from the Business Rate Relief Reserve to cover the costs of the relief.**
- iii) Subject to approval of recommendation ii) that delegated authority be given to the Executive Director (s151) after consultation with the Leader of Council to grant relief in accordance with the policy and approved budget**

Reason for the decision

To support the use of Localism Rate Relief in the circumstances outlined in the report and make appropriate funding available.

47. Co-location and partnership working opportunity with North Yorkshire Police

Councillor Lunn presented the report which provided an update on proposals to co-locate North Yorkshire Police officers and staff at the Civic Centre.

Concern was raised on the impact of the proposals on car parking at the Civic Centre. The Executive were supportive of the proposals but wanted the issue of car parking to be resolved. It was also noted that any proposals would be subject to securing the necessary planning permission.

RESOLVED:

- i. To ensure that the issue of car parking at the Civic Centre site is fully addresses before the proposals are finalised;**
- ii. To support, in principle, the proposal for North Yorkshire Police to co-locate at the Civic Centre, Selby;**
- iii. To authorise the Deputy Chief Executive to enter into the necessary legal and financial negotiations prior to final executive approval of the proposals.**

Reason for the decision

To allow further negotiation and development of the proposals before a final decision is made.

48. Selby Homelessness Strategy and Action Plan 2015-20

Councillor Peart presented the report which outlined the final draft Selby Homelessness Strategy and Action Plan 2015-20.

Discussion took place on how Selby compared with other areas regarding homelessness. The Policy Officer outlined that the aim was to achieve a Gold Standard service.

RESOLVED:

To approve the Selby Homelessness Strategy & Action Plan 2015-20.

Reasons for the decision

To ensure that Selby district has an up to date Homelessness Strategy and Action Plan to meet its statutory duty.

49. Taxi Licensing Policy (Hackney carriage and private hire vehicles, drivers and operators)

Councillor Peart presented the report which outlined changes to the Taxi Licensing Policy as a consequence of the Deregulation Act 2015, which had changed the law in respect of; the duration of licences, licence fees and vehicle inspections.

RESOLVED:

- i) To approve the proposed amendments to the Taxi Licensing Policy.**
- ii) To implement the grant of three or five year licences as standard once the new licence fees have been agreed.**

Reasons for the decision

To ensure the Taxi Licensing Policy complies with Sections 10 and 11 of the Deregulation Act 2015 and reflects the vehicle inspection service specification.

50. Electronic Payments – Customer Self-Serve / Channel Shift

Councillor Lunn presented the report which outlined the electronic payments project.

It was explained that the new project would enhance the customer journey and funding for the project would come from the ICT reserve.

RESOLVED:

- i) To agree the re-phasing of £100,000 from the approved ICT strategy programme from 2017 / 2018 to 2015 / 2016 for the implementation of electronic payments.**

- ii) **To fund the £100,000 from current balances within the ICT reserve for 2015 / 2016.**

Reason for the decision

To ensure the continued development of the councils CRM and migration of services to the councils website supporting channel shift and the customer strategy. The opportunity to implement electronic payments sooner than originally planned will allow customers to make online payments for council services that currently require manual intervention whilst also allowing current electronic payments to be channelled through a single council payment system.

51. Leisure Planned Maintenance Programme – Year 7

Councillor Lunn presented the report which outlined the year seven Landlord Planned Maintenance Programme for Selby Park.

Councillor Lunn explained that last year work to the car park had been deferred and therefore the proposal in the report was to carry out work to the car park and pavilion roof which would result in a total cost of £7,000.

RESOLVED:

- i) **To agree that the Year Seven Landlord Planned Maintenance Programme for Selby Park**
- ii) **To fund the Year 7 programme from the Building Repairs Reserve within the budget proposals for 2016/17.**

Reason for the decision

To ensure essential maintenance work required at the Council's leisure facilities is included in the Council's capital programme to enable the Council to discharge its duties as a landlord and ensure the facilities are maintained to an appropriate standard.

52. Phase 2 Housing Development Strategy – delivery of HRA funded development

Councillor Peart presented the report which outlined business cases for the construction of eighteen new build accommodation units for vulnerable people on seven council owned sites.

The Executive Director (s151) advised that the additional £277,000 for the development could be funded from capital receipts and it was agreed the recommendation to Council would be amended to reflect this.

RESOLVED:

- i) To agree in principle to the construction of Council owned housing on the sites identified in the report;**
- ii) To authorise the Executive Director (s151 Officer) after consultation with the Lead Member for Housing to:**
 - a. proceed with planning applications and tenders in order to prepare the detailed business cases**
 - b. manage any necessary budget virement up to a maximum of £15,000 per site and within the anticipated overall development costs of £1,827k;**
- iii) To recommend Council to approve an additional £277k to be funded from capital receipts.**

Reason for the decision

- To increase the provision of affordable housing in Selby District Council area in line with the Housing Development Strategy and the Asset Transfer Policy*
- To maximise the use of under-utilised sites in accordance with the Asset Management Strategy.*

Following his earlier declaration, Councillor Mackman left the meeting at this point and did not return.

53. Disposal of sites and offer of loans to Selby and District Housing Trust for the development of affordable housing – Phase 2

Councillor Peart presented the report which provided outline business cases for the disposal of land and the making of loans and overdraft facilities for the development of affordable housing.

Councillor Peart explained that the proposal was an offer to Selby and District Housing Trust covering the disposal of six sites and loans which would fund an estimated 22 units of affordable housing.

RESOLVED:

- i) To agree in principle to dispose of the freehold of the sites detailed in paragraph 4.3 (subject to contract) to Selby and District Housing Trust for the purpose of housing development at an undervalue under the provisions of General Consent AA of the general consents issued under section 25 of the Local Government Act 1988 with final approval of the terms and conditions of the transfer, including the amount of the undervalue, being delegated to the s151 Officer after consultation with the Lead Member for Finance and Resources and the Solicitor to the Council;**
- ii) To approve the offer of a loan or loans (subject to contract) to Selby and District Housing Trust to cover the costs of acquiring the freehold interest in the sites and for the costs of construction together with an overdraft facility to provide working capital with agreement on the final sum and terms being delegated to the s151 Officer after consultation with the Lead Member for Finance and Resources and the Solicitor to the Council.**
- iii) To delegate any decision regarding additional subsidy requirements to the s151 Officer (in line with agreed policies) after consultation with the Lead Member for Finance and Resources and the Solicitor to the Council.**

Reason for the decision

- To increase the provision of affordable housing in Selby District Council area in line with the Housing Development Strategy and the Asset Transfer Policy*
- To maximise the use of under-utilised sites in accordance with the Asset Management Strategy.*

54. Selby and District Housing Trust – Request for a grant for the proposed development at Riccall

Councillor Lunn presented the report which proposed approval of a grant to the Selby and District Housing Trust to support the delivery of three units of affordable housing at Riccall.

It was noted that the grant would be funded from the Programme for Growth budget and it was agreed to amend the recommendation to reflect this.

RESOLVED:

To approve a grant of up to £72,500 to support the development at Riccall and authorise the Executive Director (s151 Officer) to fund the grant from the Programme for Growth budget.

Reason for the decision

To facilitate the delivery of Housing Development Strategy.

The meeting closed at 5.26pm

Selby District Council

REPORT

Reference: E/15/31

Item 4 - Public



To: The Executive
Date: 5 November 2015
Status: Key Decision
Report Published: 28 October 2015
Author: Jodie Taylor – Lead Officer Finance
Executive Member: Councillor C Lunn – Lead Member for Finance & Resources
Lead Officer: Karen Iveson – Executive Director (s151)

Title: Financial Results and Budget Exceptions Report to 30 September 2015

Summary:

At the end of quarter 2, the full year forecast for the General Fund shows an estimated deficit of £8k (£0k Core, £2k Communities & -£10k Access Selby) and the HRA shows a surplus of £321k (£131k Core & £190k Access Selby). There is currently a shortfall of £119k on the Access Selby's General Fund savings plan and a shortfall of £59k against the Core's General Fund savings plan; the HRA savings target forecast to be exceeded. The Capital Programme is progressing well with minimal slippage expected for the year, however a number of General Fund projects may cross over into 2016/17. In addition, it is proposed that new software needed for CIL management will be funded from underspends within ICT capital programme in 2015/16.

Recommendations:

- i. The Executive endorse the actions of officers and note the contents of the report.

Reasons for recommendation

To ensure that budget exceptions are brought to the attention of the Executive with explanations from officers; in order to approve remedial action if necessary.

1. Introduction and background

- 1.1 At the end of quarter 1 the General Fund showed an estimated surplus of £89k (-£13k Core, £2k TSO & £99k Access Selby) and the HRA a surplus of £295k (£146k Core & £149k Access Selby).

2. The Report

Financial Results

- 2.1 **Appendix A** presents the major forecasted variances identified to date for the first half of 2015/16 against approved budgets.

General Fund – Revenue

- 2.2 The full year forecast for the General Fund currently shows an estimated deficit of £8k (£0k Core, £2k Communities & -£10k Access Selby).

General Fund	Budget £000's	Forecast Full Year Variance £000's
Core	4,932	0
Access Selby	5,682	(10)
Communities Selby	193	2
	10,807	(8)

- 2.3 At the end of quarter 2 the Core's General Fund budget is on target although this masks a number of variances forecast within: drainage board levy savings of £19k as a result of levies being set below SDC's estimate and an estimated underspend of £53k in relation to homeless support against a budgeted deficit of £33k. This gave a net position of £40k surplus. During 2015/16 a contract variation has arisen in relation to WLCT for the month of March 2015 that was not included in the 2014/15 accounts. This variation can be part funded from the £40k Core General Fund surplus with the remaining £41k being funded from the operational contingency.
- 2.4 Access Selby's General Fund variance includes: increased Planning Income of £211k less additional staff resources of £55k give a net positive variance of £156k. The lifeline service is currently forecasting a net shortfall in income of £102k as a result of a reduction in the support grant and a subsequent reducing client base. This is partially mitigated by an increase in private payers and Telecare income and a new Friends & Family tariff is being piloted to attract new business. Salary forecasts show an underspend of £49k for the year and the estimated year end position is also impacted by the shortfall against the savings plan.

Housing Revenue Account

- 2.5 The HRA full year forecasted surplus is £321k (£131k Core & £190k Access Selby).

HRA	Budget £000's	Forecast Full Year Variance £000's
Core	6,952	(131)
Access Selby	4,269	(190)
Communities Selby	0	0
	11,221	(321)

- 2.6 The Core's HRA variance includes interest payments of £113k from not yet taking additional borrowing for housing development; and Housing Rents of £19k, although this is influenced by sales and voids. Access Selby's HRA variance includes Right to Buy Admin fees of £26k based on sales in 2014/15; and Garage Rents of £31k - the budget was reduced for 2015/16 to reflect sites identified for development but until work commences occupancy remains at previous levels.

Capital

- 2.7 Within the General Fund, the purchase of Burn Airfield was completed in July. The roll out of phase one of the CRM system was completed in July and work has commenced on the scoping of phase two. The work on Tadcaster bus station was also complete in quarter 2. Officers are working on progressing the new housing system, however it is not expected to be complete in 2015/16 and it is likely this project will require budgets to be carried forward into 2016/17. There are forecasted underspends within the ICT infrastructure replacement programme, although it is proposed that these be utilised to fund the software needed to manage Community Infrastructure levies (CIL).
- 2.8 Good progress is being made on the HRA capital programme. Work is complete on the painting programme and nearing completion on the Kitchen replacements. Electrical rewires, heating systems, door replacements and damp works are all progressing well and designs are being drawn up for the refurbishment work at Laurie Backhouse Court. The details of all budget exceptions can be found in **Appendix B**.

Savings

- 2.9 **Appendix C** presents an update on progress against the Council's savings action plan for the General Fund and HRA.
- 2.10 At the end of quarter 2 there was a savings shortfall of £119k against the General Fund savings plan for Access Selby, this shortfall has been reflected in the full year forecasted position. Forecasted underspends and increased income are going some way to mitigate this, however officers are working to plug the shortfall. The Core General fund is currently £109k short of its

savings target for 2015/16 and the HRA has exceeded its target for the year by £79k.

Programme for Growth

- 2.11 The Council has set aside funds to deliver specific projects in relation to key priorities for the authority. Details of the Programme for growth can be found in **Appendix D**.

3. Legal/Financial Controls and other Policy matters

Legal Issues

- 3.1 There are no legal issues as a result of this report.

Financial Issues

- 3.2 Forecasts are based on information available and subject to change as the year progresses – officers monitor actual income and expenditure against budget and forecasts will be refined as necessary. There are contingencies within the budgets to cope with unforeseen pressures.

4. Conclusion

- 4.1 The shortfall against the Access Selby savings plan has impacted the forecasted year end position, however additional income and efficiencies are helping to mitigate the impact of the shortfall. Capital programme is progressing well with minimal unplanned slippage expected at this stage.

Contact Officer:

Jodie Taylor
Lead Officer - Finance
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Appendices:

- Appendix A – General Fund and Housing Revenue Account Revenue budget exceptions
Appendix B – General Fund and Housing Revenue Account Capital Programme
Appendix C – General Fund and Housing Revenue Account Savings
Appendix D – Programme for Growth

BUDGET EXCEPTIONS REPORT

April 2015 - September 2015

Core

General Fund Expenditure

Budget Description	Annual Budget £000's	Year -End Variance £000's	One-Off/ On-going	Comments
Supplies and Services	499	(54)	On-going	Anticipated saving on homeless funding, it not expected that Access Selby will bid for additional support this financial year.
Drainage Board Levy	1,599	(19)	On-going	Lower than anticipated increase in IDB charges.
Total Variance - General Fund Expenditure		(73)		
Total Variance - Operating (Surplus)/deficit		(73)		

Access Selby
General Fund Income

Budget Description	Annual Budget £000's	Year -End Variance £000's	One-Off/ On-going	Comments
Government Grants	(18,013)	182	On-going	The lifeline service is currently forecasting a net shortfall as a result of a reduction in the support grant and a subsequent reducing client base.
Customer & Client Receipts	(3,679)	(233)	On-going	The shortfall in lifeline grant is partially mitigated by an increase in private payers £67k and Telecare income £13k and a new Friends & Family tariff is being piloted to attract new business. Planning fee income is expected to exceed budget by £156k, there has been a spike in income compared to trends and is not anticipated to continue at the same level for the rest of the year. Legal fees are exceeding expectations by £25k. Concessionary fare income is (£27k) short although there is a corresponding expenditure saving in supplies and services.
Total Variance - General Fund Income		(51)		

Access Selby
General Fund Expenditure

Budget Description	Annual Budget £000's	Year -End Variance £000's	One-Off/ On-going	Comments
Employees	5,950	(49)	On-going	Projected salary savings from vacancies and frozen posts.
Premises	648	10	On-going	There has been an increased spend on litter bins (£6k) although some of these costs may be recovered and business rates for empty property (previously Profiles Gym) (£11k), exemptions are being explored offset by Car Park NNDR which is less than budgeted due to current rateable values and the transfer of St Josephs Street in Tadcaster to the Housing Trust £10k.
Supplies & Services	6,693	(20)	On-going	Concessionary Fare savings offset income £23k, the Lifeline support contact anticipates £12k savings due to customer numbers, small savings anticipated on the public conveniences contract £5k offset by land charge legal fees (£6k) and the NY Regional Strategy contribution (£11k).
Savings	(278)	120	On-going	Current anticipated shortfall against the Access Selby savings target. Officers continue to work towards meeting the target.
Total Variance - General Fund Expenditure		61		
Total Variance - Operating (Surplus)/deficit		10		

**Core
Housing Revenue Account Income**

Budget Description	Annual Budget £000's	Year -End Variance £000's	One-Off/ On-going	Comments
Housing Rents	(12,489)	(19)	On-going	It is currently anticipated that rent income will exceed budget but is influenced by sales during the year and the number of voids. Rent will also be reduced by taking properties out of management for development such as Byram Park Rd flats, this will be mitigated by HRA contingency.
Total Variance - Core HRA Income		(19)		

**Core
Housing Revenue Account Expenditure**

Budget Description	Annual Budget £000's	Year -End Variance £000's	One-Off/ On-going	Comments
External Interest Payable	2,638	(113)	On-going	This saving was due to no additional borrowing being taken out for new developments within the HRA.
Total Variance - Core HRA Expenditure		(113)		
Total Variance - Core HRA		(132)		

Access Selby
Housing Revenue Account Income

Budget Description	Annual Budget £000's	Year -End Variance £000's	One-Off/ On-going	Comments
Customer & Client Receipts	(127)	(42)	On-going	Estimated Right to Buy administration fees based on a forecast of 20 sales in the year (£26k) and charges to former tenants for repairs and property clearance to council dwellings.
Garage Rents	(93)	(31)	On-going	The budget was reduced for 2015/16 to reflect sites identified for development but until work commences occupancy remains at previous levels.
Total Variance - HRA Income		(73)		

Access Selby
Housing Revenue Account Expenditure

Budget Description	Annual Budget £000's	Year -End Variance £000's	One-Off/ On-going	Comments
Premises	778	(15)	One-Off	Savings anticipated in the year for Community Centre repairs and utilities.
Total Variance - HRA Expenditure		(15)		
Total Variance - Access Selby HRA		(88)		

2015/16 Selby District Council Capital Programme - To 30 September 2015

General Fund	Annual Budget	Year to date Budget	Year to date Actual	Year to date Variance	Forecast	Forecast Variance	Comments
Industrial Units - Road Adoption	23,785	0	390	390	23,785	0	A consultant has been employed to conduct a review before NYCC will make a decision to adopt.
Tadcaster Central Area Redevelopment	2,000	0	0	0	2,000	0	Some outstanding planting works required, this is expected to happen in November as colder conditions are required for the plants.
Mast Relocation Project	139,060	0	0	0	139,060	0	No immediate plans to relocate mast unless a proposal is submitted by the owners of the old Civic Centre.
Portholme Road Culvert	150,000	0	89	89	150,000	0	Phase 1, a Civil Engineer is to inspect the site and report recommendations to progress the scheme findings are due December. Phase 2 is to tender the work and manage on-site delivery in the new year. A bid has been submitted for additional funds to continue the project in 2016/17.
Tadcaster Bus Station	25,000	25,000	25,000	0	25,000	0	Completed
Transactional Website	38,590	0	0	0	38,590	0	Website is live as part of phase 1- phase 2 will see a joint development project of the CRM and web.
Northgate Revs & Bens	15,000	7,500	3,900	-3,600	12,000	-3,000	Upgrades for annual billing and universal credit due later in the year.
ICT Infrastructure Replacement	40,000	0	0	0	15,000	-25,000	Required for hardware implementation, on hold pending NYCC options. It is likely that there will be a saving this year and proposals are being put together to utilise for IT equipment for the CIL.
DIP Upgrade	19,510	19,510	22,444	2,934	22,444	2,934	Complete, slightly overspent on retention works, but savings on Northgate will offset this.
IDOX Upgrade	7,000	3,500		-3,500	6,500	-500	Committed £6.5k for Public Access, to complete early 2016.
Environmental Health System	33,000	11,000	9,975	-1,025	34,975	1,975	Committed £25k to migrate Environmental Health in to Planning systems by April 2016. Anticipate will save £18k per year on maintenance.
Councillor I-Pads	18,340	0	0	0	18,340	0	Currently under trial. Business case will be brought forward in 2015/16.
CRM	55,380	0	0	0	55,380	0	The first phase of this project is almost complete with some outstanding items scheduled to be worked on by NYCC in the coming months.
Mobile Working Solution	249,800	0	0	0	249,800	0	ICT Board recommended to wait until the outcome of the council review before looking at this project - work is required to look at the costs and expected saving as the business case was produced in 2012.
Genero Housing System	125,610	0	0	0	125,610	0	Legal agreement is currently being drawn up, until this is complete and signed the provider will not submit an implementation plan. A revised time-line is being taken to the ICT strategy board. Budget is in place to purchase the system, resources are required to implement it.
ICT - Desktop Replacement Programme	17,500	8,750	2,103	-6,647	17,500	0	Continued cycle of replacement of IT equipment. Won't be much activity until IT function transfers to NYCC from Craven DC.
Asset Management Plan - Leisure & Parks	3,350	0	-9,653	-9,653	3,350	0	2015/16 phase for Tadcaster Leisure Centre fencing and Selby Park pavilion timber cladding to commence. Awaiting results of a survey at Tadcaster Leisure Centre for a crack in the wall.
Burn Airfield	1,768,000	1,768,000	1,783,676	15,676	1,783,676	15,676	Purchase complete.
Private Sector - Home Improvement Loans	37,200	0	-2,685	-2,685	37,200	0	Repayment of a previous grant received, further payments are due October.
Disabled Facilities Grants	447,230	0	54,845	54,845	447,230	0	To date 8 grants have been paid totalling £55k, further grants have been approved and committed for payment during the year. Changes within the Home Improvement Agency has caused delays in awarding grants.
New Build Projects	1,550,000	0	0	0	1,550,000	0	Outline Business cases for HRA projects submitted to October Exec.
	4,765,355	1,843,260	1,890,084	46,824	4,757,440	-7,915	

2015/16 Selby District Council Capital Programme - To 30 September 2015

Housing Revenue Account	Annual Budget	Year to date Budget	Year to date Actual	Year to date Variance	Forecast	Forecast Variance	
Kitchen Replacements	421,900	390,000	385,512	-4,488	421,900	0	Kitchen programme almost complete, remaining budget to be used for void properties.
Pointing Works	300,000	0	823	823	300,000	0	Currently on hold until the outcome of the Tadcaster Structural survey are complete.
Electrical Rewires	260,000	130,000	144,165	14,165	260,000	0	Work continues on full and partial rewires, some work is linked with the kitchen replacement programme.
Bathroom Replacements	180,000	0	893	893	180,000	0	Now procured with prices agreed, contract to be drawn up to replace 66 bathrooms. Work is commence December 2015.
Airey Property Works	0	0	-8,917	-8,917	0	0	Completed.
Asbestos Surveys	30,000	0	0	0	30,000	0	Work is required to meet current legislation standards, a new format is required to match up with the new housing system implementation..
Central Heating System Replacements	890,480	240,000	196,565	-43,435	500,000	-390,480	Continued rolling programme of heating replacements. Struggling to compete E7 replacement as tenants do not want disruption. This work is only being completed when a property becomes void.
Roof Replacements	555,600	0	2,807	2,807	555,600	0	Scheme in Tadcaster currently on hold, with a view to commence during 2015/16 pending more detailed survey work, the results are due imminently.
Damp Works	250,000	100,000	84,765	-15,235	250,000	0	Work continues to cover more responsive work including some prevention measures (improving ventilation).
External Cyclical Repairs (Painting & Windows)	113,000	113,000	113,004	4	113,004	4	Completed.
External Door Replacements	134,000	100,000	90,093	-9,907	134,000	0	Work is progressing in conjunction with the external cyclical repairs.
Void Property Repairs	53,500	10,000	8,335	-1,666	53,500	0	This work is responsive to the level of void properties and is dependent on each individual scenario as to the level of work required. The level of void work is being managed both through capital and revenue budget.
Fencing Programme	40,000	20,000	12,039	-7,962	40,000	0	Budget has been fully committed for the year.
St Wilfrids Court - Fire Alarm	25,000	0	0	0	25,000	0	In conjunction with the Laurie Backhouse Court works.
Laurie Backhouse Court - Refurbishment	200,000	0	4,614	4,614	200,000	0	Scheme being drawn up, work is being tendered with a start this year. Overall cost of scheme anticipated to be over budget but some will be met from the heating budget.
Environmental Improvement Plan	160,000	13,333	7,760	-5,573	120,000	-40,000	Take up and therefore spend has been slow to date but a number of proposals are being developed.
	3,613,480	1,116,333	1,042,456	-73,877	3,183,004	-430,476	
Total Capital Programme	8,378,835	2,959,593	2,932,540	-27,053	7,940,444	-438,391	

Access Selby - General Fund Savings

Proposed Savings	Category	Sponsor	Lead	Finance Lead	Ref	Status	2015/16	2016/17	2017/18	Members' Update
							£	£	£	
IT & Transformation Workstream										
CRM Replacement	Key Project	J Lund	R Williams	Michelle	TR001	Red	8,980	66,252	66,252	Phase 1 saw CRM go live in July 2015. Phase 2 is currently being scoped.
Mobile Working	Key Project	J Lund	R Williams	Michelle	TR002	Red	-	41,728	41,728	Project currently under review by Access Selby Directors. Any changes will be reflected in the savings plan once the review is complete.
Review of planning advice and consultants	Service Delivery	E Scothern	Richard Sunter	Dave	TR005	Amber	3,750	3,750	3,750	Savings achieved on experts but due to increased number of applications the overall spending might not be reduced.
Joint Business Support Manager Post	Service Delivery	J Barlow	Janette Barlow	Michelle	TR006	Green	3,632	-	-	Saving to be reviewed in conjunction with options for long term arrangements
Formal amalgamation of District newspaper and County Council publications	Service Delivery	J Barlow	Mike James	Karen	TR008	Red	3,000	3,000	3,000	Awaiting long term decision from NYCC
Opening of Civic Centre Better Together	Service Delivery	J Barlow	Andrew Crabbe	Kevin	TR009	Green	6,083	6,083	6,083	Completed
	Key Project	J Lund	Janette Barlow	Jodie	TR010	Amber	75,000	150,000	150,000	Various projects including Finance, Business Support, Assets & Customer Services. First meeting held on 6th July to exchange information on land holdings.
Electronic Payments	Key Project	J Lund	R Williams	Michelle	TR011	Amber	0	25,000	25,000	Project linked to CRM and will follow in the later phases.
Improved Revs & Bens Value for Money	Key Project	J Lund	Glenn Shelley	Michelle	TR012	Amber	21,440	50,000	50,000	Competitive Dialogue process to commenced in July 2015. - £21k saving will be achieved in 2015/16 due to frozen post.
Further Internal Efficiencies	Key Project	Various	Various	Jodie	TR013	Red	21,350	50,000	50,000	Officers exploring internal efficiencies through improved processes and IT.
Access Selby Commercialisation	Key Project	Mark Steward	June Rothwell	Jodie	TR014	Amber	5,000	50,000	50,000	Officers working on commercialisation of repairs & maintenance.
Total Transformation							148,235	445,813	445,813	
Commissioning Workstream										
Printers	Service Delivery		Dale Casson	Michelle	CO001	Green	18,811	18,811	18,811	Completed
Lifeline pendants	Improvement Service Delivery	S Parkinson	Keith Cadman / Simon Parkinson	Kevin	CO002	Green	-	67,576	69,000	Projected savings on track to be delivered
Postage and Mail	Service Delivery	G Bruce	Dale Casson	Michelle	CO003	Amber	5,000	5,000	5,000	Further work required before savings can be confirmed Options are limited in this area, officers will be seeking alternative savings.
Supplier Engagement	Service Delivery	K Cadman	Keith Cadman / Dale Casson	Dave	CO005	Red	-	20,000	20,000	£8.5k realised already in relation to car park tickets & telephones - £6k additional savings still to be identified in 2016/17 onwards.
Reduce Tail end spend	Service Delivery	K Cadman	Dale Casson	Dave	CO006	Amber	8,500	14,500	14,500	
IT Service Contracts	Service Delivery	G Shelley	Keith Cadman	Michelle	CO007	Amber	7,500	7,500	7,500	Options currently under review in conjunction with wider options around IT services.
External Audit - Grants Audit Fee	Service Delivery	K Iveson	Jodie Taylor	Michelle	CO008	Green	8,130	8,130	8,130	Completed
Lexis Nexis Legal Library	Service Delivery	J Barlow	Gillian Marshall	Michelle	CO010	Green	13,500	13,500	13,500	Completed
Community Support Vehicle lease	Service Delivery	S Parkinson	Dale Casson	Michelle	CO011	Green	3,940	3,940	3,940	Completed
Improved Waste / Recycling Value for Money	Key Project					Red				Report to Executive due October 2015 for policy decision
Maximise use of Civic Centre Office Space	Key Project	K Iveson	Keith Cadman	Dave	CO012	Red	-	100,000	100,000	Based on an additional 30 desks occupied by partners.
	Key Project	J Lund	Drew Fussey	Karen	CO013	Amber	22,500	45,000	45,000	
Total Commissioning							87,881	303,957	305,381	

Proposed Savings	Category	Sponsor	Lead	Finance Lead	Ref	Status	2015/16 £	2016/17 £	2017/18 £	Members' Update	
Income Generation Workstream											
Negotiation for share of out performance on Council Tax collection	Service Improvement	G Marshall	Helen McNeil / Ralph Gill	Karen	IG001	Amber	3,961	3,961	3,961	Target under constant review and outcome is based on full year performance.	
Land Charges Income - Search fees	Service Improvement	G Marshall	Gillian Bruce	Michelle	IG007	Amber	48,000	21,000	21,000	On track to achieve £48k in 2015/16, target for future years will be kept under review. On track to achieve savings from increase in fee-generating work.	
Legal Income	Service Improvement	J Barlow	Gillian Marshall	Michelle	IG008	Green	32,750	8,750	8,750		
Street Naming & Numbering Registrar Service	Service Improvement	G Shelley	Chris Smith	Michelle	IG010	Green	30,000	18,000	18,000	Original target of £18k for 15/16 is expected to be exceeded with a revised estimate of £30k being set for the year.	
Caravan inspection fee	Service Improvement	D Richardson	Dean Richardson	Michelle	IG012	Green	10,994	10,994	10,994	Completed	
Policy changes to introduce new income streams	Service Improvement	S Parkinson	Wayne Palmer	Dave	IG014	Green	2,000	2,000	2,000	On track to achieve savings	
Community Support Lifeline Income	Service Improvement	E Scothern	Eileen Scothern / Jodie Taylor	Jodie	IG015	Red	0	78,783	80,823	Service areas are reviewing areas where this may be appropriate.	
		S Parkinson	Sarah Thompson	Kevin	IG016	Amber	20,000	20,000	20,000	Income growth has been achieved, however due to grant funding being reduced the additional income is only currently mitigating the loss.	
Total Income Generation							147,705	163,488	165,528		
Other											
Agency Staff	Service Delivery	J Barlow	Jackie Humphries	Michelle	OT001	Red	-	2,500	2,500	Savings opportunity identified for future years	
NY regional strategy officer	Service Delivery	S Parkinson	Finance	Finance	OT002	Green	2,520	2,520	2,520	Completed	
Community Support Office telephone savings	Service Delivery	S Parkinson	Finance	Finance	OT003	Green	9,600	9,600	9,600	Completed	
Contracts General Office Expenses	Service Delivery	E Scothern	Finance	Finance	OT004	Green	360	360	360	Completed	
Contracts - Officer subsistence general saving	Service Delivery	E Scothern	Finance	Finance	OT005	Green	200	200	200	Completed	
Commercial Waste	Service Delivery	E Scothern	Finance	Finance	OT006	Green	1,160	1,160	1,160	Completed	
Environmental Health & Housing telephone savings	Service Delivery	E Scothern			OT007	Green	430	430	430	Completed	
Housing Benefits - Overpayments subsidy	Service Delivery	G Shelley	R Gill	Michelle	OT008	Amber	32,520	33,980	35,480	Being monitored throughout the year	
Total Other							46,790	50,750	52,250		
Total General Fund Savings in Progress							430,611	964,008	968,972		
Savings Target							549,920	747,221	950,790		
Headroom/Deficit (+/-)							** -	119,309	216,787	18,182	
Green Savings							144,110	172,054	173,478		
Amber Savings							253,171	429,691	431,191		
Red Savings**							33,330	362,263	364,303		
Total							430,611	964,008	968,972		

Key:

Green: Savings likely to be achieved/low risk
 Amber: Tentative savings - further work required/medium risk
 Red: Requires a change in Council policy or significant change in service delivery/high risk

Core Savings Plan

Proposed Savings	Status	2015/16	2016/17	2017/18	Progress
		£	£	£	
Procurement Workstream					
Leisure Management Contract	Green	75,000	187,915	196,487	Completed
Community / Pooled Budgets	Red	5,000	10,000	10,000	-
Improved waste / recycling value for money	Amber	-	-	100,000	-
Banking tender	Green	10,000	10,000	8,400	Completed
Total Procurement		90,000	207,915	314,887	
Transformation Workstream					
Better Together - Finance	Green	44,000	43,800	44,240	Savings will be achieved in 2015/16 - Future years will be dependant on the success of the trial period.
Total Transformation		44,000	43,800	44,240	
Value for Money Workstream					
Internal Drainage Boards	Green	20,000	-	-	levies lower than budgeted for 2015/16
Ward Boundary Review	Green	41,430	41,430	41,430	Completed
Total Value for Money		61,430	41,430	41,430	
Base Budget Review Workstream					
NNDR Base Budget Review - Various small sites	Green	14,390	14,390	14,390	Completed
Total Base Budget Review		14,390	14,390	14,390	
Discretionary Service Review Workstream					
Total Discretionary Service Review		0	0	0	
Income Generation Workstream					
Use of assets for advertising space	Amber	25,000	25,000	25,000	Negotiations ongoing with NYCC about income split in 15/16
General Fund Housing Development	Amber	25,000	25,000	50,000	-
Green Energy	Red	-	-	150,000	feasibility report received and detailed business cases to be prepared, subject to Executive decision. Saving will not be achieved in 15/16.
Total Income Generation		50,000	50,000	225,000	
Total General Fund Savings		259,820	357,535	639,947	
Savings Target		369,068	210,430	552,224	
Headroom/Deficit (+/-)		** - 109,248	147,105	87,723	
Green Savings		204,820	297,535	304,947	
Amber Savings		50,000	50,000	175,000	
Red Savings**		5,000	10,000	160,000	
Total		259,820	357,535	639,947	

Key: **HRA Savings Plan**

Green: Savings likely to be achieved/low risk
 Amber: Tentative savings - further work required/medium risk
 Red: Requires a change in Council policy or significant change in service delivery/high risk

Proposed Savings	Status	2015/16	2016/17	2017/18	Progress
		£	£	£	
Review of Property Services unfilled posts	Green	50,000	50,000	50,000	Completed
Gas Servicing Contract	Green	20,000	20,000	20,000	Completed
Grassed Areas & Open Spaces base budget review	Green	29,000	29,000	29,000	Completed
Various Suppliers	Green	22,000	22,000	22,000	Completed
WTT - Savings	Green	129,591	129,591	129,591	Completed
2011/12 Pay Award	Green	27,000	27,000	27,000	Completed
Car Allowances	Green	5,600	5,600	5,600	Completed
Savings on Audit Fees and early Retirement Charges	Green	40,460	40,460	40,460	Completed
Ryecare Help-Line Telecom Saving	Green	700	700	700	Completed
Consolidation of IT Budgets	Green	23,685	23,685	23,685	Completed
Electrical Testing - R&M	Green	15,000	15,000	15,000	Completed
Vehicle Tracking System	Green	500	500	500	Completed
Direct Works - Phones	Green	2,000	2,000	2,000	Completed
Grants Audit Fees	Green	6,000	9,390	9,390	Completed
Clear Access Footways	Green	2,500	2,500	2,500	Completed
Footpaths	Green	10,000	10,000	10,000	Completed
Gutters & Fallpipes	Green	5,000	5,000	5,000	Completed
Tenants Participation - Housing Reports	Green	370	370	370	Completed
Energy Performance Certificates	Green	3,000	3,000	3,000	Completed
SDC Contract Hire Vehicles	Green	18,000	18,000	18,000	Completed
Asbestos Removal	Green	-	500	500	-
Solid Fuel Servicing	Green	12,470	12,470	12,470	Completed
Communal Lighting	Green	3,350	3,350	3,350	Completed
Pumping Stations	Green	3,210	3,210	3,210	Completed
Lift Maintenance	Green	1,300	1,300	1,300	Completed
Bank charges	Green	1,600	1,600	1,600	Completed
Debt collection costs	Green	1,300	1,300	1,300	Completed
Hostels	Green	5,230	5,230	5,230	Completed
HRA Investment Interest	Green	-	8,000	17,000	Completed
Van Fuel (oil price & fuel card savings)	Green	-	2,450	2,450	Completed
Resource Accounting	Green	-	4,000	4,000	Completed
Rent - Bank Charge Savings	Green	-	1,000	1,000	Completed
Use of Temporary Accommodation	Green	-	13,740	13,740	Completed
Community Centres	Green	-	9,600	9,600	Completed
Total Housing Revenue Account Savings		438,866	481,546	490,546	
Savings Target		360,000	360,000	360,000	
Headroom/Deficit (+/-)	**	78,866	121,546	130,546	
Green Savings		438,866	481,546	490,546	
Amber Savings		-	-	-	
Red Savings**		-	-	-	
Total		438,866	481,546	490,546	

Programme for Growth

Projects	Annual Budget £	Year to date Actual	Year to date Variance	Forecast	Forecast Variance	Comments
Programme Management	-	3,308	3,308	3,308	3,308	Final pay - Programme manager
Healthy living - concepts fund	35,000	-	35,000	35,000	-	£29,400 in 2015/16 and £14,700 in 2016/17 committed to a Healthy Schools Programme. Unspent balances remain available for bids.
Leisure Village	6,000,000	1,832,448	4,167,552	6,000,000	-	The Leisure village is progressing well with the June 16 opening date on track.
Selby Skate Park	75,000	-	75,000	75,000	-	Agreement reached between SDC, Users and Operators on design of external park, planning issues now being resolved before a final scheme/costs comes forward for approval.
Ready 4 Work	16,556	16,556	-	16,556	-	The first graduate programme successfully completed the end of September 2015 and 2 new graduate trainees have been recruited.
Growing enterprise	69,000	4,696	64,304	69,000	-	
Market Selby's USP	22,664	-	22,664	22,664	-	
Community skills/capacity building	100,000	-	100,000	100,000	-	
Retail experience	351,576	16,926	334,650	351,576	-	
Construction skills hub	20,000	-	20,000	20,000	-	
			-	-	-	
Empty homes	52,475	-	52,475	52,475	-	
Housing Trust	51,250	7,000	44,250	51,250	-	
St Josephs St	31,000	-	31,000	31,000	-	Construction on track - funding drawdown awaiting final scheme costs from Selby and District Housing Trust
			-	-	-	
Green energy	30,000	8777	21,223	30,000	-	Feasibility report completed. Initial ground mounted scheme design to be commissioned but scheme delivery to be deferred pending 'grid parity'. Business case for roof mounted scheme to be commissioned subject to Government announcement on future tariffs.
Strategic sites	185,000	-	185,000	185,000	-	
Town masterplanning	250,000	-	250,000	250,000	-	
Green infrastructure	20,000	-	20,000	20,000	-	
Economic Development Projects arising from ERYC peer review	50,000	5,837	44,163	50,000	-	
Improvements to gateways	3,639	-	3,639	3,639	-	
Total	7,363,160	1,895,548	5,467,612	7,366,468	- 3,308	

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Selby District Council

REPORT

Reference: E/15/32

Item 5 - Public



To: The Executive
Date: 5 November 2015
Status: Key Decision
Report Published: 28 October 2015
Author: John Raine – Head of Technical Finance, NYCC
Executive Member: Councillor C Lunn – Lead Member for Finance & Resources
Lead Director: Karen Iveson – Executive Director (s151)

Title: Treasury Management – Monitoring Report to 30 September 2015

Summary:

This report reviews the Council's borrowing and investment activity (Treasury Management) for the 6 month period 1 April to 30 September 2015 and presents performance against the Prudential Indicators.

Investments – Money market investment rates have remained low throughout 2015, with interest rates continuing at historically low levels and a rise in bank rate not expected until mid-2016 at the earliest. However, the Council's cash balances remain buoyant and as a result, an outturn of £248k is forecasted, which is as per budget.

Borrowing – the Council has long term borrowing of £60.3m at 30 September 2015. Interest payments of £2.5m are forecast for 2015/16.

Prudential Indicators – the Council's affordable limits for borrowing were not breached during this period.

Recommendations:

- i. **Councillors endorse the actions of officers on the Council's treasury activities for the period ending 30 September 2015 and approve the report**

Reasons for recommendation

To comply with the Treasury Management Code of Practice, the Executive is required to receive and review regular treasury management monitoring reports.

1. Introduction and background

- 1.1 This is the second monitoring report for treasury management in 2015/16 and covers the period 1 April to 30 September 2015. During this period the Council complied with its legislative and regulatory requirements.
- 1.2 Treasury management in Local Government is governed by the CIPFA “Code of Practice on Treasury Management in the Public Services” and in this context is the management of the Council’s cash flows, its banking and its capital market transactions, the effective control of the risks associated with those activities and the pursuit of optimum performance consistent with those risks. This Council has adopted the Code and complies with its requirements.
- 1.3 The Council’s Treasury Strategy, including the Annual Investment Strategy and Prudential Indicators was approved by Council on 24 February 2015.
- 1.4 The two key budgets related to the Council’s treasury management activities are the amount of interest earned on investments £248k (£200k General Fund, £48k HRA) and the amount of interest paid on borrowing £2.525m (£112k General Fund, £2.413m HRA).

2. The Report

Interest Rates and Market Conditions

- 2.1 The Bank of England is continuing to maintain interest rates at 0.5% The Councils Treasury Management advisors are currently forecasting a rise in bank rate by June 2016 based on their interest rate forecast update from August 2015. Bank rate is projected to increase slowly and gradually thereafter, reaching 1.75% by March 2018.
- 2.2 Consumer Price Inflation (CPI) started the financial year in April at -0.1% and despite rising slightly during the year fell, fell back to -0.1% in September 2015. The Retail Price Index (RPI) also fell slightly in September 2015 to 0.8% from 0.9% in April 2015.
- 2.3 Table 1 shows recent average interest rates available up to a duration of

12 months and reflects the lack of movement in rates since the start of the year. As bank rate remains low and with no expectation for any increases until June 2016 at the earliest, investment rates are not expected to improve significantly for the remainder of 2015.

Table 1: Average Interest Rates 1 April 2015 to 30 September 2015

	April 2015	June 2015	Sept 2015
Base Rate (Bank Rate)	0.50	0.50	0.50
Over Night	0.30	0.30	0.40
7 Days	0.40	0.40	0.40
1 month	0.40	0.45	0.45
3 Months	0.50	0.50	0.55
6 Months	0.60	0.65	0.70
1 Year	0.90	0.90	1.00

- 2.4 The Council's Treasury Advisors, Capita provided a forecast for interest rates for both investments and PWLB borrowing as part of the Treasury Management Strategy. This forecast is regularly monitored and updated. Table 2 shows the forecast included in the Treasury Strategy and Table 3 shows the latest forecast.

Table 2: Forecast for Interest Rates Included in Treasury Strategy

	2015		2016				2017	
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
	%	%	%	%	%	%	%	%
Bank Rate	0.50	0.75	0.75	1.00	1.00	1.25	1.25	1.50
5 Yr PWLB	2.30	2.50	2.60	2.80	2.90	3.00	3.20	3.20
25 Yr PWLB	3.70	3.80	4.00	4.20	4.30	4.40	4.50	4.60
50 yr PWLB	3.70	3.80	4.00	4.20	4.30	4.40	4.50	4.60

- 2.5 As can be seen from Tables 2 and 3 because the bank rate has remained at 0.5% this has had an impact on the forecast for rates both in this financial year and next financial year. However, bank rate is expected to rise slowly and gradually from mid-2016 onwards.
- 2.6 The forecasts are based on moderate economic recovery and Monetary Policy Committee (MPC) views about inflation looking two years ahead. There is a high level of uncertainty in all forecasts due to the factors involved and their sensitivity to each other. The MPC continue to vote for no change to the levels of quantitative easing in recent meetings and any change in approach is unlikely in the short term.

Table 3: Forecast for Interest Rates September 2015

	2015		2016				2017	
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
	%	%	%	%	%	%	%	%
Bank Rate	0.50	0.50	0.50	0.75	0.75	1.00	1.00	1.25
5 Yr PWLB	2.30	2.40	2.50	2.60	2.80	2.90	3.00	3.10
25 Yr PWLB	3.40	3.60	3.80	3.90	4.00	4.10	4.20	4.30
50 yr PWLB	3.40	3.60	3.80	3.90	4.00	4.10	4.20	4.30

Annual Investment Strategy

2.7 The Annual Investment Strategy outlines the Council's investment priorities which are :

- ✦ Security of Capital and
- ✦ Liquidity of its investments

These priorities are consistent with those recommended by DCLG and CIPFA.

2.8 The Council aims to achieve optimum return on investments commensurate with these priorities. In the current economic climate officers are striving to achieve a balance of investments that will give at least an average of the budgeted level of return of 1.00% whilst minimising the on-going risks within the banking sector.

2.9 The Council continues to invest in only highly credit rated institutions using the Capita suggested creditworthiness matrices which take information from all the credit ratings agencies. Officers can confirm that the Council has not breached its approved investment limits during the first six months of the year for fixed term deposits (maximum £20m). Appendix A shows an analysis of Investments at 1 April-30 September 2015.

2.10 While interest rates have remained low throughout 2015, cash balances have continued at relatively high levels, this is mainly due to a change in the timing of the payments made to central governments for their share of NNDR. The current forecast is that the Council will achieve interest income of £248k (£200k allocated to the General Fund; £48k to the Housing Revenue Account).

2.11 The investment of the cash balances of the Council are managed as part of the investment pool operated by North Yorkshire County Council (NYCC). As at 30 September 2015 £28.5m was held with NYCC at an average rate of 0.65%. A further £3.0m remains invested in a fixed term deposit at a rate of 1.00% and will transfer to NYCC upon maturity on 16

October 2015.

- 2.12 The Council has a benchmark of its budget target of 1% to reflect performance of investments. The overall average rate to September of 0.72% is below benchmark. However, the Council's cash balances remain high which will support the interest earned budget as investment income rates remain low. The forecast is kept under constant review.
- 2.13 The average level of funds available for investment during the six months to September was £32.1m. Over the course of 2015/16 these cash balances are expected to reduce to £31.0m, These funds were available on a temporary basis, and the level of funds available was mainly dependent on the timing of precept payments, receipt of grants and progress on the capital programme which has increased cash available to invest in the short term. The Council holds approximately £14.0m of core cash balances made up of earmarked reserves and capital receipts set aside to repay debt for investment purposes (i.e. funds available for more than one year).

Borrowing

- 2.14 It is a statutory duty for the Council to determine and keep under review its "Affordable Borrowing Limits". The Council's approved Prudential Indicators (affordable limits) were outlined in the Treasury Management Strategy Statement (TMSS). A list of the limits is shown at Appendix B. Officers can confirm that the Prudential Indicators were not breached during the first three months of the year.
- 2.15 The TMSS indicated that there was a requirement to take long term borrowing during 2015/16 to support the budgeted capital programme. However, the 2015/16 forecast borrowing requirement is entirely dependent on the progress of the Selby Leisure Village within the Programme for Growth and the level of funding required for Housing Development loans to Selby and District Housing Trust. Any borrowing requirement will be confirmed as the project plans are finalised.
- 2.16 The Council approved an Authorised Borrowing Limit of £79.0m (£78m debt and £1m Leases) and an Operational Borrowing Limit of £71.0m (£70m debt and £1m Leases) for 2015/16. The highest total gross amount of debt in the year to 30 June has not been more than £60.3m on any occasion.
- 2.17 The Council overall was in an over borrowed position of £3.0m at 31 March 2015. This means that capital borrowing is currently in excess of the of the Council's underlying need to borrow. This position has resulted from the set-aside of sums to repay debt in the future.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

There are no legal issues as a result of this report.

3.2 Financial Issues

There are no financial implications as a result of this report. However, the Executive Director (s151) and Lead Officer - Finance will, with advice from the Council's advisors (Capita and North Yorkshire County Council) look to maximise opportunities with the Council's investment and borrowing position.

4. Conclusion

- 4.1 The impact of the economy, and the turmoil in the financial markets, continues to have an impact on the Council's investment returns and will continue to do so for some while.

5. Background Documents

Accountancy treasury management files

Appendices:

Appendix A – Analysis of Deposits at 1 April, 30 June and 30 September 2015

Appendix B – Prudential Indicators as at 30 September 2015

Analysis of Deposits At 1 April 2015, 30 June 2015 and 30 September 2015

Institution	At 1 April 2015			At 30 June 2015			At 30 September 2015		
	Amount £'000	Maturity	Rate %	Amount £'000	Maturity	Rate %	Amount £'000	Maturity	Rate %
Lloyds	3,000	16-Oct-15	1.00	3,000	16-Oct-15	1.00	3,000	16-Oct-15	1.00
Lloyds	2,000	04-Aug-15	0.95	2,000	04-Aug-15	0.95			
Newcastle City Council	1,000	28-Sep-15	1.00	1,000	28-Sep-15	1.00			
Newcastle City Council	3,000	07-May-15	1.00						
North Yorkshire County Council	15,315			22,657			28,529		
Total Deposits	24,315			28,657			31,529		

Prudential Indicators – As at 30 September 2015

Note	Prudential Indicator	2015/16 Indicator	Quarter 2 Actual
1.	Mid Year Capital Financing Requirement £'000	65,511	65,545
	Gross Borrowing £'000	61,070	61,070
	Investments £'000	17,975	31,529
2.	Net Borrowing £'000	42,358	29,541
3.	Authorised Limit for External Debt £'000	79,000	79,000
4.	Operational Boundary for External Debt £'000	71,000	71,000
5.	Limit of fixed interest rates based on net debt %	100%	100%
5.	Limit of variable interest rates based on net debt %	30%	30%
6.	Principal sums invested for over 364 days		
	1 to 2 Years £'000	20,000	3,000
	2 to 3 Years £'000	15,000	0
	3 to 4 Years £'000	5,000	0
	4 to 5 Years £'000	5,000	0
7.	Maturity Structure of external debt borrowing limits		
	Under 12 Months %	20%	0%
	1 Year to 2 Years %	20%	0%
	2 Years to 5 Years %	50%	1.66%
	5 Years to 10 Years %	50%	10.77%
	10 Years to 15 Years %	50%	0%
	15 Years and above %	90%	87.57%

Notes to the Prudential Indicators

1. Capital Financing Requirement – this is a measure of the Council's underlying need to borrow long term to fund its capital projects.

APPENDIX B

2. Net Borrowing (Gross Borrowing less Investments) – this must not except in the short term exceed the capital financing requirement.
3. Authorised Limit for External Debt – this is the maximum amount of borrowing the Council believes it would need to undertake its functions during the year. It is set above the Operational Limit to accommodate unusual or exceptional cashflow movements.
4. Operational Boundary for External Debt – this is set at the Council’s most likely operation level. Any breaches of this would be reported to Councillor’s immediately.
5. Limit of fixed and variable interest rates on net debt – this is to manage interest rate fluctuations to ensure that the Council does not over expose itself to variable rate debt.
6. Principal Sums Invested for over 364 days – the purpose of these limits is so that the Council contains its exposure to the possibility of loss that might arise as a result of having to seek early repayment or redemption of investments.
7. Maturity Structure of Borrowing Limits – the purpose of this is to ensure that the Council is not required to repay all of its debt in one year. The debt in the 15 years and over category is spread over a range of maturities from 23 years to 50 years.

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Selby District Council

REPORT

Reference: E/15/33

Item 6 - Public



To: The Executive
Date: 5 November 2015
Status: Non Key Decision
Report Published: 28 October 2015
Author: Glenn Shelley – Business Manager
Executive Member: Councillor Cliff Lunn – Lead for Finance
Lead Officer: Karen Iveson – Executive Director

Title: Revenues and Benefits Procurement Exercise

Summary:

This report updates the Executive on the procurement of a Strategic Partner for the delivery of the Revenues and Benefits Services at Selby and Craven District Councils. Craven also require the Partner to deliver ICT Services. The reports sets out the progress made to date and requests authority to progress through the next stage in the procurement process.

Recommendations:

- i. To endorse the progress made to date.
- ii. To authorise the Managing Director of Access Selby to proceed through the outline and detailed solution stages in the process.
- iii. To receive a further report informing the Executive of the outcome of dialogue stages and to seek approval to go out for final tenders.

Reasons for recommendation

To ensure the Executive support the progress made to date and to secure approval to proceed through the next stages in the process.

1 Introduction and background

- 1.1 In December 2014 the Executive considered a report which set out the potential to test the market and identify a Strategic Partner for the delivery of the Revenues and Benefits services at Selby and Craven District Councils.

Craven are also looking for the partner to deliver its ICT services. The Executive delegated to the Managing Director of Access Selby to join with Craven District Council to invite Expressions of Interest to undertake a competitive dialogue process with a view to establishing a Joint Venture for the delivery of these Services.

- 1.2 The use of the Competitive Dialogue procurement process allows the Councils to discuss their requirements in detail with potential partners and establish the scope of the service and the appropriate delivery vehicle. This report provides an update on the progress to date and the next steps.

2. The Report

- 2.1 A Project Board has been established to ensure effective oversight the process. The Project Board consists of Mark Steward and Karen Iveson from Selby District Council together with Samia Hussain, Director, from Craven. The Board receives legal and procurement advice on an on-going basis.
- 2.2 Following procurement advice, officers undertook pre market discussions with several potential providers. These discussions enabled the development of an OJEU notice and accompanying documentation which would be attractive to the market. From the discussions, it was identified that the most effective way to generate commercial interest in the proposal was to set out the outcomes both Councils were seeking and let the market use its experience to determine the best legal formation of that company.
- 2.3 The OJEU notice was placed on 14th of August and a total of eight returns were received by the deadline of 18th of September. At this stage the returns are expressions of interest which identify a potential providers' interest in the proposal but contain little detail as to the delivery method. This detail will be developed in dialogue sessions with the companies. The Project Board met on 21/10/15 and seven companies were taken to the next stage of the process.
- 2.4 The next stage of the process allows officers from the Councils to meet with prospective providers before the return of the Outline Solutions documents. These meetings allow all parties to understand more about the prospective structure of any potential partnership. Outline solutions are then returned before a further round of dialogue takes place with a view to reducing the number of bidders to three within the next few months.
- 2.5 With the Executive's approval, officers will progress through this dialogue stage of the process, examining outline solutions and then more detailed responses, before returning to the Executive early in 2016 for approval to proceed to final tenders. At this stage, officers will be in a position to discuss the detail of the bids and the impact on the Council.

- 2.6 Craven District Council's Policy Review committee considered a progress report update on 3rd of November 2015, agreement from both Councils is required to progress to the next stage in the process. A verbal update will be given at the Executive meeting.

3. Legal/Financial Controls and other Policy matters

Legal Issues

- 3.1 The next steps as set out in this report would ensure compliance with current procurement legislation and the Procurement Procedure Rules set out in the Council's Constitution. Further reports will be submitted setting out the detailed legal implications of any proposal once further details of that proposal (or proposals) are developed through the Competitive Dialogue process.

Financial Issues

- 3.2 The resources required to undertake the Competitive Dialogue process can be met from within existing budgets. Further reports would be submitted setting out the detailed financial implications of any proposal once the details of that proposal (or proposals) are developed through the Competitive Dialogue process.

Impact Assessment

- 3.3 At this early stage an impact assessment has not been completed. An assessment has been scheduled for completion by the end of the dialogue stage in the process, by which point officers will have a much greater understanding as to the formation of any partnership.
- 3.4 A partnership would involve the potential TUPE Transfer of relevant staff. Consultation and engagement with staff and unions is taking place on a regular basis and will continue throughout the process.

4. Conclusion

- 4.1 This report updates the Executive on the progress made to date on the procurement of a revenues and benefits service. It then asks for its support to continue through the outline and detailed solution stages before returning with a report for selection of final tenders early in 2016.

5. Background Documents

Report to the 4 Executive December 2014

<http://www.selby.gov.uk/all-committee-meetings/71?page=1>

Contact Officer:

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Appendices:

None

Selby District Council

REPORT

Reference: E/15/34

Item 7 - Public



To: The Executive
Date: 5 November 2015
Status: Key Decision
Report Published: 28 October 2015
Author: Karen Iveson –Executive Director (s151)
Executive Member: Councillor C Lunn – Lead Member for Finance & Resources
Lead Officer: Karen Iveson – Executive Director (s151)

Title: S106 Affordable Housing Commuted Sum Allocation

Summary:

This report presents an outline proposal for the allocation of s106 commuted sums for affordable housing. The majority is currently anticipated for the Redrow/Persimmon and Macgay Wayne developments in Sherburn in Elmet and whilst this report uses these sums to illustrate the principles, it is intended that these apply to any affordable housing sums received.

The report proposes that £99k p.a. of the s106 receipts received be allocated to bringing empty homes back into use as affordable homes with the remainder of the receipts allocated to the Council's affordable homes programme.

The report proposes a sum of up to £30k per property for empty homes and up to £50k for new builds within SDC's affordable homes programme. Basing the calculation on the Sherburn receipts, at least 33 additional affordable homes could be brought back into use over the next 10 years, along with a minimum 151 new build affordable homes.

Recommendations:

It is recommended that subject to availability of receipts, s106 funding be allocated as follows:

- i) **£99k p.a. over the next 10 years for bringing empty homes back into use as affordable homes with a maximum award of £30k per property;**
- ii) **that a proposal is brought forward within the next 3 months to establish a practical way forward for the additional funding;**
- iii) **the remainder of the funding available be allocated to SDC affordable homes programme to a maximum of £50k per property.**

Reasons for recommendation

To provide a funding framework to enable scheme forward planning.

1. Introduction

- 1.1 This report presents an outline proposal for the allocation of s106 commuted sums for affordable housing. The majority is currently anticipated for the Redrow/Persimmon and Macgay Wayne developments in Sherburn in Elmet and whilst this paper uses these sums to illustrate the principles, it is intended that these apply to any affordable housing sums received.
- 1.2 The s106 agreements for Sherburn in Elmet provide for a commuted sum of £8,540,251.80 in total for the provision of affordable housing in the District, (based on 108 affordable homes off-site at an average of £79,076.40 per unit).
- 1.3 In considering a potential programme it is proposed that a proportion of the funding is used to bring existing long term empty homes back into use for affordable homes.
- 1.4 It is anticipated that the average amount required to bring an empty home back into use will be less than that required for a new build home and therefore delivery can be maximised beyond the 108 provided for by the s106 agreements.
- 1.5 In considering an appropriate split of funding, consideration needs to be given to the desired outcomes and outputs to be achieved along with likelihood of delivery.
- 1.6 Any proposed funding allocation will need to be kept under close review to ensure delivery is maximised and we will need to be ready to flex our plans to match demand/delivery of our homes on the ground.

2. The Report

Empty Homes

- 2.1 The Council's Empty Homes Strategy identifies the challenges of long term empty homes and identifies a range of measures the Council will take to bring homes back into use.
- 2.2 Assuming a maximum grant of £30k per empty home brought back in to use as an affordable home, with an annual target of a minimum of 3-4 homes per annum over a 10 year period - £1m of the s106 funding could be diverted towards empty homes.
- 2.3 Currently £100k is allocated from the 'Programme for Growth' for this work and therefore an additional £100k p.a. over 10 years represents a significant increase.
- 2.4 Given the number of empty homes within the district it is considered that this level of empty homes work is achievable but further work to assess deliverability will be needed. A growth bid for additional revenue resources to support this work was approved within the Executive's budget proposals for 2015/16.
- 2.5 A delivery framework will be required to ensure the funding can be used effectively within the time limits specified by the s106 agreement. Access Selby have been commissioned to administer the current £100k funding and it is suggested that **a proposal is brought forward within the next 3 months to establish a practical way forward for the additional funding.**
- 2.6 As part of this work a district profile will be drawn up to prioritise the works and it is proposed that, given the s106 receipts will be generated by house building in Sherburn, this area is targeted for the first phase of any work.

New Build Delivery

- 2.7 A number of existing registered providers operate within Selby district and deliver new build affordable housing through the s106 process. Registered providers can access HCA funding for their development and therefore it is not currently considered that using s106 receipts to subsidise their builds or acquisitions would increase the number of additional affordable homes in the District. However the recent announcements regarding right to buy and rent capping in that sector may result in the RPs being unwilling to commit to this model of delivery so options should remain open to allow the Council to purchase these developer delivered homes or to provide grant funding to enable the Trust to acquire them.

- 2.8 The Council has an established new build delivery programme within the Housing Revenue Account and General Fund (via Selby and District Housing Trust). Commuted sums provide an opportunity to also support delivery of the Council's own affordable housing programme. The programme is currently reliant on the use of council owned garage sites and other land/assets. The nature of the Council's existing assets means that scheme viability is likely to be challenging without some level of subsidy.
- 2.9 Our viability model allows for market housing to cross subsidise affordable homes and this will continue to be considered when assessing the feasibility of particular schemes, as overall value for money on the affordable homes will need to be demonstrated. However the ability to provide 'grant' funding to directly support the programme is an important part of our model.
- 2.10 The extent to which the s106 receipts will be used to support the Council's own HRA stock will depend upon the schemes delivered within the programme although in accordance with the Council's affordable housing development strategy these schemes are expected to be shared broadly on a 50:50 basis between the HRA and GF(SDHT). Where possible it is proposed that HCA funding is pursued. However, due to recent Government announcements on the extension of Right to Buy to registered Social Landlords and restrictions on rent levels, SDHT have withdrawn their application for registration with the HCA and consequently they will not be eligible for HCA funding.
- 2.11 The affordable homes for rent delivered by SDHT through the Council's development programme are classed as 'intermediate rent' which falls within the requirement of the s106 agreement although SDHT will have to commit to charging below market rents in perpetuity on dwellings supported by this funding.
- 2.12 It is anticipated that the level of subsidy required per unit for the Council's development programme will be less than the £79k sum per unit included within the s106 agreements which will enable a greater number of homes to be delivered. The latest outline business cases for the Council's affordable homes programme shows a subsidy level of up to £50k per unit is needed (average HRA £20k and average SDHT £34k) although the level of subsidy going forward will be dependent upon the costs and rental income potential of the individual schemes.
- 2.13 Applying an indicative subsidy level of up to say £50k per unit at least 151 affordable new build homes could be supported over the next 10+ years and an average of £30k per unit could support 251 new build homes. This is in excess of the number homes targeted within the current affordable homes development programme to 2019 and therefore the programme will be reviewed at an appropriate point and extended as necessary.

- 2.14 Should the future programme identify alternative opportunities and/or need (for example using the receipts to buy or fund affordable homes delivered by private developers) then such proposals will be brought back to the Executive.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

- 3.1.1 The s106 receipts must be spent in accordance with the parameters set in the agreements or the Council will be in breach of its covenants.

3.2 Financial Issues

- 3.2.1 The latest estimated profile and timing of s106 receipts is:

Redrow Persimmon

No. properties delivered each		Redrow £	Persimmon £	Total £
40 th property	2016	584,997.26	584,997.26	1,169,994.52
80 th property	2017	584,997.26	584,997.26	1,169,994.52
120 th property	2018	584,997.26	584,997.26	1,169,994.52
160 th property	2019	584,997.26	584,997.26	1,169,994.52
200 th property	2020	584,997.26	584,997.26	1,169,994.52
240 th property	2021	584,997.26	584,997.26	1,169,994.52
250 th property	2022	146,249.34	146,249.34	292,498.68
Total		£3,656,232.90	£3,656,232.90	£7,312,465.80

Macgay Wayne

45 th property	Sep-17	£613 893.00
81 st property	Sep-19	£613 893.00
Total		£1,227,786.00

- 3.2.2 This outline proposal suggests that the s106 funding is split between empty homes and new build delivery. Applying an indicative sum of up to £30k per property for empty homes and up to £50k for new builds within SDC's programme, and basing the calculation of the Sherburn receipts at least 33 additional affordable homes could be brought back into use over the next 10 years, along with a minimum 151 new build affordable homes.

	Max Amount per Unit £000	10 Year Min. Target Number of Homes	10 Year Funding £000
Empty Homes (additional)	30	33	990
SDC Affordable Housing Development	50	151	7,550
Total		184	8,540

3.2.3 The s106 agreements require the sums to be spent within 5 years of receipt of the final payments (or it is repayable with interest at base rate +2%) and therefore a plan is required to deliver an achievable programme which secures the funding.

4. Conclusion

- 4.1 The s106 commuted sums the Council anticipates receiving over the next 7 years for affordable housing provide a significant opportunity to support our affordable homes programme and bring much needed empty homes back into use.
- 4.2 It is anticipated that the average amount required to bring an empty home back into use will be less than that required for a new build home and therefore delivery can be maximised beyond the 108 provided for by the s106 agreements.
- 4.3 Any proposed funding allocation will need to be kept under close review to ensure delivery is maximised and we will need to be ready to flex our plans to match demand/delivery of our homes on the ground.

5. Background Documents

None

Appendices

None

Contact Details

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Selby District Council

REPORT

Reference: E/15/35

Item 8 - Public



To: The Executive
Date: 5 November 2015
Status: Key decision
Report Published: 28 October 2015
Author: Eileen Scothern
Executive Member: Councillor C Lunn
Lead Officer: Karen Iveson

Title: Fees and Charges 2016/17

Summary:

The report considers four services and proposes new charges, uplift above the RPI and a reduction in fees as part of the corporate open for business initiative. It is estimated through implementing the recommendations in this report the Council can recover an additional £5,000 for services delivered.

Recommendations:

- i. All other discretionary fees to be increased by RPI in line with the Corporate Charging Policy
- ii. To agree the proposed amendment to the Street Naming and numbering in Appendix A
- iii. To agree the proposed fees and charges uplift for Commercial waste as set out in Appendix B
- iv. To agree a staged uplift over two years for Bulky waste as set out in Paragraph 2.18
- v. To reduce the discounted rate to 25% for residents on means tested benefits
- vi. To agree the proposed fees and charges for Licencing as set out in Appendix C

Reasons for recommendation

The Executive is asked to agree the recommendation to enable the setting of fees for 2016/17 in line with the Medium Term Financial Strategy protocol and to recover costs incurred in delivering discretionary services.

1. Introduction and background

- 1.1 On an annual basis officers review the fees and charges in line with the Medium Term Financial Strategy (MTFS). The MTFS provides the strategic framework for managing the Council's financial resources to support delivery of its objectives. The strategy states that in determining fees and charges we will also explore opportunities to introduce discretionary charges as a means of generating additional income to the Council to recover the costs of service delivery.
- 1.2 Officers last year identified four areas where the proposed new charges or the increase is higher/lower than RPI they are Legal; Commercial Waste; Mobile Caravan Licences and Street Naming and Numbering. These charges will increase our income to circa £90,000 moving closer to achieving full cost recovery.
- 1.3 This year due to legislation changes we are seeking authority to reduce fees and charges for Driver and Operator Licence as well as approving revised charges for Street Naming and Numbering and Lifeline.

2. The Report

Progress on Charges since 2011 and 2015/16 update

- 2.1 Since the reorganisation in 2011 and a need to reduce the reliance on the reducing government grant and the need to replace this with locally generated income as well as increasing efficiencies. This is the fifth year of producing the Fees and Charges report identifying potential new charges and uplift/reduction in subsidy on existing charges.
- 2.2 In 2011/12 the percentage of income against expenditure was 3% this had increased to 7% in 2014/15. It is increasingly more challenging to identify services under the current Charging Policy where the authority can generate additional income therefore to continue increasing income generated and the percentage of expenditure funded from income rather than government grant the Council will need to review the Charging Policy adopted in October 2011. The Charging Policy will also consider a reasonable balance of achievable proportion of income generated, it is envisaged this report will be presented to Executive in early 2016.
- 2.3 Officers have reviewed progress against new charges introduced in April 2015 and performance against targets for charges changed outside the MTFS thresholds. In 2014 officers recommended increasing charges above RPI for the legal and commercial waste charges and recommended introducing two new charging schemes to allow the Council to recover the costs of delivering services. It was envisaged the total across the four services would generate approximately £50,000 p.a.; the revised profile is now £90,000.

Legal Fees

- 2.4 A review of the Legal Charges was conducted in 2014 with a revised schedule of charges agreed. The proposed new Schedule of rates was projected to generate additional income of £6,000 per annum.
- 2.5 The projected income was based on previous year's trends and did not include any uplift in demand due to an improving economy. As at 31/08/2015 it is predicted the additional income will be £30,000 for 2015/16, however this is linked to the increase in S106 (Planning Agreements) which may be significantly reduced in future with the introduction of CIL (Community Infrastructure Levy).

Commercial Waste

- 2.6 The annual calculation process has been updated to reflect increases in disposal and collection costs and after comparison with the competition a variable price increase is proposed albeit at a slightly reduced level than last year which reflects competitor pricing. The proposed increase for 2015/16 was an average of 10% ranging from 2.5% to 15% that resulted in a competitive edge for all price bands against our main competitor.
- 2.7 The agreed schedule of rates projected an additional receipt of £27,000 for 2015/16. As at 31/07/2015 it is predicted this target will be met.

Bulky Waste

- 2.8 Bulky waste collection charges were reviewed in 2012 when it was identified that prices had been static since a charge was first introduced in 2005. A revised charge and associated policy was implemented in 2013/14 and subsequently prices have increased in line with inflation. The price increase in 2013/14 was 50% but had no negative impact on demand and no discernible increase in fly tipping incidents in the area.

Mobile Caravan Licences

- 2.9 All local authorities now have the ability to grant caravan site licenses under The Caravan Sites and Control of Development Act for sites that have valid planning permission for a caravan site without any conditions restrict the usage of the site. Currently there are only two Caravan Sites that fall within the definition of the Mobile Homes Act.
- 2.10 SDC approved with the common fees and charges schedule agreed with City of York, Craven and Ryedale councils. Due to small numbers of caravan sites in the district, the projected income (£600) is small but will enable the Council to recover its costs. As at 31/07/2015 it is predicted the additional income will be slightly below target at £444.

Street Naming and Numbering (SNN)

2.11 SDC introduced a charge for SNN under the 2003 Local Government Act based on historic information it was envisaged the Council could recover around £17,000 per annum. To date the income is circa £9,000 and it is predicted that due to the increase of planning applications due to the lack of a five year land supply and an improvement in the local economy, the income received will be in the region of £22,000. The demand on this service is closely linked to planning permissions granted and the strength of the housing market, it is unlikely this trend will continue after the Council can evidence a five year land supply.

Proposed Charges 2016/17

Street Naming and Numbering (SNN)

2.12 In implementing the new charges it is recommended a slight variation is made to the schedule (prior to the annual RPI increase) by inserting an additional banding.

	Registration of small developments	Medium size plots	Larger sized developments	Additional plots
Approved Selby Charge	10 or less properties £50.00 per property	N/A	for 11 + properties £300.00 plus additional plot fee	£25.00 per plot
Proposed revised Selby Charge	5 or less properties £50.40 per property	6 – 9 Properties £302.40 with no additional plot fee	for 10 + properties £302.40 plus additional plot fee	£25.20 per plot

Commercial Waste

2.13 Whilst throughout the year officers have maintained proactive marketing, the business is experiencing continued competition and close to market saturation. The basis of the calculation used in previous years has been maintained, and the level of increase proposed for 2016/17 is an average of 2.3% ranging from 2% to 2.5%, designed to maintain a competitive pricing structure and associated market share.

- 2.14 As we approach the market saturation the level of increase in income over the last three years is unlikely to be repeated this year and officers are expecting increases in income to be in line with RPI over the next few financial years. The proposed new schedule of rates is attached in Appendix B.
- 2.15 The commercial waste annual calculation has been considered by Executive on an annual basis since 2011 and has shown that it is competitive and achieved the targets set.

Bulky Waste

- 2.16 In the last two years demand has increased by 23% which is beginning to place a strain on the service, leading to increased waiting times. Currently collections are limited to 10 slots per day on Tuesdays and Thursdays and we aim to complete all collections within 10 working days. If demand continues to increase we will need to employ additional resource to ensure that we can carry out collections in a timely manner, meeting customer expectation.
- 2.17 A previous review of the bulky waste service identified that in comparison with other North Yorkshire councils, our charge was the lowest levied by any District. Current analysis shows this is still the case. Charges range from £6.19 per item in Selby to £18.75 per item in Harrogate with the average being £9.87. (Hambleton District Council has been excluded from this exercise as they do not offer fixed price collections, instead providing quotes on a case by case basis.)
- 2.18 If we were to bring our charges in line with the North Yorkshire average this would require a 59% per item increase taking the total cost from £30.96 to £49.37. We are instead proposing a staged increase over the next two years with prices initially increasing to £40.00 for 5 items in 2016/17 and £51 in 2017/18 (including 2 years RPI @ 1.2%). Assuming collections remain at the current level (estimated 780 collections during 2015/16) it is anticipated an additional income of £6,000.
- 2.19 Currently a discounted rate of 50% is offered to residents in receipt of means tested benefits. Of the other North Yorkshire Councils three offer no discount, one offers a 56% discount to those on means tested benefits and one offers a free collection to residents in receipt of Housing or Council Tax benefit only. At present approximately ¼ of our bulky waste collections are charged at the lower rate. Councillors may wish to consider reducing the discount to those in receipt of means tested benefits down to 25%. Discounted bookings currently account for 25% of all bookings and if this discount were to be reduced the increase of income would be £2,000 per annum.

Taxi Licencing Fees

- 2.20 Under Section 53(2) of the Local Government (Miscellaneous Provisions) Act 1976 local authorities are permitted to charge fees to recover the costs of the issue and administration of taxi licences – it is not permitted to use taxi licence fares as a revenue generating stream.
- 2.21 The Deregulation Act 2015 has led to changes to the majority of Taxi Licences. The act alters the standard duration of all hackney carriage and private hire driver licenses from one year to three, and operator licenses from one year to five. As a result of these changes there will at the end of the process be a reduction in administration time and costs over the life of each licence.
- 2.22 The proposed fees are designed to recover costs, and have been calculated by mapping the entire process of issuing a licence and timing the actions of different departments. Although many local authorities are yet to publish their new costs in response to the Deregulation Act, our costs are comparable to or cheaper than those that have published. Benchmarking has been carried out with the North Yorkshire Taxi Officers Group and our fees are at a similar level with those proposed by those authorities.
- 2.23 The new proposed charges are given below compared to the old charges, including projections on the effect this will have on income. Whilst in most areas there is likely to be a decrease in income, as the new regime is rolled out we predict that by the second and third year there will be some capacity savings as less officer time will be spent on the administration and issuing of licenses. It is proposed the licence fees are then reviewed again at the end of their respective cycles.

Driver Licences	Current (annual)	Proposed charge (3 years)	Current income (over 3 years)	Projected income
New	£120.50	£260	£33,578	£29,633
Renewals	£67	£130		

Operator Licences	Current (annual)	Proposed charge (5 years)	Current income (over 5 years)	Projected income
1-4 Vehicles	105	250*	£18,982	£9,000
5-10 Vehicles	112	250*		
11+ Vehicles	121.50	250*		

* Plus Disclosure and Barring Service.

- 2.24 The result will be a reduction of income of £4,000 over 3 years for the Driver licences and a reduction of £9,000 over 5 years for the operators licences (£1,333 per annum).

Lifeline

- 2.25 The development of the Lifeline service is included in the programme of commercial development for Access Selby. A pilot is currently underway and the results will be reported in due course along with recommendations for charges.

3. Legal/Financial Controls and other Policy matters

Legal Issues

- 3.1 Where new charges are being recommended references have been made to the powers to charge in the main report.

Financial Issues

- 3.2 The projected income is based on previous year's trends and does not include any uplift in demand due to an improving economy. There is a potential of a reduction in commercial waste clients, however our proposed rates are based on full cost recovery and are lower than the private sector providers.

Service	Reason for recommendation	Current charge	Proposed Charge	Increase/Decrease
Street Naming and Numbering	Anomaly identified for developments of 6 – 9 units	300-450	300	Decrease – however no applications in this range received in 2015
Commercial Waste	Market research	Various	Various	Average of 2.3%, impact on budget RPI increase
Bulky Waste	Market Research	£33.03	£40 - £51	Increase of £6,000
Bulky Waste – discounted rate	Market research	50% reduction	25% reduction	Increase of £2,000
Taxi Licencing- Drivers	Legislation changes	£120.5 £67	£260 £130	Decrease of £4,000 over 3 years i.e. £1,333 p.a. average
Taxi Licencing – Operators	Legislation changes	Various	£250	Decrease of £9,000 over 5 years i.e. £1,800 p.a. average

- 3.3 The proposed charges will contribute to the Council's Saving Plan targets for maximising current income streams.

Impact Assessment

The impacts of the decision are to reduce income for licensing of £3,133 per annum and an increase income for Waste of £8,000. The cost to the customer will increase but when we reviewed the service in 2012 which saw a substantial increase in charges the incident of fly tipping was minimal.

4. Conclusion

- 4.1 The proposed schedules of rates have been benchmarked against the private sector and local authorities on a full recovery basis and are recommended for approval.

5. Background Documents

None

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Appendices:

Appendix A Proposed additional band for Street Naming and Numbering

Appendix B Proposed Commercial Waste Charges

Appendix C Proposed Charges for Driver and Operator Licences

Appendix A Proposed additional band for Street Naming and Numbering

	Registration of small developments	Medium size plots	Larger sized developments	Additional plots
Approved Selby Charge	10 or less properties £50.00 per property	N/A	for 11 + properties £300.00 plus additional plot fee	£25.00 per plot
Proposed revised Selby Charge	5 or less properties £50.40 per property + RPI	6 – 9 Properties £302.40 with no additional plot fee + RPI	for 10 + properties £302.40 plus additional plot fee + RPI	£25.20 per plot + RPI

Appendix B Proposed Commercial Waste Charges

Standard Contracts - Refuse Charges

Bin	2015/16 Lift Price	2016/17 Lift Price	Difference	% Increase
60	£2.00	£2.05	£0.05	2.50%
120	£3.83	£3.93	£0.10	2.50%
140	£3.83	£3.93	£0.10	2.50%
240	£6.15	£6.30	£0.15	2.50%
360	£8.21	£8.42	£0.21	2.50%
660	£11.28	£11.51	£0.23	2.00%
1100	£17.52	£17.87	£0.35	2.00%
1280	£21.87	£22.31	£0.44	2.00%

Standard Contracts - Recycling Charges (profit does not include income from sale of recyclates)

Bin	2015/16 Lift Price	2016/17 Lift Price	Difference	% Increase
55	£1.12	£1.15	£0.03	2.50%
120	£1.89	£1.94	£0.05	2.50%
140	£1.89	£1.94	£0.05	2.50%
240	£2.96	£3.03	£0.07	2.50%
360	£4.09	£4.19	£0.10	2.50%
660	£5.73	£5.84	£0.11	2.00%
1100	£9.52	£9.71	£0.19	2.00%
1280	£11.01	£11.23	£0.22	2.00%

Chargeable Domestic - Refuse Charges

Bin	2015/16 Lift Price	2016/17 Lift Price	Difference	% Increase
60	£1.33	£1.36	£0.03	2.50%
120	£2.00	£2.05	£0.05	2.50%
140	£2.00	£2.05	£0.05	2.50%
240	£3.33	£3.41	£0.08	2.50%
360	£4.34	£4.45	£0.11	2.50%
660	£6.38	£6.51	£0.13	2.00%
1100	£9.87	£10.07	£0.20	2.00%
1280	£10.94	£11.16	£0.22	2.00%

Chargeable Domestic - Recycling Charges
(profit does not include income from sale of recyclates)

Bin	2015/16 Lift Price	2016/17 Lift Price	Difference	% Increase
55	£0.70	£0.72	£0.02	2.50%
120	£1.30	£1.33	£0.03	2.50%
140	£1.30	£1.33	£0.03	2.50%
240	£1.91	£1.96	£0.05	2.50%
360	£2.40	£2.46	£0.06	2.50%
660	£3.97	£4.05	£0.08	2.00%
1100	£6.65	£6.78	£0.13	2.00%
1280	£7.68	£7.83	£0.15	2.00%

Appendix C Proposed Charges for Driver and Operator Licences .

Driver Licences	Current (annual)	Proposed charge (3 years)
New	£120.50	£260
Renewals	£67	£130

Operator Licences	Current (annual)	Proposed charge (5 years)
1-4 Vehicles	£105	£250*
5-10 Vehicles	£112	£250*
11+ Vehicles	£121.50	£250*

* Plus Disclosure and Barring Service costs

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Selby District Council

REPORT

Reference: E/15/36

Item 9 - Public



To: The Executive
Date: 5 November 2015
Status: Key Decision
Report Published: 28 October 2015
Author: Dave Maycock, Lead Officer - Assets
Executive Member: Councillor Lunn
Lead Officer: Karen Iveson - Executive Director (s151)

Title: Selby District Council Asset Management Strategy and Action Plan 2015 - 2018

Summary:

A draft Asset Management Strategy is attached for Executive to consider.

Recommendations:

- i. That Executive approve the Asset Management Strategy and the Action Plan.

Reasons for recommendation

The Asset Management Strategy is a key strategy for the Council, identifying the Assets of the Council and the key priorities for their use.

1. Introduction and background

- 1.1 The Asset Management Strategy 2015 – 2018 replaces the 2012 – 2015 strategy and the terms of reference provide governance of the plan to fit the revised structure of the Council. The plan has been drawn up around the priorities of the Council, and along with the implementation plan provides a reporting mechanism to the Executive. The implementation plan is provided to report back on progress and allow managers to see the resources required and plan future workload within Access Selby.

2. The Report

- 2.1 The AMS is a strategic document which sets out what the Council aims to achieve in terms of its assets. The Strategy would then be implemented by officers and performance monitored over the year.
- 2.2 In order to manage the assets of the authority effectively the Council needs to review how the assets are used currently and how they could be used to support its plans for the future. In addition the Council needs to ensure that the assets are fit for purpose.
- 2.3 The draft Strategy reflects the Council's role as commissioner and includes a draft implantation plan and performance measures in line with this role. Detailed actions: the 'how', will be identified by Access Selby as the service provider.

3. Legal/Financial Controls and other Policy matters

Legal Issues

- 3.1 The Strategy meets the Council's statutory responsibilities to manage its resources effectively and efficiently from a political, environmental and social perspective.

Financial Issues

- 3.2 The AMS will ensure that the assets are effectively, economically and efficiently managed, providing a framework within which assets can contribute to the objectives and plans of the Council. The Medium Term Financial Strategy identifies the financial resource allocated to our assets and based upon the strategy these resources are considered sufficient to deliver the action plan. The AMS will inform the requirement for these resources in the future.

Impact Assessment

- 3.3 The impacts have been assessed as part of the Risk Assessment – Appendix C of the attached document.

4. Conclusion

- 4.1 That when adopted and prioritised the plan and reporting mechanism will provide Access Selby and the Council clear structured governance of the Asset Management Plan, allowing the Council to set its priorities and allow Access Selby to allocate the resources needed for each individual project.

5. Background Documents

Medium Term Financial Strategy
Report to Executive 4 October 2012

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Appendices:

Appendix A Asset Register
Appendix B Action Plan
Appendix C Risk Assessment
Appendix D Management
Appendix E Register of Completed Acquisitions and Disposals
Appendix F Potential Acquisitions and Disposals
Appendix G Financial Funding Plan
Appendix H Non HRA Summary of Annual Spend

ASSET MANAGEMENT STRATEGY APPENDIX A

ASSET REGISTER

Operational land & building assets over the value of £10,000 or submitted as part of the Local Plan review

OPERATIONAL LAND & BUILDINGS	USAGE / OTHER INFORMATION
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Housing Stock	
Domestic properties x 3126	Rented by members of the public

Corporate Buildings & Depots	
Barlby Depot, Barlby Road, Selby	Workshop, Outside & Store
Civic Centre, Doncaster Road, Selby	Offices & Car Parking
Prospect Way Depot, Prospect Centre, Selby	Workshop & Land
43 Kirkgate, Tadcaster	3 x flats SDHT, 1 x commercial unit, SDC

Leisure Facilities	
Denison Road Playing Field & Changing Rooms	
Former Leisure Facility Building (and land?)	
Portholme Crescent	On call for sites residential
Selby Rec. Ground & Abbeyfield Changing Rooms	
Portholme Road	Community Asset
Selby LC, Scott Road, Selby	2 Floors, Outside & Parking
Tadcaster LC, Station Road, Tadcaster	2 Floors

Parks & Open Spaces	
Barlow Common	Leased to Yorkshire Wildlife Trust
Play Area Roe Lane, Birkin	Community Asset
Brayton Barff	(part)
Play Area Holly Tree Court, Hambleton	Community Asset
Hambleton Hough	Leased to Wildlife Habitat Trust
Play Area The Crescent, Monk Fryston	Community Asset
Play Area, Baffam Lane, Selby	Community Asset
Play Area Bainbridge Drive, Selby	Community Asset
Bondgate, Selby	On call for sites residential
Play Area Bridle Walk, Selby	Community Asset
Play Area Cedar Crescent, Selby	Community Asset
Play Area Charles Street, Selby	Community Asset

Play Area Holmes Avenue, Selby	Community Asset
Selby Rec. Ground, Leeds Road	Community Asset
Selby Park & Pavilion	Community Asset
Play Area Petre Avenue, Selby	Community Asset
Play Area The Haven, Selby	Community Asset
Play Area Volta Street, Selby	Community Asset
Play Area Grange Road, Sherburn	Community Asset
Play Area Henrys Mews, Sherburn	Community Asset
Play Area Highfield Villas, Sherburn	Community Asset
Bowling Green, Tadcaster	Community Asset
Play Area, Parklands Drive (Gallows Hill) Tad	Community Asset
Sports Ground, Tadcaster	Community Asset
Play Area Woodlands Avenue, Tadcaster	Community Asset

Homeless Hostels	
Ousegate Lodge Homeless Hostel Selby	10 Units, former warden accommodation (vacant)
Edgerton Lodge Homeless Hostel, Tadcaster	10 Units, former warden accommodation (vacant)

Public Conveniences	
Back Micklegate, Selby	Ladies & Gents WCs
Park Street, Selby	Ladies & Gents WCs
Britannia Car Park, Tadcaster	Ladies & Gents WCs

Community Centres	
St Wilfrids, Brayton	Community Centre
Anne Sharpe, Byram	Doctor's Surgery & Community Centre
Westfield Court, Eggborough	Community Centre
Manor Garth, Kellington	Community Centre
Coultish Centre, Selby	Community Centre
Cunliffe Centre, Selby	Community Centre
Laurie Backhouse Court, Selby	Community Centre
Harold Mill, Sherburn in Elmet	Community Centre
Lady Popplewell Centre, Sherburn in Elmet	Community Centre
Grove House, South Milford	Community Centre
Calcaria House, Tadcaster	Community Centre
Kelcbar Close, Tadcaster	Community Centre
Rosemary House, Tadcaster	Community Centre

Car Parks		On Site Assets
Audus Street, Selby	Car Park	Ticket machine
Back Micklegate, Selby	Car Park	Ticket machines x 2
Church Hill, Selby	Car Park	Ticket machine
Micklegate, Selby	Car Park	Ticket machines x 2
New Lane, Selby	Car Park	Ticket machine x 2

Portholme Crescent, Selby	Car Park	Ticket machines x 2
Portholme Road, Selby	Car Park at former Civic Centre on call for sites residential	Ticket machine
Selby Park, Selby	Car Park	Ticket machine
South Parade, Selby (Kwik Save)	Car Park	Ticket machines x 2
Church View Sherburn in Elmet	Car Park	Free of charge
Social Club, Sherburn in Elmet	Car Park	Free of charge
Britannia, Tadcaster	Car Park	Review on car parking charges
Chapel Street, Tadcaster	Car Park	Review on car parking charges
St Joseph Street, Tadcaster	Car Park	Review on car parking charges

Pumping Stations	
Low Gate, Balne, Goole	Sewage Treatment Plant
High Gate, Balne, Goole	Sewage Treatment Plant
8 Park Lane, Balne	Sewage Treatment Plant
Roe Lane, Birkin, Knottingley	Sewage Treatment Plant
Aire View, Chappel Haddlesey	Sewage Treatment Plant
Pond View, Kelfield	Sewage Treatment Plant
Mill Lane, Ryther, Tadcaster	Sewage Treatment Plant
Cawood Road, Stillingfleet	Sewage Treatment Plant
1 & 2 Hillside, Stillingfleet	Sewage Treatment Plant
4 Hillside, Stillingfleet	Sewage Treatment Plant
Laburnum Grove, Stillingfleet	Sewage Treatment Plant
3 Main Road, Temple Hirst	Sewage Treatment Plant
11 Main Road, Temple Hirst	Sewage Treatment Plant

Miscellaneous Land	
Back Lane, Bilborough	Grassed Area On call for sites for residential
Land at Bilbrough	Leased to Parish Council
Burn Airfield	Purchased July 2015 subject to commercial and lifelong agricultural tenancies
Former Garages Site, Oaklands Crescent	Is this same as below?
Land, Prospect Close, Camblesforth	On call for sites for residential
Land at Wolsey Avenue, Cawood	Leased to Parish Council
Land, Aire View Chapel Haddlesey	Grassed area, on call for sites residential
Land x 4 Eggborough Garage Sites	On call for sites for residential
Greenacres, Eggborough	Grassed Area
Land, Westfield Grove, Eggborough	Grassed Area
Main Street, Hambleton	Grassed Area
Land at Mill Close, Monk Fryston	Grassed Area

Garage Sites Landing Lane Riccall	On call for sites residential
Scarthingwell Crescent, Saxton	Grassed Area
Land at Bus Station, Station Road, Selby	Presently used as bus parking area
Cedar Crescent, Selby	Grassed Area
Land at Church Hill, Selby	Grassed Area
Elston Place, Selby	Grassed Area
Land at Ousegate, Selby	Grassed Area
Telephone Mast, Portholme Road, Selby	Land & mast - land rented by NY Police
Land, Highfield Green, Sherburn	On call for sites for residential
New Lane, Sherburn	Grassed Area
Land at Low Street, South Milford	Grassed Area
Garage Sites, Austerbank View, Tadcaster	On call for sites for residential
Land at Bus Station, Tadcaster	Bus Station with standing bays
Millfield Road, West Haddlesey	Grassed Area
Millfield Road, West Haddlesey	Car Park for Public House
Gravelhill Lane, Whitley	Grassed Area
Land adj Prospect Row, Wistow	Grassed Area
Land Station Road, Womersley	Grassed Area

Commercial Units	
Prospect Centre Workshops, Selby	13 Units, 2 floors
Vivars, Selby	14 Units
Enterprise Centre, Sherburn in Elmet	9 Units
Hurricane Way, Sherburn in Elmet	2 Units
Swordfish Way, Sherburn in Elmet	7 Units

ASSET MANAGEMENT STRATEGY APPENDIX A

ASSET REGISTER

Non operational land & building assets over the value of £10,000

NON OPERATIONAL LAND & BUILDINGS	USAGE / OTHER INFORMATION
Corporate Buildings & Depots	

Cafes	
Park Street, Selby	Café, Kitchen, Preparation Room
Britannia Car Park, Tadcaster	Café, Preparation Room

Miscellaneous Buildings	
Barwic Parade Shops	Shop - Post Office
Bus Drivers Rest Room, Selby Bus Station	Office & Rest Room

Miscellaneous Land	
Land, York Road, Barlby	On call for sites for residential
Land, Park Road, Barlow	On call for sites for residential
Land, Craven Garth, Beal	Previous outline approval for residential development
Land, Beech Grove, Burton Salmon	On call for sites for residential
Land, St Edwards Close, Byram	On call for sites for residential
Former Garages Site, Woodlea, Byram	On call for sites for residential
Land, Millfield Drive, Camblesforth	On call for sites for residential
Land, Millfield Road, Camblesforth	On call for sites for residential
Land, Oaklands Close, Camblesforth	On call for sites for residential
Landadj 7/9 Manor Garth, Kellington	On call for sites for residential
Land, Hodge Lane, Kirk Smeaton	On call for sites for residential
Land, Water Lane, Little Smeaton	On call for sites for residential
Industrial Land, Vivars, Selby	Vacant
Land, Grove Crescent, South Milford	On call for sites for residential
Grassed Area, Tadcaster	Open Space



**ASSET MANAGEMENT
STRATEGY APPENDIX B**

**2015 - 18
ASSET MANAGEMENT
STRATEGY ACTION PLAN**

Renewable energy to be added?

Progress

First phase complete, awaiting outcome of Sites and Policies Plan

Complete

First phase complete, review due

November 15

Completed

Completed Feb 2014

Desktop assessment completed

Report on Section 106 criteria due to be considered by Management in autumn

2015

AMS 2012 - 15 Update 2013/14

Review the future use of vacant premises and land and those with IRR less than 3%
Develop a Community Asset Register

Maximise the use of the Civic Centre
Burial Grounds
Asset Transfer Policy

2014/15

Identify how affordable housing objectives can be met

Maximise the use of S106 funds

2015/16

Develop programme of works in line with non HRA stock condition survey

Assessment for future requirements
scheduled to be completed by September
2015

Acquire and dispose of property in line with reviews undertaken

Awaiting outcome of Sites and Policies Plan
and Better Together Project

ACTION PLAN				
No	Action	Lead Officer	Target Date	Comments
1	FOLLOW UP WORK FROM PREVIOUS AMS			
1.1	Develop a Stage 1/2 draft action plan for comment by Business Managers. Identify resources and timescales	DM	Nov-15	
1.2	Gain agreement to the action plan priorities from BMG	DM	Dec-15	
1.3	Identify resources required	ES/DM	Dec-15	
2	REVIEW FUTURE USE OF VACANT PREMISES AND LAND AND THOSE WITH IRR OF LESS THAN 3%			
2.1	Barlby depot - vacant	DM	Dec-14	Second options review underway
2.3	Former Profiles building	JL	Ongoing	Options being considered alongside Better Together Project
2.4	Prospect Way land	KC/DM	2016/17	Decide whether to include in re tender for Streetscene contract January 2016
2.5	Review use of industrial units	DM/ES	Ongoing	Leases being reviewed

2.6	Womersley Community Centre	DM	Ongoing	Placed on open market March 2015, contracts exchanged August 2015, awaiting completion following submission of Community Right to Bid by local reading group after exchange
2.7	Vacant garages	DM/DR	Ongoing	Number of garages used for storage reduced by 10%

3	UNDERTAKE A STOCK CONDITION SURVEY OF HRA PROPERTY			
3.4	Collate and use information from stock condition survey to inform bidding process	DM/ Data & Systems	Ongoing	Zero bids from 2016/17 onwards

4	DEVELOP PROPOSALS FOR CONTAMINATED LAND AT BONDGATE SELBY			
4.1	Identify level of contamination and options for future use	DR/ES	Ongoing	Stage 1 complete, continuous monitoring ongoing twice yearly
4.2	Seek tenders to clear contamination and bring site into use	DR/ES	2016/17	Resources required to undertake mitigation

5	MAXIMISE THE USE OF THE CIVIC CENTRE			
5.1	Identify options to maximise the use of the building and its facilities	DF	Ongoing	Identified initial options, now progressing to stage 2

6	MAXIMISE USE OF THE COUNCIL'S GARAGE SITES			
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6.1	Identify garages still suitable for rental	DM	Dec-15	?? Sites identified for potential disposal for affordable housing. Condition survey to take place on remaining sites followed by rent review	MJL - inspectors to get
6.3	Make recommendations to Executive on phasing	ES	Ongoing	Disposal phasing approved by Executive	
6.4	Review options in Byram	SR	Ongoing		
6.5	Review the options undertaken in 2010 for Eggborough	DM/SP	Ongoing	Two sites identified as surplus and offered to SDHT. Two sites to be condensed due to condition and under occupancy	Environmental enhancement budget SP/DM
6.6	Environmental improvement plan to provide alternative parking to compensate for lost garages	DM	2016/17		

7 BUS STATIONS				
7.1	Selby Bus Station - review to see if improvements or change of location required	DM	2017/18	Potential implications of Selby to Hull Electrification programme

8 MAXIMISE USE OF COMMUNITY CENTRES x no 11				
8.1	Review and implementation of the recommendations of the Community Centre Review 2010	SP	Ongoing	Assessing implication (or potential rate of return) of expenditure of income

9	MAXIMISE THE USE OF THE HOMELESS HOSTELS			
9.1	Ousegate Lodge and Edgerton Lodge	ST		Mar-18
9.2	Consider future use of vacant warden accommodation	ST		Mar-18

10	MAXIMISE THE USE OF THE COUNCILS HOUSING ASSETS			
10.1	Void properties lettings times	DM	Ongoing	Void properties split into vulnerable and general needs. Turnaround for 2014/15 25.8 days
10.2	Review hard to let properties	DM	Ongoing	Review when terminations received
10.3	Legal covenants/obligations	Legal	Ongoing	Ensuring these are included during the sale of properties

10.4 Explore allocations/adaptations around wet rooms DM Ongoing

11	TELEPHONE MAST			
11.1	Review income generation and relocation options	JL		2016/17

12	ACQUISITION OF KEY SITES TO MEET STRATEGIC OBJECTIVES			
12.1	Input into Plan Selby	ES	Ongoing	Call for sites completed, Council will provide further consultation as and when required
12.3	Identify resources to take forward major projects	ES	Completed	ES check exec papers for further report

12.5	Maintain register of disposals and acquisitions	DM/ Legal	Ongoing	
13	PLAY AREAS			
14	ASBESTOS MANAGEMENT	DM	2015/16	Existing surveys need to be updated to comply with current legislation, budget bid approved, work ongoing
15	CAR PARKS			
15.1	Update parking meters to accept new £1 coin	DM/KC	2017	Current meters have limited support as parts for them are no longer made. New £1 coin introduced 2017
16	PUMPING STATIONS			
16.3	Implement review of contribution mechanism	DM	Ongoing	
18	BETTER TOGETHER			
18.2	Relocation of Vivars PSU Depot to NYCC	DM/NYCC	Ongoing	Awaiting NYCC to vacate space to allow material and vehicle storage
18.3	Review of Assets	JL/NYCC	Ongoing	
20	GIS PROJECT	CS	Mar-16	on hold
21	MANAGING RISKS			
21.1	Undertake risk assessment of projects	BMG	Ongoing	
21.2	Mitigate risks as appropriate	BMG	Ongoing	
21.5	Fire Risk Assessments Industrial Units	DM	Ongoing	Review annually

	22	UNDERTAKE STOCK CONDITION SURVEY OF NON HRA PROPERTY			
	22.1		DM	Ongoing	Results due w/c 24 & 31/08/15

	23	RENEWABLE ENERGY			
	23.1	Solar energy panels on building assets	KI	Ongoing	
	23.2	Solar farm	KI	Ongoing	Resolved at Executive 03/09/15 to present business case for potential locaton at Burn Airfield to Executive in Oct / Nov 15

**ASSET MANAGEMENT
STRATEGY APPENDIX B**

2012/15 ASSET MANAGEMENT STRATEGY AND ACTION PLAN - COMPLETED ITEMS

Period	No	Item	Lead Officer	Action	Target Date	Comments
		REVIEW FUTURE USE OF VACANT PREMISES AND LAND AND THOSE WITH IRR OF LESS THAN 3%				
2012/15	2.2	43 Kirkgate	RN	Converted empty property to provide 3 domestic dwellings and 1 commercial unit	Completed	Improved housing provision in Tadcaster
2012/15	2.3	Abbey Leisure Centre - fire	JL	Rebuild fire damaged leisure centre	Completed	Improved leisure service for Selby
2012/15		UNDERTAKE A STOCK CONDITION SURVEY OF HRA PROPERTY				
2012/15	3.1	Scope the stock condition survey HRA	DM/Contr acts		Completed	Better financial forecasting and programme of works
2012/15	3.2	Formal tendering process HRA	DM/Contr acts		Completed	Programmes in place for improvements to properties
2012/15	3.3	Contracting HRA	DM/Contr acts		Completed	
2012/15		DEVELOP PROPOSALS FOR CONTAMINATED LAND AT BONDGATE SELBY				
2012/15		55 - 57 Bondgate	DR/ES	On call for sites, Policy taking to consultation 2016	Site now purchased	For access to Bondgate potentially landlocked site

	5	MAXIMISE THE USE OF THE CIVIC CENTRE				
2012/15	5.2	Registrar's Office	DR	Offices moved into Civic Centre	Complete	Part of Better Together Project - cost savings to SDC and NYCC, improved service for customers

	6	MAXIMISE USE OF THE COUNCIL'S GARAGE SITES				
2012/15	6.2	Development Strategy	KI	Identify sites suitable for development /underused resources	Complete	Providing potential sites for development and housing provision

	7	BUS STATIONS				
2012/15	7.2	Tadcaster Bus Station - review to see if improvements required	DM	Completed	Improvement works complete	Refurbished bus station in conjunction with NYCC. Improved appearance of location

	9	MAXIMISE THE USE OF THE HOMELESS HOSTELS				
2012/15	9.3	Review costs and income for hostels	ST	Options appraisal completed	Complete	More efficient use of resources identified
2012/15	9.4	Consider the impact of the Welfare/Universal Credit	ST		Complete	

	12	ACQUISITION OF KEY SITES TO MEET STRATEGIC OBJECTIVES				
2012/15		Burn Traveller's Site	DM	Source site and submit plans to committee	Complete	Planning application submitted - refused by planning committee
2012/15	12.2	Burn Airfield	ES	Purchase site	Completed August 2015	Substantial site purchased with flexibility for future housing development / commercial needs of district
2012/15	12.4	Review potential travellers site	ES	Completed		

	13	PLAY AREAS				
	13.1	Future play area options	DM/KC	Completed		
2012/15		Play areas taken on under S106 since 2012	DM/KC			Complete, All now included on updated asset register - maintain this register and keep updated

	16	PUMPING STATIONS				
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2012/15	16.1	Condition survey, permit review, servicing schedule review	DM	Completed		All sites now compliant with Environment Agency regulations
2012/15	16.2	Review contribution mechanism	DM	Completed		Annual contributions from private users identified, will provide cost savings

	17	RECOVERY OF LEASEHOLD INCOME				
2012/15	17.1		DM/Legal	Completed		Works on flat roofs at Sherburn, all leaseholder debt collected

	18	BETTER TOGETHER				
2012/15	18.1	Scoping	KD/NYCC	Completed		Various projects identified to make efficiencies / more effective use of resources

	19	CALL FOR SITES				
2012/15	19.1		ES	Completed		Call for sites completed, Council will provide further consultation as and when required

	21	MANAGING RISKS				
	21.3	Public Liability Insurance	BMG	Completed		
	21.4	Risk Assessments Community Centres	SP	Completed		

	22	UNDERTAKE STOCK CONDITION SURVEY OF NON HRA PROPERTY				
2012/15		Burial Grounds	DM	Review as part of stock condition survey	Complete	Condition survey complete. Routine inspection schedule in place
2012/15		Burial Grounds	DM	Legal obligations	Complete	Procedure established for correct notification. SDC must take burial ground on if correctly notified.

		LINKS TO OTHER POLICIES				
2012/15		Potential Transfer of Assets to Housing Trust			Completed	Policy and procedure completed Feb 2014
2012/15		Empty Homes Strategy				This is reported on elsewhere

		COMMUNITY ASSET REGISTER				
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2012/15		Develop register of our own community assets	DM		Ongoing	
2012/15		Maintain a community asset register	Assets/B. Support	Complete	Ongoing	for non SDC assets. Ongoing monitoring and maintenance only required

APPENDIX C

NEW ACCESS SELBY CORPORATE RISK REGISTER FOR THE ASSET MANAGEMENT STRATEGY 2015 - 2018



Report Type: Risks Report
 Report Author: Systems Data
 Generated on: 23 May 2014

Risk Status	
	Alert
	High Risk
	Warning
	OK
	Unknown

Risk Score
Code & Title Insufficient financial resources will be available to invest in the maintenance requirements of the Asset Management Strategy

Previous Rating	Consequence	Profile Reason for Score Change	Current Risk Rating	Target Risk Rating	Managed By	Mitigating Actions	Notes & History Latest Note																																																																
High	Inability to properly maintain stock	N/A	<table border="1" style="font-size: small;"> <tr><td rowspan="5" style="writing-mode: vertical-rl; transform: rotate(180deg);">Likelihood</td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td></tr> <tr><td colspan="6" style="text-align: center;">Impact</td></tr> </table>	Likelihood																										Impact						<table border="1" style="font-size: small;"> <tr><td rowspan="5" style="writing-mode: vertical-rl; transform: rotate(180deg);">Likelihood</td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td></tr> <tr><td colspan="6" style="text-align: center;">Impact</td></tr> </table>	Likelihood																										Impact						Dave Maycock	The capital programme identifies funds to support maintenance costs of assets. Processes are in place to consider larger capital investment. Stock condition surveys monitor the condition of	Zero based budgeting taken place in 2015 for 2016 onwards
Likelihood																																																																							
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Previous Rating	Consequence	Profile Reason for Score Change	Current Risk Rating	Target Risk Rating	Managed By	Mitigating Actions	Notes & History Latest Note
						assets and inform future works required	

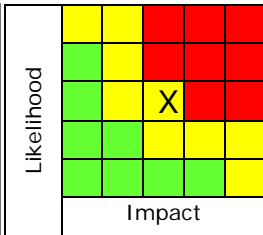
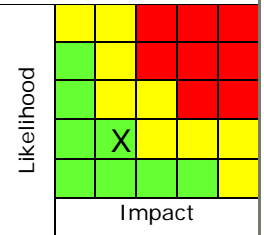
Risk Score

Code & Title Timing of decisions and receipts may not match the requirement to invest in key priorities

Previous Rating	Consequence	Profile Reason for Score Change	Current Risk Rating	Target Risk Rating	Managed By	Mitigating Actions	Notes & History Latest Note																																																																											
High	Inability to properly maintain stock	N/A	<table border="1"> <tr> <td rowspan="5">Likelihood</td> <td>Yellow</td> <td>Yellow</td> <td>Red</td> <td>Red</td> <td>Red</td> <td>Red</td> </tr> <tr> <td>Green</td> <td>Yellow</td> <td>Red</td> <td>Red</td> <td>Red</td> <td>Red</td> </tr> <tr> <td>Green</td> <td>Green</td> <td>Yellow</td> <td>Yellow</td> <td>Red</td> <td>Red</td> </tr> <tr> <td>Green</td> <td>Green</td> <td>Green</td> <td>Green</td> <td>Green</td> <td>Yellow</td> </tr> <tr> <td>Green</td> <td>Green</td> <td>Green</td> <td>Green</td> <td>Green</td> <td>Yellow</td> </tr> <tr> <td></td> <td colspan="6">Impact</td> </tr> </table>	Likelihood	Yellow	Yellow	Red	Red	Red	Red	Green	Yellow	Red	Red	Red	Red	Green	Green	Yellow	Yellow	Red	Red	Green	Green	Green	Green	Green	Yellow	Green	Green	Green	Green	Green	Yellow		Impact						<table border="1"> <tr> <td rowspan="5">Likelihood</td> <td>Yellow</td> <td>Yellow</td> <td>Red</td> <td>Red</td> <td>Red</td> <td>Red</td> </tr> <tr> <td>Green</td> <td>Yellow</td> <td>Red</td> <td>Red</td> <td>Red</td> <td>Red</td> </tr> <tr> <td>Green</td> <td>Green</td> <td>Yellow</td> <td>Yellow</td> <td>Red</td> <td>Red</td> </tr> <tr> <td>Green</td> <td>Green</td> <td>Green</td> <td>Green</td> <td>Green</td> <td>Yellow</td> </tr> <tr> <td>Green</td> <td>Green</td> <td>Green</td> <td>Green</td> <td>Green</td> <td>Yellow</td> </tr> <tr> <td></td> <td colspan="6">Impact</td> </tr> </table>	Likelihood	Yellow	Yellow	Red	Red	Red	Red	Green	Yellow	Red	Red	Red	Red	Green	Green	Yellow	Yellow	Red	Red	Green	Green	Green	Green	Green	Yellow	Green	Green	Green	Green	Green	Yellow		Impact						Karen Iveson	The Council will need to balance these pressures as part of the budget planning process and Medium Term Financial Strategy and use capital receipts or short term internal borrowing
Likelihood	Yellow	Yellow	Red		Red	Red	Red																																																																											
	Green	Yellow	Red		Red	Red	Red																																																																											
	Green	Green	Yellow		Yellow	Red	Red																																																																											
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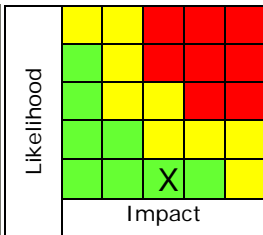
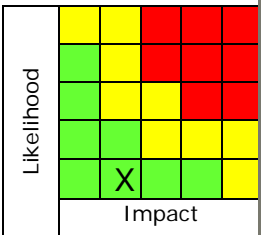
Risk Score

Code & Title Savings made from efficiency will not be sufficient to invest in the assets

Previous Rating	Consequence	Profile Reason for Score Change	Current Risk Rating	Target Risk Rating	Managed By	Mitigating Actions	Notes & History Latest Note
Medium	Inability to properly maintain stock	N/A			Dave Maycock	The Council considers efficiency regularly to assess whether this is an issue as part of the performance management system and the Medium Term Financial Strategy	Zero base budgeting to identify potential savings or recharges or repairs & maintenance to reduce demand on minor repairs

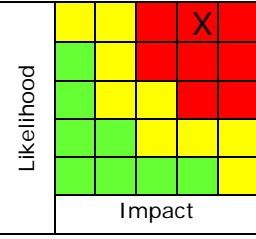
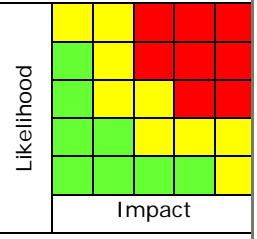
Risk Score

Code & Title Bad Debt

Previous Rating	Consequence	Profile Reason for Score Change	Current Risk Rating	Target Risk Rating	Managed By	Mitigating Actions	Notes & History Latest Note
Low	Increase in bad debt	N/A			Helen McNeil	Information validation through CBL for domestic tenants, pre letting reference checks for commercial tenants. Income monitoring and debt recovery processes within debt control department	

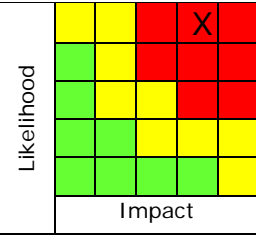
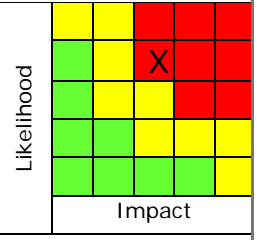
Risk Score

Code & Title Welfare Reform Bill reduction in housing rents by 1% per annum for 4 years – NEW RISK

Previous Rating	Consequence	Profile Reason for Score Change	Current Risk Rating	Target Risk Rating	Managed By	Mitigating Actions	Notes & History Latest Note
N/A	Reduced rents means reduced resources for HRA, Capital Programme, potential new developments and ability to pay outstanding det	No previous risk score			Jodie Taylor	Reprofile Capital Programme, initiate further savings.	

Risk Score

Code & Title Energy Feasibility – NEW RISK

Previous Rating	Consequence	Profile Reason for Score Change	Current Risk Rating	Target Risk Rating	Managed By	Mitigating Actions	Notes & History Latest Note
N/A	Business case may show scheme not financially viable or time taken to deliver project might make scheme financially unviable	No previous risk score			Karen Iveson	Appointed external consultants to assist SDC deliver this project	3 September Executive report

**ASSET MANAGEMENT
STRATEGY APPENDIX D**

MANAGEMENT

Item	Timescale	Value	Description	Ownership	Monitoring
AMS Review	Annually	N/A	Strategy will be reviewed each financial year to ensure it is compatible with other Access Selby and Council strategies	Lead Officer, Assets	Report to Executive
Housing Stock	1) Annually 2) 5 yearly	£ tba	Desktop review of housing stock value	Lead Officer, Finance	Report of value to be submitted to Executive
Housing Stock Rent Review	Annually	£tba	Annual rent review of housing stock	Lead Officer, Finance	Report to Executive
Commercial Property Rent Review	3 yearly	£tba	Commercial rent review	Lead Officer, Assets	Report to Executive
Other Assets Rent Review	Various subject to contract/agreement in place	£tba	Review of rents of other assets e.g. play areas, car parks	Lead Officer, Assets	Report to Executive by exeption
SLA031	Annually	85%	Reporting proportion of capital programme delivered on time and within budget	Lead Officer, Assets	Report to Access Selby Board, CMT, Executive in line with the Partnership Agreement Schedule
Performance Indicators					

SLA001	Quarterly	85%	The % of customers surveyed who were satisfied	Lead Officer, Assets	Report to Access Selby Board, CMT, Executive in line with the Partnership Agreement Schedule
SLA 010 / PA 001	Monthly	24 days	Void turnaround time general needs	Lead Officer, Assets	Report to Access Selby Board, CMT, Executive in line with the Partnership Agreement Schedule
SLA 010 / PA 002	Monthly	28 days	Void turnaround time sheltered need	Lead Officer, Assets	Report to Access Selby Board, CMT, Executive in line with the Partnership Agreement Schedule
PA/003	Annually	£234,000	Income received from commercial property, ind units, bus stations	Lead Officer, Finance	Report to Access Selby Board, CMT, Executive in line with the Partnership Agreement Schedule
PA 004.1	Monthly	97%	Number of urgent repairs delivered within agreed timescale	Lead Officer, Assets	Report to Access Selby Board, CMT, Executive in line with the Partnership Agreement Schedule



ASSET MANAGEMENT STRATEGY APPENDIX E

REGISTER OF DISPOSALS

Item	Period	Date	Value	Notes	Link
Portholme Road former Civic Centre and car park	2012-2015	28/10/2011	£2,000,000	Sale to Tesco for supermarket expansion	Great Place to do Business
Dunelm Farm	2012-2015	30/03/2012	£720,000	Sold for housing development as capital receipt	A Great Place to Enjoy Life
Grass Verge at Douglas Street	2012-2015	31/10/2013	£40,000	Sold to facilitate access to office and residential development in town centre	Great Place to do Business
St Joseph Street	2012-15	10/02/2015	£1	Disposal of former car park to Selby & District Housing Trust	A Great Place to Enjoy Life
Northfield Community Centre Womersley	2015-18	07/09/2015	£65,521	Disposal of vacant and unused Community Centre	Great Place to do Business



ASSET MANAGEMENT STRATEGY APPENDIX E

REGISTER OF ACQUISITIONS

Item	Period	Date	Value	Notes	Link
Walkers Bingo / Profiles Gym	2012-15	30/04/2012	£215,000.00	To provide leisure facilities following the fire at the Leisure Centre	Great Place to Enjoy Life
Doncaster Road Civic Centre and Car Parking	2010-13	23/12/2011	£850,000.00	Community project joint development between SDC and NHS of Civic Centre and Hospital	Great Place to Make a Difference
Burn Airfield	2015-18	11/08/2015	£1,700,000.00	To provide future development opportunity	A Great Place to do Business / A Great Place to Enjoy Life
Land at Bondgate	2012/15	02/09/2013	£500,000.00	To give access to potential development land	Great Place to Enjoy Life



**ASSET MANAGEMENT STRATEGY
APPENDIX F**

POTENTIAL ACQUISITIONS AND DISPOSALS 2015/18

POTENTIAL ACQUISITIONS					
Item	Timescale	Value	Description	Ownership	Link
Key development sites	Ongoing		Apprise options for securing delivery of key development sites in difficult/marginal locations to help businesses grow	Lead Officer Assets	A Great Place to do Business
Affordable Housing	Ongoing		Seek S106/CIL contributions and coordinate delivery of affordable housing schemes to prevent people being priced out of the area	Lead Officer, Policy	A Great Place to Enjoy Life

POTENTIAL DISPOSALS					
Item	Timescale	Value	Description	Ownership	Link
Barlby Depot	Ongoing		Market as strategic gateway site	Lead Officer Assets	A Great Place to do Business
Womersley Community Centre	Ongoing	£65,521	Sold by tender, contracts exchanged, not yet completed, subject of Community Right to Bid following sale, successful bidder wishes to use building for tea rooms	Lead Officer Assets	Great Place to do Business / Enjoy Life
Garage Sites (as below)					

Riccall	15/16		For use by Selby District Housing Trust	Lead Officer Assets	A Great Place to Enjoy Life
Eggborough	15/16		For use by Selby District Housing Trust	Lead Officer Assets	A Great Place to Enjoy Life
Byram	15/16		For use by Selby District Housing Trust	Lead Officer Assets	A Great Place to Enjoy Life
Camblesforth	15/16		For use by Selby District Housing Trust	Lead Officer Assets	A Great Place to Enjoy Life
Hambleton	15/16		For use by Selby District Housing Trust	Lead Officer Assets	A Great Place to Enjoy Life
Tadcaster	15/16		For use by Selby District Housing Trust	Lead Officer Assets	A Great Place to Enjoy Life
Ulleskelf	15/16		For use by Selby District Housing Trust	Lead Officer Assets	A Great Place to Enjoy Life
Burn	15/16		For use by Selby District Housing Trust	Lead Officer Assets	A Great Place to Enjoy Life
Burton Salmon	15/16		For use by Selby District Housing Trust	Lead Officer Assets	A Great Place to Enjoy Life

ASSET
MANAGEMENT
STRATEGY
APPENDIX G

2015/18 INDICATIVE FINANCIAL / FUNDING PLAN

These figures based on previous bids, budgets to be revised commencing 2016/17									
Scheme	2015/16		2016/17		2017/18		2018/19		Resources
	Revenue	Capital	Revenue	Capital	Revenue	Capital	Revenue	Capital	
Car Park Ticket Machines		Potential new machines at Tadcaster	Annual maintenance payment		Annual maintenance payment				Bid would be required as part of business case
Car Park Ticket Machines	Annual maintenance payment		Annual maintenance payment	Replace existing ticket machines in Selby	Annual maintenance payment				Bid submitted
Selby Bus Station Refurb						Costings to be established			Bid required
HRA new build		£1.25m		Eggborough / Byram. £1.25m total		Tadcaster / Sherburn			Business case with financial implications to be produced on a site by site basis
Stock Condition works		Bid to be submitted following outcome of stock condition survey		Bid to be submitted following outcome of stock condition survey					
Garages demolition/rebuild?		Costings to be established prior to going to Executive							

Tadcaster Bus Station Refurb		COMPLETED 2015 Overall cost £55k part funded by NYCC. SDC £25K							
Selby Park		Replace defective timber cladding to pavillion		Repairs to car park and bandstand roof					Report submitted Bid submitted
Laurie Backhouse Court Improvement Plan		£200,000							Bid approved, appointing consultant to design scheme
St Wilfrids Court Improvement Plan		£25,000							Bid approved, appointing consultant to design scheme

KC/ES

APPENDIX H

NON HRA SUMMARY OF ANNUAL SPEND

	YEAR	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	PROPERTY TOTAL 10 Year
SWORDFISH WAY		0.00	1790.00	2550.00	2050.00	1440.00	800.00	400.00	740.00	3450.00	600.00	7340.00	21,160.00
ANDUS STREET CARPARK		1150.00	3250.00	4050.00	1050.00	50.00	50.00	50.00	50.00	2650.00	50.00	50.00	12,450.00
BACK MICKLEGATE		1650.00	2950.00	2999.00	500.00	400.00	4300.00	400.00	500.00	400.00	0.00	0.00	14,099.00
BRITANIA CARPARK TAD		50.00	1370.00	1780.00	950.00	700.00	1050.00	580.00	680.00	300.00	150.00	0.00	7,610.00
CENTRAL CAR PARK TAD		0.00	1600.00	1450.00	700.00	180.00	450.00	0.00	180.00	350.00	0.00	3700.00	8,610.00
CHURCH HILL CAR PARK		0.00	250.00	50.00	50.00	100.00	50.00	50.00	50.00	0.00	50.00	150.00	800.00
CHURCH VIEW CAR PARK		50.00	100.00	650.00	300.00	50.00	50.00	50.00	50.00	300.00	50.00	350.00	2,000.00
HURRIANE CLOSE IND EST		0.00	3100.00	1800.00	3800.00	850.00	400.00	1650.00	350.00	2500.00	850.00	150.00	15,450.00
MARKET CROSS		2050.00	50.00	6300.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	8,800.00
MICKLEGATE CAR PARK		0.00	1100.00	0.00	2250.00	0.00	0.00	900.00	0.00	0.00	0.00	0.00	4,250.00
PORTHOLME CRESCENT CAR PARK		350.00	1370.00	0.00	170.00	0.00	170.00	300.00	170.00	9900.00	150.00	0.00	12,580.00
PORTHOLME ROAD CARPARK		50.00	550.00	4250.00	250.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	5,450.00
PROSPECT CENTRE		2290.00	4550.00	8280.00	6410.00	9400.00	5250.00	17850.00	1750.00	150.00	3880.00	1330.00	61,140.00
SELBY CAR PARK		250.00	250.00	700.00	200.00	300.00	50.00	50.00	50.00	50.00	50.00	50.00	2,000.00
SHERBURN ENT CENTER		0.00	3480.00	5100.00	1290.00	1160.00	490.00	330.00	2550.00	950.00	490.00	21660.00	37,500.00
SOUTH PARADE CARPARK		50.00	6250.00	1550.00	2300.00	250.00	100.00	50.00	150.00	50.00	100.00	100.00	10,950.00
VIVARS IND EST		10.00	4490.00	460.00	10030.00	2010.00	10980.00	7650.00	130.00	10.00	1180.00	18510.00	55,460.00
WORKING MENS CLUB SHERBURN		150.00	400.00	450.00	150.00	150.00	50.00	200.00	50.00	50.00	150.00	2050.00	3,850.00
SELBY LEISUIRE CENTRE		0.00	0.00	0.00	2939.00	4278.00	5508.00	20943.00	825.00	7899.00	10041.00	37845.00	90,278.00
SELBY PARK PLANNED MAINTENANCE		6300.45	850.00	7000.00	3000.00	0.00	2000.00	2285.00	0.00	0.00	6300.45	10000.00	37,735.90
TADCASTER LC PLANNED MAINTENANCE		98000.00	7996.80	0.00	0.00	15422.40	12566.40	4569.60	37128.00	0.00	0.00	6854.40	182,537.60

ANNUAL	TOTAL	112,400.45	45,746.80	49,419.00	38,439.00	36,840.40	44,414.40	58,407.60	45,503.00	29,109.00	24,191.45	110,239.40
	YEAR	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025

594,710.50
TOTAL 10
YEARS SPEND

Selby District Council

REPORT

Reference: E/15/37

Item 10 - Public



To: The Executive
Date: 5 November 2015
Status: Non Key decision
Report Published: 28 October 2015
Author: Michelle Dinsdale – Policy Officer
Chris Watson - Assistant Policy Officer
Executive Member: Cllr Dave Peart
Lead Officer: James Cokeham

Title: Alcohol Licensing Policy

Summary:

In order to ensure compliance with the Licensing Act 2003 a reviewed statement of Licensing Policy is required in January 2016. A draft Alcohol Licensing Policy (Appendix A) has therefore been developed in consultation with a number of key stakeholders. The main changes to the draft policy are in relation to alterations in the regulatory framework. Consultation on the revised draft policy commenced 14 September 2015 and finished 26 October 2015. The policy is scheduled to be in force from 1 January 2016 subject to approval from Executive on 5 November 2015 and Council on 1 December 2015.

Recommendations:

To recommend the draft Alcohol Licensing Policy be approved by Council on 1 December 2015

Reasons for recommendations

To ensure compliance with the Licensing Act 2003.

1. Introduction and background

- 1.1 Selby District Council is designated under the Licensing Act 2003 (the Act) as the licensing authority for Selby District and has responsibility under the Act to issue licences for the sale and supply of alcohol, regulated entertainment and the supply of hot food between 11 pm and 5am.
- 1.2 Section 5 of the Act requires all Licensing Authorities to prepare and publish a statement of Licensing Policy that they propose to apply in exercising their functions under the Act. Section 7 of the Act provides that functions in relation to the five year Licensing Policy cannot be delegated but must be approved by full Council.
- 1.3 In accordance with Section 5 of the Licensing Act 2003 a licensing authority must keep a Statement of Licensing Policy under review and make such revisions as it considers appropriate.
- 1.4 Selby District Council last published its policy in January 2011 and since this time the Police Reform and Social Responsibility Act 2011, Live Music Act 2012 and Deregulation Act 2015 have been introduced which have resulted in significant changes to legislation.

2. The Report

- 2.1 A scheduled review of the Alcohol Licensing Policy has been undertaken to ensure an updated Statement of Licensing Policy is in place by January 2016 which reflects the significant changes in the legislative and regulatory framework.
- 2.2 A statement of Licensing Policy sets out how the Council will exercise its licensing functions. The overriding aim of the Licensing Policy is to promote the four licensing objectives:
 - the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 2.3 The general aim of the policy concerns seeking a balance between the benefits that licensed businesses bring to the district, whilst maintaining that the protection of the public is considered generally sound

2.4 Policy Review Committee

2.5 On 14 July 2015 officers presented a report to Policy Review Committee in order to provide the committee with the opportunity to discuss the review.

2.6 Following recommendations from Policy Review Committee, the following have been included in the draft policy:

- licensing responsibilities in respect of alcohol wholesale and retail businesses; and
- the Council's joint partnership working on enforcement to promote the Licensing Objectives.

2.7 Changes to the Policy

2.8 As part of the review, Officers undertook a benchmarking exercise, in addition to identifying any changes required by legislation or the statutory Guidance issued by the Secretary of State.

2.9 The main changes to the proposed revised policy are in relation to:-

- Early Morning Restriction Orders and the Late Night Levy;
- The revised definition of those who can make representations;
- Introduction of the Licensing Authority and Public Health as responsible authorities;
- Explanation of the implications of the Live Music Act 2012;
- Revisions to reflect the new definitions of regulated entertainment;
- Changes to the temporary event notice regime;
- A more concise outline of what is suggested in operating schedules;
- Suspension as a result of non-payment of licence fees; and
- New appendix outlining the various delegated functions including the recommended separation of functions between the officers acting on behalf of the Licensing Authority and those responsible for undertaking the Responsible Authority functions

2.10 Prior to undertaking formal consultation, a revised draft was issued to and discussed with the Responsible Authorities. Responsible Authorities are designated by the Act and act as the main sources of advice to the Authority on the promotion of the licensing objectives. The Solicitor to the Council and the Senior Enforcement Officer discussed the draft with North Yorkshire Police and Environmental Health Officers. Their comments have been included in the draft policy.

2.11 Licensing Committee

2.12 A report which included the draft Alcohol Licensing Policy was taken to Licensing Committee on 7 September asking Members to assess the draft prior to consultation. It was noted that, after adoption of the policy

by Council, the Licensing Committee will be bound by the policy and subsequent decisions would need to be referenced to the policy. Consequently, the Committee were encouraged to make submissions to the consultation.

2.13 Consultation

- 2.14 The consultation process commenced on 14 September 2015 and finished 26 October 2015. The consultation process has been wide, including Responsible Authorities, current licence holders or their representative(s), District Councillors, Parish and Town Councils and other corporate bodies (including: British Institute of Innkeepers; British Beer and Pub Association; British Amusement Catering Trade Association; and Federation of Small Businesses).
- 2.15 The consultation was raised in any other business at Selby Town Trade and Enterprise Partnership meeting on 29 September 2015. This was in order to raise awareness of the policy to local business owners and invite them to make formal responses.
- 2.16 In addition to the targeted consultation, the policy was made available online, accompanied by a small social media campaign of awareness and hardcopies made available in the Customer Contact Centre.
- 2.17 As part of the consultation, on 12 October the Solicitor to the Council met with the Licensing Committee in order to provide the committee with a further opportunity to discuss the draft policy.
- 2.18 The Licensing Committee were supportive of the draft policy. They are also supportive of making further changes to remove the requirements for licences for the sale of hot food at certain types of premises such as motorway service areas, petrol stations or community centres under new provisions in the Deregulation Act 2015. This proposal is subject to the views of North Yorkshire Police on any crime and disorder implications. These views are being sought. The Licensing Committee's full consultation submission can be viewed at Appendix B.
- 2.19 In addition to the response from Licensing Committee, officers have received three other responses, only one of which proposes any amendments. This is from North Yorkshire County Council's Health and Adult Service team and has been included in the draft policy. These three consultation responses are set out in the table at Appendix C

3. Legal/Financial Controls and other Policy matters

Legal Issues

- 3.1 Failure to formally review or consult on a Licensing Policy within the timetable required by the Act, Regulations and Guidance would mean

the Council was not complying with its statutory duty and would also leave the Council open to legal challenge and any subsequent costs.

Financial Issues

- 3.2 None as a result of this report

Impact Assessment

- 3.3 The general aims of the policy are to seek a balance between the benefits that licensed businesses bring to the district whilst maintaining that the protection of the public is considered generally sound.
- 3.4 This is achieved by the overriding aim of the Alcohol Licensing Policy, which is to promote the four licensing objectives:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 3.5 An Equality, Diversity and Community Impact Screening has been completed and no adverse impact has been identified.

4. Conclusion

The current Alcohol Licensing Policy has been reviewed in order to ensure compliance with changes in legislation and to meet the statutory review deadline of January 2016. The policy aim is to strike a balance of the regulated business benefits and public safety within the district. The proposed policy, which has been subject to public consultation, will ensure the Council is compliant with the Licensing Act 2003 and promote the overriding statutory licensing objectives. The policy is scheduled to be in force on 1 January 2016 subject to approval from Executive on 5 November 2015 and Council on 1 December 2015.

5. Background Documents

Licensing Act 2003

<http://www.legislation.gov.uk/ukpga/2003/17/contents>

Revised Guidance issued under section 182 of the Licensing Act 2003
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf

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Appendices:

Appendix A: Draft Alcohol Licensing Policy
Appendix B: Licensing Committee Consultation Response
Appendix C: Summary of Consultation Responses

Access Selby

A new approach to public service

SELBY

DISTRICT COUNCIL

Moving forward with purpose

Alcohol Licensing Policy

A new approach to public service



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PART 1

1 Introduction

- 1.1 Selby District Council is the Licensing Authority (“the Licensing Authority”) under the Licensing Act 2003 (“the 2003 Act”). The Licensing Authority is responsible for the administration and issuing of Premises Licences, Club Premises Certificates, Temporary Event Notices and Personal Licences in the District of Selby in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.
- 1.2 Selby district is home to a number of popular restaurants, bars and entertainment venues. The Licensing Regime must balance the competing demands of those who benefit from licensed activities whilst ensuring that these activities do not impact upon residents in a negative way.
- 1.3 The Licensing Authority is aware of the value to the community of a broad range of cultural entertainments, particularly live music, dancing and theatre. The Licensing Authority wishes to see these encouraged for the benefit of all. When drawing up this Policy the Licensing Authority has in mind a wide range of licensed premises such as pubs, members’ clubs, social clubs, restaurants, cafes, theatres, hotels and late night takeaways.
- 1.4 This Policy intends to shape the future of licensing, entertainment and related social activities within the district and has been produced after consultation with all Responsible Authorities, Premises and Club Premises Certificate licence holders, licensed trade representatives and the general public incorporating businesses and residents within Selby district.

PART 2

2 The Policy

- 2.1 The 2003 Act requires a Licensing Authority to prepare and publish a ‘Statement of Licensing Policy’ (“the Policy”) that sets out the principles the Licensing Authority will apply to promote the four Licensing Objectives set out below. The Licensing Authority must base its decisions, in relation to determining applications and attaching any conditions to licences or certificates, on the promotion of these objectives.
- 2.2 This Policy encompasses experience gained in the implementation and regulation of the 2003 Act. The overriding aim of the Policy is to promote the four licensing objectives, each is of equal importance:
 - **The prevention of crime and disorder**
 - **Public safety**
 - **The prevention of public nuisance**
 - **The protection of children from harm**

- 2.3 This Policy was prepared in accordance with the provisions of the 2003 Act having had due regard to the Guidance issued under s182 of the 2003 Act (“the Guidance”). This Policy was reviewed in 2015 following consultation between 14th of September and 26th of October and will come into force in January 2016. Due consideration and appropriate weight has been given to all responses in the production of this revised Policy.
- 2.4 This Policy will be kept under review and the Licensing Authority may make any revisions to it as it considers appropriate. In any event the Licensing Authority is required to review their Statement of Licensing Policy every 5 years. The Licensing Authority may make revisions to this Policy following changes to, for example:
- local circumstances;
 - the Licensing Act, associated regulations or statutory guidance;
 - national legislation; or
 - the policies and practices of a responsible authority
- 2.5 This Policy shall not undermine the right for any individual to apply for a variety of permissions under the terms of the 2003 Act and to have any such application considered on its individual merits. Similarly the Policy shall not override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act. Each application shall be treated on its own merit.
- 2.6 This Policy is intended to provide clarification to Responsible Authorities applicants and any person on how this Licensing Authority will determine applications and reviews. As the ‘vicinity’ test has now been removed, the Licensing Authority will consider relevant representations from any person irrespective of where they live in relation to the subject premises, however, the Licensing Authority shall give greater weight to the representations of persons immediately affected by the premises and its operation.
- 2.7 The Licensing Authority may depart from this Policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the four licensing objectives. Where it does depart from this Policy full reasons will be provided.
- 2.8 Where revisions are made to the Guidance there may be a period of time when this Policy is inconsistent with the Guidance. In these circumstances the Licensing Authority shall have regard, and give appropriate weight, to the revised Guidance in conjunction with this Licensing Policy.
- 2.9 This Policy recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics.
- 2.10 The applicant is expected to comply with relevant legislation on disability including access and egress for disabled persons. This policy will not be used to duplicate such duties as already exist in this area. Further advice can be obtained from the Equality and Human Rights Commission web site www.drc-gb.org.

3 Cumulative Impact

- 3.1 The Licensing Authority will not take “need” into account when considering an application, as this is a matter for planning and the market. However, it recognises that the cumulative impact of the number, type and density of licensed premises in a given area, may lead to problems of nuisance and disorder outside and some distance from the premises.
- 3.2 Evidence that areas are becoming saturated with the number, type and density of licensed premises has to be gathered before a “special policy” to deal with this problem can be adopted. The Licensing Authority will consider evidence from the following sources:-
- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots
 - Statistics on local anti-social behaviour offences
 - Health related statistics such as alcohol-related emergency attendances and hospital admissions
 - Environmental health complaints, particularly in relation to noise and litter
 - Complaints recorded by the Council, which may include complaints raised by local residents or resident’s associations
 - Residents questionnaires
 - Evidence from local councillors
 - Evidence obtained through local consultation
 - Trends in licence applications, particularly trends in applications by types of premises and terminal hours
 - Changes in terminal hours of premises
 - Premises capacities at different times of the night and the expected concentrations of drinkers who will be expected to be leaving premises at different times
- 3.3 In these circumstances the Licensing Authority may consider that the imposition of conditions is unlikely to address these problems and further, may consider the adoption of a “special policy” of refusing new premises licences or club premises certificates because the area is saturated with licensed premises and the granting of any more would undermine one or more of the licensing objectives.
- 3.4 The Licensing Authority will take the following steps into consideration when deciding whether or not to adopt a “special policy”:-
- Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm
 - Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or protection of children from harm
 - If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent
 - Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).

- Consult with those specified in section 5(3) of the Licensing Act 2003 (e.g. police, fire etc) and subject to the outcome of the consultation, include and publish details of the “special policy” in the licensing policy statement.

3.5 The effect of adopting a “special policy” of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or material variations will normally be refused, if relevant representations to that effect are received, unless it can be demonstrated by the applicant that the operation of the premises involved will not add to the cumulative impact already being experienced. Applicants would need to address the “special policy” issues in their operating schedules in order to rebut such a presumption. However, a “special policy” must stress that this presumption does not relieve responsible authorities or any other person of the need to make a relevant representation before a licensing authority may lawfully consider giving effect to its “special policy”. If no relevant representations are received, it would remain the case that any application must be granted in terms that are consistent with the operating schedule submitted. However, responsible authorities, such as the police or any other person can make written representations maintaining that it is necessary to refuse the application for the promotion of the prevention of crime and disorder and referring to information which has been before the licensing authority when it developed its statement of licensing policy.

3.6 Once adopted special policies should be reviewed regularly to assess whether they are needed any longer or if those which are contained in the special policy should be amended. While a special policy is in existence, applications will need to demonstrate why the operation of the premises would not add to the cumulative impact being experienced. The Licensing Authority will review any special policies it adopts when it reviews the Licensing Policy to see whether they have had the effect intended, and whether they are still needed.

3.7 The Licensing Authority is aware that there are numerous other mechanisms for controlling cumulative impact outside the licensing regime such as:-

- Planning controls;
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- The provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter rounds;
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- The confiscation of alcohol from adults and children in designated areas;
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- Prosecution for the offence of selling alcohol to a person who is drunk or allowing a sale)
- Police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a Temporary Event Notice (“TEN”) has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance
- The power of police, other responsible authorities or other persons to seek a review of a licence or certificate, and
- Early Morning Restriction Orders

- 3.8 During the first ten years of this policy, no particular circumstances have arisen and, at the present time, it is not considered that any of this authority's area warrants consideration of a special policy.

PART 3

4 Principles

- 4.1 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;
 - its own statement of licensing policy.
- 4.2 The use of premises for the sale or provision of alcohol, regulated entertainment or late night refreshment is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.
- 4.3 In line with the S182 Guidance the planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.
- 4.4 Where businesses have indicated, when applying for a licence under the Act, that they have also applied for planning permission or that they intend to do so, the licensing committee and officers will consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.
- 4.5 Where relevant representations are received, any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful and correct. It will take into account what the impact of granting the application will be on the four licensing objectives.
- 4.6 In general, all premises which are the subject of an application, should have the benefit of planning permission, or be deemed permitted development. The onus will be on the applicant to demonstrate that planning permission has been granted or that the premises have the benefit of permitted development rights. Failure to do so may result in representations and the licence being refused or granted subject to conditions which take account of the planning permissions in existence.

- 4.7 In addition, all new developments and premises which have been subject to structural alterations since 1994 will have building control approval in the form of a Building Regulations Completion Certificate. The onus will be on the applicant to demonstrate that any structural alterations have been approved by building control. Failure to do so may result in representations and the licence being refused or granted subject to conditions.
- 4.8 Where premises have not obtained such consents or licences, they may be liable for enforcement action under the appropriate legislation. There may be circumstances when as a condition of planning permission; a terminal hour is set for the use of commercial premises. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Licensing applications therefore will not be a re-run of the planning application process and licensing decisions will not cut across decisions taken by the Planning Committee or permissions granted on appeal.
- 4.9 The Licensing Authority shall expect every licence/certificate holder or event organiser to minimise the impact of their activities on the surrounding area and any anti-social behaviour created by their customers in and within the vicinity of their premises by taking appropriate measures and actions consistent with that responsibility. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 4.10 The Licensing Authority may recommend actions as good practice. Applicants are asked to give these recommendations serious consideration as adoption of best practices may be considered in the investigation of complaints if they arise in connection with the premises in the future.
- 4.11 The Licensing Authority, however, recognises that the licensing law is not the primary mechanism for the general control of nuisance, noise or anti-social behaviour particularly once individuals have left the vicinity of the licensed premises and therefore beyond the direct control of the individual, club or business holding the licence or certificate. However licensing controls and targeted enforcement should have a positive impact on the immediate vicinity of the licensed premises.
- 4.12 The Policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators, for example, the Gambling Act 2005, the Equality Act, The Clean Neighbourhoods and Environmental Act 2005, Health and Safety at Work, etc. Act 1974, Environmental Protection Act 1990, the Noise Act 1996 and the Regulatory Reform (Fire Safety) Order 2005, etc.
- 4.13 The Licensing Authority seeks to encourage the provision of a culturally diverse range of regulated entertainment within the district, particularly live music and dance that are accessible to all people.
- 4.14 The Licensing Authority has a duty under Article 8 of the European Convention on Human Rights to protect the rights of its residents to privacy and family life. The Council also acknowledges the rights of businesses in its area to operate, but this must be balanced against the rights of residents not to be disturbed by unreasonable noise and nuisance caused by licensed premises.

- 4.15 In drafting this Policy, the Licensing Authority acknowledges its duty under Section 17 of The Crime and Disorder Act 1998 in that the Council has a duty to exercise its functions with a due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent, crime and disorder in its area. In addition the Licensing Authority will seek to support strategies where they are allied to the Licensing Objectives such as National and Local Harm Reduction Strategies and any other relevant strategies and policies.

5 Conditions

- 5.1 The Licensing Authority is unable to refuse or impose conditions on applications where no relevant representations have been made. Relevant representations are those which relate to the effect of granting or varying the licence on the four licensing objectives. Where relevant representations have been made, the Licensing Authority will aim to facilitate negotiations/mediation between the applicant and Responsible Authorities and any other person to establish whether mutually agreed amendments to the application can result in the representation being withdrawn. If negotiations/mediation proves unsuccessful the Licensing Authority will convene a hearing and where necessary take steps that are appropriate and proportionate to promote the four licensing objectives. This may result in the grant or refusal of the application or the imposition of conditions.
- 5.2 Where conditions are imposed at a licensing hearing, they shall be appropriate and proportionate and shall be tailored to the size, style, characteristics and activities that take place at the premises concerned. However, the Licensing Authority accepts that Responsible Authorities may suggest conditions following negotiation with the applicant when completing their Operating Schedules.
- 5.3 In addition, conditions imposed by a Licensing Authority shall be precise and enforceable, clear in what they intend to achieve, shall not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation, shall not replicate offences set out in the 2003 Act or other legislation, shall be justifiable and capable of being met and shall focus on matters which are within the control of the individual licence holders and not seek to manage the behaviour of customers once they are beyond the direct management of the licence/certificate holder and their staff.
- 5.4 The Licensing Authority recommends that conditions volunteered in the Operating Schedule should be:
- appropriate for the promotion of the licensing objectives;
 - proportionate and enforceable;
 - consistent and not conflicting;
 - relevant, clear and concise;
 - not duplicate other legislation; and
 - expressed in plain language capable of being understood by those expected to comply with or enforce them.
- 5.5 The Licensing Authority when preparing the licences/certificates will not simply replicate the wording from an applicant's Operating Schedule but will interpret conditions in accordance with the applicant's overall intentions.

- 5.6 Applicants are advised before completing their Operating Schedule to seek guidance on the framework for writing conditions in their Operating Schedules. Guidance is available from the Council.
- 5.7 The Licensing Authority recognises that in accordance with Section 43 of the Regulatory Reform (Fire Safety) Order 2005, any conditions imposed by the Licensing Authority that relate to any requirements or prohibitions that are or could be imposed by that Order, shall have no effect. The Licensing Authority shall therefore not impose fire safety conditions where the Order applies.
- 5.8 In much the same way, the Indecent Displays Act 1981 prohibits the public display of indecent matter and the Licensing Authority shall therefore not seek to impose conditions concerning such displays inside or outside the premises. The existing laws governing indecency and obscenity are adequate to control adult entertainment of this nature. However, the Licensing Authority shall, if it considers necessary in certain premises, consider attaching conditions following a hearing addressing the exclusion of minors.
- 5.9 Although it is accepted that licence conditions should not duplicate other statutory provisions, the Licensing Authority and licensees should be mindful of the requirements and responsibilities placed on them by other legislation.
- 5.10 Whilst the Licensing Authority encourages cultural activities and live music within the district it is also aware of the need to avoid measures that will deter live music when determining what conditions should be placed on licences/certificates, particularly those conditions that impose costs of a disproportionate nature. However, any adverse environmental impact that may arise from individual applications will also be taken into account when considering such applications. With regard to dancing, the Licensing Authority acknowledges the changes set out in the Policing & Crime Act 2009 related to lap dancing clubs and their re-classification as sexual entertainment venues.
- 5.11 With reference to the Protection of Children from Harm Licensing Objective, those conditions relating to the admission of children to any premises remain a matter for the individual licensee or club or person who has given a Temporary Event Notice (TEN). Venue operators may however volunteer prohibitions or restrictions in their Operating Schedules.
- 5.12 All relevant representations will be considered during the decision making process unless they are considered to be frivolous, vexatious, repetitious, or not in line with the four Licensing Objectives.
- 5.13 The Glossary at the back of this Policy sets out the licensable activities and relevant definitions surrounding the licensing process. If any member of the public is uncertain as to whether or not they require a licence or certificate they should contact Licensing Team, Selby District Council, Civic Centre, Doncaster Road, Selby, YO8 9FT or e-mail the Licensing Authority on; licensing@selby.gov.uk.

6 Licensing Hours

- 6.1 With regard to licensing hours, when the Licensing Authority's discretion is engaged, it will consider each application on its own merit and shall not seek to impose predetermined licensed hours. Where there are no objections to those hours raised by Responsible Authorities or other persons on the basis of the promotion of the licensing objectives, the Licensing Authority will have no discretion but to grant the hours requested.
- 6.2 With regard to shops, stores and supermarkets, the Licensing Authority shall normally expect such premises to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless representations raise reasons for restricting those hours, based on the licensing objectives.
- 6.3 The Licensing Authority recognises that in some circumstances flexible licensing hours for the sale of alcohol may help to ensure that concentrations of customers leaving premises simultaneously are avoided.

7 Early Morning Restriction Orders

- 7.1 The Police Reform and Social Responsibility Act 2011 ("the PRSR Act") gives the Licensing Authority the discretion to restrict sales of alcohol in the whole or part of their area by introducing an Early Morning Restriction Order ("EMRO") to restrict the sale or supply of alcohol between the hours of midnight and 6am to tackle high levels of alcohol-related crime and disorder, nuisance and anti-social behaviour.
- 7.2 The decision to implement an EMRO must be evidence based and the Licensing Authority must be satisfied that such an Order would be appropriate to promote the licensing objectives. Furthermore, the Licensing Authority shall consider the potential burden that would be imposed on premises licence/certificate holders.
- 7.3 As an EMRO is a powerful tool and a very stringent approach in tackling issues, the Licensing Authority will first consider whether other measures may address the problems and achieve the same goal. These could include:
- The use of a Cumulative Impact Policy (see Part 2 point 3);
 - Taking a robust joint agency approach to tackling problem premises;
 - Prior to reviewing a licence/certificate, meeting with the DPS and licence/certificate holder to ensure a Premises Improvement Plan is in place
 - Where this fails, reviewing Premises Licences/Certificates by the North Yorkshire Police or other Responsible Authorities;
 - Using other mechanisms to control the cumulative impact, e.g. planning controls;
 - Using other mechanisms to control noise and anti-social behaviour;
 - Using Closure Notices and Closure Orders;
 - Providing powers to designate parts of the local authority area as places where alcohol may not be consumed publicly;
 - police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
 - Provision of CCTV;
 - Provision of night marshals and street angels, introduction of a late night levy;
 - Reviews and Expedited Reviews of individual premises, etc.

- 7.4 The Licensing Authority would periodically review any active EMROs in order to ensure that it continues to be appropriate for the promotion of the licensing objectives. The applicant may be required to periodically submit evidence as part of this process to demonstrate that the EMRO is appropriate and achieving the goals and confirming that these cannot be achieved by alternative methods.

8 Late Night Levy

- 8.1 The PRSR Act has also introduced the power for the Licensing Authority to charge a late night levy (“the levy”) to all premises within Selby District. The late night levy is a discretionary power allowing Councils to collect an annual fee from all licensed premises in the District that are authorised to sell alcohol between the hours of midnight and 6am as a means of raising a contribution towards the costs of policing the night time economy. The decision to introduce, vary or cease the levy will be made by full Council in conjunction with the Police and Crime Commissioner and North Yorkshire Police. However, any decision in relation to the administration and design of the levy will be delegated to the Licensing Committee.

9 Representations

- 9.1 Under the 2003 Act both Responsible Authorities and ‘other persons’ may make representations on licence/certificate applications and review existing premises licences/certificates. A list of Responsible Authorities can be found at Appendix 3.
- 9.2 ‘Other persons’ is defined as any individual, body or business that may be affected by the operation of a licensed premises regardless of their geographical location. Although the other person may be in any geographical location, any representation they make must be relevant to one or more of the licensing objectives. In addition the other person is encouraged to provide evidence supporting their representation or review. This may be for example by way of recording dates where noise nuisance or anti-social behaviour occurs. Any representation however must be specific to the premises in question and not to the area in general.
- 9.3 In addition all representations must be relevant relating to the likely effect of the grant of the licence/certificate on the promotion of at least one of the licensing objectives. The Licensing Authority will determine whether a representation from an individual, body or business is relevant, frivolous, repetitive or vexatious. In borderline cases, the benefit of the doubt will be given to the person or body making that representation.
- 9.4 Any person aggrieved by a rejection of their representation may lodge a complaint through the Council’s complaints procedure or alternatively by way of judicial review.

10 Reviews

- 10.1 Responsible Authorities and other persons may apply to review a licence or certificate where it is believed an operator of a licensed premises is in their opinion managing their business in a manner that does not promote one or more of the four Licensing Objectives.
- 10.2 Examples of triggers for a review may be: continual complaints of noise from or in the vicinity of the premises; continual complaints of noise or intimidation from customers outside the premises; an accumulation of breaches of licensing conditions; poor management where the licensing objectives are undermined; underage sales of alcohol (persistent or otherwise); crime-related activity; anti-social behaviour; sales of alcohol outside of the permitted hours. This list is not exhaustive
- 10.3 Where an application for a review has been submitted the Licensing Authority will determine whether or not it is relevant, frivolous, vexatious or repetitious. In borderline cases the benefit of the doubt will be given to the person making that application. Advice on reviews is available from the Council.
- 10.4 The Licensing Authority will expect applicants for a review to gather sufficient and relevant evidence relating to the specific premises that is subject to the review. This may include a diary of events and any potential witnesses. With regard to reviews on noise complaints, applicants are encouraged to liaise with the Council's Environmental Protection team who may be able to assist with and support the review process.
- 10.5 Prior to a requesting a review, however, North Yorkshire Police, other Responsible Authorities or the Licensing Authority may seek to meet with the licence/certificate holder to address issues through a premises improvement plan.

11 Licensing Authority as a Responsible Authority

- 11.1 The PRSR Act amended the 2003 Act to include the Licensing Authority as a Responsible Authority. This Licensing Authority will therefore be empowered to fulfil the same functions as other Responsible Authorities under the 2003 Act including making relevant representations to new licence/certificate applications and variations and reviewing an existing licence/certificate.
- 11.2 The Licensing Authority will however not normally act on behalf of other parties (e.g. local residents, councillors or community groups) as such parties may make relevant representations in their own right. However, if these parties fail to make such representations and the Licensing Authority is aware of relevant grounds to make a representation, it may in these circumstances choose to act in its capacity as a Responsible Authority.
- 11.3 However, the Licensing Authority expects other Responsible Authorities to intervene where the basis for that intervention falls within the remit of that particular Responsible Authority. The Licensing Authority recognises that each Responsible Authority has equal standing under the 2003 Act and they may act independently without waiting for representations from any other Responsible Authority.

- 11.4 In cases where the Licensing Authority is also acting in its capacity as a Responsible Authority it will ensure that there is a separation of responsibilities within the Council to ensure procedural fairness and eliminate conflict of interests. Officers within the Enforcement Section have been delegated to act as the Responsible Authority for the Licensing Authority. Any Officer requesting a Review shall not be involved in administering the review application process. Indeed, a separate Enforcement Officer will receive and process these applications including preparing any report for the Licensing Committee. Communications between both Officers shall remain formal and separate throughout the process. Thus a separation will be achieved by allocating distinct functions to different Officers. Essentially, the Enforcement Officer advising the Licensing Sub Committee shall be different from the officer who is acting as the Responsible Authority.

12 Health as a Responsible Authority

- 12.1 The PRSR Act has also introduced first-tier local authority Directors of Public Health from April 2013 or their equivalent as Responsible Authorities. It is expected that this Responsible Authority may be useful in providing evidence of alcohol-related health issues if the Council was considering either a cumulative impact policy or an early morning restriction order for example.
- 12.2 The local contact for this Responsible Authority is included in the list of Responsible Authorities at the rear of this Policy.
- 12.3 Health in North Yorkshire
- Increasing risk and higher risk drinking in North Yorkshire to be estimated at 25.7%, higher than the national average of 23.6%
 - alcohol related hospital admissions are increasing year on year;
 - nearly 200 people per annum die in the county as a result of alcohol.
- 12.4 There has also been a long-term increase in the proportion of alcohol purchased from off-license outlets and consumed at home rather than in pubs and bars. This change in drinking patterns is largely driven by low cost alcohol available from the off trade. The Licensing Authority has ensured that the policy recognises this shift in drinking patterns.
- 12.5 The Authority supports the North Yorkshire Alcohol Strategy and will, where possible, work in partnership for dealing with both actual and potential harms from alcohol.

13 Live Music Act

- 13.1 Due to the introduction of the Live Music Act 2012 the public performance of live amplified and unamplified music between the hours of 08:00 and 23:00 on premises licensed for the supply of alcohol on any day when alcohol is being supplied under the licence and the audience is no more than 500 persons is no longer a licensable activity. Any existing licence/certificate conditions relating to live music remain in place but are suspended between these hours. However, the Licensing Authority may impose new, or reinstate existing conditions, following a review of the premises licence or club premises certificate.

- 13.2 Throughout this Policy the Licensing Authority recognises that the definition of regulated entertainment is determined by central Government and may be subject to change.
- 13.3 When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merit. Live music is a performance of live music in the presence of an audience that it is intended to entertain. Live music for example can include the playing of some recorded music and may be part of the performance of amplified live music. As there will inevitably be a degree of judgement as to whether a performance is live music or not organisers of events are encouraged to consult with the Licensing Authority if in doubt.

14 Minor Variations

- 14.1 Minor variations generally fall into four categories: minor changes to the structure or layout of premises; small adjustments to licensing hours; the removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions. In all cases the Licensing Authority will consider whether the proposed variation would adversely impact on any of the four licensing objectives.
- 14.2 In considering applications the Licensing Authority will consult relevant Responsible Authorities if there is any doubt about the impact of the variation on the licensing objectives and take their views into account when reaching a decision.

15 Sexual Entertainment Venues (SEVs)

- 15.1 Where an operator seeks to provide activities that include striptease or any other kind of nudity or sexual entertainment (for example, lap dancing clubs or topless waitresses), an application will need to be submitted for a Sexual Entertainment Venue Licence under the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009. However, it is recognised that there is an exception that allows premises to provide sexual entertainment no more than 11 times per year and no more frequently than monthly. Where this exemption is exercised and concerns are identified with a licensed premises this may lead to a review of the premises licence and the imposition of any relevant conditions.

16 Children

- 16.1 With regard to the Protection of Children from Harm licensing objective, the Licensing Authority and this Policy recognises The Director of Children and Young People's Services at North Yorkshire County Council as the Responsible Authority competent to act in relation to this licensing objective. The Licensing Authority will give considerable weight to representations on child protection matters.
- 16.2 The Licensing Authority shall not seek to limit the access of children to any licensed premises unless it is necessary for the prevention of physical, moral or psychological harm. In all other cases it will be left to the discretion of the Licensee but the Licensing Authority shall expect that the licensee shall give full consideration of

access by children at all times and ensure that there is a policy in place to promote this licensing objective.

- 16.3 Where there are concerns with regard to access of children the Licensing Authority will consult the Director of Children and Young People's Services. However, where the Licensing Authority's discretion is engaged it will judge the merits of each application before deciding whether or not to impose conditions limiting the access of children.
- 16.4 The following are examples of premises that are likely to raise concern and engage the Licensing Authority as a Responsible Authority to take action:
- Where entertainment or services of an adult or sexual nature are common thereby likely to undermine the licensing objectives;
 - Where relevant premises are known to allow unaccompanied children;
 - Where the applicant has described in the Operating Schedule that '*no adult or similar entertainment shall take place on the premises*' but intends to hold an event liable to compromise the protection of children from harm licensing objective;
 - Where there has been early indication and subsequent evidence of poor management of the premises leading to undermining of the licensing objectives;
 - Where the premises have a known association with drug taking or dealing;
 - Where the current staff have received convictions or cautions for serving alcohol to minors or where the premises has a reputation for underage drinking or failures in test purchasing;
 - Where there is a strong element of gambling on the premises;
 - Where there is likely to be under age events with the intention of selling or exposing alcohol for sale or where the intention is to permit adults to this event;
 - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 16.5 Examples of entertainment likely to cause concern are entertainment or services of an adult or sexual nature including topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or entertainment involving strong or offensive language.
- 16.6 Where there are events solely provided for children, for example an Under 18's disco in a public house or similar relevant premises, the Licensing Authority strongly advises that no alcohol is served at such events and for the management of the premises to ensure that measures are in place to prevent sales to under aged persons. In addition, it is recommended that measures should be in place to prevent alcohol being brought onto those premises and to prevent under aged persons leaving and returning to the premises in order to consume alcohol in the vicinity of the premises.
- 16.7 In particular, the Licensing Authority will consider what conditions are offered in the Operating Schedule. The applicant in completing the Operating Schedule is required to describe the steps they intend to take to promote this Licensing Objective and highlight any adult entertainment or services, etc. that may give rise to concern in respect of children. However, where the applicant does not state the steps they intend to take to promote this Objective but does state that "*no adult or similar entertainment shall take place on the premises*", the Licensing Authority shall

consider that this restriction to be a condition on the Licence/certificate even though it may not state it on the Licence/Certificate itself.

- 16.8 The 2003 Act as amended by the Policing & Crime Act 2009 has introduced a number of mandatory conditions. One of these conditions provides that where a Premises Licence or Club Premises Certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with the recommendations given either by the British Board of Film Classification (“the BBFC”) or by the Licensing Authority itself. The Licensing Authority has a procedure in place for the approval of unclassified films that includes conditions relating to the admission of children. In adopting these procedures the Licensing Authority supports the BBFC Guidelines and shall not seek to duplicate the BBFC’s recommendations. The Film Authorisation Procedure is available from Council. Any changes to these procedures are not considered changes to this Policy and as such any amendment to these procedures will not necessitate a review of the Licensing Policy.

PART 4

17 Licences & Certificates – General

- 17.1 New applicants and existing licence/certificate holders are encouraged to take heed of the information contained within this Policy. In order to avoid potential representations which generally delay an application, the Licensing Authority strongly recommends that prior to submitting their application applicants consult all Responsible Authorities, in particular North Yorkshire Police and the Environmental Protection team. In some cases, it may be advisable to consult ‘other persons’ as defined in the 2003 Act, for example a Town or Parish Council or neighbouring properties.
- 17.2 The Premises Licence/Certificate application outlines the operating conditions and the Operating Schedule that will form the basis of conditions that will be attached to the Licence/Certificate. The Licensing Authority shall expect the applicant to have carefully considered the promotion of all four Licensing Objectives in their Operating Schedule.
- 17.3 The Licensing Authority recognises that large-scale events may attract large crowds and the risks to public safety, crime and disorder and public nuisance are likely to increase with these numbers. Event organisers are recommended to consult with Responsible Authorities and the Safety Advisory Group in good time to discuss the Operating Schedule and any potential issues well before an application is submitted.
- 17.4 Where a festival, carnival or similar event requiring a Premises Licence or Temporary Event Notice is due to take place, the event organiser and/or landowner are recommended to consult with Responsible Authorities and the Safety Advisory Group in good time to discuss any potential issues.

18 Wholesale Sales of Alcohol

- 18.1 All sales of alcohol to members of the public, even in wholesale quantities, from any premises will require an authorisation. Any premises from which alcohol is supplied or sold will require either a premises licence, a club premises certificate or temporary event notice. There will need to be a designated premises supervisor for the premises if the authorisation is in the form of a premises licence.
- 18.2 Sales made to other traders for the purposes of their trade will not be a licensable activity. Similarly, sales made to holders of premises licences, club premises certificates or personal licences will not be a licensable activity if the sale is for the purposes authorised by the premises licence or for the purposes of the qualifying club. Also exempt will be when alcohol is sold wholesale to premises users operating under a temporary event notice

19 Mail Order supply of alcohol

- 19.1 Where alcohol is sold to the public by mail order the premises or warehouse from which the alcohol is dispatch will require a licence.

20 Garages

- 20.1 With regard to the licensing of garages and/or filling stations Section 176 of the 2003 Act prohibits the sale or supply of alcohol from premises that are primarily used as a garage. The Licensing Authority must decide whether or not a premises is used primarily as a garage. The accepted approach is based on “intensity of use” to establish “primary use”. For this reason, the Licensing Authority will expect an applicant to provide comprehensive statistical information with their application on the intensity of use to establish primary use.
- 20.2 Where there is insufficient evidence to establish primary use (e.g. where there is a new build) the Licensing Authority shall decide whether to deal with any issues through enforcement action after the licence is granted or defer granting the licence until the primary use issue can be established to the Licensing Authority’s satisfaction. R (Murco Petroleum Limited) v Bristol City Council 2010 addresses the issue of Licensing Authority’s compelling applicants to answer questions and to supply relative turnover figures if requested to do so. The Licensing Authority’s role is not merely adjudicatory; it may also take a more inquisitorial stance.
- 20.3 In order to promote the four Licensing Objectives, the Licensing Authority may consider seeking Premises Licences for land or buildings under public ownership within the district. The Local Authority will seek to encourage and promote festivals, carnivals and similar events in the district to provide a more vibrant community.
- 20.4 In addition, the Licensing Authority encourages local Town and Parish Councils to seek Premises Licences for land or buildings under public ownership within the community.

21 Late Night Refreshment

- 21.1 It is recognised that the provision of late night refreshment forms an important part of the district's late night economy. As such where late night refreshment is provided between the hours of 11pm and 5am applicants must demonstrate in their Operating Schedule how they will promote the four Licensing Objectives, particularly with regard to the Prevention of Crime and Disorder and the Public Nuisance Licensing Objectives.
- 21.2 Where an applicant wishes to sell alcohol either on or off the premises in such an establishment or provide an alcohol delivery service, the Licensing Authority recommends that the Operating Schedule sets out specific measures to ensure the prevention of Crime and Disorder and Public Nuisance in the vicinity of the premises. Existing premises that seek to provide an alcohol delivery service are expected to notify the Licensing Authority that they are operating such a service setting out specific measures they intend to take to promote the licensing objectives.
- 21.3 Where a delivery service is operated from these premises extra care must be taken by the operator with regard to compliance/breach of licensing hours. For example, a pizza order must be capable of reaching the customer at the delivery address by no later than the end of the permitted hours.
- 21.4 The Licensing Authority recommends takeaways and late night refreshment houses have a responsible policy for regularly clearing litter from outside their premises whilst the premises are open and at the end of the working day. Such a policy could also include notices displayed advising customers to use the bins provided.

22 Mobile Premises

- 22.1 Where licensable activities take place in mobile vehicles, a Premises Licence will be required for the land upon which the vehicle operates. The application must specify the pitch from where trading is to take place. The premises licence will be in addition to any street trading licence or consent that may be required. Where a street trading licence or consent is in force it may have more onerous conditions than the premises licence in which case the licensee will be expected to abide by the more onerous conditions.
- 22.2 As this type of premises is likely to cause people to congregate, the Licensing Authority will expect applicants to demonstrate specific measures to prevent Crime and Disorder, prevent Public Nuisance and promote Public Safety.
- 22.3 In addition, the Licensing Authority shall expect the applicant to consider specific measures to ensure that litter from such premises is regularly disposed of.

23 Gaming Machines

- 23.1 Where licensed premises intend to provide more than two Category C or D gaming machines, the Licensing Authority will hold a licensing hearing to determine the application for an alcohol-licensed premises gaming machine permit.

- 23.2 Compliance within the Gambling Commission's Codes of Practice relating to gaming machines on licensed premises is mandatory.

PART 5

24 Personal Licences

- 24.1 Where a Premises Licence authorises the supply of alcohol, every supply of alcohol must be made or authorised by a Personal Licence Holder. Whilst this does not mean that the Personal Licence Holder must be present at every sale of alcohol or directly supervise each sale, authorisation should be meaningful and properly managed.
- 24.2 The Licensing Authority advises that it is good practice for the Personal Licence holder to give specific written and dated authorisation to individuals to demonstrate due diligence. Whilst the Designated Premises Supervisor ("the DPS") and Personal Licence Holder may authorise sales in their absence, they still remain responsible for those sales. Similarly, the Premises Licence Holder also remains responsible for ensuring that the licensing law and conditions are complied with at that premises.
- 24.3 Where a community premises applies for an exemption from the requirement to have a DPS, the Licensing Authority must be satisfied that arrangements for the management of the premises by their Committee or Board of individuals are sufficient to ensure the adequate supervision of the supply of alcohol on the premises. The applicant will be required to set out how the premises is managed, its committee structure and how the supervision of alcohol sales are conducted. Copies of the Constitution and other management documents must be submitted. The management committee is strongly encouraged to notify the Licensing Authority if there are any key changes in the committee's composition as this committee will collectively be responsible for ensuring compliance with licence conditions and licensing law. Where management arrangements are unclear, the Licensing Authority may seek further details to confirm that the management board or committee is properly constituted and accountable. While overall responsibility lies with the management committee where premises are hired out, the hirer will be clearly identified as having responsibilities falling within their control. Community premises are encouraged to check with the Licensing Authority before making any application.
- 24.4 Where a Premises Licence is in force authorising the supply of alcohol, a DPS will need to be nominated. The main purpose of the DPS is to ensure that there is always one specified individual who can be readily identified by Responsible Authorities as the individual who has day-to-day responsibility for running the business and who can therefore ensure that any problems are dealt with swiftly. As such the DPS will occupy a pivotal position. Experience has proved that in some cases the Premises Licence Holder has employed a DPS who is remote from the premises and therefore not involved in the day-to-day running of that premises. In these cases where there is no individual readily identifiable by Responsible Authorities, the Licensing Authority will therefore pay particular attention to those premises where the DPS is remote and not the person responsible for the daily running of the premises.

- 24.5 Whilst the Licensing Authority recognises that a DPS may supervise more than one premises, the DPS must be able to ensure that the four Licensing Objectives are promoted and that the licensing law and licensing conditions are complied with. Where the DPS is not available at the premises for whatever reason, the Licensing Authority recommends a responsible individual is nominated who can deal with matters in the absence of the DPS. In addition, the Licensing Authority recommends that a notice is displayed prominently indicating the name and position of that nominated person. Whenever alcohol is to be sold it is recommended that written and dated consent be given to that nominated person.
- 24.6 Applicants for Personal Licences with relevant unspent criminal convictions are required to notify the Licensing Authority of the nature of those convictions upon application. In such cases, the Licensing Authority will advise North Yorkshire Police and, where an objection is received on crime prevention grounds, a hearing will be held to determine whether or not a licence should be granted.
- 24.7 Where a Personal Licence holder appears before a magistrates' court for a relevant offence, the Licence holder must produce his licence to the court at the first hearing or provide the court with a valid reason why they are unable to produce that licence. The magistrates and/or the crown court will then decide on what action, if any, to take.
- 24.8 Where an applicant for a Personal Licence is convicted of a relevant offence as listed in the Licensing Act 2003, the applicant is required to advise the Licensing Authority as soon as is reasonably practicable so that the Licence can be amended.
- 24.9 Experience has indicated that a number of Personal Licence Holders have failed to produce their Personal Licence to the court in accordance with Section 128 of the 2003 Act. The Licensing Authority views this at best as negligent and at worst placing the public at risk as some of the offences have been serious. In view of this the Licensing Authority will take appropriate action against those who continue to fail to notify the courts and provide notification of their change of address in accordance with their statutory duty.
- 24.10 All offences under the Licensing Act 2003 are considered summary offences that normally have to be prosecuted within 6 months of the offence. However, by virtue of Section 186(3) the time limit for the laying of information has been extended from 6 months to 12 months from the date of the offence.

PART 6

25 Temporary Event Notices

- 25.1 The Licensing Act 2003 provides for a light touch authorisation by way of a TEN under which any person (the premises user) may submit a notification to the Licensing Authority to conduct licensable activities on a temporary basis.
- 25.2 A TEN may be given for part of a building such as a single room within a village hall, a plot within a larger area of land or a discrete area within a marquee, as long as the Notice clearly describes the area where the event is to be held.

- 25.3 Although premises users are not required to be on the premises for the event, they will remain liable for any offences that may be committed at the premises whilst the TEN is in place.
- 25.4 As a TEN does not relieve the premises user from any requirements under other regulatory regimes, the Licensing Authority recommends the user contact the Planning Authority, Highways and any other relevant authority well in advance of the event to ensure any other permissions are in place.
- 25.5 It is strongly recommended to avoid the potential of police objections to contact the North Yorkshire Police Licensing Officer and the Environmental Protection Team prior to the submission of the TEN and outline any measures in place to promote the Crime and Disorder and Prevention of Public Nuisance Licensing Objectives.
- 25.6 For larger scale or outdoor events, the Licensing Authority encourages event organisers to seek advice from the Safety Advisory Group in advance of submitting their application. The group will be able to offer local advice on other legislative requirements, such as health and safety issues, road closures, the use of pyrotechnics, local byelaws, etc. along with the need to prevent anti-social behaviour.
- 25.7 The Licensing Authority accepts that there is now a provision for a late TEN to be submitted. These must be received no later than 5 working days (not including the date of receipt of the notice or the date of the event) prior to the event. If objections are received to a late TEN a Counter Notice will be issued and the event will not be allowed to take place.
- 25.8 Event organisers are advised to submit their TEN to The Police Licensing Officer, North Yorkshire Police Headquarters, The Licensing Section, Fulford Road, York, YO10 4BY In addition, event organisers are advised to submit their application to the Licensing Authority and the Environmental Protection Team on a weekday and in any event before 12 midday on a Friday in order to ensure a quick, efficient and timely response.
- 25.9 Temporary Event Organisers are advised to submit their TENS well before the date of the event and in any event, must submit their notifications to the Licensing Authority in accordance with the number of working days currently specified in Regulations. When serving notices, organisers should serve the notice on the Licensing Authority, Police and Environmental Health at the same time. This then ensures that the Responsible Authorities have sufficient opportunity to consider the notice in line with the Prevention of Crime and Disorder and Prevention of Public Nuisance Licensing Objectives.
- 25.10 It is a legal requirement for all organisers to assess the Health and Safety and Fire Risk associated with their event and document any significant findings. Guidance on how to conduct such risk assessments may be obtained from the relevant enforcing authority. In any event, the Licensing Authority will notify the Fire Authority of all TENS submitted so that they can offer advice to event organisers if necessary. Members of the Safety Advisory Group will also be notified of all TENS for similar reasons. Organisers are recommended to give thought to the provision of first aid at such events. It should be noted that if the Fire Authority is of the opinion that the use of premises/venue involves, or will involve, a risk to relevant persons so serious, including anything affecting their escape from the premises in the event of fire, the Fire Authority may prohibit or restrict premises use without notice.

- 25.11 Event organisers are reminded of Police powers to close down events without notice, on the grounds of disorder, the likelihood of disorder, or public nuisance. The Licensing Authority, therefore, expects organisers to be aware of the relevant offences under the Licensing Act 2003, for example, sales of alcohol to children or to drunken individuals. Event organisers are advised to contact the Licensing Authority for further advice.

PART 7

26 Club Premises Certificate

- 26.1 In order for a qualifying club to supply alcohol and provide other licensable activities on Club premises, a Club Premises Certificate is required. Qualifying conditions are specified in section 62 of the 2003 Act and the Licensing Authority must be satisfied that these conditions have been met, including evidence to support the fact that the Club is non-profit making. Additional information is available from the Council and in Guidance Notes.
- 26.2 The Licensing Authority will require the Club to produce an Operating Schedule evidencing how it will promote the four Licensing Objectives. The Operating Schedule will form part of the Club Premises Certificate.
- 26.3 Where a Club intends to open its premises to the general public, the Licensing Authority recommends a Temporary Event Notice or Premises Licence. Whilst there is no definition of 'guest' within the Licensing Act 2003, the term may include a wide variety of people who are invited by the Club. The manner in which they are admitted as 'guests' would be for the Club to determine and set out in its Club Rules. Where the point is reached that a Club is providing commercial services to the public it will no longer be considered to be conducted in good faith and would therefore no longer meet General Condition 3 in Section 62 of the Licensing Act 2003. Where the Licensing Authority considers a club has ceased to operate in good faith, it will give the Club notice withdrawing their Club Premises Certificate. The Club shall be entitled to appeal this decision and where the appeal is not successful; the Club will be required to apply for a full Premises Licence.
- 26.4 The Licensing Authority will require the Club Secretary's contact details to be readily available in the event of an emergency.

PART 8

27 Operating Schedule

- 27.1 The Operating Schedule is a key part of the application form whereby applicants may volunteer appropriate conditions to demonstrate compliance of the licensing objectives by describing the steps they intend to take to promote these objectives. These volunteered conditions will then form conditions on the Premises Licence or Certificate. In completing an Operating Schedule, applicants are expected to have regard to this Policy.

- 27.2 The Licensing Authority encourages applicants and existing operators to plan ahead to meet their legal responsibilities under the Equality Act 2010. In addition, applicants are expected to include positive proposals in their Operating Schedule on how they will manage any potential risks. Where their operation is within a cumulative impact area, they will be expected to demonstrate how the operation of their premises will not add to the cumulative impact already being experienced in that area.
- 27.3 Premises Licence and Club Premises Certificate applicants may wish to refer to their Fire Safety and Health and Safety risk assessments that they will have conducted. Applicants are advised to seek the views of professional experts in relation to the preparation of these risk assessments. Where a maximum occupancy is set, applicants are advised to have an appropriate method in place to monitor the numbers of people entering and exiting the premises.
- 27.4 In completing their Operating Schedule the Licensing Authority suggest an applicant considers the following:

General

- Premises log book
- Management and staff training and awareness of duties under the Licensing Act
- Policies and procedures relating to e.g. age restricted sales, capacity, noise monitoring, dispersal, queuing, etc
- Safe capacities
- Evidence of competent management procedures

Prevention of Crime and Disorder

- Drugs policy
- CCTV
- Pub Watch and Radio links with other licensed premises
- Security Industry Authority Door supervisors and Approved Contractor Scheme
- Polycarbonate or shatterproof vessels
- An appropriate ratio of tables and chairs to customers
- Management of outside areas
- Use of 'spikeys' or similar anti-drink spiking device
- Calming atmosphere at close of business/event
- Safe capacities
- Queuing policy
- Stewards for events and event plan

Public Safety

- Health and Safety and Fire Safety risk assessments and staff training
- Safeguarding measures
- Use of CCTV in and around the premises
- Safe capacities and monitoring procedures
- Provision of local taxi companies who can provide safe transportation home
- Procedures to control access to and egress from premises

- Patrolling of premises
- Glass clearance policy
- Control of ventilation
- Control of litter immediately outside the premises
- First aid trained staff
- Adequate external lighting
- Consideration of the safety of performers appearing at any premises
- Indoor sporting events: medical practitioner; use flame retardant material, proximity of public to the activity; water sports events – lifeguards
- Stewards for events and event plan; and regard to standards of the National Sporting Body
- Ensuring appropriate access for emergency services

Prevention of Public Nuisance

- Control of general noise, disturbance, light, odour, litter and anti-social behaviour
- Whilst regulated entertainment is taking place, management of noise disturbance
- Control of litter (e.g. cigarette ends, rubbish, etc), vomiting, urinating and anti-social behaviour in the vicinity of the premises
- Dispersal policy to ensure customers respect their neighbours
- Removal of persons causing disturbance
- Management of outside areas, e.g. pub gardens, smokers, etc.
- Control of deliveries in early hours
- Queuing policy
- Winding down period

Protection of Children from Harm

- Refusals book
- Consideration of access to premises where adult entertainment may take place
- Consideration to proximity of premises to schools and youth clubs
- Clarity on activities and times at which events take place to determine whether or not it is appropriate to allow access to children
- Challenge 21 policy
- tills prompts at retail outlets
- Measures to control access to hotel minibars in rooms occupied by children
- Operational measures to avoid proxy purchases
- How to prevent children from being exposed to alcohol sales at under age events, gambling, incidents of violence and disorder and drugs or drug taking
- Consideration of safeguarding issues
- Consideration of children as performers where relevant
- Supervision of children
- Under 18 event Code of Conduct, for example: searches, ticketed event, door supervisors, stewards monitoring event, set hours for event, restricted event, policy to ensure young people leave premises safely, etc.

27.5 These lists are not exhaustive and advice can be obtained from the relevant responsible authorities. However, applicants are reminded again to contact the relevant Responsible Authorities to seek their expert advice before an application is submitted to the Licensing Authority.

- 27.6 Where an applicant is a vessel, the Licensing Authority strongly recommends advice be sought from the Maritime & Coastguard Agency prior to submitting the application form. This Agency will offer advice on the safety of passengers aboard the vessel.

PART 9

28 Enforcement

- 28.1 With regard to enforcement action the Licensing Authority will take a stepped approach to enforcement in line with the Enforcement Policy.
- 28.2 The Licensing Authority will use a multi-agency approach to ensure the premises complies with the licensing laws and promotes the licensing objectives. This includes the sharing of relevant information about premises and licence holders and may include making copies of all written correspondence between the Licensing Authority and the licence holder available to Responsible Authorities
- 28.3 The Licensing Authority may seek to meet with the licence or certificate holder and/or DPS working closely with them and relevant Responsible Authorities in implementing a Premises Improvement Plan as an alternative to formal action where appropriate.
- 28.4 Where the premises does not comply with an agreed Improvement Plan and continues to breach the licensing laws and/or licence conditions, the Licensing Authority will consider further sanctions, either by way of a review, formal caution, prosecution or serving of a s19 Closure Notice. In any event, the Licensing Authority will have regard to the Regulators' Code and the Enforcement Concordat together with the Council's own Enforcement Policy.
- 28.5 However, where the premises continues to flout the law, act irresponsibly, or serious issues are identified firm action will be taken that may include immediate prosecution, particularly where the licensing objectives have been undermined.
- 28.6 Enforcement action will be:
- Targeted toward those premises presenting the highest risk;
 - Proportionate to the nature and seriousness of the risk those premises present;
 - Consistent, so that the Licensing Authority takes similar approaches in similar situations;
 - Transparent, so those who are subject to enforcement action know what to expect; and
 - Accountable so that the Licensing Authority and its officers take responsibility for their actions.
- 28.7 In order to ensure compliance with the law and licensing conditions, the Licensing Authority will carry out with North Yorkshire Police whenever possible unscheduled 'non routine' evening inspections. After each visit the DPS and licence or certificate holder will be notified of any concerns and be given an opportunity to rectify any issues. Where one off events take place, the Licensing Authority may also carry out inspections to ensure the Licensing Objectives are promoted.

- 28.8 In addition, the Licensing Authority will conduct checks to ensure that official notices for new applications, varied applications, reviews and minor variations are accurate and clearly displayed. Notices for reviews shall be displayed at or near the site of the premises, and where there are concerns these shall be regularly checked and recorded.
- 28.9 The licence/certificate holder is required to ensure that the Premises Licence/Club Premises Certificate, or certified copy of that licence or certificate, is kept at the premises and in the custody, or under the control of, either the licence/certificate holder or a person who works at the premises and whom the licence holder has nominated in writing to have custody of that licence. In addition, the 2003 Act requires that a summary, or certified copy, is prominently displayed at the premises together with a notice specifying the name of the person nominated to have custody of the licence. Experience has proved that a number of licensees/certificate holders are not aware of this legislative requirement. With regard to enforcement, where a premises does not display the licence summary or does not have the licence/certificate, or certified copy, on the premises, then the Licensing Authority will write to the licence/certificate holder giving them an initial warning prior to taking any legal action. Continued failure will result in further sanctions being taken as outlined above.
- 28.10 Any decision to instigate legal proceedings will take account of the criteria set down in the Code for Crown Prosecutors and Attorney General Guidelines.

29 Fees: Annual Licence Fees

- 29.1 The PRSR Act gives the Licensing Authority the power to suspend a licence or certificate if the holder fails to pay the annual licence fee promptly in accordance with the invoice. Where the licence/certificate holder fails to pay the annual fee when due the Licensing Authority will notify the licence/certificate holder in writing specifying the date on which the suspension takes effect. This date will be two working days after the day the Licensing Authority has given the licence/certificate holder such notice. The Licensing Authority will work with North Yorkshire Police and appropriate action will be taken when the premises continues trading whilst suspended.
- 29.2 Where the licence/certificate holder has paid the annual fee the Licensing Authority will lift the suspension and inform North Yorkshire Police accordingly.

PART 10

30 Licensing Committee

- 30.1 Decisions on all licensing matters shall be taken in accordance with an approved scheme of delegation. This is aimed at underlining the principles of timely, efficient and effective decision-making.
- 30.2 The Licensing Committee will consist of 10 Members. The Licensing Sub-Committee will conduct any Hearings required under the 2003 Act.

- 30.3 Applications for Premises Licences, Club Premises Certificates or Temporary Event Notices where relevant representations have been received and not withdrawn will be dealt with by a Licensing Sub Committee unless such representations are considered irrelevant, frivolous or vexatious or unless the Licensing Authority, the applicant and everyone who has made representations agree that a hearing is not necessary.

The decision determined by the Licensing Sub-Committee shall be accompanied by clear and cogent reasons, having had due regard to the Human Rights Act 1998 and all other legislation.

PART 11

31 Administration, Exercise and Delegations of Functions

- 31.1 The 2003 Act provides that the functions of the Licensing Authority, including all its determinations, are to be carried out by its Licensing Committee with the exception of the preparation of this Policy. Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Licensing Committee has delegated certain decision and functions and has established Sub Committees to deal with them.
- 31.2 Officers have delegated powers to deal with all the Licensing functions of the Licensing Authority save for those where the Act specifically reserves the powers only to the Licensing Committee or to the full Council.
- 31.3 The table at Appendix 1 sets out the agreed delegation of decisions and functions to the Licensing Committee, Licensing Sub Committees and authorised officers.
- 31.4 The Licensing Committee has approved its own rules relating to the procedure of hearings by the Licensing Sub Committee under the Licensing Act 2003.

32 The role of District Councillors

- 32.1 The Licensing Authority recognises that District Councillors play an important role in the local community. They may make representations in writing and speak at the hearing on behalf of any other person such as a local resident or business if specifically asked to do so. They can also make representations in their own right if they have concerns about a premises.
- 32.2 Residents or businesses may wish to contact their local District Councillor in respect of a licence/certificate application. Details of how to contact District Councillors may be obtained from the Council's website. Where a resident or business seeks the assistance of a District Councillor it is helpful if they can send them any evidence that a premises is causing a problem in the area. It is also helpful if a resident or business that makes a representation on an application to send a copy of their representation to the relevant District Councillor. This then helps them to gain an understanding of local feelings.

- 32.3 District Councillors may attend hearings of licensing sub committees considering applications and speak on behalf of local residents and businesses, but only if:
- They have made a personal representation;
 - They have made a representation on behalf of local residents or business as 'community advocates'
 - They have been nominated by (an objector) who cannot attend the hearing or prefers to be represented at the hearing.
- 32.4 District Councillors may however attend a hearing as an observer or as part of training for the Licensing Committee.
- 32.5 District Councillors wish to be kept informed of licensing related matters within Selby District, such as applications and reviews. The 2003 Act does not prevent Licensing Authorities from providing this information to Councillors, for instance by way of regular updates, as long as it is done in a neutral way that could not be seen as "soliciting" representations. Elected members will be signposted to the Councils Website where all current application/review notices can be viewed.

PART 12

33 Appeals Against Licensing Authority decisions

- 33.1 Following a hearing of an application by the Licensing Authority, the applicant or any objector has the right to appeal against that decision to York Magistrates' Court within 21 days. In hearing an Appeal against the Licensing Authority's decision, the court will have regard to this Policy and the Guidance issued under Section 182 of the Licensing Act 2003. However, the court would be entitled to depart from both of these documents if it considers it justified so to do.
- 33.2 Where an appeal has been lodged against a decision of the Licensing Authority, the Licensing Authority will in all cases be the respondent to the appeal and may call as witnesses any other person or Responsible Authorities who made representations against the application if it so chooses. In addition, and provided the court considers it appropriate, the Licensing Authority may also call as witnesses any individual or body it considers may assist in their response to an Appeal.

PART 13

34 Complaints against licensed premises

- 34.1 Where the Licensing Authority receives complaints against a licensed premises, complainants are advised in the first instance, whenever possible, to raise their complaint directly with the licensee in order to resolve the matter. The Licensing Authority, however, recognises that it is not always possible or practical for the public to raise complaints directly with the licensed premises. In such circumstances complaints in the first instance should be addressed to: The Lead Officer of

Enforcement Selby District Council, Civic Centre, Doncaster Road, Selby, YO8 9FT;
or email the Council at info@selby.gov.uk.

- 34.2 Complaints will be dealt with in a timely and efficient manner.
- 34.3 It is expected that all noise-related complaints are initially raised with the Council's Community Officers and complaints regarding unlicensed activities and operating outside the permitted hours are raised with the Licensing Authority or Police Licensing Officer.
- 34.4 On receipt of a licensing complaint, a relevant Officer will investigate the circumstances, discussing the complaint with the DPS of the licensed premises, the licence/certificate holder, any relevant Responsible Authority and the complainant. Where it is a valid complaint, the Licensing Authority shall endeavour to seek a resolution through informal means prior to taking any formal sanction, dependant on the nature of the complaint.
- 34.5 The Lead Officer of Enforcement is responsible for considering complaints in the context of this Policy and will determine whether or not it is a relevant complaint. This officer will authorise suitably qualified officers to discharge duties as appropriate to their seniority, professional qualifications and/or experience.
- 34.6 Where there is a serious complaint, then the Lead Officer of Enforcement shall ensure that it is investigated and enforcement action taken where necessary. The Licensing Authority shall act in accordance with the Enforcement Policy and in accordance with the Regulators' Code and the Enforcement Concordat.
- 34.7 With regard to whether or not a complaint/representation is relevant, the Lead Officer of Enforcement in conjunction with the Solicitor to the Council shall decide on whether it is vexatious, frivolous, repetitive or not relevant (that is, in line with one or more of the four Licensing Objectives) and there is no right of appeal against this decision. Aggrieved objectors should take their own legal advice. The exclusion of a complaint/representation on the grounds that it is repetitious does not however apply to Responsible Authorities. Responsible Authorities may make more than one request for a review of a Premises Licence/Certificate within the 12-month period or other reasonable interval agreed by the Licensing Authority. Where the decision is made that a complaint is vexatious, frivolous, repetitious or irrelevant, the complainant will be informed of this in writing with full reasons being given for the decision.

Appendix 1 – DELEGATION OF FUNCTIONS

Matters to be dealt with	<i>Council</i>	Sub Committee	Officer
Licensing Policy approval	All cases		
Application for a Personal Licence		If Police objection	If no Police objection
Application for a Premises Licence or Club Premises Certificate		If relevant representation made	If no relevant representation made
Application for a Provisional Statement		If relevant representation made	If no relevant representation made
Application to vary Premises Licence or Club Premises Certificate		If relevant representation made	If no relevant representation made
Application to vary DPS		If Police objection	All other cases
Request to be removed as DPS			All cases
Application for transfer of premises licence		If Police objection	All other cases

Matters to be dealt with	<i>Council</i>	Sub Committee	Officer
Applications for interim authorities		If Police objection	All other cases
Application to review licence or Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant, repetitious, frivolous, vexations or repetitious, etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a TEN		All cases	
Imposition of existing conditions on a standard TEN (s.106A of the 2003 Act)		All cases	
Determination of application to vary licence at community premises to include alternative licence condition		If police objection	All other cases

Matters to be dealt with	<i>Council</i>	Sub Committee	Officer
Decision on whether to consult other Responsible Authorities on minor variation application			All cases
Determination of minor variation application			All cases
Acting as a Responsible Authority on behalf of the Licensing Authority			All cases
Suspension of a licence or Club Premises Certificate for non-payment of annual fee			All cases
Specify the date on which suspension takes effect (min. 2 working days)			All cases
Decision to introduce, vary or end a late night levy	All cases		
Other decisions relating to administration and design of levy	All cases		

Matters to be dealt with	<i>Council</i>	Sub Committee	Officer
Decision to introduce, vary or revoke an Early Morning Restriction Order	All cases		

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Appendix 2 - LICENSING ACT 2003 GLOSSARY

Authorised Persons/Officers	<p>Officers empowered by the 2003 Act to carry out inspection and enforcement roles. This group includes:</p> <ul style="list-style-type: none"> • Officers of the Licensing Authority • Fire Authority Inspectors • Inspectors locally responsible for the enforcement of the Health and Safety at Work, etc. Act 1974; and • Environmental Health Officers • Trading Standards Officers <p>North Yorkshire Police are separately empowered and not included in the above list.</p>
Child	Any person who is under the age of 16 years.
CIP	Cumulative Impact Policy
Club Premises Certificate (CPC)	A Licence to supply alcohol to members of a Qualifying Club and sell it to members and their guests on the premises without the need for any member or employee to hold a Personal Licence.
<p>Conditions:</p> <p>Proposed Condition</p> <p>Imposed Condition</p> <p>Mandatory Condition</p>	<p>Conditions proposed by the applicant in the Operating Schedule.</p> <p>Conditions imposed by the Licensing Authority after a licensing hearing</p> <p>Conditions laid down by the Licensing Act 2003 as amended</p>
Cumulative Impact	Where there is a potential impact on the promotion of the Licensing Objectives of a significant number of licensed premises concentrated in one area.
Designated Premises Supervisor (DPS)	A specified individual holding a Personal Licence, who is responsible for the day to day running of the business and whose name will appear on the Premises Licence.
DCMS	Department of Culture Media & Sports, now known as Department of Culture, Olympics, Media & Sport.
Frivolous Representation	Representation or objection that is categorised by its lack of seriousness.
Late-Night Refreshment	The supply of hot food and drink between the hours of 11pm and 5am for consumption on or off the premises.

Licence Holder	Licence holder is defined as the Premises Licence Holder or Club Premises Certificate Holder.
Licensable Activities	<ul style="list-style-type: none"> • The sale of alcohol by retail • The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club • The provision of regulated entertainment • The provision of late-night refreshment
Licensing Objectives	<ul style="list-style-type: none"> • Prevention of Crime and Disorder • Public Safety • Prevention of Public Nuisance • Protection of Children from Harm
Licensing Qualification	Qualification obtained from for example the British Institute of Innkeeping and a requirement for a Personal Licence.
Occupancy Levels	Safe occupancy limits for a premises or venue is determined by the size of the premises or venue combined with ensuring that escape routes are adequate for the people, and numbers of people, who are likely to use them. This prevents overcrowding which can lead to crime, disorder and concerns over public safety.
'Other Persons'	Defined as any individual, body or business affected by the operation of a licensed premises, regardless of their geographic proximity to the premises.
Operating Schedule	<p>This forms part of the completed application form for a Premises Licence and must promote the 4 Licensing Objectives. It must include:</p> <ul style="list-style-type: none"> • The relevant licensable activities • The times during which the applicant proposes that the relevant licensable activities are to take place • Any other times during which the applicant proposes that the premises are to be open to the public • Where the applicant wishes the licence to have effect for a limited period, that period • Where the relevant licensable activities include the sale by retail of alcohol, prescribed information in respect of the individual whom the applicant wishes to have specified as the Designated Premises Supervisor • Whether the relevant licensable activities include the supply of alcohol, whether such sales are proposed to be for consumption on the premises or off the premises, or both • The steps which the applicant proposed to take to promote the 4 Licensing Objectives.
Personal Licence	A Licence to authorise individuals to sell or supply alcohol or authorise the sale or supply of alcohol for consumption on or off the premises for which a Premises Licence is in force for the carrying on of that activity. Valid for 10 years.

<i>Prejudicial Interest (Members)</i>	An interest that a member of the public would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest.
<i>Premises Improvement Plan</i>	An agreed action plan with timeframes agreed between the licence holder and the Responsible Authority.
<i>Premises Licence</i>	A Licence in respect of any premises, such as land or buildings within the community that are to be used for one or more licensable activities. Valid for an indefinite period unless reviewed or revoked.
<i>Proprietary Clubs</i>	Clubs run commercially by individuals, partnerships or business for the purpose of profit.
<i>Provisional Statement</i>	A statement where premises are being constructed or extended or substantially altered that the Licensing Authority would be provisionally minded to grant a Licence on completion of the works.
<i>Proxy Purchases</i>	Illegal purchasing of alcohol on behalf of a person under the age of 18.
<i>Qualifying Club</i>	Where members have joined together for particular social, sporting or political purposes and then combined to buy alcohol in bulk as members. Examples of Qualifying Clubs are: <ul style="list-style-type: none"> • Conservative, Labour and Liberal Clubs • Royal British Legion • Ex-Servicemen's Club • Working Men's Club • Social and Sports Clubs
<i>Regulated Entertainment</i>	Entertainment that is defined by statute.
<i>Relevant licensed premises</i>	Premises that are authorised to supply alcohol for consumption on the premises by a premises licence or CPC.
<i>Relevant Offences</i>	As set out in Schedule 4 to the Licensing Act 2003.
<i>Relevant Representations</i>	Representations, or objections, are relevant if they relate to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives.

Responsible Authorities	<p>This group can make relevant representations and includes public bodies such as:</p> <ul style="list-style-type: none"> • Relevant Licensing Authority • North Yorkshire Police (Chief Officer of Police) • Children and Young People’s Service • North Yorkshire Fire & Rescue Authority • North Yorkshire Trading Standards • The Local Enforcement Agency for the Health and Safety at Work, etc. Act 1974 • The Local Authority Environmental Health Service • North York Moors Planning Authority/Local Authority Planning Service • Primary Healthcare Trust (or its equivalent) • Maritime and Coastguard Agency (if applicable)
Safety Advisory Group	<p>Safety Advisory Group – a group of officers from the Council’s Enforcement team, Highways, Police, Fire, Ambulance, Health and Safety, Emergency Planning formed to offer advice to applicants on carrying out events either under a TEN or a restricted Premises Licence</p>
Special Policy	<p>A policy contained within the Statement of Licensing Policy to deal with cumulative impact.</p>
Temporary Events Notice (TEN)	<p>A Notice served on the Licensing Authority for the temporary carrying on of the sale of alcohol, provision of regulated entertainment or late-night refreshment at a premises not authorised by a Premises Licence or Club Premises Certificate. This Notice is subject to certain limitations as laid down by the Licensing Act 2003.</p>
TEN – 10 working days’ notice	<p>10 working days <u>exclusive</u> of the day on which the event is to start <u>and</u> <u>exclusive</u> of the day on which the Notice is given to the Licensing Authority.</p>
Types of Authorisation	<ul style="list-style-type: none"> • Premises Licence • Club Premises Certificate • Personal Licence • Provisional Statement • Temporary Events Notice
Vexatious Representation	<p>A representation may be considered vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification.</p>
Vicinity	<p>A term which has been removed from the Licensing Act 2003 by the Police Reform and Social Responsibility Act 2011. Previously, the Licensing Authority in making their initial decision on the question of vicinity had to consider whether the individual’s residence or business is likely to be directly affected by disorder and disturbance occurring on those premises.</p>

Appendix 3 – RESPONSIBLE AUTHORITY CONTACT LIST

In accordance with the s182 Guidance this policy lists all the relevant contact points where members of the public may obtain general advice. The Licensing Authority in particular recommends that all applicants seek advice from the Responsible Authorities below prior to submitting applications.

The Licensing Team
Selby District Council
Civic Centre
Doncaster Road
Selby
YO8 9FT

Tel: 01757 705101
Fax:01757 292229
e-mail: licensing@selby.gov.uk

Please note the Licensing Authority is also a Responsible Authority in its own right (see below)

North Yorkshire Police

Alcohol Licensing Unit
North Yorkshire Police
Fulford Road
York
YO10 4BY

Tel: 01904 669498

e-mail: nyplicensing@northyorkshire.pnn.police.uk

North Yorkshire Fire & Rescue Authority

North Yorkshire Fire and Rescue Authority
Chief Fire Officer
Fire Brigade Headquarters
Crosby Road
Northallerton
North Yorkshire
DL6 1AB

Health & Safety Enforcement for all Local Authority/County Council-owned and operated premises

The Operations Manager
Health & Safety Executive
The Lateral
8 City Walk
Leeds

Tel: 0113 2834200
Fax: 0113 2834382

LS11 9AT

Social Services

Director of the Children and Young People's Service
North Yorkshire County Council
Children and Young People's Service
Room 122
County Hall
Northallerton
DL7 8AE

Tel: 01609 780780

Trading Standards

North Yorkshire Trading Standards
Unit 4/5, Block B
Thornfield Business Park
Standard Way
Northallerton
DL6 2XQ

Tel: 01609 760616

Director of Public Health

Director of Public Health,
North Yorkshire County Council,
County Hall,
Northallerton
DL7 8AD

Tel: 01609 780780

This list may from time to time be subject to change and applicants and existing licence holders are recommended to contact the Licensing Authority for an up to date list.

Licensing Committee – Licensing Policy Consultation

Venue:	Committee Room
Date:	Monday 12 October 2015
Time:	10.00am
Present:	Councillors C. Pearson (Chair), K Ellis (Vice-chair), Mrs J Chilvers, Mrs S Duckett, M Hobson, M Jordan, B Marshall, J Thurlow and Mrs D White
Other Councillors:	Councillor I Chilvers
Officers Present:	Gillian Marshall, Solicitor to the Council and Daniel Maguire, Democratic Services Officer
Apologies for absence:	Councillor R Sweeting

The Solicitor to the Council guided Councillors through the proposed Licensing Policy, which had been presented to Councillors at the Licensing Committee meeting on 7 September. A public consultation was currently ongoing and was scheduled to end on 26 October 2015. Councillors were able to ask questions and make submissions to the consultation. It was confirmed that a representative of North Yorkshire Police will attend the November Committee meeting to provide additional information and advice.

The Solicitor to the Council advised that the Licensing Authority is unable to refuse or impose conditions on applications where no relevant representations have been made. It was confirmed that public notices are displayed at premises and in local newspapers and that a list of applications is circulated to Councillors. Objections can be raised by any person or organisation.

Fast Food Outlets

It was confirmed that controlling the number of these outlets is not generally a licensing matter; demand is also not a valid consideration for a Licensing Authority. In some cases a Licensing Authority may wish to consider a Cumulative Impact Assessment (CIA), which would require the identification of an area where there are enough premises to assume that no more are needed. Currently there are no CIAs in the Selby District; normally such

issues are identified by the Police. The Committee confirmed that it did not feel there was currently demand for a CIA.

Late Night Refreshments

Currently any premise that serves hot food between 11pm and 5am requires a Late Night Refreshment licence. The Solicitor to the Council advised that the Deregulation Act allows a Licensing Authority to amend its policy to provide that not all late night establishments require a licence. This could be determined by geography, such as providing that Late Night Refreshment licences are only required within urban areas. Alternatively it could be determined by type of premise, for example to exempt motorway service areas, petrol stations or community centres.

The Committee confirmed that it was supportive of changes to the policy that allowed for the deregulation of certain types of Late Night Refreshment licences subject to confirmation from North Yorkshire Police that it had no concerns that this would increase crime and disorder.

Early Morning Restriction Orders

The Police Reform and Social Responsibility Act 2011 provides the Licensing Authority with the discretion to restrict sales of alcohol between midnight and 6am by introducing an Early Morning Restriction Order (EMRO). The introduction of an EMRO must be evidence based and may include the use of a Cumulative Impact Assessment. The Committee felt that there was no evidence at present to support an EMRO but the Committee requested that the power be retained in the Licensing Policy should the situation change in the future.

Councillor Jordan left the meeting at this point (11am).

Late Night Levy

The Committee did not recommend the introduction of a Late Night Levy because it would need to apply district wide rather than targeting problem premises, but recognised that this discretionary power could be introduced by full Council.

Standard Conditions

The Committee recognised that standard conditions were not appropriate under the Act. Nonetheless standardised wording for common conditions such as proof of age schemes would help to ensure consistency and strengthen enforcement. The Committee supported the proposal to prepare draft conditions as a separate document to aid applicants and those making representations. The alternative would be to include draft conditions in the Policy, which would then require a policy review to make subsequent changes. The Solicitor to the Council advised that a pool of draft conditions would be brought to the Committee in December or January.

Next steps

The Committee were advised that the public consultation would close on 26 October 2015 and that a final draft would be presented to Executive and then to Council on 1 December. If approved, the policy would come into force on 1 January 2016. The Solicitor to the Council invited Councillors to submit any further comments to her directly in advance of the consultation closing.

Appendix C

Alcohol Licensing Policy – Summary of Consultation Responses

In addition to the submission from Licensing Committee 3 other consultation responses were received. These are as follows:

Name	Address	Comment
Claire Robinson Health Improvement Manager	Public Health Health and Adult Services North Yorkshire County Council County Hall Northallerton North Yorkshire DL7 8DD	<p>To add the following wording to section 12:</p> <p>Health in North Yorkshire</p> <ul style="list-style-type: none"> • Increasing risk and higher risk drinking in North Yorkshire to be estimated at 25.7%, higher than the national average of 23.6% • alcohol related hospital admissions are increasing year on year; • nearly 200 people per annum die in the county as a result of alcohol. <p>There has also been a long-term increase in the proportion of alcohol purchased from off-license outlets and consumed at home rather than in pubs and bars. This change in drinking patterns is largely driven by low cost alcohol available from the off trade. The Licensing Authority has ensured that the policy recognises this shift in drinking patterns.</p> <p>The Authority supports the North Yorkshire Alcohol Strategy and will, where possible, work in partnership for dealing with both actual and potential harms from alcohol.</p>
Peter Hudson Group Manager Head of Prevention & Protection	North Yorkshire Fire and Rescue Service	No comments to make on the policy
Magic Action Promotions	Not provided	No comments to make on the policy

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Selby District Council

REPORT

Reference: E/15/38

Item 11 - Public



To: The Executive
Date: 5 November 2015
Status: Non Key Decision
Report Published: 28 October 2015
Author: Tom Ridley Policy Officer
Executive Member: Cllr Mark Crane
Lead Officer: Keith Dawson

Title: Community Infrastructure Levy (CIL)

Summary:

Councillors will be familiar with the development of the Community Infrastructure Levy (CIL) for Selby. The Council has previously agreed to progress setting a CIL charge on new development in order to help fund the necessary infrastructure required to support new growth.

Selby District Council held an Examination in Public (EIP) on the CIL Draft Charging Schedule on 12/08/15 which looked at whether the CIL Draft Charging Schedule met the requirements of the Planning Act 2008 and the associated Regulations and Guidance.

The Examiner has issued his report and concluded that, subject to minor modifications, the Selby District Council Community Infrastructure Levy Draft Charging Schedule provides an appropriate basis for the collection of the levy in the district. The modifications required relate to adding definitions of retail warehouse and supermarket development types to the Schedule for clarity. Subject to these modifications, the Council is able to demonstrate that it has sufficient evidence to support the Schedule and can show that the levy rates would be set at levels that will not put the overall development of the district, as set out in its adopted Core Strategy, at risk. The proposals would secure an important funding stream for infrastructure necessary to support planned growth in the district. The Examiner's report and minor modifications should be viewed as a successful outcome for the Council.

Executive will now need to recommend to Council that it should adopt the CIL charging Schedule. The date the charging schedule comes into effect is chosen by the charging authority and is specified within the charging schedule, but this must be at least one day after the date of publication. Officers recommend that the earliest date that the levy could be adopted is 1 January 2016 due to the need to implement the necessary IT and systems and

to allow existing applications time to complete their approval processes. Once the date is set it applies to permissions granted after the date irrespective of the date of submission to the Council.

Executive are also asked to approve the content of the Regulation 123 List, Exceptional Circumstances Policy and Instalments Policy and approve the funding of the required IT software

Recommendations:

- i. Recommend to Full Council to approve the content of the Community Infrastructure Levy Charging Schedule:**
- ii. Recommend to Full Council to formally adopt the Community Infrastructure Levy from 1 January 2016:**
- iii. Approve the content of the Regulation 123 List, Exceptional Circumstances Policy and Instalments Policy:**
- iv. Approve the allocation of funds for the required capital investment in software and year one licences and maintenance costs from underspends in the IT Capital programme;**
- v. Agree that as required following monitoring, revisions to any of the policies and procedures listed in iii) going forward can be approved by the Director of Community Services for the first six months.**

Reasons for recommendation

The Executive is asked to agree the recommendations to enable the adoption of the CIL Charging Schedule on 01/01/16. This will enable the Council to 'top up' the now scaled back Section 106 receipts which will help fund new infrastructure to support new growth.

1. Introduction and background

- 1.1 From 6th April 2015 Councils are only able to collect scaled back Section 106 contributions on items that are required to make an individual development acceptable in planning terms. Councils may also not pool more than 5 contributions received since 2010 for the same item of infrastructure. However Councils can choose to introduce a CIL on new development to top up the scaled back Section 106 receipts. The CIL must be based on viability evidence and strike an appropriate balance between charging an appropriate levy for the provision of infrastructure and not inhibiting development from coming forward.

The CIL is a non-negotiable charge on new buildings in £s per square metre and the rates must be set out in a Charging Schedule. In Selby there are a range of rates for different types of development. It is charged on most buildings/extensions over 100 sqm and dwellings of any size, based on a net increase in floorspace. It cannot be charged on affordable housing, charities, householder extensions, or selfbuild. The CIL becomes liable on the grant of planning permission, but is paid when development commences on site.

Selby District Council prepared a CIL Draft Charging Schedule which proposed three housing development charging zones of £10/£35/£50 per sqm with £110 per sqm for supermarkets and £60 per sqm for retail warehouses. This was approved for an Examination in Public (EIP) at the 05/03/15 Executive Meeting.

2. The Report

- 2.1** Selby District Council held an EIP on the CIL Draft Charging Schedule on 12/08/15 which looked at whether the CIL Draft Charging Schedule met the requirements of the Planning Act 2008 and the associated Regulations and Guidance. The Examiner looked at the evidence submitted at all stages of consultation and gave the opportunity for evidence to be submitted for discussion. The examination took half a day with officers confident in the discussions and evidence examined.

The CIL Examination Report was received from the Examiner on 3 September 2015. The Examiner states that Council has sufficient evidence to support the CIL Charging Schedule and can show that the levy is set at a level that will not put the overall development of the Selby District at risk. The Examiner recommends that the Charging Schedule should be approved in its published form without changes to any of the proposed rates. He is satisfied that the evidence represents a robust assessment of the necessary infrastructure and possible sources of funding, and that the Council has taken a cautious but realistic approach in terms of achieving a reasonable level of income to address an acknowledged gap in infrastructure funding, while ensuring that a range of development remains viable across the District. Furthermore the proposed rates are justified by the appropriate available evidence.

The only recommendations for changes are as agreed with the Council at the EIP, which are very minor amendments to improve clarity.

2.2 Charging Schedule

Housing Zones

The CIL Draft Charging Schedule proposed three housing development charging zones of £10/£35/£50 per sqm. The Examiner found that the proposed rates are justified and supported by the available viability evidence and are set at the appropriate level. The three proposed residential zones provide sufficient comfort that the rates will not prevent the housing needs of the district from being met.

Supermarkets and Retail Warehouses

The CIL Draft Charging Schedule proposed rates of £110 per sqm for supermarkets and £60 per sqm for retail warehouses. The Examiner found

that the proposed rates are justified and supported by the available viability evidence and are set at the appropriate level. However to add further clarity to the Charging Schedule the Examiner recommended the definition of supermarket and retail warehouse used by the Council in the Economic Viability Assessment be stated in the Charging Schedule. This will clearly show what the Council defines as supermarket and retail warehouse developments to avoid confusion.

2.3 Final Charging Schedule – Appendix 1

As a result of the Examiner’s report, very minor modifications have been made to the final Charging Schedule to reflect the recommendations made; the final document for adoption is attached at Appendix 1. A number of other policies are also required alongside the Charging Schedule, which are discussed below and attached as appendices.

2.4 Regulation 123 List - Appendix 2

CIL Regulation 123 requires the Council to set out a list (R123 List) of those projects or types of infrastructure that it intends will be, or may be, wholly or partly funded through the CIL. In order to ensure that individual developments are not charged for the same infrastructure items through both scaled back Section 106 and the CIL, a Section 106 contribution cannot then be made towards an item already on the List known as ‘double dipping’.

The Executive agreed on 5 March 2015 for the Draft Regulation 123 List to be submitted for EIP.

2.5 Instalments Policy - Appendix 3

Under the CIL regulations the Council can set a policy to allow the CIL to be paid in instalments, this helps viability especially for larger developments. The Executive agreed on 5 March 2015 for the Draft Instalments Policy to be submitted for EIP.

2.6 Exceptional Circumstances Policy – Appendix 4

The Regulations allow the Council to set an Exceptional Circumstances Policy, which is the only way in which any reduction in a development’s CIL payment is allowed. It has strict and narrow criteria, and the Council expects that this policy will be rarely used because the Selby CIL rates have been set to already take into account viability issues, development costs, and full policy requirements across the District. The Executive agreed on 5 March 2015 for the Exceptional Circumstances Policy to be submitted for EIP.

2.7 Spending and Apportionment

Decisions on spending and priorities are not the subject of this report. There are various options available to the Council in deciding such matters, which need to be discussed in more detail and with a greater range of partners. This is a separate work stream to the adoption of the CIL Charging Schedule. The CIL will be only a part of the wider public funding packages and is intended to 'top up' other funding sources.

Currently after working with infrastructure providers and relevant stakeholders the R123 list sets out which items the Council may currently spend collected CIL on and will not collect a Section 106 agreement for.

It is however recognised that the R123 list will need to be monitored and reviewed before adoption of PLAN Selby. This is because currently PLAN Selby has not identified preferred sites or undertaken detailed infrastructure assessments detailing infrastructure needs as a result of the new growth. This work is currently on-going and within the next 12 months the council will meet with a range of infrastructure providers and stakeholders to feed in infrastructure requirements into the Infrastructure Delivery Plan. This work will then feed into a revised R123 list which will be appropriate for the adoption of PLAN Selby, this work will also include working closely with the Executive, Councillors, Parishes and communities.

2.8 Town and Parish Councils Meaningful Proportion

The CIL regulations are clear and state that Councils must pass on 15% of CIL receipts of any CIL raised in that area to the Parish/Town Council. This increases to 25% in an adopted Neighbourhood Plan in place.

To meet the regulations the Council must make payment in respect of the CIL it receives from 1st April to 30th September in any financial year to the local council by 28th October of that financial year and from 1st October to 31st March in any financial year to the local council by 28th April of the following financial year

The amended Regulations state that this proportion of funds must be used 'to support the development of the local area by funding

(a) the provision, improvement, replacement, operation or maintenance of infrastructure; or

(b) anything else that is concerned with addressing the demands that development places on an area.'

2.10 Further Work

There are currently a range of work streams underway involving administration, implementation, and process change to make sure that the Council's systems and staff are ready for the proposed adoption date. This includes having relevant guidance available for all stakeholders, including updated website pages and CIL training events for the development industry, Councillors and parishes.

- 2.10 In order to effectively manage and monitor the receipts and administer the payments it is necessary to purchase additional IT Software. This software works alongside the existing planning system to generate the required notices and track payments. It will also forecast income allowing both the District and Parishes to plan expenditure effectively. The software is expected to result in an additional £21 500 in capital costs together with an annual fee licensing and maintenance cost of approximately £6500 to be funded from revenue. It is proposed to fund the capital costs from underspends in the IT Capital Programme. It is also proposed to use reserves to fund the first annual fee. Thereafter the annual fee will be funded from the CIL admin charge which the Council is able to deduct from the receipts.

3. Legal/Financial Controls and other Policy matters

Legal Issues

- 3.1 The charging schedule must be formally approved by a resolution of the full council of the charging authority. The resolution should include an appropriate commencement date, following or on approval. The approval of the associated policies and documents are matters for the Executive to determine, it is requested that as required following monitoring, delegated authority be given for the Director of Community Services to make any necessary revisions to any of the associated policies and documents within the first 6 months following adoption to ensure the new processes are workable and deliver as expected.

Financial Issues

- 3.2 The estimated receipts from adoption of the CIL are £444,000 per annum. The Council will be required to pay the appropriate proportion of the receipts to the local town or parish council as identified in the report. The Council is also able to deduct and admin charge of up to 5% from the receipts. Given the annual costs of the required IT system which will be met from this fund, the Council intends to deduct the full 5% and use the remainder to part fund a post to oversee the CIL system and to provide advice to developers and to town and parish councils.

- 3.3 It is recommended that the capital costs of the IT software will be met from underspends in the IT capital programme and the first year fees for licences and maintenance be met from reserves.

Impact Assessment

- 3.3 If the Executive chooses to recommend the approval of the adoption of the CIL Charging Schedule the Council will be able to top up the now scaled back Section 106 receipts. On an average 88sqm new build property this will mean a top up of £4400 in the highest zone, £3080 in the medium zone and £880 in the low zone. This will also result in £110 per sqm for new supermarkets and £60 per sqm for new retail warehouses across the district. However if the Executive chooses not to recommend adoption this income will not be available to top up the now scaled back Section 106 receipts.

4. Conclusion

- 4.1 After a successful EIP the Examiner is satisfied that the evidence represents a robust assessment of the necessary infrastructure and possible sources of funding, and that the Council has taken a cautious but realistic approach in terms of achieving a reasonable level of income to address an acknowledged gap in infrastructure funding, while ensuring that a range of development remains viable across the District. The CIL Charging Schedule is therefore now ready to progress to adoption. Officers recommend that the earliest date that the levy could be adopted is 1 January 2016 due to the need to implement the necessary IT and systems and to allow existing applications time to complete their approval processes.

Once adopted the CIL will enable the Council to 'top up' Section 106 payments and other funding sources to provide the infrastructure required as a result of PLAN Selby. The adoption of the CIL should be considered a success for the Council.

5. Background Documents

There are no background documents for this report.

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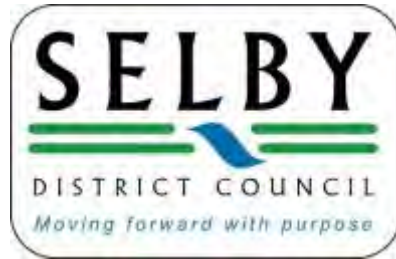
Appendices:

Appendix 1 - Charging Schedule

Appendix 2 - Regulation 123 List

Appendix 3 - Instalments Policy

Appendix 4 - Exceptional Circumstances Policy



Community Infrastructure Levy

Draft Charging Schedule

October 2015

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i. Statement of Statutory Compliance

The CIL Draft Charging Schedule has been approved and published in accordance with the Community Infrastructure Levy Regulations 2010 (as amended 2011, 2012 2013 and 2014)

and Part 11 of the Planning Act 2008 (as amended by Part 6 of the Localism Act 2011). In setting the levy rates, Selby District Council considers it has struck an appropriate balance between;

a) the desirability of funding from CIL in whole or in part the actual and estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding, and

b) the potential effects, taken as a whole, of the imposition of CIL on the economic viability of development across the Selby District.

This Charging Schedule was approved by on [date to be inserted following examination]

This Charging Schedule will come into effect on [date to be inserted following a successful examination and full Council approval]

1.0 Introduction

1.1 This document is the Draft Charging Schedule (DCS) for the Selby District Council Community Infrastructure Levy (CIL). This document contains the Charging Schedule itself along with Charging Zone Maps as well as an explanation and background of CIL to make the process easier to understand.

1.2 The CIL is a tariff system that local authorities can choose to charge on new development in their area by setting a Charging Schedule. The CIL is a charge levied on new buildings and extensions to buildings according to their floor area. In this way money is raised from developments to help the Council pay for infrastructure such as schools, public transport improvements, greenspace, highways, and other facilities to ensure sustainable growth. It can only be spent on infrastructure needs as a result of new growth and will be a mandatory charge. The CIL will replace the current Section 106 (s106) 'tariff' approaches which are currently used for this purpose because the Council can no longer use s106s in the same way from April 2015 due to a change in government regulations. However s106s will continue to be used for affordable housing and anything required for the specific development site to make it acceptable in planning terms, further details of this are outlined in this document. The CIL regulations are clear the CIL should not be set at such a level that it risks the delivery of the development plan, and has to be based on viability evidence

Who is liable for the payment of CIL?

1.3 The regulations state the registered owner of the land is liable to pay the CIL, unless another party claims liability and declares this to the council. On adoption of CIL the council intends to incorporate a section for this into the application. For example a developer may have a contract with the land owner to develop a site and therefore declare they are liable for the CIL payment on the owner's behalf. The regulations and governments intention is that those who benefit financially when planning

permission is granted should share some of that gain with the community. That benefit is also transferred when the land is sold with planning permission, which also runs with the land. The CIL can also be paid to the Council 'in kind' through the transfer of land or the provision of infrastructure, however this will be at the Councils discretion and will be tested on a case by case basis.

When is CIL due for payment?

- 1.4 The levy's charges will become due on the 'commencement of development' the definition of which is the same as that used in current planning legislation. When planning permission is granted, the Council will issue a liability notice setting out the amount of the levy that will be due for payment. Upon commencement of development payments must be made in full or in line with the council's instalments policy and failure to do so can lead to a prison sentence.

What can the Council spend CIL on?

- 1.5 CIL can only be spent on 'Strategic Infrastructure' which includes transport, flood defences, schools, health and social care facilities, parks and green spaces, cultural and sports facilities as well as maintenance and improvement of facilities affected by development. Items that the council wishes to spend CIL money on must be published in a Regulation 123 List (R123) and only items on this list can receive CIL funding. From April 2015 s106 can only be sought for items not listed on the R123 list and only for infrastructure directly required to make development 'acceptable in planning terms'. The R123 list also ensures that no 'double dipping' occurs and that a development cannot make a payment for the same item through CIL and s106.
- 1.6 The regulation state that the council is required to provide a 'Meaningful Proportion' to areas where development takes place. The Selby District Council catchment is fully covered by Parish/Town Councils therefore Town/Parish Councils are due 15% of any CIL payments collected within their area. Areas that have an adopted Neighbourhood Plan will receive 25% as a government incentive to accept

development through a Neighbourhood Plan. Unlike the councils CIL receipts, the Parish Council's meaningful proportion is not tied to the R123 and does not have to be spent in consultation with SDC. However Parish Councils do have to spend the meaningful proportion in line with the following CIL regulations:

(a) "The provision, improvement, replacement, operation or maintenance of infrastructure; or,

(b) Anything else that is concerned with addressing the demands that development places on an area" (Regulation 59C).

2.0 Background to the Draft Charging Rates & Zones

2.1 Peter Brett Associates (PBA), formerly Roger Tym & Partners, was commissioned by SDC to provide specialist services for the development and preparation of a Community Infrastructure Levy (CIL) Economic Viability Assessment. The Viability Assessment has been used to inform the council of the appropriate charges and zones as well as explaining in detail the approach and methods used for setting the rates. This document along with 2 updates can be found on the Councils website:

[Community Infrastructure Levy, Economic Viability Assessment September 2013](#)

(hyperlink will be inserted upon adoption)

[Selby Community Infrastructure Levy, Addendum Report April 2014](#)

(hyperlink will be inserted upon adoption)

[Community Infrastructure Levy, Revised Draft Charging Schedule Report November 2014](#)

(hyperlink will be inserted upon adoption)

3.0 THE DRAFT CHARGING SCHEDULE

- 3.1 CIL will be applied on the chargeable floor space of all new development apart from that exempt under the Community Infrastructure Levy Regulations 2010 (as amended 2011, 2012, 2013, and 2014) and specifically Part 2 and Part 6.

These exemptions from the CIL rates are:

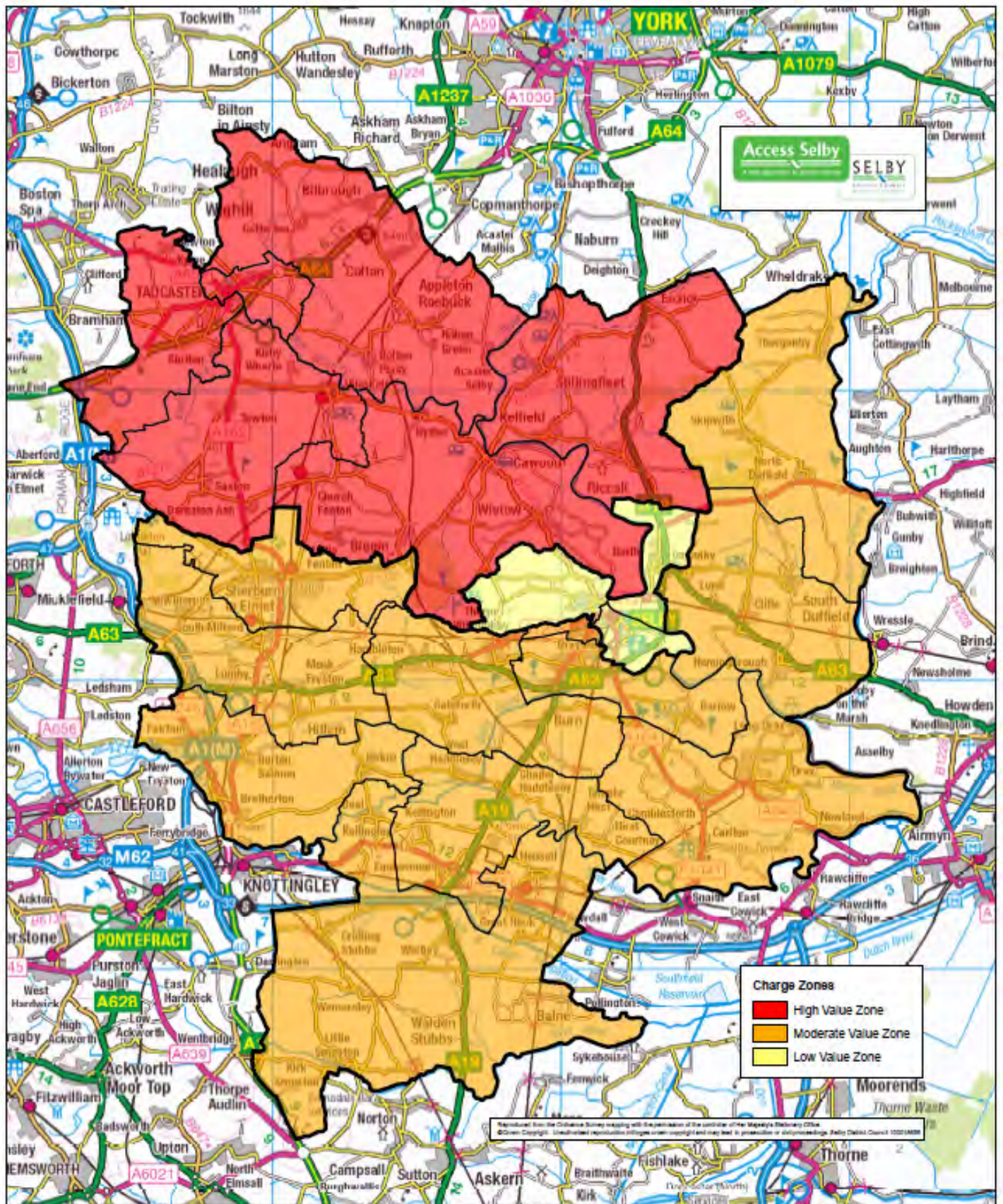
- a) Where the gross internal area of a new buildings or extensions to buildings will be less than 100 square metres (other than where the development will comprise one or more dwellings);
 - b) A building into which people do not normally go;
 - c) A building into which people go only intermittently for the purpose of maintaining or inspecting fixed plant or machinery;
 - d) A building for which planning permission was granted for a limited period;
 - e) Development by charities of their own land to be used wholly or mainly for their charitable purposes;
 - f) Social Housing;
 - g) Vacant buildings brought back into the same use;
 - h) Floorspace resulting from change of use development where part of the building has been in continuous lawful use for at least six months in the three years twelve months prior to the development being permitted;
 - i) Houses, flats, residential annexes and residential extensions which are built by 'self-builders';
 - j) Mezzanine floors of less than 200 square metres inserted into an existing building, unless they form part of a wider planning permission that seeks to provide other works as well.
- 3.2 SDC has chosen to adopt an Instalments Policy, which allows those liable for CIL to pay their CIL charge in phased stages, this is set out in a separate document.
- 3.3 The Council has chosen to adopt an Exceptional Circumstances Policy, whereby developers can request strictly through a viability appraisal for some or all of the CIL charge to be waived this is set out in a separate document and has very narrow criteria.

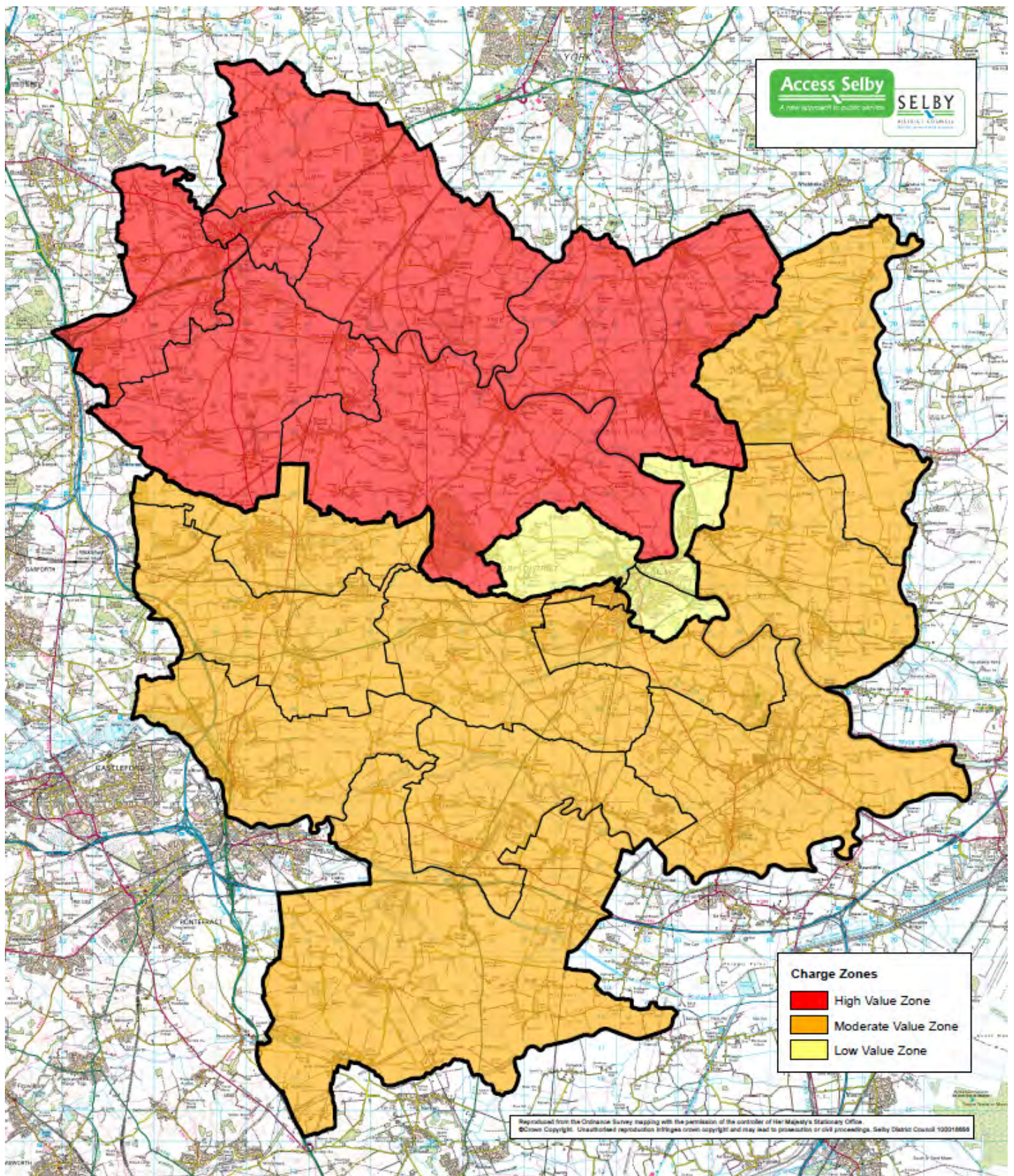
3.4

Use	Proposed CIL Charge per sq. m.
<p>Private Market Houses (excl. apartments)</p> <p>Low value areas Moderate value areas High value areas</p>	<p>£10 £35 £50</p>
<p>Supermarket</p> <p>Supermarkets are large convenience-led stores where the majority of custom is from people doing their main weekly food shop. As such, they provide a very wide range of convenience goods, often along with some element of comparison goods. In addition to this, the key characteristics of the way a supermarket is used include:</p> <ul style="list-style-type: none"> - The area used for the sale of goods will generally be above 500 sq. m. - The majority of customers will use a trolley to gather a large number of products; - The majority of customers will access the store by car, using the large adjacent car parks provided; - Servicing is generally undertaken via a dedicated service area, rather than from the street. 	<p>£110</p>
<p>Retail Warehouse</p> <p>Retail warehouses are usually large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods. They can be stand-alone units, but are also often developed as part of retail parks. In either case, they are usually located outside of existing town centres and cater mainly for car-borne customers. As such, they usually have large adjacent, dedicated surface parking.</p>	<p>£60</p>
<p>Public/Institutional Facilities as follows: education, health, community and emergency services</p>	<p>£0</p>
<p>All other chargeable development (incl. apartments)</p>	<p>£0</p>

3.5 The charging zones which these rates apply to are set out on the following map which is presented on an OS base as required in the regulations.

3.6 This map is also available on SDC website and clearly demonstrates the boundaries (hyperlink will be inserted).





For any further details please Consult Selby District Council

<http://www.selby.gov.uk/community-infrastructure-levy-cil>

**Selby District Council
Community Infrastructure Levy (CIL) 2015**

Regulation 123 List

Regulation 123 provides for the Council to set out a list of those projects or types of infrastructure that it intends will be, or may be, wholly or partly funded through the CIL. In order to ensure that individual developments are not charged for the same infrastructure items through both Section 106 Agreements and the CIL, a S106 contribution cannot then be made towards an infrastructure item already on the List.

Item	Notes
Meaningful Proportion to Parish/Town Councils: 15% (25% if development takes place in locations covered by a Neighbourhood Plan)	The 'meaningful proportion' held by local communities can be spent on the R123 List, but it does not have to be.
Improvement/upgrade of Flood Defences	except for on-site provision or where this is required as a direct result of an adjacent development
Primary and Secondary School Education	To accommodate growth
Capacity increases in GP surgeries and dentist's offices	For extensions to accommodate additional patients
Strategic Road Network improvements	For works to improve flow/capacity on the main junctions and route of the A64(T)
Green infrastructure and off-site recreation open space 5%	Planning policy requires on-site Recreation open space, but there are sometimes circumstances where off-site provision is more appropriate.

The Council will review this list at least once a year, as part of monitoring of CIL collection and spend, and any changes will be justified and subject to appropriate local consultation.

The indicative R123 List does not identify priorities for spending within it, or any apportionment of the CIL funds across the District, and does not signify a commitment from the Council to fund the projects listed through the CIL.

The Council will work with local communities and Parish/Town Councils to agree local priorities for spend at the appropriate time.

For clarity, all other matters will continue to be addressed through S106 Agreements. This includes (non-exhaustive)

- Affordable housing
- Employment and skills agreements e.g. local employment or apprentice contracts

- Site specific matters needed to make the development acceptable in planning terms, including:
 - Provision for waste handling
 - New bus connections or services and cycle/pedestrian routes and connections if directly required by the development
 - Local junction / highways improvements and access into the site (Section 278 works)
 - Primary schools/extensions as a direct result of large sites or groups of up to five sites identified in the Site Allocations Plan
 - On-site Recreation Open Space, greenspace and public realm improvements where this is required as a direct result of a development
 - On-site drainage and flooding solutions

**Selby District Council
Community Infrastructure Levy 2015 (CIL)**

DRAFT Instalments Policy

The responsibility to pay the CIL levy is with the landowner on which the proposed developed is to be situated. The regulations define the landowner as a person who owns a 'material interest' in the relevant land to be developed.

In order to be eligible to pay a CIL liability by instalment, all the relevant forms must be submitted to the Council prior to the commencement of the chargeable development, and all payments must be made in accordance with this CIL Instalment Policy and Regulatory requirements.

This Instalments Policy is made in line with Regulations 69B and 70 of the Community Infrastructure Levy Regulations 2010 (as amended) and is as follows:

- a) This Instalments Policy takes effect on adoption of the CIL.
- b) The CIL instalment policy calculates payment days from commencement of development on site. The Commencement date will be taken to be the date advised by the developer in the commencement notice under CIL Regulation 67.
- c) Payment of instalments are as follows:

CIL charge	Instalment Policy	Note	
Up to £50,000	Due in full within 60 calendar days of commencement	This is approximately equivalent to housing developments of up to 10 dwellings in the higher charge zone, or up to 20 dwellings in the lower charge zone, or to supermarkets of 450sqm, or retail warehousing of 830sqm.	The majority of residential development schemes in the District will fall in to these categories. It is likely that upon commencement such schemes will normally be completed within a year
£50,001 to £100,000	50% due within 90 days of commencement of development, then 50% due within 120 days of commencement of development	Larger schemes will require additional flexibility to ensure that the larger levy is payable without risk to viability. A longer lead-in time is available for such schemes, and double the normal time to pay in full.	
£100,001 and over	35% due within 90 days of commencement of development, then 35% due within 6 calendar	These larger developments may normally take longer than one year to complete, so they also enjoy longer lead-in time and more instalments over a longer period.	

	months of commencement of development, then 30% due within 9 calendar months of commencement of development.	
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The requirements set out in Regulation 70 of the CIL Regulations must be complied with if the persons liable for paying CIL wish to do so by instalment, in accordance with this published Instalment Policy.

This Instalment Policy only applies where:

1. The Council has received a CIL Assumption of Liability form prior to commencement of the chargeable development (Regulation 70(1) (a)), and
2. The Council has received a CIL Commencement Notice prior to commencement of the chargeable development (Regulation 70(1) (b)) and the Council does not challenge the date of commencement specified.

If the above requirements are not met, the CIL liability is payable in full at the end of the period of 60 days beginning with the intended commencement date of the chargeable development.

Where the above requirements have been met, instalment payments must be made in accordance with this Instalment Policy. Where an instalment payment is not received in full on or before the day on which it is due, the unpaid balance of the CIL liability becomes payable in full immediately (Regulation 70(8)(a)).

Surcharges

Any failure to comply with the requirements of the CIL Regulations 2010 (as amended) in any respect could result in Surcharges being applied e.g.

- If nobody has assumed liability to pay CIL prior to the commencement of the chargeable development;
- There has been a failure to submit a Commencement Notice prior to commencement;
- There has been a failure to submit a Notice of Chargeable Development prior to commencement.

Please note this list of circumstances under which surcharges may become payable provides examples only and is not exhaustive.

Payments-in-kind

Where the amount of the levy payable is more than £50,000 the Council may consider an in-kind payment of land or infrastructure.

The CIL Regulations allow for payments-in-kind in the form of land or infrastructure to be offset against the CIL liability where agreed by the Council as more desirable instead of monies. However, this must only be done with the intention of using the land to provide, or facilitate the provision of, infrastructure to support the

development of the area. This could be for example where the most suitable land for the infrastructure project is within the development site.

An agreement to make an in-kind payment must be entered into before commencement of development and provided to the same timescales as cash payments. Land paid in kind may contain existing buildings and structures, and land or infrastructure must be valued by an independent valuer who, in the case of land, will ascertain its open market value, and in the case of infrastructure the cost (including related design cost) to the provider. This will determine how much liability it will off-set.

However, where land is required within a development to provide built infrastructure to support that specific development (as opposed to support growth strategically) , it will be expected that any land transfer will be at no cost to the Council and will not be accepted as a CIL payment in kind.

**Selby District Council
Community Infrastructure Levy (CIL) 2015**

DRAFT Exceptional Circumstances Policy

Regulations 55 to 58 allow charging authorities to set discretionary relief for exceptional circumstances. Use of an exceptional circumstances policy enables the charging authority to avoid rendering sites with specific and exceptional cost burdens unviable should exceptional circumstances arise. It is a mechanism to enable growth and deliver development where CIL and S106 conflict. Before granting relief, the Council will need to be satisfied that the relief would not constitute notifiable State Aid as set out further below

The Council intends to have an Exceptions Policy for exceptional circumstances which will be set and agreed by The Executive. The Council will have to comply with notification requirements and publish a statement confirming that relief for exceptional circumstances is available in the District from a specified date. The process would then be that a landowner would have to submit a claim in accordance with the Regulations. The Council may grant relief from liability to pay CIL if (a) it appears to the Council that there are exceptional circumstances which justify doing so; and (b) the Council considers it expedient to do so. The Regulations specify the requirements that must be met in making this assessment, and these are set out below:-

- Reg 55(3) A charging authority may grant relief for exceptional circumstances if –
- a) It has made relief for exceptional circumstances available in its area;
 - b) A planning obligation under S106 of TCPA 1990 has been entered into in respect of the planning permission which permits the chargeable development; and
 - c) The charging authority-
 - i. Considers that to require payment of the CIL charged by it in respect of the chargeable development would have an unacceptable impact on the economic viability of the chargeable development, and
 - ii. Is satisfied that to grant relief would not constitute a State aid which is required to be notified to and approved by the European Commission.

The person claiming relief must be an owner of a material interest in the relevant land. A claim for relief must be submitted in writing and be received before commencement of the chargeable development. It must be accompanied by an assessment carried out by an independent person of the cost of complying with the planning obligation, the economic viability of the chargeable development, an explanation of why payment of the chargeable amount would have an unacceptable impact on the economic viability of that development, an apportionment assessment (if there is more than one material interest in the relevant land), and a declaration that the claimant has sent a copy of the completed claim form to the owners of the other material interests in the relevant land (if any).

For the purposes of the above paragraph an independent person is a person who is appointed by the claimant with the agreement of the charging authority and has appropriate qualifications and experience.

A chargeable development ceases to be eligible for relief for exceptional circumstances if before the chargeable development is commenced there is a disqualifying event. This is where the development is granted charitable or social housing relief, is disposed of, or has not been commenced within 12 months.

It should be noted that the Council has undertaken viability assessments to carefully consider the level at which the proposed CIL charges have been set, taking into account the provision of affordable housing at 40% and likely development specific S106 obligations. In view of this, it is important to note that the consideration for relief will be rare and any relief given must be done in accordance with the procedure stated above and state aid rules.