



COUNCIL

Council Summons and Agenda

You are hereby summoned to attend an **Ordinary Meeting of Ryedale District Council** to be held in the **Council Chamber, Ryedale House, Malton** on **Thursday, 18 December 2014** at **6.30 pm** in the evening for the transaction of the following business:

Agenda

1 **Emergency Evacuation Procedure**

The Chairman to inform Members of the Public of the emergency evacuation procedure.

2 **Apologies for absence**

3 **Public Question Time**

4 **Minutes**

(Pages 5 - 18)

To approve as a correct record the minutes of the Ordinary Meeting of Council held on 9 October 2014.

5 **Urgent Business**

To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.

6 **Declarations of Interest**

Members to indicate whether they will be declaring any interests under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.

7 Announcements

To receive any announcements from the Chairman, the Leader and/or the Head of Paid Service.

8 To Receive any Questions submitted by Members Pursuant to Council Procedure Rule 10.2 (Questions on Notice at Full Council)

From Cllr Paul Andrews to the Leader of Council

Has consideration been given to what is likely to happen if the Council's decision is allowed to stand? If there is no supermarket chain willing to develop a superstore there, as seems clear to most people now, what are the Council's proposals for providing certainty to potential inward investors in Malton about the future of the town's largest car park?

- a) In those circumstances will the car park be sold to GMI?
- b) If it is sold to GMI and they have no supermarket chain interested, are GMI obliged to continue its use as a public car park? And if not, what is the future of the car park in those circumstances?

9 To consider for Approval the Recommendations in respect of the following Part 'B' Committee Items: (Pages 19 - 80)

Policy and Resources Committee – 4 December 2014

Minute 38 - Localisation of Council Tax Support 2015/2016 Scheme (page 19)

Minute 39 - Joint Committee And / Or Combined Authority For York, North Yorkshire And East Riding (page 31)

Minute 40 - Timetable of Meetings 2015-16 (page 51)

Planning Committee – 16 December 2014

Minute 145 – Ryedale Community Infrastructure Levy – Revised Draft Charging Schedule (minute to follow – report attached at page 57)

Minute 146 – Exempt Information (minute to follow)

Minute 147 – The Helmsley Plan – Land at Helmsley (minute to follow – report attached at page 69)

10 Business Adjourned from the Council Meeting on 9 October 2014 (Pages 81 - 86)

At the Council meeting on 9 October 2014, consideration of the recommendations from the Policy and Resources Committee on 25 September 2014 with regards to *Minute 25 – Constitutional Changes: Electronic submission of Notices on Motion and revision of deadlines for questions on notice* were proposed and seconded, and then stood adjourned to this meeting without discussion, under Council Procedure Rule 23.2.

**11 Notices on Motion Submitted Pursuant to Council Procedure Rule 11
Proposed by Councillor Mrs Burr and seconded by Councillor Mrs Shields**

It is noted that there is overwhelming public concern in the Ryedale area and nationally

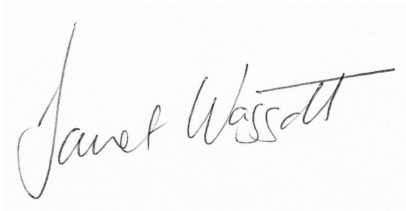
about hydraulic fracturing (fracking) and all other forms of unconventional fuel extraction.

Council is asked to approve the following:

Ryedale as a non decision making body agrees to facilitate an impartial public meeting on fracking to raise public awareness.

Once Members have had an opportunity to have the public meeting on fracking then the issue be reported to a future meeting of the Council.

- 12 **To Receive a Statement from the Leader of the Council and to Receive Questions and Give Answers on that Statement**
- 13 **Any other business that the Chairman decides is urgent.**

A handwritten signature in black ink that reads "Janet Waggott". The signature is written in a cursive style with a long horizontal stroke at the end.

Janet Waggott
Chief Executive

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Council

Minutes of Proceedings

At the **Ordinary Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton on Thursday 9 October 2014**

Present

Councillors Acomb
 J Andrews
 Arnold (Vice-Chairman)
 Bailey
 Mrs Burr MBE
 Clark
 Collinson
 Mrs Cowling
 Cussons
 Mrs Frank
 Fraser
 Mrs Goodrick
 Hope
 Mrs Hopkinson
 Ives (Chairman)
 Mrs Keal
 Maud
 Raper
 Richardson
 Mrs Sanderson
 Mrs Shields
 Wainwright
 Walker
 Ward
 Windress
 Woodward

In Attendance

Jill Baldwin
Simon Copley
Peter Johnson
Phil Long
Bridget Skaife
Janet Waggott
Anthony Winship

Minutes

55 **Apologies for absence**

Apologies for absence were received from Councillors Hicks and Legard.

56 **Public Question Time**

There were no public questions.

57 **Minutes**

That the minutes of the Ordinary Meeting of Council held on 4 September 2014 were presented.

Resolved

That the minutes of the Ordinary Meeting of Council held on 4 September 2014 be approved and signed by the Chairman as a correct record.

58 **Urgent Business**

There were no items of urgent business which the Chairman considered should be dealt with as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972 (as amended).

59 **Declarations of Interest**

There were no declarations of interest.

60 **Announcements**

The Chief Executive Janet Waggott made the following announcements:

- That the road closure details for the Plusnet Yorkshire Marathon were available on the website.
- That the Galtres Festival funding allocation had been incorrectly reported in the press. That the details given were for last year and not the current year.

61 **To Receive any Questions submitted by Members Pursuant to Council Procedure Rule 10.2 (Questions on Notice at Full Council)**

1. Councillor Clark submitted the following question.
To Councillor Mrs Cowling, the Chairman of Policy and Resources

Could the chair of Policy and Resources please inform Council how well the 'Picture Pickering' consultation is proceeding ?

The Leader of the Council, Councillor Mrs Cowling replied:

'Well John. I'd like to thank you first of all for asking this question because it's nice to be able to report back on how well Pickering is doing. The Picture Pickering consultation isn't actually proceeding. It was a one day event and the issues that were raised on that day feed into the work that our Officers now do. The results of the consultation is used and is what is proceeding and if we could we could have a quick trot through some of the successes in Pickering. It was a very good day - the Picture Pickering event - I think all 4 Pickering district councillors attended it and a number of other councillors were there as well. A lot of the issues which were raised were to do with traffic management, road humps and the condition of the road which John you might be able to report on better than me , you being an NYCC County Councillor. Other issues were - a lot of people were concerned about 2 sites in particular in Pickering that were quite untidy. One was the local cinema which a lot of you will be aware now is being demolished and being turned into a new development. The other was the coal yard and that is now a thriving Lidl store which is very well used in Pickering and I have to say has had a very positive impact on Pickering for lots of different reasons. For some reason, ever since the day that Lidl opened Pickering is much busier, it's eased the parking situation - I think they have about 40 car parks at Lidl - and that's freed up the car park on the Ropery in Pickering so that's had a very positive impact.

There were comments about improving the quality of the market. Well I regularly go up the market on a Monday and I have to say that since officers implemented the work to monitor the mix of stalls on the market it is really good. There is a fabulous mix of stalls on the market and the farmers market on a Thursday once a month is also a very good event in Pickering.

A lot of people asked about improved provision of open spaces and the open space up Whitby Road is continuing. We're working with officers from Ryedale, we're working with Pickering Town Council to use Section 106 money to improve that space.

Improving circulation around the town. I didn't really know what was meant by that but I do know that the rephrasing of the traffic lights at the Ropery has certainly improved traffic movement around that area.

Parking issues around the town have always been of great concern and the introduction of decriminalisation of parking and the new regime that we have with traffic wardens is working well but I won't say it's 100%. I went up the Market Place today and there were three vehicles with disabled stickers in parked on the double yellow lines in the Market Place and it was making it

extremely difficult for people to get up and down the Market Place, so there probably is still a bit of work to do there.

Housing need for young people - that is a problem that's been recognised throughout the whole of North Yorkshire and beyond and I'm very interested in looking at alternative ways of providing housing for young people. At the moment we're addressing it quite well; Ryedale is delivering very well on affordable homes.

Diversity of economy - I think we have an Economic Development department that is working really well with businesses in the whole of Ryedale but particularly in Pickering, we were very successful in delivering planning permission very quickly for Rosti McKechnie so they could expand their premises and I believe there are around 200 new jobs that will be provided there eventually.

The other thing that was commented on a lot was the flood defences and that is a massive thing for Pickering that those flood defences have been delivered successfully.

A lot of comments about Wells Walk and the lack of access to what was a very popular public footpath and we have to thank NYCC for dealing with that. It was a long process but it was successful in the end.

One of the other comments was that people wanted more recycling. Three years ago we introduced recycling of plastic and cardboard throughout the district and of course in Pickering as well.

I think the other important thing to mention was that a lot of people wanted the facilities and equipment updating in the leisure facilities at Lady Lumleys and at the Pool in Pickering and Derwent Pool and of course that will be happening'

Councillor Clark then asked the following supplementary question:

'Traffic management, well I think we've done a lot of that, we've sent it off to Scarborough and as for road humps, I've campaigned against the road humps in Middleton Road since before I was on this Council and have continued to do since. If anybody can give me any idea that can stop the County having the view that car wrecking road humps are a good idea, particularly alongside potholes, I'd be very impressed but so far nowhere. I wonder - this is a very impressive list but this is the first time we've heard this list, the last time I asked Councillor Cowling for this she didn't know what I was referring to and she was, and told many people at the consultation, going to bring it to Committee. With that list of

things could we hope that it will come to the Committee? I'm a little concerned about the promise for more recycling because I think, more recycling, yes, but we're going to charge you £30 odd for doing it wasn't exactly mentioned at the time. On that basis, when could we expect the requests from the public and the analysis done by the officers to go to Committee?

The Leader then replied:

'I'm not 100% sure that it a piece of work that needs to go to Committee. The results of the work and the comments that people made are available for you to see, if that's what you want to see I can forward that on to you. As I said, the consultation and the results of the consultation is a piece of work that Officers use in connection with Pickering, so I'm not quite sure what you hope to achieve by taking it to Committee but perhaps we can have a talk about that outside of this meeting'

2. Councillor Clark submitted the following question;
To Councillor Mrs Cowling, the Leader of the Council;

Does the Leader of Council agree with proposed cuts suggested by the Fire Authority to Ryedale District Council ?

The Leader of the Council, Mrs Linda Cowling replied:

'I think the first point to make is that the Fire Authority is a separate authority to Ryedale District Council and any cuts in the district are regrettable of course and these cuts will affect some properties in Ryedale. I'm sure that the Fire Authority have considered these cuts very carefully and they, like us, are subject to cuts in their budget and I think that this will be, in their opinion, the least damaging way of making cuts. I'm sure they wouldn't want to increase the risk to any properties in the district'

Councillor Clark then asked the following supplementary question:

'I thank the Leader of Council for her reply, I'm not sure she can justify a cut in service that would mean that one fire appliance, if there was an automatic fire alarm from Malton Hospital, one fire attendant would arrive rather than two. Up until now it's been two arriving, in other words two units of people so that one group can work to get the people out and the other can be there to deal with the fire. But if she does agree with it, tell me why she didn't reply to this consultation or did she think that the Tory controlled Fire Authority was quite good enough to make a cuts decision and it would help to keep it quiet?'

The Leader replied:

'First of all I wasn't aware that the Fire Authority is a political organisation but I've learnt something tonight from you. I believe that there was only one authority did respond to the consultation and I think that perhaps it's regrettable that we were one of those who didn't but I'm not sure it was my job to do the response. I don't think I would be qualified to do that.'

3. Councillor Raper submitted the following question:
To Councillor Luke Ives, Chairman of Council:

Can council look into the situation of the crossing closure proposed by Network Rail in Norton. Pedestrian access later in the day appears to have been overlooked, and also early to work residents are also going to be disadvantaged by the current proposals. Section 17 of the police and crime act place an obligation upon councils to endeavour to reduce crime by planning adequate measures for its population. I can foresee that access to the railway via Malton station will be occurring by residents not wishing to take a longer route.

Network rail also have a duty under the act. This council must ensure that access is maintained for pedestrians at all times. Thereby eliminating the potential for criminal acts to take place.

The Chairman of Council, Councillor Ives replied:

'The question to me exactly, specifically is can the Council look into this situation. My role as Chairman of Council I cannot direct this Council to do anything like that. I look after procedure, the civic side of things and the constitution. I have spoken to the Corporate Director on this matter who said that in terms of what this Council can do is very limited. It is for Network Rail, nevertheless I will update you on the situation which I've got an answer for you here.'

My understanding is that the situation has been addressed from feedback from residents. Hours of closure have been reduced. In addition, Network Rail will have a minibus shuttle service in operation on both sides of the level crossing to help pedestrians, wheelchair users and people with collapsable pushchairs and bicycles to make their journey across the level crossing while it is closed. People will be able to access this service as and when they need it. In addition, during the closures and when engineering work allows there will be limited pedestrian and cyclist access over a temporary footbridge.'

Members should note that the closures are essential to allow the track beneath the closure to be renewed and for the final completion of track works’.

Councillor Raper’s response

‘Not specifically supplementary Chairman just thank you for using your office to glean this extra information that I don’t think alot of people were quite aware of especially with the minibus service because, as I understood it, this aspect had been deleted from them because it was a cost implication. I know personally members of the public who travel to work across that crossing at 5 am in the morning and this would have been outside the access times that have been currently proposed as I understood them but thank you for your efforts’.

62 To Receive a Statement from the Leader of the Council and to Receive Questions and Give Answers on that Statement

Councillor Mrs Cowling, the Leader of the Council, presented the following statement:

“What an interesting time since we last met as Council.

The result of the Scottish Referendum has continued to set ripples through various regions and sub regions. The discussions taking place about devolution and devolved powers are taking place more regularly than ever at Leaders’ meetings at the regional and sub regional level. This is linked to the other agendas including Combined Authorities and the York, North Yorkshire and East Riding LEP about proposed joint committees are discussions we continue to consider for and about Ryedale District Council.

We continue to work with the LEP via Julian’s good offices to promote rural schemes particularly those most closely linked to Ryedale and those which have a wider impact on the surrounding area.

At the Local Government North Yorkshire and York (LGNY&Y) meeting the Director of Public Health’s Annual Statement and Report was presented. A copy of this report is in the Members’ Room if you are interested. There are 7 main recommendations to the report which have an impact on Ryedale. Another interesting report was the City of York’s Local Plan which as a near neighbour is important to us in terms of highways infrastructure and housing.

Tonight we concentrate our energy on the Budget Strategy for the Council and I would personally like to place on record my thanks to Peter and the team for firstly preparing this Strategy and for getting a clean bill of health from the Auditor and the Audit Committee. A great achievement under lots of pressure.

This weekend is 'War Weekend' in Pickering so another opportunity for Ryedale to promote its many opportunities and attractions including the Book Festival in Malton.

I have attended a couple of events at Derwent Training Association. The first was to meet the new intake and the second was last night to help present some of the awards to apprentices who are progressing through their apprenticeships.

There is increasing interest from Authorities within North Yorkshire and York on alternative methods of delivering appropriate housing for local people who cannot afford to buy houses. This issue was discussed at the LGNY&Y Housing Board and a housing summit was proposed at the LGNY&Y Board meeting.

Last but not least those of you who managed to attend last Thursday will have seen the presentation from our new leisure provider, SLM – Everyone Active. I would like to take this opportunity to thank the Board and staff of CLL for providing a splendid service to our communities over many years and for a smooth handover to the new operator.”

The following questions were received on the Leader's Statement:

1. From Councillor Wainwright.

'Within your statement you talk about the War Weekend in Pickering and the Book Festival in Malton providing an opportunity for Ryedale to promote its many opportunities and attractions. Another one of those opportunities and attractions in Ryedale is the Hovingham village market which takes place the first Saturday in every month. Would you be willing to congratulate the organisers of the Hovingham village market in their winning of the Duke of York Community Initiative Award for 2014?'

The Leader replied:

'Had I known that it would have absolutely been in my Leaders Statement yes and if you would pass on congratulations from the whole of this Council - I'm really really pleased about that. I often get visitors into our tea shop in Pickering who tell me just how wonderful this market is and I think they've been rewarded for that. I'm really pleased about it.'

2. From Councillor Clark

'I'm a little surprised in your Leader's Statement that you make no reference to the motion that was passed at Full Council for this Council to write to the LGA and to the Government. Could you let me know what their replies were?'

The Leader replied:

'If we've had a reply I will get you a copy of it.'

3. From Councillor Woodward

'Talking of the War Weekend and the number of visitors it will bring to Ryedale and in particular to Pickering what is going to be done to ensure that visitors do not return home from Pickering with memories spoilt by swarms of flies?'

The Leader replied:

'I wasn't aware that there was a problem in Pickering with swarms of flies. Earlier in the year yes there was a problem but at the moment I'm not aware that there is a problem and I think working in a kitchen on a daily basis I would be aware if we were swarmed by flies. I know our Environmental Health do work with some places that are outside of Pickering to deal with problems like that but I think that was rather a strange question.'

Councillor Woodward asked the following supplementary question:

'Coming from a representative for Pickering West and the Leader of Council, I think that was rather a strange answer. It's been all over the local media about the flies, it's been raised I think by the other three representatives for Pickering, it's been raised with the Environmental Health department of this Council and the people of Pickering seem to think they're getting nowhere so I'll ask again. Is there anything the Leader can do to make sure that tourists don't go away - it's even been mentioned on tourist forums and I don't think that a handful of intensive farmers should be potentially spoiling probably the largest industry in Pickering.'

The Leader replied:

'I am aware that there was a problem earlier in the year and that our Environmental Health department did deal with that but I'm not aware that there's a problem now.'

4. From Councillor Walker

'With reference to the final paragraph of your statement will this Council have representation on the governing body of SLM? I did ask it before but I didn't get an answer.'

The Leader replied:

'I think the answer last time was that it would be dealt with by the Scrutiny Committee and the answer is the same now.'

The Chairman invited Councillor Wainwright to clarify:

'I understand that the Scrutiny Committee will be looking into the new provider of sports provision but I was not aware that we would be putting a member on the Board.'

The Leader replied:

'Sorry that isn't what I meant at all. What I was meaning that you would be monitoring the performance. I think there has been a written answer to your question Cllr Walker.'

Councillor Walker asked the following supplementary question:

'For clarification, I received a reply but they didn't answer the question. The reply referred to the Scrutiny Committee and various good management practices and monitoring procedures and all sort of Sir Humphrey Appleby codswallop but quite frankly it didn't answer my question as to whether there's going to be Council representation on the SLM Board of Management? Simple answer yes or no?'

The Leader replied:

'No.'

63 To consider for Approval the Recommendations in respect of the following Part 'B' Committee Items:

**Policy & Resources Committee – 25 September 2014
Minute 25 – Constitutional Changes: Electronic submission of Notices on Motion and revision of deadlines for questions on notice.**

It was moved by Councillor Mrs Cowling and seconded by Councillor Arnold that the following recommendations of the Policy and Resources Committee be approved and adopted.

(i) The addition of the wording shown in italics below to Council Procedure Rule 11.1:

Except for motions which can be moved without notice under Rule 12, written

notice of every motion, signed by at least two Members, must be delivered to the proper officer not later than 5pm, eight *working* days before the date of the meeting. These will be entered in a file open to public inspection.

Written notice of motions may be given by email, from a ryedale.gov.uk email address. Signatures are not required in these instances but consent must be received from each Member who has put their name to the motion by email from a Ryedale.gov.uk email address.

(ii) The addition of the wording shown in italics below to Council Procedure Rule 14.1:

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least one quarter of the whole number of Members of the Council.

Such notice of motions may be given by email, from a ryedale.gov.uk email address. Signatures are not required in these instances but consent must be received from each Member who has put their name to the motion by e mail from a ryedale.gov.uk email address.

(iii) The addition of the wording shown in italics below to Council Procedure Rule 10.4:

A Member may only ask a question under Rule 10.2 or 10.3 if either:
(a) he/she has given notice in writing of the question to the Proper Officer *not later than 5pm, eight working days before the date of the meeting;*
or

(b) the question relates to an urgent matter, he/she has have the consent of the chairman to whom the question is to be put and the content of the question is given to the Proper Officer by *12 noon* on the day of the meeting. *An urgent matter must be one which the Member could not have reasonably known about eight working days before the date of the meeting and which must be dealt with before the next ordinary meeting of Council.*

That the motion to amend the Council Procedure Rules then stood adjourned without discussion to the next Ordinary Meeting of Council, to be held on Thursday 18 December 2014, under Council Procedure Rule 23.2.

Minute 26 – Budget Strategy

It was moved by Councillor Mrs Cowling and seconded by Councillor Arnold that the following recommendations of the Policy and Resources Committee be approved and adopted:

That Council be recommended to approve the following strategy for the preparation of the 2015/2016 budget:

- (i) Proposals to be brought forward for a 1.99 increase in Council Tax;
- (ii) Increase in fees and charges to be 3.5% - 4.5% on a cost centre heading basis excluding VAT and only those charges officers recommend above or below this figure to be considered by the relevant policy committee;
- (iii) Efficiencies to be maximised; and
- (iv) The use of New Homes Bonus in line with the medium term financial plan.

Councillor Mrs Cowling moved and Councillor Arnold seconded an amendment to:

Amend the recommendation within the Budget Strategy Report as follows:

- (v) Members approve the continuation of this Council's membership of the North Yorkshire Business Rates Pool in 2015/16; and
- (vi) Delegation is given to the Finance Manager (s151) in consultation with the Chairman of the Policy and Resources Committee to decide on Ryedale's continuation in the pool from 2016/17 onwards should be satisfied that such an arrangement is likely to be in the financial interests of the Council.

Upon being put to the vote, this amendment was carried.

Voting Record

18 For

6 Against

2 Abstentions

Councillor Fraser moved and Councillor Bailey seconded a further amendment:

To change recommendation (ii) of the budget strategy report as follows:
Increase in fees and charges to be up to a maximum of 4.5% on a cost centre heading basis excluding VAT and only those charges officers recommended above this figure to be considered by the relevant policy committee.

Upon being put to the vote, this amendment was carried.

Recorded Vote

For

Councillors Ives, Acomb, Arnold, Bailey, Collinson, Mrs Cowling, Cussons, Mrs Frank, Fraser, Mrs Goodrick, Hope, Mrs Hopkinson, Raper, Mrs Sanderson, Wainwright, Windress.

Against

Councillors J Andrews, Mrs Burr, Clark, Mrs Keal, Maud, Richardson, Mrs Shields, Walker, Ward, Woodward

Councillor Woodward moved and Councillor Clark seconded a third amendment to:

Delete '1.99%', and add zero % in recommendation (i)

Upon being put to the vote, this amendment was lost.

Voting Record

8 For

14 Against

4 Abstentions

The substantive motion was then put to the vote and carried.

Resolved:

That Council approve the following strategy for the preparation of the 2015/2016 budget.

- (i) Proposals to be brought forward for 1.99% increase in Council Tax;
- (ii) Increase in fees and charges to be up to a maximum of 4.5% on a cost centre heading basis excluding VAT and only those charges officers recommended above this figure to be considered by the relevant policy committee.
- (iii) Efficiencies to be maximised; and
- (iv) The use of New Homes Bonus in line with the medium term financial plan.
- (v) Members approve the continuation of this Council's membership of the North Yorkshire Business Rates Pool in 2015/2016; and
- (vi) Delegation is given to the Finance Manager (s151) in consultation with the Chairman of the Policy and Resources Committee to decide on Ryedale's continuation in the pool from 2016/17 onwards should he be satisfied that such an arrangement is likely to be in the financial interests of the Council.

Voting Record

17 For

9 Against

0 Abstentions

64 **Representation on Outside Organisations**

To appoint a representative and substitute to the board of the Ryedale Folk Museum.

It was moved and seconded that the representative to the board of the Ryedale Folk Museum be Councillor G Acomb and the substitute be Councillor Mrs J Frank.

Resolved

That the representatives of the Ryedale Folk Museum are;

Representative : Councillor G Acomb
Substitute : Councillor Mrs J Frank

Voting record

17 votes for
5 Abstain

65 **Any other business that the Chairman decides is urgent.**

There being no other business, the meeting closed at 8.00pm



REPORT TO: FULL COUNCIL
DATE: 18 DECEMBER 2014
SUBJECT: PART 'B' REFERRALS FROM POLICY AND RESOURCES COMMITTEE ON 4 DECEMBER 2014

38 Localisation of Council Tax Support Scheme Approval

Considered – Report of the Finance Manager (s151)

Recommendation to Council

That Council be recommended;

- (i) To approve a Local Council Tax Support Scheme which was unchanged from 2014/13; and
- (ii) The Finance Manager, in consultation with the Chairman of Policy and Resources Committee be authorised to undertake the necessary consultation work to design a scheme for 2016/17, in light of the experience in previous years, to be presented to Policy and Resources Committee in December 2015.

Voting record

7 votes for
2 against

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PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	4 DECEMBER 2014
REPORT OF THE:	FINANCE MANAGER (s151) PETER JOHNSON
TITLE OF REPORT:	LOCALISATION OF COUNCIL TAX SUPPORT 2015/2016 SCHEME
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 This report seeks approval of the scheme for 2015/16. There are no changes proposed to the scheme which has operated in 2014/15.

2.0 RECOMMENDATIONS

2.1 That members recommend to Council

- (i) a Local Council Tax Support Scheme for 2015/16 which is unchanged from 2014/15; and
- (ii) to authorise the Finance Manager in consultation with the Chairman of Policy and Resources Committee to undertake the necessary consultation work to design a scheme for 2016/17, in light of the experience in previous years, to be presented to Policy and Resources Committee in December 2015.

3.0 REASON FOR RECOMMENDATIONS

3.1 The Council must approve a scheme of its choice for 2015/16.

4.0 SIGNIFICANT RISKS

4.1 There are no significant risks in approving the scheme as recommended.

5.0 POLICY CONTEXT AND CONSULTATION

5.1 The Council will need to approve a Local Scheme for Council Tax Support (CTS).

6.0 REPORT DETAILS

- 6.1 At Council on the 9 January 2014 members approved a scheme for Localised Council Tax for 2014/15. This followed the Government's decision to terminate Council Tax Benefit and allow Local Authorities to establish their own local schemes from 1 April 2013.
- 6.2 The main feature of the Council's scheme was that working age claimants saw an 8.5% reduction in benefit and many people who had never paid Council Tax were now doing so. Whilst the sums were often low (most were £64 to £130), there were residents on low incomes and/or benefits. The decision to make a cut of 8.5% did attract transitional grant funding from Government of £11k for RDC in 2013/14 (and proportionate amounts for the other major preceptors). This grant was available for 2013/14 only. In 2013/14 and 2014/15 the Council received new burdens funding for the additional work around local schemes and these grants have been taken into the Councils budget. At this stage it is not known whether funding will be available in 2015/16, however it is believed that a financial contribution towards additional costs may be possible from the major preceptors, in particular the County Council, should the new burdens funding be no longer available. This in part is because of the greater financial benefit NYCC would see from any extension of the scheme.
- 6.3 The scheme affects all precepting authorities (District Councils, County Councils, Fire Authorities, Police Authorities and Parish Councils) through the Council Tax Base (CTB) which is reduced by the cost of the scheme.
- 6.4 Members may recall that the Council's original plans for a local scheme for 2013/14 revolved around a 20% reduction and consultation took place with the major preceptors and the public on this basis. The transitional grant offer was the main reason for the final scheme choice of an 8.5% reduction. This decision was also replicated in all other North Yorkshire Districts except Harrogate who made no cut to benefits.
- 6.5 The experience in 2013/14 can be summarised below:
- The scheme was implemented on time and there were few difficulties in customer service
 - The Council did not see an increase in claimants numbers as feared when the scheme introduced a discount rather than benefit
 - The final cost of LSCT in 2013/14 was £3.091m (split c£1.205m working age and c£1.886m pensioners)
 - There was no material change in the CT collection rate between 2012/13 and 2013/14 (overall an improvement for RDC of 0.3%), this was set against a reduction in collection rates nationally.
 - The Council has had increased workload on summons and liability orders.
- 6.6 The following table sets out the estimated claimant breakdown for 2014/15:

Claimant Type	Number	Annual Cost	% total spend
Over Pension Age	1,982	£1,832k	61%
Working Age – Household Vulnerable	311	£259k	9%
Working Age: Vulnerable	431	£413k	14%

Working Age: Employed	282	£167k	5%
Working Age: - Other	425	£341k	11%
	3,431	£3,012k	

1. Pensionable age – where claimant or partner meet the criteria.
2. Working Age Household Vulnerable – there is a child under 5 in the household.
3. Working age Vulnerable – where disability premiums are included in the assessments.
4. Working age Employed – Working 16 hours or over.
5. Working Age Other – All other working age claimants.

6.7 Council must now consider a scheme for 2015/16. In order to inform this process consultation has again taken place on moving to a cut of 20%.

6.8 Public consultation took place between 29 September 2014 and 10 November 2014 via the Council's web site. No responses were received to the questionnaire. The consultation responses from 2013/14 are attached at Annex A and are still considered relevant to this year's decision.

6.9 For 2015/16, year 3, there is again a mixed picture of approaches from Local Authorities. Proposed 2015-16 schemes within the North Yorkshire Districts are as follows:

Craven	10%
Hambleton	20%
Harrogate	0%
Richmondshire	8.5%
Scarborough	10%
Selby	10%

6.10 Those with the greater cuts have also seen the greatest impact on collection rates and increased administrative costs, as well as the impact on claimants. The billing authority (RDC) alone bears these increased administrative costs.

6.11 Should RDC move to a 20% cut to claimants it would mean the additional amount which would be billed to working age claimants would be c£150k. RDC's share of this additional income after considering collection rates would be c£10k. There would potentially be additional costs facing the Council from such a decision. Claimant payments would increase such that the majority would be £150 - £300 per annum.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

- a) Financial
There are no significant new financial implication of the recommendation.
- b) Legal
The scheme is a detailed legal document of the Council which will only require minor amendment.
- c) Other
There are no significant other issues around the recommendation.

Peter Johnson
Finance Manager (s151)

Author: Peter Johnson, Finance Manager (s151)
Telephone No: 01653 600666 ext: 385
E-Mail Address: peter.johnson@ryedale.gov.uk

Background Papers:
None.



Council Tax Benefit Consultation

Council Tax Benefit is changing and we want your views

Council Tax Benefit (CTB) currently helps people on a low income pay their Council Tax. From April 2013 CTB will be abolished. It will be replaced by a new Local Council Tax Support Scheme (LCTSS). The Government have said that local Councils will be responsible for designing and implementing their own schemes to provide help to people on a low income pay their Council Tax.

Pensioners will not be affected by these changes. People who have reached the age for State Pension Credit will have their support assessed under a national scheme.

Under the current CTB scheme, the Council receives funding from the Government to cover the cost of the scheme. This will not be the case for LCTSS, as the Government will give the Council a fixed grant. This will be at least 10% less than what we currently pay out in CTB and means we will have less money to run our LCTSS.

We have to make some very difficult decisions. Because pensioners are protected, the level of support we will be able to give to our working-age customers under a LCTSS may have to be less than we currently give them under CTB.

We are proposing the following scheme:

Regardless of their financial circumstances, every working-age claimant should pay the first 20% of their Council Tax liability. This means people who currently get full CTB will have to pay something towards their Council Tax from 1st April 2013.

People living in properties whose Council Tax band is E, F, G or H will have their Local Council Tax Support restricted to the maximum amount payable for a band D property.

Under the existing scheme, Second Adult Rebate can be granted to single people who have a high income if they share their home with someone on a low income (not their partner). We are proposing to stop this.

In the proposed scheme all existing CTB claims will automatically be reassessed under the new LCTSS from 1st April 2013.

1. Do you think that everyone of working age should pay something towards their Council Tax?

232 Yes

201 No

2. Pensioners are not affected by these changes.

What do you think that everyone else should pay as a minimum, towards their Council Tax?

277 10%

70 20%

17 30%

9 more than 30%

3. Should people who receive Council Tax Benefit, who are living in more expensive properties, receive less Council Tax Support?

222 Yes

206 No

4. Should people who receive help to pay their Council Tax Benefit be given extra help, for a limited period (such as 3 months), when they start work?

360 Yes

76 No

At the moment, some people can get help to pay for Council Tax. The amount they receive depends on how much money they have coming in. If they have more money coming in than the minimum the law says they need to live on, it means for every extra £1 they have in income, they pay 20p per week towards their Council Tax.

This could change so that people pay more than 20p for every extra £1 they have in income.

5. Is this fair?

144 Yes

288 No

6. If you answered yes, how much more for every extra £1 in income, do you think people should be asked to pay towards their Council Tax?

99 25p

32 30p

12 35p

Council Tax Benefit is assessed on the needs of the person making the claim, their partner and their dependent children. Any other adults within the household are expected to contribute towards the Council Tax, depending on their income. This could change so that these additional adults are expected to contribute more.

7. Is this fair?

260 Yes

173 No

At the moment, if you can afford to pay your Council Tax but live with someone on a low income, who is not your partner, you may be able to get help with your Council Tax. This is called second adult rebate. The Council is proposing to stop this rebate.

8. Do you agree that the rebate should be stopped?

230 Yes

209 No

Currently people with savings of more than £16,000 don't qualify for Council Tax Benefit.

9. Should people with savings of less than £16,000 be expected to use these savings to pay their Council Tax?

144 Yes

297 No

If yes, what is the maximum amount of savings you should be able to hold and still qualify for Council Tax Support?

10. You shouldn't have to pay if your savings are less than:

28 £12,000

47 £8,000

43 £4,000

26 £0

11. Should the Council protect the most vulnerable people from paying more Council Tax?

395 Yes

41 No

12. If you answered yes, which vulnerable groups of people do you think should be protected under the scheme? e.g. those in receipt of Disability Living Allowance.

373

13. Have you got any comments that you wish to make about these changes?

193

The following information is being collected to find out whether there are any needs which we are not meeting. You do not have to complete the questions if you do not want to but we would be pleased to receive responses to any of the questions.

Do you currently receive Council Tax Benefit?

306 Yes

91 No

Date of birth:

348

Postcode:

344

Gender:

133 Male

265 Female

Partnership Status:

248 Single

115 Married

18 Civil Partnership

Do you have a physical or mental impairment which has a substantial long term adverse effect on your ability to carry out day to day activities?

115 Yes

262 No

Please state the nature of your disability:

121

Religion of Belief:

2 Buddhist

0 Jewish

124 No religion

197 Christian

0 Muslim

0 Hindu

0 Sikh

Other (please state)

37

Sexual Orientation:

11 Bisexual

287 Heterosexual

3 Gay

1 Lesbian

Ethnic Group:

White

376 British

3 Eastern European

2 Irish

Any other White background (please state):

13

Dual Heritage (tick all that apply)

Black Caribbean

Asian

29 White

Black African

Chinese

Any other Mixed background (please state):

0

Asian or Asian British

Indian

Pakistani

0 Bangladeshi

Any other Asian background (please state):

1

Black or Black British

Caribbean

African

Any other Black background (please state):

0

Chinese or other ethnic group

Chinese

South East Asian

Any other (please state)

0

Please provide any other information about yourself that you may want to tell us (e.g. carer, single parent):

145

Thank you for taking the time to complete this Equalities Monitoring Form. Any information provided here will be kept confidential and will only be used for statistical monitoring and to help us improve services, for everyone. The specific information gathered from this form will not be passed on to any other organisation.

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REPORT TO: FULL COUNCIL

DATE: 18 DECEMBER 2014

**SUBJECT: PART 'B' REFERRALS FROM POLICY AND RESOURCES
COMMITTEE ON 4 DECEMBER 2014**

39 Joint Committee and/or Combined Authority for York, North Yorkshire and East Riding

Considered – Report of the Head of Economy and Infrastructure

Recommendations to Council

- (i) That Ryedale District Council supports the principle of and agrees to form part of a Joint Committee arrangement for economic development, regeneration, strategic planning and transport matters in York, North Yorkshire and East Riding; and
- (ii) That the potential for a Combined Authority covering parts of York, North Yorkshire and East Riding be assessed post-May 2015.

Voting record

6 votes for
3 abstentions

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PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	4 DECEMBER 2014
REPORT OF THE:	HEAD OF ECONOMY AND INFRASTRUCTURE JULIAN RUDD
TITLE OF REPORT:	JOINT COMMITTEE AND / OR COMBINED AUTHORITY FOR YORK, NORTH YORKSHIRE AND EAST RIDING
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 This report seeks Council approval for the principle of this Authority supporting and agreeing to form part of a Joint Committee arrangement for economic development, regeneration, strategic planning and transport matters in York, North Yorkshire and East Riding. A recommendation to immediately form such a Joint Committee is to be considered at a meeting of Local Government North Yorkshire and York on 5 December 2014. That meeting will also consider a recommendation that the potential for a Combined Authority covering parts of York, North Yorkshire and East Riding be assessed post-May 2015, taking account of investigatory work that is being commissioned into the costs and implications of such as model for YNYER.

2.0 RECOMMENDATIONS

- 2.1 That Members recommend to Council:
- (i) that Ryedale District Council supports the principle of and agrees to form part of a Joint Committee arrangement for economic development, regeneration, strategic planning and transport matters in York, North Yorkshire and East Riding; and
 - (ii) that the potential for a Combined Authority covering parts of York, North Yorkshire and East Riding be assessed post-May 2015.

3.0 REASON FOR RECOMMENDATIONS

- 3.1 To provide improved governance arrangements and partnership working for economic development, regeneration, strategic planning and transport in the York, North Yorkshire and East Riding (YNYER) area. The Joint Committee is also

expected to enhance the likelihood of Government investment in YNYER and of the devolution of powers to support economic growth.

- 3.2 The recommendation to assess, post May 2015, the potential for a Combined Authority for part or all of the YNYER area reflects the potentially greater advantages of moving to such a governance model, as outlined in the report at Annex A.

4.0 REPORT DETAILS

- 4.1 The detailed report to North Yorkshire and York Chief Executives that is appended at Annex A sets out the key considerations in relation to moving to either a Joint Committee or Combined Authority model for YNYER.

Julian Rudd Head of Economy and Infrastructure

Author: Julian Rudd, Head of Economy
Telephone No: 01653 600666 ext: 218
E-Mail Address: julian.rudd@ryedale.gov.uk

Background Papers:

'Combined Authorities' Report – 19 June 2014 P&R Committee:

<http://democracy.ryedale.gov.uk/documents/s18258/HEI%20Combined%20Authorities%20Consultation%20Report%2019%20June%202014%20Part%20A.pdf>

Chief Executives' Group – North Yorkshire and York

6 November 2014

York, North Yorkshire and East Riding LEP - Local Governance

1 Purpose of the Report

- 1.1 To consider and agree the preferred option for strengthening governance for York, North Yorkshire and East Riding for economic development and transport to maximise the opportunities of devolution and to attract investment

2 Background

- 2.1 The Government considers a range of factors when negotiating Growth Deals, including the strength of local partnerships. Strong partnerships can ensure that there is clear decision making over large areas, underpinned by a strong democratic mandate which simplifies the local government landscape for businesses, government and their agencies so that important investment decisions can be made in one place.
- 2.2 The extent and strength of local governance has been a major factor in City Deals and Growth Deals and appears to now be directly influencing the options for English devolution, with city regions being touted as the vehicle for achieving this following a vigorous and concerted campaign. This leaves an uncertain future for those area outwith city regions, such as the East Riding and parts of North Yorkshire. It is also reasonable to expect that the extent of governance arrangements established will also influence any review of LEP boundaries and arrangements following the election.
- 2.3 The recent Growth Deal offered by Government to the York, North Yorkshire and East Riding LEP area clearly took account of the limited progress made thus far in strengthening local governance for this area. However, the deal does require strengthened cooperation across YNYER in terms of planning and transport. The Deal requires that 'the LEP and local planning authorities commit to getting up-to-date Local Plans in place, deliver effective strategic planning by working together and across boundaries, and ensure delivery of housing in Local Plans'.
- 2.4 The Growth Deal also requires that 'The YNYER LEP (and its partners) and DfT (and its agencies) commit to working together proactively on long-term strategic road network planning to support local economic growth'. In order to secure greater responsibilities and finances, we need to demonstrate strong local governance.
- 2.5 To consider options for strengthening governance in the LEP area a Task and Finish group was set up to consider the alternatives and provide an options paper and recommendation back to the Chief Executives Group. The Group consists of Richard Flinton (North Yorkshire), Kersten England (York), Alan

Menzies (East Riding), Janet Waggott (Rydale), Jim Dillon (Scarborough), Andy Wilson (North York Moors) and James Farrar (York, North Yorkshire & East Riding LEP)

2.6 The Task & Finish group met in September 2014 and commissioned a report which provided an analysis and overview of governance and legal statuses. In addition it was agreed to produce a first draft of a high level spatial plan brought together, through engagement with Local Authorities from Local Plans and the LEP Strategic Economic Plan.

3 Potential Governance Arrangements

3.1 There are three models that are considered by government to be suitable for strengthening governance and ensuring that there is greater accountability for any public funding under the Growth Deal and for delivery of agreed projects and investments; namely:

- (A) A Formal Joint Committee
- (B) An Economic Prosperity Board (Similar to a Combined Authority but without the transport functions)
- (C) A Combined Authority

3.2 Transport issues remain a key barrier to delivery of strategic improvements, individual developments and many local plans. An Economic Prosperity Board, which excludes transport matters, therefore would not address the challenges and strategic growth issues of the LEP area. For the purposes of this paper we only consider Joint Committees and Combined Authorities.

3.3 The Table below provides a high level analysis of each model.

	Existing Structure	Joint Committee	Combined Authority
Addresses the long strategic economic challenges	Limited	Potentially – there is flexibility around which functions are included.	Yes – fully integrates transport and economic development and supports an agreed spatial approach and investment
Improves decision making	No. Very little joint decision making by local authorities.	Yes - Decisions can be formally delegated to a joint committee	Yes – Combined Authorities are approved by parliament with a formal legal status
Satisfies government demands for devolution	No	Partially - Recognised by Central Government as the minimum required to ensure suitable governance	Yes – Recognised by Central Government as the strongest form of local governance

		arrangements are in place	
Likely to increase investment attracted	No	Yes – to a lesser extent. Will enable the region to meet minimum requirements but unlikely to secure longer term funding	Yes – Allows for integration of budgets and the model most likely to achieve maximum devolution and maximise government investment.
Improves deliverability of Local Plans	No	Improved over current and could support a more strategic approach with HCA and developers Addresses duty to co-operate	Yes – will support a more strategic approach with HCA and developers Addresses duty to co-operate. If combined with shared elements of plan making this approach would support production of a Spatial Plan with development plan status.
Deliverable	Yes – already in place and functioning	Yes – Can be quickly and reasonably easily developed. The primary challenge will be agreeing responsibilities devolved to the Joint Committee	Would require all Local Authorities committing long term – A longer more formal process including consultation and approval by Secretary of State

4 Assessment of the Governance options in relation to YNYER requirements

Governance Model	Analysis
Existing Structures	<p>Current structures supported short term funding secured through the LEP Local Growth Deal.</p> <p>Two tier local government in North Yorkshire results in a siloed approach,. and complicated negotiations between county and districts, delaying developments.</p> <p>There is no spatial plan at either a county or a LEP level and transport strategy in NY does not support Local Plan delivery. Relationships and joint working is varied across the LEP area.</p> <p>The existing model supports overlapping LEP areas for East Riding, York, Harrogate, Selby & Craven however stronger governance in neighbouring areas places significant risk of long term sustainability.</p> <p>The current model has no formal legal status and would be insufficient to secure significant devolution through a deal with government. Funding would remain short term and inflexible.</p> <p>The staus quo means that it is more difficult for agencies such as the HCA and Highways Agency to understand anreact to strategic priorities. The HCA are moving to a 'continuous market engagement' model enabling a more strategic approach to identifying and delivering investments into housing priorities. This will involve working with local areas to understand the priorities and market failures and developing a funding package to address their specific needs. To maximise the potential for this approach, stronger collective governance, improved collaboration and joint working around a spatial plan will create the opportunity for more, and targeted investment to support delivery of local plans.</p> <p>This model does not meet local or national requirements and has significant risks in terms of achieving investment and devolution</p>
Joint Committee	<p>Seen by government as the minimum level of governance to support devolution. This is a flexible and relatively un-political model which allows for different relationships with different areas.</p> <p>There is flexibility around which powers are devolved to a joint committee, however a Local Authority may legally devolve powers.</p>

	<p>It supports spatial planning at a wider level and the duty to co-operate within local plans. This would enable wider regional working to help address some of the housing challenges within Local Plans and would support a stronger relationship with potential investment partners such as HCA & Highways Agency. It would also likely provide greater flexibility over local growth funding received from government.</p> <p>It could be created quickly and easily and provide a vehicle to better integrate and provide coherence between current bodies such as Housing Board, Devolved Local Transport Body, Spatial Planning & Transport Board.</p> <p>This model works well in an overlapping LEP area. Local Authorities can be members of separate Combined Authorities and Joint Committees.</p> <p>This would be an easy first step to build trust and a shared vision for the wider area. It would also demonstrate progress to government in strengthening local governance. This is the minimum recommendation</p>
<p>Combined Authority for York, North Yorkshire & East Riding</p>	<p>A combined Authority would be the optimum solution, best positioning the region to maximise investment and devolution. The benefits of a combined authority would be;</p> <p>Recognised by Central Government as the highest form of governance with the ability to last in the long term.</p> <p>A Combined Authority can attract additional functions and powers in their own right and Ministers have consistently stated that they would prefer to devolve powers to combined authorities because the types of powers that can be devolved would affect whole regions and across Council boundaries.</p> <p>A Combined Authority has full decision making powers that are given to it through an Order from the Secretary of State.</p> <p>This would enable effective spatial planning integrating strategic transport and local plans. This integrated approach would reduce delays caused by the current fragmented two tier approach and better align local growth and transport agendas.</p> <p>This approach could pool the limited resources of authorities, particularly within the 2-tier area, to provide a more capable</p>

	<p>and resilient team.</p> <p>It would maximise the potential for devolution of powers and funding and provide greatest flexibility in identifying and investing in local priorities</p> <p>A new Combined Authority is created by Order and cannot be disbanded or altered without the approval of the Secretary of State.</p> <p>This model provides the least flexibility in terms of change as the structure is more secure and harder to amend.</p> <p>In addition, Local Authorities are not allowed to be constituent members of more than one combined authority.</p> <p>Would require all Local Authorities to commit. The current situation in overlapping areas with East Riding a member of the Humber Joint Committee and York a non-constituent member of Leeds City Region Combined Authority make this a more complicated approach at the current time.</p> <p>Deliverability of this model could be revisited following the 2015 elections.</p>
<p>Combined Authority For North Yorkshire plus a Joint Committee with York & East Riding</p>	<p>As stated above a combined Authority would be the optimum solution providing greatest confidence to government to support devolution of funding and powers. The strengths of a Combined Authority are detailed above.</p> <p>With the complications of the East Riding & York memberships of neighbouring LEP structures, an alternative option would be to create a Combined Authority at a North Yorkshire level with a wider Joint Committee including York & East Riding to support the LEP functional economic geography.</p> <p>This would address the challenges of planning growth in a two tier authority area, whilst supporting wider spatial planning and prioritisation with York and East Riding. It would send a strong message to government about local governance and position the area for devolution.</p> <p>Timeframes for creating a Combined Authority are long and it would go beyond the General Election. There would be the option for York and/or East Riding to join a Combined Authority at a later date.</p> <p>This would deliver the benefits detailed in the Combined Authority section above whilst supporting the functional</p>

	<p>economic geography of the LEP</p> <p>The potential downside of this model is the resource requirement to service two new entities with more complicated governance. It could also encourage the 'break up' of the LEP geography post election 2015.</p> <p>This would be a strong model and a significant step forward, however with an election in 2015 it may be best reconsidered as part of a review considering a Combined Authority at a LEP level post elections.</p>
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- 4.1 Conclusion: The optimum model, which would maximise investment into the region would be a Combined Authority. However with overlapping LEP areas and the General Election in 2015, a Joint Committee should be progressed immediately with a Combined Authority at either a LEP or North Yorkshire level reconsidered post-election 2015.
- 4.2 A Joint Committee can be quickly and easily delivered, and could evolve into a Combined Authority post May 2015.
- 4.3 A key discussion point is what powers would be devolved to a joint committee. Across the country joint committees have been created with some or all of the following functions
- Powers with regard to setting and reviewing objectives for strategic infrastructure investments across the area
 - Transport Functions
 - Economic Development and Regeneration Functions
 - Funding
 - [other specific legislative powers]
 - Creation of jobs/houses etc
- 4.4 Should we decide to progress to a Combined Authority post May 2015, we will need to move quickly and demonstrate;
- A strong evidence base** – quantifying the contribution of our area to the national economy, in a way that stands up to scrutiny by economists and policy makers;
- An Economic 'Model'** – Create the rationale for equitable focus, investment and devolved responsibilities.
- Leadership** – the ability to speak with one voice and gain consensus from all of our constituents;
- Delivery Capability** – convincing decision makers that there is both strength and depth in resource to carry through the proposition to delivery.
- Clear Economic Priorities** – demonstrating to government the ability to prioritise at a regional level and deliver maximum economic impact

A clear Business case – demonstrating value for money, impact and economic of scale
Strong governance – Clear membership, governance and voting rights.

Appendix 1 provides a high level comparison of the three models legal statuses.

Appendix 2 provides draft Heads of Terms for a Joint Committee.

5 Recommendations

- 5.1 A report is presented to LGNYE recommending a Joint Committee for York, North Yorkshire and East Riding is formed immediately, with a review of the potential for a Combined Authority post-May 2015.

6 Appendices

- 6.1 **Appendix 1** provides a high level comparison of the three models and the legal issues.
- 6.2 **Appendix 2** provides draft Heads of Terms for a Joint Committee

James Farrar

Chief Operating Officer – York, North Yorkshire & East Riding Local Enterprise Partnership

6 November 2014

Appendix 1: HIGH LEVEL COMPARISON OF DIFFERENT GOVERNANCE MODELS

	Existing Structure	Joint Committee	Combined Authority
Achievability	Already in Place and has functioned to date.	Easy to set up with agreement by each authority.	<p>Takes time to set up:</p> <ol style="list-style-type: none"> 1. Review of existing and future arrangements 2. development of a scheme 3. approval of Secretary of State followed by draft order being laid before Parliament.
Governance	Not recognised by Central Government as a secure way to make decisions across the region	<p>Recognised by Central Government as the minimum required to ensure suitable governance arrangements are in place</p> <p>Decisions can be formally delegated to a joint committee.</p>	Recognised by Central Government as the highest form of governance with the ability to last in the long term.

Flexibility	Completely flexible	<p>Each Authority delegates its powers to the Joint Committee – could be different for each authority. Each authority, subject to any agreement, can then revoke those delegations.</p> <p>The Committee can easily flex to accommodate more powers as time develops.</p> <p>There is a concern that that such a model would not have the permanence and accountability that exists within a Combined Authority to attract, for example longer term infrastructure funding.</p> <p>Provides a flexible approach to the current position where there are overlapping LEP Boundaries.</p>	<p>A new Combined Authority is created by Order and cannot be disbanded or altered without the approval of the Secretary of State.</p> <p>This model provides the least flexibility in terms of change as the structure is more secure and harder to amend.</p> <p>In addition, Local Authorities are not allowed to be constituent members of more than one combined authority.</p>
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Funding	Least likely to attract the most funding			
Administration	Least burdensome administratively.	Relative lack of bureaucracy – joint committee will require officer support. The Committee will need an authority to host the Committee and provide all necessary secretarial, legal and financial support (including Section 151 and Monitoring Officer Roles).	Gives Government some assurance that governance arrangements are in place	Provides the model that Government is promoting to secure the most confidence in attracting funding. Creates a completely new authority that needs to be administered.
Decision making	Has no formal decision making power		Has some decision making powers that are delegated from each authority. Each authority can choose what powers and functions to delegate either exclusively or mutually to the Joint Committee..	Has full decision making powers that are given to it through an Order from the Secretary of State. Functions can be exercised exclusively or mutually with each local authority.
Legal Basis	Informal arrangement		Section 101(5) Local Government Act 1972 enables two or more local authorities to discharge any of their	The Local Democracy, Economic Development and Construction Act 2009 provides the legal basis for creating

		<p>functions jointly and arrange for the discharge of those functions by a Joint Committee.</p> <p>If Executive Functions are being delegated to the Joint Committee, the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012/1019 states the Committee should contain Executive Members.</p> <p>Regulations further state that the Committee would not allow for any co-option.</p>	<p>Combined Authorities and Economic Prosperity Boards.</p> <p>A Statutory Order needs to be passed to set up a new Combined Authority/Economic Prosperity Board.</p> <p>A Combined Authority can attract additional functions and powers in their own right, including the general power of competence.</p> <p>The Localism Act 2011 allows ministers to devolve powers to Councils, but ministers have consistently stated that they would prefer to devolve powers to combined authorities because the types of powers that can be devolved would affect whole regions and across Council boundaries.</p>
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Appendix 2 – Joint Committee Heads of Terms

In the Government's response to the Heseltine Review ("No Stone Unturned"), it was stated that they consider that a "Joint Committee of Leaders" is a minimum (with a Combined Authority being the strongest) governance arrangements to provide binding and long lived decision making structures in the area for devolving funding into the area.

Legally Councils can discharge their functions through Joint Committees and they can be comparatively easy to set up. How the Joint Committee is formed depends on whether it is carrying out Executive/Cabinet Functions or non-Executive (Council or Committee) functions or a combination of both.

A Joint Committee has no corporate status and is not a separate legal entity. All of the committee's assets therefore must be held by one of the constituent Councils in trust for the others as the lead authority or held jointly by each authority.

The Constitution of a Joint Committee is generally contained in a formal agreement entered into by the authorities concerned. The Agreement should cover a number of areas:

- The number of members of the joint committee
- The number of members which each authority may appoint
- The terms of office and other related matters

MEMBERSHIP OF THE JOINT COMMITTEE

Normally if the Joint Committee is exercising Executive Functions, every member appointed to the Joint Committee must be a member of that authority's Executive/Cabinet.

Legislation provides that where a Joint Committee comprises five or more local authorities, the membership of the joint committee may be either Executive or Non-Executive members.

However it should be noted that the Government would expect that the Joint Committee in this case would consist of the Leaders of each constituent council.

DRAFT HEADS OF TERMS FOR A PROPOSED JOINT COMMITTEE

Draft heads of terms for a proposed Joint Committee are attached below.

If there is agreement to progress with the proposal to create a joint Committee, it is suggested that a meeting is arranged with the Chief Legal Officers from each constituent authority to produce a full Terms of Reference for the proposed Committee.

HEADS OF TERMS FOR A POTENTIAL JOINT COMMITTEE

Section 1 : Context and Purpose

- 1.1 The Joint Committee is set up under the provisions of Section 102 of the Local Government Act 1972.
- 1.2 The Joint Committee aims to bring local authority partners in the region in a robust, formally constituted arrangement which will drive future investment in growth and jobs in the region.

Section 2: Functions and Funding

2.1 The [insert name] Joint Committee will act as a Joint Committee under Section 9EB of the Local Government Act 2000 and pursuant to Regulation 11 of the Local Authorities (Arrangement for the Discharge of Functions)(England) Regulations 2012 *[if Joint Committee is delegated Executive Powers]* and section 101 and 102 of the Local Government Act 1972 *[if delegated Council/Committee Powers][or both]*

2.2. The [insert name] Joint Committee will comprise of the following local authorities:

- Craven District Council
- Harrogate District Council
- Selby District Council
- Ryedale District Council
- Scarborough District Council
- Hambleton District Council
- Richmondshire District Council
- City of York Council
- East Riding of Yorkshire Council
- North Yorkshire County Council
- North York Moors
- Yorkshire Dales National Park Authority
- North York Moors National Park Authority

(the “Constituent Authorities”)

2.3 Political Proportionality rules will not apply to the Joint Committee

2.4 The overarching aim of the Joint Committee is to *[provide its constituent local authorities with a forum in which to address collaboratively issues relating to economic development, regeneration and strategic planning within its area*

and to enable collective decision making on a wider geographical area from the Constituent Authorities]

Membership and voting rights

- 2.5 The Joint Committee comprises the Leader of each of the Constituent Authorities. The term of office of each member shall be for as long as the member is the Leader of the appointing Council.
- 2.6 Non-voting advisers, including a representative from the LEP (and Associate Councils) may attend the Joint Committee from any or all of the Parties or from other organisations as agreed. These advisers may participate in the debate but may not vote.

Sub-committees

- 2.7 The Joint Committee may establish sub-committees as it may determine.

Voting

- 2.8 [Voting will be weighted in accordance with the existing rules of voting – to be drafted]

New Membership and cessation of membership

- 2.9 New Councils may join the Joint Committee provided that the Executive and full Council of the joining parties *[if delegating Executive and Council functions]* and of all the Parties to the agreement

Chair and Deputy Chair

- 2.10 The Chair and Deputy Chair of the Joint Committee will be appointed from its members annually

Quorum

- 2.11 The Quorum of the Joint Committee will be [insert number] members

General Remit

[this is purely a draft and will need to reflect the combined ambitions of the partners]

- 2.12 The general remit of the Joint Committee is to :
(a) act as the local public sector decision making body for strategic economic development across the region

(b) to develop and subsequently monitor investment plans utilising Government and EU funds

(c) To be the Accountable body for decision making on the Local Growth Fund and EU funding streams as allocated by the YNYER LEP

(d) to own, monitor and review the emerging economic strategies and associated investment plans

(e) to hold to account relevant bodies whose work impacts on the economic well-being of the region

Specific delegated Functions:

[Local Authorities can choose which specific functions they wish to delegate to the Joint Committee. A number of similar Joint Committees have been set up across the country which include having the following powers delegated to it]:

- Powers with regard to setting and reviewing objectives for strategic infrastructure investments across the area
- Transport Functions
- Economic Development and Regeneration Functions
- Funding
- [other specific legislative powers]
- Creation of jobs/houses etc



REPORT TO: FULL COUNCIL

DATE: 18 DECEMBER 2014

**SUBJECT: PART 'B' REFERRALS FROM POLICY AND RESOURCES
COMMITTEE ON 4 DECEMBER 2014**

40 Timetable of meetings 2015 - 2016

Considered – Report of the Council Solicitor

Recommendation to Council

That Council approves the timetable of meetings for 2015-2016, attached at Annex A to the report.

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PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	4 DECEMBER 2014
REPORT OF THE:	COUNCIL SOLICITOR ANTHONY WINSHIP
TITLE OF REPORT:	TIMETABLE OF MEETINGS 2015-2016
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 This report presents the draft timetable of meetings for 2015-2016 for approval.

2.0 RECOMMENDATION

2.1 That Council is recommended to approve the timetable of meetings for 2015-2016, attached as Annex A to this report.

3.0 REASON FOR RECOMMENDATION

3.1 To provide a timetable for all decision making, advisory and overview and scrutiny meetings for use by Members, officers, the public and other interested parties.

4.0 SIGNIFICANT RISKS

4.1 There are no significant risks relating to this recommendation.

5.0 POLICY CONTEXT AND CONSULTATION

5.1 A timetable of meetings is agreed and published for each municipal year. This is an essential part of making the Council's decision making process open and accessible to all interested parties. Management Team have been consulted on the draft timetable of meetings for 2015-2016.

REPORT

6.0 REPORT DETAILS

6.1 The draft timetable of meetings, attached as Annex A of the report, has been based on the meeting cycle used in 2014-15.

6.2 The schedule at Annex A takes account of particular reporting requirements relating to the Annual Governance Statement and Statement of Accounts. No meetings have been scheduled to coincide with Maundy Thursday (24 March 2016), the Ryedale Show (28 July 2015), the Police and Crime Commissioner Elections (5 May 2016) and the Local Government Association Conference (30 June-2 July 2015). Mondays have also been kept free of meetings as this is when the majority of parish and town councils meet.

6.3 Members have the option to approve, amend or reject the draft timetable of meetings attached at Annex A. If the current draft timetable is not acceptable to Members, an alternative will need to be agreed.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

a) Financial

The costs of meetings within the Council are built into existing budgets.

b) Legal

None.

c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)

None. An equality impact assessment was carried out four years ago when start times to meetings were reviewed.

8.0 NEXT STEPS

8.1 Once the timetable of meetings has been approved it will be published on the Council's website using the Modern.gov committee management system.

Anthony Winship
Council Solicitor

Author: Simon Copley, Democratic Services Manager
Telephone No: 01653 600666 ext: 277
E-Mail Address: simon.copley@ryedale.gov.uk

Background Papers:
None.



TIMETABLE OF MEETINGS MAY 2015 TO MAY 2016

COMMITTEE	MAY 2015	JUN	JULY	AUG	SEPT	OCT	NOV	DEC	JAN 2016	FEB	MAR	APR	MAY	Day
Council	21*		9		3	8		10		23 Tues	3	14	19*	Thurs
Policy & Resources		18			24		26			4	31			Thurs
Scrutiny		25				1		3		18		7		Thurs
Audit			30		23 Wed		5		28			21		Thurs
Planning Committee and Licensing Committee	28 Thurs	23	21	18	15	13	10	1 & 22	19	16	15	12	10	Tues (6pm)
Resources Working Party					10		12		21		17			Thurs
Parish Liaison Meeting		10				21								Wed (7pm)
Member Development					9	14	11	9	13***		9	13		Wed

All meetings start at 6.30pm unless otherwise indicated.

NOTES

- * Annual Council at 3 pm
- ** Reserve date for business not transacted on 23 February 2016
- *** Budget Briefing

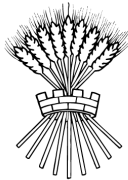
ELECTIONS

5 May 2016 – Police and Crime Commissioner Election

Bank Holidays

Spring Bank Holiday	-	Monday 25 May 2015
Late Summer Bank Holiday	-	Monday 31 August 2015
Christmas Bank Holiday	-	Friday 25 & Monday 28 December 2015
New Year's Day Holiday	-	Friday 1 January 2016
Council Offices closed	-	Friday 25 Dec 2015 to Fri 1 Jan 2016 inclusive
Easter	-	Friday 25 March and Monday 28 March 2016
May Day	-	Monday 2 May 2016

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PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	PLANNING COMMITTEE
DATE:	16 DECEMBER 2014
REPORT OF THE:	HEAD OF PLANNING AND HOUSING GARY HOUSDEN
TITLE OF REPORT:	PUBLICATION OF THE COMMUNITY INFRASTRUCTURE LEVY (CIL) REVISED DRAFT CHARGING SCHEDULE
WARDS AFFECTED:	ALL EXCLUDING THE WARDS FALLING WITHIN THE NORTH YORK MOORS NATIONAL PARK.

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 For Members to agree to publish the revised Draft Charging Schedule (DCS) for formal consultation and subsequent submission to the Secretary of State for Examination in order to progress the introduction of the Community Infrastructure Levy.

2.0 RECOMMENDATIONS

- 2.1 Council is recommended to resolve to:

- (i) Approve the revised Draft Charging Schedule at Appendix 1 for formal public consultation and subsequent submission to the Secretary of State for Examination.

3.0 REASON FOR RECOMMENDATIONS

- 3.1 To progress the production of the Draft Charging Schedule and therefore the implementation of the Community Infrastructure Levy (CIL).

4.0 SIGNIFICANT RISKS

- 4.1 There are no significant risks associated with the report. It is considered that greater risks to the delivery of necessary infrastructure are likely to arise if the Community Infrastructure Levy is not progressed to adoption or if the correct process of producing the Draft Charging Schedule is not followed. Delays to the adoption of the levy also present a risk on the basis that from April 2015, additional limitations on the use of Section 106 contributions will come into force which will restrict the Council's ability to collect contributions from developers towards necessary infrastructure,

should CIL not be operative in advance of the April 2015 deadline.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 Members are aware that the Community Infrastructure Levy is designed to be the main funding source for Ryedale to be able to deliver the strategic infrastructure required to support planned growth established through the Ryedale Plan. The Ryedale Infrastructure Delivery Plan (January 2012), produced to support the Plan sets out the infrastructure requirements that will help to deliver the Plan objectives. This document enabled a funding gap to be calculated, which currently stands at circa. £64 million. The ability to identify an infrastructure funding gap is necessary in order to justify a CIL charge. The Community Infrastructure Levy Regulations 2010 (as amended) set out the regulatory framework which needs to be followed by the Council (the 'charging authority') as it prepares to implement the CIL charge.
- 5.2 CIL charges are outlined in a Charging Schedule and the Regulations establish the procedural requirements for producing this. Following consultation on a Preliminary Draft Charging Schedule, a charging authority is required to produce a Draft Charging Schedule. The latter is the version of the charging schedule which is formally published for consultation and comments received on the Draft Charging Schedule are those that are considered at the CIL Examination.
- 5.3 Regulation 14 of the Regulations provides a central theme that needs be followed when producing a charging schedule. Crucially, it sets out the need to strike a balance between the need to fund infrastructure through the levy whilst also considering the effects the levy may have on constraining development. To this end a charging schedule must have direct regard to the economic viability of development that is likely to take place in Ryedale. Indeed, the viability assessments that are undertaken to support the levy should have regard to all of the policy requirements set out in the Development Plan. This includes developments achieving policy levels of affordable housing.
- 5.4 The Council prepared its Preliminary Draft Charging Schedule in 2013. The document was informed by an economic viability assessment, undertaken by Peter Brett Associates which set out the sources of information and assumptions used to inform the proposed charges. The Preliminary Draft Charging Schedule proposed the following charges:

Use	Proposed CIL charge (per sq.m)
Private market houses:	
<i>Lower Charging Zones</i>	£55
<i>All Other Areas</i>	£70
Supermarkets	£120
Retail Warehouses	£60
Public/Institutional Facilities as follows: education, health, community and emergency services	£0
All other chargeable development	£0

- 5.5 Members of this Committee agreed the Preliminary Draft Charging Schedule in August 2013 and following subsequent ratification by Council, the Preliminary Draft Charging Schedule and the economic viability study were subject to public consultation in accordance with the regulations. This process concluded on 15 November 2013, during which a total of 16 responses were received. A summary of the comments received together with responses to these were considered at the 7 May meeting of Planning Committee (minute 224 refers).
- 5.6 Taking account of the comments made on the PDCS where appropriate, revisions were made and the Draft Charging Schedule (DCS) was produced and consulted on between June and August 2014. The charges proposed in the DCS remained the same as set out at the PDCS stage and shown above.
- 5.7 Following the DCS consultation, a total of 10 representations were received including several noting general support for the approach taken. Those that objected to the DCS, principally raised the same issues as set out in the responses to the PDCS. However one representation in particular identified a potential error in the viability modelling. Following a detailed review of the assessments, unfortunately an error was found to be present in the viability model, which meant that the level of viability had been over-stated in some cases. As a result, the Council's consultants have needed to revisit and revise the viability assessments.

6.0 REPORT

The revised Draft Charging Schedule

- 6.1 The Council's consultants have now corrected the error in the viability model, and then updated the key assumptions that are inputted into the model in terms of sales values, build costs and benchmark land values. In addition, the analyses of patterns of sales values that inform the approach to zoning have also been reviewed and updated. Given that the error in the original viability model results in changes to the original figures, it is necessary to re-consult on a revised DCS. This has sadly caused a time delay to the process of preparing and adopting a CIL charging schedule, to the extent that it will not be possible to have an adopted schedule by April 2015. Revised

viability assessments, along with all of the assumptions which underpin them, are set out in a Revised Draft Charging Schedule Viability Report that will be published as part of a consultation on the revised DCS.

- 6.2 In recommending charge rates based on the evidence, the starting point is a calculation of the maximum possible charge for each use that is consistent with maintaining viability. It is then necessary to drawn down from these maxima to ensure that the vast majority of development will remain viable. Consistent with previous work, the Council’s consultants recommend charges are set at 50% - 75% of the maximum to achieve this, and balance the need to maintain viability, with the need to fund the infrastructure that is required to enable growth.
- 6.3 The revised assessments show that small adjustments to the DCS are required. The viability of residential development in lower value areas is shown to be lower than previously assessed. In addition, increased sales values mean that slightly higher charges for residential development in moderate and higher value areas are appropriate. No changes are required to the charges proposed for non-residential development. However, the changes to the residential charges proposed still mean that it is necessary and appropriate to consult on a revised DCS. The charge rates proposed in the Revised DCS are shown below.

Use	Proposed CIL charge (per sq.m)
Private market houses:	
<i>Lower Charging Zones</i>	£45
<i>All Other Areas</i>	£85
Supermarkets	£120
Retail Warehouses	£60
Public/Institutional Facilities as follows: education, health, community and emergency services	£0
All other chargeable development	£0

- 6.5 As can be seen the residential charge for lower charging zones has been reduced by £10 to £45, and for all other areas has increased by £15 to £85. All other charges remain the same. Officers consider that the charges reflect the need to strike the necessary balance required in the regulations in relation viability and that they are fully supported by robust evidence.
- 6.6 It should also be noted that the geographical extent of the charging zones for private market houses remain the same. (See charging zone map included in Appendix 1)
- 6.7 It is considered that the Council is now at the stage where the revised Draft Charging Schedule can be taken through the final formal stages of production. This process involves an additional consultation period following which any additional comments will be reviewed. Given that this is a revised DCS, Officers consider that the statutory minimum of four weeks is the appropriate consultation period. Subject to the outcomes of this consultation, the Draft Charging Schedule will then be submitted for

Examination along with all of the representations received.

- 6.8 The Regulations prescribe the procedural requirements for the formal publication and submission of the Draft Charging Schedule.

Other Procedural Matters

- 6.9 An important procedural requirement particularly at the formal stages of the preparation of a DCS is that it is taken forward in accordance with a timeframe achievable for adoption. The previously stated timescales have been altered by the discovery of the error in the model. Officers consider the following revised milestones should now be used for the next stages of the process:

Revised DCS consultation – January 2015

Submission – February 2015

Adoption – June 2015 (this date is an estimate and depends on the nature of representations received and the capacity of the Planning Inspectorate)

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:

a) Financial

A budget has been set aside for the preparation of the Draft Charging Schedule and the costs of an Examination. Any additional work that has been required as a result of the error will be done at the Consultant's own expense. Once CIL is in place, it will generate revenue to the Council, although this revenue is ring-fenced for spending on a list of infrastructure items that the Council produces. This accompanies the charging schedule and is updated on a regular basis.

b) Legal

Preparation of the charging schedule is be subject to the requirements of the Community Infrastructure Regulations 2010 (as amended). On adoption, CIL will become a mandatory charge for development listed in the charging schedule.

8.0 NEXT STEPS

- 8.1 Officers will complete the administrative arrangements which are required to ensure that the Revised Draft Charging Schedule is published in accordance with statutory requirements. All those individuals or organisations who have previously submitted comments on the charging schedule will be notified, alongside the statutory consultees listed in the Regulations. A copy of the Revised Draft Charging Schedule will also be made available at Ryedale House and on the Council's web-site.

Gary Housden
Head of Planning and Housing

Author: Daniel Wheelwright, Forward Planning Officer
Telephone No: 01653 600666 ext: 313
E-Mail Address: daniel.wheelwright@ryedale.gov.uk

Background Papers:

Revised Viability Assessment, December 2014
Background Papers are available for inspection at:
www.ryedaleplan.org.uk

RYEDALE
DISTRICT
COUNCIL



Ryedale District Council

Community Infrastructure Levy
Revised Draft Charging Schedule

Published December 2014

The Charging Authority

This Community Infrastructure Levy (CIL) Revised Draft Charging Schedule has been published by Ryedale District Council. The Council will be both a Charging Authority and a Collecting Authority.

Statutory Compliance

The Draft Charging Schedule was approved for publication at the 18 December meeting of Full Council. It is published in accordance with Part 11 of the Planning Act 2008 (as amended), and the Community Infrastructure Levy Regulations 2010 (as amended).

In setting its CIL rates in accordance with Regulation 14(1) of the Community Infrastructure Levy Regulations 2010, Ryedale District Council has aimed to strike what is believed by the council to be an appropriate balance between:

- The desirability of funding from CIL (in whole or part) the estimated total cost of infrastructure required to support the development of the District, taking into account other actual and expected sources of funding; and
- The potential effect (taken as a whole) of the imposition of CIL on the economic viability of development across the District.

Justifying the Introduction of CIL

At the time of publishing (December 2014), the Council has identified an infrastructure funding gap of **£63,870,000**.

As a part of the economic viability study that supports the charging schedule, a revenue projection has been produced to identify the potential revenue from the proposed CIL rates over the life of the development plan. This figure is estimated at £6,240,615, approximately £416,041 per annum.

Scope of CIL

The following development types will be liable to CIL:

- Development comprising 100m² or more of new build floorspace;
- Development of less than 100m² of new build floorspace that results in the creation of one or more dwellings, but excluding self-build properties; and
- The conversion of a building that has not been in use for at least 6 continuous months during the last three years.

CIL Exemptions and Relief

The CIL regulations provide for certain types of development to be exempt or eligible for relief from CIL, as set out below:

Development exempt from CIL

- The conversion of any building previously used as a dwelling house to two or more dwellings
- Development of less than 100m² of new build floorspace, provided that it does not result in the creation of a new dwelling
- The conversion of a building in lawful use, or the creation of additional floor-space within the existing structure of a building in lawful use
- Development of buildings and structures into which people do not normally go (eg, pylons, wind turbines, electricity sub stations)

Development entitled to Mandatory Relief from CIL

- Development by registered charities for the delivery of their charitable purposes, as set out in Regulation 43 of the Community Infrastructure Levy Regulations 2010
- Those parts of a development which are to be used as social housing, as set out in Regulation 49 of the Community Infrastructure Levy Regulations 2010

Where planning permission is granted for a new development that involves the extension or demolition of a building in lawful use, the level of CIL payable will be calculated based on the net additional floorspace. This means that the existing floorspace contained in the building to be extended or demolished will be deducted from the total floorspace of the new development, when calculating the CIL liability.

The definition of lawful use is contained in Regulation 6 (11(ii)) of the Community Infrastructure Levy Regulations 2010 (as amended), which states the following:

“contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development”

CIL Rates

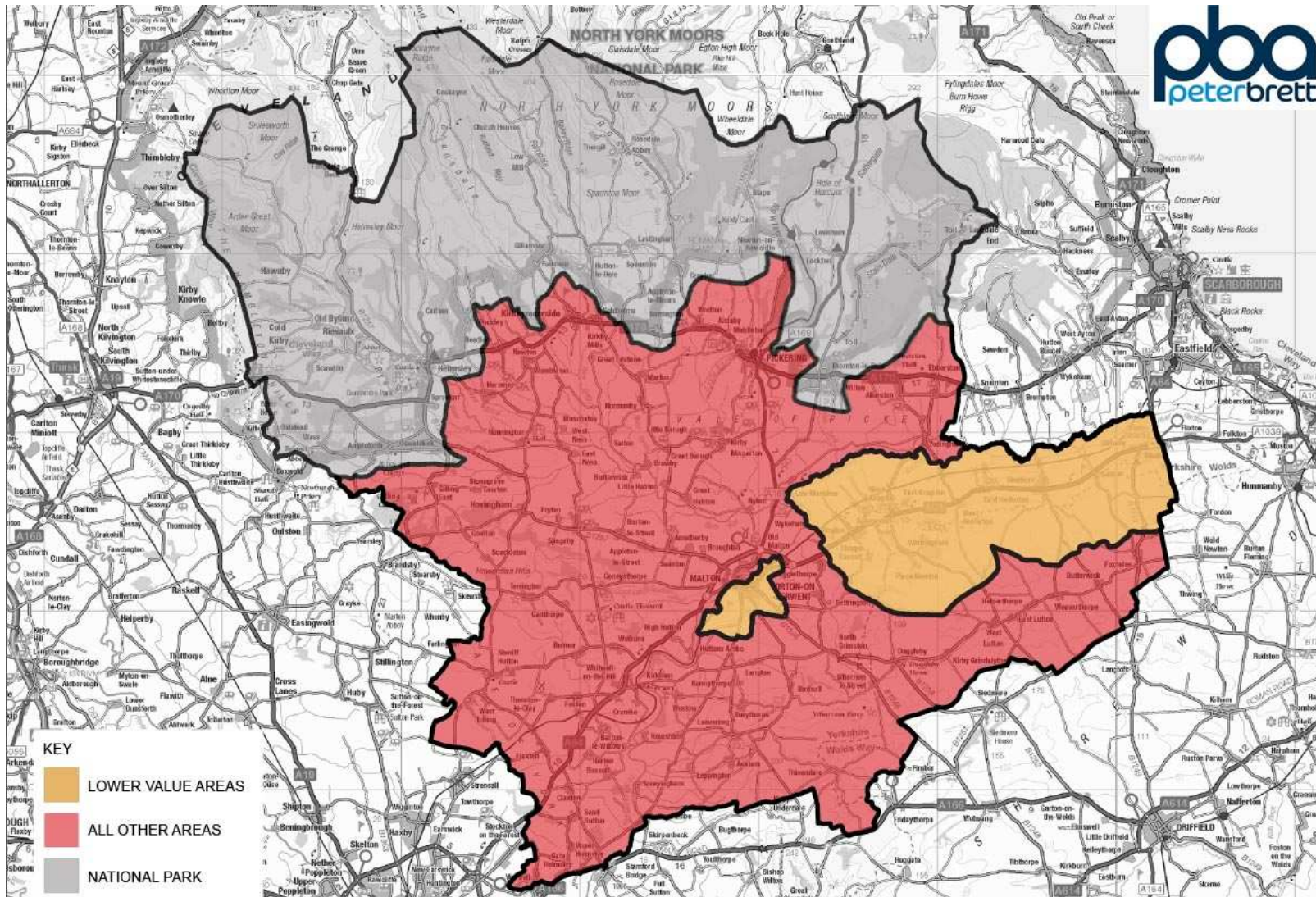
The Revised Draft Charging Schedule Report, undertaken by Peter Brett Associates (formerly Roger Tym and Partners), informs and provides the viability evidence for the CIL rates proposed by Ryedale District Council. The proposed charging schedule is as follows:

Use	CIL Charge per sq. m
Private market houses (excl. apartments)	
Low value areas	£45
All other areas	£85
Supermarkets	£120
Retail Warehouse	£60
Public/Institutional facilities as follows: education, health, community and emergency services	£0
All other chargeable development (incl. apartments)	£0

The definitions of the Supermarkets and Retail Warehouse are as follows:

- Supermarkets – Supermarkets are large convenience-led stores where the majority of custom is from people doing their main weekly food shop. As such, they provide a very wide range of convenience goods, often along with some element of comparison goods. In addition to this, the key characteristics of the way a supermarket is used include:
 - The area used for the sale of goods will generally be above 500 sq. m.
 - The majority of customers will use a trolley to gather a large number of products;
 - The majority of customers will access the store by car, using the large adjacent car parks provided; and
 - Servicing is undertaken via a dedicated service area, rather than from the street.
- Retail Warehouses – Retail warehouses are usually large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods. They can be stand-alone units, but are also often developed as part of retail parks. In either case, they are usually located outside of existing town centres and cater mainly for car-borne customers. As such, they usually have large adjacent, dedicated surface parking.

The charge zone areas are shown on map shown overleaf.



Supporting Information and Evidence Base

The documents listed below support this CIL Draft Charging Schedule. All documents are available on the Council's website, or can be viewed at the following locations:

- Ryedale Local Plan Strategy (adopted September 2013)
- Ryedale Infrastructure Delivery Plan (January 2012)
- Ryedale Community Infrastructure Levy Viability Assessment (August 2013)
- Ryedale Community Infrastructure Levy Addendum Report (January 2014)
- Ryedale Community Infrastructure Levy Revised Draft Charging Schedule Report (December 2014)
- Draft Regulation 123 List

By virtue of paragraph(s) 1, 3, 6 of Part 1 of Schedule 12A of the Local Government Act 1972.

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REPORT TO: FULL COUNCIL

DATE: 9 OCTOBER 2014

SUBJECT: PART 'B' REFERRALS FROM POLICY AND RESOURCES COMMITTEE ON 25 SEPTEMBER 2014

25 Constitutional Changes: Electronic submission of Notices on Motion and revision of deadlines for questions on notice

Exempt Information

Resolved

That under Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended), that the public be excluded from the meeting for part of this item as there would be a likely disclosure of exempt information.

Decision

That a report be presented to Constitution Working Party on financial delegations to committees

Recommendations to Council

That Council is recommended to approve:

(i) The addition of the wording shown in italics below to Council Procedure Rule 11.1:

Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by at least two Members, must be delivered to the proper officer not later than *5pm*, eight *working* days before the date of the meeting. These will be entered in a file open to public inspection.

Written notice of motions may be given by email, from a ryedale.gov.uk email address. Signatures are not required in these instances but consent must be received from each Member who has put their name to the motion by e mail from a ryedale.gov.uk email address .

(ii) The addition of the wording shown in italics below to Council Procedure Rule 14.1:

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least one quarter of the whole number of Members of the Council.

Such notice of motions may be given by email, from a ryedale.gov.uk email address. Signatures are not required in these instances but consent must be received from each Member who has put their name to the motion by e mail from a ryedale.gov.uk email address.

(iii) The addition of the wording shown in italics below to Council Procedure Rule 10.4:

A Member may only ask a question under Rule 10.2 or 10.3 if either:

(a) he/she has given notice in writing of the question to the Proper Officer *not later than 5pm, eight working days before the date of the meeting;* or

(b) the question relates to an urgent matter, he/she has have the consent of the chairman to whom the question is to be put and the content of the question is given to the Proper Officer by *12 noon* on the day of the meeting. *An urgent matter must be one which the Member could not have reasonably known about eight working days before the date of the meeting and which must be dealt with before the next ordinary meeting of Council.*

Voting record

7 votes for

1 vote against

1 vote abstain



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	25 SEPTEMBER 2014
REPORT OF THE:	COUNCIL SOLICITOR ANTHONY WINSHIP
TITLE OF REPORT:	CONSTITUTIONAL CHANGES: ELECTRONIC SUBMISSION OF MOTIONS ON NOTICE AND REVISION OF DEADLINES FOR QUESTIONS ON NOTICE
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 This report sets out the revisions to the Constitution which would be required:
- to allow motions on notice to be submitted electronically and to clarify the periods of notice required for submitting motions on notice;
 - to revise the deadlines for questions on notice to allow all questions to be included on the Council agenda and also amend requirements around urgent questions.
- 1.2 Council Procedure Rule 23.2 provides that any motion to amend the Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next Ordinary Meeting of Council.

2.0 RECOMMENDATION(S)

- 2.1 That Council is recommended to approve:
- (i) The addition of the wording shown in italics below to Council Procedure Rule 11.1:

Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by at least two Members, must be delivered to the proper officer not later than *5pm*, eight *working* days before the date of the meeting. These will be entered in a file open to public inspection.

Written notice of motions may be given by email, from a ryedale.gov.uk email address. Signatures are not required in these instances but consent must be received from each Member who has put their name to the motion by e mail from a ryedale.gov.uk email address .

- (ii) The addition of the wording shown in italics below to Council Procedure Rule 14.1:

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least one quarter of the whole number of Members of the Council.

Such notice of motions may be given by email, from a ryedale.gov.uk email address. Signatures are not required in these instances but consent must be received from each Member who has put their name to the motion by e mail from a ryedale.gov.uk email address.

- (iii) The addition of the wording shown in italics below to Council Procedure Rule 10.4:

A Member may only ask a question under Rule 10.2 or 10.3 if either:

- (a) he/she has given notice in writing of the question to the Proper Officer *not later than 5pm, eight working days before the date of the meeting;*
or
- (b) the question relates to an urgent matter, he/she has have the consent of the chairman to whom the question is to be put and the content of the question is given to the Proper Officer by *12 noon* on the day of the meeting. *An urgent matter must be one which the Member could not have reasonably known about eight working days before the date of the meeting and which must be dealt with before the next ordinary meeting of the Council.*

3.0 REASON FOR RECOMMENDATION(S)

3.1 To revise the constitution to fully reflect the move towards paperless working.

4.0 SIGNIFICANT RISKS

4.1 There are no significant risks associated with the recommendations.

5.0 POLICY CONTEXT AND CONSULTATION

5.1 This report links to corporate aim 5 – to transform the Council.

REPORT

6.0 REPORT DETAILS

6.1 Currently the constitution only allows Members to submit motions on notice for Council meetings hard copy, with wet ink signatures. Given the move over the past 18 months to largely paperless working, the revisions proposed to the constitution would allow motions on notice to be forward by email, from a ryedale.gov.uk email address, in line with PSN compliancy requirements. The revisions include a mechanism to ensure that all Members listed as supporting a motion have agreed to do so.

6.2 North Yorkshire County Council, City of York Council and the other six District or

Borough Councils in North Yorkshire all accept motions on notice by email.

- 6.3 An additional amendment makes it clear that eight working days notice are required for motions on notice. This allows sufficient time for the Proper Officer to consider the acceptability and implications of the motion before the despatch of the agenda.
- 6.4 Currently the constitution requires that questions on notice are submitted at least 3 working days before the meeting. This means that not all questions are included on the Council agenda, which must by law be published 5 clear working days ahead of the meeting. By revising the deadline for questions on notice to match the deadline for submission of motions on notice, it can be ensure that all questions are included on the agenda.
- 6.5 Additionally, it is proposed to revise the requirements for submitting urgent questions to allow these to be submitted up until 12 noon on the day of the meeting and also providing a clear definition as to what is considered to be urgent.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
- a) Financial
None.
 - b) Legal
PSN compliancy is required and as such all communication should be through a ryedale.gov.uk email address.
 - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
None.

Anthony Winship Council Solicitor

Author: Simon Copley, Democratic Services Manager
Telephone No: 01653 600666 ext: 277
E-Mail Address: simon.copley@ryedale.gov.uk

Background Papers:
The Council's Constitution

Background Papers are available for inspection at:
www.ryedale.gov.uk

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