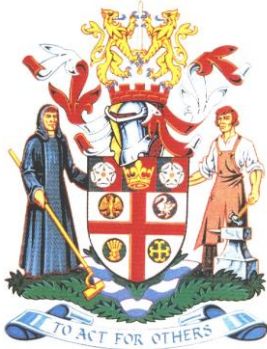


Selby District Council



Agenda

Meeting: **Executive**
Date: **Thursday, 6 January 2022**
Time: **4.00 pm**
Venue: **Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT**
To: **Councillors M Crane (Chair), R Musgrave (Vice-Chair), C Lunn, D Buckle and T Grogan**

1. **Apologies for Absence**
2. **Minutes** (Pages 1 - 12)

The Executive is asked to approve the minutes of the meeting held on 2 December 2021 and the minutes of the informal special Executive meeting held on 21 December 2021.

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. **CIL/S106 Infrastructure Funding Statement (E/21/34)** (Pages 13 - 30)

Report E/21/34 asks the Executive to approve the draft Infrastructure Funding Statement to meet the requirements of The Community Infrastructure (Amendment) (England) (No.2) Regulations 2019.

5. **Revised Local Development Scheme (E/21/35)** (Pages 31 - 44)

The Executive are asked to consider report E/21/35 and recommend the updated Scheme to Council for approval to enable the document to be brought into effect.

6. **Housing Revenue Account Business Plan 2020-2025 (2021-22 Review) (E/21/36)** (Pages 45 - 64)

Report E/21/36 recommends the Executive approve the 2021-22 review of the Business Plan 2020-2025 to allow the Council to continue to try and deliver an ambitious programme of improvement within the districts housing stock.

7. **Housing Rents 2022-23 (E/21/37)** (Pages 65 - 72)

The Executive are asked to consider report E/21/37 and approve the proposed 4.1% rent increase for 2022-23, to allow rent levels to be set in advance of the coming financial year.

8. **Selby Taxi Licensing Policy Refresh 2022 (E/21/38)** (Pages 73 - 132)

The Executive are asked to consider report E/21/38, approve the draft policy, and approve a public consultation between 10 January and the 21 February 2022.

9. **Selby Gambling Policy Review (E/21/39)** (Pages 133 - 170)

Report E/21/39 seeks Executive approve to hold a public consultation on the draft policy to ensure compliance with the Gambling Act 2005, which asks that policies are reviewed every three years.

Janet Waggott

Janet Waggott
Chief Executive

Date of next meeting
Thursday, 3 February 2022 at 4.00 pm

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

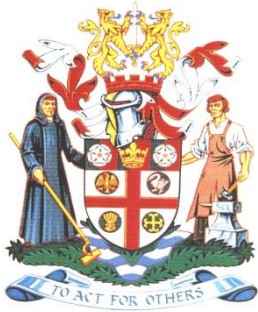
Recording at Council Meetings

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to: (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Democratic Services Manager using the details above prior to the start of the meeting. Any recording must be conducted openly and not in secret.

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Agenda Item 2

Selby District Council



Minutes

Executive

Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Thursday, 2 December 2021
Time:	4.00 pm
Present:	Councillors M Crane (Chair), R Musgrave (Vice-Chair), C Lunn, D Buckle and T Grogan
Also Present:	Councillors R Packham
Officers Present:	Janet Waggott (Chief Executive), Dave Caulfield (Director of Economic Regeneration and Place), Suzan Harrington (Director Corporate Services and Commissioning), Karen Iveson (Chief Finance Officer (s151)), Alison Hartley (Solicitor to the Council and Monitoring Officer), Stuart Robinson (Head of Business Development and Improvement) (for minute item 133), Drew Fussey (Customer, Business and Revenues Service Manager) (for minute items 134 and 135) and Palbinder Mann (Democratic Services Manager)

NOTE: Only minute numbers 133 to 139 are subject to call-in arrangements. The deadline for call-in is 5pm on Wednesday 22 December 2021. Decisions not called in may be implemented from Thursday 23 December 2021.

130 APOLOGIES FOR ABSENCE

There were no apologies for absence.

131 MINUTES

The Committee considered the minutes from the meeting on Thursday 11 November 2021.

RESOLVED:

To approve the minutes of the meeting held on Thursday 11 November 2021.

132 DISCLOSURES OF INTEREST

There were no disclosures of interest.

133 CORPORATE PERFORMANCE REPORT - QUARTER 2 2021/22 (JULY TO SEPT) (E/21/26)

The Leader of the Council presented the quarterly performance report which provided a progress update on delivery of the Council Plan 2020-2030 as measured by a combination of: progress against priority projects/high level actions; and performance against Key Performance Indicators (KPIs).

The Leader of the Council highlighted the positive performance in relation to repairs to council owned properties where there had been a reduction of 77% of jobs outstanding since early May.

In response to a query concerning the resources for repairs, the Director of Corporate Services and Commissioning advised that resources for repairs were just one issue alongside obtaining materials. However the Council were monitoring and managing the issue. A further query was raised regarding what was the usual outstanding figure for jobs if the current figure was over two thousand. It was agreed an answer would be provided on this.

In response to a query concerning the performance indicator in relation to staff sickness and how this compared when staff were working from home, the Chief Executive advised that there had been a reduction in staff sickness since employees had worked from home as they were able to be more flexible if they were not well and were not coming into contact with other people in the office.

A query was raised regarding the customer contact facilities in reception since the building was back open to the public. The Chief Executive explained that currently the Council operated an appointment only based system for members of the public. However, throughout the pandemic, the Council had assisted a number of people to self-serve using facilities online. In relation to the facilities in reception, the Chief Executive informed Members that due to Local Government Reorganisation, the Council would

not be carrying out previously planned significant alterations

RESOLVED:

To note and approve the report.

REASON FOR DECISION:

The reporting of performance data enables the Council to demonstrate progress on delivering the Council Plan Priorities to make Selby District a great place.

134 DRAFT DISABLED FACILITIES (DFG) (ADAPTATIONS) POLICY 2021 (E/21/27)

The Leader of the Council presented the report which outlined the draft DFG (Adaptation) Policy 2021 and asked the Executive for approval to proceed to consultation.

The Leader of the Council explained that the new policy would ensure adaptations were funded from one budget and the process as a whole would also be streamlined. Additionally, adaptation costs of £6k would not be means tested and work up to £30k could be undertaken.

The Executive were supportive of the proposals.

RESOLVED:

To approve the draft DFG (Adaptation) Policy 2021 in order to progress with consultation.

REASON FOR DECISION:

For private residents, the provision for adaptations is funded via the Government and Better Care Fund, whilst for Council tenants, this provision is funded via the Council's Housing Revenue Account (HRA) budget. However, as per legislation, applications for a DFG can be made from people living across all tenures. By approving the draft policy for consultation, we will be one step closer to implementing a more transparent and fair policy which ensures all residents throughout the Selby district undergo the same process when making an adaptation request, irrelevant of their housing tenure. This would see the Council make best use of current housing stock and maximise spend of our Better Care Fund allocation.

135 PRIVATE SECTOR HOUSING ASSISTANCE POLICY 2021 (E/21/28)

The Leader of the Council presented the report which outlined the draft Private Sector Housing Assistance Policy 2021-23 and asked

the Executive for approval to proceed to consultation.

The Leader of the Council explained that the aim of the policy was to assist individuals to stay in their own homes and that the policy was linked with the Disabled Facilities Grant (Adaptations) Policy 2021.

RESOLVED:

To approve the draft Private Sector Housing Assistance Policy 2021-23 in order to progress with consultation.

REASON FOR DECISION:

Prosperous and sustainable communities need good quality homes that are safe and decent, and that meet the needs of the people who live in them. In 2017, almost 6000 dwellings in Selby's private sector were categorised as having a Category 1 safety hazard, that being those which cause a serious and immediate risk to a person's health and safety. By approving the draft policy for consultation, we will be closer to implementing a policy which will provide appropriate advice and assistance to those in the private sector, particularly the vulnerable and elderly. This increased assistance will encourage improvement in private housing choice and quality across the district and enable independent living wherever possible.

136 BETTER TOGETHER COLLABORATION: EXTENSION OF LEGAL SERVICES - SERVICE LEVEL AGREEMENT TO 31 MARCH 2023 (E/21/29)

The Leader of the Council presented the report which sought approval to extend the present collaboration with North Yorkshire County Council Legal Services until 31 March 2023 to align with the local government reorganisation timeline.

The Leader of the Council explained that the collaboration was working well and still allowed the District Council to maintain it's own Solicitor.

RESOLVED:

To extend the Better Together Legal Service Level Agreement with North Yorkshire County Council until 31 March 2023.

REASON FOR DECISION:

The present Service Level Agreement expires on 31 December 2021. As Local Government Reorganisation will result in the

abolition of Selby District Council on 31 March 2023, and district functions will then be transferred to the new North Yorkshire Council it is appropriate to extend the shared legal service delivery to enable continuation of the legal service to Selby District Council and facilitation of a safe and legal transition of functions to the new Council on 1 April 2023.

137 FINANCIAL RESULTS AND BUDGET EXCEPTIONS REPORT TO 30TH SEPTEMBER 2021 (E/21/30)

The Lead Executive Member for Finance and Resources presented the report which outlined the financial results and budget exceptions to 30th September 2021.

The Lead Executive Member for Finance and Resources explained that at the end of quarter two, a surplus of £93k for the General Fund was indicated alongside a £101k surplus for the Housing Revenue Account (HRA). It was noted that Covid was still impacting the Council's finances with an estimated £2.7m impact compared to pre-pandemic levels.

The Executive was informed that the savings for the housing system in the HRA would not be achieved due to a delay and that there was slippage in the Programme for Growth and the Capital Programme.

In response to a query concerning the slippage in the Programme for Growth and the Capital Programme, the Lead Executive Member for Finance and Resources explained that it was hoped to make up the slippage and that certain projects were being prioritised.

A query was raised regarding the wording of emergency grants for businesses outlined in the report and what specific grants this referred to. It was agreed to check this and respond.

RESOLVED:

- i) To endorse the actions of officers and note the contents of the report;**
- ii) To approve re-profiled capital programmes and Programme for Growth as set out at Appendices C and D.**
- iii) To approve the permanent virement of £20k from operational HRA Savings identified in Appendix A to support phase 2 of the Property Services Restructure.**

- iv) **To approve a virement of £154k from the covid contingency to cover the losses of car park, lifeline and assets team income.**

REASON FOR DECISION:

To ensure that budget exceptions are brought to the attention of the Executive in order to approve remedial action where necessary.

138 TREASURY MANAGEMENT - QUARTERLY UPDATE Q2 2021/22 (E/21/31)

The Lead Executive Member for Finance and Resources presented the report which outlined the actions of officers on the Council's treasury activities for quarter two, 2021/22 and asked for approval of the revised prudential indicators set out at Appendix A to the report.

The Lead Executive Member for Finance and Resources explained that the Council had earned just under £74k in interest with the national interest rates continuing to be at low levels. In respect of investments, the Executive was informed that the Council had £4.93m invested in property funds and had achieved a 3.46% return and a 5.96% capital gain over the course of the year.

RESOLVED:

To note the actions of officers on the Council's treasury activities for Q2 2021/22 and approve the revised Prudential Indicators set out at Appendix A to the report.

REASON FOR DECISION:

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

139 DRAFT REVENUE BUDGET AND CAPITAL PROGRAMME 2022-23 AND MEDIUM TERM FINANCIAL PLAN (E/21/32)

The Lead Executive Member for Finance and Resources presented the report which outlined the draft budget proposals and asked that they be approved for a six week public consultation commencing from 3 December 2021

The Lead Executive Member for Finance and Resources explained that this would be the last budget for Selby District Council due to local government reorganisation. It was noted that a council tax

freeze was proposed and a maximum rise of 4.1% was proposed on housing rents which was based on the formula of CPI+1%.

Discussion took place on the proposals and it was suggested that Parish Councils should not be charged for their elections in May 2022 if they were brought forward in line with the elections for the new unitary authority.

Members debated the issue of council tax and how this would work going forward into the new authority where there was a contrast in council tax rates across the county. It was suggested that this would be up to the new authority to decide their own council tax rates however consideration should be given to what the current rates were across the area.

RESOLVED:

To approve the draft budget proposals for 6 weeks of public consultation with effect from 3 December 2021 and submit to Policy Review Committee for comments.

REASON FOR DECISION:

To enable the views of the public, local businesses, Policy Review Committee and other stakeholders to be gathered through consultation, prior to the Executive finalising their budget proposals for Council consideration.

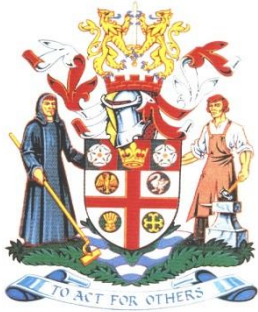
140 COMMUNITY INFRASTRUCTURE LEVY (CIL) AND HEALTH REPORT (SHERBURN IN ELMET) (E/21/33) - TO FOLLOW

The Leader of the Council explained that this report had been withdrawn from the agenda due to the need to consider additional legal advice however it would be brought to a possible special Executive meeting.

The meeting closed at 4.37 pm.

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Selby District Council



Minutes

Executive – Informal Meeting

Venue:	Microsoft Teams - Remote
Date:	Tuesday, 21 December 2021
Time:	4.00 pm
Present:	Councillors M Crane (Chair), R Musgrave (Vice-Chair), C Lunn, D Buckle and T Grogan
Also Present:	Councillors D Brook and R Packham
Officers Present:	Janet Waggott (Chief Executive), Dave Caulfield (Director of Economic Regeneration and Place), Suzan Harrington (Director Corporate Services and Commissioning), Karen Iveson (Chief Finance Officer (s151)), Alison Hartley (Solicitor to the Council and Monitoring Officer) and Palbinder Mann (Democratic Services Manager)

141 APOLOGIES FOR ABSENCE

There were no apologies for absence.

142 DISCLOSURES OF INTEREST

Councillors Buckle, Brook, Grogan and Packham declared a personal interest as they were registered with Beech Grove Medical Centre.

143 USE OF COMMUNITY INFRASTRUCTURE LEVY FUNDS TO PART FUND EXTENSION OF BEECH GROVE MEDICAL CENTRE PROJECT IN SHERBURN IN ELMET (E/21/33)

The Leader of the Council presented the report which asked the Executive to consider the use of £750,000 of the Community Infrastructure Levy (CIL) funds generated from development in Sherburn and the district to contribute to the extension of Beech Grove Medical Centre Sherburn.

The Leader of the Council explained that discussions had been held with doctors at the surgery to see if the Council could assist to increase the size of the practice due to the number of residents increasing in the area.

The Director of Economic Regeneration and Place explained that healthcare was an important part of strategic infrastructure and that the decision was urgent to a funding a deadline by the CCG.

The Executive were supportive of the proposals as they agreed that expansion was needed due to the increase of residents in the area.

It was noted that due to the Executive meeting being virtual, no decisions could be taken therefore the decision would be made by the Leader of the Council using reserved urgency powers.

RESOLVED:

That the Executive recommend that the Leader using reserved urgency power delegates authority to the Director of Economic Regeneration and Place, in consultation with the Lead Executive Member for Place Shaping and the S151 Officer, to:

- (i) enter into the appropriate legal agreements to pass £750,000 of the Community Infrastructure Levy funds to either the Clinical Commissioning Group or the Beech Grove GP Practice Partnership Dr Andrew Peel, Dr Catriona Osman, Dr Jocelyn Patel, Dr Emma White and Dr Susan Jones to part fund an extension of Beech Grove Medical Centre in Sherburn in Elmet to secure provision of the health infrastructure scheme, subject to necessary due diligence (including an assessment of funding options) and subject to the Director being satisfied that the provision of funds does not breach the subsidy control laws.**

REASON FOR DECISION:

The Covid Pandemic has prevented a formal Executive face to face meeting taking place and so the decision must be taken by an authorised individual using urgency powers. The CCG (through access to NHS England funding) have secured funding £1m towards the extension of the Beech Grove medical centre. The NHS England funding opportunity requires spend to be committed by March 2022. The use of CIL Funding for this project is acceptable and justifiable and would help to address the need for increased health-care provision in Sherburn which is directly related to the significant level of housing and employment growth that has taken place in recent years.

The meeting closed at 4.22 pm.

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Report Reference Number: E/21/34

To: Executive
Date: 6 January 2022
Status: Key Decision
Ward(s) Affected: All Wards
Author: Caroline Skelly, Planning Policy Manager
Lead Executive Member: Cllr Richard Musgrave, Lead Councillor for Place Shaping
Lead Officer: Dave Caulfield, Director of Economic Regeneration and Place

Title: CIL/S106 Infrastructure Funding Statement

Summary:

In September 2019 changes were made to the Community Infrastructure Regulations which require Local Planning Authorities to publish an Infrastructure Funding Statement from December 2020. This report sets out the details of how much monies have been collected from CIL and S106 obligations receipts over the course of the latest monitoring period and seeks approval for the publication of the 2021 Infrastructure Funding Statement.

Recommendations:

That Members;

- a) Approve the Draft Infrastructure Funding Statement as attached at appendix 1 for publication.

Reasons for recommendation

To meet the requirements of The Community Infrastructure (Amendment) (England) (No.2) Regulations 2019.

1. Introduction and background

- 1.1 The Community Infrastructure Levy (CIL) was formally adopted by Selby District Council on 1st January 2016, following public examination. The CIL has established 3 housing development charging zones of £10/£35/£50sqm with £110sqm for supermarkets and £60sqm for retail warehouses. The rates were based on a detailed analysis of up-to-date viability evidence.
- 1.2 Funds raised via the Levy can only be spent on 'strategic infrastructure' which includes transport, flood defences, health care facilities, schools, social care facilities, cultural and sport facilities as well as the maintenance and improvement of facilities

affected by development. CIL is being reviewed alongside the preparation of a new Local Plan.

- 1.3 Section 106 obligations are private agreements made between the local authority and developers to make development acceptable. Unlike CIL, S106 planning obligations must be directly relevant to the proposed development. Until recently there were restrictions, which meant that S106 obligations could not be “pooled” from more than 5 developments for one piece of infrastructure. This pooling restriction was lifted when the CIL Regulations came into force on the 1st September 2019.

2. CIL and Section 106 Income

- 2.1 Although a slow process to begin with CIL receipts are building up year on year with the total CIL receipts received as of 30th November 2021 is £3.9m as set out in the table below:-

Table 1 CIL Receipts

CIL received to date	80% Share (Strategic Infrastructure to be utilised by Selby District Council)	15% Meaningful Portion (for our Parish/Town Councils)	5% Administration Fee (covers cost of CIL/S106 Officer and software)
£3,912,214.93	£3,129,771.94	£587,832.24	£195,610.75

- 2.2 S106 payments are usually paid in instalments and once the final payment is received, we have 5 years in which to spend the funds or they will need to be returned to the developer. At present we have no funds which will be required to be paid back to the developers.

3. CIL Regulation Requirements

- 3.1 Under the previous guidance CIL receipts had to be in accordance with the published CIL 123 list. As it takes some time to build up the infrastructure funding pot Officers had not sought approval from Members on how CIL income should be prioritised.
- 3.2 New CIL Regulations came into force on the 1st September 2019 which removed the S106 pooling restrictions and allow local authorities to use both the Levy and S106 planning obligations to fund the same item of infrastructure, (S106 contributions must still directly relate to the development). In addition, the new Regulations removed the provisions relating to the 123 list and introduced a requirement for all local authorities (not just CIL charging ones) to publish an annual Infrastructure Funding Statement. The Infrastructure Funding Statement replaces the Regulation 123 list.
- 3.3 Regulation 121A of the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 requires that no later than 31st December each calendar year a contribution receiving authority must publish an Annual Infrastructure Funding Statement which comprises the following: -

- a) a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL (other than CIL to which regulation 59E or 59F applies) (“the infrastructure list”);
 - b) a report about CIL, in relation to the previous financial year (“the reported year”), which includes the matters specified in paragraph 1 of Schedule 2 (“CIL report”);
 - c) a report about planning obligations, in relation to the reported year, which includes the matters specified in paragraph 3 of Schedule 2 and may include the matters specified in paragraph 4 of that Schedule (“section 106 report”).
- 3.4 In addition to the requirement for Selby District Council to publish information, Parish Councils and North Yorkshire County Council are also be required to report details on CIL income and spend.
- 3.5 These requirements will help to provide transparency in how CIL and S106 obligations are being used to support the provision of new infrastructure. The first Annual Infrastructure Funding Statement was approved by Executive in December 2020.
- 4. Infrastructure Funding Statement**
- 4.1 The Council's draft Infrastructure Funding Statement confirms that between 1st April 2020 and 31st March 2021 £281,992 was collected in CIL receipts, from this a total of £13,096 has been passed onto Parish Councils.
- 4.2 At the present time only £198,687 of the Council's total strategic infrastructure delivery fund has been allocated for spend, which is to provide the roundabout on Bawtry Road, Selby, in association with the development of the LIDL store. This contribution was agreed by Executive in August 2017 in order to improve the wider traffic issues on Bawtry Road. Although this has been allocated, the payment will not be made until the requirements of the S278 agreement have been met.
- 4.3 As Members will be aware the Council is preparing a new Local Plan which will allocate sites to support the growth of the District up to 2040. As part of this process an Infrastructure Delivery Plan is being prepared which will identify the improvements required to local infrastructure to support future development. As the Publication version of the plan is being finalised Officers are continuing to work with partners to identify the infrastructure and associated costs required to support new development. The Infrastructure Delivery Plan will be used as the basis for future discussions with Members about how CIL receipts should be prioritised. At this stage it is anticipated that CIL receipts will be used to fund strategic projects such as highways, healthcare and flood defences.
- 4.4 Parish Councils are also required to publish an annual statement which sets out how CIL receipts have been spent. Examples of how funds have been utilised include, a vehicle activated sign, a 'road' across a village green, MUGA fencing, bus shelters, streetlighting and (with additional 3rd party monies) a replacement adventure playground.
- 4.5 The Infrastructure Funding Statement also reports on S106 receipts. During the monitoring year £125,402.50 was received in S106 contributions. This includes: -

- Education - £74,778
 - Highways and transport - £17,968.50
 - Off -site Recreational Open Space - £12,883.00
 - Waste and Recycling - £19,773.00
- 4.6 S106 receipts have been used to bring seven Empty homes back into use, using Affordable Housing contributions with monies being used by the Selby District Housing Trust or the Council to provide 24 units for Affordable Housing stock. There are remaining funds allocated to Affordable Housing provision but not yet spent which will be used to deliver the Council's Housing Delivery Programme.
- 4.7 Money we have transferred to other organisations such as NYCC and NHS for use in Education, Highways and Health infrastructure will be reported on in detail through those organisations respective Infrastructure Funding Statements.
- 4.8 At present, £199,999.82 is allocated and has been passed on to the NHS, for the enhancement of Health facilities in Sherburn-in-Elmet, but not yet spent.

5. Alternative Options Considered

There are not considered to be any alternative options as the publication of the Infrastructure Funding Statement is a requirement of the CIL Regulations.

6. Implications

6.1 Legal Implications

CIL must be operated in line with the new CIL Regulations which came into force on 1st September 2019.

6.2 Financial Implications

The ability to seek both CIL and S106 contributions should increase the income generated to provide infrastructure across the District.

6.3 Policy and Risk Implications

The risks are that the Council would not fulfil the requirements of the CIL Regulations.

6.4 Corporate Plan Implications

CIL and S106 contributions help the Council to deliver its Corporate Plan objectives to make Selby a great place to do business and to enjoy life.

6.5 Resource Implications

The application of CIL and monitoring of CIL/S106 income will continue to be managed by the CIL/S106 monitoring Officer post, which is funded through the 5% element of CIL income.

6.6 Other Implications

None

6.7 Equalities Impact Assessment

None

7. Conclusion

- 7.1** The publication of an Infrastructure Funding Statement is a requirement of the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 which came into force last year. The Infrastructure Funding Statement at Appendix 1 fulfils the requirements of the regulations.

9. Background Documents

None

10. Appendices

Appendix 1 – Draft Infrastructure Funding Statement

Contact Officer:

Caroline Skelly
Planning Policy Manager
cskelly@Selby.gov.uk
01757 292137

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SELBY



DISTRICT COUNCIL

INFRASTRUCTURE FUNDING STATEMENT

2020/21

Introduction

The Infrastructure Funding Statement (IFS) is an annual report which provides a summary of all developer contributions relating to Section 106 agreements (S106) and the Community Infrastructure Levy (CIL) for a given financial year. **The Infrastructure Funding Statement replaces the Regulation 123 statement.**

Section 106 agreements are legal agreements which can be attached to a planning permission to mitigate the impact of development. Planning obligations within these agreements can only be sought where they are directly related to the development and necessary to make the development acceptable in planning terms.

Contributions can either be provided on-site, for example by the provision of Affordable Housing, or off-site in the form of financial payments.

The Community Infrastructure Levy (CIL) is a mechanism to secure financial contributions from developers on certain viable developments. It is intended to fund more generalised, strategic infrastructure requirements across the District such as transport, flood defences, health care facilities, schools, social care facilities, cultural and sport facilities as well as the maintenance and improvement of facilities in order to support new development. CIL is being reviewed alongside the preparation of a new Local Plan.

CIL rates are set out in a published charging schedule and the Council's latest charging schedule was adopted in January 2016.

Funding for the delivery of infrastructure will be sought by the Council in several ways such as through planning conditions, Section 106 Agreements and through the Community Infrastructure Levy.

On the 1st September 2019 the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 came into force. Under these regulations Local Authorities are required to produce an Infrastructure Funding Statement annually that sets out details about planning obligation receipts and anticipated expenditure. This is to provide clarity and transparency to local communities and developers on the infrastructure and expenditure and in aligning this to planned development, as envisaged in the Local Plan.

Definitions used with this statement are

Agreed – Contributions that have been agreed within a signed legal document. These contributions have not been collected/ delivered and if the planning applications are not implemented, they will never be received.

Received – Contributions received, either non-monetary or monetary, that have been transferred to Selby District Council

Allocated – Contributions that have been received and allocated to specific projects.

Spent/ Delivered – Monetary or non-monetary contributions that have been spent/ delivered.

This Financial Year - refers to the period between 1.4.20 and 31.3.21.

1. S106 Obligations

Once a S106 agreement has been signed it becomes an obligation but will only be required if the planning permission is implemented and the trigger for payment has been reached. The agreement is also registered on the Local Land Charges Register as a land charge and will remain as such with that land – this means that the obligation will be required to be met in full by the owner of the land, whether that is the landowner at the time of permission or a future landowner.

Planning obligations assist in mitigating the impact of development to make it acceptable in planning terms. Obligations may only constitute a reason for granting planning permission if they meet tests that show they are necessary to make the development acceptable in planning terms.

The tests, as detailed below, are set out as statutory tests in Regulation 122 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonably related in scale and kind to the development

It is not possible to provide a priority list of obligations or contributions which may be sought as these are dependant of the development proposal, but both S106 and CIL contributions can be placed on the same development.

However, some contributions can only be asked by means of S106 agreements, such as Affordable Housing provision where the development is for residential development and 10 or more homes will be provided.

Selby District Council collects off-site financial contributions where it has been determined that on-site provision is required by policy, but this is either not appropriate or fully achievable. A financial contribution is then requested from the developer to meet those needs outside of the development area.

As a District Council we monitor and collect contributions which are to be used for infrastructure provision which falls under the County Council remit, such as education and highways. These funds are passed to the County Council to be used as detailed in the S106 agreements and details will be provided by the County Council in their own Infrastructure Funding Statement along with Section 278 Highways Agreements.

S106 Obligations – summary

In 2020/21 the Council received a total of £125,412.50 in S106 contributions.

These contributions received were in relation to Education (£74,778.00), Highways and transport (£17,968.50), Off -site Recreational Open Space (£12,883.00) and Waste and Recycling (£19,773.00).

In addition, two monitoring fee payments were received (£1,250.00).

No maintenance commuted sum has been received or retained in this monitoring year.

Of the S106 contributions collected, £17,968.50 of Highways contributions have been allocated as per the details in the S106 agreements and £12,883.00 for Off-site recreational open space has been received but is yet to be allocated to specific projects.

There have been 12 new S106 agreements signed in this reporting year (4 with financial contributions) which will provide a potential £187,210 (£8,710.00 for Waste and Recycling, £89,500 for Highways and 80,000 for an off-site footpath).

In 2020/21, a total of £536,604.18 was transferred to NYCC, for use on Education and Highways infrastructure. Details of school places provided and educational facilities for this reporting period, will be provided in detail by NYCC Education in their Infrastructure Funding Statement. Similarly, contributions relating to Highway infrastructure will be provided by NYCC Highways.

Parish/Town Councils have received £96,989.68 of S106 contributions in this monitoring year and have provided several specific Off Site recreational Open Space projects. These projects have involved the provision and enhancement of play areas and equipment, including improvements to inclusivity and accessibility through specialist play equipment and provision of suitable pathways. Sport provision has also been improved through provision of a new rugby club/community centre and upgrades to lighting to improve the accessibility of playing pitches. New heritage bins have also been provided in Selby.

Affordable housing S106 contributions have been used to refurbish and bring back into use 7 Empty homes to date and provide 24 units for affordable housing stock. There is a current balance of £7,996,390.30 for new Affordable Housing provision, which has been allocated to the Council's Housing Delivery Programme schemes, but not yet spent.

For the NHS, £199,999.82 is allocated (and has been passed onto the NHS) for the enhancement of Health facilities in Sherburn in Elmet.

2. CIL

The council applies a charge on new development to help pay for infrastructure.

The Council's Infrastructure Funding Statement identifies the infrastructure projects or types of infrastructure which Selby District Council intends will be, or may be, wholly or partly funded by the Community Infrastructure Levy. The principles by which the council will allocate CIL receipts to infrastructure are;

- Strategic priority and Local priority
- Deliverability
- % match funding

The Council is currently preparing a new Local Plan, alongside which an Infrastructure Delivery Plan will be drafted. The Infrastructure Delivery Plan will identify the improvements which are required to local infrastructure to support the growth identified through the plan and prioritise the use of CIL income to deliver improvements. However it is considered that CIL receipts will be prioritised as set out below:-

- Improvements to the Strategic Highways Network
- Strategic Flood Mitigation Measures
- Healthcare provision

The regulations set out the methodology for how monies collected from the CIL are to be distributed as illustrated in the table below.

Purpose of funding	% Allocated
Administration	5% of all receipts
Neighbourhood Area Portion	15% of CIL receipts collected within that area for those areas which do not have an adopted Neighbourhood plan
Neighbourhood Area Portion	25% of CIL receipts collected within that area for those areas which have an adopted Neighbourhood plan
CIL Infrastructure	Remaining CIL receipts

The usual payment timeframe for CIL contributions is within 60 days of the intended commencement date of development, however, in the reporting year 2020-21, COVID 19 has had an impact on the building community.

CIL Coronavirus Regulations which came into force on 22 July 2020, were put in place to ensure that CIL liabilities have not caused an undue burden to small and medium sized businesses during the period of disruption. This amendment to regulations gives CIL charging authorities the discretion, for a limited time (in certain prescribed circumstances and if it is considered appropriate), to defer CIL payments, and to disapply late payment interest.

As a result of COVID -19, some applications in the monitoring year 2020/21 made contributions against instalment payments, and therefore their total demand amount may not have been paid in full within this reporting year.

A total of £2,827,824.98 in CIL receipts has been collected since 2016, when CIL was adopted, to the end of this reporting year (1.1.16 – 31.3.21), with £281,992.04 being collected in monitoring year 2020/21.

To date Selby District Council have 2 Neighbourhood areas which have an adopted Neighbourhood Plan (Appleton Roebuck and Acaster Malbis & Church Fenton).

A sum of £13,096.73 from the total CIL collected for 2020/21 has been allocated to the neighbourhood areas (i.e Parish or Town Councils). Overall, the Parish or Town Councils have been passed £249,995.19 of CIL receipts, within this monitoring year, to spend on local infrastructure projects.

Infrastructure projects funded, or partially funded, through CIL receipts this year have been reported by some Parish Councils to include such things as, a vehicle activated sign, a 'road' across a village green, MUGA fencing, bus shelters, streetlighting and (with additional 3rd party monies) a replacement adventure playground. Parish Councils are required to produce their own report which will detail spend and projects for their own areas.

We have had no monies returned to the District Council as a result of monies not being spent by Parish Councils and no payments in kind have been received in lieu of CIL payments.

£43,009.40 has been spent on administration costs for this reporting year, with £101,833.32 being allocated for administration from the overall total collected for the year.

Only one infrastructure project has been identified and allocated CIL funds by the authority to date – the roundabout on Bawtry Road Selby to link in the new supermarket development and improve the highway layout on the road. £198,687.50 has been allocated but this has not been spent to date as the scheme is awaiting final S278 sign off verification.

Annex 1 - Infrastructure Funding Statement Schedule 2020/21

SCHEDULE 2 Matters to be included in the annual infrastructure funding statement
(Regulation 121 Schedule 2)

The reporting year covered by this report is 1st April 2020 to 31st March 2021.

CIL Report		
1	The matters to be included in the CIL report are -	Amount
a	the total value of CIL set out in all demand notices issued in the reported year;	£1,052,533.35
b	the total amount of CIL receipts for the reported year	£281,992.04
c	the total amount of CIL receipts, collected by the authority, or by another person on its behalf, before the reported year but which have not been allocated;	£2,036,666.35
d	the total amount of CIL receipts, collected by the authority, or by another person on its behalf, before the reported year and which have been allocated in the reported year;	£526,200.36
e	the total amount of CIL expenditure for the reported year;	£0.00
f	the total amount of CIL receipts, whenever collected, which were allocated but not spent during the reported year;	£125,597.30
g	in relation to CIL expenditure for the reported year, summary details of—	
	i the items of infrastructure on which CIL (including land payments) has been spent, and the amount of CIL spent on each item;	£0.00
	ii the items of infrastructure on which CIL (including land payments) has been spent, and the amount of CIL spent on each item; £0.00 ii the amount of CIL spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part);	£0.00
	iii the amount of CIL spent on administrative expenses pursuant to regulation 61, and that amount expressed as a percentage of CIL collected in that year in accordance with that regulation;	£43,009.40 2.1%
h	in relation to CIL receipts, whenever collected, which were allocated but not spent during the reported year, summary details of the items of infrastructure on which CIL (including land payments) has been allocated, and the amount of CIL allocated to each item;	£198,687.50
i	the amount of CIL passed to—	
	i any parish council under regulation 59A or 59B; and	£249,995.19
	ii any person under regulation 59(4)	
j	summary details of the receipt and expenditure of CIL to which regulation 59E or 59F applied during the reported year including	
	i the total CIL receipts that regulations 59E and 59F applied to;	£0.00
	ii the items of infrastructure to which the CIL receipts to which regulations 59E and 59F applied have been allocated or spent, and the amount of expenditure allocated or spent on each item;	N/A
k	summary details of any notices served in accordance with regulation 59E, including—	
	i the total value of CIL receipts requested from each parish council;	£0.00
	ii any funds not yet recovered from each parish council at the end of the reported year;	£0.00
L	the total amount of—	
	i CIL receipts for the reported year retained at the end of the reported	£0.00

	year other than those to which regulation 59E or 59F applied;	
	ii CIL receipts from previous years retained at the end of the reported year other than those to which regulation 59E or 59F applied;	£0.00
	iii CIL receipts for the reported year to which regulation 59E or 59F applied retained at the end of the reported year;	£0.00
	iv CIL receipts from previous years to which regulation 59E or 59F applied retained at the end of the reported year	£0.00
2	For the purposes of paragraph 1—	
a	CIL collected by an authority includes land payments made in respect of CIL charged by that authority;	£0.00
b	CIL collected by way of a land payment has not been spent if at the end of the reported year—	
	i development (within the meaning in TCPA 1990) consistent with a relevant purpose has not commenced on the acquired land; or	£0.00
	ii the acquired land (in whole or in part) has been used or disposed of for a purpose other than a relevant purpose; and the amount deemed to be CIL by virtue of regulation 73(9) has not been spent	N/A
c	CIL collected by an authority includes infrastructure payments made in respect of CIL charged by that authority;	N/A
d	CIL collected by way of an infrastructure payment has not been spent if at the end of the reported year the infrastructure to be provided has not been provided;	£0.00
e	the value of acquired land is the value stated in the agreement made with the charging authority in respect of that land in accordance with regulation 73(6)(d);	£0.00
f	the value of a part of acquired land must be determined by applying the formula in regulation 73(10) as if references to N in that provision were references to the area of the part of the acquired land whose value is being determined;	£0.00
g	the value of an infrastructure payment is the CIL cash amount stated in the agreement made with the charging authority in respect of the infrastructure in accordance with regulation 73A(7)(e).	£0.00

S106 Obligations Report		
3	The matters to be included in the section 106 report for each	Amount

	reported year are—	
a	the total amount of money to be provided under any planning obligations which were entered into during the reported year;	£178,210.00
b	the total amount of money under any planning obligations which was received during the reported year;	£125,402.50
c	the total amount of money under any planning obligations which was received before the reported year which has not been allocated by the authority;	£3,595,852.73
d	summary details of any non-monetary contributions to be provided under planning obligations which were entered into during the reported year, including details of—	These details will be provided and reported by NYCC
	i in relation to affordable housing, the total number of units which will be provided;	
	ii in relation to educational facilities, the number of school places for pupils which will be provided, and the category of school at which they will be provided;	
e	the total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure;	£7,996,390.30
f	the total amount of money (received under any planning obligations) which was spent by the authority (including transferring it to another person to spend);	£536,604.18
g	in relation to money (received under planning obligations) which was allocated by the authority but not spent during the reported year, summary details of the items of infrastructure on which the money has been allocated, and the amount of money allocated to each item;	£199,999.82 Enhancement of Health Facilities in Sherburn in Elmet £199,999.82 (passed onto NHS but not spent)
h	in relation to money (received under planning obligations) which was spent by the authority during the reported year (including transferring it to another person to spend), summary details of—	
	i the items of infrastructure on which that money (received under planning obligations) was spent, and the amount spent on each item;	£96,989.68 as detailed below: Accessible Footpath (Brotherton PC) £4,955.00 Play Roundabout (Hambleton PC) £2,465.83 Heritage Bins (Selby Town Council) £670.31 Super Net Play Equipment (Selby Town Council) £23,238.70 Inclusive play

		Equipment (Selby Town Council) £11,049.84 Floodlighting (Sherburn in Elmet PC) £19,154.00 Rugby/Community centre (Sherburn in Elmet) £18,333.50 Play Area (Thorpe Willoughby PC) £13,250.00 Play Area (Womersley PC) £3,832.50
	ii the amount of money (received under planning obligations) spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part);	£0.00
	iii the amount of money (received under planning obligations) spent in respect of monitoring (including reporting under regulation 121A) in relation to the delivery of planning obligations;	£1250.00
i	the total amount of money (received under any planning obligations) during any year which was retained at the end of the reported year, and where any of the retained money has been allocated for the purposes of longer-term maintenance ("commuted sums"), also identify separately the total amount of commuted sums held.	£0.00
4	The matters which may be included in the section 106 report for each reported year are—	
a	summary details of any funding or provision of infrastructure which is to be provided through a highway agreement under section 278 of the Highways Act 1980 which was entered into during the reported year,	This will be reported on by NYCC
b	summary details of any funding or provision of infrastructure under a highway agreement which was provided during the reported year.	
5	For the purposes of paragraph 3—	
a	where the amount of money to be provided under any planning obligations is not known, an authority must provide an estimate	N/A
b	a non-monetary contribution includes any land or item of infrastructure provided pursuant to a planning obligation;	N/A
c	where the amount of money spent in respect of monitoring in relation to delivery of planning obligations is not known, an authority must provide an estimate."	N/A

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Agenda Item 5



Report Reference Number: E/21/35

To: Executive
Date: 6 January 2022
Status: Key Decision
Ward(s) Affected: All Districts
Author: Caroline Skelly, Planning Policy Manager
Lead Executive Member: Cllr Richard Musgrave, Lead Councillor for Place Shaping
Lead Officer: Dave Caulfield, Director of Economic Regeneration and Place

Title: Revised Local Development Scheme

Summary:

The Local Development Scheme (LDS) sets out a timetable for the preparation of a Local Plan and its relevant documents. It represents a public statement as to what Local Plan documents will be prepared over a three-year period, identifying key milestones and preparation arrangements. The purpose of this report is to consider a revised Local Development Scheme (LDS) for 2022 to 2024.

Recommendations:

The Executive recommends the updated Local Development Scheme to Council for approval.

Reasons for recommendation

It is important that there is clarity about what work is being undertaken to progress the Local Plan for Selby District and what documents will be produced. Local Plan documents have key implications for places across the district and for communities, businesses and organisations across and beyond the district. There is a legal requirement to produce a Local Development Scheme, which must be made publicly available and kept up-to-date. Following consideration by the Executive, the Local Development Scheme will be considered by Council so that the document can be brought into effect.

1. Introduction and background

- 1.1 The proposed new Local Development Scheme for Selby District Council covers the period 2022 to 2024.
- 1.2 Members approved a decision to begin work on the preparation of a new Local Plan in September 2019 and good progress has been made in accordance with the current Local development Scheme. A revised Local Development Scheme has been prepared which sets out the next stages in the preparation of the Local Plan and reflects the implications of Local Government Reorganisation.

2. Progress of the Local Plan

- 2.1 In line with the current Local Development Scheme consultation took place on the Issues and Options for the Local Plan in early 2020. The responses to this consultation helped to shape the preparation of the Preferred Options consultation which took place between 29 January and 6 March 2021. We received 1217 responses to the consultation comprising over individual 4700 comments.
- 2.2 Through the consultation exercise a further 44 additional or amended sites were also submitted to the Council for further consideration. Consultation on the 44 additional sites took place between 2 August and 13 September 2021 which received 92 individual responses.
- 2.3 Between 3 September and 15 October 2021 consultation took place on a number of technical evidence documents which will help to shape the Publication version of the Local Plan. Consultation took place on the Green Belt review, Greenspace Audit, Local Plan and CIL Viability report and the Indoor and Outdoor Sports Facilities Assessment. A total of 39 responses were received in response to these technical documents.
- 2.4 The next stage in progressing the Local Plan is the preparation of the Publication version, which is the pre-submission plan which must be prepared under Regulation 19 of the Town and Country Planning Act 2004 (as amended). The Publication version of plan will be subject to consultation before it is submitted to the Secretary of State for examination. Officers are in the process of updating the Local Plan policies in response to the comments raised in relation to all three public consultations and the outcomes of additional evidence work.
- 2.5 One of the key areas of risk to progress of the Local Plan which has previously been highlighted to Local Plan Programme Board has been the implications resulting from Local Government reorganisation. Paragraph 74 of the National Planning Practice Guidance states that as set out in the Local Government (Structural Changes) (General) (Amendment) Regulations 2018 existing plans will remain in place for the areas set out in the plan. Plans that are being prepared, but not yet adopted, can also carry over and continue through to adoption in the new authority. The regulations also state that new plans covering the whole of the new area must be adopted within 5 years of the reorganisation.
- 2.6 As we have made significant progress on the Local Plan work should continue, however the key risks relate to ensuring that we are able to retain sufficient staff resources to support the completion of the plan, whilst work begins on a new Local

Plan for the North Yorkshire geography and any future changes to national planning policy.

2.7 The current Local Development Scheme states that the Council will consult on the Publication version of the Local Plan in early 2021. The elections for the new Unitary Authority are due to take place on 5th May 2022 and therefore it is proposed to delay consultation on the Publication Local Plan until after the Local elections May 2022.

2.8 The delay in consultation will mean that the Local Plan is submitted seven months later than originally anticipated. The key milestones are set out in the draft revised Local Development Scheme document attached at Appendix 1.

3. Alternative Options Considered

3.1 None as keeping the Local Development Scheme up to date is a statutory requirement.

4. Implications

4.1 Legal Implications

The Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to prepare and maintain an LDS. This Legislation requires that the scheme should specify the Local Plan documents that are to be produced; the subject matter and geographical area to which each document relates; and the timetable for the preparation and revision of these documents. The LDS must be made publicly available and kept up-to-date, as it is important that local communities and interested parties can keep track of progress.

4.2 Financial Implications

The completion of the Local Plan will be undertaken within existing budgets allocated for this purpose.

4.3 Policy and Risk Implications

The timescales for the preparation of a new Local Plan are dependent on the maintenance of existing staff resources and the implications resulting from any future changes to national planning guidance.

4.4 Corporate Plan Implications

The preparation of a new Local Plan will help the Council to deliver its Corporate Plan objectives to make Selby a great place to do business and to enjoy life. More specifically it will contribute to the objective to have a local plan in place which will deliver more houses in the District, business opportunities, promote health and well-being and protect and enhance the local environment.

4.5 Resource Implications

None

4.6 Other Implications

None

4.7 Equalities Impact Assessment

The Local Development Scheme is a project plan. An equalities impact assessment will be prepared to support the emerging Local Plan.

5. Conclusion

- 5.1** The updated Local Development Scheme provides a public statement setting out which Local Plan documents will be prepared by Selby District Council. It sets out key milestones for these documents.

6. Background Documents

None

7. Appendices

Appendix 1 – Local Development Scheme 2022 to 2024

Contact Officers:

Caroline Skelly
Planning Policy Manager
cskelly@Selby.gov.uk
01757 292137



Selby District Council
Local Development Scheme
2022 – 2024

1. What does an LDS include?

- 1.1 The Local Development Scheme (LDS) sets out the key planning policy documents we will be producing over the next three years. This document is the second Local Development Scheme to be prepared in relation to the new Local Plan which began in September 2019. In terms of content there are particular requirements set out in the Planning and Compulsory Purchase Act 2004, Section 15(2) as amended. This specifies that the LDS should include:
- the local development documents which are to be development plan documents;
 - the subject matter and geographical area to which each development plan document is to relate;
 - which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities;
 - any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee under section 29;
 - the timetable for the preparation and revision of the development plan documents;
 - such other matters as are prescribed.
- 1.2 This LDS was brought into effect from February 2022 by resolution of the Council.
- 1.3 Copies of the Local Development Scheme are available for inspection at the Customer Contact Centre, Access Selby, Selby or may be downloaded from the Council's website www.selby.gov.uk.

2 What are the current Local Plan documents?

2.1 The Local Plan currently consists of the following documents:

- a) The Selby District Core Strategy Local Plan 2013 – this sets out a long-term vision and strategic policies to guide development and shape the growth of the District
- b) Some ‘saved’ detailed policies from the previous 2005 Local Plan - which remain part of the Council’s planning policies until replaced (those that were not replaced by policies in the Core Strategy)
- c) Policies in the Minerals Local Plan (December 1997) and Waste Local Plan (October 2006) prepared by North Yorkshire County Council - which have been ‘saved’ until they are replaced by the emerging Joint Minerals and Waste Local Plan.

2.2 The Selby District Core Strategy Local Plan 2013 provides a strategic context with which subsequent Local Plan documents must conform. The Core Strategy covers the period from 2011 to 2027.

2.3 The Selby District Local Plan was adopted in February 2005. Transitional arrangements enabled policies and proposals in adopted development plans to be ‘saved’, initially for up to three years from commencement of the new legislation or until replaced by individual DPD policies. In the case of Selby District Local Plan the three year ‘saved’ period ran until February 2008 but those policies which remained consistent with national and regional policy at that time were further extended indefinitely (or until replaced), by Direction of the Secretary of State’s approval. The ‘saved’ policies can be viewed on the Council website.

2.4 Policies in the Minerals Local Plan (December 1997) and Waste Local Plan (October 2006) prepared by North Yorkshire County Council have also been ‘saved’ until replaced by the Joint Minerals and Waste Local Plan which is currently in preparation.

2.5 Neighbourhood Plans are prepared for a particular neighbourhood area. The Localism Act 2011 introduced statutory neighbourhood planning in England, enabling communities to draw up their own plans and have more say in the planning of their area. The usual lead in this is the Parish Council who submits the proposed boundary (Neighbourhood Area) and supporting statement to Selby District Council. Once this is approved, the plan is drawn up by local people. The plan can be used to influence the type, design, location and mix of new sustainable development - it must generally be in line with the Local Plan, national and local planning policies and other laws. The plan is then checked by an independent examiner to ensure that it meets the standards for a Neighbourhood Plan. The final plan is then subject to a local referendum

and is brought into force by Selby District Council if more than 50% voters support it.

- 2.6 At the time the LDS was adopted Appleton Roebuck and Acaster Selby and Church Fenton Neighbourhood Plans had been adopted. The progress of the Neighbourhood Plans are monitored and set out in the latest Authority Monitoring Report.

3. What Plans Are We Producing?

- 3.1 We are required to provide details of all our Local Development Documents within this Local Development Scheme.
- 3.2 We are now producing a new Local Plan which will provide a long-term strategy for the whole District. The Local Plan will replace the Core Strategy Document which was adopted in 2013 and the 'saved' policies from the 2005 Local Plan. Together with any adopted Neighbourhood Plans and emerging Joint Minerals and Waste Plan the new Local Plan will make up the development plan for the District. It will be supported by a Policies Maps which will identify allocations of land and constraints to development.

The Statement of Community Involvement.

- 3.3 The current document was adopted in December 2020 and sets out how the Council will involve people in plan Making. The Statement of Community Involvement sets out how and when we will consult interested parties in developing our planning policies.

The Annual Monitoring Report.

- 3.4 Local Authorities must prepare and publish an annual monitoring report to cover a period of a minimum of 12 months. The Annual Monitoring Report demonstrates how effectively the Council's planning policies are working.

4. Preparation of Local Plan

- 4.1 The preparation of a Local Plan will provide a comprehensive Development Plan Document for the whole of Selby District. It will set out the overall spatial approach for new development, allocate specific sites and set out the policy framework for decision making up to 2040. A detailed timetable for the preparation of the plan is set out at Appendix 1.

Key Stage of Local Plan Preparation	
Year	Key Stages
2019	Initial Evidence Gathering and Stakeholder Engagement Preparation of Issues and Options Consultation Document (Regulation 18)
2021	Preparation of Preferred Options Local Plan (Regulation 18)
2022	Preparation of Publication Version of Local Plan (Regulation 19)
2023	Formal Submission to Secretary of State (Regulation 22)
2024	Adoption of new Local Plan (Regulation 26)

Local Plan	
Document Details	
Role and Subject	<ul style="list-style-type: none"> Will set out the volume and spatial approach for new development across the District. Will identify site specific allocations for housing (including gypsy and traveller sites), retail/town centre uses, employment and other purposes and related policies and requirements. Where necessary, will set out local standards and criteria against which planning applications for the development and use of land and buildings will be assessed and Will provide more detailed policies to manage land and development. Site specific allocations, designations and the areas to which policies apply will be identified on the Policies Map.
Coverage	District – wide
Status	Local Development Plan
Chain of Conformity	Consistent with national guidance
Arrangements for Production	
Lead Section	Planning Policy Team
Joint preparation	No
Resource Requirements	<p>Planning Policy Manager, Policy Officers, Development Management, Legal, Economic Development and Regeneration, Environmental Health, Housing and Business Support roles.</p> <p>External support provided by North Yorkshire County Council, and other key stakeholders</p>

	(including public health). Evidence base studies undertaken by consultants.
Approach to involving Stakeholders and the Community	In accordance with the Regulations and the Statement of Community Involvement (SCI).

5. Joint Working

- 5.1 It is not currently proposed to prepare any joint Local Plan documents with neighbouring local authorities. However, the Council is working in partnership with other local authorities to ensure that cross boundary issues are fully addressed under its duty to cooperate (Localism Act 2011 and the National Planning Policy Framework (NPPF, 2018).
- 5.2 North Yorkshire County Council will contribute to the Council’s plan making, particularly with regard to transport and education matters, and advice on strategic planning, monitoring and intelligence, biodiversity, landscape, archaeology and sustainability aspects, but are not specifically jointly preparing any Local Plan documents. It is important to note that on 1st April 2023 through Local Government Review, Selby District Council and North Yorkshire County Council will become a new North Yorkshire Council.
- 5.3 The Council will also work with other public bodies such as the Environment Agency and Highways England, as well as key stakeholders in preparing the Local Plan.

6. Monitoring and Review

- 6.1 The Local Development Scheme will be monitored on an annual basis through the Authorities Monitoring Report (AMR). As a result of monitoring, the Council will consider what changes, if any, need to be made to its Local Plan, and will bring these forward through reviews of this LDS.
- 6.2 The Council will continue to monitor annually how effective it’s planning policies and proposals are in meeting stated objectives. This includes publishing its AMR each year covering the period 1 April to 31 March. Depending on the stage reached in the process, the AMR will assess:
- Whether the Council is meeting the timescales and milestones in the LDS and, if not the reasons why;
 - The extent to which policy objectives are being achieved;
 - Whether any policies need to be replaced to meet sustainable development objectives; and
 - What action needs to be taken if policies need to be replaced.

Appendix 1

Timetable for the Preparation of a New Local Plan

	2021												2022												2023												2024											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
New Local Plan	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
<u>Key</u>																																																
Publication												■																																				
Preparation of Submission Docs												■																																				
Submission												■																																				
Examination												■																																				
Adoption												■																																				
Consultation												■																																				
Executive and Council												■																																				

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Report Reference Number: E/21/36

To: Executive
Date: 6 January 2022
Status: Key Decision
Ward(s) Affected: All
Author: Sarah Thompson
(Housing and Environmental Health Service Manager)
Hannah McCoubrey
(Housing Strategy Officer)
Lead Executive Member: Cllr Mark Crane
(Leader of the Council and Lead Executive Member for
Housing, Leisure, Strategic Matters, External Relations
and Partnerships)
Lead Officer: June Rothwell
(Head of Operational Services)

Title: Housing Revenue Account (HRA) Business Plan – 2021/22 Review

Summary:

On 5th December 2019 Executive approved the final version of the Council's Housing Revenue Account Business Plan. This plan detailed how, over the period 2020-2025, the Council would both invest in current stock, as well as increase overall housing supply in the district. It also provided a long-term financial forecast for the HRA over the period 2020-2050. It is now time to complete a review of this plan, in light of the time that has passed, as well as the unprecedented circumstances created by the COVID-19 pandemic. As a result of this, along with other socio-economic factors, the Council faces significant financial difficulties in trying to maintain the Business Plan's commitments, the key issues being:

- The introduction of new and essential safety investment in our properties.
- A continued deficit within the Housing Development Programme meaning we continue to sell more properties via Right to Buy than we replace.
- An ever-growing decarbonisation agenda resulting in a widescale need for property refurbishment and potential regeneration.
- Increased costs of materials and labour meaning we receive less for our money.

Growing cost and income pressures mean that changes to the Council's plans for debt repayment are needed and the revised Business Plan proposes that, rather than maintain repayment against the original 30 year timeline, repayment is extended to match the loans actually taken out. The potential for this change was signalled in the approved Business Plan but Officers are now recommending that this is formalised so that a viable HRA can be sustained.

Recommendations:

That Executive approve the 2021/22 review of the HRA Business Plan 2020-2025 and reflect the revised cost and income profiles in the budget proposals for 22/23 - 24/25.

Reasons for recommendation:

Approving this review of the HRA Business Plan 2020-2025 allows the Council to continue to try and deliver an ambitious programme of improvement within our housing stock, as well as maintain our commitment to housing development and securing building safety; ensuring as much as possible that the needs of our residents are met now and in the future.

1 Introduction and background

- 1.1** At the end of 2019, Selby District Council published its Housing Revenue Account Business Plan 2020-2025. Its intention was to provide tenants, the Council, and its Members with priorities and direction as to how it will manage Council owned social housing throughout the Selby district. It set out the scope for investment in both current and new homes, benefitting not only our tenants, but also the wider community and economy. Its objectives were, and remain:
- Objective 1:* To ensure good quality housing within the district which helps meet the needs of our local community.
- Objective 2:* To provide a first-rate housing management service which makes the best use of our existing stock.
- Objective 3:* To deliver a financially sustainable service which demonstrates value for money and ensures that investment is targeted to council priorities.
- 1.2** Central to the foundations of how we achieve our ambitions, the HRA Business Plan also included our financial forecast and key economic assumptions. This demonstrated that the Council could maintain its assets and invest in new provisions, but at the same time deliver a high level of service to current and future tenants and leaseholders.
- 1.3** Of course, it is difficult to review the HRA Business Plan without acknowledging the COVID-19 pandemic and its impact on our ways of working. There are also a myriad of new and emerging factors which may have a significant impact on the Business Plan, including both internal changes as well as additional requirements resulting from new Government legislation. Local Government Reform is also on the horizon, urging us to consider how we will come together with other stock holding local authorities in the North Yorkshire region. It is therefore important for us to reflect, plan for the future and consider where our priorities now lie.

2 Today's context

It is important that we identify both national and local policy implementation and/or updates that could affect Council operations and the Business Plan.

National

- 2.1** *Right to Buy receipts* - Under new rules, the timeframe local authorities have to spend new and existing Right to Buy receipts has been extended from 3 to 5 years. There is also an increase in the percentage cap of receipts local

authorities can use on the construction of new homes, from 30% to 40%. An acquisitions cap has however been introduced to limit the number of homes that can be acquired, rather than built, above a threshold of 20 units (50% from April 2022 to 30% by April 2024). These measures are aimed at providing local authorities with the ability to undertake longer term planning and replace more homes lost via Right to Buy. Whilst SDC's receipts are relatively low, should Right to Buy sales result in additional capital receipts eligible for retention under the new agreement, these will then support additional homes delivery.

- 2.2** *Planning for the Future White Paper* - This sets out the Government's proposals for a 'once in a generation' reform of England's planning system. Amongst other things, the paper includes provision for the new affordable housing tenure of First Homes, defers Community Infrastructure Levy payments and raises the threshold at which developer contributions would be sought from 10 to 40/50 homes (for a time limited period), as well as extending 'permission in principle' to cover major development. The paper did however receive a mixed response, and Government has recently indicated that some of its more controversial reforms are likely to be reworked or removed entirely, with a focus instead on Brownfield development. It is however expected that First Homes will be mandatory (at a rate of 25%) on any new development with an Affordable Housing requirement as of 28 December 2021. Along with all other local authorities, we are unsure as to how First Homes will impact on Section 106 gains, and acknowledge that our Affordable Housing Delivery Strategy may need to be reviewed in future in light of this. It is however more likely that First Homes will reduce Shared Ownership stock (as an alternative route into Affordable Home Ownership) rather than have a significant impact on the number of Affordable Rented units acquired via Section 106 requirements.
- 2.3** *Social Housing White Paper* - This long-awaited paper reiterates the same themes as those proposed in the green paper; ultimately lobbying for the reform of social housing with the aim of rebalancing the relationship between residents and landlords. Its 'new charter' aims to ensure tenants feel safe in their homes, know how their landlords are performing against others, have their complaints dealt with appropriately, and are treated with respect. Its focus is on transparency, holding landlords to account and assisting tenants when they need it, especially for those who want to purchase a home. Again, the proposals put forward are significant and it is likely to take time for changes to filter through to local authorities for them to action.
- 2.4** *Building Safety Bill 2021*: Introduced in the House of Commons in July 2021 and expected to become law 9-12 months thereafter; this new bill aims to give residents and homeowners across England more rights, powers and protections - making homes across the country safer. It will provide a clear pathway on how residential buildings should be constructed, maintained and made safe and will set out the framework to improve compliance with the Building Safety Regulator, with tougher penalties for those who break the rules. The majority of the Act is aimed primarily at high-risk buildings (those at least 18 metres or seven storeys high, and containing at least two residential units). Consequently, whilst we are awaiting further legislative instruction in order to better understand the potential financial impact on the Council, early reading

suggests that initially, there are no significant cost implications. The Secretary of State does however have general powers to amend this definition if deemed necessary; so it is recommended we keep abreast of the Bill, as it becomes law, in order to ensure continued and future compliancy.

- 2.5** *Fire Safety Act 2021:* Intended to complement the Building Safety Act, this amends the Regulatory Reform (Fire Safety) Order 2005 with the intention of improving fire safety in multi-occupancy domestic premises. Crucially, the external walls of a building and the fire doors to individual flats must now be assessed as part of the requirement for a fire risk assessment, which implements a greater level of inspection than currently occurs in relevant Council buildings. Notably, the Act applies to all multi-occupied residential buildings and is not dependent on the height of the building. Those in control of such premises become the 'Responsible Person' for fire safety, giving them a duty to undertake assessments and manage risk in relation to these areas. It should be noted that this Act will likely come into force fully over the course of 2021. Survey work is currently underway in order to evaluate what level of fire safety work is required in our communal areas, also given that an increase in spend had already been agreed as part of the Business Plan. However, costs are likely to be above those previously assumed given the new Act and its increased requirements.
- 2.6** *Electrical Safety Review of social housing:* The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 came into force in June 2020 and impose duties on private landlords to conduct electrical safety checks every five years in their properties. However, there has been multiple calls for the same regulations to apply to all landlords, irrespective of tenure. A Government review on this issue is now taking place and if the regulations were to incorporate social housing, the Council would need to ensure they are fully compliant with these requirements, which would have a budgetary impact. Based on works done this year, in order to undertake a programme of inspections every year of circa 600 properties (totalling 3,000 over 5 year intervals) we would require approximately £177k per annum, based on current average costs going forward.
- 2.7** *Energy performance and decarbonisation:* The Government target remains for all social housing providers to attain a minimum rating of Energy Performance Certificate (EPC) C for rented properties by 2035, an important milestone towards making all homes 'net-zero-carbon' by 2050. The costs associated with this improvement work are likely to be high and may include the installation of new thermal insulation, the improvement of roofs, changes to heating systems, the installation of low energy lighting and any additional renewable power solutions. There will also be a proportion of properties where retrofitting will not be cost effective, and we may want to consider clearance in order to rebuild (discussed further at 4.3.3). Given increased costs, Ministers opened bidding for the £160m first wave of the Social Housing Decarbonisation Fund at the end of August 2021, set to total £3.8bn over the next 10 years. This allows authorities to bid for additional funding to improve the energy efficiency of any of their properties with an EPC rating of D or below. SDC are looking to submit a future bid.

Local

- 2.8** *SDC Housing Rents 2021/22:* Modelling within the HRA Business Plan set out ambitions to both improve current stock and build new affordable homes, with an assumed rent increases of CPI +1% (and an anticipated increase of 3% for 21/22). However, Government subsequently advised that Registered Providers were not able increase rents by more than CPI (at September of the previous year) +1% in any year. This led to estimated rental income being lower than in the proposed budget by £220k. In January 2021, Council consequently approved the maximum rent increase of 1.5% in line with Government policy, in order to maximise investment in our properties. The potential for high CPI inflation in the 12 months to September 2021 also represents a significant increase in providers' maximum permitted rent inflation for 2022/23. The latest Rent Report also submitted to Executive in January 2022 will propose a 3.1% plus 1% (4.1% in total) increase. This will see rents increase on average from £86.37 in 2021/22 to £89.99 per week (on a 48 week basis) representing an average increase of £3.62 across both Social and Affordable rented properties. Overall, this rental increase is estimated to grow HRA rent yield by approximately £347k in 2022/23 to reinvest in our housing stock.
- 2.9** *Allocation of SDC's Section 106 Affordable Housing Commuted Sums:* A revision of this allocation was required in April 2021, largely due to rising house prices impacting on the programme and increasing the risk of funding being unspent within the given timeframe. It was therefore agreed that a contribution of up to 80% of market value could be made utilised per property towards delivery of SDC's affordable homes programme (previously £30k per unit for empty homes and council house buybacks and £50k for new builds/acquisitions). Applying the revised subsidy levels of up to 80% of market value per unit, at least a further 54 affordable new build homes could be supported over the next 4 years. Whilst this will reduce the number of units that can be supported by the funding, it does mean that delivery can be maximised within the funding timeframe. Financial modelling within the Business Plan includes provision for 20 additional HRA properties per year in order to sustain the service, meaning that these properties alone would not suffice. In order to bridge this gap then, we must also look at other ways of delivering Affordable Housing, as detailed below.
- 2.10** *Affordable Housing Delivery Strategy 2021-2025:* This new strategy provides details of our affordable housing delivery ambitions and supports the Council Plan's priorities to: enable the delivery of increased housing supply, invest in improving the quality of current stock, and increase the number of affordable homes. It makes clear that delivery of these objectives will be through direct development, Section 106 on-site acquisition, the purchase of empty homes, and finally through buying back former Council properties that have been sold through the Right to Buy. It maintains that each scheme will be assessed for viability, but to support this, Section 106 Commuted Sums and Homes England Affordable Housing Grant Funding will be maximised where appropriate.
- 2.11** Ultimately, since the plan was conceived, financial pressures have undoubtedly increased within the Council's HRA, and after service running costs and sums set aside to repay self-financing debt, current forecasts show that there are

insufficient funds available to support the investment needed in our stock; leading us to explore options to extend payback of debt as detailed in Section 4.

3. Aims and Objectives of the HRA Business Plan: 2021/22 Review

3.1 The HRA Business Plan should demonstrate that the Council can maintain its assets and invest in new provisions, and at the same time deliver a high level of service to current and future tenants and leaseholders. The plan illustrates:

- The Council's legal responsibilities as a social landlord.
- National, regional and local housing priorities.
- How the management of Selby's housing stock can support the delivery of wider strategic priorities.
- Local demand for affordable housing.
- Tenant and leaseholder needs and aspirations.
- Long term forecasts of income and spending and resources available to support investment plans.

3.2 As advised, three new objectives were agreed for the HRA Business Plan 2020-2025, which were:

Objective 1: To ensure good quality housing within the district which helps meet the needs of our local community; we will:

- Provide significant investment for current housing stock, not only meeting but surpassing the Decent Homes Standard.

Update - Standards have since risen in the private sector; and although not yet mandatory for social housing, we would like to be working to best practice in the event this were to change i.e. electrical safety tests every 5 years. At present, we are updating our records via electrical surveys in a significant proportion of our properties (550 have already been completed this year) in order to ascertain the level of work required.

- Improve energy efficiency for our tenants, especially in our off-gas properties, reducing the likelihood of fuel poverty occurring.

Update - Decarbonisation has come to the forefront of Government agenda, with an associated funding pot available to local authorities. Work has begun internally on modelling the costs of refurbishment and additional works to ensure that the Council is doing its part to meet the Government's target of being 'net-zero-carbon' by 2050.

- Ensure the Council has accurate and increased stock records to inform both responsive repairs and planned investment programmes.
- Acknowledge and try to meet the needs of our rural residents and those who may require specialist and/or supported accommodation.

3.3 Objective 2: To provide a first rate housing management service which makes the best use of our existing stock; we will:

- Build on the good work already completed in Tenant Participation and encourage an increased relationship with our tenants and leaseholders.
- Improve our responsive repair service by utilising new IT provisions, gathering feedback and using it to improve and shape service delivery.
- Increase fire safety in communal areas to ensure they are both secure and attractive places for residents to experience.

Update - In light of the Building Safety Bill 2021, this work is likely to be extended in order to ensure that the Council is entirely compliant with any new legislation regarding the safety of our tenants and properties.

- Meet local need by prioritising those with local connection for new build affordable housing, and reduce empty homes within the community to increase affordable accommodation in local areas.

3.4 Objective 3: Deliver a financially sustainable service which demonstrates value for money and ensures that investment is targeted to council priorities; we will:

- Work with the Housing Trust to deliver increased affordable housing throughout the district via our three delivery pillars.

Update - Given the work required on LGR, it was proposed that affordable homes delivery is focussed entirely on the HRA. This means removing the planned capital expenditure on Selby and District Housing Trust Loans. This has significantly impacted the sustainability of the Trust and they are exploring their options (including wind-up). However, as per the Council's new Affordable Housing Delivery Strategy, we will continue to ensure the supply of affordable homes in the district via direct development, Section 106 on-site acquisition, the purchase of empty homes and buying back former Council properties sold through the Right to Buy.

- Commit to one-for-one replacement of properties lost via Right to Buy and work to replace those already lost but not yet replaced.

Update - At the end of March 2019, the Council owned and managed 3036 properties. This reduced to 3026 in March 2020 and 3017 in 2021. Property loss was due entirely to Right to Buy sales. However, numbers would have been lower still had it not been for the 'buy back' of former Council properties increasing Council stock (7 in total). On average, over the last 5 years, the Council has lost 18 properties a year to RtB and 'Mid-case' modelling presumes a loss of 20 properties a year. At the same time, we also assume a replacement rate of 20 properties a year in order to meet 1 for 1 replacements. We do however acknowledge that a deficit does remain in regards to properties already lost to RtB and not replaced in previous years.

- Ensure that housing need takes precedence when deciding the location, property and tenure type of new housing schemes.
- Reduce void times in our properties to accelerate access to affordable housing and increase rental income to the HRA.

4. Financing the plan

4.1 The aim of the HRA Business Plan is to provide the financial environment to support our landlord responsibilities over the medium and longer term, combined with strategic objectives for our housing service. Of course, in light of the changes experienced since the plan was published, it is important that we review the financial modelling. We know that we are currently operating in difficult times and face a broad range of competing pressures in setting our strategic direction and in utilising our limited financial capacity. We must undertake essential investment to respond to changing building safety and energy efficiency standards, as well as maintaining the quality of our existing housing stock. At the same time, we are committed to developing new homes to serve future tenants, aware of the many households currently sat on our housing waiting list.

4.2 The HRA is a 'ring-fenced' account which means that all the costs associated with maintaining our homes, financing improvement works, servicing debt and running the service, are met from the rental and other associated income generated from the houses and garages we let. The balance between repaying our debts, versus maintaining and/or extending our housing stock, remains an

on-going feature of the plan and requires careful consideration. Consequently, it was agreed that the plan be regularly reviewed and in appropriate circumstances, utilise 'flexible levers' by either accelerating the programme or slowing down debt repayment in whichever direction is required.

4.3 Appendix A details the updated modelling for the HRA Business Plan, which includes some key changes:

- 4.3.1 Council rents have been rebased given that figures were reduced from those forecasted in the original Business Plan, resulting from Government direction on inflation and a struggle to provide 1 for 1 replacement of homes lost via Right to Buy.
- 4.3.2 Garage rents have not been rebased at present; however, this may need to be considered at next review and the rent budget updated to reflect a more realistic figure. Many of our garages are in a state of disrepair and it may not be cost effective to refurbish them given the relatively small income they generate. However, in order to establish a true picture of current condition and rental yield, a review of garages is expected to take place in 2022 and a subsequent options appraisal produced in order to ascertain best value for money.
- 4.3.3 The percentage of void properties has been increased from 2 to 2.5%. This accounts for removing a small number of properties from housing management that require such significant work that again, they are not cost effective to refurbish. This will reduce overall stock numbers by approximately 75 properties (opposed to 60) and subsequently reduces HRA rental income by £65k in 2022/23. However, the HRA remains sustained via the Housing Development Programme and rental income yielded from these additional properties. Instead, these 'end of life' properties are more suitable for regeneration, which will require a separate report for Executive Members to consider. This work not only has the potential to improve on the quality of our properties, but in some circumstances may allow us to increase the number of units being rebuilt, providing further sustenance to the HRA. Whilst this work is in early stages, it is important that we make reference to it now and include within the financial modelling.
- 4.3.4 The Capital Improvement Programme (CIP) has also slipped since the Business Plan was approved, mainly due to an inability to provide contractors with continuity of work. To combat this, our contractors have been tasked with completing stock condition surveys, designed to provide early insight into next year's programme. This will help to bring the programme back on course once budgets are approved in February 2022. As part of the Business Plan, we agreed to undertake substantial investment in our existing stock over the next 15 years. As a long-term asset, we must ensure an effective system for repairs, maintenance and improvement is in place. Robust data as to the quality of our stock is integral to this process, as well as providing much needed information for a number of current focuses - from the review of the Decent Homes Standard, the government's decarbonisation agenda and more locally

with LGR on the horizon, resulting in the merger of multiple stock holding authorities.

- 4.3.5 Although the budget remains unchanged, we are aware that additional fire and building safety work may be required in our properties in order to maximise levels of compliancy. This is likely to result in new and additional work which the financial modelling does not account for. However, the CIP was also modelled with a 'no refusals' assumption, whilst the current rate of refusals stands at approximately 20%. This does then provide scope to filter this underspend into additional compliancy measures. Work is therefore underway to ascertain the cost of these new safety measures in order to inform the Capital Improvement Programme's workstream, without requiring any additional spending bids.
- 4.3.6 However, we are aware that with increased inflation (of which the modelling includes 4% at 2022/23, 2.6% at 2023/24, 2.1% at 2024/25 and then returning to the flat rate of 2%) on cost of labour and materials, current Council contracts are having to be renegotiated and costs increased. Some changes to migrant labour availability resulting from Brexit were expected. However, labour shortages have been compounded by the various COVID-19 lockdowns and uncertainty regarding travel arrangements. For contractors, this means that labour is either not available, or is at an increased cost. This is made worse due to increased pressures on material availability (a direct result of the pandemic) and a significant increase in energy prices. Initial estimates suggest additional cost pressure of £190k on the CIP.
- 4.3.7 The modelling also provides rough estimates as to the amount of new housing we expect to deliver over the coming years, sustaining the HRA via 1 for 1 replacement of properties lost through Right to Buy. This could be through direct development, Section 106 on-site acquisition, the purchase of empty homes and buying back former Council properties sold through the Right to Buy. Presently, we also benefit from additional Section 106 subsidy to supplement the cost of housing development; primarily with a focus on acquisitions until March 2023 to ensure that subsidies are spent within their given timeframes, but also through direct development should a realistic and affordable scheme come forward. It is important to note however that, as per Government guidance, from 28 December 2021 where cash contributions for affordable housing are secured in lieu of on-site units, a minimum of 25% of these commuted sum contributions must be used to secure First Homes, the Government's new preferred affordable housing tenure. We are not assuming any further receipts at this point, but any new funds would likely fall to the new authority (post-LGR) to allocate and spend accordingly.

- 4.4 Loans** - HRA self-financing borrowing is made up of historic debt as well as £50.2m new borrowing taken out in 2012. All borrowing is via fixed-rate 'interest only' loans and in accordance with the Council's Treasury Management

Strategy. In the original Business Plan, it was agreed the Council would maintain the proposal that all loans be repaid over a 30 year period if financially viable to do so (as per the HRA Business Plan 2012-2017). This now forms part of our worst-case. However, the bulk of our remaining loans are not repayable until a later date, as follows:

Loan Value (£000)	Loan Rate (%)	Remaining Loan Term (as of 1st April 2021)	Maturity Date
16,793	3.50	21	28/03/2042
16,720	3.52	31	28/03/2052
1,000	8.375	35	31/03/2056
16,720	3.48	41	28/03/2062

As of 2021/22, the Council has almost £5.6m set aside in order to repay this debt (last year repaying our first loan of £6.5m). In order to maintain our commitment to repay over 30 years, from 2022/23 the Council must set aside £2.28m every year until 2041/42 in order to reach its target. However, given the difficulties facing the HRA over the coming years, as reiterated throughout this report, we are recommending that repayment be reprofiled and instead spread over the remainder of the loan terms. This would mean taking the balance outstanding and spreading it out until the last loan is due in 2061/62, ensuring of course that enough money is available as each repayment interval in order to service our debt. This would see the amount we need to set aside each year reduce from £2.28m to £1.14m. This loan profile is detailed within the mid-case financial modelling. This would provide us with an additional £1.69m each year towards the other commitments within the original HRA Business Plan, namely our commitment to a new and improved CIP and 1 for 1 property replacement; also taking into account the additional costs of materials and labour this is likely to affect both of these projects going forward. Our best case assumes back-loading loan repayment provisions which minimises cost pressures in the earlier years of the plan but carries greater risk.

4.5 Ultimately, the Council does face significant challenges in maintaining its HRA commitments. However, by reprofiling debt repayment and through maintaining a 1 for 1 Housing Development Programme, the financial forecast included within this review is able to show that there remains sufficient resources over the next 30 years of the plan to:

- Maintain a viable housing management service.
- Continue with the new CIP to maintain as well as improve on the Decent Homes Standard in our properties.
- Carry out necessary planned repairs to our housing stock.
- Invest in new properties as part of a Housing Development Plan (per individual finance arrangements, including accessing Homes England grant funding and Section 106 commuted sums).

5. Consultation

5.1 The HRA Business Plan underwent significant consultation prior to being published, examined by both the Council's Scrutiny Panel and Policy Review Committee. For tenants, there was an online survey made available on the Council's website, complimented by drop-in sessions held at local Community

Centres based around the district, and a focus group held at the Council's Civic Centre in Selby.

- 5.2** As this is a review of the original plan, maintaining its objectives and general direction, it was decided that this Review Report for 2021/22 would instead be made available only to the Council's Tenant Scrutiny Panel for feedback purposes, acting on behalf of our tenant cohort.

6. Implications

6.1 Legal Implications

Section 74 of the Local Government and Housing Act 1989 requires the local housing authority to keep a separate Housing Revenue Account and Section 76 of the same Act provides that they must prevent a debit balance in the HRA.

6.2 Financial Implications

Appendix A presents three scenarios - a best, worst and mid-case. The mid-case is our 'most likely' scenario and incorporates the issues set out in this report, with the best and worst cases demonstrating the impacts of variations in assumptions. Key assumptions included in the mid-case are:

- 2021/22 rents will increase in line with government policy based on CPI +1% (4.1% for 21/22).
- Non-dwelling income increases in line with the Council's policy for fees and charges (4%).
- Void rate set at 2.5% to reflect 'out of management' properties.
- Bad debt provision: 40% at 1% and 60% at 3% to reflect potential impact of Universal Credit.
- Day to day maintenance costs increase in-line with inflation and do not vary with stock losses through RtB or new-build through the HDP.
- General inflation based on latest CPI forecasts (4% for 22/23, 2.6% for 23/24 and 2.1% for 24/25, then back to 2% from thereon).
- Surplus funds generated through efficiencies or additional income is allocated to the Major Repairs Reserve to be available for use to invest and maintain the housing stock.
- Based on current trends, 20 Right to Buy sales are assumed each year.
- Capital Programme includes inflation based on CPI forecasts.

As highlighted in this report, the HRA is experiencing challenges as a result of previous rent reductions, COVID-19 wider economic factors and delays to replacement of stock lost through Right to Buy. Demand for stock improvement work is currently in excess of the resources available through the Major Repairs Reserve and therefore funds earmarked for debt repayment will need to be diverted to the Capital Improvement Programme. The necessary balance between investment in the stock and repayment of debt is highlighted in the approved 30-year Business Plan but growing pressures mean that a reprofiling of debt repayment is now necessary.

Modest savings of circa £200k are planned for the HRA following implementation of Phase 2 of the Housing and Asset Management System and opportunities for efficiency will continue to be sought but the longer-term

sustainability of the HRA is reliant upon the replacement of homes sold through right-to-buy and the rental income they deliver.

Notably, the draft HRA Budget was presented to the Executive on 2 December 2021 outlining the revenue budget, capital programme and indicative budgets for 2023/24 and 2024/25. This iteration of the financial modelling (Appendix A) updates some key assumptions presented as part of the draft budget. Whilst the key service budgets are in-line with those proposed as part of the draft budget, the differences are as follows:

- HRA debt (repayment of interest) - the previous Business Plan made assumptions regarding the financing of borrowing to build new houses and this had been taken forward as part of the draft budget. The shorter term focus is around the acquisition of property to increase stock numbers (further information can be found in **paragraph 2.10**). The financing of these homes will be through the use of Section 106 affordable housing receipts to a maximum of 80% market value, and the remainder funded either via grant (through agreements with Homes England) or capital receipts. This eliminates the need for PWLB borrowing and generates savings of £222k.
- Voluntary MRP - the approved plan works on the basis that funds will be set aside annually to repay PWLB debt after 30 years even though some of the borrowing was taken out over 50 years. **Paragraph 4.4** provides more information. This solution led to longer term savings through interest savings. The revised mid-case plan reprofiles MRP over the remaining term so that there are sufficient funds available to repay debt but won't allow early repayment. It frees up funds in the shorter term where the plan demonstrates greater pressures. This action will save £1.14m voluntary MRP (and £0.328m from not taking additional borrowing for Housing Development projects) but leads to interest payable over the longer term.

These changes free up £1.690m, transferable to the Major Repairs Reserve to invest in capital enhancements to dwellings. As alluded to in **paragraph 4.3.6**, the capital programme profile is based on that approved in the previous plan and has been updated to reflect higher than previously forecasted inflation rates. Those assumptions had a flat 2% built into the model. This has been amended to reflect those used in the revenue budget for the next 3 years at 4%, 2.6% and 2.1% and then drops back to the longer term assumption of 2%. This has a subsequent impact on the programme of £117k for 22/23, £156k for 23/24 and £169k for 24/25.

In addition, £190k has been built into the CIP annually to support additional contract costs for works which include rewiring houses, installing kitchens and bathrooms, and health and safety work around Carbon Monoxide.

6.3 Policy and Risk Implications

Financial elements within the Business Plan do carry various levels of risk, detailed under its 'Risk Register.' However, new and increased risks must also be acknowledged in light of the past year:

Risk	Detail
Provision of bad debt	<p>Many of the aids that Government put in place during the pandemic to ease financial hardship for our tenants are now coming to an end (particularly the Universal Credit uplift and furlough scheme). There are concerns this will increase the potential for further pressure on arrears. Whilst we do include provision for bad debt within the modelling, this figure will potentially need increasing if debt rises considerably. Reduced benefit income, the continued benefit cap freeze, the potential for higher tenant unemployment as government support for the economy winds down, and well as increased energy costs, may all increase financial pressure on tenants over the coming months.</p> <p>As rent collection forms the overwhelming majority of income received for the HRA, it is vital that rent is both collected at maximum capacity, and subsequently used effectively.</p>
Socio-economic climate	<p>Economic recovery remains fragile since leaving the European Single Market and Customs Union, as well as the ongoing pandemic, with significant disruption to supply chains and the labour market resulting in high-cost inflation and ongoing shortages of materials and skills. Weaker operating margins and increased spending on existing stock due to remedial safety works, catch up on repairs, and energy efficiency improvements means that providers must maintain a close watch on these issues.</p> <p>The risk here is that the Council fails to prepare appropriately for these issues, which will impact on the future delivery of Council services. We must therefore try and plan ahead for these concerns and consider how an increase in costs would affect the Capital Programme. That being said, LGR does provide scope to merge services and pool resources, helping to reduce overall spend.</p>
Decarbonisation	<p>The Government remain committed to making all homes 'net-zero-carbon' by 2050. The costs associated with retrofitting our properties are likely to be high, with current predictions standing at approximately £20k extra per property. The biggest concerns relating to decarbonisation are financial and skill capacity, limits on existing stock (again it is predicted that approximately 20% of current national stock will not be cost effective to upgrade), and a general lack of clarity over what is required.</p> <p>For many social housing providers, the only way this work can be achieved is if the majority is grant funded. Ministers consequently opened bidding for the £160m first wave of</p>

	<p>the Social Housing Decarbonisation Fund at the end of August 2021. Unfortunately, funding remains a competitive short-term solution, with turn-around times that prove difficult to achieve. The risk here is that, because of this, the Council do not maximise on grant funding schemes and properties become sub-standard.</p> <p>Currently then, Officers are looking to the next round of funding and collecting together key information needed to submit a formal bid. The Council also now benefits from additional resource in the form of a Low Carbon Project Officer who can offer specialist advise and expertise.</p>
Additional safety compliance	<p>As advised, additional work may be required in both our properties and communal areas as a result of the Building Safety Bill, Fire Safety Act 2021 and the Electrical Safety Standards. Much of this work is unaccounted for in the financial modelling, but it is expected that the reallocation of existing CIP funds will suffice. However, if costs were above this amount, this could prolong the time it takes to fulfil the CIP. Additionally, where grant funding is available, Officers will consider any and all suitable funding streams.</p>

It should be noted that even with the reprofiling of the self-financing debt there will be insufficient funds within the Major Repairs Reserve to cover the cost for the works needed to our stock. Accordingly the modelling shows that monies previously set aside to repay debt will also need to be released.

6.4 Corporate Plan Implications

Implementation of the HRA Business Plan 2020-2025 meets the Corporate Plan's aim to enable the delivery of increased housing supply; increase the number of affordable homes; and invest in improving the quality of Selby District Council housing stock.

6.5 Resource Implications

The HRA Business Plan will link directly to the Councils MTFs and incorporates the Council's Capital Investment Programme, as approved by the Executive.

6.6 Equalities Impact Assessment

The HRA Business Plan is intended to be an overarching strategic document setting out the future of the Council's housing provision, and therefore not subject to an Equality Impact Assessment. However, any new policy or procedure created as a result of its implementation will be subject to such an assessment and will be inclusive of the relevant protected characteristics of age; disability; gender reassignment: pregnancy and maternity; race; religion or belief; sex and sexual orientation.

7. Conclusion

Following the 2021/22 review and in light of what we have experienced over the last 18 months, it was clear that in order to maintain our commitments within the original Business Plan, some changes needed to be made. The HRA's

future viability is reliant on achieving a certain level of rental income, based on having adequate stock in circulation and on a successful 1 for 1 replacement scheme. However, we have struggled to achieve in both of these areas, impacted by internal struggles as well as by large scale socio-economic shifts. Therefore, in order to meet our stated aims and provide a sustainable financial model, we have:

- Accounted for more void properties in the financial modelling and plan separate project work in order to combat these ‘end of life’ properties, potentially increasing stock numbers if appropriate.
- Stepped up stock condition survey work to better understand our properties needs and better plan the CIP going forward.
- Continued to pay close attention to Government direction in order to ensure high levels of compliancy with the financially capability to respond to any changes.
- Reprofiled the Housing Development Plan to ensure we spend our remaining Section 106 subsidy, focusing on acquisitions in the first instance and on direct development if financially viable.
- Reprofiled our debt position in order to both service our debt as well as provide adequate financial capacity within the HRA.

Subject to these changes, the HRA Business Plan continues to demonstrate that Selby District Council can maintain its assets and invest in new provisions, and at the same time deliver a high level of service to current and future tenants. It continues to provide a 30 year financial forecast which includes key assumptions to ensure a sustainable financial model; including the new Capital Programme which will drive increased standards, enable better planning and achieve greater efficiencies. Approval of the review and all that it entails with therefore allow the Council to continue to pursue its new objectives and make positive changes to its housing stock and service, better meeting the needs of our current and future tenants.

8. Background Documents

Selby District Council’s Housing Revenue Account Business Plan 2020-2025
(including Appendices A, B, D)
HRA Business Plan 2020-2025 Appendix C

9. Appendices

Appendix A – Financial modelling

Contact Officers:

Sarah Thompson
Housing and Environmental Health Service Manager
Selby District Council
sthompson@selby.gov.uk

Hannah McCoubrey
Housing Strategy Officer
Selby District Council
hmccoubrey@selby.gov.uk

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SELBY DISTRICT COUNCIL - HRA 30 YEAR FINANCIAL PLAN (Based on 30 Year MRP - Equal Spread)

	1	2	3	4	5	6	7	8	9	10	11	12	13		
	Latest Approved			Medium Term Financial Plan											
	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
Mid Case Scenario															
KEY ASSUMPTIONS															
Inflation	2.00%	2.00%	2.00%	4.00%	2.60%	2.10%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Interest Rates	0.50%	0.75%	1.25%	1.50%	1.75%	2.00%	2.25%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%
Estimated Sales	-17	-9	-12	-20	-20	-20	-20	-20	-20	-20	-20	-20	-20	-20	-20
Demolitions	7	0	3	20	20	20	20	20	20	20	20	20	20	20	20
Estimated New Build / Additions	-1.00%	3.00%	1.50%	4.10%	3.60%	3.10%	3.10%	3.10%	3.10%	3.10%	3.10%	3.10%	3.10%	3.10%	3.10%
Rent Increase CPI + 1%															
Number of Dwellings (Mid Year Average)	3,029	3,020	3,011	3,006	3,006	3,006	3,006	3,006	3,006	3,006	3,006	3,006	3,006	3,006	3,006
Average Rent - Rent Restructuring	82.43	84.90	86.37	89.81	93.15	96.04	99.01	102.08	105.25	108.51	111.87	115.34	118.92	122.60	126.40
Rent Weeks	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00
Rent Income (E)	-11,984,785	-12,305,099	-12,480,811	-12,973,103	-13,440,135	-13,856,778	-14,286,330	-14,729,215	-15,185,821	-15,656,582	-16,141,936	-16,642,338	-17,158,248	-17,690,154	-18,238,548
Void loss	-239,886	-246,102	-312,020	-324,228	-336,003	-346,419	-357,158	-368,230	-379,646	-391,415	-403,548	-416,058	-428,956	-442,254	-455,964
Provision for Bad & Doubtful Debts	-258,381	-265,298	-267,713	-278,328	-288,291	-297,228	-306,442	-315,942	-325,736	-335,834	-346,245	-356,978	-368,044	-379,454	-391,217
Net Rent Income	-11,486,218	-11,793,699	-11,901,077	-12,370,502	-12,815,840	-13,213,131	-13,622,738	-14,045,043	-14,480,440	-14,929,333	-15,392,143	-15,869,299	-16,361,247	-16,868,446	-17,391,368
% Increase In Rent	-1.00	3.00	1.73	4.10	3.60	3.10	3.10	3.10	3.10	3.10	3.10	3.10	3.10	3.10	3.10
REVENUE FINANCING															
Dwellings Rents	-11,486,218	-11,793,699	-12,302,400	-12,648,775	-13,104,131	-13,510,359	-13,929,180	-14,360,985	-14,806,176	-15,265,167	-15,738,387	-16,226,277	-16,729,292	-17,247,900	-17,782,585
Garage Rents	-102,591	-105,570	-107,150	-109,300	-111,480	-113,710	-115,984	-118,304	-120,670	-125,545	-128,083	-130,556	-133,617	-137,229	-135,894
Total Resources (E)	-11,688,809	-11,899,269	-12,409,550	-12,758,075	-13,215,611	-13,624,069	-14,045,165	-14,479,209	-14,925,846	-15,389,250	-15,869,932	-16,364,333	-16,874,909	-17,391,129	-17,918,479
REVENUE BUDGET															
Operational Services	1,824,651	1,862,036	1,919,720	2,030,050	2,081,750	2,124,350	2,166,837	2,210,174	2,254,377	2,299,465	2,345,454	2,392,363	2,440,210	2,489,015	2,538,795
Commissioning Contracts & Procurement	108,720	111,380	114,410	118,610	122,570	126,140	129,643	133,196	136,800	140,456	144,165	147,927	151,741	155,607	159,525
Contingency	75,000	75,000	75,000	76,500	78,000	79,591	81,182	82,806	84,462	86,151	87,874	89,632	91,425	93,253	95,116
Provision for Bad & Doubtful Debts			270,650	278,273	288,291	297,228	306,442	315,942	325,736	335,834	346,245	356,978	368,044	379,454	391,217
CEC Recharge from General Fund	2,775,200	2,741,768	2,787,610	2,815,790	2,858,190	2,914,000	2,972,280	3,031,728	3,092,360	3,154,207	3,217,291	3,281,637	3,347,270	3,414,215	3,482,500
Savings Target	-214,000														
Debt Management Costs	6,000	6,000	6,000	5,120	6,242	6,367	6,495	6,624	6,757	6,892	7,030	7,171	7,314	7,460	7,609
Investment Interest - Nonlateral Sum	-135,000	-135,000	-38,000	-42,500	-34,030	-44,290	-45,287	-46,419	-47,579	-48,769	-49,988	-51,238	-52,518	-53,831	-55,177
Repayment of HRA Reform Loan (Interest)	2,378,430	1,889,387	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905
Contribution to Computer Development Reserve	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
Net Service Costs	6,869,061	6,620,671	7,021,295	7,174,748	7,292,848	7,394,291	7,507,497	7,622,554	7,740,818	7,861,141	7,983,878	8,108,276	8,237,358	8,368,092	8,501,521
Net Service Surplus / Deficit before contribution to MRR & CAA	-4,710,909	-5,278,698	-5,887,895	-5,583,327	-5,922,661	-6,229,779	-6,537,667	-6,856,935	-7,186,928	-7,527,109	-7,879,956	-8,244,957	-8,622,532	-9,013,037	-9,416,958
Voluntary MRP for Self-Financing Debt	1,260,000	1,260,000	1,260,000	1,140,826	1,140,826	1,140,826	1,140,826	1,140,826	1,140,826	1,140,826	1,140,826	1,140,826	1,140,826	1,140,826	1,140,826
Assumed Voluntary MRP for HDP	73,458	73,458	73,458	73,458	73,458	73,458	163,933	256,217	350,347	446,359	544,292	644,183	746,072	849,999	956,004
Assumed HDP Interest	59,501	59,501	59,501	59,501	59,501	59,501	120,843	183,412	247,232	312,328	378,726	446,453	515,533	585,996	657,857
Net Resources Transferred to Major repairs Reserve	-3,326,548	-3,885,738	-3,994,936	-4,309,547	-4,648,878	-4,955,993	-5,112,066	-5,275,881	-5,447,624	-5,627,596	-5,816,112	-6,013,495	-6,220,081	-6,436,216	-6,662,260
Major Repairs Reserve															
Opening Balance	-5,882,767	-6,937,285	-8,927,227	-4,916,808	3,227,131	-2,267,554	1,474,271	-0	-0	-0	-0	-0	-0	-0	-0
Transfers	-786,697														
Revenue Contributions	-3,534,754	6,532,137	-3,994,936	4,309,542	4,648,878	4,955,993	5,112,066	5,275,881	5,447,624	5,627,596	5,816,112	6,013,495	6,220,081	6,436,216	6,662,260
Assumed Capital Programme	3,246,933	4,542,194	8,005,355	5,999,218	5,608,455	5,749,276	5,711,922	5,711,922	5,711,922	5,711,922	5,711,922	5,711,922	5,711,922	5,711,922	5,711,922
Draw back of funds from CFR															
Closing Balance	-6,937,285	-6,927,227	-4,916,808	-3,227,131	-2,267,554	-1,474,271	0	0	0	0	0	0	0	0	0
CFR/Cashflow															
Opening Balance	-8,319,960	-9,653,418	-4,486,876	-5,820,335	-7,034,619	-8,248,903	-9,463,187	-10,496,755	-10,936,408	-11,509,415	-12,065,281	-12,449,401	-12,729,972	-11,350,859	-11,611,498
Less unfinanced capital expenditure (internal borrowing)															
Add Voluntary MRP	-1,333,458	-1,333,458	-1,333,458	-1,214,284	-1,214,284	-1,214,284	-1,304,759	-1,397,043	-1,491,173	-1,587,195	-1,685,118	-1,785,009	-1,886,898	-1,990,825	-2,096,830
Less Debt Repaid		6,500,000					271,192	957,389	918,167	1,030,319	1,301,998	3,504,438	7,118,110	9,517,933	7,861,489
Transfer of Funds to MRR															
Closing Balance	-9,653,418	-4,486,876	-5,820,335	-7,034,619	-8,248,903	-9,463,187	-10,496,755	-10,936,408	-11,509,415	-12,065,281	-12,449,401	-12,729,972	-11,350,859	-11,611,498	-12,509,099
Net Cashflow	-16,590,703	-13,414,104	-10,727,142	-10,261,750	-10,516,457	-10,937,458	-10,496,755	-10,936,409	-11,509,415	-12,066,282	-12,449,401	-10,729,973	-11,350,859	-11,611,498	-12,509,099

SELBY DISTRICT COUNCIL - HRA 30 YEAR FINANCIAL PLAN (Based on 50 Year MRP - Equal Spread)	14	15	16	17	18	19	20	21	22	23	24	25	26	27
Mid Case Scenario														
KEY ASSUMPTIONS	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	2041/42	2042/43	2043/44	2044/45	2045/46	2046/47	2047/48
Inflation	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Interest Rates	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%
Estimated Sales	-20	-20	-20	-20	-20	-20	-20	-20	-20	-20	-20	-20	-20	-20
Demolitions														
Estimated New Build / Additions	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Rent Increase CPI + 1%	3.10%	3.10%	3.10%	3.10%	3.10%	3.10%	3.10%	3.10%	3.10%	3.10%	3.10%	3.10%	3.10%	3.10%
Number of Dwellings (Mid Year Average)	3,006	3,006	3,006	3,006	3,006	3,006	3,006	3,006	3,006	3,006	3,006	3,006	3,006	3,006
Average Rent - Rent Restructuring	130.32	134.36	138.53	142.82	147.25	151.81	156.52	161.37	166.37	171.53	176.85	182.33	187.98	193.81
Rent Weeks	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00	48.00
Rent Income (£)	-19,803,943	-19,389,866	-19,067,059	-20,007,482	-21,246,314	-21,994,950	-22,584,003	-23,284,107	-24,005,915	-24,750,098	-25,517,351	-26,308,389	-27,123,948	-27,964,792
Void loss	-470,099	-484,672	-499,696	-515,187	-531,158	-547,624	-564,600	-582,103	-600,148	-618,752	-637,934	-657,710	-678,069	-699,120
Provision for Bad & Doubtful Debts	-403,345	-415,848	-428,740	-442,030	-455,733	-469,861	-484,427	-499,444	-514,927	-530,890	-547,347	-564,315	-581,809	-599,845
Net Rent Income	-17,930,500	-18,486,346	-19,059,422	-19,650,265	-20,259,423	-20,887,465	-21,534,976	-22,202,561	-22,890,840	-23,600,456	-24,332,070	-25,086,384	-25,864,042	-26,665,827
% Increase in Rent	3.10	3.10	3.10	3.10	3.10	3.10	3.10	3.10	3.10	3.10	3.10	3.10	3.10	3.10
REVENUE FINANCING														
Dwellings Rents	-18,333,845	-18,902,194	-19,486,162	-20,092,285	-20,715,156	-21,357,326	-22,019,403	-22,702,005	-23,405,767	-24,131,346	-24,879,417	-25,650,679	-26,445,850	-27,265,672
Garage Rents	-138,612	-141,384	-144,212	-147,096	-150,038	-153,039	-156,099	-159,221	-162,408	-165,654	-168,967	-172,346	-175,793	-179,309
Total Resources (£)	-18,472,457	-19,043,578	-19,632,374	-20,239,381	-20,865,194	-21,510,365	-22,176,502	-22,861,228	-23,568,173	-24,297,000	-25,048,384	-25,823,026	-26,621,844	-27,444,981
REVENUE BUDGET														
Operational Services	2,589,571	2,641,362	2,694,189	2,748,073	2,803,035	2,859,095	2,916,277	2,974,603	3,034,095	3,094,777	3,156,672	3,219,806	3,284,202	3,349,886
Commissioning Contracts & Procurement	152,545	155,596	158,708	161,882	165,120	168,422	171,790	175,226	178,731	182,305	185,951	189,570	193,264	197,033
Contingency	97,020	99,961	100,840	102,559	105,018	107,118	109,261	111,446	113,675	115,948	118,267	120,633	123,045	125,506
Provision for Bad & Doubtful Debts	403,345	415,848	428,740	442,030	455,733	469,861	484,427	499,444	514,927	530,890	547,347	564,315	581,809	599,845
CEC Recharge from General Fund Savings Target	3,552,150	3,623,193	3,695,657	3,769,570	3,844,961	3,921,860	4,000,298	4,080,303	4,161,910	4,245,148	4,330,051	4,416,652	4,504,985	4,595,084
Debt Management Costs	7,762	7,917	8,075	8,237	8,401	8,569	8,741	8,916	9,094	9,276	9,461	9,651	9,844	10,041
Investment Interest - National Sum	-56,557	-57,971	-59,420	-60,905	-62,428	-63,989	-65,588	-67,228	-68,909	-70,632	-72,397	-74,207	-76,062	-77,964
Repayment of HRA Reform Loan (Interest)	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,841,905	1,254,150	1,254,150	1,254,150	1,254,150	1,254,150	1,254,150
Contribution to Computer Development Reserve	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
Net Service Costs	8,637,741	8,778,811	8,918,784	9,062,761	9,211,746	9,362,843	9,517,110	9,674,616	9,847,872	9,941,862	9,979,603	9,750,669	9,925,436	10,103,881
Net Service Surplus / Deficit before contribution to MRR & CAA	-9,834,716	-10,266,767	-10,713,580	-11,175,640	-11,653,449	-12,147,522	-12,658,392	-13,186,611	-13,732,500	-14,285,137	-14,848,881	-15,423,157	-16,008,208	-16,604,110
Voluntary MRP for Self-Financing Debt	1,140,826	1,140,826	1,140,826	1,140,826	1,140,826	1,140,826	1,140,826	1,140,826	1,140,826	1,140,826	1,140,826	1,140,826	1,140,826	1,140,826
Assumed Voluntary MRP for HDP	1,054,130	1,174,418	1,268,912	1,401,654	1,518,694	1,638,073	1,759,840	1,884,043	2,010,729	2,139,949	2,271,753	2,406,184	2,526,035	2,634,277
Assumed HDP Interest	731,177	805,562	882,223	960,019	1,039,371	1,120,310	1,202,868	1,287,077	1,372,971	1,460,582	1,549,945	1,641,096	1,729,066	1,789,279
Net Resources Transferred to Major repairs Reserve	-6,898,584	-7,145,571	-7,403,619	-7,673,140	-7,954,558	-8,248,312	-8,554,858	-8,874,665	-9,195,975	-9,529,781	-9,864,841	-10,201,357	-10,538,241	-10,875,718
Major Repairs Reserve														
Opening Balance	0	0	-2,881,542	-5,940,164	-8,990,500	-12,193,456	-15,557,478	-19,177,478	-23,059,677	-27,199,195	-31,598,790	-36,259,995	-41,183,842	-46,375,542
Transfers														
Revenue Contributions	-6,898,584	-7,145,571	-7,403,619	-7,673,140	-7,954,558	-8,248,312	-8,554,858	-8,874,665	-9,195,975	-9,529,781	-9,864,841	-10,201,357	-10,538,241	-10,875,718
Assumed Capital Programme	8,042,732	4,264,029	4,344,997	4,622,804	4,751,602	4,844,289	4,802,466	4,802,466	4,802,466	4,802,466	4,802,466	4,802,466	4,802,466	4,802,466
Draw back of funds from CFR	-1,144,149													
Closing Balance	0	-2,881,542	-5,940,164	-8,990,500	-12,193,456	-15,557,478	-19,177,478	-23,059,677	-27,199,195	-31,598,790	-36,259,995	-41,183,842	-46,375,542	-51,851,310
CFR/Cashflow														
Opening Balance	-12,509,099	-13,569,906	-15,865,150	-18,312,888	-20,855,370	-23,514,890	-26,293,789	-29,194,456	-32,220,001	-35,476,324	-38,963,654	-42,683,233	-46,645,253	-50,858,814
Less unfinanced capital expenditure (Internal borrowing)														
Add Voluntary MRP	-2,204,956	-2,315,244	-2,427,738	-2,542,482	-2,669,520	-2,778,898	-2,900,666	-3,024,869	-3,151,555	-3,280,775	-3,412,579	-3,547,020	-3,686,861	-3,775,103
Less Debt Repaid														
Transfer of Funds to MRR	1,144,149													
Closing Balance	-13,569,906	-15,865,150	-18,312,888	-20,855,370	-23,514,890	-26,293,789	-29,194,456	-32,220,001	-35,476,324	-38,963,654	-42,683,233	-46,645,253	-50,858,814	-55,383,917
Net Cashflow	-13,569,907	-18,766,692	-24,233,052	-29,845,870	-35,708,345	-41,251,268	-47,015,913	-52,220,001	-57,933,937	-64,127,849	-70,810,023	-78,006,248	-85,748,656	-94,072,028

SELBY DISTRICT COUNCIL - HRA 30 YEAR FINANCIAL PLAN (Based on 50 Year MRP - Equal Spread)	28	29	30
Mid Case Scenario			
	2048/49	2049/50	2050/51
KEY ASSUMPTIONS			
Inflation	2.00%	2.00%	2.00%
Interest Rates	2.50%	2.50%	2.50%
Estimated Sales	-20	-20	-20
Demolitions	20	20	20
Estimated New Build / Additions	3.10%	3.10%	3.10%
Rent Increase CPI + 1%			
Number of Dwellings (Mid Year Average)	3,006	3,006	3,006
Average Rent - Rent Restructuring	198.82	206.01	212.40
Rent Weeks	48.00	48.00	48.00
Rent Income (£)	-28,831,700	-29,725,483	-30,646,973
Void loss	-720,793	-743,137	-766,174
Provision for Bad & Doubtful Debts	-618,440	-637,612	-657,378
Net Rent Income	-27,492,468	-28,344,734	-29,223,421
% Increase in Rent	3.10	3.10	3.10
REVENUE FINANCING			
Dwellings Rents	-28,110,908	-28,982,346	-29,880,796
Garage Rents	-182,895	-186,553	-190,284
Total Resources (£)	-28,293,803	-29,168,839	-30,071,033
REVENUE BUDGET			
Operational Services	3,418,884	3,465,221	3,554,926
Commissioning Contracts & Procurement	201,280	205,305	209,412
Contingency	128,016	130,577	133,188
Provision for Bad & Doubtful Debts	618,440	637,612	657,378
CEC Recharge from General Fund	4,686,986	4,780,726	4,876,340
Savings Target			
Debt Management Costs	10,241	10,446	10,655
Investment Interest - Nonlocal Sum	-79,913	-81,911	-83,959
Repayment of HRA Reform Loan (Interest)	1,254,150	1,254,150	1,254,150
Contribution to Computer Development Reserve	50,000	50,000	50,000
Net Service Costs	10,284,084	10,472,126	10,662,098
Net Service Surplus / Deficit before contribution to MRR & CAA	-18,007,719	-18,696,773	-19,408,993
Voluntary MRP for Self-Financing Debt	1,140,826	1,140,826	1,140,826
Assumed Voluntary MRP for HDP	2,753,467	2,697,929	3,046,362
Assumed HDP Interest	1,857,607	1,964,796	2,069,434
Net Resources Transferred to Major repairs Reserve	-12,246,399	-12,693,222	-13,156,371
Major Repairs Reserve			
Opening Balance	-49,563,811	-55,513,581	-61,268,795
Transfers			
Revenue Contributions	-12,246,399	-12,693,222	-13,156,371
Assumed Capital Programme	6,296,629	6,938,008	8,261,860
Draw back of funds from CFR			
Closing Balance	-55,513,581	-61,268,795	-66,163,306
CFR/Cashflow			
Opening Balance	-36,260,216	-40,154,529	-44,193,284
Less unfinanced capital expenditure (internal borrowing)			
Add Voluntary MRP	-3,894,313	-4,038,755	-4,187,188
Less Debt Repaid			
Transfer of Funds to MRR			
Closing Balance	-40,154,529	-44,193,284	-48,380,472
Net Cashflow	-95,668,111	-105,462,080	-114,543,778

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Report Reference Number: E/21/37

To: The Executive
Date: 6 January 2022
Status: Key Decision
Ward(s) Affected: All
Author: Kevin Ross, Accountant
Lead Executive Member: Cllr C Lunn, Lead Member for Finance & Resources
Lead Officer: Karen Iveson, Chief Finance Officer

Title: Housing Rents 2022/23

Summary:

This report presents proposals for Housing Revenue Account rent levels which must be calculated in accordance with the Governments Policy Statement on Rents for Social Housing 2018. The new policy came into effect from 1 April 2020 and allows rents to rise by no more than CPI + 1% in any year for the following 5 years. This follows from 4 years of 1% annual rent reductions from April 2016 in accordance with the Welfare Reform and Work Act 2016.

2022/23 is the third year of this 5 year policy. The proposed increase for rents in 22/23 is based on the September CPI rate of 3.1% plus 1%, adjusted for sales, housing development, empty homes purchases & dwellings meeting target through relets. This will see rents increase on average from £86.37 in 2021/22 to £89.99 per week on a 48 week basis, an average increase of £3.62 (across both Social and Affordable rent properties).

Overall, this increase in rents is estimated to grow Housing Revenue Account rent yield by approximately £347k in 2022/23 to reinvest in our housing stock. Rent income is a key component of the HRA Budget and is vital that the recommended increase is approved to fund the ambitions of the HRA Business plan particularly for further investment in the capital programme to achieve a decent homes+ standard for our tenants going forward.

Recommendations:

Recommendations:

It is recommended that:

- i) The Executive approve the proposed 4.1% rent increase for 2022/23.

Reasons for recommendation

To allow rent levels to be set in advance of the coming financial year following the government's policy on rents for social housing from 1 April 2020 onwards.

1. Introduction and background

- 1.1 Since 2001, rents for properties let at 'social rent' have been set based on a formula set by government. This creates a formula rent for each property, which is calculated based on the relative value of the property, relative local income levels and the size of the property. An aim of this formula based approach is to ensure that similar rents are charged for similar social rent properties.
- 1.2 In 2011, the government introduced affordable rent which permits rents to be set at up to 80% of market rent (including service charges). This is the amount a property could reasonably expect to receive if it was available on the open market. Landlords can only let new properties at affordable rent where certain conditions apply.
- 1.3 From April 2015 the government made it possible for social landlords to charge a full market rent where a social tenant household has an annual income of at least £60,000. This was designed to allow landlords to make better use of their social housing, rather than requiring them to provide sub-market rent properties to households with relatively high incomes.
- 1.4 Government policy previously limited maximum annual changes in social rent and affordable rent levels. From April 2016 to end March 2020, the Welfare Reform and Work Act 2016 required social landlords to reduce their rents by 1% each year. This was designed to help put welfare spend on a more sustainable footing and to ensure that the social housing sector plays its part in helping to reduce the public spending deficit.
- 1.5 In October 2017, the government announced its intention to set a long term rent deal for both local authority landlords and housing associations. This would permit annual rent increases on both social and affordable rent properties of up to CPI + 1% (at September of the previous year) for a period of at least 5 years. This policy recognises the need for a stable financial environment to support the delivery of new homes. This new policy came into effect from 1 April 2020.

2. Proposed Rent Increases

- 2.0 From 1 April 2020, registered providers may not increase by more than CPI (at September of the previous year) + 1% in any year. Providers must adhere to this limit on rent increases even if a tenants rent is below formula. Providers also

have the discretion to apply a lower increase, or to freeze or reduce rents.

- 2.1 The latest Housing Revenue Account Business Plan was approved by the Executive on 5 December 2019, a review is currently being worked on with an update to the Executive planned for December. The modelling within the plan, sets out ambitions to improve current stock and build new affordable homes and has assumed rent increases of CPI + 1%. 2021/22 estimated rent income is forecasted to be lower than the approved budget by £166k after taking in to account the impact of Covid-19 on rents and the subsequently not achieving 1-4-1 replacement against property sales. Therefore, it is essential that the maximum increase of 4.1% is applied to maximise the ambitions of the Housing Revenue Business Plan 2020-2025. This will ensure as much as possible that the needs of our residents are met now and in the future. This includes significant capital investment in meeting the decent homes+ standard.
- 2.2 The 2021/22 weekly average rent, set on a 48 week basis is £86.37 (per Housing Rents report to Executive; 7 January 2021).
- 2.3 Formula rents will increase by CPI + 1% each year from 20/21 onwards, but is subject to a rent cap. Rent caps apply as a maximum ceiling on the formula rent and depend on the size of the property (the number of bedrooms it contains). Where the formula rent would be higher than the rent cap for a particular size of property the rent cap must be used instead. Selby District Councils housing stock does not have any property that exceeds this cap.
- 2.4 Where a property is below formula rent, the provider may only move the rent up to formula when the property is re-let following vacancy.
- 2.5 **Social Rents - Average Rent Charges on a 48 week basis**

Year	2022/23 Proposed increase	2023/24 (increase)	2024/25 (increase)
Actual Rent £	89.49	92.71*	95.58*
% (Decrease) / Increase	4.1	3.6	3.1
Formula Rent £	90.80	94.07*	96.99*
% (Decrease) / Increase	4.1	3.6	3.1
Difference Actual vs. Formula £	1.31	1.36	1.41

**CPI assumed to be 2.6% and 2.1% based on latest inflation assumptions*

- 2.6 The above table shows the formula rent against the actual rent to be charged to tenants. Formula rent is the rent target for our dwellings to be comparable with Registered Social Landlords.
- 2.7 Formula rents on average for 2022/23 are £1.31 per week higher than actual rents on a 48 week basis.
- 2.8 Affordable rents are typically higher than social rents; the intention behind this flexibility is to enable properties let on this basis to generate additional capacity

for investment in new affordable housing. Providers must not increase rents for properties let on affordable rent terms by more than CPI + 1% each year.

2.9 Affordable housing rent (inclusive of service charges) must not exceed 80% of gross market rent, and there must be an agreement in place between the provider and Homes England to permit that property to be let at affordable rent. These rents are applicable on our new homes built to date and the on-going programme for empty property purchases. It is a condition of the grant funding from Homes England, which has supported the Council's new build programme that the rents charged are affordable. Through these agreements to date 37 properties have been built or purchased.

2.10 **Affordable Rents - Average Rent Charges on a 48 week basis**

Year	2022/23 Proposed increase	2023/24 (increase)	2024/25 (increase)
Actual Rent £	130.24	134.93*	139.11*
% (Decrease) / Increase	4.1	3.6	3.1

**CPI assumed to be 2.6% and 2.1% based on latest inflation assumptions*

3. Alternative Options Considered

3.1 No alternative options have been considered. The rent increase proposal is linked to delivering the ambitions of the HRA Business Plan, any lower than proposed increase will be of detriment to the delivery of the plan. A 0.5% reduction in the rent increase proposed would have an impact of approximately £61k and a recurring loss of income across the 30 year business plan. Covid 19 continues to have a negative impact on the level of rent expected for the year seeing a forecasted shortfall of £166k for 2021/22. Therefore, it is imperative that the proposed increase of 4.1% is approved in line with Government policy to maximise investment in our houses as anything lower will have further detriment to investment.

4. Implications

4.1 Legal Implications

To set rents in accordance with the government's policy statement on rents for social housing.

4.2 Financial Implications

4.2.1 The rent yield from the proposals in this report are summarised as follows:

	2021/22 Original (£000)	2022/23 (£000)	2022/24 (£000)	2024/25 (£000)
Budgeted Rent (£k)	12,302	12,649	13,104	13,510
Annual (Decrease) / Increase (£k)		347	455	406

4.2.2 Under the HRA self-financing regime, the Council keeps all of the rent collected and no longer has to pay subsidy. The amount of debt the Council took on as part of this change was influenced by rent income projections based on formula rent convergence. Rent generated is utilised to service the debt incurred, invest in maintaining our housing stock and new build opportunities as well as cover the running costs of our Housing Revenue Account service.

4.2.3 The latest HRA Business Plan Refresh was presented to the Executive on 5 December 2019. Housing Rents have a significant role in ensuring that the Council has a financially viable Housing Revenue Account Business Plan, to manage its objectives, to both invest in its current stock, as well as increase overall housing supply in the district.

4.2.4 The business plan assumed 3% (CPI @ 2% + 1%) for the years 2022/23 onwards. The impact of Coronavirus has impacted for both 2020/21 and 2022/23 on our tenant's ability to pay, coupled with the shortfall in 1-4-1 replacement property. This inflation increase therefore is critical to mitigating these impacts to finance the capital programme with an estimated cumulative rent gain of approximately £3.1m over the next 10 years comparing the latest business plan iteration to the HRA MTFs. Careful consideration will be required to manage the aspirations of the capital programme and maintaining a financially viable HRA through the volatility of inflation and the longer term impact of Covid 19.

4.3 Policy and Risk Implications

4.3.1 Rents have been calculated in accordance with MHCLC's 'Policy Statement on rents for Social Housing' of which the SDC rent policy document provides further detail.

4.4 Corporate Plan Implications

4.4.1 Implementation of the rent increase proposal links directly to that of the HRA Business Plan 2020-2025 which meets the Council Plan's aim to ensure resident 'enjoy life' by increasing the overall condition and supply of housing in the district.

4.4.2 Ultimately, the Council's aim is to drive the development of more new homes and for all housing in the district to be of a quality, type and size which meets

the needs of local communities. The HRA Business Plan's approved objectives are:

Objective 1: To ensure good quality housing within the district which helps meet the needs of our local community.

Objective 2: To provide a first rate housing management service which makes the best use of our existing stock.

Objective 3: To deliver a financially sustainable service which demonstrates value for money and ensures that investment is targeted to council priorities.

4.5 Resource Implications

4.5.1 The proposed rent increase is higher than that estimated in the HRA Business Plan by 1.1%. This has a significant impact on the resources available for investment in our housing stock. The cumulative impact of this increase in rents creates a longer term funding benefit, although this has been tempered by Covid 19 and a shortfall in 1-4-1 replacement property. Going forward, consideration will be required as how to manage these funding pressures and volatility through savings and efficiencies to meet the ambitions and objectives of the latest HRA Business Plan.

4.6 Other Implications

4.6.1 No further implications.

4.7 Equalities Impact Assessment

4.7.1 Rents have been calculated in line with government rent setting policy and are applied across all the council's social and affordable housing and as such are not to the detriment of any particular group.

5. Conclusion

5.1 2022/23 will see rents increase on average from £86.37 in 2021/22 to £89.99. These rents have been calculated in line with the government's policy statement on rents for social housing. This increase combined with sales, housing development, relets at target, provisions for bad debts and void losses is expected to have the impact of increasing rent income by £347k compared to 2021/22.

5.2 The impact of the Coronavirus pandemic continues to have funding implications in the HRA compared to the approved HRA Business Plan, the inflationary increase for 2022/23 will lead to a gain of approximately £3.1m over the next 10 years. In order to meet the objectives and aspirations of the plan savings and efficiencies will also be required to support funds available to invest in our homes to compensate for the ongoing impact of Coronavirus.

- 5.3 From April 2020, the government committed to increases of up to CPI + 1% for a period of at least 5 years which provides some stability in relation to financial decision making within the HRA, 2022/23 will be the third year of this commitment. The rent rise will increase the ability to reinvest in the housing stock and meet the objectives of the HRA Business Plan which provides tenants, the Council, and its members with priorities and direction as to how it will manage Council owned social housing in the Selby district.

6. Background Documents

MHCLC's 'Policy Statement on rents for Social Housing'
Rent Standard – April 2020

Contact Officer:

Kevin Ross
Accountant
Selby District Council
kross@selby.gov.uk

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Report Reference Number: E/21/38)

To: The Executive
Date: 6th January 2022
Status: Non-Key Decision
Ward(s) Affected: Whole District
Author: Sharon Cousins, Licensing Manager
Lead Executive Member: Councillor T Grogan, Lead Member for Health & Culture
Lead Officer: Martin Grainger Head of Planning

Title: Permission to consult -Taxi Licensing Policy Review following the DFT's Statutory Standards

Summary:

A consultation was held between the 12 July and 6 September 2021 with proposals on changes to Selby's Taxi Licensing Policy following the Department of Transport (DFT's) Statutory Standards, issued in 2020. The consultation document can be seen in Appendix A.

Officers have reviewed the consultation responses received and have updated the proposed policy accordingly.

Officers are now requesting approval of the updated taxi licensing policy ("the policy"), as can be seen in Appendix C, and permission to hold a public consultation between 10th January 2022 – 21st February 2022.

1. Recommendations:

- 1.2 Approve the draft policy as seen in Appendix C
- 1.3 Approve a public consultation between 10th January and the 21st February 2022.

2. Introduction and background

- 2.1 The Secretary of State for Transport (DfT) has issued a new Statutory Taxi and Private Hire Vehicle Standards to licensing authorities in July 2020 which are aimed at safeguarding children and vulnerable adults. The Statutory Standards set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable. There is now an expectation that Government and licensing authorities must work together to

ensure that, above all else, the taxi and private hire vehicle services the public use are safe. This is the first time that a taxi licencing statutory guidance document has been issued.

- 2.2** Following a review of Selby's current taxi licensing policy, officers found several proposals in the DFT's Statutory Standards which were not already implemented in the current taxi licensing policy, therefore a consultation document surrounding these outstanding proposals was created.
- 2.3** Approval to consult on the consultation document in Appendix A was giving by the Executive Committee on the 8th July 2021.
- 2.4** The public consultation ran between 12th July and the 6th September 2021. The consultation was wide and included:
- The taxi and private hire trade
 - Libraries in the district
 - Parish Councils
 - Selby District Disability Forum
 - Selby Big Local
 - Selby District AVS

As well as the above the consultation was published on the Councils website and advertised on several occasions throughout the consultation period on the Councils social media pages.

- 2.5** A breakdown of the consultation responses can be found in Appendix B. This also, shows the additional comments received against each proposal and additional comments.
- 2.6** The consultation responses have been reviewed and any relevant changes are now shown in Selby's proposed Taxi Licensing Policy 2022 (as tracked changes, anything new added to the policy is highlighted in yellow (Appendix C).
- 2.7** The overall responses from the consultation were in favour of all the Proposals, as can be seen in Appendix B. Due to this, all outstanding proposals in the Statutory Standards have been incorporated into the proposed taxi licensing policy 2022, Appendix C. However, CCTV has remained as an option for the proprietor as opposed to being mandated (the proprietor would still need to seek permission from the Council to install the equipment and register with the Information Commissioner's Office (ICO) as a requirement in the Policy. This is due to the issue's surrounding the Council becoming the Data Controller of the footage if this was to be mandated. Additionally, based on the low level of incidents within licensed vehicles, officers do not feel that the mandatory installation of CCTV in vehicles to be proportionate currently. Factors such as cost, data responsibilities and privacy have also been considered in forming this view. Other authorities in North Yorkshire have taken a similar approach, so our polices will be more inline

during the local government reorganisation. In line with standards, regular reviews will take place to identify any local circumstances which may indicate that CCTV would have either a positive or adverse effect on the safety of taxi and private hire users.

Full consultation with stakeholders would take place as part of such a review.

2.8 Additionally, as it is expected for policies to be regularly reviewed and updated, officers have used this opportunity to update any areas of the current policy. The following has been updated:

- Section 7.4 clarity on DBS and Statutory declaration requirements for vehicle proprietors
- Section 7.5 further detail around the update service
- Section 8.2 information on when a DVLA licence check is carried out
- Section 10.13 additional information regarding CCTV in vehicles
- Section 13.2 footnote added about revocations in urgent situations
- Appendix A further clarity provided on the DBS update service requirement, change in circumstances and medicals
- Appendix C further clarity provided about the issuing of vehicle plates and updating the Councils vehicle testing contractor

3. Implications

3.1 Legal Implications

The basis for key changes within the policy is to protect public safety pursuant to statutory requirements and in light of the Casey report and to encourage a more professional service within the district

The current taxi byelaws remain unchanged

There is no statutory requirement to have a taxi licensing policy; however, it is good practice to do so. A policy assists with consistent decision making; however, each case must be considered on its own merits with the decision maker being prepared to make exceptions to the policy in appropriate circumstances.

In relation to taxi and private hire licensing, there are specific powers contained in the Town Police Clauses Act 1847, Transport Act 1985 and Local Government (Miscellaneous Provisions) Act 1976. This legislation allows the Council to specify the requirements that vehicles and drivers must meet in order to be licensed, allows the Council to refuse a licence to drivers if they are not satisfied that the drivers are fit and proper persons to hold a licence and allows conditions to be attached to licences (with the exception of hackney carriage driver's licences). In respect of vehicles, Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a Council may attach such conditions to a hackney carriage licence as it considers reasonably necessary and may require any hackney carriage to be of such design or appearance as shall clearly identify it as a hackney carriage.

The Council must have due regard to the public sector equality duty by consciously thinking about the need to:

Eliminate unlawful discrimination including harassment, victimisation and any other conduct prohibited by the Equality Act 2010;

Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it; and

Foster good relations between persons who share a protected characteristic and people who do not share it.

Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race (including ethnic or national origins, colour or nationality), religion or belief, sex and sexual orientation.

The requirement to have due regard to the need to advance equality of opportunity between persons who share protected characteristics and those who do not includes having due regard to the need to:

- tackle prejudice; and
- promote understanding.

The Council needs to consider these matters, in particular, in connection with the matter of wheelchair accessible vehicles and the need to provide vehicles which meet the needs of persons with disabilities and other relevant protected characteristics, such as age. In respect of disabled persons, steps may need to be taken to take account of their disabilities. The Council needs to consider all types of disabilities and how the needs of people with these disabilities can be met.

3.2 Financial Implications

Any additional administration costs will be considered when reviewing the application fee in accordance with the corporate charging policy.

3.3 Policy and Risk Implications

No foreseen impacts.

3.4 Corporate Plan Implications

The consultation process, although not necessary will help us to achieve our corporate priority of making Selby a great place to make a difference. Through allowing local people and businesses to contribute to the development of the policy we are achieving a key focus of the priority, namely, 'empowering and involving people in decisions about their area and services'.

A fit for purpose Taxi Licensing Policy will bring consistency and certainty to both the trade and customers of the trade, this will help us to make Selby a great place to do business.

3.5 Resource Implications

N/A

3.6 Other Implications

N/A

4 Equalities Impact Assessment

Equalities impact screening has taken place and no significant negative impacts were identified in the immediate future.

The policy is always under review to make amendments when required

5. Conclusion

5.1 As per the recommendation in 1.2.

6. Background Documents

Consultation Responses

7. Appendices

Appendix A – Completed consultation document

Appendix B – Summary of consultation responses

Appendix C – Draft proposed Taxi Licensing Policy for consultation

Contact Officer:

Sharon Cousins
Licensing Manager
scousins@selby.gov.uk
01757 292033

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Department for Transport’s Statutory Taxi & Private Hire Vehicle Standards Consultation.

This consultation seeks feedback on Selby’s Licensing Services proposals to harmonise its policies and procedures with the Department for Transport’s (DfT) Statutory Taxi & Private Hire Vehicle Standards.

The following document summarises some of the proposed changes to Selby Council’s Taxi Licensing Policy as a result of the publishing of the Department of Transport’s [‘Statutory Taxi and Private Hire Vehicle Standards’](#) in July 2020.

We welcome feedback and any supporting evidence, in order that the council may consider any views expressed. It is strongly recommended that before completing this questionnaire you read the document

Please note that the council must have regard to the requirements of this guidance and should only deviate from the recommendations where there are compelling reasons to do so.

Several of the proposed standards are already in place in Selby and are therefore not referenced in the below document however, if you wish to make comment on any of the standards not included, please feel free to comment in the any other comments box at the bottom of the form.

4.5 & 6.1 Enhanced DBS checks for drivers

The DfT recommends that driver licence holders undergo enhanced DBS checks at more frequent intervals of **every six months**. This involves drivers to sign up to the DBS update service (already a policy requirement).

Question – Do you agree with this requirement?

Yes / No (delete as required).

Please enter any comments here:

4.12 Self-reporting

The Department for Transport recommends that licence holders should notify Licensing Services within 48 hours of an arrest and release, charge or conviction for sexual, violent, dishonest or motoring offences. (This reduces the current 3-day limit)

Question – Do you agree with this requirement?

Yes / No (delete as required).

Please enter any comments here:

4.29 & 4.31 Complaints against license holders

All complaints against drivers of both private hire and hackney carriages drivers and private hire operators should be referred to and recorded by the licensing authority. Ways of how to make a complaint to the licensing authority should be displayed in all vehicles not just hackney carriages as present

Question – Do you agree with this requirement?

Yes / No (delete as required).

Please enter any comments here:

7.8 - 7.13 CCTV and audio recordings

The DfT expects that Licensing Authorities consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or negative effect on the safety of taxi and private hire vehicle users, including children and vulnerable adults, and taking into account any privacy issues.

Question A -Do you think that the installation of CCTV in licensed vehicles will have a positive or a negative effect on passengers?

Yes / No (delete as required).

Please enter any comments here:

Question B – The Councils policy currently permits CCTV in vehicles if requested by the driver.

Do you think that it should be a mandatory requirement to have CCTV and audio recording in all licensed vehicles?

Yes / No (delete as required).

Please enter any comments here:

8.16 – 8.17 Use of Passenger Carrying vehicles (PCV) licensed drivers

The DfT expects that A Private Hire Operator who is also a Passenger Services Vehicle (PSV) operator must not use a PSV driver and PCV vehicle for a private hire booking without first gaining the agreement of the hirer, as the driver is not subject to the same level of DBS enhanced check.

Question – Do you agree that private hire operator must not use a PSV driver and vehicle for a private hire booking without first providing the necessary information (about the driver and the vehicle) and gaining the agreement of the hirer?

Yes / No (delete as required).

Please enter any comments here:

8.7 Booking and Despatch Staff – private hire operators

Selby already require private hire operators to DBS check any staff who take bookings and are required to evidence this. As well as the DfT expect all private hire operators to maintain a register of all staff that will be taking bookings staff (by phone or in person).

Question – Do you agree with this requirement?

Yes / No (delete as required).

Please enter any comments here:

9.2 Joint authorisation of enforcement officers

The DfT expects where need arises, jointly authorised officers from other licensing authorities so that compliance and enforcement action can be taken against licensees from outside the area.

Do you agree that that authorisation should be given to officers, to ensure regulation of other drivers from other areas and vice versa?

Please enter any comments here:

1.3 Any other comments

The DfT expects all the Statutory Guidance recommendations to be implemented by 2020 unless there is a compelling local reason not to.

Please enter any comments here:

Please tick in what capacity you are responding to this consultation.

<input type="checkbox"/>	Private hire driver (Selby)
<input type="checkbox"/>	Hackney carriage driver (Selby)
<input type="checkbox"/>	Private hire operator (Selby)
<input type="checkbox"/>	Private hire /Hackney carriage driver/ Private hire operator (outside Selby)
<input type="checkbox"/>	Someone who uses Private hire /Hackney carriages in Selby District
<input type="checkbox"/>	Employee of a licensing authority
<input type="checkbox"/>	Employee of another regulator
<input type="checkbox"/>	Representative of a charity or organisation (please specify below)
<input type="checkbox"/>	
<input type="checkbox"/>	Other (Please Specify)
<input type="checkbox"/>	

Personal Details. (optional)

Name	
Address	
Telephone No:	
Email	

CLOSING DATE FOR SUBMISSIONS IS BY 6th September 2021 TO BE SENT TO:

licensing@selby.gov.uk or posted to **Licensing Team, Selby Council, Civic Centre, Doncaster Road, Selby, YO8 9FT**

Appendix B – Summary of Consultation Responses

Consultation Question	Response Yes	Response No
<p>4.5 & 6.1 Enhanced DBS checks for drivers The DfT recommends that driver licence holders undergo enhanced DBS checks at more frequent intervals of every six months. This involves drivers to sign up to the DBS update service (already a policy requirement). Question – Do you agree with this requirement? Yes / No (delete as required).</p>	<p>11111111111111111111 111</p>	<p>11111111</p>
<p>4.12 Self-reporting The Department for Transport recommends that licence holders should notify Licensing Services within 48 hours of an arrest and release, charge or conviction for sexual, violent, dishonest or motoring offences. (This reduces the current 3-day limit) Question – Do you agree with this requirement? Yes / No (delete as required).</p>	<p>11111111111111111111 111111</p>	<p>1111</p>
<p>4.29 & 4.31 Complaints against license holders All complaints against drivers of both private hire and hackney carriages drivers and private hire operators should be referred to and recorded by the licensing authority. Ways of how to make a complaint to the licensing authority should be displayed in all vehicles not just hackney carriages as present Question – Do you agree with this requirement? Yes / No (delete as required).</p>	<p>11111111111111111111 111111</p>	<p>11111</p>
<p>7.8 - 7.13 CCTV and audio recordings The DfT expects that Licensing Authorities consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or negative effect on the safety of taxi and private hire vehicle users, including children and vulnerable adults, and taking into account any privacy issues. Question A -Do you think that the installation of CCTV in licensed vehicles will have a positive or a negative effect on passengers? Yes / No (delete as required).</p>	<p>11111111111111111111</p>	<p>11111</p>
<p>Question B – The Councils policy currently permits CCTV in vehicles if requested by the driver. Do you think that it should be a mandatory requirement to have CCTV and audio recording in all licensed vehicles?</p>	<p>1111111111111111</p>	<p>111111111111 111</p>

Appendix B – Summary of Consultation Responses

Yes / No (delete as required).		
<p>8.16 – 8.17 Use of Passenger Carrying vehicles (PCV) licensed drivers The DfT expects that A Private Hire Operator who is also a Passenger Services Vehicle (PSV) operator must not use a PSV driver and PCV vehicle for a private hire booking without first gaining the agreement of the hirer, as the driver is not subject to the same level of DBS enhanced check.</p> <p>8.7 Booking and Despatch Staff – private hire operators Selby already require private hire operators to DBS check any staff who take bookings and are required to evidence this. As well as the DfT expect all private hire operators to maintain a register of all staff that will be taking bookings staff (by phone or in person).</p>	11111111111111111111 11111	1111
<p>Question – Do you agree with this requirement? Yes / No (delete as required).</p>	11111111111111111111 111111	111
<p>9.2 Joint authorisation of enforcement officers The DfT expects where need arises, jointly authorised officers from other licensing authorities so that compliance and enforcement action can be taken against licensees from outside the area.</p> <p>Do you agree that that authorisation should be given to officers, to ensure regulation of other drivers from other areas and vice versa?</p>	11111111111111111111 1111111	1

Additional comments

DBS checks

1. Yes, only if it doesn't cost any more than it is now as the cost is going put people off and get a licence elsewhere like many parts of the county are seeing plus you can't expect to pay out thousands to setup and expect them to pay out more in a short space of time.
2. The enhanced DBS service is ideal for peace of mind and security
3. Yearly is enough and what about the cost which will increase year upon year
4. Already carried out every year and drivers are required to inform of any changes straight away, so this will be an unnecessary cost to the driver

Self-Reporting

Appendix B – Summary of Consultation Responses

1. Yes and no as the police should inform licensing of any offences as some drivers will withhold informing so they can continue working until they get caught out with the more serious offences
2. Again it is ideal for security and peace of mind. if we are clear there is nothing to object to.
3. For any serious convictions yes, but for doing 42 mph in a 40 zone no

Complaints

1. No people generally know who to complain to
2. Nothing to worry about if you act properly
3. Only if the same applies for drivers to complain about passengers.

CCTV

1. Tightening up on checks and balances is fine if this does not lead to increases in costs to businesses and individuals. Anything that reduces competition and leads to higher fares for consumers must be avoided. Even with enhanced checks, CCTV, etc, crimes will still take place, so any extra measures must be proportional and not onerous to operators.
2. Negative effect breaching human rights people less likely to talk/confide plus expense of installation in current climate
3. This is a perfect example of why there needs to be a clear and defined differentiation between taxis (hackney carriages) and private hire and chauffeurs. At present all are viewed exactly the same which is wrong and short-sighted when licensing authority know there is a clear difference. Our clients are high wealth clients who require / demand discretion, privacy and at times anonymity so to make CCTV mandatory is ludicrous and discriminatory to chauffeur companies that should come under a subcategory.
4. Yes, I have a dash camera with a in facing camera and I feel safer knowing I have a backup if something happens to me or something on the road. Yes, but the cost of everything when first setting up needs looking into as it puts a lot of people off something could be staggered to give people a chance to get working
5. Yes and no depending on circumstance
6. [11:40] Michelle Dixon
7. This is not a yes or no question
8. A positive effect on law abiding passengers, a negative effect on non-law-abiding passengers
9. Yes, if the council or government pays for the installation of the CCTV. Another overhead we can do without.
10. Shouldn't be mandatory

10.5 & 6.1 Enhanced DBS checks for drivers

1. Fully agree as long as there is not a fee to pay every 6 months

Use of Passenger services vehicles

- 1.No all should have been DBS checked so deemed safe to carry passengers
2. Vehicles should be used for the purpose they are licensed for.
3. common sense says why isn't this already implemented

Appendix B – Summary of Consultation Responses

Booking Staff DBS

1. No why does a phone operator need a DBS when they don't come into contact to transport any customer. As long as jobs are registered why does it matter who took the booking as long as it's written down and who did it.
2. Yes, 100%
3. Again, common sense says this should already be a requirement.

Joint enforcement

1. As taxis from other authorities often cross boundaries.
2. Yes, all authorities should be able to check all vehicles especially now everybody can work where they want it's a safeguarding issue.
3. Absolutely as it should discourage abuse of regulations
4. Yes, this should happen as they may be picking up or dropping vulnerable people in the area, you should also know who is in your area and the condition of them and the vehicle
5. Yes, especially private hire taxis and UBER who have been doing this illegally for year.

Additional comments complaints

Additional comments

1. CCTV for example should not be mandatory but should be a choice for the operator, who can make this enhanced security a part of their marketing strategy. The customers can then decide for themselves if they wish to travel in a vehicle with CCTV or without. I would expect most are likely to choose the vehicle with the extra security. This consumer choice will lead to more operators installing CCTV as they fear missing out on business should they not have CCTV in their vehicles. Therefore, the technology is adopted voluntarily based on consumer demand rather than because the Council dictates it as an operator requirement.
2. More standard fares across the district. Not right that different taxis charge different fares to get to the same locations.
3. It is already passed 2020 and should be implemented immediately.
4. personally, all drivers should go back to how it used to be now it does not feel as safe to travel. you should have to work in your area otherwise it should be just one national plate DBS check, safeguarding instead of each council choosing which is causing drivers to look elsewhere to get a licence.
5. As a woman travelling alone, I would welcome the CCTV installation, but would be happy for this to be phased in, as it will be more difficult for some operators to comply quickly
6. ASAP as far as I am concerned
7. How long will CCTV be kept for and where is it stored?
8. What safeguards will be in place to prevent accidental or deliberate erasing of CCTV?
9. You should tighten up on everything and bring your drivers, operators, and vehicles in line with bigger local authorities. The fleet you license is old and a poor representation of the council
10. 2020 had passed so within a 30 day agreed period if not already completed
11. Some of these implementations should have been implemented back in the 70's as common sense tells you so.

Appendix B – Summary of Consultation Responses

Response types

Employee of licensing authority x2

Customer of PH and hackneys in Selby district x 5

Other x 2

PH Driver and Operator x 4

PH Driver x 4

HC Driver x 1

Town Council x 1

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'Taxi' Licensing Policy

Hackney Carriage and Private Hire
Vehicles, Drivers, Operators and
Proprietors.

202220





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Introduction

Selby District Council (the Council) is responsible for the licensing of Hackney Carriage and Private Hire Vehicles (collectively referred to as taxis), their Drivers, Operators and Proprietors in the District. This Policy sets out the standard that the Council will use to inform its decisions on applications for licences, their renewal and consideration of their continuance. This Policy will also be useful for members of the hackney carriage and private hire trades, those seeking licences, the travelling public and others in the community. Licence holders and applicants for licences will find guidance on the application processes in the Appendices to this Policy and on the Council website. If a member of the public has a concern or question about the taxi trade, they should get in touch with The Licensing team at the Council at: licensing@selby.gov.uk

Taxis form an important part of the local transport provision. As a regulator, the Council aims to ensure the safety of drivers and the public and promote the availability of a safe, accessible and convenient taxi service in and beyond the District.

13.1. About this policy

This Policy sets out the Council's approach to regulating the hackney carriage and private hire trades. It includes and describes the way the Council makes licensing decisions and how the required standards in respect of licenced drivers, operators, proprietors and vehicles will be enforced. Licensing and enforcement decisions will be made with regard to this policy, any national or other guidance, the law and all other relevant factors. However, the Council may depart from this policy in exceptional cases and where that occurs full reasons will be given.

13.2. Licences issued by the Council

- Hackney carriage driver's licence (HCDL)
- Hackney carriage vehicle licence (HCVL)
- Private hire driver's licence (PHDL)
- Private hire vehicle licence (PHVL)
- Private hire operator's licence (PHOL)

Note that the licence the Council issues to individuals who wish to drive taxis or private hire vehicles is referred to as a '**driver's licence**', and the licence issued to all motor road vehicle drivers by the DVLA is referred to as a '**driving licence**'.

The Council does not issue school transport permits, these are issued by North Yorkshire County Council.

Any badge, licence or vehicle plate issued to any person remains the property of the Council.

1.3 Hackney carriages and private hire vehicles; what's the difference?

The licences, fares, insurance and working practices of the vehicles are different.

Only hackney carriages may use the word 'Taxi' or 'Cabs' in their name, advertising or signage.

Other differences are set out in this table:

	Private Hire	Hackney Carriage
Bookings		
Can be pre-booked	✓	✓
Can wait in a hackney carriage rank	✗	✓
Can be hailed	✗	✓
Fares		
Set by the council	✗	✓
Uses a taximeter	✗	✓
Set by Operator	✓	✗
Visual differences		
Illuminated roof sign	✗	✓
'Black cab' type allowed	✗	✓
Cab or Taxi in name	✗	✓
Licence plate position	Front and Rear	Rear

2. Vehicle Proprietors

Taxi Vehicle Proprietors may not always drive the vehicle they licence (if they do they will have to hold a driver's licence as well) though they clearly have an interest in the vehicle. They will also be responsible for the maintenance of the vehicle. Vehicles that are not properly maintained have a clear impact on and are a potential risk to public safety.

A checklist to help prepare for a vehicle inspection is at Appendix C – Guidance Notes for Vehicle Inspections.

Proprietors will be required to complete a Basic Disclosure and Barring Service check (DBS) every 3 years and in addition will need to complete an annual declaration, no later than the anniversary of the grant of the licence.

Vehicle licences are issued for 1 year.

TX4 or similar vehicle (commonly referred to as a 'London cab') will not be licensed as a private hire vehicle.

The age of the vehicle will be determined from the date of first registration as stated on the vehicle registration document (V5)

A vehicle cannot be licensed for the first time when it reaches 5 years old.

Once a vehicle reaches 12 years old it can no longer be renewed as a licensed vehicle.

Proprietors of existing licensed vehicles that are beyond the maximum age set out in this policy at the date it comes into force will have a maximum period of 5 years to change the vehicles.

Taxi Vehicle proprietors have two principal responsibilities.

Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.

Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

3. Drivers

The term 'taxi driver' encompasses the occupations of hackney carriage driver (HCD) and private hire driver (PHD) and is therefore used as a broad, generic term to cover both. In both cases there are identical statutory and other criteria to be met before any applicant can be granted a licence.

Many members of society use and rely on taxis to provide transportation services. This can be on a regular or occasional basis. In all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver. They must feel that a taxi is a safe place to be.

Any applicant must have held a full driving licence for a minimum of 2 years, have the right to reside and work in the UK, and be able to satisfy the Council that they are a fit and proper person to hold a licence.

Private hire drivers must work through a licensed private hire operator to accept bookings, and must keep the Council informed as to which operator they are working through.

Driver licences are issued for maximum of 3 years. Licences may be granted for a period of less than 3 years at the discretion of the Council if it is appropriate to do so in the circumstances of the case. The duration of the licence will be specified within the licence granted.

3.1 Plying for hire

A PHD's licence does not permit the licensee to ply or stand for hire, but only accept bookings through their licensed private hire operators. To stand or ply for hire is a criminal offence and any driver found to be doing so may be subject to enforcement action.

4. Private Hire Operators

A private hire operator (PHO) is the person who takes a booking for a private hire vehicle (PHV), then despatches a PHV driven by a licensed private hire driver (PHD) to fulfil that booking. All three licences (PHO, PHV and PHD) must have been granted by the same authority. The Council cannot grant a PHO licence unless the applicant has the right to reside and work in the UK and is satisfied that they are a fit and proper person.

Operators must:

- Have an operating base within the district.
- Make sure that all of their drivers are licensed by Selby District Council.
- Make sure that their premises are sanctioned by the Council, including any planning permission required for the site.
- Make sure that all vehicles in the fleet are licensed.
- Prevent defective or unsafe vehicles from being used, even if licensed.
- Familiarise themselves with this policy.
- Ensure that any of their staff who has access to data have a basic DBS check, renewed every 3 years and keep a record of this.
- **Maintain a register of staff that will be taking bookings**
- Inform the Council in writing of any changes to the detail of their licence within 3 days of the change being made, including changes to –
 - The operator's own contact details, home address or business premises

If the Council offices are closed during the 23 day period to report, please email: licensing@selby.gov.uk or put in writing.

Operators must always and only use the trading name registered on the licence for business purposes such as bookings and advertising.

4.1 Record Keeping

Operators must keep records of each booking, the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking, including where the booking has been received from or subcontracted to another operator. This information will enable the passenger to be traced if this becomes necessary and should improve driver security. Records are to be held for at least twelve months and be available for inspection upon request.

4.2 Prompt Attendance

If a PHO accepts a booking under contract for private hire, they will use their best endeavours to ensure that that the vehicle is on time for that appointment in the correct place, unless delayed or prevented by sufficient cause. If a legitimate reason for the delay is encountered, every reasonable effort must be made to contact the passenger.

4.3 Insurance

Operators must make sure that every operating base that has access to the public is covered by public liability insurance and employer's liability insurance is in place for the duration of their licence. The insurance certificate must be available for inspection upon request.

If the licensed operator has an operating base to which the public have access then the licence should be on display.

The operator will ensure that all vehicles and drivers under their control have the necessary insurance before allocating a booking for hire.

4.4 Hackney Ranks

PHVs are not permitted to use hackney ranks for any reason, including picking up and dropping off passengers.

PHOLs are none transferable and are issued for a maximum of 5 years. Licences may be granted for a period of less than 5 years at the discretion of the Council if it is appropriate to do so in the circumstances of the case. The duration of the licence will be specified within the licence granted.

4.5 Use of Passenger Carrying Vehicles (PCV) licensed drivers

If a PHO is also a Passenger Services Vehicles (PSV) operator they must not use a PSV driver and PCV for a private hire booking without first gaining the agreement of the hirer, as the driver is not subject to the same level of DBS enhanced check.

5. How decisions are made

The overriding aim of the Council when carrying out its functions relating to the licensing of taxi drivers, vehicles and operators, is the protection of the public and others who use (or can be affected by) hackney carriage and private hire services.

The relevant legislation provides that any person who wishes to hold a PHO, PHD, PHV, HCV, or HCD Licence must satisfy the Council that they are a fit and proper person to hold a licence and that test will be applied after an applicant has gained any reasonable required qualifications. It is the final part of the process of an application when the decision is made, whether by a committee, sub-committee or an officer under a scheme of delegation. It involves a detailed examination of their entire character in order to make a judgement as to their fitness and propriety.

Each case will be considered on its own merits. The Council can depart from its policy where it considers it appropriate to do so. This may happen where the Council considers that there are exceptional circumstances which warrant a different decision. Full reasons for any departure from the policy will be given.

Applications are not complete unless all of the pre-required documents and evidence of any qualifications have been received and any fees are paid. Only then will the application move forward for a decision to be made. When all the information have been received the decision will be made on the applicants own merits and the appropriate test applied.

The Council will make checks on the National Anti-Fraud Network database for any previous refusals and revocations of hackney carriage and private hire licences.

As the decision process is 'black and white', either 'grant or refuse' no temporary plates or probationary licences will be granted.

5.1 Vehicle proprietor

In relation to both hackney carriage and private hire vehicles, the Council has an absolute discretion over granting the licence and will therefore ensure that both its enquiries and considerations are thorough and robust. Much more is involved than simply looking at the vehicle itself and all considerations are equally applicable on applications to transfer a vehicle as on grant applications.

Vehicle proprietor means the individual, limited company, together with its directors and secretary, or all members of a partnership. This is not an exempt occupation for the purposes of the provisions of the Rehabilitation of Offenders Act 1974, but the Council are able to request a basic DBS, declaration and consideration of spent convictions.

A suitable test would be:

‘Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he / she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he / she would maintain it to an acceptable standard throughout the period of the licence?’

5.2 Taxi Drivers

A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and could also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

Where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

The Council can require the applicant to provide such information as the Council may consider necessary to enable us to determine whether the licence should be granted or whether the licence should be granted and whether conditions should be attached to any such licence.

The information the Council may require can include, any pre-conditions or tests that the Council feel necessary.

The provision of information in these terms can satisfy the Council that a person has the skills and competencies to be a professional driver to hold a licence. However, the concept of safety and suitability goes beyond this. There is the character of the person to be considered as well.

The character of the driver in its entirety will be the paramount consideration when considering whether they should be licensed. It is important to recognise that the authority is not imposing any additional punishment in relation to previous convictions or behaviour, but are using the information that is available to us to make an informed decision as to

whether or not an applicant or licensee is or remains a safe and suitable person.

Taxi drivers are exempted from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no 'spent' convictions and that any relevant criminal convictions (apart from 'protected convictions' and 'protected cautions' can be taken into account.

The Council must be satisfied in making its decision to grant a taxi driver's licence if the person is a 'safe and suitable' person to hold such a licence.

A suitable test would be:

'Would you (as a member of the licensing committee or other person with the ability to grant a taxi driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?'

5.3 Private hire operator

A PHO does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also a licensed driver). However, in performing their duties they obtain and hold considerable amounts of personal, sensitive and private information about their passengers and their family and property which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.

The 'fit and proper' test for a PHO is applied to an individual, a limited company, together with its directors, secretary or other officers, and all members of partnerships to ensure that they are safe and suitable to hold a licence.

Where an applicant has more than one conviction, serious consideration will be given as to whether they are a safe and suitable person to hold or to continue to hold any licence.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers.

A suitable test would be:

'Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he / she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he / she would maintain it an acceptable standard throughout the period of licence?'

6. Relevance of Previous Convictions

Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.

It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, a decision not to prosecute or an investigation which is continuing where the individual

has been bailed) can and will be taken into account by the Council. In addition, complaints where there was no police involvement will also be investigated and considered. Within this document, any reference to 'conviction' will also include matters that amount to criminal or unacceptable behaviour, but have not resulted in a conviction.

In the case of any new applicant who has been charged with an offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the Council to decide what action to take in the light of these guidelines.

In all cases, the Council will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.

Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the taxi trades will not be seen as mitigating factors.

As the Council will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time have elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will most likely lead to that licence being revoked.

Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.

Generally, where a person has more than one conviction, this result will raise serious questions about their safety and suitability. The Licensing Authority is looking for safe and suitable individuals, and if a pattern or trend of repeated offending is apparent, it is less likely that a licence will be granted or renewed.

Where an applicant / licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.

These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

6.1 Drivers

As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

In relation to single convictions, the following time periods should elapse following completion of the sentences (or the date of conviction if a fine was imposed) before a licence will be granted.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of the sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the

completion of any sentence imposed.

Sex and indecency offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Dishonesty

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Motoring convictions

Taxi drivers are professional drivers charged with the responsibility of carrying the public. Any motoring convictions demonstrate a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Drink driving/driving under the influence of drugs / using a hand-held telephone or hand-held device whilst driving

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, an applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Where an applicant has a conviction for using a hand-held mobile telephone or hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other Motoring offences

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Hackney carriage and private hire offences

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Vehicle use offences

Where an applicant has a conviction for any offence which involves the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

6.2 Private Hire Operators

As stated above, where the applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information such as personal and private information about their passengers, are subject to the same standards as operators themselves, by means of those individual staff members being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the Council's overall criteria of obtaining the basic DBS check, this will normally lead to the operator's licence being revoked.

As public trust and confidence in the overall safety and integrity of the private hire system

is vital, the same standards of relevance will be applied to operators as those applied to drivers, which are set out above.

6.3 Vehicle proprietors

As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

7. Application Process

7.1 Licence fees

All licence fees are published on the Council's website. These are reviewed annually in line with the Corporate Charging Policy.

7.2 Guidance notes

The full fees for any application (including all associated fees for criminal records checks, medical report, driving proficiency test, wheelchair assistance test and safeguarding training or any other requirement that the Council determines is reasonably required) are to be paid by the applicant. The Council cannot reimburse applicants for any fees incurred, whether a licence is granted or not.

Applications must be submitted in their entirety, with all of the required documents and the relevant application fee/s. No application will be considered for decision unless all fees, any associated fees have been paid and all required information provided at which time the application will be deemed 'complete'.

7.3 Character reference

In order to ensure a high standard of safety for users of the taxi service in Selby District, the Council require a character reference for each applicant. Each applicant is asked to nominate a referee who has known them for at least five years, and has a position of good standing in the community. The Council normally expect a reference from a professional, qualified person, for example a lawyer, doctor or other healthcare professional, teacher, engineer or accountant.

If an applicant has, from the age of 10 years, spent six continuous months or more outside of the United Kingdom, evidence of a criminal record check from the country or countries covering the relevant period will be required.

7.4 Applying for a Vehicle Proprietor Licence

An application must include:

- A fully completed application form
- Vehicle registration document (V5)

- Vehicle insurance
- Fee
- MOT
- Vehicle compliance test certificate - Pass
- Basic DBS – On application and then every 3 years thereafter (unless already a licensed driver of Selby Council)
- Right to Reside and Right to Work check documentation (if the applicant has lived outside of the UK for more than 6 months a certificate of good conduct will be required from the relevant embassy)
- Statutory declaration (if not already a licensed driver of Selby Council)

Additional application requirements for HCV's:

- V5 confirms that the vehicle is adapted to EC Whole type approval (ECWVTA) or confirmation of compliance certificate. (Adapted to a wheelchair accessible vehicle (WAV)).
- Certificate of Installation / calibration of taxi meter from the Council approved list.
- LOLER certificate on first application (if there is mechanical wheelchair lift)

7.5 Applying for a Drivers licence

If a new applicant has held a licence as a taxi driver in any other area, or has ever had a licence suspended or revoked, they must declare this in their application form. The Council will run a check on the applicant's licensing history in these cases.

An application must include:

- A fully completed application form
- Fee
- Enhanced Disclosure and Barring Service (DBS) check
- Agreement to Sign up to and remain on the DBS update service (a check will be carried out to confirm this and no licence will be issued until you are signed up).
- One passport photograph
- ~~At least one~~ One Reference
- Completed Group 2 medical (carried out by your own GP)
- Right to Reside and Right to Work check documentation (if the applicant has lived outside of the UK for more than 6 months a certificate of good conduct will be required from the relevant embassy)
- Knowledge and Safeguarding Certificate (from the provider approved by the Council)
- DVLA access code (note that these codes are only valid for 21 days)
- Pass certificate for 'Practical driving test for driver's hackney carriage or private hire vehicles.

Additional application requirements for all HCD's and the PHD's on the designated list of Wheelchair Accessible Vehicles:

- Certificate of a wheelchair assistance test.

A list of approved course providers can be found on our website

www.selby.gov.uk/licensing or by contacting the Licensing team.

7.6 Applying for a PHO licence

An application must include:

- A fully completed application form
- Fee
- A copy of public liability insurance
- At least one reference from a professional and qualified person. (Refer to section 6.3).
- Basic DBS (If a Limited company or partnership, all directors / partners must provide this)
- Right to Reside and Right to Work check documentation (if the applicant has lived outside of the UK for more than 6 months a certificate of good conduct will be required from the relevant embassy)
- Knowledge and Safeguarding Certificate (from the provider approved by the Council)
- Declaration confirming that all staff who have access to data or engage directly with customers will have a Basic DBS check before commencing employment and every 3 years thereafter and records of the checks are kept and available for inspection.

8. Checks on drivers

To effectively meet our regulatory goals, the Council carry out a number of checks on licence holders and applicants. These checks are carried out to ensure that all licensees are and remain fit and proper to drive taxi vehicles and are eligible to reside and work in the UK. Driving a licensed vehicle will bring members of the trade into regular, close contact with members of the public, and often involves working with vulnerable groups such as children, the elderly, and disabled people. These background checks help to keep the public safe, and increase the trust in the taxi industry.

The Council require that all new drivers complete a DBS, and sign an agreement to sign up to and remain on the DBS update service. A check is carried out annually on the anniversary of the grant of the licence to confirm that the subscription is still in place.

Existing drivers previously submitted a DBS every three years. On completion of their next DBS they are required to sign up to the DBS update service. A check will be carried out to ensure that they have signed up to the DBS update service, then every 6 months a DBS update check will be carried out to ensure that the driver remains on the DBS update service.

If the subscription lapses, or the driver fails to sign up to the update service, within the specified timescales, the driver will be required to complete another DBS and sign back up to the update service, or the driver will be required to complete an enhanced DBS carried out by the Council every 6 months.

~~If a driver is found to have not maintained their subscription to the DBS update service they will be required to apply for another full DBS check, at which point they must subscribe again to the update service. Failure to obtain any required DBS Certificate or maintain the~~

~~update service subscription may be taken as conduct which could lead to the suspension or revocation of a licence~~

8.1 Medical checks

Drivers need to be in a good condition of health to ensure the safety of their passengers, themselves and other road users. As well as driving, the day-to-day work of a licensed driver may also include lifting heavy items of luggage, wheelchairs and shopping etc. Any applicant for the grant or renewal of a licence who is unable to satisfy the licensing authority that they meet the required medical standard will not be issued a licence.

The Council have a standard medical form which is filled in by the applicants own GP, the costs of which must be met by the applicant. Every licence holder must undergo a medical check upon application and then every 3 years until the age of 65, after which a medical check must be done annually.

The driver must be fit to drive up to the DVLA Group 2 standard.

In addition, all licence holders are required to inform the Council of any illness or condition that affects their ability to drive, as soon as possible but always within **2 days**. If the Council offices are closed during this time, please email: licensing@selby.gov.uk or put in writing to the Council.

8.2 Driving proficiency and experience

All applicants must have held a full DVLA driving licence for at least two years.

All new applicants for taxi driver's licences will be required to produce evidence that they have successfully completed a practical driving test for drivers of hackney carriage and private hire vehicles and where applicable a wheelchair assistance test from a list of approved providers prior to the initial application. The current approved list can be found on the Council's website.

If complaints are received concerning the driving standards of a licensed driver, the driver may be required to retake another driving standards test.

A DVLA driving licence check is carried out at the point of initial application and annually for existing drivers (please see Appendix C).

8.3 Changes to licensees' circumstances

All Licence holders must inform the Council if they move house, if their health condition changes, if they are involved in a motor vehicle accident, no matter how minor, convicted of a crime or cautioned by a police officer and any Immigration **Penalties. A list of incidents and changes in licence details that the Council must be informed of is found in Appendix A – Guidance notes for applicants.** Notifications of this type must be made as soon as reasonably practicable, and always within **2 days**. If the Council offices are closed during this time please email: licensing@selby.gov.uk or put in writing to the Council. ~~A list of incidents and changes in licence details that the Council must be informed of is found in Appendix A – Guidance notes for applicants.~~

8.4 Failure to notify

Failure to report or declare these changes is very serious, and often attracts an additional weighting to the actual offence, with harsher enforcement action. Failure to report can demonstrate dishonesty or conduct which could lead to suspension or revocation due to breaching this policy and disregarding the legal obligation to notify.

Failure to notify the Council of a conviction or caution by the police is extremely serious. Licensees should note that the police will notify us directly in many cases, and this should be in addition to the licensee's notification.

9. Safeguarding

The Council expects all licensed drivers and operators to support the Council in its aims to raise awareness of and tackle issues around child and adult safeguarding. Licensees must remain alert to these and similar issues, failure to do so may call into question their continuing fitness and propriety

All drivers and operators will be expected to complete and pass the safeguarding course upon first application and a refresher course is to be undertaken every 2 years, the costs of the courses shall be covered by the applicant / licence holder.

Existing operators and drivers will be expected to have completed the safeguarding course within 1 year of this policy coming into effect.

10. Vehicles

About the vehicle inspection

The Council's Testing Standards are based on the Freight Transport Association Hackney Carriage and Private Hire Vehicle National Inspection Standards Best Practice Guide (August 2012).

Vehicle Age	Frequency of vehicle inspections
0-1 year	1 check per year
1- 5 years	2 checks per year
5-12 years	3 checks per year

Routine vehicle inspections must be booked about 4 – 6 weeks in advance of the expiry of the vehicle license. It is required that drivers or proprietors attend and co-operate with the vehicle inspection.

If a vehicle licence is suspended the vehicle must have another inspection within two months of the suspension notice, otherwise the vehicle licence is revoked.

If a licensed vehicle fails its vehicle inspection, the proprietor must inform the Council immediately. The vehicle licence will be suspended until the Council receive confirmation that the vehicle has passed a vehicle inspection.

10.1 Vehicle age limits

The Council will only accept applications to licence vehicles for the first time for vehicles under 5 years old. Existing licensed vehicles will not be licensed after the age of 12 years. (The age of the vehicle will be taken from the V5 registration document for the vehicle). Existing vehicle proprietors will have 5 years from the date this policy comes into effect to

change their vehicles.

10.2 Licence plates

The licence plates must be clearly on display at all times, as below:

- Large plate- must be fixed securely to the outside back of the vehicle
- Small plate – must be fixed securely outside, nearside Front of the vehicle (private hire vehicles only)
- Internal plate – must be fixed in a position easily visible to passengers, in the holder provided on the front screen.

Loss of (or damage to) a licence plate must be reported and replaced immediately at the licensee's expense. No hiring contract is to be entered into without a licence plate affixed to the vehicle. If the vehicle is being taken off the road and not being replaced, the licence plates must be returned to the Council.

10.3 Discreet plates

Some private hire operators run chauffeur services or executive travel and may not wish to display the vehicles licence plate. To apply for this an application form must be completed along with the required fee. Please refer to Appendix D.

10.4 Safety Equipment

All licensed vehicles must have seat belts in the driver's seat and all passenger seats were fitted by the manufacturer. The Council recognise that some vehicles, including purpose-built taxis with rear-facing seats, do not have seatbelts fitted for all seats. However, the Council expect that the majority of vehicles will have the same number of seatbelts as the maximum number of passengers permitted by the licence (as well as the driver's own seatbelt).

The vehicle must carry a fire extinguisher, which must be in date and tested annually.

A first aid kit must be carried and kept in an accessible position inside the vehicle. The first aid kit may be carried out of view.

The following list, recommended by the Health and Safety Executive, is for the guidance of drivers and proprietors:

- A leaflet giving general guidance on first aid
- 20 individually wrapped sterile adhesive dressings (assorted sizes)
- sterile eye pads
- individually wrapped triangular bandages
- safety pins
- large, individually wrapped, sterile, un-medicated wound dressings
- medium-sized, individually wrapped, sterile, un-medicated wound dressings

- a pair of disposable gloves

If safety equipment is not clearly visible, then signs must be in place to indicate its location.

The vehicle must also carry a replacement bulb kit.

10.5 Vehicle Condition

Between inspections the driver must maintain the licensed vehicle in good condition, making sure it is roadworthy and clean inside and out.

10.6 Logos and Liveries

PHV's will be issued with a self-adhesive door sign which states that the vehicle must be pre-booked only. This must be displayed on the front passenger door, clearly visible to passengers.

If a logo or livery is required on a licensed vehicle a request must be submitted to the Council in writing. Approval must be given by the Council before any changes can be made.

10.7 Taxi lights

In order to help members of the public tell the difference between taxis and private hire vehicles, taxis must be fitted with an illuminated sign on the roof, with the word 'Taxi' displayed on it. Private hire and mini cab vehicles are prohibited from any sign on the roof to ensure they are not mistaken for a taxi.

10.8 Tinted windows

All windows must be sufficiently transparent so as not to compromise road safety or prevent clear vision into the vehicle. As a guide, vehicles fitted with manufacturers tinted windows will only be accepted if the front windscreen allows 75% of light, all other windows must allow at least 70% of light to be transmitted through them. Any vehicles with windows darker than the above specification and which do not allow the occupants to be clearly visible from the exterior will not be licensed (notwithstanding the exceptions made in section 10.9).

10.9 Non-standard vehicles

Vehicles which do not conform to the above type of specification may still be considered for licensing, and further conditions may be attached to ensure the safety of the public. Each application will be considered on its merits by the Licensing Committee who may inspect the vehicle.

In allowing for non-standard vehicles, the Council aims to include executive vehicles, limousines and novelty vehicles in the transport hire industry. It is not to make exceptions for substandard vehicles which would not otherwise be licensed.

10.10 Taxi meters

All HCV's must be fitted with taximeters. Installation of taximeters must be carried out by

an appropriate installer and accompanied with a certificate of installation and calibration. The meter shall be calibrated and set to the Council's agreed charging distances and tariffs currently in force. No attempt should be made to change the taximeter, except by an authorised officer. An officer can request to see any calibration certificate at any time.

The taximeter will be used for all journeys taken by taxi, even if under a private hire contract. For journeys ending outside of Selby District, another fee may be agreed in advance. If no such agreement is made, only the fare showing on the taximeter may be charged. More information can be found in Section 9.23 – Fares. The taximeter must be visible to passengers at all times

10.11 Trailers

A driver who wishes to tow a trailer must satisfy the Council that insurance is in place for this use. Where the trailer obstructs the view of the rear vehicle plate, an additional licence plate must also be clearly displayed on the rear of the trailer (in addition to the rear of the vehicle) there will be a fee for the additional plate.

10.12 Advertising

If a driver or operator wishes to display advertising anywhere on or in the vehicle, written permission must be obtained from the Council. Advertising which could cause offence is not permitted in any location on a taxi or private hire vehicle. Specific subject matter that will not be permitted includes alcohol, cigarettes, and political parties. Unauthorised advertising will be subject to enforcement action.

10.13 CCTV in Vehicles

The Department for Transport Best Practice Guidance recommends that councils look sympathetically on or even actively encourage the installation of security measures such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers and passengers. It is not currently proposed that such measures should be required as part of the licensing regime, and it is considered that they are best left to the judgement of the proprietors and drivers themselves.

If CCTV is installed, the vehicle proprietor of any vehicle with CCTV must notify the Council and display a sign approved by the Council advising passengers that a CCTV system is in operation in the vehicle.

No CCTV system shall be installed in a vehicle unless it has previously been authorised in writing by the licensing authority

Where a CCTV system has been approved and installed, a notice, approved by the licensing authority, shall be displayed on the dashboard of the vehicle (passenger side, clearly visible). The proprietor shall ensure that the notices are maintained in a clean and legible condition.

Where the CCTV is in place there is an expectation that it is in working order when passengers are being carried. The CCTV system should be maintained to the manufacturer's standards and recording must be retained for 28 days and made available for viewing by the Police Officer or an authorised officer of the Council on request. Any failure to comply with this request will be reported to the Council.

The vehicle proprietor must register with the Information Commissioners Office (ICO) and to comply with any ICO Code.

Any reports of misuse of CCTV or recorded images may result in the immediate referral to the Licensing Committee with a view to suspending or revoking both the vehicle and driver licences.

10.14 Environmental Considerations

On 29th February 2016 the Council declared the first Air Quality Management Area (AQMA) in the district, following elevated levels of pollutants measured within Selby Town Centre. Vehicles including Taxis are identified as a contributor to the poor air quality within the town centre, but the Council also recognises the importance of their availability to provide transport for Selby's residents.

Emission standards for Taxis will be subject to review, taking into consideration up-to-date emission monitoring results. To determine whether sufficient progress is being made towards achieving the health-based air quality objectives and improving health and well-being of local residents.

Frequent maintenance of vehicles is also recommended, and emissions may also be further reduced by switching off engines whilst stationary or idling, particularly at ranks and stood in traffic.

The AQMA area is along a short stretch of New Street, near Selby Abbey and The Crescent which frequently is subject to high traffic volumes and frequent idling. This area should also be avoided to aid improvement of air quality along the AQMA and alternative routes considered.

Plan of the AQMA



The Council will look further at the impact of taxi emissions via the introduction of low-emission and hybrid vehicle use and the possibility to provide grant incentives and schemes to promote the uptake of low-emission, hybrid and electric vehicles in the fleet. In addition, these types of vehicles tend to carry much cheaper road tax, fuel and insurance costs.

This policy is part of the Council's responsibility to review and assess air quality and meeting national air quality objectives to benefit people's health and create a more pleasant environment for residents and visitors of Selby District.

For further information on the AQMA, Action Plan and air quality please visit;

<https://www.selby.gov.uk/air-quality>

10.15 Vehicle Accidents

If at any time the licensed vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within one working day (by telephone or email). An accident report form will then need to be completed and submitted to the Council within five working days of the accident occurring, along with photographs of the damage. If the photographs and accident form are not returned within the time limit above, the vehicle license will be suspended.

If the damage appears to be more than minor or superficial the vehicle must be submitted for an inspection at the Council's authorised testing station. – The appointment will be made by the licence holder, who is liable for any fees incurred. The vehicle license will be suspended until a valid compliance test has been provided to the Council.

If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the Council of the fact and the Council will then advise the proprietor of the action to be taken

Failure to do the required steps above may result in enforcement action.

If a proprietor wishes to use a 'Hire vehicle' whilst their licensed vehicle is damaged, the Council will not accept any application from any insurer or hire company wishing to supply such a vehicle unless the above steps have been completed.

10.16 Changing a vehicle

The Council cannot directly transfer a licence to another vehicle. Instead, a new licence will be issued for the new vehicle and a refund made for any full calendar months remaining on the previous vehicle license.

10.17 Accessibility and hackney carriage vehicle requirements

In regulating the hackney carriage and private hire trade the Council aim to meet the diverse needs of all accessibility requirements in the district. This includes wheelchair users, the visually impaired, the elderly and other groups that may be disabled or otherwise have accessibility requirements. The Council do not place any restrictions on PHV types. However, if the vehicle is to be wheelchair accessible, to ensure public safety, PHV applicants will be required to provide the V5 document that shows that the vehicle has been defined as wheelchair accessible or the certificate of conformance (refer to section 10.20 below).

10.18 New vehicles with new applicants

Where a new application for a HCV licence is made, the licence will only be granted if the vehicle is wheelchair accessible.

10.19 Replacement vehicles

HCV's will only be replaced by vehicles that are wheelchair accessible.

10.20 Definition of a wheelchair accessible vehicle

A vehicle will only be defined as wheelchair accessible if it is 'European Community Whole Vehicle Type Approval (ECWVTA). This will be shown on either the vehicles V5 registration document or by a 'certificate of conformity' (COC), which shows that the vehicles have been produced to a very high and vigorous standard.

The COC should show the number of passengers the vehicle is able to carry with the wheelchair conversion.

Approved anchorages must be provided for the wheelchair and the wheelchair user. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorage must also be provided for the safe stowage of a wheelchair when not in use, folded or otherwise, if carried within the passenger compartment. They must be designed so as not to cause injury within the passenger compartment. They must be designed so as not to cause injury to other passengers.

A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for existing wheelchair accessible vehicles. The entry must be either via the nearside door or via the rear. An adequate locking device must be fitted to ensure that the ramps do not slip or tilt when in use. Provision must be made for the ramps to be stored safely when not in use.

If the vehicle has a purpose designed wheelchair lift, then a 'LOLER' certificate must be produced with the initial application, and this must be renewed annually. The onus will be on the vehicle proprietor to ensure this is kept up to date and the certificate can be requested at any time by an Authorised Officer.

10.21 List of wheelchair accessible vehicles

Section 165 – 167 of the Equalities Act 2010 (the 2010 Act) came into force 7th April 2017, and allows local authorities to create a list of designated wheelchair accessible vehicles (a S167 List).

The Council will publish a S167 List of wheelchair accessible vehicles. This means that any vehicle that meets the Council's definition of a wheelchair accessible vehicle will be designated on the list.

By the Council creating the S167 List, this brings into effect the duties placed on drivers under section 165 of the 2010 Act, making it a criminal offence if the driver of a designated vehicle fails to comply with the duties specified under section 165 (see Appendix E).

The Council can exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties. There is no other form of exemption.

To apply for a medical exemption an application form will need to be obtained from the Council, which can also be downloaded from our website. This will need to be given to the applicant's doctor and submitted with a written request for medical exemption to the licensing team. The decision to medically exempt a driver will be made by the Licensing Committee.

If a HCD is granted an exemption, this only exempts them from the duties under section 165 and does not affect the vehicle which is still required to be wheelchair accessible.

10.22 Assistance dogs

Taxis must carry guide / assistance dogs at no extra charge, failure to comply with this may be an offence of the PHO and / or the driver.

Any person with a medical condition that would be aggravated by carrying dogs may apply to the Council for an exemption from this requirement.

10.23 Fares

The Council sets rates for taxi fares (but not for private hire vehicles). The most up to date taxi fares can be found on the Council website. The table of fares should be clearly displayed in HCV's. Private hire vehicles operators and owners are able to set their own fares.

A Hackney Carriage driver may not demand a fare in excess of the fare shown on the taxi meter, unless a fare has been previously agreed. If a fare has been previously agreed, the Hackney Carriage driver may not charge more than this agreement.

Drivers must make no attempt to cancel or hide the fare shown on the taximeter.

11. Complying with the law

All people at all times should comply with the law. Taxi and private hire drivers/operators are no exception, and should not do anything illegal at any time. There are a number of offences which are particularly serious breaches of the law for professional drivers. If a driver does not comply with the law in a way that could put members of the public in danger, the driver's licence may be suspended or revoked in addition to any enforcement action due to breach of the law.

11.1 Mobile phone use

Drivers must not use a mobile phone or any other mobile device whilst driving. It is legal to bring the vehicle to a halt in a safe place and take a phone call, although it may be considered unreasonable to do so with passengers in the vehicle. The hard shoulder of a motorway is not a safe place, and drivers must never stop on a hard shoulder to make or answer a call. The only permitted use of a mobile device while driving is with a hands-free system – though this may also be inappropriate with passengers.

11.2 Alcohol

Drink driving is a serious offence for any motorist. Professional drivers must take particular care, and not drink alcohol immediately before or at any time while driving or being in charge of a vehicle.

11.3 Discrimination

Drivers should carry all passengers upon every reasonable request without discriminating in any way. If a driver refuses to carry a passenger, they will be invited to a hearing and given a chance to state their reasons for refusal. If the Council is satisfied that the reasons are justifiable then no action will be taken, otherwise appropriate enforcement action will be considered and applied. Particularly serious is discrimination on the basis of the protected characteristics of the Equality Act 2010 (including age, disability, gender identity, race, religion, sex and sexual orientation).

11.4 Carrying the right number of passengers

Vehicles are licensed to carry up to a specified maximum number of passengers.

Carrying more passengers than this maximum is a severe breach of policy.

11.5 Parking at hackney carriage ranks

HCD's must remain with their vehicle while at the rank. Drivers are not permitted to use ranks to park their vehicle.

PHV's are not allowed to use the ranks in any capacity.

If the taxi rank is full the driver must drive on. The driver must only wait where it is safe and legal to do so without obstructing the highway or access.

11.6 Vehicle use

It is illegal to allow a person who does not hold a PHDL to drive a licensed PHV, even when that vehicle is not being used as a PHV. This means that a licensed driver's family and friends are not permitted to drive the PHV at any time.

12. Complaints

Members of the public are able to make complaints about licence holders in the taxi trade. In these cases, the Council will always keep in touch with the complainant while carrying out the investigation. The licence holder will be told about the complaint and invited to an interview to discuss it as part of the investigation. The Council will follow up by taking enforcement action where appropriate.

All licensed vehicles must have a sign in the vehicle that shows ways to make a complaint to the Licensing Authority. This information will also be published on the Council's Licensing webpage.

13. Enforcement

The Council's commitment to fair and effective enforcement activity is not only good for public safety, but also for the responsible people in the taxi trades. The Council believe that the majority of those in the taxi trades will seek to comply with this policy and the law. The Council will clamp down on unlicensed operators and liaise with other agencies, especially the police, to ensure compliance with this policy and with the law. Any enforcement action will be taken in line with the Corporate Enforcement Policy: <https://www.selby.gov.uk/enforcement-policy>

13.1 Considerations

Where enforcement action is being taken or considered by the Council, there will be a full investigation of the circumstances which may involve taking statements, interviewing the licence holder and considering the licence holders record before the appropriate action is determined.

13.2 Levels of enforcement action

In the event of minor transgressions, particularly if the driver has no history of transgressions and the Council believe that the transgression was unintentional, a written warning is likely to be issued.

In more serious cases of transgression, or where the Council find evidence of malpractice or non-compliance with this policy among licence holders, the Council can suspend or revoke licences. Where public safety is the primary cause for concern, the Council has the legal right to suspend or revoke licences immediately.

Licences which are suspended or revoked must be returned to the Council, along with any badges, cards and licence plates¹.

1. ¹ In an urgent situation the Chief Executive has power under Part 3, 3.8.3(k)(i) to revoke a licence following consultation with the Leader. In these circumstances the Chair of Licensing will also be informed.

13.3 Joint Authorisation of enforcement officers

If considered appropriate the Council will develop a joint authorisation of officers' protocol with neighbouring authorities. This will allow the councils involved to authorise officers from other councils to use enforcement powers on their behalf. This will enable those councils to take action against vehicles/drivers which are licensed by the other authority when they cross over other council boundaries.

13.4 Appeals

The Council can refuse to grant or renew a licence or impose conditions upon a licence of any type except for HCDL.

The Council is able to suspend or revoke a licence.

Any person aggrieved by a decision by the Council can appeal to the Magistrates' Court within 28 days of receipt of notification in writing of the decision.

In the case of an immediate suspension on the grounds of public safety, this carries its own right of appeal.

13.5 Policy review

As a regulatory body, the Council are always monitoring changes to legislation. When changes take place, the Council review the policy and update it as necessary and will also regularly carry out a review to monitor its effectiveness and keep it in line with best practice, guidance, Statutory Standards issued by the Secretary of State and local considerations.

Appendix A – Guidance notes for applicants (Drivers)

Am I eligible?

To become a taxi driver you will need to get a licence from the Council.

In order to be eligible for a licence you must:

- 13.4.1 Have held a DVLA licence for at least 2 years.
- 13.4.2 Be able to demonstrate that you are a 'fit and proper person' to hold a licence.

The Council carry out a number of checks to determine whether you meet these criteria as outlined in section 8, Checks on the driver.

Before you apply

You will need to contact the licensing team on 01737 705101 or licensing@selby.gov.uk to make an appointment with a member of the team. During this appointment the full application process will be explained, and the application pack given to you. A Right to work check will also be carried out; you will need to provide 3 documents for proof of identity.

Applicants must complete a practical driving test for drivers of hackney carriage and private hire vehicles and where applicable a wheelchair assistance test from a list of approved providers before applying to the Council for a driver's licence.

Drivers must have a good working knowledge of the area in which they work. Applicants will need to complete a 'knowledge and safeguarding course' held at the York work development unit.

<https://york.learningpool.com>

Further information on this course will be given to you during the meeting with licensing.

The Council may extend its course requirements, by an approved provider if deemed to be necessary at any time.

You are ready to submit your application when you have all of the following documents:

1. Completed application form
2. A digital photograph (sent via email to licensing@selby.gov.uk)
3. DVLA Access code (please be aware that these only last for 21 days)
4. DBS certificate (dated within 3 months of your application)
5. Confirmation you have signed up to the DBS update service (must be signed up within 28 of receipt of DBS certificate)
6. Group 2 medical form completed by your own GP (dated within the last 3 months)
7. The relevant fee (non-refundable)
8. Referee contact details for your character reference
9. Practical driving test certificate/wheelchair assistance certificate (if applicable)/knowledge and safeguarding certificate.

What happens next?

Once the checks have been carried out the Council will determine your application and inform you of their decision in writing. You may be asked to the Licensing Committee to provide further evidence that you are a fit and proper person.

If you are unsuccessful

Should you be unsuccessful, the reason for your refusal will be confirmed in writing. You will be informed of your right to appeal, which would go to the Magistrates' Court and must be made within twenty-one days of the notice of refusal.

If you are successful

If you are successful you will receive your driver's badge along with your driver's handbook. Once you have received and signed for these you will be licensed to drive a hackney carriage (for hackney carriage drivers) or a private hire vehicle (in the case of private hire drivers). The vehicles used for hire must be licensed by Selby District Council, although the vehicle that you drive does not necessarily have to be owned by you. When working as a driver you must wear your badge in such a position that it can be seen at all times.

It is important that you read and fully understand the driver's handbook. If you are found to be in breach of them it may result in your licence being suspended or revoked.

When your driver's licence is due for renewal you will receive a reminder 4-6 weeks before the licence expires. It is your responsibility to ensure that the full renewal application, documents and fee are received in good time to avoid the lapse of your licence.

What if my circumstances change?

It is very important that the Council knows of changes to circumstances which affect the licence. We have put together this list of things we need to be told about; **this list is not exhaustive**. Please be aware notification of these must always be within **23** days (please see changes to licensee circumstances). If the Council offices are closed, you are still able to email on: licensing@selby.gov.uk or put in writing to the Council.

Every licensee must let the Council know if they:

- Move house, or change primary address details
- Move business premises
- Change contact details (including phone number and email address)
- Receive a police warning or caution, or are fined or arrested.
- Immigration Penalties

Additionally, every licensed driver must inform the Council, **again within 2 days** if they:

- Have a motor vehicle accident
- Get points on their driving licence, or are suspended/disqualified from driving
- Develop a health condition, or a known health condition deteriorates
- Change the operator through whom they work (private hire only)

If you are unsure if you need to update the Council about an issue, please contact the Licensing Team within 2 days to check.

Appendix B – Guidance notes for Private Hire Operators

Operators must:

- Have an operating base within the district.
- Make sure that all of their drivers are licensed by Selby District Council.
- Make sure that their premises are sanctioned by the Council, including any planning permission required for the site.
- Make sure that all vehicles in the fleet are licensed.
- Prevent defective or unsafe vehicles from being used, even if licensed.
- Familiarise themselves with this policy.
- Ensure that any of their staff who has access to data have a basic DBS check, renewed every 3 years and keep a record of this.
- **Maintain a register of all staff that will be taking bookings**
- Inform the Council in writing of any changes to the detail of their licence within **23** days of the change being made, including changes to –
 - The operator's own contact details, home address or business premises
 - If the Council offices are closed during the **23** day period to report, please email: licensing@selby.gov.uk or put in writing.
- Operators must always and only use the trading name registered on the licence for business purposes such as bookings and advertising.

Record Keeping

- Operators must keep records of each booking, the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking, including where the booking has been received from or subcontracted to another operator. This information will enable the passenger to be traced if this becomes necessary and should improve driver security. Records are to be held for at least twelve months and be available for inspection upon request.

Prompt Attendance

- If a PHO accepts a booking under contract for private hire, they will use their best endeavours to ensure that that the vehicle is on time for that appointment in the correct place, unless delayed or prevented by sufficient cause. If a legitimate reason for the delay is encountered, every reasonable effort must be made to contact the passenger.

Insurance

- Operators must make sure that every operating base that has access to the public is covered by public liability insurance and employer's liability insurance is in place for the duration of their licence. The insurance certificate must be available for inspection upon request.
- If the licensed operator has an operating base to which the public have access, then the licence should be on display.
- The operator will ensure that all vehicles and drivers under their control have the necessary insurance before allocating a booking for hire.

Appendix C – Guidance notes for vehicle inspections

Vehicles are tested at least every year at a full vehicle inspection. Vehicles over two years old also must have interim inspections (see section 10 - Vehicles).

Payment

Payment for the test must be made at the Access Centre. You can also pay for any renewal / new application here.

You will be given a receipt which will show a payment reference number for the test. Telephone the Councils testing provider, Reynolds of Selby on 01757 700800 to book your vehicle in for test, you will need to quote the payment reference number on your receipt to show that you have paid, and you will be required to show this to the garage on the day of the test.

Please be aware if you miss your vehicle appointment, you will need to pay the test fee again.

Vehicle standards

At the inspection, as throughout the year, the vehicle must be:

- Safe, clean and tidy inside and out
- In good mechanical order
- Fitted with working seat belts
- Equipped with spare bulb kit
- Fitted with a fire extinguisher, which in turn must be:
 - A water or foam extinguisher
 - At least 600g
 - Within its functional date (i.e. not expired)
 - Near the driver
 - Readily available for use at all times.
- Have the Councils notice of how-to complain, visibly on display (please see the notice below under notices for display in vehicle)

Seating

The vehicle must be presented for inspection with the number of seats in position for which it is to be licensed. If it is wheelchair accessible, the number of seats and wheelchair spaces must not exceed the number of seats for which the vehicle is licensed.

Licence plates

If the vehicle is being inspected at renewal or for an interim inspection, the plates provided by the Council must be securely attached to the outside of the vehicle. The small plate must be securely attached to the dashboard.

If you are changing your vehicle or taking it off the road, the old plates must be returned to the Council at the Civic centre before new plates can be issued.

If the vehicle has not been licensed before, you will be contacted by the licensing team after your application has been determined. If the vehicle licence is granted, the vehicle plates will be sent out to you via recorded delivery post. you will be asked to come to the Civic centre to sign for and collect your plates and vehicle handbook.

Notices for display in vehicle

HOW TO MAKE A COMPLAINT

If you need to complain about a driver, vehicle or operator, please contact Selby Licensing Team at Selby Council 01757 705101 or licensing@selby.gov.uk

It is encouraged that the following notices be displayed in a prominent position, visible to passengers. There is one notice for taxis and one for private hire vehicles, highlighting some of the differences between the licences and vehicle type.

Notices for private hire vehicles – What you can expect from the private hire vehicle trade and what the trade expect from you.

The driver will:

- Ensure that the passenger has pre-booked and agrees with the fare before setting off
- Drive with due care and courtesy towards the passenger and other road users
- Take the most time efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.

The passenger will:

- Treat the vehicle and the driver with respect and obey any notices (e.g. in relation to eating in the vehicle).
- Ensure that they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.
- Be aware that the driver is likely to be restricted by traffic regulations in relation to where s/he can stop the vehicle.

Notice for Taxi Passengers – What you can expect from the taxi trade and what the taxi trade can expect from you.

The driver will:

- Drive with due care and courtesy towards the passenger and other road users
- Use the meter within the licensed area, unless the passenger has agreed to hire by time
- If using the meter, not start the meter until the passenger is seated in the vehicle.
- If travelling outside the licensed area, agree the fare in advance. If no fare has been negotiated in advance for a journey going beyond the licensing area, then the driver must adhere to the meter.
- Take the most time efficient route, bearing in mind likely traffic problems and known diversions, explain any diversions from the most direct route.

The passenger will:

- Treat the vehicle and the driver with respect
- Ensure that they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off
- Be aware of the fare on the meter and make the driver aware if it is approaching the limit of their financial resources
- Be aware that the driver is likely to be restricted by traffic regulations in relation to where they can stop the vehicle.

Appendix D – Discreet plate licensing

The application process:

- A completed application form is required.
- At least 3 references from current customers/potential customers wishing to use the proposed service
- Photographs of the vehicle with the registration plate clearly visible.

The decision if the vehicle is suitable will be on a case by case basis.

If granted the discreet licence must be renewed annually.

Discreet Vehicle Licence Conditions:

- The vehicle must only be used for executive hire – no school contracts, or other contracts that involved the transport of children, young people, or vulnerable adults.
- The private hire licence plate must be carried in the vehicle at all times, although it need not be visible to the passenger.
- The driver of the vehicle must wear visible photo identification at all times.
- The executive hire vehicle is kept to a high standard both internally and externally at all times.
- The exemption certificate (granting the discreet vehicle licence) is to be displayed on the left of the dashboard / bottom left of the windscreen at all times.
- A record is kept of all executive hire contracts undertaken by the vehicle and is to be made available for inspection by the Police and any Authorised Officer upon request.
- That a dress code is adhered to by drivers, to include a collar and tie.

Appendix E – Applying for exemption on physical or medical grounds from the duties placed on drivers under section 165 of The Equality Act 2010

If a driver on the list under Section 166 of the Equalities Act 2010 wishes to apply for an exemption. They should contact the licensing team for an application form. This form will need to be taken to your own GP to be completed and submitted back to Licensing.

The licensing committee shall make the final decision.

(Please note the legislation quoted below is correct as of 30 November 2018 and may change)

Section 165 of the Equalities Act 2010:

Passengers in wheelchairs

(1) This section imposes duties on the driver of a designated taxi which has been hired—

(a) by or for a disabled person who is in a wheelchair, or

(b) by another person who wishes to be accompanied by a disabled person who is in a wheelchair.

(2) This section also imposes duties on the driver of a designated private hire vehicle, if a person within paragraph (a) or (b) of subsection (1) has indicated to the driver that the person wishes to travel in the vehicle.

(3) For the purposes of this section—

(a) a taxi or private hire vehicle is ‘designated’ if it appears on a list maintained under section 167;

(b) ‘the passenger’ means the disabled person concerned.

(4) The duties are—

(a) to carry the passenger while in the wheelchair;

(b) not to make any additional charge for doing so;

(c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;

(d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;

(e) to give the passenger such mobility assistance as is reasonably required.

(5) Mobility assistance is assistance—

(a) to enable the passenger to get into or out of the vehicle;

(b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;

(c) to load the passenger's luggage into or out of the vehicle;

(d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

(6) This section does not require the driver—

(a) unless the vehicle is of a description prescribed by the Secretary of State, to carry more than one person in a wheelchair, or more than one wheelchair, on any one journey;

(b) to carry a person in circumstances in which it would otherwise be lawful for the driver to refuse to carry the person.

(7) A driver of a designated taxi or designated private hire vehicle commits an offence by failing to comply with a duty imposed on the driver by this section.

(8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) It is a defence for a person charged with the offence to show that at the time of the alleged offence—

(a) the vehicle conformed to the accessibility requirements which applied to it, but

(b) it would not have been possible for the wheelchair to be carried safely in the vehicle.

(10) In this section and sections 166 and 167 'private hire vehicle' means—

(a) a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976;

(b) a vehicle licensed under section 7 of the Private Hire Vehicles (London) Act 1998;

(c) a vehicle licensed under an equivalent provision of a local enactment;

(d) a private hire car licensed under section 10 of the Civic Government (Scotland) Act 1982.

Appendix F - Code of conduct

Behaviour

All licensees must behave in a civil, polite and courteous manner at all times while working as a driver or operator. No swearing, abusive language or offensive gestures are sanctioned, and licensees must conduct themselves so as to avoid offence, nuisance and hazard to the public.

Licensees may be required to attend an interview or hearing. They must therefore respond to an interview request by the licensing authority. It is an offence to fail to comply with a reasonable request from an authorised officer.

Taxi drivers have a duty of care to their passengers and must behave accordingly.

Prompt Attendance

If a driver is aware of a booking under contract for private hire, they must be on time for that appointment in the correct place, unless delayed or prevented by sufficient cause. If a legitimate reason for the delay is encountered, every reasonable effort must be made to contact the passenger.

Dress code

The Council are committed to encouraging a professional image of drivers in the district. As such, drivers' clothing must be clean, smart and professional at all times. Specifically, sportswear, including jogging or tracksuit bottoms, T-shirts and beach clothing are not appropriate for drivers while on duty.

Identification badge

Drivers must wear their licence which is the identification badge as issued by the Council at all times when on duty. It must match the photo ID displayed in the vehicle being driven.

The Council will supply a driver's badge and photo ID. If a badge is lost, damaged or stolen this must be reported immediately, and a replacement badge paid for.

The photo ID must be visibly displayed in the vehicle to the passengers. Only the ID of the driver currently driving the vehicle may be displayed.

Receipts

A driver must issue a receipt if requested by a passenger following a journey, and may not refuse to issue a receipt in these circumstances. Many licensees issue receipts as standard practice, which the Council encourage.

Luggage

Drivers are to give all reasonable assistance with passengers' luggage in loading and unloading. According to this definition of reasonable, drivers are expected to help passengers to get their luggage to and from the entrance of a building.

Safe places to drop off and pick up passengers

Drivers must never pick up or drop off a passenger in an unsafe location, nor allow a passenger to get out of the vehicle in an unsafe way (onto a road, for example).

Lost property

Drivers must check the vehicle for property that may have been inadvertently left there by a passenger. If any property is found, drivers must take all reasonable steps to return property to any passenger who leaves something in the vehicle. Where this is impractical or the attempt to return property has failed, the driver must return the property to the Council, where it will be recorded and further attempts to return the property will be made.

Animals

Drivers may not carry any animal which does not belong to a passenger in the vehicle. Carriage of an animal owned by a passenger is at the discretion of the driver, apart from guide dogs and other assistance dogs, which must be permitted with their owner free of charge.

Food in the vehicle

The driver must not eat or drink whilst carrying fare-paying passengers in the vehicle.

Music

Noise nuisance is to be avoided. Drivers must not use the radio or any other sound equipment without the express permission of the passenger. Even with passenger permission, the radio system must never be used in a way that would alarm or cause nuisance to any person, including members of the public.

Smoking and e-cigarettes

The Council enforces a no smoking and no e-cigarette policy in licensed vehicles. Drivers must not smoke tobacco or use e-cigarettes or vaporisers, nor allow passengers to do so whilst in the vehicle. The vehicle must clearly have a no smoking sign on display.

Appendix G – Hackney Carriage - Enforcement

The following sections outline the hackney carriage offences. It is important that drivers become familiar with the offences, as ignorance of an offence will not protect a licence holder from the full weight of the law.

Many of the offences are explicitly discussed in the policy. This is simply provided as a comprehensive list of offences for which we can prosecute.

Offences under the Town Police Clauses Act 1847

- Giving false information on application for hackney carriage proprietor's licence
- Failure to notify change of address of hackney carriage proprietor
- Plying for hire without hackney carriage proprietor's licence
- Driving a hackney carriage without hackney carriage driver's licence
- Lending or parting with hackney carriage driver's licence
- Hackney carriage proprietor employing unlicensed driver
- Failure by hackney carriage proprietor to hold hackney carriage driver's licence
- Failure by hackney carriage proprietor to produce hackney carriage driver's licence
- Failure to display hackney carriage plate
- Refusal to take a fare
- Charging more than the agreed fare
- Obtaining more than the legal fare
- Travelling less than the lawful distance for an agreed fare
- Failing to wait after a deposit to wait has been paid
- Charging more than the legal fare
- Carrying other person than the hirer without consent
- Driving hackney carriage without proprietor's consent
- Person allowing another to drive hackney carriage without proprietor's consent
- Drunken driving of hackney carriage
- Wanton or furious driving or wilful misconduct leading to injury or danger

- Driver leaving hackney carriage unattended
- Hackney carriage driver obstructing other hackney carriages

Offences under the Local Government (Miscellaneous Provisions) Act 1976

- Failure to notify transfer of hackney carriage proprietor's licence
- Failure to present hackney carriage for inspection as required
- Failure to inform local authority where hackney carriage is stored if requested
- Failure to report an accident to local authority
- Failure to produce hackney carriage proprietor's licence and insurance certificate
- Failure to produce hackney carriage driver's licence
- Making false statement or withholding information to obtain hackney carriage driver's licence
- Failure to return plate after notice given, after expiry, revocation or suspension of hackney carriage proprietor's licence
- Failure to surrender driver's licence after suspension, revocation or refusal to renew
- Permitting any vehicle other than hackney carriage to wait on a hackney carriage stand
- Charging more than the meter fare for a journey ending outside the district, without prior agreement
- Charging more than the meter fare when hackney carriage used as private hire vehicle
- Unnecessarily prolonging a journey
- Interfering with a taximeter
- Obstruction of authorised officer or constable
- Failure to comply with requirement of authorised officer or constable
- Failure to give information or assistance to authorised officer or constable

The above list is not exhaustive, and the Council reserves the right to prosecute any other appropriate offence in line with the Corporate Enforcement policy.

Appendix H – Private Hire - Enforcement

The following sections outline the private hire offences. It is important that drivers become familiar with the offences, as ignorance of an offence will not protect a licence holder from the full weight of the law.

Many of the offences are explicitly discussed in the policy. This is simply provided as a comprehensive list of offences for which we can prosecute.

Offences under the Local Government (Miscellaneous Provisions) Act 1976

- Using an unlicensed private hire vehicle
- Driving a private hire vehicle without a private hire driver's licence
- Proprietor of a private hire vehicle using an unlicensed driver
- Operating a private hire vehicle without a private hire operator's licence
- Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle
- Operating a private hire vehicle when the driver is not licensed as a private hire driver
- Failure to display private hire vehicle plate
- Failure to notify transfer of private hire vehicle licence
- Failure to present private hire vehicle for inspection as required
- Failure to inform local authority where private hire vehicle is stored if requested
- Failure to report an accident to local authority
- Failure to produce private hire vehicle licence and insurance certificate
- Failure to produce private hire driver's licence
- Failure to wear private hire driver's badge
- Failure by private hire operator to keep records of bookings
- Failure by private hire operator to keep records of private hire vehicles operated by him
- Failure to produce private hire operator's licence on request
- Making false statement or withholding information to obtain private hire driver's or operator's licence
- Failure to return plate after notice given after expiry, revocation or suspension of private hire vehicle licence

- Failure to surrender drivers licence after suspension, revocation or refusal to renew
- Charging more than the meter fare when hackney carriage used as private hire vehicle
- Unnecessarily prolonging a journey
- Interfering with a taximeter
- Obstruction of authorised officer or constable
- Failure to comply with requirement of authorised officer or constable
- Failure to give information or assistance to authorised officer or constable
- Knowingly sub-contracting a booking to another operator who is not complying with the relevant legislation

Offences under the Transport Act 1980

- Driving a private hire vehicle with a roof sign which contravenes section 64(1)
- Causing or permitting a private hire vehicle to be driven with a roof sign which contravenes section 64(1)

The above list is not exhaustive and the Council reserves the right to prosecute any other appropriate offence in line with the Corporate Enforcement policy.

Appendix I – Definitions in this Policy

Applicant	An individual or organisation applying for the grant or renewal of a licence or licences
Authorised officer	An officer of the Council with powers to administer and enforce relevant legislation.
the Council	Selby District Council
DBS	Disclosure and Barring Service
Driver licence	A licence issued by the Council to taxi drivers.
Driving licence	A licence issued by the DVLA.
DVLA	Driver and Vehicle Licensing Agency
DVLA Group 2	The minimum standard of medical health required of professional drivers.
DVSA	Driving Standards Agency
Hackney Carriage Vehicle	A vehicle which can be hired under the Town Police Clauses Act (1847) either immediately or pre booked.
Licensing Committee	A committee of the Council with authority to determine applications for licences, including private hire operators, drivers and vehicle proprietors.
MOT test	A statutory inspection required for all licensed vehicles.
MOT	Ministry of Transport
Private Hire Operator	An individual, a company or a partnership licenced to make arrangements for the hire of a Private Hire Vehicle
Private Hire Vehicle	A vehicle which can be hired under the Local Government (Miscellaneous Provisions) Act 1976.
Taximeter	A meter which calculates the distance travelled and time spent on a journey in a taxi. The rates are set by the Council and determine a fair fee for the passenger.
Vehicle Proprietor	A person responsible for the maintenance of the vehicle (Usually the owner of the vehicle).



Report Reference Number: E/21/39

To: The Executive
Date: 6 January 2022
Status: Non-Key Decision
Ward(s) Affected: Whole District
Author: Sharon Cousins, Licensing Manager
Lead Executive Member: Councillor T Grogan, Lead Member for Health & Culture
Lead Officer: Martin Grainger, Head of Planning

Title: Gambling Policy Review

Summary:

Selby District Council is the Licensing Authority responsible for the licensing of certain gambling premises licences and all types of gaming machine permits in Selby District. As part of this role the Council must have regard to the statutory licensing objectives and issue a statement of licensing principles (the Gambling Policy) which must be reviewed every 3 years. The next review is due by January 2022. The existing policy has been reviewed and it is considered that there should be no major changes made to the current policy. The information in this report was shared with the Licensing Committee on the 15th November 2021 and there were no comments.

The Council must consult on the revised policy, and it is intended to do this between 10th January 2022 – 21st February 2022.

1. Recommendation:

To approve a public consultation on the draft Gambling Policy at Appendix 1

Reasons for recommendation

To ensure compliance with the Gambling Act 2005 to review the policy every three years.

2. Introduction and background

2.1 Selby District Council as a Licensing Authority is given responsibility by the Gambling Act 2005 (the Act) for issuing premises licences for the following in Selby District:

- Casino Premises
- Family Entertainment Centre Premises

- Bingo Premises
- Adult Gaming Premises
- Betting Premises

2.2 The Act also passes responsibility to the Council for the granting of all types of gaming machine permits and alters the way certain categories of lotteries are registered and controlled.

2.3 In exercising functions under the Act, the Council must have regard to the Licensing Objectives, which are distinct and different from those contained under the Licensing Act 2003. They are:

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

2.4 The Council has a duty which it must discharge under s349 of the Act. The Council is required to formulate a Gambling Policy (Statement of Principles) that it proposes to apply in exercising its functions under the Act.

2.5 The Gambling Policy (Statement of Principles) must be reviewed at least every three years, and the current policy must be reviewed and revised (if necessary) by January 2022.

3. The Report

3.1 The Gambling Commission (the Commission) is required by s25 of the Act to issue guidance to licensing authorities on the discharge of their functions under the Act. It deals primarily with matters intended to assist in the development of a licensing authority's Gambling Policy and is something the Council must have due regard to. The Commission's guidance was most recently updated in May 2021.

3.2 The existing policy has been reviewed. It was adopted in 2019 and the regulatory regime is unchanged. For that reason, it is considered that only minor changes are required. In addition to tracked changes, any new additions to the policy are highlighted in yellow, as can be seen in the proposed policy in Appendix A. The following has also been updated:

- population size of the district updated
- removal of section 7.7 as the Enforcement policy is currently being reviewed and the link and pages mentioned may change.
- Merkur Slots added under the list of consultees on Appendix A
- Name change of the Police Licensing Officer, Appendix A

3.3 The information in this report and the draft policy was shared with the licensing committee on the 15th November 2021, there were no comments.

- 3.4 It is proposed to consult on the policy between 10th January 2022 and 21st February 2022 to ensure that the policy can be brought to the Executive to consider recommending for adoption by Council. It would come into force by the summer of 2022.

4. Legal/Financial Controls and other Policy matters

Legal Issues

- 4.1 The review of the Gambling Policy (Statement of Principles) is a legislative requirement. Legislation requires that the final approval for the new Gambling Policy (Statement of Principles) is given by Full Council. Failure to review the policy and follow the correct guidelines will leave decisions on gambling licensing open to challenge.

Financial Issues

- 4.2 This policy proposes no significant changes no financial risk is identified.

Impact Assessment

- 4.3 Given the minor nature of the changes to the draft no impacts are anticipated and therefore no screening document completed.

5. Conclusion

- 5.1 The Gambling Policy (Statement of Principles) has received a statutory required review which will ensure the Council is carrying out its role as Licensing Authority in line with the Gambling Act and the most recent Gambling Commission guidance. It is intended that the draft policy goes out for consultation for 4 weeks between 10th January to the 21st February 2022 and Officers are seeking approval to commence this. The Gambling Policy, is subject to public consultation, before returning to the Executive to consider recommending adoption by Full Council If adopted the new policy would then come in force summer 2022.

6. Background Documents

N/A

7. Appendices

Appendix A– Draft proposed Gambling Policy for consultation

Contact Officer:

Sharon Cousins
Licensing Manager
scousins@selby.gov.uk
01757 292033



Gambling Policy

Gambling Act 2005

Statement of Principles





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PART A

1. Introduction

- 1.1 Section 349 of the Gambling Act 2005 ('the Act') requires us (Selby District Council) as a Licensing Authority in England and Wales to define and publish our Policy Statement on the exercise of our gambling functions at least every three years.
- 1.2 We will review our statement from "time to time" and consult upon any amended parts to the statement. We will then re-publish the amended statement.
- 1.3 In exercising most of our functions under the Act, we must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.3 We have noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".
- 1.4 We have noted that, as per section 153 of the Act, in making decisions about premises licences and temporary use notices we should aim to permit the use of premises for gambling in so far as we think it is:

The 'aim to permit' framework provides wide scope for licensing authorities to impose conditions on premises licence, reject, review, or revoke premises licences where there is inherent conflict with the relevant codes of practice, relevant guidance issued by the Commission, the licensing objectives or the licensing authorities own policy statement.

- 1.5 The Act requires that we consult with the following parties:
- The Chief Officer of Police
 - One or more persons who appear to us to represent the interests of persons carrying on gambling businesses in our area
 - One or more persons who appear to us to represent the interests of persons who are likely to be affected by the exercise of the our functions under the Gambling Act 2005
- 1.6 We have consulted widely on this policy statement from ~~16th July 2018~~ ~~10th January 2022~~ to ~~13 August 2018~~ ~~26th February 2022~~ . A list of persons consulted can be found at Appendix A.
- 1.7 There were ~~four~~ comments received in response to the consultation.

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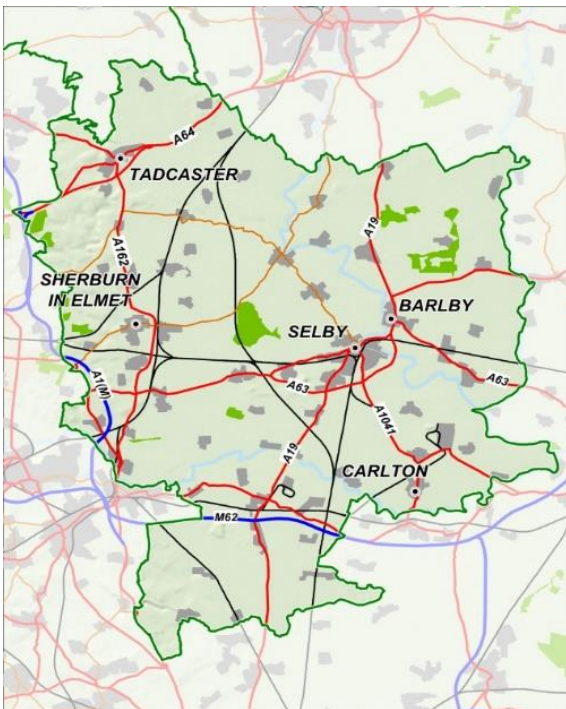
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- 1.8 This statement of Principles was approved at a meeting of the Full Council on . This is published on our website (www.selby.gov.uk). In addition, copies are placed in the public libraries of the area as well as being available in our customer contact centre.
- 1.9 It should be noted that this Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

2. Profile of Selby District

- 2.1 Selby District is situated in the County of North Yorkshire. It covers an area of 602 square kilometres and is situated to the south of the city of York. The 2020 mid-year estimate for the district's population is 91,697¹ and the principal settlements are Selby, Tadcaster and Sherburn-in-Elmet. The council area is mainly rural in character and aspect with a dispersed settlement plan. There are 74 Parish Councils as well as various Parish and Community meetings. Selby in particular is of historical importance built as it is around Selby Abbey. As consequence tourism and leisure are important industries. Detail of the district is shown in the map below.



¹ ONS Mid-Year Estimates 2018



3. Declaration

- 3.1 In producing this Statement of Principles, we have given regard to the licensing objectives of the Act, the guidance issued by the Gambling Commission, and any responses from those consulted on the Statement of Principles.

4. Responsible Authorities

- 4.1 We are required by regulations to state the principles we will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group
- 4.2 In accordance with the Gambling Commission's Guidance for local authorities this authority designates Corporate Director of Children and Young People's Services, North Yorkshire County Council, Room 122 County Hall, Racecourse Lane, Northallerton, North Yorkshire, DL7 8DD for this purpose.
- 4.3 The contact details of the Responsible Authorities under the Act can be found at Appendix B and on our website www.selby.gov.uk

5. Interested parties

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

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

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

- 5.2 We are required by regulations to state the principles we will apply in exercising our powers under the Act to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. We will not apply a rigid rule to our decision making. We will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.12 to 8.17. Note though that decisions on premises and temporary use notices must be "in accordance" with



Gambling Commission Guidance (Section 153 of the Act). We will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these, however, we will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- If individuals wish to approach Councillors to ask them to represent their views, then care should be taken that the Councillor(s) are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing team at:

Licensing
Selby District Council
Civic Centre
Doncaster Road
Selby
YO8 9FT
licensing@selby.gov.uk

01757 705101

6. Exchange of Information

- 6.1 We are required to include in our policy statement the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between us and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between us and the other persons listed in Schedule 6 to the Act. **This is detailed as a separate section to comply with Regulation 5.**
- 6.2 The principle that we apply is that we will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. We will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.



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

7. Enforcement

- 7.1 We are required by regulation under the Act to state the principles we will apply to exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

- 7.2 Our principles are that:

We will be guided by the Gambling Commission's Guidance for local authorities. We will endeavour to be:

- **Proportionate:** regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

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

- 7.4 We have adopted and implemented a risk-based inspection programme, based on:

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this Statement of Licensing Principles
- We will be guided by complaints from Responsible Authorities and Interested Parties in establishing the level of risk from any premises in the district.
- It will investigate complaints about licensed premises where appropriate. In the case of valid representation, the Licensing Authority where appropriate will endeavour to seek a resolution through mediation.

Where considered appropriate, the Licensing Authority may pass a complaint on for investigation to any other statutory agent under whose enforcement responsibility the complaint falls

- 7.5 Our main enforcement and compliance role in terms of the Act will be to ensure compliance with the premises licences and other permissions which we authorise. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that we will not deal with concerns about manufacture, supply or repair of gaming machines but these concerns will be notified to the Gambling Commission.



7.6 We will also keep ourselves informed of developments regarding the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

7.7 ~~Bearing in mind the principle of transparency, our Corporate Enforcement Policy is available upon request from the licensing team (see details on page 7) or online at <http://www.selby.gov.uk/enforcement-policy>~~

8. Licensing Authority functions

8.1 As the Licensing Authority we are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

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



PART B

PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

9. General Principles

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

Decision-making

9.2 We are aware that in making decisions about premises licences we should aim to permit the use of premises for gambling in so far as we think it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy (which is available to view at the following webpage: <http://www.selby.gov.uk/licensing-policies>)

9.3 It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below) and also that unmet demand is not a criterion for us.

10. Definition of "premises"

10.1 In the Act "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

10.2 The Gambling Commission states in the fifth edition of its Guidance to Licensing Authorities that: "in most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the



premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.

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

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

10.4 The Guidance also gives a list of factors which we should be aware of when considering if two or more proposed premises are truly separate, which may include:

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

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

10.6 **The Gambling Commission’s relevant access provisions (as defined at 7.23 of the Guidance) for each premises type are reproduced below:**

Type of premises	Access Provisions
Casinos	<ul style="list-style-type: none"> • The principal access entrance to the premises must be from a street • No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons • No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence
Adult Gaming Centre	<ul style="list-style-type: none"> • No customer must be able to access the premises directly from any other licensed gambling premises



Betting Shops	<ul style="list-style-type: none"> • Access must be from a street or from another premises with a betting premises licence • No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.
Tracks	<ul style="list-style-type: none"> • No customer should be able to access the premises directly from: <ul style="list-style-type: none"> - a casino, or - an adult gaming centre
Bingo Premises	<ul style="list-style-type: none"> • No customer must be able to access the premises directly from: <ul style="list-style-type: none"> - a casino - an adult gaming centre, or - a betting premises, other than a track
Family Entertainment Centre	<ul style="list-style-type: none"> • No customer must be able to access the premises directly from: <ul style="list-style-type: none"> - a casino - an adult gaming centre, or - a betting premises, other than a track

10.7 Part 7 of the Gambling Commission’s Guidance to Licensing Authorities contains further guidance on this issue, which we will also take into account in our decision-making.

11. Premises “ready for gambling”

11.1 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that we can be satisfied is going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

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

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

- **Stage 1:** whether the premises ought to be permitted to be used for gambling
- **Stage 2:** whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

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



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

12. Location:

12.1 We are aware that demand issues cannot be considered with regard to the location of premises, but that considerations in terms of the licensing objectives are relevant to our decision-making. As per the Gambling Commission's Guidance to Local Authorities, we will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this policy statement will be updated.

12.2 We will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives before refusing. From 6 April 2016, it has been a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises, and have policies, procedures and control measure to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement. It is a Council requirement that Local Risk assessments (LRA) are kept on the premises. These should be structured in such a manner that offers sufficient assurance that the premises have suitable controls and procedures in place. These controls should reflect the level of risk within the particular area, which will be determined by local circumstances.

12.3 The LCCP say that licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances, including those identified in this policy statement;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

12.4 We expect the local risk assessment to consider as a minimum:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- the demographics of the area in relation to vulnerable groups;
- whether the premises is in an area subject to high levels of crime and/or disorder.

12.5 Local risk assessments should show how vulnerable people, including people with gambling dependencies are protected.

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



13. Duplication with other regulatory regimes:

- 13.1 We will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. We will not consider whether a licence application is likely to be awarded planning or building approval, in our consideration of it. We will though listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 13.2 When dealing with a premises licence application for finished buildings, we will not take into account whether those buildings have to comply with the necessary planning or building consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning controls, buildings and other regulations and must not form part of the consideration for the premises licence.

14. Licensing objectives

- 14.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, we have considered the Gambling Commission's Guidance to Local Authorities:
- 14.2 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
We are aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. We are aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.
- 14.3 **Ensuring that gambling is conducted in a fair and open way**
We note that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences (but, if such concerns come to our notice we will forward them to the Commission). There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below.
- 14.4 **Protecting children and other vulnerable persons from being harmed or exploited by gambling**
We have noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). We will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures



are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

14.5 We will also make ourselves aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific types of premises.

14.6 As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes:

- people who gamble more than they want to;
- people gambling beyond their means; and
- people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs."

14.7 We will consider this licensing objective on a case by case basis.

15. Conditions

15.1 Any conditions attached to licences will be proportionate and will be:

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

15.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures we will consider utilising should there be a perceived need, such as:

- the use of door supervisors;
- supervision of adult gaming machines; and
- appropriate signage for adult only areas etc.

15.3 There are specific comments made in this regard under some of the licence types below. We will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

15.4 We will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

15.5 We will also ensure that where category C or above machines are on offer in premises to which children are admitted:



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

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

- 15.7 It is noted that there are conditions which we cannot attach to premises licences these are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
 - conditions relating to gaming machine categories, numbers, or method of operation;
 - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
 - conditions in relation to stakes, fees, winning or prizes.

16. Door Supervisors

16.1 The Gambling Commission advises in its Guidance to Licensing Authorities that if we are concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then we may require that the entrances to the premises are controlled by a door supervisor, and we are entitled to impose a condition on the premises licence to this effect.

16.2 It is noted that the door supervisors at casinos or bingo premises are not required to be registered by the Security Industry Authority (SIA) under the Private Security Act 2001. Where door supervisors are provided at these premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a Disclosure and Barring Service check on potential staff and for such personnel to have attended industry recognised training. Door supervisors not directly employed by a casino or bingo operator do have to be SIA registered.

17. Adult Gaming Centres

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

17.2 We may consider measures to meet the licensing objectives such as:

- Proof of age schemes



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

This list is not mandatory, nor exhaustive.

18. (Licensed) Family Entertainment Centres

18.1 Licensed Family Entertainment Centres (FECs) are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section for adults, ~~over 18's only, 17 gaming machines with higher stakes and prizes.~~ Licensed FECs will be able to make available unlimited category C and D machines where there is a clear segregation in place so children do not access the areas where the category C machines are located.

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

18.3 We may consider measures to meet the licensing objectives such as:

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

This list is not mandatory, nor exhaustive.

18.4 We will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. We will also make ourselves aware of any mandatory or default conditions on these premises licences.



19. Casinos

- 19.1 *No Casinos resolution* – We have not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but we are aware that we have the power to do so. Should we decide in the future to pass such a resolution, we will update this Statement of Principles with details of that resolution. Any such decision will be made by the Full Council.
- 19.2 *Licence considerations / conditions* – We will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance at paragraph 9, bearing in mind the mandatory conditions listed at paragraph 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

20. Bingo premises

- 20.1 We note that the Gambling Commission's Guidance states:
- 20.2 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.
- 20.3 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

21. Betting premises

- 21.1 *Betting machines* - Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, we will, amongst other things, take into account:
- the size of the premises;
 - the number of counter positions available for person-to-person transactions; and
 - the ability of staff to monitor the use of the machines by vulnerable persons
- 21.2 Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable persons.
- 21.3 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commission's Codes of Practice or by the applicant we may consider licence conditions to address such issues.

Appropriate licence conditions may be:



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

This list is not mandatory, nor exhaustive.

22. Tracks

22.1 Tracks (as defined by s353 the Act means a horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place) are different from other premises in that there may be more than one premises licence in effect and that the track operator may not be required to hold an operating licence as there may be several premises licence holders at the track which will need to hold their own operating licences.

22.2 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and this authority would expect the premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

We may consider measures to meet the licensing objectives such as:

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

This list is not mandatory, nor exhaustive.

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



- 22.4 *Betting machines* – We have a power under the Act, to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence. In relation to betting premises away from tracks, we will take into account the size of the premises and the ability of staff to monitor the use of the machines by vulnerable people when determining the number of machines permitted.
- 22.5 Similar considerations apply in relation to tracks, where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machine. We will consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.
- 22.6 We take the view that it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.
- 22.7 **Condition on rules being displayed** - This authority will consider whether to attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.
- 22.8 **Applications and plans** – The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that we have the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for us to plan future premises inspection activity. (See Guidance to Licensing Authorities, paragraph 20.28).
- 22.9 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations (See Guidance to Licensing Authorities 20.29).
- 22.10 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities 20.31).
- 22.11 In rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the premises boundaries do not need to be defined (See Guidance to Licensing Authorities, paragraphs 20.32).
- 22.12 We appreciate that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be



shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information so that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, paragraph 20.33).

23. Travelling Fairs

- 23.1 Where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, we are responsible for deciding whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 23.2 We will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 23.3 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. We will work with our neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

24. Provisional Statements

- 24.1 Developers may wish to apply to us for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 24.2 Section 204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed
 - expects to be altered; or
 - expects to acquire a right to occupy
- 24.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 24.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a



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

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

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

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

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premise has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and we note that it can discuss any concerns it has with the applicant before making a decision.

25. Reviews

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

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with this Gambling Act 2005 - Statement of Principles.

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

25.3 We can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

25.4 Once we have received a valid application for a review, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after we receive the application, we will publish notice of the application within 7 days of receipt.



- 25.5 We must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 25.6 The purpose of the review will be to determine whether we should take any action in relation to the licence. If action is justified, the options open to us are to:-
- (a) add, remove or amend a licence condition we impose;
 - (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - (c) suspend the premises licence for a period not exceeding three months; and
 - (d) revoke the premises licence
- 25.7 In determining what action, if any, should be taken following a review, we must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 25.8 In particular, we may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 25.9 Once the review has been completed, we must, as soon as possible, notify our decision to:
- the licence holder
 - the applicant for review (if any)
 - the Commission
 - any person who made representations
 - the chief officer of police or chief constable; and
 - Her Majesty's Commissioners for Revenue and Customs



PART C

Permits / Temporary & Occasional Use Notice

26. Unlicensed Family Entertainment Centre gaming machine permits

- 26.1 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to us for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 of the Act).
- 26.2 The Act states that a Licensing Authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25 of the Act.
- 26.3 S24.9 of the Guidance also states: "An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application" Licensing Authorities might wish to consider asking applications to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
 - that staff are trained to have a full understanding of the maximum stakes and prizes.
- 26.4 It should be noted that a Licensing Authority cannot attach conditions to this type of permit.
- 26.5 **Statement of Principles:** We expect applicants to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. We also expect (as per Gambling Commission Guidance), that applicants demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
 - that staff are trained to have a full understanding of the maximum stakes and prizes.

27. (Alcohol) Licensed premises gaming machine permits

- 27.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The



premises merely need to notify us, as the licensing authority. We can remove the automatic authorisation in respect of any particular premises if:

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

27.2 **Permit: 3 or more machines-** If a premises wishes to have more than 2 machines, then it needs to apply for a permit and we must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "*such matters as [we] think relevant.*"

27.3 We consider that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff, who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

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

27.5 It should be noted that we can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

27.6 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

28. Prize Gaming Permits

28.1 The Act states that a licensing authority may "prepare a statement of principles that they propose to apply in exercising their functions under this Schedule" which "may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit".

28.2 We have prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law



- clear policies that outline the steps to be taken to protect children from harm.

28.3 In making our decision on an application for this permit we do not need (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

28.4 It should be noted that there are conditions in the Act by which the permit holder must comply, but to which we cannot attach conditions.

The conditions in the Act are:

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

29. Club Gaming and Club Machines Permits

29.1 Members Clubs and Miners' welfare institutes may apply for a Club Gaming Permit or a Club Gaming Machines Permit. A Commercial Club may only apply for a Club Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D), equal chance gaming and games of chance as set out in regulations. A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D). Only one category B3A machine can be sited as part of this entitlement.

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

29.3 Before granting the permit we will need to be satisfied that the premises meet the requirements of a members' club and we may grant the permit only if the majority of members are over 18 years old.

29.4 We are aware that we may only refuse an application on the grounds that:

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



(e) an objection has been lodged by the Commission or the police.

29.5 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Gambling Act 2005 (Schedule 12 paragraph 10). Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced.

29.6 The grounds on which an application under the process may be refused are that:

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

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

30. Temporary Use Notices

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

30.2 We can only grant a Temporary Use Notice to a person or company holding a relevant operating licence i.e. a non-remote casino operating licence.

30.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this statement the relevant regulations (The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

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

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

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



31. Occasional Use Notices:

- 31.1 The Act provides that where there is betting on a track on eight days or fewer in a calendar year, betting may be permitted by an Occasional Use Notice without the need for a full premises licence.
- 31.2 We have very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. We will, however, consider the definition of a 'track' and whether the applicant is permitted to benefit him/herself of the notice.

32. Registration of Small Society Lotteries

- 32.1 We will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of an operator:
- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
 - submission of incomplete or incorrect returns
 - breaches of the limits for small society lotteries
- 32.2 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:
- by, or on behalf of, a charity or for charitable purposes
 - to enable participation in, or support of, sporting athletic or cultural activities.



Appendix A – List of Consultees

The Gambling Act requires that the following parties be consulted on the Licensing Policy:

(a) The Chief Officer of Police

Chief Constable, North Yorkshire Police

(b) One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area

Done Brothers (Cash Betting) Ltd	Selby Bowling Club
Betfred	Inspiring Healthy Lifestyles
Ladbrokes Betting & Gaming Ltd	BACTA
Ladbrokes	Association of British Bookmakers Ltd
Stan James	The Bingo Association
William Hill Organisation Ltd	Greyhound Board of Great Britain
William Hill Bookmakers	The Jockey Club
William Hill Bookmakers	Federation of Licensed
William Hill	Victuallers Associations
Bowl 'N' Fun	Alcohol Premises Licence Holders
Gamestec Leisure Limited	Merkur Slots
Poppleston Allen	

(c) One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Gambling Act 2005.

- [Jacqueline Booth](#)[Matthew France](#), Police Licensing Officer
- Chief Fire Officer
- The Gambling Commission
- H M Revenue & Customs
- Social Services Strategy & Performance
- Officer
- GamCare
- GambleAware
- Health and Safety Executive
- North Yorkshire Trading Standards
- Mr Nigel Adams, MP
- Selby District Councillors
- Selby District Town and Parish Councils
- Selby District Council Licensing Committee
- Selby District Council Policy Review Committee
- Responsible Authorities



Appendix B – Responsible Authorities

This list of Responsible Authorities is also available on our website www.selby.gov.uk

North Yorkshire Police (For Licensing applications only)

North Yorkshire Police Headquarters
The Licensing Section
Fulford Road
York
YO10 4BY
nylicensing@northyorkshire.pnn.police.uk

North Yorkshire Fire and Rescue Authority

Chief Fire Officer
Fire Brigade Headquarters
Crosby Road
Northallerton
North Yorkshire
DL6 1AB
www.northyorksfire.gov.uk/contact-us

The Gambling Commission

Victoria Square House
Victoria Square
Birmingham
B2 4BP
Tel: 0121 230 6500

Social Services

Strategy & Performance Officer
Children & Young People's Service
Room SB012
County Hall,
Racecourse Lane
Northallerton
DL8 7AE

Lead Officer – Development Control

Selby District Council
Civic Centre
Doncaster Road
Selby
YO8 9FT

H M Revenue & Customs

Exercise Processing Teams
BX1 1GL
Tel: 0141 555 3633

The Licensing Officer

Selby Police Station
Portholme Road
Selby
North Yorkshire
YO8 4QQ

Environmental Health

Selby District Council
Civic Centre
Doncaster Road
Selby
YO8 9FT

Solicitor to the Council

Selby District Council
Civic Centre
Doncaster Road
Selby
YO8 9FT

Health & Safety Section

Environmental Health Department
Selby District Council
Civic Centre
Doncaster Road
Selby
YO8 9FT



Appendix C - Table of delegation of licensing functions

Matter to be dealt with	Full Council	Licensing Sub Committee	Officers
Application for premises licences		✓ Where representations have been received and not withdrawn	✓ Where no representations received / representations have been withdrawn
Application for a variation to a licence		✓ Where representations have been received and not withdrawn	✓ Where no representations received / representations have been withdrawn
Application for a transfer of a licence		✓ Where representations have been received from the Commission or responsible authority	✓ Where no representations received from the Commission or responsible authority
Review of a premises licence		✓	
Application for a provisional statement		✓ Where representations have been received and not withdrawn	✓ Where no representations received/representations have been withdrawn
Application for club gaming / club machine permits		✓ Where objections have been made and not withdrawn	Where no objections made/objections have been withdrawn
Cancellation of club gaming / club machine permits		✓	
Applications for other permits		✓ Where the application is for 5 or more machines	✓ (except where there is a possibility of refusal or grant of a reduced number of gaming or betting machines)
Cancellation of licensed premises gaming machine permits			✓
Consideration of temporary use notice			✓
Decision to give a counter notice to a temporary use		✓	



Matter to be dealt with	Full Council	Licensing Sub Committee	Officers
notice			
Determination as to whether a representation is frivolous, vexatious or repetitive		✓	
Fee Setting – when appropriate		✓	
Three year Gambling Policy	✓		
Policy not to permit casinos	✓		

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

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



Appendix D – Categories of Gaming Machines

Section 236 of the Gambling Act 2005 provides for the Secretary of State to make regulations to define four classes of gaming machine: categories A, B, C, and D, with category B further divided into sub-categories. The regulations define the classes according to the maximum amount that can be paid for playing the machine and the maximum prize it can deliver.

The following table shows the different categories of machine and the maximum stakes and prizes that currently apply.

Category of machine	Maximum stake (from Jan 2014)*	Maximum prize (from Jan 2014)*
A	No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£100	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D – money prize (other than a coin pusher or penny falls machine)	10p	£5
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be prize money)
D – combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be prize money)

* with the option of a maximum £20,000 linked progressive jackpot on a premises basis only.

**Stakes and Prizes may change.

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