



Summons and Agenda for the
Council Meeting

to be held on

Tuesday, 19 April 2022

at

6.00 pm





To: All District Councillors

cc: Chief Officers

You are hereby summoned to a meeting of the Council to be held in the Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT on **TUESDAY, 19 APRIL 2022** starting at **6.00 pm**. The Agenda for the meeting is set out below.

Janet Waggott

Janet Waggott
Chief Executive

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to:- (i) the recording being conducted under the direction 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, prior to the start of the meeting, Democratic Services via democraticservices@selby.gov.uk - any recording must be clearly visible to anyone at the meeting and be non-disruptive.

AGENDA

Opening Prayers.

1. **Apologies for Absence**

To receive apologies for absence.

2. **Disclosures of Interest**

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

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

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

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

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

3. **Minutes (Pages 1 - 14)**

To approve as a correct record the minutes of the meeting of the Council held on 24 February 2022.

4. **Communications**

The Chairman, Leader of the Council or the Chief Executive will deal with any communications which need to be reported to the Council.

5. **Announcements**

To receive any announcements from the Chairman, Leader or Members of the Executive.

6. **Petitions**

To receive any petitions.

7. **Public Questions**

To receive and answer questions, notice of which has been given in accordance with rule 10.1 of the Constitution.

8. Councillors' Questions

To receive and answer questions submitted by councillors in accordance with rule 11.2 of the Constitution.

9. Reports from the Executive (Pages 15 - 26)

The Leader of the Council, and other members of the Executive, will report on their work since the last meeting of the Council and will respond to questions from Councillors on that work.

10. Reports from Committees (Pages 27 - 32)

To receive reports from the Council's committees which need to be brought to the attention of Council. To receive questions and provide answers on any of those reports.

11. Motions

To consider any motions.

12. Gambling Policy 2022 (C/21/19) (Pages 33 - 70)

Report C/21/19 asks the Council to adopt the proposed Gambling Policy 2022 as set out at Appendix A.

13. Calendar of Meetings for the 2022-23 Municipal Year (C/21/20) (Pages 71 - 74)

Report C/21/20 provides, for approval by Members, the proposed calendar of meetings for the 2022-23 municipal year.

14. Reporting of Urgent Decision: Tadcaster Business Flood Grant Scheme (Pages 75 - 88)

Report C/21/21 sets out the reasons for the urgent decision taken by the Chief Executive to vire Programme For Growth budget to deliver flood recovery fund grants through a scheme to provide financial assistance to Tadcaster town centre businesses suffering hardship due to the flooding caused by Storm Franklin in February 2022.

15. Urgent Action

The Chief Executive will report on any instances where she has acted in urgent or emergency situations under the functions delegated to her in the Constitution.

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Agenda Item 3



Minutes

Council

Venue: Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT

Date: Thursday, 24 February 2022

Time: 6.00 pm

Present: Councillor I Chilvers (Vice Chairman) in the Chair

Councillors D Mackay, K Arthur, D Brook, D Buckle, J Cattnach, J Chilvers, M Crane, S Duckett, K Ellis, K Franks, T Grogan, M Jordan, C Lunn, J Mackman, R Musgrave, W Nichols, R Packham, C Pearson, N Reader, C Richardson, J Shaw-Wright, S Shaw-Wright, R Sweeting and P Welch

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), Catherine Hickford (Low Carbon Project Officer) (for minute item 49) and Palbinder Mann (Democratic Services Manager)

37 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Duggan, Lee and Topping.

38 DISCLOSURES OF INTEREST

Councillor Arthur declared a personal interest in agenda item 52 'Revenue Budget and Capital Programme 2022/23 and Medium Term Financial Plan' in relation to the Selby Gateway Project as he was employed by Network Rail.

39 MINUTES

The Council considered the minutes of the meeting held on Tuesday 28th September 2021.

RESOLVED:

**To approve the minutes of the Council meeting held on
Tuesday 28th September 2021 for signing by the Chairman.**

40 COMMUNICATIONS

There were no communications.

41 ANNOUNCEMENTS

The Vice Chairman welcomed Councillor Ashton to her first Council meeting since her election to the Byram and Brotherton ward at the recent by-election.

The Chief Executive thanked the Vice Chairman for chairing the meeting in the absence of the Chairman.

The Chief Executive announced that this would be the Democratic Services Manager's last Council meeting as he would be leaving the Council to take up a new post with Ryedale District Council. The Chief Executive and Members thanked the Democratic Services Manager for his work for the Council.

42 PETITIONS

There were no petitions.

43 PUBLIC QUESTIONS

There were no public questions.

44 COUNCILLORS' QUESTIONS

There were no Councillors' questions.

45 REPORTS FROM THE EXECUTIVE

Councillor Mark Crane, Leader of the Council

The Leader of the Council presented his update on the work he had recently undertaken, as outlined in his report and thanked Council officers for their hard work during the recent flooding that had occurred in the district.

A query was raised regarding the devolution deal for North Yorkshire as this was linked to Local Government Reorganisation. The Leader of the Council explained that recently that there had been increased action and discussion with the Government on the devolution deal for the area.

Concern was raised on staffing resources with Local Government Reorganisation as a number of staff had been seconded to North Yorkshire County Council and that complaints had been received from residents that emails were not being forwarded in their absence. It was added that Members should be kept informed of staffing changes. The Leader of the Council

explained that as time progressed, officers would be increasingly needed for work associated with Local Government Reorganisation and that there should be systems in place for reading emails.

A query was raised regarding the lack of timetable information at Selby Bus Station and there being no bus stop at the Selby War Memorial Hospital site when buses visited there on a regular basis. The Leader of the Council agreed to look into this.

Councillor Richard Musgrave, Deputy Leader and Lead Executive Member for Place Shaping

The Deputy Leader of the Council presented his update on the work he had recently undertaken, as outlined in his report.

There were no questions or comments on the report.

Councillor C Lunn, Lead Executive Member for Finance and Resources

The Lead Executive Member for Finance and Resources presented his update on the work he had recently undertaken, as outlined in his report and brought Members' attention to the additional document that had been circulated concerning the updated budget profile on the Selby Gateway project.

A query was raised regarding the spend for the Programme for Growth as the spend to the end of November had been £1m however the spend forecast to the end of the financial year was £5.4m, The Lead Executive Member for Finance and Resources explained that the spend on the project had been difficult to predict however would obtain a response on the queries raised.

Councillor D Buckle, Lead Executive Member for Communities and Economic Development

The Lead Executive Member for Communities and Economic Development presented his update on the work he had recently undertaken, as outlined in his report and added that with regard to locality grants, there would be a Panel meeting to discuss the grants next week.

In response to a query regarding the town centre in Tadcaster including the former Natwest Bank, the Lead Executive Member for Communities and Economic Development explained that he would be visiting business in Tadcaster to understand the issues they are facing. With regard to the Bank, Council was informed that the building was in an important location which would be linked to the redevelopment of the town therefore the Council would be retaining it for the immediate future.

A query was raised regarding the timescales for approving grants under the Town Centres Revitalisation Programme. The Lead Executive Member for Communities and Economic Development explained that there was a 8 to 12 week timeframe for the consideration of applications.

Concern was raised over the removal of the Selby Canal bridge and the delays in replacing the bridge by the Canals and River Trust. The Lead Executive Member for Communities and Economic Development agreed to look into the issue.

Concern was raised regarding parking in Selby town centre with a number of cars parked for a number of days in the same space and the lack of enforcement activity being undertaken. The Lead Executive Member for Communities and Economic Development agreed that this would be looked into.

In response to a query concerning the timeframes for the Selby Station Gateway project including the installation of the lift at Selby Railway Station, the Lead Executive Member for Communities and Economic Development explained that it was hopeful the project would be completed in 2024 with the lift being installed at the same time.

Clarification was sought on the meaning of neurodiversity as outlined in the report and what specifically had been spent on the Welcome Back Fund. It was agreed responses to this queries would be circulated.

Councillor Tim Grogan, Lead Executive Member for Health and Culture

The Lead Executive Member for Health and Culture presented his update on the work he had recently undertaken as outlined in his report and added that the Council had successfully prosecuted someone for fly tipping with evidence from CCTV footage.

RESOLVED:

To receive and note the reports of the Executive.

46 REPORTS FROM COMMITTEES

Councillor Karl Arthur, Chairman of the Audit and Governance Committee

Councillor Arthur, Chairman of the Audit and Governance Committee, provided an update on the work of the Committee as outlined in his report.

There were no questions for Councillor Arthur.

Councillor C Pearson, Chairman of the Policy Review Committee

Councillor Pearson, Chairman of the Policy Review Committee, provided an update on the work of the Committee as outlined in his report.

In response to a query, it was clarified that the 2% pay award figure outlined in the report referred to what was in the budget for the pay award.

Councillor S Shaw-Wright, Chairman of the Scrutiny Committee

Councillor Shaw-Wright, Chairman of the Scrutiny Committee, provided an update on the work of the Committee as outlined in his report and added that a further meeting of the Scrutiny Committee had taken place regarding blue light services with contributions from the Police and the Ambulance Service.

There were no questions for Councillor Shaw-Wright.

RESOLVED:

To receive and note the reports from Committees.

47 MOTIONS

It was noted that two motions had been submitted for consideration. The first motion was as follows:

This district council supports the implementation of 20mph as the default speed limit for our district in all the urban and village streets where people live, work, shop, play and learn. The Council will write to the Leader and Cabinet Member for the Highway Authority (currently North Yorkshire County Council) to implement 20mph as the default limit with higher limits only where the needs of vulnerable road users are fully taken into account.

Councillor Steve Shaw-Wright proposed the motion and outlined that there were many benefits of 20mph zones such as reducing congestion and reducing the number of accidents including outside schools. The motion was seconded by Councillor Packham who stated that surveys had shown that a high percentage of the public were in favour of 20mph zones and that it was cheaper to introduce than other initiatives such as traffic calming measures.

The Leader of the Council responded to the motion and stated that the evidence from North Yorkshire County Council (NYCC) was that it did not prevent accidents and that it was difficult to enforce by the Police. The Deputy Leader of the Council stated the issue of 20mph zones had already been responded to by the portfolio holder for transport at NYCC. Council was informed that speed limits were set by NYCC in accordance with Department for Transport guidance and that their judgement was that 30mph was the appropriate speed limit for residential areas.

Additionally, it was explained that it would cost £12m to introduce 20mph speed limits as the default limit however NYCC's Executive were looking at introducing 20mph in some areas in a targeted way.

Upon being put to the vote, the motion was rejected.

RESOLVED:

To reject the motion.

The second motion was as follows:

This Council notes recent research by the Resolution Foundation think-tank, which reveals the number of UK households suffering from ‘fuel stress’ – those spending at least 10% of their family budgets on energy bills – is set to treble to 6.3m overnight when the new energy price cap comes in on 1 April 2022.

This Council notes and is concerned by the Government’s latest official data, which reveals nearly 5000 households (13.2%) in Selby District are in fuel poverty.

This Council agrees with the well-respected ‘Money Saving Expert’, Martin Lewis that ‘it is not an exaggeration to say there are people in the country who will be choosing between heating and eating come April.’

This Council calls on the UK Government to take immediate and substantive action to support families across Selby, and indeed the United Kingdom, who are struggling with the recent sharp increases in household energy costs and the increases to come in the weeks and months ahead.

This Council notes Prime Minister Boris Johnson’s public statement in May 2016 that ‘the least wealthy are hit particularly hard’ by VAT on household energy bills and that ‘when we vote Leave, we will be able to scrap this unfair and damaging tax’.

This Council resolves to call on the UK Government to take immediate action to support families in Selby by as a minimum: removing VAT on energy bills for at least one year; increasing the Warm Home Discount from £140 to £400 per year and expanding the number of households eligible to 9.3 million; as well as introducing a year-long increase to corporation tax for North Sea oil and gas producers in order to secure £1.2 billion windfall from their increased price rise profits to help mitigate household energy bills.

This Council calls on the UK Government and our local Members of Parliament to end the dither and delay on tackling the cost-of-living crisis facing families and act now to support them with the escalating costs of household energy bills.

Councillor Packham moved the motion and explained that energy bills were increasing by £700 a year which was having a severe impact on residents alongside other increases such as inflation, national insurance and council tax.

Councillor Nichols seconded the motion and stated that there was an increase in the number of people having to use foodbanks and that this was an issue the Government should be helping with as the situation would only get worse.

The Leader of the Council responded to the motion and stated that he didn’t think it was for the Council to write to the Government on the issue and that the Prime Minister and Government were looking at the issues however did not have their own money other than that raised through taxation. Concern was raised that the situation in Ukraine would only worsen the situation.

Other comments on the motion included that the supply of energy was an issue however had not been mentioned in the motion and that if the corporation tax was created, as outlined in the motion this would have an impact on the supply issues.

Upon being put to the vote, the motion was rejected.

RESOLVED:

To reject the motion.

48 LOW CARBON STRATEGY (C/21/8)

The Lead Executive Member for Place Shaping presented the report which outlined the Council's proposed Low Carbon Strategy 2021-2030.

The Lead Executive Member for Place Shaping thanked officers and the Low Carbon Working Group for their work on the strategy.

RESOLVED:

- 1) To approve the Low Carbon Strategy 2021 – 2030 (Appendix A) and that support be provided for targets for the Council to achieve carbon neutrality before 2050 as outlined in the Council Plan but with the aspiration of achieving this by 2030, or as near to that date as possible.**

- 2) To support and select the first select the first option of offsetting scope 1 and 2 emissions with regards to carbon offsetting from 2018 to 2023 as outlined in section 4.2.**

REASON FOR DECISION:

To enable the Council to achieve its low carbon targets and to show leadership with addressing the impacts of climate change.

49 REVISED LOCAL DEVELOPMENT SCHEME (C/21/9)

The Lead Executive Member for Place Shaping presented the report which asked that Council recommend that the revised Local Development Scheme which set out the timescales for the preparation of a new Local Plan was brought into effect and published.

It was noted there was an error in the report where it referred to Access Selby and it was agreed this would be removed.

RESOLVED:

To recommend that the revised Local Development Scheme

which sets out the timescales for the preparation of a new Local Plan at Appendix A is brought into effect and published.

REASON FOR DECISION:

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.

50 HOUSING REVENUE ACCOUNT BUSINESS PLAN 2020-2025 (2021/22 REVIEW) (C/21/10)

The Leader of the Council presented the report which set out the 2021-22 review of the Housing Revenue Account Business Plan 2020-2025.

There were no comments on the report.

RESOLVED:

To 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.

REASON FOR DECISION:

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.

51 THE BUDGET RESERVES AND BALANCES 2022/23 (C/21/11)

Karen Iveson, Chief Finance Officer presented the report which confirmed the robustness of the Council's budget and the adequacy of its reserves and balances having regard to a variety of factors.

There were no comments on the report.

RESOLVED:

To consider the Chief Finance Officer's statements in paragraphs 2.8 and 2.14 of the report when setting the Council Tax.

REASON FOR DECISION:

To provide Council with assurance on the proposed budget and the Council's

reserves in order to formally set the budget and Council Tax for 2022/23.

52 REVENUE BUDGET AND CAPITAL PROGRAMME 2022-23 AND MEDIUM TERM FINANCIAL PLAN (C/21/12)

The Lead Executive Member for Finance and Resources provided a presentation on the Executive's proposed revenue budget, capital programmes and the Programme for Growth for 2022/23. The proposed budget also set out recommendations for formal Council Tax setting. The Lead Executive Member for Finance and Resources also drew Members' attention to the update note which had been circulated concerning the Selby Gateway Project.

The key elements of the presentation were as follows:

- This would be the last budget for Selby District Council before the new North Yorkshire unitary authority was established next year. The aim was to deliver on the Council Plan and support a smooth transition to the new Council.
- There continued to be challenges on the delivery of the Council plans due to Covid-19, capacity issues, inflation, supply chain and other market issues.
- The proposed budget delivered the necessary financial investment to meet the Council's stated priorities, balanced the investment of cash windfalls with future financial sustainability, and allocated resources and reserves to support financial resilience and manage risk as the transition continues to the new unitary authority.
- Savings would be delayed to 2024/25 which would be post Local Government Reorganisation (LGR).
- The General Fund (GF) had a net revenue budget of £22.6m with a precept of just over £6m. It was noted that due to the ongoing impacts of Covid-19 and LGR, the budget included substantial contingencies.
- It was proposed that there would be a freeze in the Band D charge for Council Tax which meant it would remain at £183.22 for 2022/23. Additionally, Members were informed that the tax base had shown a 2.19% growth.
- The Housing Revenue Account (HRA) had a net revenue budget of £8.3m with a surplus of £4.3m for major repairs. It was noted that the Executive had previously approved a 4.1% increase in Council rents.
- Some of the budget risks included ongoing impacts of Covid-19 on services such as leisure, the new Government funding formula in

development and a review of the New Homes Bonus.

- There was significant service investment planned for the next three years in the GF and HRA Capital Programmes and the Programmes for Growth.

A query was raised whether the forthcoming call-in consideration of the proposed funding for leisure services had an impact on how the budget was considered. The Lead Executive Member for Finance and Resources explained that a contingency amount had been included in the budget therefore it would not preclude the decision on the budget.

In line with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, the Chairman explained that a recorded vote needed be taken on the proposals which had been put forward, as outlined in the report.

The voting for the proposals was as follows:

For the proposal: 26

Councillors K Arthur, G Ashton, D Brook, D Buckle, J Cattanach, I Chilvers, J Chilvers, M Crane, S Duckett, K Ellis, K Franks, T Grogan, M Jordan, C Lunn, D Mackay, J Mackman, R Musgrave, W Nichols, B Packham, C Pearson, N Reader, C Richardson, J Shaw-Wright, S Shaw-Wright, R Sweeting and P Welch

Against the proposal: 0

RESOLVED:

- i) To approve the revenue budgets, savings, capital programme and programme for Growth at Appendices A to E;**
- ii) To approve that Council Tax be frozen at £183.22 for a Band D property for 2022/23;**
- iii) To approve the formal Council Tax resolution set out in Appendix I;**
- iv) To approve the revised income bands for the Council Tax Support Scheme 22/23 as laid out in points 2.11 and 2.12 of the report.**

REASON FOR DECISION:

To enable the Council to set its budget and Council Tax and agree revisions to the Council Tax Support Scheme for the coming financial year.

53 TREASURY MANAGEMENT STRATEGY (C/21/13)

The Lead Executive Member for Finance and Resources presented the report which set out the Council's proposed Treasury Management Strategy for 2022-23 and informed Council that the Selby Station Gateway project expenditure would be updated as outlined on the budget item.

There were no comments on the report.

RESOLVED:

- i) To set the Operational Borrowing Limit for 2022/23 at £73m**
- ii) To set the Authorised Borrowing Limit for 2022/23 at £78m**
- iii) To delegate authority to the Chief Finance Officer to effect movement within the agreed authorised boundary limits for long-term borrowing for 2022/23.**
- iv) To delegate authority to the Chief Finance Officer to effect movement within the agreed operational boundary limits for long-term borrowing for 2022/23 onwards.**
- v) To approve the treasury management strategy statement 2022/23.**
- vi) To approve the minimum revenue provision policy statement for 2022/23.**
- vii) To approve the treasury management investment strategy for 2022/23.**
- viii) To approve the prudential indicators for 2022/23 which reflect the capital expenditure plans which are affordable, prudent and sustainable.**
- ix) To approve the Capital Strategy for 2022/23.**

REASON FOR DECISION:

To ensure the Council's Treasury Management Strategy and associated policies are prudent and affordable.

54 PAY POLICY STATEMENT (C/21/14)

The Leader of the Council presented the report which asked Council to approve the Pay Policy Statement for 2022/23.

There were no comments on the report.

RESOLVED:

To approve the Pay Policy Statement for 2022/23 (Appendix A).

REASON FOR DECISION:

To comply with Localism Act 2011 (the Act) to prepare a Pay Policy Statement articulating the Council's policy towards the pay of the workforce.

55 PROCUREMENT OF EXTERNAL AUDIT FOR THE PERIOD 2023-24 TO 2027-28 (C/21/15)

The Lead Executive Member for Finance and Resources presented the report which set out proposals for appointing the external auditor to the Council for the accounts for the five-year period from 2023/24.

The Lead Executive Member for Finance and Resources explained that the proposals were presented in the context of LGR and had the support of all eight section 151 officers across the area.

Council was informed that the Public Sector Auditor Appointments (PSAA) had advised that existing Councils should opt into the proposals arrangements in case there was a delay with LGR.

RESOLVED:

To accept the Public Sector Audit Appointments' invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023.

REASON FOR DECISION:

To ensure an external auditor appointment should LGR be delayed for a reason.

56 REPORT OF THE MONITORING OFFICER 2021 - STANDARDS ARRANGEMENTS (C/21/16)

Alison Hartley, Monitoring Officer presented the annual report of the Monitoring Officer for 2021 regarding the standards arrangements of the Council.

Concern was raised that the Democratic Services Manager in their role as Deputy Monitoring Officer would be placed in a difficult position if having to deal with complaints against Members due to the role working closely with Members on a regular basis.

The Monitoring Officer advised that the Democratic Services Manager in their role as the Deputy Monitoring Officer predominantly dealt with complaints relating to Parish Councillors and that the Solicitor (Planning) in their role as

Deputy Monitoring Officer with full powers would assist in dealing with complaints against District Councillors.

RESOLVED:

To note the contents of the report.

REASON FOR DECISION:

To ensure that high standards of conduct by Councillors and co-optees are promoted and maintained.

57 UPDATE TO MEMBERSHIP OF COMMITTEES (C/21/17)

The Leader of the Council presented the report which asked Council to approve the updated appointment of Councillors to Committees for the 2021-22 municipal year as outlined in the report.

There were no comments on the report.

RESOLVED:

To approve the updated appointment of Councillors to Committees as outlined at Appendix A for the 2021/22 municipal year

REASON FOR DECISION:

To meet legislative requirements and to enable the proper functioning of the Council in the 2021/22 municipal year.

58 CONSTITUTION UPDATE (C/21/18)

Alison Hartley, Monitoring Officer presented the report which set out any administrative changes to the Constitution that had been made under delegation by the Monitoring Officer since the last approval by Council.

There were no comments on the report.

RESOLVED:

To note the administrative changes made by the Monitoring Officer since the last amendments were reported to Council in April 2021.

REASON FOR DECISION:

To ensure the constitution is up to date and fit for purpose.

59 URGENT ACTION

The Chief Executive reported the following urgent action she had agreed since the previous meeting of the Council in September 2021:

- On 16th December 2021, following consultation with the Chairman, Vice Chairman and the Leader of the Council, the decision to cancel the Council meeting due to take place on 21 December 2021 due to the continuing Coronavirus (Covid-19) pandemic.
- On 16th December 2021, following consultation with the Leader of the Council, the Executive and the Chairman of the Overview and Scrutiny Committee, the decision to cancel the Executive meeting due to take place on 21 December due to the continuing Coronavirus (Covid-19) pandemic.

RESOLVED:

To note the urgent action taken and reported by the Chief Executive.

The meeting closed at 8.05 pm.

Councillor Mark Crane - Leader of the Council – 19 April 2022

This report covers the period from the Council meeting on 24 February 2022. I have attended meetings of the Local Government Association (LGA and District Council Network (DCN), the York and North Yorkshire Local Enterprise Partnership Infrastructure board and the LGR North Yorkshire Implementation Board.

Update on Devolution

A positive meeting with was held with the Whitehall team on Thursday 31 March led by Paul Rowsell, (Head of Governance Reform & Democracy Unit), Andrew Battarbee, Area Director, Yorkshire & North East) and Damien Dacey, (Deputy Director, English Devolution). Local Government are represented by Richard Flinton, Ian Floyd and Mike Greene.

The headlines from the day were that the presentation of the York and North Yorkshire narrative is very cohesive with the asks a showing a joined up strategic intent. They could see why all the asks were important to the sub region, notwithstanding the scale of the financial cost.

The timeline set out by the Government team has a target for a deal to be agreed before the summer recess (late July). There is then a six month period to achieve the necessary formal approvals, undertake the governance review and to complete a public consultation on the Mayoral Combined Authority (MCA) Scheme. This would see the scheme being submitted to Whitehall Jan 2023 and the order enacted to create a MCA in Sept/Oct 2023.

Disabled Facilities Grants and Private Sector Assistance

In March the Executive approved a new Disabled Facilities Grant (adaptations) Policy and a new Private Sector Housing Assistance Policy. The new policies will increase transparency, increases the level of discretionary grant available and introduces new assistance measures to meet local need, support those in most need and enable independent living.

The Disabled Facilities Grant is a grant that can meet or contribute towards the cost of adapting a person's home with the aim of helping eligible people stay home for longer or to live safer, healthier and more independent lives. For private residents the provision for adaptations is funded via the government and the Better Care Fund, whilst for Council Tenants, the provision is funded using the Councils Housing Revenue Account budget. The new policy for adaptations explains clearly what the process will be for all residents irrelevant of their housing tenure and this, in addition to the new provisions in the Private Sector Housing Assistance Policy, will see the Council make the best use of current housing stock and maximise the spend of our Better Care Allocations.

Homes for Ukraine

The Homes for Ukraine scheme was launched on 14th March 2022 and is open to Ukrainian nationals and their immediate family members to be sponsored to come to the UK. This is a

bespoke scheme offering a route to those who want to come to the UK who have someone willing to provide them with a home or share their home with them. The number of people who can access the scheme is uncapped and is dependent on the capacity of the sponsors who come forward. Guests will be able to live and work in the UK for up to three years and access benefits, healthcare, employment, and support. Those arriving will need to meet standard security checks prior to being issued with a visa. Sponsors will be subject to initial Police checks and then Councils will be required to undertake further checks relating to safeguarding and the property suitability. Selby Council will have a role to play in supporting the scheme but unlike previous schemes to support refugees, will not be responsible for sourcing accommodation.

Support to businesses in Tadcaster effected by the flood

Agreed to support businesses in Tadcaster as they have endured another significant Flood caused by storms Dennis and in February. The Chief Executive in consultation with me has paid £x to the businesses effected.

Leisure Services – Summit Building

As Council will know the NHS has been using the Summit building since the end of January 2021 for use as a covid 19 Vaccination facility for the residents of Selby. The extended licence was due to expire at the end of March 2022, the NHS have requested, and we have agreed, a further extension of the licence to occupy the building until the end of December 2022.

Performance

At the March Executive we had the opportunity to review Council performance for quarter 3. We are pleased to recognise many positive aspects of performance. For example, 86% of the housing repairs backlog created by the pandemic is now cleared and there has been strong performance on standard voids, empty homes, support to Small and Medium sized Enterprises, processing of planning applications, aspects of debt collection and on council complaints.

Performance challenges remain around major voids and on processing of benefits where the team has had to juggle priorities to ensure covid grants are paid and paid promptly.

The next twelve months will be challenging as we balance the impact of increasing staff turnover, preparations for local government reorganisation and emerging from the pandemic. However, I am confident that our priorities will continue to be delivered and Executive thanks officers for their hard work.

Mark Crane
Leader of the Council



Councillor Richard Musgrave, Deputy Leader of the Council
Report to Council on 19 April 2022

Development Management

In the period between 1 February 2022 and 28 February 2022 no major applications were determined.

In the period between, 1 February 2022 to 28 February 2022, 79% of minor applications were determined within the statutory period or agreed extension of time. This equates to 19 determined, 1 within the statutory 8 weeks and 14 within the extension of time period agreed and 4 out of time. These figures are higher than the national designation targets set by the Government for minor applications which is 70%.

In the period between, 1 February 2022 to 28 February 2022, 82% of minor other applications were determined within the statutory period or agreed extension of time. This equates to 33 determined, 5 within the statutory 8 weeks and 22 within the extension of time period agreed and 6 out of time. These figures are higher than the national designation targets set by the Government for minor applications which is 70%.

In addition to the above during the same period we also dealt with 35 other applications which are not reported to CLG which include the following types:

HENS (Larger household extensions), Agricultural Prior approvals, Prior Notifications, Telecommunications, Discharge of Conditions, Minor Amendments, Works to Trees, County and other Consultations, Scoping reports and Screening opinions for EIA applications.

We also assessed 14 Permitted Development Enquiries (PD's) and determined 7 Certificates of Lawfulness.

With regard to performance at appeal for Development Management, in the period between 1 February 2022 to 28 February 2022, 1 was determined and dismissed. During the same period 3 Enforcement appeals were determined of which 2 were dismissed and 1 was allowed.

We also received 3 new appeals for Development Management and 2 new Enforcement appeals

The Planning Enforcement Team served 2 Enforcement notices and closed 34 cases during February 2022.

The Public Inquiry for the Hilliam Gypsy and Traveller site was held from 22 March 2022 for four sitting days, and we anticipate that the Inspector will be issuing his decision by the end of May.

Planning Policy and Strategy

We continue to make progress on the Publication version of the Local Plan. We are continuing to undertake work with site promoters to resolve matters relating to the deliverability of sites in order to finalise the allocations which will be included in the Publication Local Plan.

We are also continuing to have dialogue with infrastructure providers such as highways and health providers on requirements to support the new plan. Additional technical work is also being undertaken on flood risk, viability and highways modelling. Work also continues on updating policies in response to comments raised at the Preferred Options stage and to reflect changes to National Guidance. We anticipate a report to Members on the Publication version of the Local Plan in early Summer.

Consultation on the Escrick Neighbourhood Development Plan ended on 4 April. The responses to the consultation are being collated and will be submitted for independent examination in due course.

Nationally Significant Infrastructure Project (NSIP)

A report on the Yorkshire Green Energy Enablement Project will be presented to Executive on the 7 April 2022.

The Project is being brought forward by National Grid Electricity Transmission who are proposing to upgrade and reinforce the electricity transmission system in Yorkshire, spanning five local authority areas including Selby District. This reinforcement is needed to improve the transfer of clean energy across the country. The Project is currently at the pre-application stage with the Planning Inspectorate. National Grid Electricity Transmission are expected to submit their application for a Development Consent Order (DCO) to the Planning Inspectorate during Q4 2022/Q1 2023. The final decision is made by the Secretary of State on the recommendation of the Planning Inspectorate, with Local Planning Authorities being statutory consultees in the process.

The Executive will be asked to note the contents of the report and to authorise the Director of Economic Regeneration and Place in consultation with the Executive Member for Place Shaping, having considered the Ward Councillors representations, to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO. The reason for this is that timescales for commenting on the DCO application once it is submitted are embedded in statute and it is important that appropriate delegation arrangements are in place so that the Council is able to meet the deadlines which are set by the Planning Inspectorate. This approach is the same as we've used to deal with other NSIP's (e.g., Eggborough and Drax).

Richard Musgrave, Deputy Leader of the Council

Councillor Cliff Lunn, Executive Member for Finance and Resources - Report to Council on 19 April 2022

Annual Billing

In the week commencing 14th March just over 41,500 council tax bills were posted out to residents and 2790 National Non-Domestic Rates bills. An extension to the retail relief scheme of a further 50% rates relief for 2022/23 was recently announced and following a quick turnaround of the required software changes the team managed to get the NNDR bills out on time with this change included.

Test and Trace support payments

Since September 2020 the Benefits and Taxation Section has been administering the £500 payments on behalf of the Department for Health & Social Care. Following changes to the requirement to self-isolate the scheme closed for new applications on the 24th February 2022. Since the scheme began the team have dealt with over 2340 applications from customers and payments totalling £506,000 have been made to residents of the district to help them during self-isolation.

Omicron Hospitality and Leisure Grant

The Omicron Hospitality and Leisure Grants were announced in December 2021 to support hospitality, leisure and accommodation businesses in rated premises. In recognition that the rise of the Omicron variant meant that some businesses were likely to struggle due to reduced trade. The amount of grant was based on the rateable value of the premises, with the amounts being either £2667, £4000 or £6000 and the scheme closed for applications on the 18 March 2022. Over 220 businesses have been paid a total of £692,721. A further small top-up of the discretionary Additional Restrictions Grant was also received to assist businesses outside of the rating system and a further 49 businesses received a total of £136,682.

Energy rebate

Following the increase in energy and gas prices, the Government announced that households in England in Council Tax bands A-D will get a £150 rebate to help with the cost of living and local councils have been tasked with administering this. The government guidance is still being developed however local authorities have been advised the preferred method of payment is direct to customers banks. If customers pay by direct debit the council will seek to do this as soon as the first direct debit for the financial year has been taken. There will be an application process to collect the bank details for those customers where we don't hold details. There will be a discretionary scheme to provide support for vulnerable households who may not qualify for the £150 council tax rebate. This will be for lower income households in council tax bands E-H, but the fund will be limited. The council is required to develop a policy for this scheme and the full details are currently being prepared.

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Councillor David Buckle, Executive Member for Communities and Economic Development - Report to Council on 19 April 2022

Regeneration

Town Centres Revitalisation Programme

The SDC Officer team are currently completing business cases for upgrading of the bus station in Tadcaster, and improvements to Market Place and the park in Selby. Once the Team has gained final Business Case approval they will appoint consultants to start full engagement with businesses and undertake technical design work.

An article this month in Selby Times highlighted the towns recent success in attracting new, small, and independent businesses. The article also covered the range of projects being led in the council to support town centre revitalisation. A new deli on Scott Rd and a new tapas restaurant opening as the latest additions to the high street, boosting the food and drink offer. Selby has shown resistance to the high number of vacancies other areas are experiencing. Data from the Financial Times showed local sales since March 2020 were up by 1.6 per cent at the beginning of the year on what might have been expected from pre-pandemic levels.

The Town Centres Revitalisation Programme Grant Award scheme has been launched with a focus on Sherburn. Two applications from Sherburn-in-Elmet Community Trust have recently been approved by the Grant Panel, and Grant Award Documents are currently being finalised.

Selby District Places and Movement Study

SDC and NYCC are reviewing the best way forward, with consultants WSP, for the next stage of the Places and Movement Study. This specifically looks at Selby and Sherburn, including modelling to assess critical junctions in each town and a further review of parking provision in Sherburn.

Selby Station Gateway Transforming Cities Fund (TCF)

Negotiations to acquire several land parcels to facilitate the scheme continue with aim to secure all required land will by end of Quarter One 2022/23. The planning application for the scheme is currently being assessed by Planning Officers. NYCC's appointed contractor, Galliford Try, have made several early site visits to understand the scope and extent of the work.

As previously highlighted, subject to Executive and West Yorkshire Combined Authority approvals, works are on target to start Autumn 2022 with completion of the main scheme in 2023 and the new plaza in 2024.

A Communications Plan, identifying the main project activity, construction phasing and related dates, is currently being produced by NYCC and SDC Communications Teams.

Welcome Back Fund

The Welcome Back Fund programme has now ended, and all funded projects are now completed. The community engagement work being undertaken by Social Vision is also complete and a summary Report outlining findings and further recommendations identifying opportunities to enhance town centre activity and vitality is currently being compiled.

Economic Development

Business Support

As part of the objective to increase engagement with large businesses across the district, Economic Development officers have continued to visit and meet with the district's larger businesses, recent discussions have been held with: Clipper, Greencore, Cranswick, Switch Mobility and Drax amongst others. The aim is to build a stronger relationship and to work together to overcome challenges, support growth and highlight good practice.

With very low unemployment in the region, a continuing challenge for many local employers has been recruitment and training. Officers have sought to help to address this by planning and delivering a series of Employment & Skills forums looking at practical ways to help resolve this pressing issue. These have proven to be extremely popular; the upcoming forum will take place at Drax Power station and will include a tour of the Drax facility and will feature presentations on employing refugees and employing care leavers. The council has also commissioned a series of 6 short videos highlighting the career opportunities available in some the districts larger employers.

December 2021 to February 2022 saw 73 businesses supported with advice and signposting across a range of topics including: employment, skills, planning, expansion, business diversification and funding support. Selby district remains part of several Enterprise programmes accessed via both Leeds City Region LEP and York & North Yorkshire LEP. Referrals have been made into these programmes as well working closely with York and North Yorkshire Growth Hub to enable local businesses to take advantage of the broader range of programmes and support available.

Increased energy costs, fuel prices, raw material prices and supply-chain issues as well as recruitment difficulties, are presenting a challenging environment, however, the broad consensus is optimistic about the local economy moving forward.

Inward Investment & Strategic Sites

Officers continue to work with the Department for International Trade & York and North Yorkshire LEP along with landowners and developers to facilitate inward

investment into the district, enquiry levels continue to be high. Officers continue to develop proposals to further promote the opportunities and attractions of being based in Selby District, both for inward investment and expansion of local businesses, enhancing the success of our previous place-branding work as well as developing that work.

Close working has continued with strategic site developers across the district. In particular Konect 62 (Former Kellingley colliery), Core 62 (Former Eggborough Power station) and Sherburn 2 / 42 are all planned to begin construction this year offering commercial space of different sizes for a range of employment uses.

There is a continued high level of enquiries for new investment in commercial space and this is encouraging developers to speculatively build large units to satisfy the growing demand. All the above sites are being progressed quickly to satisfy the current requirements. This demand closely reflects the Council's emphasis on prioritising well paid, skilled jobs into the district.

Selby Business Centre

As part of the TCF Selby Station Gateway project, Selby Business Centre was purchased by the council on 23rd December 2021. As part of the project, the SBC will be demolished in July / August 2023 and then replaced by a new public square, opening out to the park, and linking to the town centre and Selby Abbey. There will also be sites available for future commercial activity to the north and the south of the new plaza.

This will necessitate tenants moving to alternative premises, officers have been working closely with the Selby Business Centre tenants to mitigate the effect of the move on these businesses by utilising the council's resources, knowledge, and contacts to help find alternative premises and to minimise the effects of any disruption to their business.

Community Safety

SDC Officers and North Yorkshire Police officers and volunteers have been working together to address anti-social behaviour in the Staynor Hall area. Almost 1000 leaflets were delivered to the area and since the leaflet drop occurred, there have been no recorded incidents to North Yorkshire Police nor any incidents noted on the local social media channels. In February there were 97 ASB incidents reported to NYP with many of these involving the behaviour in the area.

In response to some growing community tensions, there will be some intensive work carried out in an area in Sherburn in Elmet. This work will involve visits to all SDC tenants in/around the Meadow View area by the SDC Neighbourhood Officers, an increase in police patrols and a drop-in session for residents on the 6th April at Harold Mills Court between 10am and 2pm. There will be a selection of our local partners attending to give out information and general advice too. It is hoped that this will be the first of a series of community events across the district as we get back to face to face working.

Member Locality Funding

The Member's Locality Funding has been completed for 2021/22. Councillors have awarded £83,287 to local projects with recent examples of support being for: preparing for the Queen's Jubilee Celebrations, enhancing village hall and community spaces and play and training equipment.

Officers will now review the application process, eligibility for project ideas and also develop an annual report of activity for Full Council.

The Member Locality Fund for 2022/23 will open on 9th May after the Elections. Officers will hold a refresher webinar to update Members on how to apply for the funding and on any new eligibility. Members will be contacted as part of the review process to understand what has worked and could be improved for this final year of funding.

Councillor David Buckle

Executive Member for Communities and Economic Development

Councillor Tim Grogan - Executive Member for Health & Culture
Report to Council on 19 April 2022

Environmental Services

A report was approved at the Executive in March for a contract succession strategy and re-procurement exercise in April 2022. A cross party elected member task and finish group will be actively involved in this project at key stages over the next 12 months.

Regulatory Services

Covid response

Environmental Health, Enforcement and Licensing continue to support Public Health and other partners in responding to the ongoing pandemic, albeit in a reduced format.

Environmental Health

The easing of restrictions concerning the pandemic has allowed Environmental Health to undertake routine interventions as part their recovery plan to fulfil the Council's statutory duties. Already 60 food hygiene inspections have been completed in the final quarter, which contributes to a total of 249 inspections in this working year.

Environmental Health has also received excellent feedback from Defra following the appraisal of the Annual Status Report (ASR), linked to the work undertaken on air quality in the district. It recognizes progress made with the Air Quality Action Plan (AQAP) with reference to the Taxi Licensing Policy, partnership working with NYCC and consideration of planning applications that might impact on air quality.

Enforcement

Enforcement are currently working with the Environment Agency, Police, and other local authorities into three industrial scale fly tips in Kirk Smeaton and Little Smeaton. General enforcement work undertaken is as follows:

45	FPN's issued since 01/04/21 (7 issued since the last report)
21	Littering
15	Fly Tipping
7	Household disposal
2	Commercial Waste

Officers continue to undertake pro-active commercial waste visits to premises in the district to check on the appropriate waste transfer notes and contract information.

In conjunction with work between Community Safety at Selby DC and North Yorkshire Police, the Enforcement team were involved in an initiative to inform residents how to report issues and to be vigilant in response to a spate of thefts from vehicles.

Licensing

The taxi and gambling policies are currently being processed towards adoption resulting in both strategies being in place by the end of June.

Officers are working with the Police on a scheme aimed at promoting licensing objectives in terms of promoting selected businesses. A sign up to the project is being undertaken and progress will be revealed in due course.

Culture & Visitor Economy

Plans for the second Get To Know Your Own Heart residents' engagement weekend are well underway. The event takes place over the weekend of 9/10 April and aims to encourage people to experience the great businesses and activities throughout the district. There's a range of activity taking place, including a living history camp, guided walks and archery at Towton Battlefield; special offers at Carlton Towers, The Owl at Hambleton and Harmony Tearooms at Stillingfleet; an open weekend at Sherburn Aero Club and tower tours at Selby Abbey. Marketing activity includes digital advertising on Google and Facebook and advertisements in the local press, with all marketing activity aiming to drive traffic to the Heart of Yorkshire website, where people can learn more about what's on.

To date the Heart of Yorkshire website has had more than 29,000 views and work on a Public Art Plan for the District has begun. High-quality public art is a key part of the Cultural Development Framework.

The Government has announced 109 Local Authority Areas for Levelling Up for Culture support. Selby District is one of the LAs identified, as an existing Priority Place for the Arts Council (ACE). Work on this partnership is fully underway.

Selby Stories, the cultural programme for the High Street Heritage Action Zone, is progressing well. Artist Ed Kluz is creating works which will be printed onto the scaffolding shrouds of some of the buildings undergoing HSHAZ-funded improvement works. Digital artist Adam Clarke (Wizard Keen) is delivering the next iteration of Selby Block Party, which will work with children and young people to build Selby as it is, or as they would like it to be, using Minecraft. The first children's singing/song-writing project is complete, and work has begun on the second, which will engage a further 6 primary schools.

Artists Patricia Mackinnon-Day and Claire Barber have been appointed to undertake some research into the heritage stories around Olympia Mill and Barlby Road's industrial heritage. Artist Dr Katayoun Dowlatshahi has completed her concept designs for public art as part of the Transforming Cities scheme for Selby Station Gateway.

Councillor Tim Grogan, Executive Member for Health and Culture

Agenda Item 10



Councillor Karl Arthur – Chair of Audit and Governance Committee

Update to Council on 19 April 2022

The Audit and Governance Committee has not met since the last update provided to the Council on 24 February 2022. The next meeting of the Committee will take place on Wednesday 27 April 2022 and will discuss the following items of business:

- External Audit Progress Report;
- External Audit Strategy Memorandum;
- Internal Audit, Counter Fraud and Information Governance Progress Report;
- Internal Audit, Counter Fraud and Information Governance Plan 2022-23;
- Constitutional Amendments;
- Audit and Governance Annual Report 2021-22;
- Audit and Governance Work Programme 2022-23;
- Consideration of Internal Audit Reports

I commend my statement to the Council.

Councillor Karl Arthur
Chair, Audit and Governance Committee

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Policy Review Committee Report to Council – Cllr Chris Pearson

The Policy Review Committee has met once since the last update to Council in February 2022.

15 March 2022

The Committee welcomed Councillor Georgina Ashton to her first Policy Review Committee meeting, and thanked Councillor Judith Chilvers for her contribution to the work of the Committee over the past few years.

Members went on to consider the following matters:

Update from the Low Carbon Working Group (LCWG)

The Committee received an update on low carbon work since the last Committee meeting and noted that a full update would be presented to the Low Carbon Working Group on 22 March 2022, where further discussion and feedback could be provided.

The update contained information on the Low Carbon Strategy, the HVO fuel trial, the York and North Yorkshire Local Enterprise Partnership (LEP) Routemap to Carbon Negative, Our Zero Selby, Better Homes Yorkshire, local government reorganisation and tree planting.

Gambling Policy 2022

The Committee received the report of the Licensing Manager which asked Members to consider and endorse the proposed Gambling Policy 2022.

Selby District Council was 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 existing Gambling Policy had been reviewed and it was considered that very minor changes were required. The Council consulted on the revised Gambling Policy between 10 January 2022 to 21 February 2022.

Members endorsed the proposed Gambling Policy 2022.

Selby Taxi Licensing Policy 2022

The Committee received the report of the Licensing Manager which presented the proposed Selby Taxi Licensing Policy 2022. A consultation was held between the 10 January and 21 February 2022 with proposals to the Selby’s Taxi Licensing Policy 2022. Officers had reviewed the consultation responses received and updated the policy.

The Committee endorsed the proposed policy and recommended it to the Executive for adoption.

Work Programme

The Committee agreed that the industrial units information report should move to the June 2022 meeting, as well as the two remaining items on the work programme for April 2022 (the update from the Low Carbon Working Group and Work Programme Planning 2022-23), and that as a result, the April 2022 meeting of the Committee be cancelled.

The Policy Review Committee will be meeting next in June 2022.

Councillor Chris Pearson – Chair of the Policy Review Committee

Councillor Steve Shaw-Wright – Chair of Scrutiny Committee

The Scrutiny Committee has met three times since the update given at the last meeting of the Council in February 2022.

1 March 2022

Call In of Executive Decision Relating to the Update on Leisure Services Provision

This Committee were asked to consider the Call In of the decision made in respect of report E/21/45 – Update on Leisure Services Provision, which was made by the Executive at the meeting on 3 February 2022.

The meeting was held in private session; following a detailed discussion the Committee agreed with the decision of the Executive and agreed to take no further action but requested that regular updates on leisure services provision be provide at future meetings of the Committee.

11 April 2022

The Council agenda was published before this meeting took place, and as such a verbal update will be given by the Chair. On the agenda were:

- Dentistry in Selby District
- Corporate Performance Report Quarter 3 – 2021-22
- Financial Results and Budget Exceptions Report – Quarter 3 2021-22
- Treasury Management Quarterly Update – Quarter 3 2021-22
- Scrutiny Committee Work Programme Planning for 2022-23

Future Meetings: The next meeting of the Committee will be in June 2022.

Councillor S Shaw-Wright - Chair, Scrutiny Committee

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Report Reference Number: C/21/19

To: Full Council
Date: 19 April 2022
Status: Non Key Decision
Ward(s) Affected: Whole District
Author: Sharon Cousins, Licensing Manager
Lead Executive Member: Councillor Tim Grogan, Executive Member for Health and Culture
Lead Officer: Drew Fussey, Operational Service Manager

Title: Gambling Policy 2022

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 existing Gambling Policy has been reviewed and it is considered that very minor changes are required. The Council consulted on the revised Gambling Policy 2022 between 10 January 2022 to 21 February 2022.

Recommendation:

To adopt the proposed Gambling Policy 2022 as set out at Appendix A.

1. Introduction and background

1.1. 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
- Betting Premises
- Adult Gaming Premises

1.2 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.

1.3 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.

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

1.5 The Gambling Policy must be reviewed at least every three years, and the current Gambling Policy must be reviewed and revised (if necessary) in 2022.

2. The Report

2.1 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.

2.2 The draft Gambling Policy 2022 has been reviewed (Appendix A). It was previously adopted in 2019 and the regulatory regime is unchanged. For that reason, it is considered that the only changes required are to update:

- population size of the district;
- 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; and
- Name change of the Police Licensing Officer.

2.3 The Executive considered the draft Gambling Policy 2022 on 6 January 2022 and approved it for consultation from 10 January 2022 to 21 February 2022. The Consultation was wide, including, those consultees required by statute (listed at Appendix B of the draft Gambling Policy 2022), as well as non-statutory consultees such as the public, Parish Councils and Selby District Councillors. The consultation was also published on the Councils website, advertised in the local newspaper, and regularly published on the Councils social media.

2.4 Four comments were received to the consultation; in summary these were:

- 2.4.1. BeGambleaware.org commented that although unable to offer specific feedback to the Gambling Policy 2022, information was shared about the national helpline and where to find interactive maps. The helpline information has been added to our website.

- 2.4.2. Licence holder of a lottery licence required operational information on payments and applying for a renewal – this information was provided.
 - 2.4.3 Police – Section 14.2, Preventing Gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime – from a police perspective if operators wished to seek information on crime in our area, they could use the link provided to the Police UK crime map. This has been added to this section.
 - 2.4.4 A resident commented on concerns over how gambling premises communicate to children what is normal, expected and shapes what they see as a possible future.
- 2.5 Following this consultation, the Gambling Policy 2022 was amended as necessary and can be seen in Appendix A, which is scheduled to be presented before the following committees. Any updates from the previous committees will be given verbally.

Committee	Date
Licensing	Monday 14 March 2022
Policy Review	Tuesday 15 March 2022
Executive	Thursday 7 April 2022
Council	Tuesday 19 April 2022

- 2.6 If the Gambling Policy 2022 is adopted at Full Council, following the call-in period, there will be a further two weeks advertising that the Gambling Policy 2022 has been adopted. If there are no comments to the advertising, it is anticipated that the Gambling Policy 2022 will come into effect 30 June 2022.

3. Legal Implications

- 3.1. The review of the Gambling Policy is a legislative requirement. The Act requires the Licensing Authority to publish a Gambling Policy every three years, but it can be reviewed at any time within the three-year period. In accordance with section 349 of the Act, when reviewing the Gambling Policy, the Licensing Authority is required to carry out a consultation process.
- 3.2. The final approval for the new Gambling Policy is given by Full Council. Failure to review the Gambling Policy and follow the correct guidelines will leave decisions on gambling licensing open to challenge.

4. Financial Implications

- 4.1. This Gambling Policy 2022 proposes no significant changes, and no financial risk is identified.

5. Equalities Impact Assessment

- 5.1. Given the minor nature of the changes to the draft Gambling Policy 2022, no impacts are anticipated and therefore no screening document completed.

6. Conclusion

- 6.1. In line with the Act and the most recent Gambling Commission guidance, the Council, in its role as Licencing Authority, has now completed the statutory review of the policy, which will ensure the Council is carrying out its role as Licensing Authority. The draft Gambling Policy 2022 went out for consultation between 10 January 2022 to 21 February 2022. It received 4 comments only.
- 6.2. Subject to comments from the Executive Committee on 7 April 2022, following approval by Full Council on 19 April 2022, the new Gambling Policy 2022 will come into force on the 30 June 2022.

7. Background Documents

Existing Gambling Policy

8. Appendices

Appendix A – Gambling Policy 2022 (Statement of Principles)

Contact Officer:

Sharon Cousins, Licensing Manager

scousins@selby.gov.uk

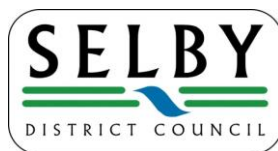
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Gambling Policy 2022

Gambling Act 2005
Statement of Principles





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PART A

1. Introduction

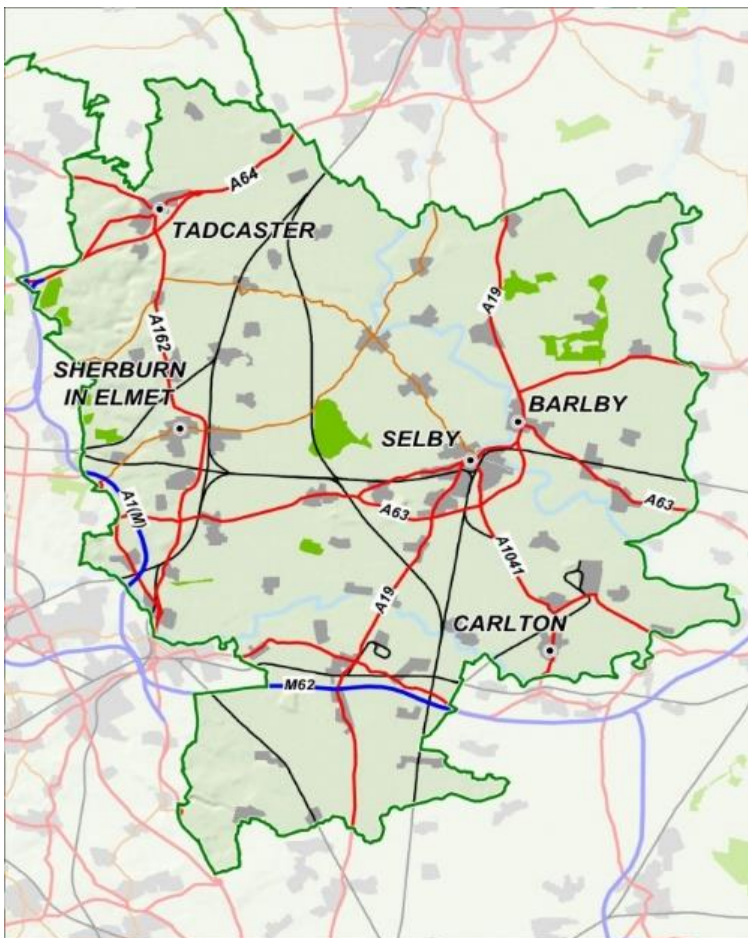
- 1.1 Section 349 of the Gambling Act 2005 ('the Act') requires us (Selby District Council) as a Licensing Authority in England and Wales to define and publish our Policy Statement on the exercise of our gambling functions at least every three years.
- 1.2 We will review our statement from "time to time" 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 our functions under the Gambling Act 2005
- 1.6 We have consulted widely on this policy statement from 10th January 2022 to 21st February 2022. A list of persons consulted can be found at Appendix A.
- 1.7 There were 4 comments received in response to the consultation.

- 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

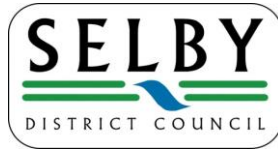
- 5.1 Interested parties can make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Act as follows:

"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.

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.

Operators seeking information about levels of crime and disorder in our area can use the following link to the Police UK Crime Map: [Selby | Police.uk \(www.police.uk\)](http://Selby | Police.uk (www.police.uk))

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.. 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

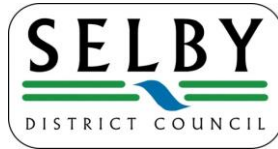
PART C

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.

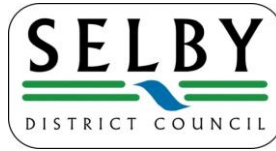
30.2 We can only grant a Temporary Use Notice to a person or company holding a relevant operating licence i.e. a non-remote casino operating licence.

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
Betfred
Ladbrokes Betting & Gaming Ltd
Ladbrokes
Stan James
William Hill Organisation Ltd
William Hill Bookmakers
William Hill Bookmakers
William Hill
Bowl 'N' Fun
Gamestec Leisure Limited
Popleston Allen

Selby Bowling Club
Inspiring Healthy Lifestyles
BACTA
Association of British Bookmakers Ltd
The Bingo Association
Greyhound Board of Great Britain
The Jockey Club
Federation of Licensed
Victuallers Associations
Alcohol Premises Licence Holders
Merkur Slots

(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, 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
nyplicensing@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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Agenda Item 13



Report Reference Number: C/21/20

To: Council
Date: 19 April 2022
Author: Alison Hartley, Solicitor to the Council
Lead Officer: Janet Waggott, Chief Executive
Executive Member: Councillor Mark Crane, Leader of the Council

Title: Calendar of Meetings for the 2022-23 Municipal Year

Summary:

This report provides, for approval, the calendar of meetings for the 2022-23 municipal year.

Recommendations:

To approve the Calendar of Meetings for the 2022-23 municipal year as outlined at Appendix A.

Reasons for recommendation

To meet legislative requirements and to enable the proper functioning of the Council in the 2022-23 municipal year.

1. The Report

1.1 Each year Council approves the calendar of meetings for the forthcoming municipal year. The proposed calendar is attached at Appendix A.

2. Alternative Options Considered

None – a calendar of meetings is required to ensure Council business can be conducted legally.

3. Implications

3.1 Legal Implications

None.

3.2 Financial Implications

Councillors are entitled to claim for travel expenses incurred when attending meetings physically.

4. Conclusion

That the Council approves the calendar of meetings, for the 2022-23 municipal year.

5. Background Documents

None.

6. Appendices

Appendix A – Proposed Calendar of Meetings for 2022-23

Contact Details:

Alison Hartley
Solicitor to the Council
ahartley@selby.gov.uk

2022/23

2022

2023

	May	June	July	August	September	October	November	December	January	February	March	April	May			
M	2 Bank Hol			1		3			2 Bank Hol							M
T	3			2		4	1		3							T
W	4	1 Planning		3		5 Planning	2		4	1	1					W
T	5 Election	2 Bank Hol		4 Executive	1 Executive	6 Executive	3 Executive	1 Executive	5 Executive	2 Executive	2 Executive					T
F	6	3 Bank Hol	1	5	2	7	4	2	6	3	3					F
M	9	6 Licensing	4	8	5 Licensing	10 Licensing	7	5	9	6	6 Licensing					M
T	10	7	5	9	6	11	8	6 POLICY REVIEW (Provisional)	10 POLICY REVIEW	7	7					T
W	11 Planning	8	6 Planning	10 Planning	7 Planning	12	9 Planning	7 Planning	11 Planning	8 Planning	8 Planning					W
T	12	9	7 Executive	11	8	13	10	8	12	9	9					T
F	13	10	8	12	9	14	11	9	13	10	10					F
M	16	13	11 Licensing	15 Licensing	12	17	14 Licensing	12 Licensing	16 Licensing	13 Licensing	13					M
Page 73	17 COUNCIL	14 POLICY REVIEW	12 COUNCIL	16 POLICY REVIEW (Provisional)	13 POLICY REVIEW	18 POLICY REVIEW	15	13 COUNCIL	17	14	14 POLICY REVIEW (Provisional)					T
W	18	15	13	17	14	19	16	14	18	15	15					W
T	19	16	14	18	15	20	17	15 SCRUTINY (Provisional)	19 SCRUTINY	16 SCRUTINY (Provisional)	16					T
F	20	17	15	19	16	21	18	16	20	17	17					F
M	23	20	18	22	19	24	21	19	23	20	20					M
T	24	21	19 POLICY REVIEW	23	20	25	22	20	24	21	21					T
W	25	22	20	24	21	26	23	21	25 AUDIT	22	22					W
T	26 Executive	23	21	25	22	27 SCRUTINY (Provisional)	24 SCRUTINY	22	26	23 COUNCIL	23 SCRUTINY					T
F	27	24	22	26	23	28	25	23	27	24	24					F
M	30	27	25	29 Bank Hol	26	31	28	26 Bank Hol	30	27	27					M
T	31	28	26	30	27 COUNCIL		29	27 Bank Hol	31	28	28					T
W		29	27 AUDIT	31	28 AUDIT		30	28			29					W
T		30 SCRUTINY	28		29 SCRUTINY			29			30					T
F			29		30			30			31					F

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Report Reference Number: C/21/21

To: Council
Date: 19 April 2021
Status: Council
Ward(s) Affected: Tadcaster
Author: Alison Hartley, Solicitor to the Council
Lead Officer: Janet Waggott, Chief Executive

Title: Reporting of Urgent Decision: Tadcaster Business Flood Grant Scheme

Summary:

This report sets out the reasons for the urgent decision taken by the Chief Executive to vire Programme For Growth budget to deliver flood recovery fund grants through a scheme to provide financial assistance to Tadcaster town centre businesses suffering hardship due to the flooding caused by Storm Franklin in February 2022.

Recommendation:

That Council note the urgent decision of the Chief Executive that:

- 1. £100,000 unallocated Programme for Growth funding and £22,500 of 'Growing Enterprise' Programme for Growth Funding be vired to establish a Tadcaster Business Flood Grant Scheme and;**
- 2. that authority be delegated to the Director of Corporate Services and Commissioning to enter into an agreement with an external provider to deliver the grant scheme, subject to appropriate conditions.**

Reasons for recommendation:

To offer immediate assistance to Tadcaster town centre businesses significantly affected by Storm Franklin. To provide an effective delivery mechanism for grant funding.

1. Report

- 1.1** In February 2022, the Selby District area was again affected by heavy wind and storms bringing damage and flooding to the area. Unfortunately, the risk of such flooding has once again disproportionately impacted on the Tadcaster business community through the impact of Storm Franklin. The storm brought the second time in 6 years that Tadcaster town centre's high street has flooded, bringing significant and further economic difficulty for the area. The town centre has experienced unprecedented hardship over this period. Major incidents such as

the 2015 flooding of the same area and loss of the bridge for over a year forced an extended recovery period and caused consumer habits to look out of the town; a loss of ability to insure property because of the continued flood risk and delays to installing flood defence systems is increasing financial pressure to the point of loss of businesses; and the impact of Covid on businesses through forced lock down changes again, consumer behaviour.

- 1.2 Recent town centre survey work¹ (2021) had indicated that prior to both the recent flood and the pandemic, the Tadcaster town centre had a commercial vacancy rate of 18% which is significantly higher than national benchmarks (9%). Placing the above in the context of this, identifies the ongoing economic hardship of Tadcaster businesses in the town centre.
- 1.3 Previous major incidents of flooding in 2015 and the Coronavirus pandemic had brought Government relief funding and it is acknowledged the positive impact that such relief funding can have for the local economy. At this time, there is no indication from the Government that relief funding will be made available for the recent areas in the country who have been affected by Storm Franklin.

2. Implications

2.1 Legal Implications

The decision is outside the Budget & Policy Framework and is therefore ordinarily reserved to Full Council and not within Executive delegation. Due to the urgent nature, the decision was taken by the Chief Executive using their urgency powers following consultation with the Leader and with the agreement of the Chair of Policy Review Committee that the decision may reasonably be regarded as urgent. It must now be reported to Council for information.

2.2 Financial Implications

The financial implications are set out in the body of the report.

2.3 Policy and Risk Implications

The urgent decision after consultation with the Chair of Policy Review Committee was taken to ensure that the Council can release funding in order to provide immediate financial support to Tadcaster town centre businesses who have adversely affected by recent floods. The purpose of providing grant relief would be to ensure Tadcaster town centre has support to regenerate the local economy.

2.4 Corporate Plan Implications

The proposal directly supports the Tadcaster town centre small business community to recover in line with the Council Plan 2020-2030 priority to support the regeneration of the district's market towns.

¹ People & Places 2021 'Tadcaster – the Heart of the Town Report'; Selby District Council

2.5 Resource Implications

Funds secured for allocation of the grants and to provide an effective delivery mechanism for grant funding.

2.6 Other Implications

None.

2.7 Equalities Impact Assessment

An equalities impact screening was completed and identified positive impacts particularly in relation to supporting businesses to reopen which provides local access to services for all age groups, disability groups, and with additional socio economic and skills impacts.

3. Conclusion

The urgent decision enables the grant funding to be allocated for the scheme to assist Tadcaster town centre businesses significantly affected by Storm Franklin.

4. Background Documents

None.

5. Appendices

Appendix A – Report Urgent Decision: Tadcaster Business Flood Grant Scheme & Officer Decision Record

Contact Officer:

Alison Hartley, Solicitor to the Council
ahartley@selby.gov.uk

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To: Chief Executive
Date: 1 April 2022
Status: Urgent Council Decision Outside Budget and Policy Framework
Ward(s) Affected: Tadcaster
Author: Angela Crossland, Head of Community, Partnerships and Customers
Lead Officer: Suzan Harrington, Director of Corporate Services and Commissioning

Title: Urgent Decision: Tadcaster Business Flood Grant Scheme

Summary:

This report seeks urgent authority to vire Programme for Growth budget to deliver flood recovery fund grants through a scheme to provide financial assistance to Tadcaster town centre businesses suffering hardship due to the flooding caused by Storm Franklin in February 2022. It is not practical to convene a quorate meeting of the Council. The Chair of Policy Review would need to agree that the decision is urgent.

Recommendations:

That following consultation with the Leader and agreement from the Chair of Policy Review as to urgency, the Chief Executive approves

- **£100,000 unallocated Programme for Growth funding and £22,500 of 'Growing Enterprise' Programme for Growth Funding be vired to establish a Tadcaster Business Flood Grant Scheme and that**
- **authority be delegated to the Director of Corporate Services and Commissioning to enter into an agreement with an external provider to deliver the grant scheme, subject to appropriate conditions.**

Reasons for recommendation

To offer immediate assistance to Tadcaster town centre businesses significantly affected by Storm Franklin. To provide an effective delivery mechanism for grant funding.

To do so in line with the Council Plan 2020-2030, 'to make Selby District a Great Place to Live with key objectives to 'Improve town centres' and to 'Develop a long-term programme of market town regeneration'.

1. Introduction and background

In February 2022, the Selby District area was again affected by heavy wind and storms bringing damage and flooding to the area. Unfortunately, the risk of such flooding has once again disproportionately impacted on the Tadcaster business community through the impact of Storm Franklin. The storm brought the second time in 6 years that Tadcaster town centre's high street has flooded, bringing significant and further economic difficulty for the area. The town centre has experienced unprecedented hardship over this period. Major incidents such as the 2015 flooding of the same area and loss of the bridge for over a year forced an extended recovery period and caused consumer habits to look out of the town; a loss of ability to insure property because of the continued flood risk and delays to installing flood defence systems is increasing financial pressure to the point of loss of businesses; and the impact of Covid on businesses through forced lock down changes again, consumer behaviour.

Recent town centre survey work¹ (2021) had indicated that prior to both the recent flood and the pandemic, the Tadcaster town centre had a commercial vacancy rate of 18% which is significantly higher than national benchmarks (9%). Placing the above in the context of this, identifies the ongoing economic hardship of Tadcaster businesses in the town centre.

Previous major incidents of flooding in 2015 and the Coronavirus pandemic had brought Government relief funding and it is acknowledged the positive impact that such relief funding can have for the local economy. At this time, there is no indication from the Government that relief funding will be made available for the recent areas in the country who have been affected by Storm Franklin.

3. Proposal

Current reports are that approximately up to 40 businesses have been affected by the recent flood with a rough estimate of 35 potentially eligible for small business hardship funding.

Officers have identified funding which could be reallocated within the P4G fund to provide a grant scheme. This would be to use £22,500 no longer required from the 'P4G - Growing Enterprise budget' and a £100,000 contribution from the unallocated P4G fund.

It is proposed to establish a grants scheme, subject to the eligibility criteria and fund terms outlined at Appendix A. Businesses identified as flooded would be offered an opportunity to apply for flood relief funding. Assessment of actual amounts required will be based on individual business needs and circumstance. The criteria for eligibility is focused predominantly on smaller businesses who have suffered personal hardship due to the flooding. It would look to cover issues such as:

- Loss of tools or equipment
- Personal hardship due to loss of income
- Repairs

¹ People & Places 2021 'Tadcaster – the Heart of the Town Report'; Selby District Council

- Loss of sales stock
- Enabling flood resilience measures

Initial priority will be to support local business owners with turnover under £100k experiencing financial hardship as a result of floods. This means the priority focus is local, small business but allows some discretion to go over that threshold where evidenced personal hardship.

Due to constraints on capacity within the council it is proposed that the scheme be managed by an external provider for a management fee of 10%.

The Government's delivery mechanism for emergency relief grant schemes from 2015/16 will be drawn from. Lessons from that period were that effective small business relief was provided at an average of £3,000 per property. Applying a small inflation to this amount may suggest that an average of £3,500 per business would seem appropriate. Actual allocation of funding would be dependent on individual business circumstances and need therefore some being offered less, or slightly more than the average. An average of £3,500 for approximately 35 properties would then require £122,500 to be made available to support an average payment approach. This would incur a management fee for the fund of £12,750 (10%).

The total project cost would then be £134,750

3.5. Options Considered

Internal management of grant funds: In usual circumstances, the council may look to manage the administration of such business-related grants in-house. However, in reviewing the capacity of the Benefits and Taxation service there is limited capacity to be able to engage with businesses, complete appropriate due diligence and administer processes. This is due to continued pressure related to annual billing processes, continued administration of Coronavirus Test and Trace payments, and the anticipated Energy Rebate scheme for approximately 32,5000 households in the District. The national picture related to funding support for a range of humanitarian crisis issues continues to be uncertain and we require resilience to be able to respond as well as manage business as usual. The capacity cost to deliver the scheme would likely be more expensive than support from an external provider and delay in administration would risk increased frustrations and financial hardship for businesses at a time of great difficulty.

Not to offer the scheme: The council is under no obligation to offer a grants scheme. During previous times of emergency, and as experienced by Tadcaster in the 2015 floods, there were national grant schemes available. There is no indication at this stage that a scheme will be made available through Government funding and officers have identified potential funding within the current budget framework that could be reallocated for this purpose.

6. Implications

6.1 Legal Implications

Part 1 of the Localism Act 2011 applies a general power of competence to local authorities in England. Section 1 (1) of the Act provides that “a local authority has power to do anything that individuals generally may do”. This includes the power to make grants where to do would be in the interests of the Council, the District and the inhabitants.

A formal agreement will be required with an external provider to deliver the Grant and therefore decisions at this stage are subject to any agreement being in place.

Grant funding criteria will be established in line with the draft fund terms outlined at Appendix A.

Subsidy Control

It is considered that the grant funding does not represent an unlawful subsidy under the Subsidy Control Rules (contained within the Trade and Cooperation Agreement) primarily on the basis that the funding to the external provider to manage the Grant Scheme would come within the definition of aid designed to compensate for damage caused by a natural disaster. Further, the recipients of the aid would be likely to rely upon the “minimal financial assistance” exemption where the total amount (of aid) received over a three financial year period is less than £315,000. The recipients would in any event be required to complete a Subsidy Control declaration confirming that they would be required to repay the funding in the event that it was found to be unlawful subsidy.

6.2 Financial Implications

The financials are laid out in the report relating to the average value of grants and the number of impacted businesses. Based on this data and approach, a total budget of £122,500 is required to deliver the business flooding grants scheme plus a management fee of £12,250. The report also confirms that at present there is no alternative Government support and funding for businesses impacted by the flooding.

It is proposed that funding be made available from the existing approved P4G programme for the grants element of the scheme via the following virements:-

- £22.5k reallocated Growing Enterprise project which is no longer required
- £100k from the P4G unallocated pot

A formal agreement will be entered into with an external provider to manage delivery of the Grant Scheme which has a management fee of £12,250 which will be funded from existing revenue budgets.

Robust due diligence will be required to ensure that the external provider has the necessary governance, policies, and practices to safeguard public funds and that an appropriate grant strategy is in place.

6.3 Policy and Risk Implications

Demand outstrips funding available: The fund would be a finite amount. The council could reserve the right to add funding at a further date if able.

Other funding becomes available: The council may develop the fund with the external provider and then further funding relief may be announced which offers relief to the businesses. Insurance claims can also take some time to materialise which may also risk double funding relief. Any external provider would need to work with businesses to understand what funding they may anticipate (i.e. through insurance claims) and should assess the release of funds accordingly. There is opportunity to do this on a staged basis to monitor such circumstances to reduce risk of double funding. It is difficult to say whether funding would be made available from the Government at this time.

There is a fund underspend: Should there be any underspend, this would be held to support any future Selby District businesses that may be subject to flood. It is anticipated, based on the calculations, that the funding is highly likely to be spent.

6.4 Corporate Plan Implications

The proposal directly supports the Tadcaster town centre small business community to recover in line with the Council Plan 2020-2030 priority to support the regeneration of the district's market towns.

6.5 Resource Implications

External provider grant administration fees would be 10%. For a grant scheme of £122,500, this would equate to £12,750.

6.6 Other Implications

None identified.

6.7 Equalities Impact Assessment

An equalities impact screening has been completed and identifies positive impacts particularly in relation to supporting businesses to reopen which provides local access to services for all age groups, disability groups, and with additional socio economic and skills impacts.

7. Conclusion

- 7.1 The report identifies how the council can release funding in order to provide immediate financial support to Tadcaster town centre businesses who have adversely affected by recent floods. The purpose of providing grant relief would be to ensure Tadcaster town centre has support to regenerate the local economy.

Appendices:

Appendix A - Fund Terms (Draft)

Contact Officer:

Angela Crossland, Head of Community, Partnerships and Customers
acrossland@selby.gov.uk

Appendix A – The Fund Terms (DRAFT)

Fund Name	Tadcaster and Selby District Business Flood Grant Scheme
Area of benefit	Businesses in the Selby District who have been impacted by flooding. In this instance, Tadcaster town centre and high street in the Selby District.
Who can apply	<p>Applications may be made by any of the following: Any type of trading business i.e.,</p> <ul style="list-style-type: none"> • charity, • sole trader, • partnership, • limited company <p>Evidence of properties and/or contents which have been damaged by flooding and who are suffering hardship as a result of the flooding.</p> <p>Businesses will need to demonstrate a significant loss of trading income as a result of the floods and that support received is not meeting losses that might have been expected in the ordinary run of business (e.g., showing how drop in trading is far worse than any typical sales during post-Christmas period).</p>
Grant strategy and size	<p>The grant scheme is designed to support small businesses to recover from the recent floods.</p> <p>The fund will be £120,000.</p> <p>Level of award will be dependent on business need.</p> <p>In order to ensure a fairness, applications will be encouraged as soon as possible with an initial deadline of end April 2022 and further ability to open funding where further need requires.</p> <p>Further funding relief may be announced which offers relief to the businesses. Insurance claims can also take some time to materialise which may also risk double funding relief. Any external provider would need to work with businesses to understand what funding they may anticipate (i.e., through insurance claims) and should assess the release of funds accordingly. There is opportunity to do this on a staged basis to monitor such circumstances.</p>

Themes and Priorities	<p>The funds will support recovery from:</p> <ul style="list-style-type: none"> • Loss of tools or equipment • Personal hardship due to loss of income • Repairs • Loss of sales stock • Flood defence measures
Exclusions	<p>The following will not be eligible for funding:</p> <ul style="list-style-type: none"> • Businesses with a turnover over £100,000 unless evidence of personal hardship • Residential properties • Public Realm
Grants Decision making process	<p>Decisions on the awards will be made by officers of the external provider in line with the provider's finance and governance arrangements.</p>

**Individual Officer
Decision Record**



This form records an officer decision and is published in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and the Openness of Local Government Bodies Regulations 2014.

Decision Maker:	Janet Waggott, Chief Executive
Lead Officer:	Suzan Harrington, Director of Corporate Services and Commissioning
Title of Decision:	Urgent Decision Outside Budget & Policy Framework : Tadcaster Business Flood Grant Scheme
Ward(s) Affected:	Tadcaster
Type of Decision:	<input type="checkbox"/> Key decision <input type="checkbox"/> Non key decision discharging (or connected to the discharge of) an Executive function <input type="checkbox"/> Specific delegation from Council or Committee <input type="checkbox"/> Grant of permission / licence <input type="checkbox"/> Affecting the rights of an individual <input type="checkbox"/> Awarding a contract or incurring expenditure which materially affects the financial position of the Council <input checked="" type="checkbox"/> Decision under urgency
Details of decision:	<p>That following consultation with the Leader and agreement from the Chair of Policy Review as to urgency, the Chief Executive approves</p> <ul style="list-style-type: none"> - £100,000 unallocated Programme for Growth funding and £22,500 of 'Growing Enterprise' Programme for Growth Funding be vired to establish a Tadcaster Business Flood Grant Scheme and that - authority be delegated to the Director of Corporate Services and Commissioning to enter into an agreement with an external provider to deliver the grant scheme, subject to appropriate conditions.

Reason for decision:	<p>To offer immediate assistance to Tadcaster town centre businesses significantly affected by Storm Franklin. To provide an effective delivery mechanism for grant funding.</p> <p>To do so in line with the Council Plan 2020-2030, 'to make Selby District a Great Place to Live with key objectives to 'Improve town centres' and to 'Develop a long-term programme of market town regeneration'.</p>
Alternative options considered and rejected:	<p>See Section 5 of the Officer Report.</p>
Member Interests: (Name of any Member who has declared a conflict of interest in relation to the decision and details of any dispensation granted by the Head of Paid Service if appropriate)	<p>None.</p>
Legal, Financial or other implications:	<p>As the decision is made under urgency powers it is not subject to call-in. The Chief Executive confirms that the decision proposed is reasonable in all the circumstances and is to be treated as urgent. The Chair of Policy Review confirms that it is urgent.</p> <p>See Section 6 of the Officer Report.</p>
Background papers:	<p>Officer Report dated 1.4.22.</p>
Contact details for further information:	<p>Janet Waggott, Chief Executive</p>
Signed:	<p>Janet Waggott</p>
Date of Decision:	<p>1.4.22</p>