



## 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 **10 March 2011 at 6.30 pm** in the evening for the transaction of the following business, after Prayers:

#### Agenda

##### **Emergency Evacuation Procedure**

The Chief Executive to report on the emergency evacuation procedure.

1 **Apologies for absence**

2 **Public Question Time**

3 **Minutes** (Pages 1 - 26)

To approve as a correct record the minutes of an Ordinary Meeting of the Council held on 13 January 2011 and the Minutes of the Budget Meeting of Council held on 21 February 2011.

4 **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 (as amended).

5 **Declarations of Interest**

Members to indicate whether they will be declaring any interests under the Members' 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.

**6 Announcements**

To Receive any announcements from the Chairman and/or the Head of Paid Service.

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

From Councillor Wainwright:

“Would the Chairman of the Overview and Scrutiny Committee please update Members on the work of that Committee?”

From Councillor Wainwright:

“Would the Chairman of the Commissioning Board please update Members on the work of that Board?”

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

**9 To consider for Approval the Recommendations in respect of the following Part 'B' Committee Items:** (Pages 27 - 36)

**Standards Committee – 20 January 2011**

Minute No. 24 - Blogging and Social Networking (p27)

Minute No. 26 - Independent/Parish Members (p28)

**Policy & Resources Committee – 10 February 2011**

Minute No. 60 - Safeguarding Children and Vulnerable Adults Policy and Procedures (p29)

Minute No. 61 - Flexible Retirement Policy (p29)

Minute No. 62 - Community Governance Review Malton and Norton on Derwent (p30)

Minute No. 63 - Fees and Charges – Pre-Application Advice (p32)

Minute No. 64 - Relocation of Malton Scouts (p32)

Minute No. 65 - Ryedale Plan – Policy Approach to Conservation Deficit (p33)

## **Reports of Officers of the Council**

- 10 **Site Selection Methodology** (Pages 37 - 90)
- 11 **Pickering Flood Storage Proposals** (Pages 91 - 96)
- 12 **Any other business that the Chairman decides is urgent.**

## **Background Papers (For Information) (Pages 97 - 224)**

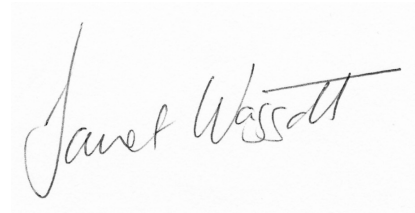
**The following reports are attached for information:**

### **Standards Committee held on 20 January 2011**

- (a) Blogging and Social Networking (p97)

### **Policy & Resources Committee held on 10 February 2011**

- (a) Safeguarding Children and Vulnerable Adults Policy and Procedures (p111)
- (b) Flexible Retirement Policy (p167)
- (c) Community Governance Review – Malton and Norton on Derwent (p179)
- (d) Fees and Charges – Pre-Application Advice (p199)
- (e) Relocation of Malton Scouts (p207)
- (f) Ryedale Plan – Policy Approach to Conservation Deficit (p211)

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

Miss J Waggott  
Chief Executive

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## Council

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Minutes of Proceedings

At the **Ordinary Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Thursday 13 January 2011**

## Present

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Councillors Hemesley OBE (Chairman)  
Acomb  
Andrews  
Arnold  
Mrs Arnold  
Bailey  
Clark  
Cottam  
Mrs Cowan  
Mrs Cowling  
Mrs Frank  
Hawkins  
Mrs Keal  
Keal  
Knaggs  
Maud  
Raper  
Mrs Shields  
Spencer  
Wainwright  
Ms Warriner MBE  
Mrs Wilford  
Windress  
Woodward

## In Attendance

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Paul Cresswell  
Janet Waggott  
Anthony Winship  
Jill Baldwin  
Susan Shuttleworth (Secretary)

## Minutes

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### 66 Public Question Time

There were no public questions.

67 **Apologies for absence**

Apologies for absence were received from Councillors Mrs Burr, Cussons, Mrs De Wend Fenton, Mrs Hodgson, Hope and Legard.

68 **Minutes**

The minutes of an Ordinary Meeting of Council held on 4 November 2010 and the minutes of an Extraordinary Meeting of Council held on 17 November 2010 (previously circulated) were submitted.

**Resolved**

- (a) That the minutes of an Ordinary Meeting of the Council held on 4 November 2010 be approved and signed by the Chairman as a correct record.
- (b) That, subject to the inclusion of Councillor Clark in the list of Members present, and to the inclusion of Councillor Knaggs in the list of those Members who voted against the first motion, as detailed on page 28 of the minutes, the minutes of an Extraordinary Meeting of Council held on 17 November 2010 be approved and signed by the Chairman as a correct record.

69 **Urgent Business**

The Chairman reported that there were no items to be considered under urgent business.

70 **Declarations of Interest**

In accordance with the Members' Code of Conduct, the following declarations of interest were received.

Councillors Mrs Arnold and Clark declared personal interests, as North Yorkshire County Councillors, in item 14 – Property Acquisition – Norton.

Councillors Mrs Keal, Spencer and Mrs Wilford declared personal interests in item 10 Minute No 44 - Items Referred from the Commissioning Board – Malton Museum Future Options) as representatives of the Malton Museum Foundation.

Councillors Mrs Keal and H Keal declared personal interests in item 10 Minute No 43 of the Policy & Resources Committee held on 9 September 2010 – Householder Flood Resistance Grant Scheme – as members of the Pickering Flood Defence Group.

Councillor S Arnold declared a personal interest in item 14 – Property Acquisition – Norton – as a representative of CAB.

Councillor Mrs Cowling declared a personal and prejudicial interest in item 10 - Minute No 43 of the Policy & Resources Committee held on 9 September 2010 – Householder Flood Resistance Grant Scheme – as a property owner who could benefit from the scheme and in Minute No 44 – Items referred from the Commission Board held on 8 December 2010 – Fees and Charges – as a member of her family owns a motor car salvage business.

Councillor Wainwright declared a personal interest in Item 14 – Property Acquisition – Norton – as a Trustee of RVA.

## 71 **Announcements**

The Chairman made the following announcements:

1. Ryedale District Council would like to congratulate Mrs Pauline Foster on receiving an MBE in the New Year Honours for services to the community in Thixendale, which included raising £350,000 for the restoration of the village hall and church organ.
2. Ryedale District Council would like to thank Ryedale staff for their efforts to keep services going during the bad weather.

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

Councillor Wainwright submitted the following question:

“Would the Chairman of the Overview & Scrutiny Committee please update Members on the work of that Committee?”

Councillor Mrs Shields replied:

“The last meeting of the Overview & Scrutiny Committee was held on 16 December 2010 and, in spite of the difficult weather conditions at the time, most Members were able to be present.

We welcomed Alistair Lince from Deloittes, Gary Housden (Head of Planning) and Phil Long (Head of Environmental Services) who were dealing with their relevant agenda items.

After checking the Minutes of the previous meeting, the Annual Audit Letter was introduced by Alistair Lince and comments made by Members were noted. The Head of Planning dealt with the Service Risk Register and, once again,

satisfaction was expressed for the very clear way in which the different aspects of Risk were set out in the report.

The Corporate Director (s151) introduced the Treasury Management Mid-Year Review and Members had the opportunity to comment and ask questions. The report was, like the previous one, received and the management of both in-house and external funds noted. Mr Cresswell also presented the Internal Audit report which was noted by all Members.

The Head of Transformation, Clare Slater, reported on the Risk Management Strategy, a copy of which was included with her introduction. This was a very informative document and Members commented on the clearly detailed sections of the report, which made it both easily comprehensible and interesting. Clare next described the progress achieved in respect of the two reviews currently being undertaken by the Committee. Terms of reference were set out and details provided on the way forward with each topic. The Task Group on Healthy Weight had subsequently met with Mr Greg McGrath, Health Improvement Manager for the NHS North Yorkshire and York, who covered several widely differing areas of the subject and the focus of the next meeting will be to determine on which particular aspects to concentrate.

Our last item was to receive decisions from other Committees. Following this, as I had no further business, the meeting closed at 8.30pm.

As a postscript may I add that, subsequently, the Task Group reviewing Post office closures and the consequent effects in our District, had a very interesting discussion with the Rillington Postmaster. He explained some of the advantages as well as the problems encountered in rural areas, this was most enlightening and was a fascinating and extremely useful session. I would also like to record here our thanks to Mr Molloy for his time and indeed his commitment to the service that he provides for the community.”

Councillor Wainwright submitted a further question:

“Would the Chairman of the Commissioning Board please update Members on the work of that Committee?”

Councillor Mrs Cowling replied:

“The Board has been busy through its working parties progressing the two commissioning projects. The last meeting of the Board received feedback from the tourism stakeholder consultation event in October. This was an informal focus group attended by 43 tourism businesses and has enabled the Board to agree a set of principles for the future operation of the service. A further event will be held with tourism services providers this month which will help to inform a set of service delivery options for agreement at the next meeting of the Board on 27 January. The Board also heard how this year’s “Where to Stay Guide” has been successful for the first time by the local association (TANY).



Councillor Mrs Arnold replied:

“The Active and Environment Group has met to progress work on the development of the Sport and Active Leisure Strategy. The Board were advised that the scope of this project will cover Active Living, Active Recreation and Sport.

The Board also agreed the final North Yorkshire Housing Strategy, options for children’s play and the Health and Safety Action Plan. Recommendations were made to Policy & Resources Committee in relation to the relocation of Malton Museum and the introduction of kerbside plastics recycling, both of which are to be considered tonight as Part B items.”

**73 To Receive a Statement from the Leader of the Council and to Receive Questions and Give Answers on that Statement (to follow)**

Councillor Knaggs, Leader of the Council, submitted the following statement, which was circulated to Members during the course of the meeting:

“At the start of a new year, it is right to welcome the award of an MBE to Pauline Foster of Thixendale for community service, and to celebrate the success of Ryedale businesses in winning tourism awards and in the short-listing for the Countryside Alliance awards for rural life, business and heritage. This is testimony to the vitality of Ryedale people and it is our job to support and encourage that vitality.

The new year also follows the most severe weather for many years. After two bad winters on the trot, it may be that winter weather is reverting, after many mild winters, to what was normal in the mid 20<sup>th</sup> century. Perhaps we should be thinking about what winter resilience means for this Council? Public conveniences have suffered. After snow often comes flooding, which is a continuing concern. The flood mitigation grants will help but there are areas of repeated localised flooding, such as the Manor Vale area of Kirkbymoorside, which deserve our attention. In the week beginning 4 March there will be a large-scale emergency flood exercise, Exercise Watermark, to test the ability to cope with severe flooding. It seems woefully under-publicised, particularly as it is intended for parish councils, community groups and business as much as for larger public bodies. I hope we as a council are taking a lead in encouraging groups to participate in this exercise.

Flooding is just one potential demand on the council’s capital. In 2011, as we look at what we can do to save libraries across the district, to save the livestock market, to save Malton Hospital (which I think will be a huge challenge for Ryedale) and all the other things we want to do, it will become clear that we do NOT have a bottomless pit of capital and there will be difficult decisions ahead about priorities.

In the next cycle of meetings, the Commissioning Board is due to complete the first major commissioning project, on tourism, and to look at housing-related issues such as the impact of changes in housing finance, and the roles of the rural housing enabler and the housing development officer. The Policy Committee will have its hands full with the council's budget, but there will also be a revised safeguarding policy to consider including a new adult policy. There will also be some planning policy issues and it is because of the need to timetable those issues against the background of continuing vulnerability to speculative applications outside development limits that this statement appears later than normal. I have had detailed discussions with officers in the last few days, reflecting the concerns that members have, which reached a conclusion yesterday evening. It goes without saying that everything will be subject to the will of council.

With 2500 consultation responses being analysed, it is clear that the publication draft of the core strategy will not come to council before the May elections. Selby took 11 months to get from draft LDF to publication version. In any case I suggest to members that any appearance of rushing something through just before an election should be avoided. We have been able to use the evidence gained through the core strategy process to, for example, give consent for a large business development at York Road, Malton and a large housing development at Westfield Nurseries, Norton, to start on site this spring. Together these will generate 65 new affordable homes and contributions of £1.4million towards road improvements, public open space, education and affordable housing. In February the Policy Committee will consider the "Conservation Deficit" approach put forward by Castle Howard; I believe this is an area of uncertainty that can be resolved. At full council in March, we will be asked to agree a methodology to be used for site selection. Not only will this be used to select sites as we move beyond the core strategy, it will also be used to help determine applications outside the old development limits, until the Development as a whole is approved. There are no perfect answers to what remains, whatever Eric Pickles may be saying, is a monstrous bureaucratic obstacle course, but this goes some way towards keeping the planning authority in control of development in Ryedale."

Councillor Andrews asked the following questions:

1. "Is Councillor Knaggs saying that the only way of allocating new sites is through the LDF?"
2. "Is he saying that is it not possible for a Council to top up the 5 year supply without going through the LDF process?"
3. "If building completion rates are lower than 200 houses per annum, is it not possible to use a lower building rate for determining the 5 year supply?"
4. "If that is not possible, how is that councils in the south of England have been able to resist building rates imposed on them by the RSS and the Secretary of State has pledged his support for them?"

Councillor Knaggs responded firstly on the point about the south of England resisting targets imposed by the RSS and pointed out that the target of 200 was not imposed on the Council but was, in fact, agreed by the Council.

With regard to the point about the possibility of the Council using a lower building rate for determining the 5 year supply, Councillor Knaggs pointed out that members have had a briefing note on this, which he did not propose to repeat. There had to be a basis for the 200 per year that was selected and this was in the evidence compiled for the original spatial strategy. He pointed out that, whilst it could be argued that since the local plan was based on the county structure plan target of 180 per annum that figure could be used, it would not alter the fact that the shortfall would increase every time a new house was built. This could not be avoided because the local plan is out of date. He said that we have run out of sites that will be developed in next 5 years and altering the target would not help.

With regard to questions 1 and 2 about allocating new sites without going through the LDF process, Councillor Knaggs repeated what officers had said many times that “you cannot make things stick unless you have been through a proper process of consultation”.

He considered that the best solution that was available was to agree the criteria for selecting new sites and considering speculative applications in the period that would elapse until the development plan is agreed. He pointed out that the public were entitled to their say and we had to consider what they said.

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

**(a) Commissioning Board – 8 December 2010  
Minute No 44 Fees and Charges**

It was moved by Councillor Mrs Arnold and seconded by Councillor Mrs Frank that the following recommendation of the Commissioning Board Minute No. 44 – Fees and Charges – be approved and adopted:

“That Council is recommended to approve the following fees and charges:

- i. An increase of 1.5% in Ryecare charges;
- ii. Environmental Health
  - An increase in Wasp Control charges of 2.8%
  - An increase in the Pest Control Concessionary charge of 2.24%
  - An increase in the Water Sampling charge of 14%
  - An increase of the Health License Variation of Registration 7.1%
  - An increase in the Motor car Salvage Certified Copy of Public register charge of 11.1%
  - An increase in Market Stalls rate of 4.8%

- iii. No increase in Taxi Licensing fees”

## **Resolved**

That the following fees and charges be approved:

- i. An increase of 1.5% in Ryecare charges;
- ii. Environmental Health
  - An increase in Wasp Control charges of 2.8%
  - An increase in the Pest Control Concessionary charge of 2.24%
  - An increase in the Water Sampling charge of 14%
  - An increase of the Health License Variation of Registration 7.1%
  - An increase in the Motor car Salvage Certified Copy of Public register charge of 11.1%
  - An increase in Market Stalls rate of 4.8%
- iii. No increase in Taxi Licensing fees”

Upon being put to the vote the motion was carried

**NB** Councillor Mrs Cowling, having declared a personal and prejudicial interest as a member of her family owns a motor car salvage business, withdrew from the meeting and took no part in the discussion or vote on this item.

**NB** Councillor Andrews requested that his abstention from the vote be recorded.

### **(b) Policy & Resources Committee – 9 December 2010 Minute No 43 – Householder Flood Resistance Grant Scheme**

It was moved by Councillor Wainwright and seconded by Councillor Knaggs that the following recommendation of the Policy & Resources Committee Minute No 43 – Householder Flood Resistance Grant Scheme be approved and adopted:

“That the Council is recommended to approve:

- i. The establishment of a Householder Flood Resistance Grants Scheme which:
  - a. Is eligible to all Domestic Properties within the District which have previously suffered flooding from rovers or surface water and continue to be classified as “at risk within the defended situation” by the Environment Agency;
  - b. Provides 50% of eligible expenditure up to a maximum grant of £2,500 per property;
  - c. Provides grants towards flood resistance works;

- d. Is administered by the North Yorkshire Building Control Partnership; and
  - e. ensures all products must be in accordance with BSI Kitemark or equivalent
- ii. An initial £50K be allocated from unapplied capital resources in 2011/12; and
  - iii. An evaluation report be brought back on the scheme to members once the majority of funding is committed.

Upon being put to the vote the motion was carried

**Resolved**

“That approval be given to:

- i. The establishment of a Householder Flood Resistance Grants Scheme which:
  - a. Is eligible to all Domestic Properties within the District which have previously suffered flooding from rovers or surface water and continue to be classified as “at risk within the defended situation” by the Environment Agency;
  - b. Provides 50% of eligible expenditure up to a maximum grant of £2,500 per property;
  - c. Provides grants towards flood resistance works;
  - d. Is administered by the North Yorkshire Building Control Partnership; and
  - e. ensures all products must be in accordance with BSI Kitemark or equivalent
- ii. An initial £50K be allocated from unapplied capital resources in 2011/12; and
- iii. An evaluation report be brought back on the scheme to members once the majority of funding is committed.

**NB** Councillors Keal and Mrs Keal declared a personal interest in this item as they are members of the Pickering Flood Defence Group.

Councillor Mrs Cowling, having declared a personal and prejudicial interest as a property owner, who may benefit from the scheme, withdrew from the meeting during discussion of this item.

**(c) Policy & Resources Committee – 9 December 2010  
Minute No 44 Items Referred from the Commissioning Board**

**(a) Malton Museum Future Options**

It was moved by Councillor Wainwright and seconded by Councillor Knaggs that the following recommendation of the Policy & Resources Committee Minute No 44 – Items Referred from the Commissioning Board - Malton Museum Future Options be approved and adopted:

“(ii) that Council is requested to consider including the Malton Museum Relocation Project in the Council’s Capital Programme, with an allocation of £60,000, subject to an appropriate investment contract with the Foundation.”

Upon being put to the vote the motion was carried.

**Resolved**

That the Malton Museum Relocation Project with an allocation of £60,000, subject to an appropriate investment contract with the Foundation, be included in the Council’s Capital Programme.

**NB** Councillors Mrs Keal, Spencer and Mrs Wilford declared a personal interest as they are members of the Malton Museum Foundation

**(b) Replacement Recycling Vehicles and Kerbside Recycling Options**

It was moved by Councillor Wainwright and seconded by Councillor Knaggs that the following recommendation of the Policy & Resources Committee Minute No 44 – Items Referred from the Commissioning Board – Replacement Recycling Vehicles and Kerbside Recycling Options be approved and adopted:

“That Council is recommended to approve:

- a. The introduction of the collection of plastic bottles and cardboard from the kerbside of every domestic property in the District as part of their multi-material recycling collection service, utilising a three box/bag system at an estimated additional net ongoing full year annual revenue cost ranging from £64K to £88K;
- b. The Revenue cost implication above be managed through the budget strategy process from 2011/2012 and 2012/2013;
- c. To approve the inclusion of £135K in the Council’s Capital Programme for 2011/12 for additional recycling equipment;
- d. That the policy be revised for extra residual refuse capacity only be provided for a family of over seven plus all replacement bins for residual refuse would be changed to a smaller bin; and

- e. Further consultation is carried out on the possibility of applying an annual charge for the kerbside collection of garden waste from domestic properties and a report be brought back to members following that consultation.

An amendment, moved by Councillor Knaggs and seconded by Councillor Bailey, that part (e) be deleted and replaced by :

“consultation takes place on how to encourage more home composting”

was, upon being put to the vote, carried.

A further amendment was moved by Councillor Keal and seconded by Councillor Spencer, that the wording of (d) be amended to read:

“that the policy be revised for extra residual refuse capacity only to be provided for a family of over seven plus. All replacement bins for residual refuse would be changed to a smaller bin except for families of five and above. The bins for families of five and above will continue to be exchanged on a like for like basis.”

Members requested that a recorded vote be taken on the amendment

### **Recorded Vote**

#### **For the Amendment**

Councillors Andrews, Arnold, Mrs Arnold, Bailey, Cottam, Mrs Frank, Hawkins, Mrs Keal, Keal, Knaggs, Maud, Raper, Mrs Shields, Spencer, Wainwright, Mrs Warriner and Mrs Wilford (17)

#### **Against the Amendment**

Councillors Acomb, Clark, Mrs Cowan, Mrs Cowling, Windress and Woodward (6)

#### **Abstained**

Councillor Hemesley

The amendment was, therefore, carried.

The substantive motion was, upon being put to the vote, carried.

### **Resolved**

Approval be given to:

- a. The introduction of the collection of plastic bottles and cardboard from the kerbside of every domestic property in the District as part of their multi-material recycling collection service, utilising a three box/bag

- system at an estimated additional net ongoing full year annual revenue cost ranging from £64K to £88K;
- b. The Revenue cost implication above be managed through the budget strategy process from 2011/2012 and 2012/2013;
  - c. To approve the inclusion of £135K in the Council's Capital Programme for 2011/12 for additional recycling equipment;
  - d. That the policy be revised for extra residual refuse capacity only to be provided for a family of over seven plus. All replacement bins for residual refuse would be changed to a smaller bin except for families of five and above. The bins for families of five and above will continue to be exchanged on a like for like basis
  - e. Consultation takes place on how to encourage more home composting

## 75 **Representation on Outside Organisations**

It was noted that Councillor Mrs Keal had resigned as the Council's representative on the Malton and Norton Area Partnership Board. Councillor Mrs Cowling reported that Councillor Legard (who was not present at the meeting) had expressed an interest in filling the vacancy, subject to receipt of further information. It was explained that meetings were generally held each quarter, usually on a Wednesday.

### **Resolved**

That, subject to confirmation of his willingness to fill the vacancy, Councillor Legard be appointed as the Council's representative on the Malton and Norton Area Partnership Board.

## 76 **Timetable of Meetings 2011-2012**

The Head of Organisational Development submitted a report (previously circulated), which presented for approval a draft timetable of meetings for 2011-2012 based on the meeting cycle used in 2010-2011 and taking account of particular reporting requirements relating to the Annual Governance Statement and Statement of Accounts.

Informal consultation had been undertaken with Members during December 2010 on meeting start times and details of other Authorities' start times and other issues had been included in the consultation.

The draft timetable proposed that all public meetings (excluding Annual Council and Licensing Committee), Member Development and Member Training Sessions start at 6.00pm, Parish Liaison Meetings to remain at 7.00pm and Working Parties to remain unchanged.

It was moved by Councillor Wainwright and seconded by Councillor Ms Warriner that the proposed timetable be approved.



An amendment, moved by Councillor Mrs Arnold and seconded by Councillor S Arnold that the recommendation in the report be amended by the addition of:

“2.2 no change shall be made to the start times of public meetings and Annex A will be altered accordingly”

was, upon being put to the vote, carried.

An amendment, moved by Councillor Clark and seconded by Councillor Woodward, that:

“(i) Members Briefings/training be changed to 6.30pm

(ii) Planning Committee be changed to 6.30pm”

was, upon being put to the vote, carried.

The substantive motion, as amended, was, upon being put to the vote carried.

### **Resolved**

That the timetable of meetings for 2011-2012 be approved and that

(a) No change shall be made to the existing start times of public meetings except for Planning Committee which shall commence at 6.30pm

(b) Member Briefings/Training shall commence at 6.30pm

## **77 Exempt Information**

### **Resolved**

That the press and public be excluded from the meeting during consideration of Item 14 (Property Acquisition – Norton) as provided by paragraph 3 of Schedule 12A of Section 100A of the Local Government Act 1972 (as amended) as the report contained information relating to the financial or business affairs of the Council and a third party

### **Reason**

The public interest test has been considered and, in all the circumstances of the case, the public interest in maintaining the exemption is considered to outweigh the public interest in disclosing the information.

## 78 **Property Acquisition - Norton**

The Corporate Director (s151) submitted a report (previously circulated), the purpose of which was to seek approval of up to £1.2m to purchase Stanley Harrison House, Norton for the primary purpose of relocating Ryedale Voluntary Action and Citizens' Advice Bureau and to consider joint arrangements with North Yorkshire County Council regarding a potential relocation of library services.

The report gave full details of the proposal, including significant risks, financial and legal implications and also consultations that had taken place.

It was moved by Councillor Knaggs and seconded by Councillor Wainwright that the recommendations in the report be approved.

It was moved by Councillor Clark and seconded by Councillor Woodward that part (iv) of the recommendation be amended by the addition of the words "in this event the item be brought back to full Council".

The report was discussed in detail, with the majority of Members present expressing support for the proposals contained therein.

It was moved by Councillor Wainwright and seconded by Councillor Mrs Cowling that the vote on the amendment be now taken and upon being put to the vote the closure motion was carried.

Members requested that a recorded vote be taken on the amendment.

### **Recorded Vote**

#### **Votes for the Amendment**

Councillors Andrews, Clark, Mrs Cowan and Woodward (4)

#### **Votes Against the Amendment**

Councillors Acomb, Arnold, Mrs Arnold, Bailey, Mrs Cowling, Mrs Frank, Mrs Keal, Knaggs, Maud, Raper, Spencer, Wainwright, Mrs Warriner and Mrs Wilford. (14)

#### **Abstentions**

Councillors Hemesley and Keal (2)

The amendment was, therefore, lost.

Upon being put to the vote, the substantive motion was carried

## **Resolved**

That approval be given to:

- (i) The acquisition of Stanley Harrison House, Norton;
- (ii) The allocation of up to £1.2m from unallocated reserves to finance the acquisition and associated capital works;
- (iii) Entering into formal negotiations with North Yorkshire County Council to determine the occupancy and title arrangements for the property and for the final agreement to be delegated to the Corporate Director (s151) in consultation with the Chairman of Policy & Resources Committee; and
- (iv) That in the event that NYCC determine not to proceed with the joint occupancy, officers seek to secure additional alternative tenants as required.

**NB** Councillor Andrews requested that his vote against the motion be recorded.

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

There being no urgent business, the meeting closed at 10.00pm

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## **Council (Budget)**

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Minutes of Proceedings

At an **Extraordinary Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Monday 21 February 2011**

## **Present**

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Councillors    A E Hemesley OBE (In the Chair)  
                  G Acomb  
                  S Arnold NDF MICFor  
                  Mrs V M Arnold  
                  Mrs L M Burr MBE  
                  J S Clark  
                  B G Cottam  
                  Mrs S Cowan  
                  Mrs L Cowling  
                  D E Cussons  
                  Mrs P J De Wend Fenton  
                  Mrs J Frank  
                  G E Hawkins  
                  E Hope  
                  H L Keal  
                  K A Knaggs MA MSc FCA  
                  E T Legard  
                  B Maud  
                  J R Raper  
                  Mrs E L Shields BA MA  
                  H S Spencer  
                  C R Wainwright  
                  Ms N Warriner MBE  
                  Mrs J Wilford  
                  J Windress  
                  T B Woodward

## **In Attendance**

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T Anderson, Mrs L Carter, P Cresswell, Ms J Waggott and A Winship

Reverend Quentin Wilson

## Minutes

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### 80 **Apologies for absence**

Apologies for absence were received from Councillors Andrews, Bailey, Mrs Hodgson and Mrs Keal.

### 81 **Public Question Time**

There were no public questions.

### 82 **Urgent Business**

The Chairman reported that there were no items of urgent business to be considered by virtue of Section 100B(4)(b) of the Local Government Act 1972 (as amended).

### 83 **Declarations of Interest**

The Chairman sought declarations of interest from Members. Attention was drawn to the additional advice, which had been provided by Standards for England in relation to prejudicial interests and setting the Council's annual budget.

Councillor Arnold declared a personal interest in item 8(1) Motions on Notice Submitted Pursuant to Council Procedure Rule 11 (Part 4) of the Council Constitution as he works in the forestry industry.

### 84 **Announcements**

The following announcements were made:

- (a) The Chairman reported that he had given a talk at Malton School in connection with his chosen charities, particularly relating to the donation of stem cells and bone marrow.
- (b) The Chairman reported that it was normal practice for the Chairman of Council to host a dinner for the purpose of raising funds for the Chairman's charities. Members of Council were invited to attend the dinner, tickets were approximately £25 per head. The Chairman requested Members to indicate their interest in attending such an event. As the majority of Members present at the meeting indicated their support for the dinner, the Chairman reported that arrangements would be put in place.
- (c) The Chairman reported receipt of a paper, provided by Sheila Miller, titled "The Importance of Being Sceptical: Local concerns for health services should not be ignored". The Chairman reported that the paper would be published on the Council's website.

## 85 Revenue and Capital Budgets and Setting of Council Tax 2011/2012

The Chairman of Council reported on the procedure to be adopted in considering the above item.

It was proposed that the item be dealt with in two separate parts:

- (a) Firstly, consideration of the recommendations in Minute 49 of the Policy & Resources Budget Meeting held on 3 February 2011, together with item 6 paragraph roman numeral I relating to the Council's revenue budget
- (b) Secondly, item 6 paragraphs roman numerals II to V relating to the requisite calculations and the setting of Council Tax.

1. It was moved by Councillor Wainwright, Chairman of the Policy & Resources Committee, and seconded by Councillor Knaggs, Leader of the Council, that the recommendations (i) to (v) in minute no. 49 (Financial Strategy 2010/2011) of the Budget Policy & Resources Committee meeting held on 3 February 2011 be approved and adopted, together with the adoption of the budget recommendation under paragraph roman numeral 1 of item 6 on the agenda.

An amendment was moved by Councillor Mrs Arnold and seconded by Councillor Mrs Cowling "That in the light of the budget predictions for 2012/2013 and beyond a review of the costs associated with the Chairman and Vice Chairman be undertaken and considered by the Policy & Resources Committee at its meeting on the 23 June 2011 and if necessary Full Council".

Upon being put to the vote the amendment was carried.

An amendment was moved by Councillor Clark and seconded by Councillor Woodward that the recommendation in the minutes of the Policy & Resources Committee of the 3 February 2011 be amended by the addition to part (iv) of the resolution of the words 'back office' between the words 'shared' and 'service'. Upon being put to the vote the amendment was lost.

An amendment was moved by Councillor Clark and seconded by Councillor Woodward that the recommendation in the minutes of the Policy & Resources Committee held on 3 February 2011 be amended so that the existing part (iv) becomes part (a) and part (b) be added as follows:

- (b) Requests officers to provide options to reduce the 2012/13 Revenue Budget including:
  - Tourism budget by £100,000
  - Grants breakdown
  - Others

This to be provided as early in the year as possible so as to enable consultation and gradual introduction of any savings.

Upon being put to the vote the amendment was lost.

Upon being put to the vote, the substantive motion as amended was carried.

### **Resolved**

That Council approves:

- (a) (i) The Council's Financial Strategy, detailed at Annex A of the report to the Special Policy & Resources Committee (Budget) meeting held on 3 February 2011, which includes:-
- (a) The prudential indicators
  - (b) The revised Capital Programme
  - (c) Savings/additional income totalling £1,127k
  - (d) Investment in priorities of £80,000
- (ii) A Revenue Budget for 2011/2012 of £7,365,930, which represents no increase in the Ryedale District Council Tax of £176.72 for a Band D property (note that total Council Tax, including the County Council, Fire and Police is covered within the separate Council Tax setting report)
- (iii) The Special Expenses amounting to £48,230
- (iv) Members note the financial projections for 2012/2013 and authorise officers to continue to maximise efficiencies through service reviews, income generation and shared services
- (v) That the additional government grant of £25k announced in the final settlement be allocated to the following:
- Investment in Community Winter Weather Equipment - £20k
  - Parish Planning Support - £5k
- (vi) That in the light of the budget predictions for 2012/2013 and beyond a review of the costs associated with the Chairman and Vice Chairman be undertaken and considered by the Policy & Resources Committee at its meeting on the 23 June 2011 and if necessary Full Council.

(b) **I Budget 2011/2012**



That the revised revenue estimates for the year 2010/2011 and the revenue estimates for 2100/2012, as submitted in the Council's Financial Strategy and Revenue Budget for 2011/2012 Book be approved.

2. It was moved by Councillor Wainwright and seconded by Councillor Knaggs that Item 6 parts II, III, IV and V be approved. Upon being put to the vote the motion was carried.

## **Resolved**

### **II Council Tax Base**

That it be noted that, in accordance with Minute No. 363(d)/2005 of the Policy & Resources Committee held on 8 December 2005, which was subsequently approved by Council at its meeting on 12 January 2006, Ryedale District Council has (pursuant to Section 101 of the Local Government Act 1972) delegated responsibility to adopt the council tax base to the Chief Executive and Chief Finance Officer in consultation with the Chairman of the Policy & Resources Committee. The Council calculated the amounts for the year 2011/12 in accordance with regulations made under Section 33 (5) of the Local Government Finance Act 1992 as set out in Annex A.

### **III District/Parish Council Tax Rates**

That the following amounts be now calculated by the Council for the year 2010/11 in accordance with sections 32 to 36 of the Local Government Finance Act 1992 (The Act):

(a) **District/Parish Gross Expenditure**

£35,473,996 being the aggregate of the amounts, which the Council estimates for the items, set out in Sections 32(2) (a) to (e) of the Act.

(b) **Income**

£27,420,300 being the aggregate of the amount, which the Council estimates for the items set out in Sections 32(3)(a) to (c) of the Act.

(c) **District/Parish Net Expenditure**

£8,053,696 being the amount by which the aggregate of 2(a) above exceeds the aggregate of 2(b) above calculated by the Council in accordance with section 32(4) of the Act as its Budget requirement for the year.

(d) Government Grants and Collection Fund Surpluses £3,650,790 being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of redistributed non-domestic rates, revenue support grant, additional grant or relevant special grant, increased by the amount of the sums which the Council estimates will be transferred in the year from its Collection Fund to its General Fund in accordance with Regulation 4(7) of the Local Government Changes for England (Collection Fund Surpluses and Deficits) Regulations 1995, and reduced by the amount which the Council estimates will be transferred from its General Fund to its Collection Fund pursuant to the Collection Fund (Council Tax Benefit) (England) Direction under Section 98 (5) of the Local Government Act 1988.

(e) **Basic amount of Tax (including Parish Precepts)**

£209.44 being the amount of 2(c) above less the amount at 2(d) above, all divided by the amount at Part I above calculated by the Council, in accordance with Section 33 (1) of the Act, as the basic amount of its Council Tax for the year.

(f) **Parish Precept and Special Expenses**

£687,766 being the aggregate amount of all special items referred to in Section 34(1) of the Act.

(g) **Basic Amount of Tax (excluding Parish Precepts)**

£176.72 being the amount at 2(e) above less the results given by dividing the amount at 2(f) above by the amount given at Part I above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates.

(h) **Basic Amount of Tax in Parishes/Towns**

The details for each Parish as shown in Annex B, column headed "Aggregate amount at Band D" being the amounts given by adding to the amount at 2(g) above, the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above, divided in each case by the amount at Part I above, calculated by the Council, in accordance with Section 34(3) of the Act as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.

(i) **District/Parish Council Tax Rates**

The details as shown in columns "A" to "H" of Annex B, being the amounts given by multiplying the amounts at 2(g) and 2(h) above by the number which, in the proportion set out in Section 5(1) of the Act is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in Valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

#### **IV County Council, Police and Fire & Rescue Authority Tax Rates**

That it be noted that for the year 2010/11 precepting Authorities have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-

<b>BAND</b>	<b>NORTH YORKSHIRE COUNTY COUNCIL</b>	<b>NORTH YORKSHIRE POLICE AUTHORITY</b>	<b>NORTH YORKSHIRE FIRE &amp; RESCUE AUTHORITY</b>
<b>A</b>	<b>704.99</b>	<b>136.37</b>	<b>41.40</b>
<b>B</b>	<b>822.48</b>	<b>159.09</b>	<b>48.30</b>
<b>C</b>	<b>939.98</b>	<b>181.82</b>	<b>55.20</b>
<b>D</b>	<b>1057.48</b>	<b>204.55</b>	<b>62.10</b>
<b>E</b>	<b>1292.48</b>	<b>250.01</b>	<b>75.90</b>
<b>F</b>	<b>1527.47</b>	<b>295.46</b>	<b>89.70</b>
<b>G</b>	<b>1762.47</b>	<b>340.92</b>	<b>103.50</b>
<b>H</b>	<b>2114.96</b>	<b>409.10</b>	<b>124.20</b>

#### **V Total Council Tax Rates**

That having calculated the aggregate in each case of the amounts at 2(i) and 3 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the amounts set out in Annex C as the amounts of Council Tax for 2011/12 for each of the categories of dwellings shown.

#### **86 Treasury Management Statement and Annual Investment Strategy Statement 2011/12**

The Corporate Director (s151) submitted a report, the purpose of which was to consider the Treasury Management and Annual Investment Strategies, the Minimum Revenue Provision Policy and set the Prudential Indicators for 2011/12.

The Prudential Code regulated the manner in which capital spending plans were to be considered and approved, and in conjunction with this, the development of an integrated Treasury Management Strategy. The Council was required to set a number of Prudential Indicators, and these were to be considered when determining the Council's Treasury Management Strategy.

The Treasury Management Strategy Statement detailed the expected activities of the Treasury function in the forthcoming financial year. Its production and submission to the Council was a requirement of the Code.

The Annual Investment Strategy was to set out the Council's policies for the prudent management of its investments including the security and liquidity of those investments. It detailed the Specified and Non Specified Investment Instruments to be used by the Council in 2011/12. Approval was also sought for the specified use of credit ratings and the maximum periods for which funds may be prudently committed in each asset category..

The suggested strategies for 2011/12 were based on advice from the Council's treasury advisors, Sector Treasury Services Limited.

### **Resolved**

- (a) That the report be received
- (b) That the Treasury Management and Investment Strategies be noted and approved
- (c) That the Prudential Indicators, as set out in Annex E to the report, be approved.

### **87 Motions on Notice Submitted Pursuant to Council Procedure Rule 11 (Part 4) of the Council Constitution**

1. It was moved by Councillor Clark and seconded by Councillor Woodward that this Council resolves:

"That Ryedale District Council opposes the ConDem Government's proposals to sell off the English forests. The forests are a valuable asset that is for the use by and the benefit of the public. Any such sale would put at risk woodland in Ryedale. Ryedale District Council calls upon the Government to:

- (i) Halt the waste of money on the consultation
- (ii) Abandon the sale of any forestry land.

Following debate the motion was withdrawn.

2. It was moved by Councillor Clark and seconded by Councillor Woodward:

“That in view of the following:

- (i) The statement by the Governor of the Bank of England that ‘the standard of living is falling faster than at any time for 80 years’
- (ii) The ConDem Government’s commitment that although there would be a zero increase in Local Government pay, that those under £21,000 should receive an increase of £250/year.

This Council resolves that:

Ryedale District Council will pay each employee paid less than £21,000 FTE a one-off payment of £250.

This money will not be a pay increase for pension and other calculations. It will not be part of the base salary for future increases. The new Council will than be in a position to review the situation in future years as circumstances change.

The payment to be made in March 2012 and in proportion to any leavers.

If the national pay negotiations produce the £250 then the above will not apply.

Members requested that a recorded vote be taken.

**Recorded Vote**

**For the Motion:**

Councillors Clark, Mrs Cowan and Woodward (3)

**Against the Motion:**

Councillors Acomb, Arnold, Mrs Arnold, Mrs Burr, Cottam, Mrs Cowling, Cussons, Mrs De Wend Fenton, Mrs Frank, Hawkins, Hope, Keal, Knaggs, Legard, Maud, Raper, Mrs Shields, Spencer, Wainwright, Ms Warriner, Mrs Wilford and Windress (22)

**Abstention**

Councillor Hemesley (1)

The motion was, therefore, lost.

**The meeting closed at 8.15 pm.**

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**REPORT TO:** FULL COUNCIL

**DATE:** 10 March 2011

**SUBJECT:** PART 'B' REFERRALS FROM STANDARDS COMMITTEE  
ON 20 JANUARY 2011

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## 24 **Blogging and Social Networking**

The Council Solicitor and Monitoring Officer submitted a report (previously circulated), the purpose of which was to consider proposed guidance for local authority, parish and town councillors in respect of blogging, social networking and other methods of communication.

Standards for England had issued guidance on blogging and social networking. This guidance was attached as Annex 1 to the report. In addition, Annex 2 to the report contained additional advice for situations when Members may find themselves the subject of derogatory comments in publications of any nature.

It was noted that electronic forms of publication were being used increasingly by councillors as an alternative method of communication with their constituents. Whilst in general this kind of communication was to be encouraged, guidance was considered essential to ensure that Members were aware of some of the pitfalls of blogging and social networking, particularly given the rapid and widespread distribution of this format. It was considered that the guidance would help Members to ensure that they were compliant with the Code of Conduct.

### **Resolved**

Council be recommended to adopt the guidance on blogging as detailed in the report and that the guidance be distributed to all local authority, parish and town councillors.

**Independent/Parish Members**

The Council Solicitor & Monitoring Officer reminded members that the term of membership of the Standards Committee for Independent and Parish members was to expire in May 2011. It was considered that, in order to allow time for the Localism Bill to become law and to cover the transitional period, the term be extended for two years as it would be difficult to recruit replacement members when the system was to be abolished.

**Resolved**

That Council be recommended to extend the term of membership of the current Independent and Parish members of the Standards Committee for a further two years from May 2011.





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**REPORT TO: FULL COUNCIL**

**DATE: 10 March 2011**

**SUBJECT: PART 'B' REFERRALS FROM POLICY & RESOURCES  
COMMITTEE ON 10 FEBRUARY 2011**

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**60 Safeguarding Children and Vulnerable Adults Policy & Procedures**

The Corporate Director submitted a report the purpose of which was to recommend for approval the new Council policy for safeguarding children and vulnerable adults.

The policy and procedures, a copy of which was appended to the report, had been developed in consultation with North Yorkshire County Council, the sub-regional lead officers group, Unison and the Ryedale Safeguarding Panel, which included the Member Champions for Adults and Children.

The Committee congratulated officers on the production of the policy and requested that thanks to staff for their hard work be recorded in the minutes.

**Resolved**

That Council be recommended to approve the adoption of the Safeguarding Children and Vulnerable Adults Policy.

**61 Flexible Retirement Policy**

The Head of Organisational Development submitted a report the purpose of which was to recommend for approval the new Council policy for Flexible Retirement.

The Flexible Retirement Policy applied to all employees who were members of the Local Government Pension Scheme (LGPS). Under the LGPS Regulations the Council had the discretion to allow an employee to reduce their working hours and/or undertake a lower graded post whilst being able to be in receipt of some or all of their LGPS benefits early. This was known as flexible retirement.

Employees who were not members of the LGPS may request flexible working through the Council's Flexible Working Request Policy.

## **Resolved**

That Council be recommended to approve the adoption of the Flexible Retirement Policy.

### **62 Community Governance Review Malton and Norton on Derwent**

The Council Solicitor & Monitoring Officer submitted a comprehensive report the purpose of which was to consider and respond to a community governance petition, which had been submitted under the provisions of Section 80 of the Local Government and Public Involvement in Health Act 2007 (The 2007 Act) requesting the District Council to conduct a community governance review to consider:

- Amalgamating the two existing Town Councils of Malton and Norton on Derwent to constitute and create a single Town Council;
- Constitute a new single Parish from the existing two Parishes
- Making recommendations as to the name of the new Parish

The following recommendations to Council were set out in the report:

- (a) A Community Governance Review of the areas of Malton Town Council and Norton on Derwent Town Council be undertaken;
- (b) The terms of reference for the review, as attached to the report, be agreed; and
- (c) Either –

#### OPTION A

A local poll be conducted to ascertain the views of the local government electors of the areas of Malton and Norton on Derwent on the proposed amalgamation of the two existing Town Councils of Malton and Norton on Derwent and the name of the single Town Council, such a poll to be conducted on a date to be determined after the local government elections on 5 May 2011.

#### OPTION B

Consultation of local government electors be conducted by means of a questionnaire by post.

- (d) Other persons or bodies be consulted by mailing the questionnaire. Such persons or bodies to include:
  - Malton Town Council
  - Norton on Derwent Town Council
  - Malton and Norton Area Partnership
  - The Fitzwilliam (Malton) Estate

and any other groups brought to the attention of the Council Solicitor that he considers appropriate.

The Council Solicitor & Monitoring Officer reported that the Council was required to publish the terms on which the review was to be undertaken and the draft Terms of Reference were circulated with the report. Members were of the opinion that the Terms of Reference should be readily understandable and as user friendly and concise as possible. The Council Solicitor reported that the Terms of Reference would be revised as requested and submitted to Council on 10 March 2011 for approval. In addition, the Council Solicitor submitted for information a process timetable (circulated at the meeting).

The Committee expressed support for a postal consultation, as outlined in Option B of the recommendation. It was moved by Councillor Knaggs and seconded by Councillor Keal that the recommendation at paragraph 2.1 (b) of the report be amended to read "That the drafting of the terms of reference for the review be delegated to Officers, Chairman of the Policy & Resources Committee and the Leader of the Council and a revised report be submitted to Council on 10 March 2011". Upon being put to the vote the amendment was carried.

### **Resolved**

That Council be recommended to approve:

- (a) That a Community Governance Review of the areas of Malton Town Council and Norton on Derwent Town Council be undertaken
- (b) The redrafted Terms of Reference as delegated to Officers, Chairman of the Policy & Resources Committee and the Leader of the Council as agreed by the Policy & Resources Committee at its meeting on 10 February 2011
- (c) That consultation of local government electors be conducted by means of a questionnaire by post (Option B)
- (d) That Other persons or bodies be consulted by mailing the questionnaire. Such persons or bodies to include:
  - Malton Town Council
  - Norton on Derwent Town Council
  - Malton and Norton Area Partnership
  - The Fitzwilliam (Malton) Estate

and any other groups brought to the attention of the Council Solicitor.

*NB: In respect of Minute No 62, resolved portion (b), Council is asked to approve consultation document for circulation to local government electors attached as Annex 1. (p35);*

### 63 **Fees and Charges – Pre-Application Advice**

The Head of Planning submitted a report, which set out the proposed Fees and Charges for 2011/12 for pre-application advice, which fell within the remit of the Policy & Resources Committee. The proposals introduced an alternate fee structure.

It was recommended that the discretionary fees for Development Enquiry forms and pre-application advice to householders should not exceed those set for 2010/11. It was considered that this would encourage potential applicants to continue to engage with the Council and to mitigate the risk of householders proceeding with alterations to their properties without obtaining the appropriate written advice.

Details of the proposed discretionary charging structure were set out at Annex B to the report.

#### **Resolved**

That Council be recommended to approve the Development Management Pre-Application Advice Fees, as set out at Annex B to the report.

### 64 **Relocation of Malton Scouts**

The Corporate Director (s151) submitted a report the purpose of which was to consider financial support to aid the relocation of the Malton Scout Group.

The report considered the relocation of the Malton Scout Group in the light of the expiry of their lease on 31 March 2011 and the Council decision to sell Wentworth Street Car Park (WSCP). This support demonstrated the Council's commitment to the Scouts and facilitated a development at Malton School for the benefits of the scouts, the school and the wider community. This early support would assist in attracting other grant funding.

Prior to, and subsequent to, the Council decision to sell WSCP, the Council had been in discussions with Malton Scout Group with a view to finding suitable alternative accommodation. Investigations had been carried out with Malton School regarding the possibility of relocation to some part of the school site. A proposal had been developed and initially costed to convert an existing on-site small underused gym. The total cost of the conversion work was estimated to be £150k - £160k. The current estimates were that the School, Scouts and external grant may be able to deliver three-quarters of this amount and the Council was requested to consider a contribution of up to £40k.

#### **Resolved**

That Council be recommended to support the relocation proposals for Malton Scouts with a contribution of up to £40k from unallocated capital resources.

**NB** In accordance with the Members' Code of Conduct, Councillor Arnold declared a personal and prejudicial interest in the above item as he is involved in the Malton Scout Group. Councillor Arnold withdrew from the meeting during consideration of the item and did not vote.

Councillor Legard declared a personal interest in the item as his wife is the Chair of Malton School Governors. Councillor Legard abstained from voting on the item.

## 65 **Ryedale Plan – Policy Approach to Conservation Deficit**

The Head of Planning submitted a report the purpose of which was to consider comments submitted in response to consultation on this issue and to agree the approach to conservation deficit in the Ryedale Plan.

The report recommended:

That Council be recommended:

- (i) Not to agree to the inclusion of a policy approach in the Ryedale Plan to allocate development to fund conservation deficits of local, national and regional importance
- (ii) To agree that the Ryedale Plan makes reference to the national enabling development policy as an appropriate mechanism to address the conservation deficits associated with historic assets of national, regional or local significance and that the Plan includes reference to the criteria against which, enabling development proposals will be considered, including any locally relevant criteria;
- (iii) With regard to the Castle Howard Estate, the principle of a detailed criteria-based policy on the basis of that outlined in the report, is agreed for inclusion in the Ryedale Plan subject to the independent verification of income information, further detailed information relating to the Estate's wider repair and restoration programme and to confirmation that a mechanism to secure affordable housing contributions can be agreed.

It was moved and seconded that the recommendations in the report be approved.

An amendment was moved by Councillor Knaggs and seconded by Councillor Bailey that part (iii) of the recommendation be deleted. Upon being put to the vote the amendment was carried.

### **Resolved**

- (i) Not to agree to the inclusion of a policy approach in the Ryedale Plan to allocate development to fund conservation deficits of local, national and regional importance

- (ii) To agree that the Ryedale Plan makes reference to the national enabling development policy as an appropriate mechanism to address the conservation deficits associated with historic assets of national, regional or local significance and that the Plan includes reference to the criteria against which, enabling development proposals will be considered, including any locally relevant criteria.

**NB** In accordance with the Members' Code of Conduct Councillors Knaggs, Arnold and Keal declared personal interests in the above item as they had been lobbied. Councillor Hope declared a personal interest as his wife works at Castle Howard. Councillor Legard declared a personal interest as his family own a house which is a national heritage site. Councillor Mrs Burr declared a personal interest in the item as she is a personal friend of Mrs Howard.

## **CONSULTATION ON THE PROPOSED AMALGAMATION OF THE TWO EXISTING TOWN COUNCILS OF MALTON AND NORTON-ON-DERWENT TO CONSTITUTE AND CREATE A SINGLE TOWN COUNCIL**

### **KEY FACTS**

#### **CURRENT POSITION**

1. The current position is that the two towns of Malton and Norton-on-Derwent are separate parish areas and each town has a separate Town Council, namely Malton Town Council and Norton-on-Derwent Town Council.

#### **PROPOSAL**

2. The proposal is essentially to make the following three changes:-
  - (i) Firstly join the two parishes of Malton and Norton-on-Derwent to create one single parish area;
  - (ii) Secondly to join the two Town Councils of Malton Town Council and Norton-on-Derwent Town Council to create one single Town Council;
  - (iii) Thirdly to change the name so that the new parish and Town Council is called Malton and Norton Town Council.

#### **IS IT A GOOD IDEA?**

Please see the arguments for and against the proposal on the reverse side of this page which have been prepared by Officers of Ryedale District Council. If you would like more details please see the report on the Ryedale District Council's website on the following link :

<http://democracy.ryedale.gov.uk/mgConvert2PDF.aspx?ID=5728>

Alternatively you may read the report at Ryedale House Malton North Yorkshire YO17 7HH during normal office hours 9 am – 5 pm Monday to Thursday and 9 am – 4.30 pm Friday or at your local library.

#### **LET US KNOW WHAT YOU THINK**

Please return the enclosed completed voting paper giving us your view.

## ANNEX 1

<b>THE CASE FOR AND AGAINST THE AMALGAMATION OF THE TWO EXISTING COUNCILS OF MALTON AND NORTON-ON-DERWENT TO CONSTITUTE AND CREATE A SINGLE TOWN COUNCIL</b>	
<b>FOR</b>	<b>AGAINST</b>
<b>1: COSTS</b>	
<p>A single Town Council for Malton and Norton-on-Derwent could in relation to services that may be delivered by a Town Council be more efficient in many areas of service delivery. These services may be provided more cost effectively.</p> <p>The amalgamation of the two Town Councils into one could achieve economies of scale.</p>	<p>Ryedale District Council's council tax is currently 'capped' by the Government each year no such 'cap' is currently in place for parish or town councils.</p> <p>Town Councillors are able to vote in a scheme of allowances for themselves and if adopted would increase the cost of democracy. This is more likely to happen with a larger Town Council. However the existing Town Councils have not voted for the introduction of allowances and there are no proposals to do so if there was a single Town Council.</p>
<b>2: INFLUENCE REPRESENTATION AND RESPONSIBILITIES</b>	
<p>A single Town Council for Malton and Norton-on-Derwent could potentially have greater influence on the District and County Councils and other Government agencies on a range of matters.</p>	<p>A single Town Council for Malton and Norton-on-Derwent could give rise to a competitive relationship between the Town Council and the District Council in relation to competing priorities which could cause delay and increase costs.</p>
<p>A single Town Council may promote and achieve a single community for Malton and Norton.</p> <p>The combined number of Town Councillors for the two separate town councils of Malton and Norton-on-Derwent is 22 (10 seats for Malton and 12 seats for Norton in line with the population of each town). The recommended number of seats for a single town council for an electorate the size of Malton and Norton is 17. Accordingly the numbers of Town Councillors would be reduced for Malton and Norton if the guidance were followed.</p>	<p>Given that the population of Norton-on-Derwent is greater than Malton, if warding were introduced Norton-on-Derwent would be entitled to more Town Councillors than Malton. Indications from guidance are that Malton would have seven seats and Norton-on-Derwent would have ten seats on a single Town Council in line with the population of each town.</p>





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<b>REPORT TO:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>10 MARCH 2011</b>
<b>REPORT OF THE:</b>	<b>HEAD OF PLANNING GARY HOUSDEN</b>
<b>TITLE OF REPORT:</b>	<b>SITE SELECTION METHODOLOGY – SITES DEVELOPMENT PLAN DOCUMENT</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 To consider the proposed Site Selection Methodology for specific targeted consultation with the development industry and relevant bodies. This detailed methodology takes forward the broad Site Selection Criteria that were included in the Draft Ryedale Plan which was agreed by Members for consultation in Summer 2010.

### **2.0 RECOMMENDATION**

- 2.1 That Council is recommended to:

- (i) approve the proposed Site Selection Methodology for consultation with relevant stakeholders (Annex 1)
- (ii) note the consultation responses to the Site Selection Policy in the Draft Core Strategy set out in Annex 2
- (iii) delegate approval to the Chief Executive in consultation with the Chairman of Policy and Resources Committee to agree any minor textual and contextual amendments to the Site Selection Methodology
- (iv) have regard to the proposed Site Selection Methodology in the assessment of planning applications in advance of the Sites Development Plan Document (DPD) or Helmsley DPD being completed.

### **3.0 REASON FOR RECOMMENDATIONS**

- 3.1 To progress work on the Sites Development Plan Document (DPD) in selecting sites and to assist in the consideration of planning applications for housing, employment and retail uses prior to the Sites DPD or Helmsley DPD reaching an advanced stage.

### **4.0 SIGNIFICANT RISKS**

- 4.1 The Site Selection Methodology (SSM) relies on information from a number of bodies – including both the development industry and statutory agencies - to enable the

assessment to be fully undertaken. This reliance on others may cause uncertainty in terms of timescale and quality of information. This situation however is completely normal as SSM raises issues which require further work to be undertaken by proposers of the sites, by the Council and by other statutory and non-statutory bodies. Early consultation with relevant stakeholders is essential to make timely progress with allocating sites in the Sites DPD.

- 4.2** As has been set out in previous reports to Council (29 July 2010 – Core Strategy Consultation and 30 September 2010 – Implications of Revocation of the RSS), the Coalition Government is reforming the planning system through the ‘Localism Bill’. This includes a number a number of changes which may impact on the work of the Council in taking forward the Ryedale Plan. The Bill is going through the normal Parliamentary process and its content may be subject to change. The Government’s position remains that Local Planning Authorities should continue to make progress with the production of Local Development Frameworks (LDFs). However, these reforms will continue to present an ongoing risk to the timely progress of the LDF until the precise detail and implications of the reforms becomes apparent.

## **5.0 BACKGROUND AND INTRODUCTION**

- 5.1** Members will be aware of the progress of the Core Strategy to date. It is anticipated that a ‘publication draft’ of the Core Strategy will be formally published this summer. However Officers are aware that the lack of a 5 year housing supply is a sensitive issue and as well as progressing the Core Strategy, Officers are also advancing work on the sites document. It is important to note that the proposed methodology is not an interim planning policy, but rather an approach to selecting sites for potential allocation through the Sites or Helmsley DPD. However, key elements of the methodology are consistent with national policy and on this basis, the methodology provides a useful context for the development management process.
- 5.2** Ryedale’s Sites DPD will be the main document for allocating sites in the District. Members will be aware that the Council has agreed to work jointly with the North York Moors National Park Authority on a Helmsley DPD. This will include allocated sites at Helmsley. Officers will look to work with the National Park Authority to ensure that site selection is undertaken on a consistent basis. The methodology set out in Annex 1 will be a key way of achieving this.
- 5.3** A key part of choosing sites for allocation in the Sites DPD and Helmsley DPD is the process of site selection. There are many factors which have a bearing on the choice of suitable sites for development, and it is important that an objective and transparent method is adopted for this assessment. Members will recall that consultation was undertaken on the Core Strategy in both Summer 2009 and Summer 2010. Both of these consultations had sections and questions relating to the process and factors involved in Site Selection. A summary of the consultation response on this issue is given in the Consultation section of this report. It should be noted that the methodology will be used in any policies designed to phase the release of sites in the Sites DPD and Helmsley DPD.
- 5.4** The responses to the consultation in 2009 and 2010 have been taken into account and informed the approach to the Draft SSM. The details of how the comments have been taken into account are set out in Annex 1.

## **6.0 POLICY CONTEXT**

- 6.1** Members are aware that the Council is required to produce a local development plan.

It will be a key tool which will help to deliver Aims 1, 2 and 3 of the Council Plan and is also a key delivery mechanism for Sustainable Community Strategies.

## **7.0 CONSULTATION**

7.1 Consultation is integral to the production of the LDF. In particular specific questions were asked on site selection as part of the Summer 2009 and 2010 Core Strategy consultations. A two stage process of site selection was proposed in both consultations. Stage 1 is a 'sieve' of all those sites which do not meet the settlement hierarchy and strategy set out in the Core Strategy. Stage 1 also seeks to 'discount' sites (or part thereof) which fall into Flood Zone 3b, which is classed as 'functional floodplain, and which is at the most risk of flooding. Stage 2 then sets out a number of factors, grouped by theme which the sites would be assessed against, such as accessibility, highways, previously developed land and flood risk. Questions were asked whether respondents agreed with the Council's approach to the Stage 1 'Sieve', whether they agreed with the factors set out, whether there were additional factors that should be considered and finally whether there should be any 'weighting' to reflect the differing importance of the factors.

7.2 The following key points were made in response to those consultations:

- Substantial agreement for the Stage 1 'sieve' of sites and broad support for the factors set in Stage 2. Some concern that Malton and Norton were being treated differently in the 2009 consultation as all sites - not just those adjacent to the development limits - would be considered. Also confusion over the phrasing of sites that partially lay in Flood Zone 3b.
- Concern that consultation on this subject was too specific for the Core Strategy.
- Concern that no detail is given on how the consideration of sites in Stage 2 would be undertaken – for example a scoring approach or matrix.
- Suggestion that weighting needs to be taken into account in Stage 2 as some factors are more important than others, and decisions need to be made on a transparent basis. In particular transport and accessibility issues were considered more important as was developing 'brownfield' sites first and avoiding unnecessary encroachment into the open countryside. Another respondent also thought that community impact, impact of population increase and historic and cultural factors should be considered to carry more weight in Stage 2.
- Suggestion, particularly from proposers of development sites, that the deliverability and developability of the site should be recognised.
- Suggestion that sites which affect Special Protection Areas, Special Areas of Conservation and Sites of Special Scientific Interest should be included in Stage 1.
- Suggestion that both cultural and heritage assets as well as a full list of environmental designations should be listed as considerations.
- Concern that no detail around how the approach to flood risk in Stage 2 would be tackled in terms of the sequential test as set out in Planning Policy Statement 25: Flood Risk.

## **8.0 REPORT DETAILS**

### **The Site Selection Methodology (SSM)**

8.1 The process of allocating of sites requires that a significant number of factors are taken into account and this needs to be managed. There is numerous planning, heritage and nature conservation legislation that requires that impacts from

development are taken into account as well as national planning guidance and other best practice. With over 500 sites submitted, this cannot be done in an 'ad hoc' way and it is essential that an objective and transparent method for choosing sites is taken forward. A Site Selection Methodology therefore provides the means of achieving this by becoming a tool which provides a framework for the informed choice of sites for allocation.

8.2 In light of the consultation responses outlined above and ongoing liaison with key agencies and the development industry, Officers have produced a first draft of the Site Selection Methodology which is appended to this report in Annex 1. To ensure that the SSM taken forward embodied the strategic direction of the Core Strategy and broad sustainability principles, the site selection factors were assessed against the Core Strategy and LDF sustainability objectives. Additionally to ensure alignment with the National Park's LDF, an assessment of the fit between Ryedale's objectives and the National Parks Core Strategy and Sustainability objectives was carried out. This ensures that a broad range of social, economic and environmental factors have been taken into account. Following this process, and from the content of consultation responses a number of additional factors have been added. This has led to the need to embody three stages in the site selection process:

- **Stage 1** - is an initial sift of sites which do not fit with the approach of the Core Strategy or have significant constraints (such as falling within the 'functional floodplain' of Floodzone 3b) which effectively prevent the site coming forward for development. This is similar to the approach taken into the consultation but also now includes impact on nature conservation sites and heritage assets as suggested by consultation.
- **Stage 2** – is made up of three assessment levels to allow comparisons between the various factors and to take into account the weighting of those factors. These are:
  - **Assessment 1** - considers key strategic considerations – accessibility, highways and flood risk - that should be given due weight through this methodology and which were supported at consultation as having more significant weight.
  - **Assessment 2** - considers groups of detailed thematic considerations which influence and inform relative merits of each site.
  - **Assessment 3** - considers the deliverability of the site in terms of physical, commercial, legal and other factors. It also assesses the likely contributions that can be secured from the development of the site to necessary infrastructure to deliver the objectives of the plan. This will be an ongoing discussion and negotiation with the development industry.
- **Stage 3** – represents the conclusion of Stages 1 and 2 to enable Officers to make informed choices based on the results of the detailed assessment.

Undertaking the assessment in this way enables the weighting of key factors to be taken into account, whilst allowing comparison with a range of other factors. However the commercial deliverability of a site is still essential.

8.3 The SSM applies the approach of the Core Strategy for the key land uses which are housing, employment and retail. Mixed-use sites are also included where they involve elements of the key land uses. For housing this means assessing sites in the towns –

Malton and Norton, Pickering, Kirkbymoorside and Helmsley and the key service villages – Amotherby/ Swinton, Ampleforth, Beadlam/Nawton, Hovingham, Rillington, Sheriff Hutton, Sherburn, Slingsby, Staxton and Willerby, and Thornton le Dale. For employment sites, allocations will only be made in the Towns in line with the findings of the Employment Land Review. For the villages no allocations will be made, however the plan will support small-scale employment opportunities as they arise. For retail this involves the consideration of new non-food retail sites – where put forward - in Malton as the Principal Town Centre and then Norton, Pickering, Kirkbymoorside and Helmsley as Local Town Centres. For food retailing this involves appropriate sites only in Malton.

- 8.4 Questions were asked through consultation regarding whether the Council intended to 'score' or 'rank' sites as a means of analysing the sites. The view of Officers is that this systematic approach is too inflexible and does not take into account the particular nature of some – particularly social and environmental - factors which cannot be assessed in such a formulaic manner. Indeed the approach proposed attempts the balance of categorizing sites but to do so in a way which allows comparison of the various elements to enable an informed choice to be made. Therefore a rating system similar to that used in the Sustainability Appraisal of the Core Strategy, with positive and negative outcomes, has been suggested for each stage. Officers believe that approach, together with the introduction of additional stages into the process introducing a form of weighting the importance of certain factors, is a reasonable and fair approach.
- 8.5 It is important to note that the SSM is not a single assessment, it is part of an iterative process where information is built up and analysed over a period of months. Proposers of sites are now required to produce a greater amount of detail and this process cannot be a surprise. Indeed it is essential to positively engage the development industry for them to have confidence in the process, and ultimately for the right development to take place in the right places. All the Stages of the SSM involve the gathering of further information to enable assessment to take place. This SSM effectively 'signposts' developers to the likely site specific requirements needed to progress their site. However this is not only to be done by developers – it also involves information gathering by statutory and non-statutory bodies who provide some of this information, including this Council and North Yorkshire County Council. It is essential therefore that this process begins now, so that proposers of the site are aware of the likely information requirements from them. Consultation on the Draft SSM will assist in ensuring that a broad consensus is achieved over the detail of the assessment.
- 8.6 Assessment 3 in Stage 2 represents a critical balance between delivering development that best meets the objectives of the Core Strategy, yet remaining deliverable and developable. In particular developer contributions is an area where significant discussion and negotiation with developers will be necessary and this will inform the Council's approach to collecting developer contributions, whether this will be the traditional s106 legal agreements or through a developer tariff approach such as Community Infrastructure Levy (CIL). The Coalition Government has recently consulted on revised proposals for the collection of contributions through CIL, however revised guidance has not yet been published.
- 8.7 The SSM has been compiled relying on the information from a number of statutory and non-statutory bodies, who have provided information relating to their area of expertise. Additional information may be received prior to consultation on the SSM, and Members are asked to give authorisation for minor textual or contextual

amendments to the SSM prior to the consultation taking place where appropriate. It is not anticipated that will lead to any substantive changes in the methodology.

### **SSM and the Development Management Process**

8.8 The development of the SSM raises questions relating to whether it should be used to assist in determining planning applications prior to 'weight' being attached to the Core Strategy or Sites DPD. Members will be aware that a number of housing applications have been submitted outside the defined development limits of settlements, a number of which have been approved and some are pending determination. Similarly an employment proposal has also been approved at York Road Industrial Estate, Malton which is outside current development limits. Applications for new foodstores at Lidl, Norton and Lidl, Pickering have also been approved for food retail proposals outside the Town Centre commercial limits recently (permission for Aldi has also been agreed in principle but is awaiting a legal agreement).

8.9 National guidance on housing is set out in Planning Policy Statement 3: Housing (PPS3). Paragraph 71 states that where the planning authority cannot demonstrate an up to date 5 year deliverable supply of housing, "they should consider favourable planning applications for housing". This is subject to the criteria set out in paragraph 69 of PPS3 namely:

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.

Ryedale remains in the position of not having a 5 year deliverable housing supply, and the Sites DPD and Helmsley DPD remain at early stages of production. The criteria set out in paragraph 69 is rather generalised and it is considered that using the detailed questions in the SSM represents a more locally detailed assessment of those four broad criteria.

8.10 The consideration of employment development is different to that of housing and is set out in Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4), and the suite of EMP policies in the Ryedale Local Plan. National policy is more flexible over where new employment sites are located in relationship to the specific development limits of a settlement. However sustainability considerations including accessibility to a working population still equally apply to employment sites. It is therefore considered appropriate that the SSM will assist in assessing new employment development in Ryedale's towns as it embodies the findings of the evidence base as set out in the Employment Land Review Update 2010.

8.11 Retail applications are subject to a strict 'sequential test' as set out in PPS4 which ensures a 'town centre first' approach to new retail development. Therefore retail applications are concerned with their relationship to the Town Centre commercial Limits defined in the Ryedale Local Plan. The SSM has been designed to take into account retail uses, in particular the guidance set out in the various Retail Capacity Studies undertaken by Roger Tym and Partners. Therefore it is also considered appropriate that the SSM be used as a framework to inform the assessment of planning applications for new retail development in Ryedale's towns.

## **9.0 IMPLICATIONS**

9.1 The following implications have been identified:

- a) Financial  
The preparation of the LDF to date is covered by the existing service budget and the additional resources.
- b) Legal  
It is essential that the LDF follows the procedure laid out in the Planning & Compulsory Purchase Act (2004) and the Town & Country Planning (Local Development) (England) (Amendment) Regulations 2008. However the 'Localism' Bill is currently being proposed through Parliament, the final provisions of which are not yet known.
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)  
An Equality Impact Assessment (EqIA) of the Core Strategy will be undertaken as part of the Publication draft Core Strategy. As the Site Selection Methodology is based on the Core Strategy and Sustainability Appraisal Objectives, this EqIA equally relates to this.

## **10.0 NEXT STEPS**

10.1 Targeted consultation on the SSM will be undertaken as detailed above with the development industry, as well as relevant statutory and non-statutory bodies in Spring 2011. During this period Officers will be asking proposers of the sites to submit the required level of detailed information. Officers aim to produce an initial list of preferred sites by the end of the year however this will be influenced by the extent to which the proposer of sites submit required information and the capacity agencies (such as NYCC and the Environment Agency) to provide necessary information. Officers will liaise with Officers at NYMNPAs to agree a way forward for the selection of sites at Helmsley.

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**Gary Housden**

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### **Background Papers:**

Draft Core Strategy - Summer 2010  
Draft Core Strategy Sustainability Appraisal Report – July 2010  
Summer 2009 Consultation Comments and the Council's Response – July 2010  
Planning Policy Statement 3: Housing – June 2010  
Planning Policy Statement 4: Planning for Sustainable Economic Growth – December 2009

**Background Papers are available for inspection at:**  
Ryedale House and <http://ldf.ryedale.gov.uk>

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# Site Selection Methodology

## Introduction

The Site Selection Methodology (SSM) is intended to objectively screen and then assess sites taking into account a wide range of factors to guide choices over site allocations in the Sites Development Plan Document (DPD) and Helmsley DPD. The approach adopted is set out in detail below. The content and staging of the SSM was consulted on in both 2009 and 2010 and this document builds on that approach.

The SSM is split into 3 stages:

- **Stage 1** - is an initial sift of sites which do not fit with the approach of the Core Strategy or have significant constraints which effectively prevent the site coming forward for development. This is similar to the approach taken into the consultation but also now includes impact on nature conservation sites and heritage assets as suggested by consultation (see consultation section below)
- **Stage 2** – is made up of three assessment levels to allow comparisons between the various factors and to take into account the weighting of those factors. These are:
  - *Assessment 1* - considers key strategic considerations – accessibility, highways and flood risk - that should be given due weight through this methodology and which were supported at consultation as having more significant weight.
  - *Assessment 2* - considers groups of detailed thematic considerations which influence and inform relative merits of each site.
  - *Assessment 3* - considers the deliverability of the site in terms of physical, commercial, legal and other factors. It also assesses the likely contributions that can be secured from the development of the site to necessary infrastructure to deliver the objectives of the plan. This will be an ongoing discussion and negotiation with the development industry.
- **Stage 3** – represents the conclusion of Stages 1 and 2 to enable Officers to make informed choices based on the results of the detailed assessment.

### Stage 1

The SSM applies the approach of the Core Strategy. For housing this means assessing sites only in the towns – Malton and Norton, Pickering, Kirkbymoorside and Helmsley and the key service villages – Amotherby/ Swinton, Ampleforth, Beadlam/Nawton, Hovingham, Rillington, Sheriff Hutton, Sherburn, Slingsby, Staxton and Willerby, and Thornton le Dale. For employment this involves assessing sites only in the towns, as

allocations are not proposed to be made in the villages. For retail this involves the consideration of new non-food retail sites – where put forward - in Malton as the Principal Town Centre and then Norton, Pickering , Kirkbymoorside and Helmsley as Local Town Centres. For food retailing this involves appropriate sites only in Malton. Sites which cause significant harm to national/international nature conservation sites (species or habitat) or would involve significant harm to heritage assets will not be considered further

## **Stage 2**

Undertaking the assessment at three different assessment levels enables the weighting of key factors to be taken into account, particularly in Assessments 1 and 2. It also allows for effective comparison of the relative merits and demerits of sites being considered with a range of other factors. However Assessment 3 is concerned with the commercial deliverability of a site which remains a critical factor in an uncertain economic environment.

## **Stage 3**

Stage 3 represents a critical balance between delivering development that best meets the objectives of the Core Strategy, yet remaining deliverable and developable. In particular developer contributions is an area where significant discussion and negotiation with developers will be necessary and this will inform the Council's approach to collecting developer contributions, whether this will be the traditional s106 legal agreements or through a developer tariff approach such as Community Infrastructure Levy (CIL). The Coalition Government has recently consulted on revised proposals for the collection of contributions through CIL, however revised guidance has not yet been published. It is important to note that the SSM is not a single assessment, it is part of an iterative process where information is built up and analysed over a period of months. Proposers of sites are now required to produce a greater amount of detail and this process cannot be a surprise. Indeed it is essential to positively engage the development industry for them to have confidence in the process, and ultimately for the right development to take place in the right places. All the Stages of the SSM involve the gathering of further information to enable assessment to take place. This SSM effectively 'signposts' developers to the likely site specific requirements needed to progress their site. However this is not only to be done by developers – it also involves information gathering by statutory and non-statutory bodies who provide some of this information, including this Council and North Yorkshire County Council. It is essential therefore that this process begins now, so that proposers of the site are aware of the likely information requirements from them. Consultation on the Draft SSM will assist in ensuring that a broad consensus is achieved over the detail of the assessment.

## **Considerations**

### **Previous consultation**

As part of the Summer 2009 and 2010 Core Strategy consultations specific questions were asked on site selection. A two stage process of site selection was proposed in both consultations. Stage 1 is a 'sieve' of all those sites which do not meet the settlement hierarchy and strategy set

out in the Core Strategy. Stage 1 seeks to 'discount' sites (or part thereof) which fall into Flood Zone 3, which is classed as 'functional floodplain and is at the most risk of flooding. Stage 2 then set out a number of factors, grouped by theme which the sites would be assessed again, such as accessibility, highways, previously developed land and flood risk. Questions were asked whether respondents agreed with the Council's approach to the Stage 1 'Sieve', whether they agreed with the factors set out, whether there were additional factors we should consider and finally whether there should be any 'weighting' to reflect the differing importance of the factors.

The following key points were made in response to those consultations:

- Substantial agreement for the Stage 1 'sieve' of sites and broad support for the factors set in Stage 2. Some concern that Malton and Norton we're being treated differently in the 2009 consultation as all sites - not just those adjacent to the development limits - would be considered. Also confusion over the phrasing of sites that partially lay in Flood Zone 3b.
- Concern that consultation on this subject was too specific for the Core Strategy.
- Concern that no detail is given on how the consideration of sites in Stage 2 would be undertaken – for example a scoring approach or matrix.
- Suggestion that weighting needs to be taken into account in Stage 2 as some factors are more important than others, and decisions need to be made on a transparent basis. In particular transport and accessibility issues were considered more important as was developing 'brownfield' sites first and avoiding unnecessary encroachment into the open countryside. Another respondent also thought that community impact, impact of population increase and historic and cultural factors should be considered to carry more weight in Stage 2.
- Suggestion, particularly from proposers of development sites, that the deliverability and developability of the site should be recognised.
- Suggestion that sites which affect Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Sites of Special Scientific Interest (SSSIs) should be included in Stage 1.
- Suggestion that both cultural and heritage assets as well as a full list of environmental designations should be listed in Stage 2.
- Concern that no detail around how the approach to flood risk in Stage 2 would be tackled in terms of the sequential test as set out in Planning Policy Statement 25: Flood Risk

These responses have informed the development of the SSM. The broad support for the 'sieve' of sites and the factors set out in Stage 1 of the have been taken forward as well as recognising that site which affect national or international nature conservation sites should also be discounted. Stage 2 has been split into different assessment levels to enable weighting of the various factors to be taken into account. The key

factors identified in Assessment 1 of Stage 2 are those which respondents thought most important. Cultural and heritage assets, as well as relevant environmental designations have been included in Assessment 2 of Stage 2. Assessment 2 also sets out the Council assessment of the flood risk of sites in line with PPS25, and in the context of the SSM will guide the application of the sequential and exception test where necessary. The Council do not believe a 'scoring' system' or 'matrix' is appropriate for the Ryedale SSM. Therefore an alternative approach has been proposed which attempts the balance of categorizing sites but to do so in a way which allows comparison of the various elements to enable an informed choice to be made. Therefore a rating system similar to that used in the Sustainability Appraisal of the Core Strategy, with positive and negative outcomes, has been suggested for each stage. Officers believe that approach, together with the introduction of additional stages into the process introducing a form of weighting the importance of certain factors, is a reasonable and fair approach

### **Next steps**

Once approved, we will be consulting landowners, their agents, the development industry and key agencies/stakeholders on the SSM to ensure a fair, robust and objective assessment is achieved. Targeted consultation on the SSM will be undertaken as detailed above with the development industry, as well as relevant statutory and non-statutory bodies in Spring 2011. During this period Officers will be asking proposers of the sites to submit the required level of detailed information. Once agreed, the SSM will then be applied to the sites and it is proposed that an initial list of preferred sites will be produced for consultation by the end of the year. However this will be influenced by the extent to which the proposer of sites submit the required information and the capacity agencies (such as NYCC and the Environment Agency) have to provide necessary information. Officers will also liaise with Officers at NYMNPA to agree a suitable approach to the selection of sites at Helmsley.

### **What uses included?**

The SSM applies the approach of the Core Strategy for the key land uses which are housing, employment and retail. Mixed-use sites are also included where they involve elements of the key land uses.

Uses to be considered through SSM:

- Housing (including use classes C2 and C3)
- Employment (including use classes B1, B2 and B8)
- Retail (including use classes A1, A2 and A3)
- Mixed Use sites (which include elements of the above)

Uses not considered through SSM unless part of mixed use proposal set out above:

- Leisure or tourism

- Open space
- Transport
- Community uses

### **Fit with Ryedale Draft Core Strategy and Sustainability Appraisal Objectives**

To ensure that the assessment of sites through the SSM considers sustainability principles and plan objectives, the SSM has been developed against both Ryedale District Council's (RDC) and North York Moors National Park (NYMNP) Sustainability Appraisal (SA) and plan objectives to ensure that a broad range of factors considered which meet the objectives of the LDF. The SA Scoping Report (October 2009) to the Core Strategy made clear that the draft Core Strategy objectives would also be applied to the Sites DPD and Helmsley DPD.

For reference Table 1 below sets out the Core Strategy Objectives for Ryedale:

*Table 1: Ryedale Draft Core Strategy Objectives*

<b>Ryedale Draft Core Strategy Objectives – Summer 2010</b>	
1.	Enhance the role of the Market Towns as accessible, attractive and vibrant service centres, offering a range of homes, jobs, shops and facilities within a high quality public realm. Emphasise the role and regeneration of Malton and Norton as the District's Principal Town
2.	Focus development in those settlements where it will enhance accessibility to local services, shops and jobs and which provide sustainable access to major service centres outside of the District by promoting the use of public transport, walking and cycling, while reducing the need to travel by private car.
3.	Protect and, where appropriate, enhance the distinctive character of the District's settlements, landscapes and biodiversity, safeguarding those elements of the historic and natural environment that are recognised as being of local, national or international importance.
4.	Deliver new development alongside the provision of the necessary community, transport and utilities infrastructure and initiatives. Maximise opportunities to secure green infrastructure links between the towns, villages and the open countryside.
5.	To support the delivery of new homes and to substantially increase the delivery of affordable housing, encouraging an appropriate mix and type of housing that will meet local housing needs and requirements of all in the community, including those of Ryedale's elderly population.
6.	To protect and enhance the provision of community facilities, recognising the particular importance they play in supporting the District's rural and village communities.
7.	To support new and existing businesses with the provision of a range of employment sites and premises, including higher quality

purpose built sites, principally at the Market Towns

8. To diversify the District's economy and enhance skills by building links with the York economy and science and knowledge sectors: supporting Ryedale's precision/advanced engineering cluster and using the District's strong rural identity and its historic, cultural and landscape assets as economic drivers
9. To support the land-based economy through sustainable land management; promoting sustainable rural enterprises and activity that helps to retain traditional land management and building techniques and skills; supporting the provision of local weekday and farmers markets and the retention of a livestock market in the District.
10. To require that new development has as low an impact on the environment possible that is both feasible and viable; minimising the use of finite natural resources and energy supplies. Contributing to mitigating climate change, by reducing green house gas emissions and helping Ryedale adapt to the impacts of climate change through flood risk minimisation and enhancing green infrastructure opportunities.

Table 2 indicates which SA objectives relate to which plan objectives and which SSM questions are appropriate in these areas. The basis for these questions is from the areas highlighted in both the 2009 and 2010 Core Strategy consultations relating to Site Selection. As set out above, these consultations highlighted the main factors that the SSM would be concerned with. Through the preparation of the SSM against these objectives, additional questions have been added to ensure coverage in all areas.

Table 2: Comparison of SA Objectives and Core Strategy Objectives in formulating SSM questions

SA Objective which relate to this area	Core Strategy Objectives which relate to this area	Factors to Assess Sites
<b>SOCIAL</b>		
A1 To ensure that all groups of the population have access to health, education, leisure and recreation services that are required.	1, 2,4	How accessible is the site to areas of employment, town/ village centres and other community facilities? How accessible is the site to bus routes, trains and public rights of way, reducing the need to travel by car? What is the relationship of the site to existing development limits (in the case of housing and/or employment proposals) or commercial limits (proposals which include retail elements)? Would the development on its own, have an impact on an existing community facility and has mitigation of this impact been proposed as part of the development?
A2 To provide the opportunity for all people to meet their housing needs.	1,5	Does the type and mix of development proposed meet the needs identified in the SHMA, ELR, RRCS and Malton Town Centre Strategy? What level and type of affordable housing is provided on site? What provision has been made for Ryedale's elderly population?
A3 To improve overall levels of health and reduce the disparities between different groups and different areas.	1,2,4,5,6	Does the design of the development encourage people to walk and cycle, rather than travel by car?
A4 To maintain and promote the distinctiveness of identifiable communities	1,3	Will the site lead to the coalescence of settlements which will impact on their character and setting? Would the development of the site lead to the loss of an existing use which contributes to the social character and distinctiveness of the settlement?
A5 To reduce crime and the fear of crime.	?	Can the site potentially incorporate the principles of Secure By Design? Is the site compatible with neighbouring uses, discouraging anti-social behaviour?
A6 To develop a more balanced population	5	Will the proposed development attract a balanced living and/ or working population, reducing inequality of opportunity?

SA Objective which relate to this area	Core Strategy Objectives which relate to this area	Factors to Assess Sites
<b>ECONOMIC</b>		
<i>B1 To maintain and enhance employment opportunities.</i>	7,8,9	How does the site perform against the SHLAA Update (housing), ELR Update (employment) and RRCS (retail) in terms of its ability to come forward and its suitability for development?
<i>B2 To maintain and enhance the vitality of the countryside, villages and town centres.</i>	1,2,4,6,7,8,9	Will the site promote the viability and vitality of the Principal Town or Local Service Centre?
<i>B3 To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors.</i>	7,8,9	Does the proposal involve the creation of additional jobs in Ryedale? Will the development provide appropriate levels of developer contributions? Can the development support developer contributions of £5k, £10k and £15k per dwelling as set out in the Affordable Housing Viability Study?
<i>B4 To diversify the local economy</i>	7,8	Will the mix of employment uses proposed by the development assist in diversifying the Ryedale economy as set out in the ELR? (including building links to the York economy)

SA Objective which relate to this area	Core Strategy Objectives which relate to this area	Factors to Assess Sites
<b>ENVIRONMENTAL</b>		
<i>C1 To protect and enhance biodiversity and geo-diversity.</i>	3,10	Would the development affect a regional or local site of biodiversity, (including Sites of Importance for Nature Conservation - SINC, Local Nature Reserves - LNRs, or geological value (including Regionally Important Geological and Geomorphological Sites - RIGS) or affect UK or Ryedale Biodiversity Plan - BAP - protected species? Would the development impact on protected and unprotected trees, hedgerows and ancient woodland?



		<b>Would the development provide opportunities for the provision of green infrastructure, including linking in with existing green infrastructure?</b>
<i>C2 To maintain and enhance the quality and character of the landscape, including the special qualities of remoteness and tranquillity.</i>	<b>3, 9,10</b>	<p><b>What is the capacity of the landscape to accommodate the site according to the Landscape Character Assessments and Special Qualities study (including views and open spaces)?</b></p> <p><b>Is the site capable of utilising existing landscape features or providing adequate landscape mitigation measures?</b></p> <p><b>What impact would the site have on the Howardian Hills AONB?</b></p> <p><b>What impact would the site have on the York greenbelt?</b></p>
<i>C3 Reduce long distance commuting and congestion by reducing the need to travel.</i>	<b>1,2</b>	<p><b>Has Traffic Modelling or a Transport Assessment been undertaken in the context of work already undertaken on the Malton and Norton STA?</b></p> <p><b>What is the impact of the development on the highway network? Is mitigation required as part of the development?</b></p> <p><b>Would the site help to promote forms of travel other than the private car? Has a Travel Plan been produced which assesses these options?</b></p> <p><b>Can the site accommodate adequate parking and servicing facilities?</b></p> <p><b>Will the proposal provide, enable or improve access to public rights of way?</b></p>
<i>C4 To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere</i>	<b>9,10</b>	<p><b>How does the site perform against the flooding sequential test as set out in PPS25 in terms of:</b></p> <p><b>What Flood Zone (and sub-section of flood zone in the case of Malton and Norton) does the site fall within?</b></p> <p><b>What level of vulnerability is the site based on its proposed use?</b></p> <p><b>How does the site perform against other flood risk factors in terms of:</b></p> <p><b>If within the Rapid Inundation Zone (Malton/ Norton/ Old Malton only), what level of hazard would exist?</b></p> <p><b>Is the site potentially affected by groundwater flooding?</b></p> <p><b>Is the site potentially affected by surface water flooding and is this site considered to be within a critical drainage area?</b></p> <p><b>Is the site potentially affected by sewer flooding?</b></p> <p><b>Have Sustainable Urban Drainage Systems been proposed, particularly in the towns?</b></p> <p><b>What other measures have been considered which ensure the development is</b></p>

		<p>resilient to climate change?          Has a Flood Risk Assessment been undertaken?</p>
<i>C5 To preserve and where appropriate enhance the historical and cultural environment.</i>	<b>1,3,9</b>	<p>Will the site affect a designated heritage asset, either directly or indirectly through its setting? Designated heritage assets include Scheduled Monuments, Listed buildings, Registered Park and Gardens and Conservation Areas. Where an affect is identified, the onus is on the promoter to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance.</p> <p>Will the affect a non-designated heritage asset which the Council identifies as having a degree of significance that is worthy of consideration? (includes buildings, monuments, site, place, area or landscape)</p>
<i>C6 To reduce the emission of greenhouse gases</i>	<b>10</b>	<p>Is the site capable of utilising on-site renewable energy or other low carbon energy sources?          Can the site accommodate higher sustainable building standards?</p>
<i>C7 To encourage the use of renewable resources and the development of renewable energy sources within Ryedale</i>	<b>10</b>	<p>Is the site capable of linking in or supporting off site renewable energy schemes?          Can the site link in to existing heat or power sources available in the District?</p>
<i>C8 To make the most efficient use of land</i>	<b>1,2,3</b>	<p>Is the site/ or any part of the site considered previously developed land ('brown field')?          Can the site achieve an appropriate density to achieve the most efficient use of the land?</p>
<i>C9 To maintain a high quality environment in terms of air, soil and water quality</i>	<b>2,9,10</b>	<p>Would the development have an adverse impact on a Groundwater Source Protection Zone?          Would the development have an adverse impact on the Malton Air Quality Management Area or any other site of poor air quality? Has an air quality management assessment been carried out to assess the impact?          Is the development in an area where noise, light or dust is likely to cause nuisance to new users or is the development likely to generate noise, light or dust which will affect existing users?</p> <p>Is the development in an area where other factors are likely to cause nuisance to new users or is the development likely to generate forms of nuisance which may</p>

		<p>affect the amenity of existing users? These may include issues such as privacy, lack of sunlight, over bearing effects.</p> <p>Would the development of the site lead to the remediation of contaminated land?</p> <p>Is any part of the development on suspected unstable land?</p> <p>Major hazard sites and pipelines (HSE)</p>
<i>C10 Ensure that fossil fuel and water consumption is as low as possible, protect productive soils and maintain the stock of minerals</i>	<b>3,9,0</b>	<p>What agricultural land classification is the site? Would the development of this site involve the loss the best and most versatile agricultural land?</p> <p>Would the development lead to the sterilisation of mineral resources?</p>
<i>C11 To reduce the amount of waste produced and maximise the rates of re-use and recycling as locally as possible</i>	<b>2,10</b>	<p>Does the development contain proposals for waste reduction in both its construction and when in operation?</p> <p>Does the development contain individual/communal recycling facilities/ infrastructure?</p>

Given that the Council is proposing to prepare a Helmsley DPD jointly with the National Park, it is important that consideration is given to the fit between the RDC and National Park objectives. To this end the National Park's Core Strategy and SA Objectives have been compared to assess any additional factors which should be taken into account. Table 3 below compares the Ryedale SA/Plan objectives and the National Park SA/ Plan objectives:

Table 3: Comparison of Ryedale and National Park Objectives

<b>Ryedale SA Objective</b>	<b>Ryedale Core Strategy Objectives</b>	<b>NYMNPA SA Objective</b>	<b>NYMNPA Core Strategy Objective</b>
<b>SOCIAL</b>			
<i>A1 To ensure that all groups of the population have access to health, education, leisure and recreation services that are required.</i>	<b>1, 2,4</b>	<i>11 Protect and enhance access to key community facilities and services, leisure and recreation opportunities and access to the countryside, by means which minimise environmental impacts on the Park and its communities.</i>	<p><b>13 Facilitate access to services and facilities.</b></p> <p><b>11 Support the provision and retention of key community facilities and services throughout the area.</b></p>

A2 To provide the opportunity for all people to meet their housing needs.	1,5	12 Ensure that local needs are met locally wherever possible.	10 Ensure that a range of new housing is provided including housing to meet local needs affordable housing that will remain affordable and available to local people in perpetuity.
A3 To improve overall levels of health and reduce the disparities between different groups and different areas.	1,2,4,5,6	10 Protect and enhance human health	-
A4 To maintain and promote the distinctiveness of identifiable communities	1,3	1 Maintain and enhance the special landscape, local distinctiveness and settlement character.	11 Support the provision and retention of key community facilities and services throughout the area.
A5 To reduce crime and the fear of crime.	-	-	-
A6 To develop a more balanced population	5	-	9 Maintain and foster vibrant local communities where young people have an opportunity to live and work and consolidate the role of settlements.

Ryedale SA Objective	Ryedale Core Strategy Objectives	NYMNPA SA Objective	NYMNPA Core Strategy Objective
<b>ECONOMIC</b>			
B1 To maintain and enhance employment opportunities.	7,8,9	13 Enable quality employment opportunities available to all that create a vibrant local economy.	8 Strengthen and diversify the local economy by supporting a range of opportunities for employment and training particularly in sustainable locations.
B2 To maintain and enhance the vitality of the countryside, villages and town centres.	1,2,4,6,7,8,9	14 Maintain and enhance the viability and vitality of local communities	9 Maintain and foster vibrant local communities where young people have an opportunity to live and work and consolidate the role of

			settlements. 11 Support the provision and retention of key community facilities and services throughout the area.
<i>B3 To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors.</i>	<b>7,8,9</b>	<i>15 Develop a tourism product that provides sustainable benefits to the local community and its economy.</i>	<b>7 Support the tourism and recreation industry by ensuring that development contributes to the local economy by supporting a range of opportunities for enjoying the Park's special qualities.</b>
<i>B4 To diversify the local economy</i>	<b>7,8</b>	<i>16 Manage natural resources in a way which sustains their environmental qualities as well as their productive (or economic) potential</i>	<b>8 Strengthen and diversify the local economy by supporting a range of opportunities for employment and training particularly in sustainable locations.</b>

<b>Ryedale SA Objective</b>	<b>Ryedale Core Strategy Objectives</b>	<b>NYMNPA SA Objective</b>	<b>NYMNPA Core Strategy Objective</b>
<b>ENVIRONMENTAL</b>			
<i>C1 To protect and enhance biodiversity and geo-diversity.</i>	<b>3,10</b>	<i>5 Avoid damage to designated sites and protected species. Maintain, and enhance where appropriate, conditions for biodiversity and avoid irreversible losses</i>	<b>1 Conserve and enhance the natural environment and the biological and geological diversity of the Park.</b>
<i>C2 To maintain and enhance the quality and character of the landscape, including the special qualities of remoteness and tranquillity.</i>	<b>3, 9,10</b>	<i>1 Maintain and enhance the special landscape, local distinctiveness and settlement character. (Repeats A4)</i>	<b>4 Secure high quality new development that takes into account of and enhances the unique landscape character, settlement pattern and building characteristics of the 9 landscape character areas in the Park</b>
<i>C3 Reduce long distance commuting and congestion by</i>	<b>1,2</b>	-	<b>Reduce the need to travel and facilitate alternative, more</b>

<i>reducing the need to travel.</i>			<b>sustainable modes of travel to the private car and minimise the environmental impact of transport.</b>
<i>C4 To ensure future development is resilient to climate change such as development is not vulnerable to flooding, or will increase the risk of flooding elsewhere</i>	<b>9,10</b>	<i>3 Reduce the causes and manage the effects of climate change 4 Reduce the risk of flooding, ensuring development and land use changes are not vulnerable to flooding, or increase the risk of flooding elsewhere in a catchment / coastal zone.</i>	<b>2 Reduce the causes and assist in adaptation to the effects of climate change on people, wildlife and places.</b>
<i>C5 To preserve and where appropriate enhance the historical and cultural environment.</i>	<b>1,3,9</b>	<i>7 Preserve and enhance the archaeological and historic environment</i>	<b>5 Preserve and enhance historic assets</b>
<i>C6 To reduce the emission of greenhouse gases</i>	<b>10</b>	<i>8 Promote concepts of design that improve energy efficiency and apply sustainability principles to resource use</i>	<b>6 Promote sustainable design and efficient energy use in new buildings</b>
<i>C7 To encourage the use of renewable resources and the development of renewable energy sources within Ryedale</i>	<b>10</b>	<i>6 Encourage consumers to meet their needs with less energy input and through the use of renewable energy technologies</i>	-
<i>C8 To make the most efficient use of land</i>	<b>1,2,3</b>	-	-
<i>C9 To maintain a high quality environment in terms of air, soil and water quality</i>	<b>2,9,10</b>	<i>2 Minimise pollution releases to levels that do not damage natural systems, human health and quality of life.</i>	-
<i>C10 Ensure that fossil fuel and water consumption is as low as possible, protect productive soils and maintain the stock of minerals</i>	<b>3,9,0</b>	<i>8 Promote concepts of design that improve energy efficiency and apply sustainability principles to resource use (Repeats C6)</i>	<b>3 Promote prudent and sustainable use of natural resources.</b>
<i>C11 To reduce the amount of waste produced and maximise the rates of re-use and recycling as</i>	<b>2,10</b>	<i>9 Encourage waste reduction, reuse, recovery and recycling</i>	

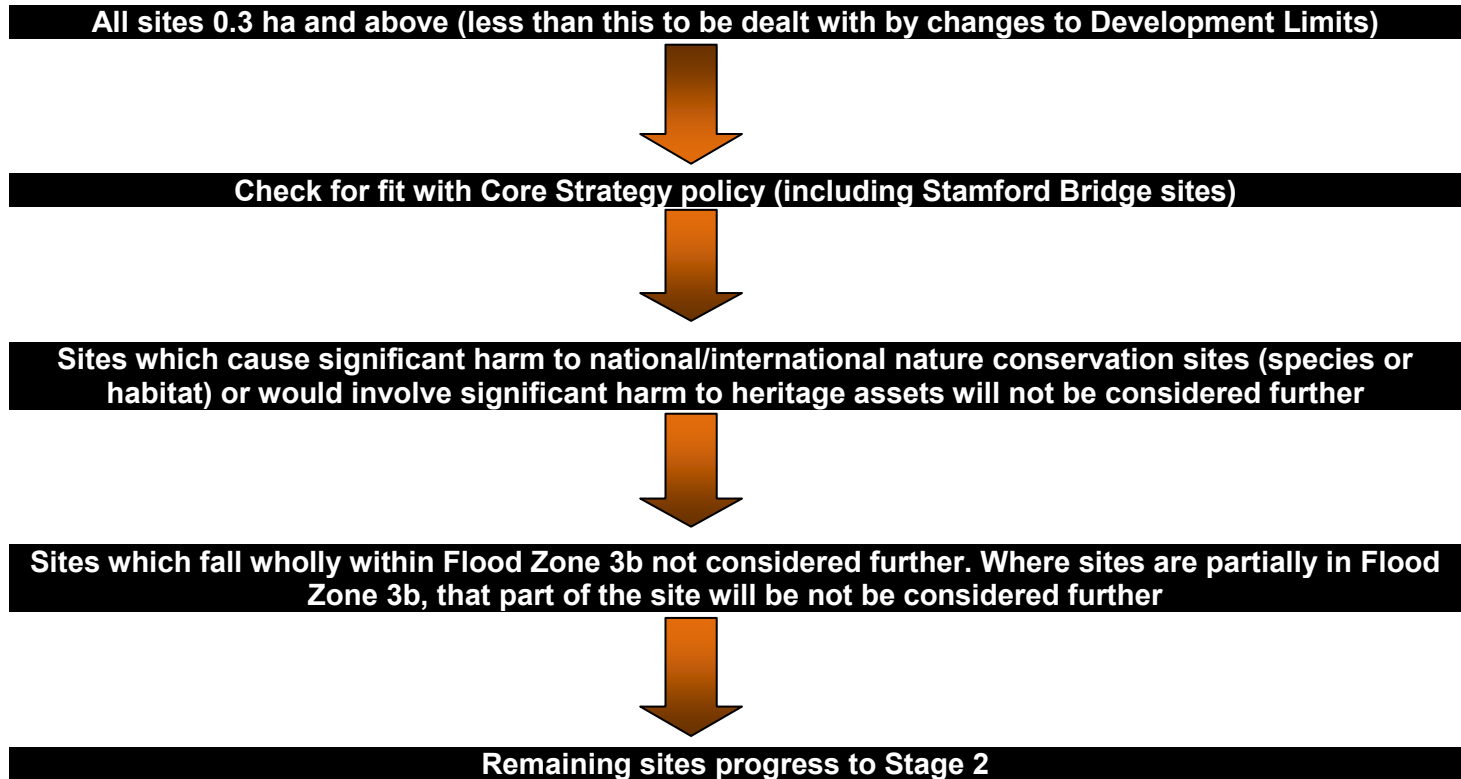
All NYMNPA SA and CS Objectives are broadly covered by Ryedale SA and CS objectives. There are a number of areas where Ryedale has objectives which do not relate to any NYMNPA objectives. However as the basis of the SSM are the Ryedale objectives, these are already taken into account. Overall there is a close fit between the RDC and NYMNPA objectives. On this basis, no additional questions are therefore required.

## **Proposed Approach**

The 2009 and 2010 consultation, together with the assessments in Tables 2 and 3, have led to the proposed three stage approach set out below and the particular questions which ensure that development contributes to the objectives of the Ryedale Plan and also contributes to achieving sustainable development.

## Stage 1 - Sift

Explanation at each stage of how this approach arrived at including how consultation points have been influenced this or has been addressed. Have consultation questions embedded within the doc or separate?



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## Stage 2 – Site Assessments

This stage is made up of three assessment levels. Assessment 1 considers the key factors which allow comparisons between the various factors and to take into account the weighting of those factors. Assessment 1 considers key strategic considerations (those supported at consultation) – accessibility, highways and flood risk - that should be given due weight through this methodology as having more significant weight. Assessment 2 considers groups of detailed thematic considerations which influence and inform relative merits of each site. Assessment



3 considers the deliverability of the site in terms of physical, commercial, legal and other factors. It also assesses the likely contributions that can be secured from the development of the site to necessary infrastructure to deliver the objectives of the plan. This will be an ongoing discussion and negotiation with the development industry.

## Assessment 1- Key Site Considerations

Sites from Stage 1 will be assessed on a Settlement basis in accordance with the Settlement Hierarchy of the draft Core Strategy. There are a number of constraints which are critical to the ability or appropriateness of a site coming forward. After an analysis of all the various elements set out in Table 2 above, the following elements are considered to have that weight or importance:

**Accessibility** – Using local standards and those developed for the Yorkshire and Humber Regional Spatial Strategy

**Flood Risk** – Assessing the main flooding factors including Flood Zone and Vulnerability of Use

**Highway assessment** – Applying initial highway advice from the Highway Authority

These factors have are given additional weight in the decision making process as they are fundamental principles about the acceptability of a site, before more detailed factors can be assessed in Stage 2. Results from Assessment 1 in Stage 2 will be analysed in detail and then compared to the results from Assessments 2 and 3 to arrive at a balanced view of the suitability of the site. Results will be presented in a clear visual way to enable comparisons between the relative merits of each site.

### Why choose these factors?

Accessibility plays a critical role in assessing the relationship of the site to the settlement, key facilities, services and employment areas. Indeed this was a factor in the selection of the settlement hierarchy in the Core Strategy. It is important to distinguish between the relative accessibility of sites within a settlement as these can vary widely. The importance of flood risk is set out in Planning Policy Statement 25: Development and Flood Risk. Planning authorities must apply the sequential test (and where necessary the exception test) to the choice of sites for potential allocation. This essentially means avoiding development in areas at most risk of flooding and focusing development to the lower risk areas where possible. There are now significant amounts of data to inform this decision and the Council's Strategic Flood Risk Assessment provides detailed information particularly in Malton and Norton. The key flood risk factors that are considered in this stage relate to the level of flood risk as indicated by the PPS25 flood zone classification and the vulnerability of the use. For Malton, Norton and Old Malton this also includes the hazard rating of the site in relation to the Rapid Inundation Zones (RIZ). Further flood risk factors such as potential groundwater flooding, surface water flooding and sewer flooding are considered in Assessment 2 of Stage 2.

Clearly a balance has to be struck between competing factors in selecting sites and this is reflected in the numerous factors being considered in this methodology. However flood risk is of such significance, that it is essential that it is considered in Assessment 1 of Stage 2. Being able

to achieve a satisfactory highway access and egress from a site to the local network is also a critical factor in whether a site can be developed for the use envisaged. Not being able to provide means of access and egress would indicate that a site would be unlikely to come forward.

## 1 Accessibility

*How accessible is the site to key services and facilities?*

*Housing*

**Towns**

Service/ facility	Walking Time from site to service/ facility			
	Up to 5 minutes	Up to 10 minutes	Up to 15 minutes	Over 20 minutes
<b>Public Transport</b>				
Bus Stop	++	+	-	--
Railway Station (Malton and Norton only)	++	+	-	--
<b>Shopping</b>				
Nearest commercial limit	++	+	-	--
<b>Employment</b>				
Nearest employment area	++	+	-	--
<b>Education</b>				
Nearest primary school	++	+	-	--
Nearest secondary school	++	+	-	--
<b>Facilities</b>				
Nearest doctor's surgery	++	+	-	--
Hospital (Malton and Norton only)	++	+	-	--

**Villages**

Service/ facility	Walking Time from site to service/ facility			
	Up to 5 minutes	Up to 10 minutes	Up to 15 minutes	Over 20 minutes
<b>Public Transport</b>				

<b>Bus Stop</b>	++	+	-	--
<b>Shopping</b>				
Local Shop	++	+	-	--
<b>Education</b>				
Nearest primary school	++	+	-	--

*Employment*

Location	Walking Time from site to specified location			
	Up to 5 minutes	Up to 10 minutes	Up to 15 minutes	Over 20 minutes
Nearest bus stop	++	+	-	--
Train station (Malton and Norton only)	++	+	-	--
Nearest commercial limit	++	+	-	--
Nearest development limit	++	+	-	--

*Retail*

*How does the site location relate to the Town Centre in terms of the PPS4 Sequential test?*

Town Centre	Edge of Centre	Out of Centre	Out of Town
++	+	-	--

**Overall accessibility rating**

Site has excellent accessibility	Site has good accessibility	Site has variable accessibility	Site has poor accessibility
++	+	-	--

**2 Flood Risk**

*What Flood Zone does the site fall within? (NB Flood 3b already excluded from Stage 1)?*

Flood Zone 1	Flood Zone 2	Flood Zone 3a
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*Malton and Norton only: Which sub-category of Flood Zone 3a does the site fall within?*

Flood Zone 3a (i)	Flood Zone 3a (ii)	Flood Zone 3a (iii)
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*What vulnerability class does the site fall within?*

Less vulnerable	More vulnerable	Highly vulnerable
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NB: Uses considered through the Sites DPD and Helmsley DPD are principally housing, employment and retail which fall under these classes. Where mixed use sites are proposed which include the development of essential infrastructure or involve water compatible uses, the flood risk will be individually assessed.

*Malton, Norton and Old Malton only: If within the RIZ, what hazard level does the site fall under?*

Low	Moderate	Significant	Extreme
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**Overall flood risk assessment**

<b>Site has low overall flood risk</b>	<b>Site faces some flood risk issues which can be mitigated</b>	<b>Site faces significant flood risk issues which could potentially be mitigated</b>	<b>Site faces significant flood risk issues, and may be inappropriate for development</b>
++	+	-	--

### 3 Highway Assessment

Highway assessment is an initial assessment by North Yorkshire County Council (NYCC) as the highway authority and gives an early indication of the suitability of a site in general highway terms. It looks at issues such as access/egress to/from a highway and potential impact on the highway. The NYCC assessment will also highlight what further highway work will be required, depending on the scale and nature of the site. This is dealt further in Assessment 2 (other transport factors) and Assessment 3 (developer contributions towards highway improvements).

*What are the conclusions of the Highway Authorities (NYCC) initial highway assessment?*

Site has no highway issues identified	Site has some highway issues identified which can be mitigated subject to further investigation	Site has multiple highway issues which can be mitigated subject to further investigation	Site has multiple highway issues which may be difficult to mitigate unless further investigation demonstrates otherwise
++	+	-	--

### Outcome of Assessment 1

The results of Assessment 1, given that we consider them to be key factors, will be reported in order at a settlement level by use with sites being shown both separately and together. This will give an indication of how sites compare against each other, and can be compared with the results of Assessments 2 and 3.

### Assessment 2 – Other Considerations

Everything else not considered in Assessment 1. In assessing the coverage of SSM questions against SA/ plan objectives above, numerous overlaps occur and the subject of the questions changes rapidly. Whilst the use of the SA and plan objectives is essential for ensuring coverage for SSM questions and generating additional questions where necessary, its structure can be repetitive and confusing. For ease of assessment and to follow a logical structure, questions assessed through Assessment 2 have been ordered into thematic blocks.

#### Biodiversity and Geo-diversity

***Would the development affect a regional or local site of biodiversity, (including Sites of Importance for Nature Conservation - SINC, Local Nature Reserves - LNRs, or geological value (including Regionally Important Geological and Geomorphological Sites - RIGS) or affect UK or Ryedale Biodiversity Plan - BAP - protected species?***

Enhancement of feature/ species possible – mitigation not required	Neutral impact - no effect or effect can be fully mitigated	Adverse impact but mitigation possible	Serious impact with limited means of mitigation
++	+	-	--

***Would the development provide opportunities for the provision of green infrastructure, including linking in with existing green infrastructure/ corridors?***

<b>Excellent opportunities demonstrated to incorporate green infrastructure into the scheme and/or link to existing infrastructure/corridors.</b>	<b>Some opportunities demonstrated to incorporate green infrastructure into the scheme and/or link to existing infrastructure/corridors.</b>	<b>No opportunities demonstrated to incorporate green infrastructure into the scheme and/or link to existing infrastructure/corridors, however the site has the potential to accommodate these.</b>	<b>No opportunities demonstrated to incorporate green infrastructure into the scheme and/or link to existing infrastructure/corridors, however the site does not have the potential to accommodate these.</b>
<b>++</b>	<b>+</b>	<b>-</b>	<b>--</b>

*Would the development impact on protected and unprotected trees, hedgerows and ancient woodland?*

<b>Positive impact. Enhancement of feature possible and mitigation not required</b>	<b>Neutral impact. No effect or effect can be fully mitigated</b>	<b>Adverse impact but mitigation possible</b>	<b>Serious impact with limited or no means of mitigation</b>
<b>++</b>	<b>+</b>	<b>-</b>	<b>--</b>

**Overall Rating for 'Biodiversity and Geo-diversity'**

<b>Positive impact on geodiversity or biodiversity elements and no mitigation required</b>	<b>Neutral impact on geodiversity or biodiversity elements however any effect can be fully mitigated</b>	<b>Adverse impact on geodiversity or biodiversity elements but effects are capable of some mitigation</b>	<b>Significant impact on geodiversity or biodiversity elements and effects are unable to be satisfactorily mitigated</b>
<b>++</b>	<b>+</b>	<b>-</b>	<b>--</b>

**Special Qualities, Landscape and Setting**

*What is the capacity of the landscape to accommodate the site according to the Landscape Character Assessments which cover the Ryedale Area, and Special Qualities study (including views and open spaces)?*

<b>Site has very low landscape sensitivity to being developed or existing landscape features are retained or enhanced. Site</b>	<b>Site has a low landscape sensitivity to being developed and some existing landscape features can be retained. Site is</b>	<b>Site has medium landscape sensitivity to being developed and may affect landscape features, however mitigation is</b>	<b>Site has high landscape sensitivity to being developed and will affect landscape features with limited/ no means</b>
---	--	--	---

will not detract from landscape character.	unlikely to detract from landscape character.	possible. Site may detract from landscape character unless satisfactory mitigation can be achieved	of mitigation. Site will detract from landscape character unless satisfactory mitigation can be achieved
++	+	-	--

*What impact would the site have on the Howardian Hills Area of Outstanding Natural Beauty (AONB)?*

Site has very low landscape sensitivity to being developed or existing landscape features are retained or enhanced. Site will not detract from landscape character.	Site has a low landscape sensitivity to being developed and some existing landscape features can be retained. Site is unlikely to detract from landscape character.	Site has medium landscape sensitivity to being developed and may affect landscape features, however mitigation is possible. Site may detract from landscape character unless satisfactory mitigation can be achieved	Site has high landscape sensitivity to being developed and will affect landscape features with limited/ no means of mitigation. Site will detract from landscape character unless satisfactory mitigation can be achieved
++	+	-	--

Sites within the York Greenbelt only: *What impact would the site have on the defined York greenbelt?*

Positive impact – mitigation not required	Neutral impact – no or limited mitigation required.	Negative impact with potential for harm but mitigation possible	Significant harm with limited means of mitigation
++	+	-	--

*Is the site capable of utilising existing landscape features to minimise its impact or provide adequate landscape mitigation measures?*

Site is capable of retaining and enhancing existing landscape features.	Site is capable of retaining some existing landscape features and limited or no landscape mitigation is required	Site will not retain most existing landscape features, however landscape mitigation is possible	Site will not retain any existing landscape features and limited or no landscape mitigation is possible/ proposed
++	+	-	--

**Will the site lead to the coalescence of settlements which will impact on their character and setting?**

Principally the settlements where coalescence needs to be carefully considered is at Malton and Old Malton, Pickering and Middleton Kirkbymoorside and Keldholme, Amotherby and Swinton, Staxton and Willerby.

<b>Development within the built form of the settlement</b>	<b>Development is on the edge of a settlement which is not affected by coalescence with another settlement</b>	<b>Development is on the edge of the settlement and will lead to coalescence with another settlement however mitigation possible</b>	<b>Development is on the edge of the settlement and will lead to significant coalescence with another settlement and limited/ no mitigation possible</b>
++	+	-	--

**Overall Rating for 'Special Qualities, Landscape and Setting'**

<b>Positive impact – the proposal will retain and enhance the special qualities, landscape and setting of the settlement</b>	<b>Neutral impact – the proposal will not have an adverse impact on the special qualities, landscape and setting of the settlement.</b>	<b>Negative impact - the proposal will have an adverse impact on the special qualities, landscape and setting of the settlement, however mitigation is possible</b>	<b>Significant impact - the proposal will have a significant adverse impact on the special qualities, landscape and setting of the settlement and limited or no mitigation is possible</b>
++	+	-	--

**Culture and Heritage**

**Will the site affect a designated heritage asset, either directly or indirectly through its setting?** Designated heritage assets include Scheduled Monuments, Listed buildings, Registered Park and Gardens and Conservation Areas. Where an affect is identified, the onus is on the promoter to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance.

<b>Development would positively contribute to the significance, character and distinctiveness of the heritage asset</b>	<b>Development would not adversely affect the significance, character and distinctiveness of the heritage asset</b>	<b>Development would adversely affect the significance, character and distinctiveness of the heritage asset, but mitigation is possible</b>	<b>Development would adversely affect the significance, character and distinctiveness of the heritage asset and mitigation is not possible</b>
++	+	-	--



**Will the affect a non-designated heritage asset which the Council identifies as having a degree of significance that is worthy of consideration?** (includes buildings, monuments, site, place, area or landscape)

Development would positively contribute to the significance, character and distinctiveness of the heritage asset	Development would not adversely affect the significance, character and distinctiveness of the heritage asset	Development would adversely affect the significance, character and distinctiveness of the heritage asset, but mitigation is possible	Development would adversely affect the significance, character and distinctiveness of the heritage asset and mitigation is not possible
++	+	-	--

**Overall Rating for 'Culture and Heritage'**

Development would positively contribute to the significance, character and distinctiveness of the heritage asset	Development would not adversely affect the significance, character and distinctiveness of the heritage asset	Development would adversely affect the significance, character and distinctiveness of the heritage asset, but mitigation is possible	Development would adversely affect the significance, character and distinctiveness of the heritage asset and mitigation is not possible
++	+	-	--

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**Low Carbon Development and Renewable Energy**

***Is the site capable of utilising on-site renewable energy or other low carbon energy sources?***

The Draft Core Strategy sets out that all residential development and commercial development with a floorspace of 1000m<sup>2</sup> or more should incorporate either on site renewable energy equipment or a decentralised low carbon energy supply which is equivalent to a reduction of 10% of predicted CO<sup>2</sup> emissions.

Site capable and developer willing	Site capable but developer unwilling	Site not capable
++	-	--

***Is the site capable of linking in or supporting off site renewable energy schemes?***

Where it is not appropriate to provide on-site renewable energy generation, it may be appropriate for a development to link in to an existing or proposed off site renewable energy scheme. Currently there are very few off site schemes in existence or being proposed.

**Site capable of linking in with off site renewable energy scheme and developer willing to take it forward**  
**++**

***Can the site link in to existing heat or power sources available in the District?***

Given the rural nature of Ryedale, currently not many opportunities exist for linking into existing heat or energy sources. Most opportunities are likely to exist in the towns close to industry.

**Site capable of linking in with existing heat or power source and developer willing to take it forward**  
**++**

**Overall rating for ‘Low Carbon Development and Renewable Energy’**

<b>Site capable of incorporating low carbon and renewable energy technology and developer willing</b>	<b>Site capable of incorporating low carbon and renewable energy technology and developer unwilling</b>	<b>Site not capable of incorporating low carbon and renewable energy technology</b>
<b>++</b>	<b>-</b>	<b>--</b>

**Sustainable Building and Waste Reduction**

***Can the site accommodate higher sustainable building standards than currently required?***

Building standards relating to sustainable building are set out in the Code for Sustainable Homes for housing and BREEAM standards in the case of non-residential development. These standards are being progressively tightened over the next few years to achieve zero carbon development by 2016 for housing and 2019 for non-residential development.

<b>Site can accommodate 2 levels higher than mandatory limit</b>	<b>Site can accommodate 1 level higher than mandatory limit</b>	<b>Development cannot accommodate higher standards than mandatory level</b>
<b>++</b>	<b>-</b>	<b>--</b>

***Does the development contain proposals for waste reduction in both its construction and when in operation?***

Increasingly waste is being minimised in the construction of buildings such as on-site recycling of rubble. It is important that carbon reduction is achieved in the construction of the development and not just over its building lifetime.

<b>Proposals for waste reduction incorporated into the both the construction and operation of the development</b>	<b>No proposals suggested for waste reduction</b>
++	--

*Does the development contain individual/communal recycling facilities/ infrastructure?*

<b>Yes</b>	<b>No</b>
+	-

**Overall Rating for ‘Sustainable Building and Waste Minimisation’**

<b>Site capable of incorporating sustainable building and waste minimisation into the development and developer willing</b>	<b>Site capable of incorporating sustainable building and waste minimisation into the development but developer unwilling</b>	<b>Site not capable of incorporating sustainable building and waste minimisation into the development</b>
++	-	--

**Efficient Use of Land**

*Is the site/ or any part of the site considered previously developed land (“brownfield”)?*

<b>Site is over 50% to 100% ‘brownfield’</b>	<b>Site is up to 50% ‘brownfield’</b>
++	+

*Can the site achieve an appropriate density to achieve the most efficient use of the land?*

<b>Excellent density achieved taking into account location and context</b>	<b>Appropriate density achieved taking into account location and context</b>	<b>Lower density proposed as site faces some constraints in its development</b>	<b>Lower density necessary as site faces significant constraints in its development</b>
++	+	-	--

*Would the development of the site lead to the remediation of contaminated land?*

<b>Development is located on land which is likely to be highly contaminated and will be remediated</b>	<b>Development is located on land which may be contaminated and will be remediated</b>	<b>Development is located on land which may be contaminated and no proposals for remediation have been put forward</b>	<b>Development is located on land which is likely to be highly contaminated no proposals for remediation have been put forward</b>
++	+	-	--

**Overall Rating for 'Efficient Use of Land'**

<b>Site represents very efficient use of land with mitigation to fully overcome concerns where necessary</b>	<b>Site represents efficient use of land but further mitigation required to fully overcome concerns where necessary</b>	<b>Site does not represent efficient use of land. Further investigation of mitigation measures to overcome concerns required.</b>	<b>Site does not represent efficient use of land and mitigation is not possible.</b>
++	+	-	--

**Natural Resources**

*Would the development of this site involve the loss the best and most versatile agricultural land (Grades 1, 2 and 3a)?*

<b>No loss of best and most versatile agricultural land</b>	<b>Up to 5ha of best and most versatile agricultural land lost</b>	<b>More than 5ha of best and most versatile agricultural land lost</b>
++	-	--

*Would the development lead to the sterilisation of mineral resources?*

North Yorkshire County Council (NYCC) is the responsible planning Authority for mineral extraction. The saved policies in the Mineral Local Plan identifies Preferred Areas and Areas of Search to prevent the sterilisation of mineral resources. Mineral consultation zones are also in place which relate to old and new mineral sites. In some cases pre-extraction of mineral deposits is possible so that the site may be suitable for development. However the value of the mineral deposits involved and the possible sterilisation that may occur needs to be taken into account.

<b>Site not within a mineral Preferred Area, Area of Search, or Mineral Consultation Zone</b>	<b>Site not within a mineral Preferred Area, Area of Search, or Mineral Consultation Zone</b>	<b>Site not within a mineral Preferred Area, Area of Search, or Mineral Consultation Zone</b>
++	-	--

**Would the development have an adverse impact on a Groundwater Source Protection Zone?**

There are a number of Groundwater Source Protection Zones (GSPZ) across Ryedale which ensure that the public water drinking supply is protected. GSPZs protect essential elements of the water supply including aquifers, groundwater flows, wells, boreholes and springs. GSPZs are split into three main zones:

- Zone 1 (inner protection zone)
- Zone 2 (outer protection zone)
- Zone 3 (total catchment)

Zone 1 represents the most sensitive Zone to development. The Council will liaise with Yorkshire Water and the Environment Agency in assessing sites against this factor.

<b>Development would not affect the public water supply</b>	<b>Development could potentially affect public water supply but mitigation possible</b>	<b>Development could potentially affect public water supply but no investigation undertaken</b>	<b>Development would lead to serious risk of contamination of public water supply and mitigation not possible.</b>
++	+	-	--

**Would the development have an adverse impact on the Malton Air Quality Management Area or any other site of poor air quality?**

An Air Quality Management Area (AQMA) has been designated in Malton due to the exceedence of NO<sup>2</sup> particulate levels. Other areas in the Market towns also experience poor air quality. The Council’s Environmental Health Officers monitor particulate levels across Ryedale, where necessary. Where there may be a potential adverse impact, proposers of the site should carry out an air quality assessment to analyse the nature and level of the impact.

<b>Site falls outside any area of poor air quality and development is unlikely to result in any reduction in air quality</b>	<b>Site falls outside an area of poor air quality. Development is unlikely to result in a significant reduction in air quality</b>	<b>Site is within an area of poor air quality and mitigation is possible. Development may lead to a reduction in air quality</b>	<b>Site is within an area of poor air quality and limited/ no mitigation is possible or no assessment has been made by the proposer. Development is likely to lead to a further significant reduction in air quality</b>
--	--	--	--

++	+	-	--
----	---	---	----

***Is any part of the development on suspected unstable land?***

Where there are reasons for suspecting instability, appropriate investigation and geo-technical appraisal should be undertaken.

<b>Land has no instability concerns</b>	<b>Land potentially unstable but investigation has shown that mitigation is possible</b>	<b>Land potentially unstable but no investigation has been carried out</b>	<b>Land suffers from significant instability problems and either no mitigation has been proposed or instability problems are not possible to mitigate.</b>
++	+	-	--

***Will the site impact on major hazard sites or pipelines?***

Ryedale has a number of major pipelines and a single major hazard site. The Health and Safety Executive (HSE) have produced guidance on how development near these sites should be dealt with. Three zones have been established around these installations:

- Inner Zone
- Middle Zone
- Outer Zone

The HSE then split development into four sensitivity levels (1-4) depending on the type of development proposed. The HSE standing advice can be then applied to state either “Do Not Advise Against Development” and “Advise Against Development”

<b>HSE Standing Advise states “Do not advise against development”</b>	<b>HSE Standing Advise states “advise against development”</b>
++	--

**Overall Rating for ‘Natural Resources’**

<b>Site would not adversely affect any natural resources</b>	<b>Site would not have any significant adverse effect on</b>	<b>Site would have an adverse effect on natural resources but</b>	<b>Site would have a significant adverse effect on natural</b>
--	--	---	--

natural resources		mitigation is possible	resources and limited/no mitigation is possible
++	+	-	--

**Amenity**

*Is the development in an area where noise, light or dust is likely to cause nuisance to new users or is the development likely to generate noise, light or dust which will affect existing users?*

The development is unlikely to cause nuisance to existing neighbouring uses or neighbouring uses are unlikely to cause nuisance to the proposed occupants of the site	The development is may cause some nuisance to existing neighbouring uses or neighbouring uses may cause some nuisance to the proposed occupants of the site. Mitigation of some of this nuisance is possible.	The development will cause significant nuisance to existing neighbouring uses or neighbouring uses will cause significant nuisance to the proposed occupants of the site. There is limited or no means of mitigation of this nuisance.
+	-	--

*Is the development in an area where other factors are likely to cause nuisance to new users or is the development likely to generate forms of nuisance which may affect the amenity of existing users?* These may include issues such as privacy, lack of sunlight, over bearing effects.

The development is unlikely to cause nuisance to existing neighbouring uses or neighbouring uses are unlikely to cause nuisance to the proposed occupants of the site	The development is may cause some nuisance to existing neighbouring uses or neighbouring uses may cause some nuisance to the proposed occupants of the site. Mitigation of some of this nuisance is possible.	The development will cause significant nuisance to existing neighbouring uses or neighbouring uses will cause significant nuisance to the proposed occupants of the site. There is limited or no means of mitigation of this nuisance.
+	-	--

**Overall Rating for 'Amenity'**

The development is unlikely to cause nuisance to existing neighbouring uses or neighbouring uses are unlikely to cause nuisance to the proposed occupants of the	The development is may cause some nuisance to existing neighbouring uses or neighbouring uses may cause some nuisance to the proposed occupants of the	The development will cause significant nuisance to existing neighbouring uses or neighbouring uses will cause significant nuisance to the proposed occupants of the
--	--	---

site	site. Mitigation of some of this nuisance is possible.	site. There is limited or no means of mitigation of this nuisance.
+	-	--

**Flood risk**

The Council has produced a Planning Policy Statement 25: Flood Risk compliant Strategic Flood Risk Assessment Update 2010 (SFRA). The information from this assessment, together with data from the Environment Agency, forms the basis of the assessment and the need for further information.

***Has a Flood Risk Assessment been undertaken?***

A flood risk assessment (FRA) is critical for the Council and the Environment Agency to assess the flood risk associated with the development. Where a FRA has not been undertaken, assessment of many of the flood risk factors will not be possible, and this may prejudice the ability of the site to be considered through the SSM.

Yes	No
-----	----

***If within the Rapid Inundation Zone (RIZ) (Malton/ Norton/ Old Malton only), what level of hazard would exist?***

RIZ zones are defined in the SFRA Update 2010.

Low – ‘Caution’	Moderate – ‘Danger for some people’	Significant – ‘Danger for most people’	Extreme – ‘Danger for all people’
++	+	-	--

***Is the site potentially affected by groundwater flooding?***

Known incidents of groundwater flooding are shown in the SFRA update.

No	Yes – further investigation required
----	--------------------------------------

***Is the site potentially affected by surface water flooding and is this site considered to be within a critical drainage area?***



Indications of potential surface water flooding are shown on the Environment Agency's surface water flood map, though this is currently indicative. In addition known incidents of surface water flooding are shown in the SFRA update.

No	Yes – further investigation required
----	--------------------------------------

***Is the site potentially affected by sewer flooding?***

Known incidents of groundwater flooding are shown in the SFRA update.

No	Yes – further investigation required
----	--------------------------------------

***Have Sustainable Urban Drainage Systems (SUDs) been proposed as part of the development?***

The SFRA considers that SUDs should be incorporated into all development where this is practically possible. This is especially the case for Ryedale's towns.

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Site capable of accommodating SUDs and have been proposed as part of the development	Site capable of accommodating SUDs though no information on whether SUDs proposed as part of the development	Site capable of accommodating SUDs however SUDs not being proposed on site	Site not suitable for accommodating SUDs
++	+	-	--

***What other measures have been considered which ensure the development is resilient to climate change?***

In addition to SUDs, there are a number of other examples of measure which help to build in resilience to the effects of Climate Change. (examples?)

Multiple additional measures proposed which build in resilience to climate change	Single additional measure proposed to build in resilience to climate change	No information provided on measures proposed to build in resilience to climate change	No measures proposed to build in resilience to climate change
++	+	-	--

**Overall Rating for 'Flood Risk'**

No flood risk associated with	Limited flood risk associated	Site affected by a number of	Site affected by significant
-------------------------------	-------------------------------	------------------------------	------------------------------

the site	with the site which can be fully mitigated	flood risk issues, however mitigation possible	flood risk issues and limited mitigation possible
++	+	-	--

**People**

***Would the development of the site lead to the loss of an existing use which contributes to the social character and distinctiveness of the settlement?***

Some existing uses are strongly valued by communities. Where development leads to the loss of an existing facility, this needs to be carefully considered, particularly if any alternatives are proposed.

Development incorporates existing use(s), as part of the overall scheme	Development proposes relocation of use to suitable alternative location	Development will result in the loss of a valued facility/ use and no justification or alternative provided
++	+	--

***Will the site incorporate the principles of Secured By Design, reducing the potential for crime and discouraging anti-social behaviour?***

Secured by Design (SBD) is a police initiative to encourage the building industry to adopt crime prevention measures in the design of developments to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment. A key principle of SBD is the concept of 'natural surveillance' where developments (particularly involving housing) are designed so that routes and public areas are designed to be overlooked and self policing, reducing or preventing crime and anti-social behaviour. Each police authority has an SBD Officer, and North Yorkshire Police will be involved in ensuring SBD principles are integrated into any site proposals.

Yes – SBD principles taken into account or will be taken into account following liaison with North Yorkshire police	No – SBD principles not taken into account
+	-

***a) Does the design of the development encourage people to walk and cycle, rather than travel by car?***

Planning Policy Guidance 13: Transport promotes the concept of 'modal shift' which principally means reducing the reliance on the motorcar by promoting other forms of travel particularly walking and cycling for shorter journeys. The layout of a scheme can encourage walking and cycling through the provision of new footpaths and cycleways which connect directly into existing routes, or create new routes.

<b>Cycleways and footpaths effectively integrated into the development, encouraging walking and cycling</b>	<b>Some cycleways and/ or footpaths shown encouraging walking and cycling</b>	<b>No cycleways and footpaths indicated as part of the development</b>
++	+	--

b) For sites over 1 ha or involving over 80 houses (whichever comes first): *Has a Travel Plan been produced which assesses alternative options and initiatives?*

<b>Travel Plan undertaken and clear implementable initiatives for promoting modal shift set out</b>	<b>Travel Plan undertaken and some initiatives identified for promoting modal shift</b>	<b>Travel Plan undertaken which identifies limited opportunities for modal shift or Travel Plan not undertaken</b>
++	+	--

*Will the proposed development attract a balanced living and/ or working population, reducing inequality of opportunity?*

It is important that new development encourages mixed communities in Ryedale. To ensure that this is the case new development should contribute to attracting a balanced working and/or living community.

<b>Development proposed is clearly designed to attract a balanced living and/ or working community</b>	<b>Development takes into account the need to attract a balanced living and/ or working community</b>	<b>Development takes no account of the need to attract a balanced living and/ or working community</b>
++	+	--

**Overall Rating for 'People'**

<b>Development actively planned to encourage the development of sustainable communities</b>	<b>Development has taken into account the need to develop sustainable communities</b>	<b>Development has little regard to the need to develop sustainable communities</b>	<b>Development has no regard for the need to develop sustainable communities</b>
++	+	-	--

**Meeting needs**

*Does the type and mix of development proposed meet the needs identified in the Strategic Housing Market Assessment (SHMA), Employment Land Review Update 2010 (ELR), Ryedale Retail Capacity Studies (RRCS) and Malton Town Centre Strategy?*

These studies are part of the Evidence Base for the LDF. This evidence indicates what the needs are for different forms of development and this is reflected in the objectives of the Ryedale Plan. New development is expected to contribute to meeting the specific needs of Ryedale as set out in these studies.

Proposal clearly identifies what the needs are and how they will be met by the development	Proposal identifies what the needs are and how some needs will be met by the development	Proposal either does not identify what the needs are or how any needs will be met by the development	No assessment is undertaken of what the needs are and whether any needs will be met
++	+	-	--

Housing Development Only: ***What level and type of affordable housing is proposed?***

The provision of affordable housing is a key aim of the Council. The SHMA identifies what the need is for affordable housing across the different wards in Ryedale in terms of size and tenure. New housing is expected to contribute to meeting these identified needs

Development offers appropriate level and type of affordable housing which meets the needs as set out in the SHMA	Development offers some affordable housing which meets some of the need as set out in the SHMA	Development does not offer the appropriate level and type of affordable housing or does not meet the need for affordable housing as set out in the SHMA out in the SHMA	The development makes no provision for affordable housing
++	+	-	--

***What provision has been made for Ryedale's elderly population?***

Census data and the SHMA identifies that Ryedale has an increasingly ageing population. There is a specific need to address the requirements of a growing elderly population through all forms of development but in particular housing.

Development addresses and meets the needs of Ryedale's elderly population.	Development takes into account and meets some of the needs of Ryedale's elderly population.	Development does not address the needs of Ryedale's elderly population	The development makes no provision for the needs of Ryedale's elderly population
++	+	-	--

## Overall Rating for 'Meeting Needs'

Proposal clearly identifies what the needs are and how they will be met by the development	Proposal identifies what the needs are and how some needs will be met by the development	Proposal either does not identify what the needs are or how any needs will be met by the development	No assessment is undertaken of what the needs are and whether any needs will be met
++	+	-	--

### Community facilities, Utilities and Infrastructure

Malton and Norton only: ***Has Traffic Modelling or a Transport Assessment been undertaken in the context of work already undertaken on the Malton and Norton Strategic Transport Assessment (STA)?***

A SATURN traffic model for Malton, Norton and Old Malton was developed by Jacobs on behalf of North Yorkshire County Council and RDC some years ago. Work on the Malton and Norton Strategic Transport Assessment (STA) updated this model to assess potential development sites at a strategic level to 2026.

To progress work on the Sites DPD, this SSM expects that proposers of sites in Malton, Norton and Old Malton will undertake detailed highway modelling of their site. To enable a consistent approach to this modelling and to ensure it is cost effective, proposers can model their site using the Malton and Norton SATURN model. This is currently administered by Jacobs on behalf of NYCC. However due to the blanket requirement to model sites in Malton and Norton, the Council proposes to undertake detailed highway modelling of the sites in Malton, Norton and Old Malton, building on the work undertaken in the Malton/Norton Strategic Transport Assessment. It is likely that the Council will ask for a small pro-rata contribution from developers towards this work. Please note that the Highways Agency is responsible for the management of the A64 trunk road, and will undertake separate modelling of potential sites which impact on this route.

Yes (Go to Q?)

No – traffic modelling required

Everywhere else on sites greater than 1ha: ***Has a Transport Assessment been undertaken?***

Yes (Goto Q?)

No – transport assessment required

***Q? Is mitigation required as part of the development and what is the impact of the development on the highway network following mitigation?***

Once traffic modelling and/or a transport assessment has been undertaken, it is necessary to know the traffic impact of the proposal and what mitigation may be necessary to accommodate the development.

No mitigation required or no impact on the highway following mitigation	Mitigation required but no unacceptable impact following mitigation	Mitigation required and development would have an significant impact though not unacceptable impact after mitigation	Mitigation required and development would still have an unacceptable impact following mitigation
++	+	-	--

***Can the site accommodate adequate parking and servicing facilities?***

All forms of development require adequate parking and servicing to ensure the safe and efficient operation of the site. The Council will liaise with North Yorkshire County Council as the local highway authority to assess the adequacy of the proposals.

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Site meets highway guidelines for parking and servicing.	Site does not currently meet parking and/or servicing requirements. However these issues can potentially be overcome or mitigated	Site does not meet highway requirements for parking and/or servicing and the issues identified are difficult/ not practically possible to overcome
++	-	--

***Will the proposal provide, enable or improve access to public rights of way (PROW)?***

In this context, PROWs help to connect and integrate new development to the settlement, reducing dependency on car travel and promoting exercise. To be effectively used, PROWs need to be attractive to users, and careful integration with any site proposal is essential where it is possible to connect to an existing PROW.

Proposal will create new PROW or integrate existing PROW into the development	Proposal will not affect a PROW	Proposal would involve the diversion or loss of a PROW
++	+	--

***What is the capacity of existing utilities and infrastructure to cope with the development?***

The technical evidence base and infrastructure work prepared for the Core Strategy has identified the strategic impacts on existing infrastructure, based on the quantum of development proposed in the various settlements. However in assessing site specific allocations, the detailed impacts can be further investigated and will influence the particular choice of sites. The Core Strategy identifies the infrastructure necessary to support the levels of development proposed, and Assessment 3 considers further the collection of Developer Contributions towards providing the necessary infrastructure to satisfactorily accommodate development. These processes need to be considered together and will involve detailed discussion with the development industry.

<b>Site has limited or no adverse impact on utilities and infrastructure and can be satisfactorily accommodated. Or site has a adverse impact but through the provision of new infrastructure as proposed by the site, this impact can be fully mitigated</b>	<b>Site has limited to medium adverse impact on utilities and infrastructure but can be satisfactorily accommodated. Or site has a adverse impact but through the provision of new infrastructure as proposed by the site, this impact can be satisfactorily mitigated</b>	<b>Site has medium to high adverse impact on utilities and infrastructure and can only be satisfactorily accommodated with some mitigation.</b>	<b>Site has high adverse impact on utilities and infrastructure and can only be satisfactorily accommodated with significant mitigation</b>
++	+	-	--

***Would the development on its own, have an impact on an existing community facility and has mitigation of this impact been proposed as part of the development?***

Sometime the redevelopment of sites directly impacts a community facility (including sport recreation/ education/ social care/ community venues) or indirectly when the site is in close proximity to the facility. These community facilities are often valued services and the impact on their operation from new development needs to be taken into account.

<b>Site has no adverse impact on community facilities or where there is an adverse impact this is fully mitigated through the provision of new, expanded or alternative facilities.</b>	<b>Site does not have a significant adverse impact on community facilities or where there is an significant adverse impact this is mitigated through the provision of new, expanded or alternative facilities.</b>	<b>Site has an adverse impact on community facilities and limited mitigation is indicated.</b>	<b>Site has a significant adverse impact on community facilities and no mitigation is indicated.</b>
++	+	-	--

**Overall Rating for 'Community facilities, Utilities and Infrastructure'**

<b>Site has limited or no adverse impact on community facilities, utilities and infrastructure and can be satisfactorily accommodated. Or site has a adverse impact but through the provision of new infrastructure as proposed by the site, this impact can be fully mitigated</b>	<b>Site has limited to medium adverse impact on community facilities, utilities and infrastructure but can be satisfactorily accommodated. Or site has a adverse impact but through the provision of new infrastructure as proposed by the site, this impact can be satisfactorily mitigated</b>	<b>Site has medium to high adverse impact on community facilities, utilities and infrastructure and can only be satisfactorily accommodated with some mitigation.</b>	<b>Site has high adverse impact on community facilities, utilities and infrastructure and can only be satisfactorily accommodated with significant mitigation</b>
++	+	-	--

**Strong Economy**

Proposals involving town centre uses only: ***Will the site promote the viability and vitality of the Principal Town or Local Service Centre?***

<b>Proposal will support and enhance the vitality and viability of the town centre, encouraging new investment</b>	<b>Proposal will support the vitality and viability of the town centre in retaining key services and facilities</b>	<b>Proposal could adversely harm the viability and vitality of the town centre leading to decline</b>
++	+	--

Proposals including employment uses only: ***Will the mix of uses proposed by the development assist in diversifying the Ryedale economy as set out in the ELR?***

The Council's Employment Land Review (2006) and Employment Land Review Update (2010) set out the current economic profile of Ryedale. Whilst there are notable exceptions (such as bioscience and advanced engineering), the Ryedale economy relies on traditional sectors which are predicted to decline over the long term such as agriculture and food manufacturing. The ELR studies support the diversification of the economy into a range of areas and see a key opportunity of linking in with the buoyant York economy including initiatives such as 'Science City York' to build in stability and resilience to market changes. However the role of traditional industries in the Ryedale economy should not be underestimated and new proposals in traditional sectors will make an important contribution to the local economy.

<b>Mix of uses proposed will diversify the economy as set out in the</b>	<b>Mix of uses proposed will not diversify the economy but will</b>
--	---



ELR	support existing employment sectors in Ryedale
++	+

*Does the proposal involve the creation of net additional or net loss of jobs in Ryedale?*

Providing new employment opportunities as part of a stable and diverse economy is a key aim of the Council. New employment and retail opportunities potentially involved the creation of a number of new jobs available locally. However some proposals may involve the loss of existing employment generating operations and it is important to examine the net gain or loss in jobs involved in the proposed development.

Up to 250 net jobs created	Up to 50 net jobs created	Up to 50 net jobs lost	Up to 250 net jobs lost
++	+	-	--

Overall rating for 'Strong Economy'

Proposal will have a significant positive impact on the economy	Proposal will have a positive impact on the economy	Proposal will have a negative impact on the economy	Proposal will have a significant negative impact on the economy
++	+	-	--

### Assessment 3 - Deliverability/ Developability

*How does the site perform against the SHLAA Update (housing), ELR Update (employment) and RRCS (retail) in terms of its ability to come forward and its suitability for development?*

*Housing*

Category 1 (Deliverable)	Category 2 (Developable)	Category 3 (Not Currently Developable)
++	+	-

*Employment*

Category I	Category II	Category III
++	+	-

*Retail*

Proposals involving retail uses will be assessed against the advice set out in the various Ryedale Retail Capacity studies. This advice tends to be largely qualitative and therefore a categorised assessment is not possible beyond the tests set out in Planning Policy Statement 4: Planning for Sustainable Economic Growth.

***Are there other any legal or physical constraints which may affect the ability of the site to come forward?***

There may be other physical or legal issues which affect the ability of the site to be brought forward. These may include ‘ransom strips’ or other factors particularly related to the site. Through the site selection process, additional factors may be identified (either by the proposer of the site or by third parties) which will be reflected here.

No constraints identified	Constraint(s) identified but resolution possible	Constraint(s) identified but resolution is uncertain
++	+	-

**Developer contributions**

***Will the development provide appropriate levels of developer contributions?***

The draft Core Strategy sets out that a range of on and off-site developer contributions which developments are expected to contribute to. These include:

- Affordable housing or specialist housing
- Transport infrastructure (in addition to that required to service the site).
- Education provision/ facilities
- Health care
- Renewable energy, community energy schemes, recycling and waste receptacles
- Community buildings, open space, leisure and play facilities.
- Drainage and flood prevention
- Water and sewerage infrastructure
- Environmental/ public realm works
- Green infrastructure networks
- Biodiversity and habitat compensation measures

This will be the subject of further discussions with developers and landowners to assess. However developers will need to confirm the level of contributions able to be achieved through development of the site proposed.

Normal range of contributions can be achieved	Some contributions can be achieved	Limited contributions can be achieved	No contributions can be achieved
++	+	-	--

Housing development only: ***Can the development support developer contributions of £5k, £10k and £15k per dwelling as set out in the Affordable Housing Viability Study?***

The Council's Affordable Housing Viability Study 2010 in its postcode level evaluation looked at the impact of a range of developer contributions on the proportion of affordable housing that can be achieved in different locations across Ryedale. It is essential that developer contributions are collected to enable the appropriate infrastructure to be delivered in tandem with the development.

Contributions of £15k per dwelling can be achieved	Contributions of £10k per dwelling can be achieved	Contributions of £5k per dwelling can be achieved	No contributions can be achieved
++	+	-	--

**Overall Deliverability/ Developability Rating**

Site is able to come forward without impairment and is able to provide a normal range of contributions	Some has some constraints and/or may not be able to support the full range of developer contributions	Site faces significant constraints and may not be able to support any developer contributions
++	+	-

**Stage 3 – Conclusions**

This Stage is the outcome of the assessments undertaken in Stage 2 to enable conclusions to be drawn about the overall performance of sites and ultimately their potential suitability for allocation. Detailed analysis will be undertaken for Assessment 1 as this involves the key constraints that were supported at consultation. Then comparisons will be made with Assessment levels 2 and 3 to gain an overall picture of the performance of sites. This will then enable Officers to create a preferred list of sites in readiness for consultation on potential allocations in the Sites Document. However it is important to repeat that this SSM does not give the answer in itself, it allows for the objective assessment of

sites and ultimately for the Council to make an informed choice based on the objectives of the plan. Also it is an iterative process and will involve an ongoing discussion with the proposers of the sites in providing the necessary information to make that judgement.

## Consultation Summer 2010 – draft CS19 Comments Summaries

### General Support

- Support for stage 1 including agreement with discounting flood zones 3b sites or that part of the sites that are within zone 3b
- Support for stage 2 factors including
  - locally and nationally designated nature conservation sites
  - UK and local BAP habitats
  - The recognition of the potential sterilisation of mineral resources
  - The recognition of land stability issues

**Provided by:** English Heritage, Natural England, The Coal Authority, Fitzwilliam Trust Corporation, Fitzwilliam (Malton) Estate, West Park Developments, Mr K Storey, Mrs E Gathercole, Mr PR Pickersgill

### Qualified Support

- Support for the general principles of site selection
- More clarity is needed with respect to the approach to flood risk:
  - For stage 1 - if part of a site is within flood zone 3b, that part of the site not in flood zone 3b could be developed
  - in stage 2 - as all sites should be subject to the sequential test and exception test if appropriate in line with PPS25: Flood Risk
- The settlement hierarchy should be amended to include:
  - those “other villages” which have some services but currently excluded from growth
  - Sites within or adjacent to the mentioned tiers of the hierarchy
  - the redevelopment of a farmstead in close proximity of a village
- Weighting should be taken into account for stage 2 as some factors are more important than others and to make it less complex - for example:
  - the deliverability and developability of homes within appropriate timescales
  - the impact on the community in terms of access and population increases, the size of the development, historic, cultural, design and environmental concerns
  - the ability to mitigate should be considered
  - accessibility and transport issues are more important than others, especially for Malton and Norton

**Provided by:** Wharfedale Homes, Environment Agency, Church Commissioners for England, Mr K Storey, Birdsall Estate, Thorpe Bassett Estate, Chomley Estate, Hovingham Estate, Fitzwilliam Trust Corporation, Fitzwilliam (Malton) Estate, Dr R Wheeler, Cmdr James Life Interest Trust, Mr T Raine

### Disagree

- The detail is too site specific for the Core Strategy and should be considered for the Sites DPD
- Weighting needs to be taken into account as some factors are more important than others
- Sites will need to be in line with the Core Strategy so why is CS19 in the Core Strategy? It does not add anything to the SHLAA approach. It should be removed and put into a supporting document

**Provided by:** Barratt Homes, David Wilson Homes (NE Yorkshire), Taylor Wimpey UK Ltd, Barton Wilmore, MHA Care Group Ltd, Thorpe Bassett Estate, Chomley Estate, Hovingham Estate, Dr R Wheeler, Cmdr James Life Interest Trust

<b>General Comments</b>
<ul style="list-style-type: none"><li>• Consider the significant advantages of locating in Malton rather than Norton which should become apparent in stage 2</li><li>• Settrington should be identified as a Local Service Village</li><li>• More clarification needed regarding the implications of climate change</li></ul>
<b>Provided by:</b> Fitzwilliam Trust Corporation, Fitzwilliam (Malton) Estate, Mr K Storey, Ryedale Liberal Party



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<b>REPORT TO:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>10 MARCH 2011</b>
<b>REPORT OF THE:</b>	<b>CORPORATE DIRECTOR (s151) PAUL CRESSWELL</b>
<b>TITLE OF REPORT:</b>	<b>PICKERING FLOOD STORAGE PROPOSALS</b>
<b>WARDS AFFECTED:</b>	<b>PICKERING EAST, PICKERING WEST</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 To consider revised proposals from the Environment Agency (EA) which require an increased contribution from the Council towards this scheme.

### **2.0 RECOMMENDATIONS**

- 2.1 That Council is recommended to approve:
- (i) a contribution of £950k, towards the Pickering Flood Storage Scheme as approved by Council on 19 July 2010 which represents an increase of £150k; and
  - (ii) the increase be financed from a reduction in the Helmsley Sports capital provision.

### **3.0 REASON FOR RECOMMENDATIONS**

- 3.1 The proposals provide a deliverable solution to help mitigate a long-standing issue which members agreed to support financially in 2010.

### **4.0 SIGNIFICANT RISKS**

- 4.1 Based on the proposals within this report there are no additional significant risks, other than those identified in the original report, arising from this decision. The original risk matrix is attached at Annex A.

## **REPORT**

### **5.0 BACKGROUND AND INTRODUCTION**

- 5.1 The Council included a commitment towards a Pickering flood defence scheme in its capital programme up to the setting of the budget for 2010/2011. In setting the 2010/2011 budget only schemes which were deliverable and had a fully costed and evaluated scheme remained in the programme and as such in the absence of such a

scheme it was removed from the Capital Programme, however shown under 'Potential Schemes'.

5.2 The original provision was £1m, this was reduced to £972k in 2009/2010 when £28k was contributed to the Vale of Pickering Channel Management Pilot.

5.3 At Council on the 19 July 2010 members approved:

- (i) support for Pickering flood storage proposals for two bunds and a cross bund incorporating a 15 m<sup>3</sup>/s culvert in the Pickering Beck catchment area; and
- (ii) a maximum contribution of £800,000, to be included in the Councils Capital Programme for 2010/2011.

## **6.0 POLICY CONTEXT**

6.1 The proposals within this report are consistent with the Council Plan.

## **7.0 CONSULTATION**

7.1 A further member briefing with the Environment Agency about the revised scheme and increased costs was held on 23 February 2011. A member briefing on the original proposals was held on the 15 June 2010. Consultation has been undertaken with the landowners and statutory consultees – including North Yorkshire Moors Railway, North Yorkshire Moors National Park, Natural England, Forestry Commission, Forest Research, English heritage and Pickering Town Council. Public consultation events were held in September 2009 and November 2010 and members of Pickering Flood Defence Group, Pickering Civic Society and Ryedale Flood Research Group are included on the project delivery group.

## **8.0 REPORT DETAILS**

8.1 Following approval of the scheme last year by Council the Environment Agency have advanced the project, which includes issues around planning applications and scheme design.

8.2 A crucial aspect of the scheme is the implications of the Reservoirs Act 1975 (RA). The RA sets the legal framework for the safety of Reservoirs, which is for volumes of water in excess of 25,000m<sup>3</sup>. During flood conditions the bunds as part of this scheme are designed to temporarily store 85,000m<sup>3</sup>.

8.3 The RA requires the appointment of a panel engineer to continually supervise the reservoir and a construction engineer to supervise and design the construction of a new reservoir.

8.4 This work enables the classification of the reservoir based on the risk to lives and property in the event of its failure. The assessment is that the Reservoir is classified as category A (highest category) due to the potential impact of a failure on surrounding villages, primarily Newbridge.

8.5 The category A classification has resulted in significant design implications and as a result additional costs. Additional modelling has also taken place to assure the Engineers of the implications of overtopping in extreme rainfall conditions. The primary requirement has been the raising of the overall height of the bund walls and a significant increasing the volume of clay required.



- 8.6 The original budget for the scheme was:
- Ryedale District Council - £800k
  - Local Levy - £100k
  - Environment Agency - £50k
- 8.7 The revised budget proposal is for a £200k increase to £1,150k split:
- Ryedale District Council - £950k
  - Local Levy - £150k
  - Environment Agency - £50k
- 8.8 The final scheme design and requirements of the engineer have not been signed off. The Council's contribution will be fixed and the Environment agency will be required to manage any scheme overspends.
- 8.9 The Council does not presently have sufficient unallocated capital finds for this scheme. The project delivery team for the existing Helmsley Sports scheme in the capital programme at £500k has indicated that it will not now go ahead as originally planned. A major revision to what can be delivered is being undertaken but the Council has been notified that the existing funding requirement will not be required and a total sum of £150k over three years may be a more likely requirement. Full details are not yet available and it is proposed that further details are considered by the Commissioning Board and then Full Council. At this stage to enable the decision on the Flood scheme to progress it is proposed to reduce the allocation to the Helmsley Sports Scheme by £150k, acknowledging that a further reduction may follow.
- 8.10 The planning application to bring the required clay in for the scheme has already been obtained. The scheme planning application is ready for submission once the funding issue has been resolved.
- 8.11 Subject to the funding being approved in March the construction is planned to commence in June with construction completed in October. Any further delays could prevent the scheme taking place this year as land access and weather issues will not enable working past October.
- 8.12 Whilst the requirement for additional funding from the Council towards this scheme is undesirable, the opportunity to provide some flood protection to Pickering in the event this scheme does not move forward look extremely limited.

## **9.0 IMPLICATIONS**

- 9.1 The following implications have been identified:
- a) Financial  
This scheme can be financed from the existing capital programme as detailed in para 8.9. There is no revenue impact on the Council.
  - b) Legal  
Delivery of the scheme and necessary legal approvals would rest with the EA, a formal legal contract for the Council's contribution is being progressed.
  - c) Other  
The Environment implications will be considered as part of the detailed design and an environmental report will be produced to consider any associated impacts and required mitigation.

**Paul Cresswell  
Corporate Director (s151)**

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**Background Papers:**

None.

**Background Papers are available for inspection at:**

N/a.

## RISK MATRIX

Issue/Risk	Consequences if allowed to happen	Likelihood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
Risk that the costs of the scheme are above estimate	Potential for request for additional funding from the Council impacting on other priorities,	<b>3</b>	<b>D</b>	Specify fixed contribution from the Council in the legal agreement, ensure EA take on overspend risk.	<b>1</b>	<b>B</b>
Risk that the scheme delivery overruns	Potential for additional costs, or flooding risk not alleviated as predicted.	<b>3</b>	<b>D</b>	The EA will use their own in house workforce and significant progress already in scheme design etc.	<b>2</b>	<b>C</b>
Risk that the works prevent further works in the future to improve flood defences further	Potential long term protection to Pickering not maximised	<b>3</b>	<b>C</b>	Proposed scheme allows for future investment that would be complimentary to proposals and would consequently improve flood measures	<b>1</b>	<b>C</b>
Risk that Council's reputation is harmed should works be complete and further flooding occurs	Reputation damage, potential for adverse external comment/inspection.	<b>4</b>	<b>E</b>	Publicity and information once approved and during construction to ensure limitations of work undertaken are known to Pickering residents.	<b>3</b>	<b>C</b>

Score	Likelihood	Score	Impact
1	Very Low	A	Low
2	Not Likely	B	Minor
3	Likely	C	Medium
4	Very Likely	D	Major
5	Almost Certain	E	Disaster

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<b>PART A:</b>	<b>MATTERS DEALT WITH UNDER DELEGATED POWERS</b>
<b>REPORT TO:</b>	<b>STANDARDS COMMITTEE</b>
<b>DATE:</b>	<b>20 JANUARY 2011</b>
<b>REPORT OF THE:</b>	<b>COUNCIL SOLICITOR AND MONITORING OFFICER ANTHONY WINSHIP</b>
<b>TITLE OF REPORT:</b>	<b>BLOGGING AND SOCIAL NETWORKING</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 To consider proposed guidance for local authority, parish and town councillors in respect of blogging, social networking and other methods of communication.

### **2.0 RECOMMENDATION(S)**

- 2.1 That:

- (a) That consideration be given to recommending Council to adopt guidance on blogging and that the guidance at Annex 2 be approved for adoption by Council, subject to any amendments made by the Standards Committee; and
- (b) It be distributed to all local authority, parish and town councillors.

### **3.0 REASONS FOR RECOMMENDATIONS**

- 3.1 Electronic forms of publication are being used increasingly by councillors as an alternative method of communication with their constituents. In general, this kind of communication is to be encouraged. Guidance is considered essential to ensure that Members are aware of some of the pitfalls of blogging and social networking, particularly given the rapid and widespread distribution of this format. The guidance will help Members to ensure that they are compliant with the Code of Conduct.

### **4.0 SIGNIFICANT RISKS**

- 4.1 No significant risks have been identified in preparing this report – see Risk Matrix (Annex A)

## **REPORT**

### **5.0 BACKGROUND AND INTRODUCTION**

- 5.1 Correct use of blogging and social networking can be an effective and enjoyable way of engaging with the community when used appropriately, and is likely to reach groups of people who use this medium in preference to longer established methods. The guidance on “blogging” published by Standards for England seeks to provide good practice guidance to Members on use of blogging.

### **6.0 POLICY CONTEXT**

- 6.1 Consideration of the Standards for England guidance contributes positively to the Council’s Corporate Governance arrangements by ensuring that Members are kept up to date with standards issues and guidance on the Code of Conduct.

### **7.0 REPORT DETAILS**

- 7.1 Standards for England has issued guidance on blogging and social networking. This guidance is attached as Annex 1. The Standards Committee may wish to consider this guidance for Ryedale District Council, with additional advice for situations when Members may find themselves the subject of derogatory comments in publications of any nature. The guidance is attached at Annex 2 for consideration and approval.
- 7.2 The Standards Committee and the Council are not obliged to publish such guidance; however, because electronic communication now has a much wider use, there is significant merit in providing guidance to all Members.

### **8.0 IMPLICATIONS**

- 8.1 The following implications have been identified:

a) Financial

This report has no financial implications. There might be a cost to the individual Councillor if good practice is not adhered to, due to the potential for civil claims in instances when blogs and social networks are used inappropriately to make adverse comments about individuals.

b) Legal

There are no legal implications.

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

The report has no other immediately apparent implications.

**Anthony Winship  
Council Solicitor**

**Author:** Anthony Winship, Council Solicitor  
**Telephone No:** 01653 600666 Ext: 267

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**STANDARDS COMMITTEE**

20 January 2011

E-Mail Address:      anthony.winship@ryedale.gov.uk

**Background Papers:**

Blogging – Guidance published by Standards for England in April 2010

**Background Papers are available for inspection at:**

As above

## BLOGGING AND SOCIAL NETWORKING - ANNEX A

Issue/Risk	Consequences if allowed to happen	Likelihood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
The Committee fails to have due regard to new developments and good practice identified by Standards for England which is the regulator of all Standards Committees in England.	The risk over time of the breakdown of standards with consequential effects upon the reputation of an authority.	2	B	There is no mitigation in this case	2	B

Score	Likelihood	Score	Impact
1	Very Low	A	Low
2	Not Likely	B	Minor
3	Likely	C	Medium
4	Very Likely	D	Major
5	Almost Certain	E	Disaster

ANNEX A





## ANNEX 1

# Blogging

## Introduction

Blogging is increasingly becoming an important and legitimate part of the operation of a democratic society. It is an efficient, cost-effective and enjoyable way to get in touch with constituents and discuss important issues with the community you represent.

This guide is aimed at members who are new to blogging and social networking as well as experienced bloggers and networkers. It may also be helpful for standards committee members and monitoring officers. It explains the positive role of blogging. It provides information on how the Code of Conduct (the Code) may apply to blogging and social networking and gives some examples of tribunal cases that have dealt with the issues.

## What is a blog?

A blog is a frequently updated individual website discussing subjects ranging from the personal to the political. It may focus on one narrow subject or a whole range of subjects.

## What is social networking?

Social networking is an online method of sharing information, photos and views with contacts and associates. Examples of social networking sites are Facebook, Twitter and MySpace.

## How do members use blogging and social networking?

There are a number of different ways you can use social networking or blogging.

Social networking or blogging can be:

- sponsored by your authority e.g. a leader or members blog
- carried out as an individual
- carried out anonymously

It is important to note that when blogging the Code may apply. This will depend on the factors explored below.

### Using council provided media

If you use online media to promote your work as a member or through council websites you will be regarded as conducting the business of the authority. Communicating in this way is most likely to engage the Code.

### **As an individual**

The content of private, non-political blogs are less likely to engage the Code. It will again depend upon the particular facts whether or not the Code applies.

It is the content of a blog and the circumstances surrounding its creation that will determine whether or not its content falls under the Code. A disclaimer in a private blog which says that any comments are not made in an official capacity will not necessarily prevent breaches of the code being found. See Mullaney and Dorrian cases below.

### **Anonymous blogging**

Anonymous satirical websites raise other issues. The first point to consider is whether it can be proved that you uploaded the site content. Although this may be generally suspected, the First Tier Tribunal (Local Government Standards in England) would expect an Ethical Standards Officer to be able to prove (on a balance of probabilities) that the content has been uploaded by a member. A standards committee would also expect similar proof from an investigating officer. If proof is established it is then necessary to show that you acted, claimed to act or gave the impression that you were acting as a member when you posted the offending comments.

## **How does the Code of Conduct apply to blogging?**

When considering the application of the Code to blogging and social networking, it is essential to consider whether the Code will apply to your blog and which paragraphs you should be aware of in order to ensure ethical blogging.

For the Code to apply to your blog paragraph 2 of the Code needs to be satisfied. Paragraph 2 makes it clear that the Code only applies when you are acting in your official capacity. Official capacity is defined as conducting the business of the authority or acting, claiming to act or giving the impression that you are acting as a councillor. For further information on official capacity please see our quick guide to official capacity.

The decision as to whether you are acting in your official capacity will depend on the particular facts of each case and the circumstances surrounding your blog. There are a number of factors that will be taken into account when assessing this. These include:

- **How well known or high profile you are as a member.** The more high profile you are, the more likely it is that you will be seen as acting in your official capacity when you blog or use a social networking site.
- **The privacy settings on your blog or social networking site.** If you have a private, personal blog, ensure that you have appropriate privacy settings so that you decide who can read your posts. If you have a political blog this may well be open to all readers. If constituents are able to see your posts, they may assume that you are acting in your official capacity as their representative.

- **The profile on your blog or social networking site.** You should set out clearly in your profile if this is a political or personal blog. Identifying this will enable readers to better understand if you are seeking to act in your official capacity or not. Nevertheless it may be possible in a personal blog to give the impression that you are acting as a member even though you have stated otherwise. Also, you cannot discuss council business on a personal blog and/or make gratuitously offensive remarks about others who are linked to the council and then claim to be doing so in a private capacity.

When blogging you should bear in mind the following paragraphs of the Code will apply to your online behaviour just as they would to any other form of communication.

- **Paragraph 3(1) - Treating others with respect:** The aim of the Code is not to stifle political opinions and arguments. As such, political comments and comments about ideas are less likely to be seen as disrespectful and result in a breach of the Code. However, personal jibes or remarks aimed at an individual may well be seen as disrespectful and could lead to a breach of the Code and possible sanctions.
- **Paragraph 3(2) (d) – Disclosing confidential information:** Before releasing any information on your blog or networking site, check if it is confidential and if you have the right to release it.
- **Paragraph 5 – Disrepute:** Because of your role, your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an impact on your office or authority. Dishonest or deceitful behaviour in your role as a member may bring your office or the authority into disrepute.
- **Paragraph 6 (b) (i), 6(b) (ii) and 6(c) – Use of resources:** You must not use local authority resources “improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.” Also you must ensure that these resources are not used improperly “for political purposes” - including party political purposes. See the Johnson case below.

You should also consider other online activities where the Code may apply:

- **Forum posts.** If you go on to a forum and identify yourself as a member then it is likely that the Code will apply when you post entries. If you put content on the site which you could only have obtained as a member it is possible to argue that you have given the impression that you were acting as a member even if you did not identify yourself as such when you made the posting.
- **Comments made by others.** It is also important to regularly check your own blog or networking site to ensure there are no defamatory or obscene comments posted by others. If this does happen you should remove the posts as soon as you become aware of them. You should also take steps to discourage users from posting such comments in the future.
- **“Friends” on social networking sites.** You should be aware that anyone you include as a friend on social networking sites could be regarded as a “person with whom you have a close association” within the meaning of paragraph 8 of the code – personal interests. Simply including someone on a site as a friend does not establish a close association but it is one factor that would be taken into account in deciding whether such an association exists.

## Human rights considerations

In considering whether your use of social networking media have breached the Code, Article 10 of the European Convention on Human Rights (the right to freedom of expression) must also be taken into account. The First Tier Tribunal and court cases have made a number of decisions about this issue.

You are less likely to breach the Code where you are making genuine political statements. This means that you are less likely to breach the Code if your comments are about another member's political position or are a genuine expression of political differences with someone. The courts have established that this is because of the fundamental importance of freedom of political expression in a democratic society. However, any political expression should avoid being just an expression of personal anger or abuse towards someone since insults and abuse do not normally qualify for the protection of Article 10. If you make rude comments about a member of the public or an officer of an authority it is more likely that you will be found to have breached the Code.

## Examples of cases

Examples which illustrate how the First Tier Tribunal and standards committees have viewed cases involving social networking can be found in(1):

### **Councillor Mullaney APE 0400 and High Court judgment** Birmingham City Council

In this decision factors relevant to the conclusion that conduct was within "official capacity" included the following

- The subject member trespassed onto an individual's property and shot a video that he subsequently posted on You Tube. The aim of the video was to galvanise the planning department into taking action concerning the building.
- The YouTube video concerned identified the subject member at the outset.
- The subject member identified himself several times as a member.
- The video was subsequently published on the subject member's website - the homepage of which identified him as a member.
- References were made in the video to the jurisdiction of the subject member's council.
- The subject member failed to remove or edit the video when requested.
- The tribunal decision on breach was upheld by the High Court and the case was sent back to the Appeals Tribunal to consider if the sanction they applied was appropriate.
- The sanction applied was a one month suspension.

[Click here](#) for a link to the case.

### **Councillor McTigue APE 0421** Middlesbrough Council

The Appeals Tribunal accepted that

- Even if it became clear from the forum (an on-line forum hosted by the local newspaper) that an individual who was posting on the forum was a member, the Code would not automatically be engaged.
- The question was whether in the postings on the forum the member was deemed to be, or gave the impression that he or she was “acting in the role of member”.
- This was fact-sensitive and would very much depend on the content of the postings.
- The subject member had used a pseudonym and stated that she was on the forum as a resident who just happened to be a member. Taking the contents of the postings as a whole the member did give the impression that she was acting in the role of member and representing the council. In a series of posts the subject member discussed council business, outlined what had happened at council meetings and referred to herself as a councillor.
- Sanction applied was a two month suspension.

[Click here](#) for a link to the case

### **Mayor Johnson**

Greater London Authority Standards Committee Decision

- The Mayor of London linked in his tweet to the front page of the Sun, which on that day had announced its decision to endorse the Conservative party.
- The standards committee found that he had breached paragraph 6(b) (ii) of the authority’s Code because he tweeted using his mayoral twitter feed (thus using GLA resources) and was considered to be seeking to affect party political support.
- Sanction applied was for the monitoring officer to speak to the Mayor about his responsibilities under the code.

[Click here](#) for a link to the case.

### **Councillor Sharratt APE 0458**

South Ribble Borough Council

- The member was a journalist who published a small journal.
- The member neither claimed nor gave the impression of acting as a representative of the council. The magazine was ‘published for fun’, and a member of the public would be in no doubt, the panel said, that the journal was not a matter that was the business of the council.
- The Standards Committee accepted the argument that Cllr Sharratt used the magazine to conduct public discourse on the council and party issues, and that his activities on the council, the magazine and the party were seamlessly connected. However, the First-tier Tribunal disagreed. It said the decision in Livingstone (Livingstone v APE (2006) EWHC 2533) referring to ‘activities which are apparently within the performance of a member’s functions’ should be narrowly construed.
- The appeals tribunal rejected the finding of the standards committee and concluded there had been no breach of the Code.
- No breach.

[Click here](#) for a link to the case.

## **Councillor Barnbrook APE 470/471**

London Borough of Barking and Dagenham

- The member appealed the decision of the standards committee of the London Borough of Barking and Dagenham.
- The member published a video on a website concerning statements about knife crime that were inaccurate.
- The key question considered by the tribunal was whether the member was acting in his official capacity when making the video.
- There was no evidence to support the position that the member was conducting the 'business of the Council' and the parties did not put forward any arguments to this effect
- The Tribunal was drawn to the conclusion that the making of the video was not proximate enough to the role of member so as to bring him into the ambit of acting in his capacity as a member. The Tribunal considered the following factors in reaching its conclusion:
  - The member was making a video on behalf of the BNP with its primary purpose being party political;
  - He was not identified as a member for the London Borough of Barking & Dagenham;
  - He was not taking forward an issue relevant primarily to the London Borough of Barking & Dagenham;
  - He was not taking forward an issue on behalf of an individual constituent; and,
  - The video dealt with a range of issues and the Appellant did not concentrate upon issues within the London Borough of Barking & Dagenham.
- No breach.

[Click here](#) for a link to the case.

## **Other issues to consider**

There are also considerations apart from the Code that should be taken into account when using online media. The following is a brief guide to some of the legal pitfalls(2) in establishing personal blogs. Almost all of these can be avoided if your online content is objective, balanced, informative and accurate.

In the main, you have the same legal duties online as anyone else, but failures to comply with the law may have more serious consequences.

### **Libel**

If you publish an untrue statement about a person which is damaging to their reputation they may take a libel action against you. This will also apply if you allow someone else to publish something libellous on your website if you know about it and do not take prompt action to remove it. A successful libel claim will result in an award of damages against you.

## **Bias and Predetermination**

If you are involved in determining planning or licensing applications, you should avoid publishing anything on your blog that might suggest you have already made up your mind about a matter you may be involved in determining. Otherwise, the decision runs the risk of being invalidated.

## **Copyright**

Placing images or text on your site from a copyrighted source (e.g. extracts from publications, photos etc) without permission is likely to breach copyright. Avoid publishing anything you are unsure about or seek permission in advance. Breach of copyright may result in an award of damages against you.

## **Data protection**

Avoid publishing the personal data of individuals unless you have their express written permission.

## **Obscene material**

It goes without saying that you should avoid publishing anything in your blog that people would consider obscene. Publication of obscene material is a criminal offence.

## **Conclusion**

Blogging and social networking are excellent ways to engage a wider audience. In order to blog successfully, you should ensure that you comply with the Code and any other legal requirements.

It is also important to note that, the ethical use of online social media is not limited to what is covered in the Code. You should also consider the Ten General Principles of Public Life. While you may not be investigated or censured for using online media in certain ways, your conduct might still be viewed as less than exemplary and attract adverse publicity for your office and authority.

## **Helpful links:**

You can find further guidance and information on blogging and social networking as a member from the sources below:

- [Blogging quick guide](#)
- Official capacity quick guide
- [www.civicsurf.org.uk](http://www.civicsurf.org.uk) a resource for blogging members
- [www.socialbysocial.com](http://www.socialbysocial.com) a primer for harnessing social media for social good
- [IDeA's Connected Members: A guide to using social media](#)

(1)These cases were heard during the period where the Adjudication Panel for England was in operation. The functions of the Adjudication Panel for England have

now been transferred to the First-Tier Tribunal (Local Government Standards in England) and the Adjudication Panel for England has been abolished.

(2) This section is based on material produced by and with the permission of Victoria McNeill, Head of Legal at Norfolk County Council.

Last Modified: 18 08 2010



### Guide to Blogging and Social Networking

1. Blogging and social networking are effective methods for Councillors to interact with constituents and support local democracy. Used effectively, they can engage those who would not normally have access to local Councillors and politics.
2. Standards for England supports the use of such media and encourages Councillors to get online. You should think about what you say and how you say it, in just the same way as you must when making statements in person or in writing.
3. You will also need to think about whether you are seen to be, or give the impression that you are acting in your official capacity as a councillor.
4. The Council has facilitated a specific site in which Councillors can write blogs. Individual Councillors are permitted to write their own official blogs as Ryedale District Councillors, however, and under this circumstance, they will only be permitted to act in their official capacity, and not in their private capacity. Councillors must also bear in mind that if they do have private blogs and refer to council business on them, they will be viewed as acting in their official capacity.
5. To make sure you comply with the Code of Conduct (the Code) and to ensure your use of online media is well received, you are requested to observe the following guidelines:

#### Do

- set appropriate privacy settings for your blog or networking site – especially if you have a private, non-political blog
- keep an eye out for defamatory or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views
- be aware that the higher your profile as a councillor, the more likely it is you will be seen as acting in your official capacity when you blog or network
- ensure you use council facilities appropriately; and be aware that any posts you make will be viewed as made in your official capacity
- be aware that by publishing information that you could not have accessed without your position as a councillor, you will be seen as acting in your official capacity
- make political points, but be careful about being too specific or personal if referring to individuals. An attack on individuals may be seen as disrespectful, whereas general comments about another party or genuine political expression is less likely to be viewed as disrespect.

#### Don't

- blog in haste.
- post comments that you would not be prepared to make in writing or face to face
- use council facilities for personal or political blogs.

#### When the Code may apply

6. Bear in mind the Code when you blog or use social networking sites. You should pay particular attention to the following paragraphs of the Code:

- Disrespect
  - Bullying
  - Disclosure of confidential information
  - Disrepute
  - Misuse of authority resources
7. However, it is difficult to give definitive advice on the application of the Code as each blog and social networking page is different. The content of a blog or other social networking tool and the circumstances surrounding its creation will determine whether or not it might be covered by the Code.
8. Ethical use of online social media is not limited to what is covered in the Code. Councillors are encouraged to respect the **Ten General Principles of Public Life**, which can be found in the Constitution as the preamble to the Members' Code of Conduct. While your conduct may not be a breach of the Code it may still be viewed as less than exemplary and attract adverse publicity for your office and authority.

### **Derogatory comments**

9. On occasion, Councillors might find themselves the subject of offensive or defamatory remarks on other people's blogs or networking sites. The following approach is advised in such circumstances, and applies equally to any form of publication:
- Pursue a policy of indifference to such remarks, and do not be tempted into retaliation because you may risk breaching the Code. You could ask the person making the remarks to remove them from the site.
  - If the person making the comments is a local authority, town or parish councillor, discuss the situation with the Monitoring Officer. It might be the case that the person has breached the Code by making the remarks, and it could be appropriate to make a complaint to the Standards Committee.
  - Aside from any possible breaches of the Code of Conduct, the matter is usually deemed private between yourself and the individual. The Council cannot provide legal assistance for pursuit of a claim through the civil courts, but you may decide that you wish to take independent legal advice.
  - If a person had a blog or a social networking site, and a second person places comments about you on that site, you could ask the person to remove the second person's comments from their site.



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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>10 FEBRUARY 2011</b>
<b>REPORT OF THE:</b>	<b>CORPORATE DIRECTOR MARIE-ANN JACKSON</b>
<b>TITLE OF REPORT:</b>	<b>SAFEGUARDING CHILDREN AND VULNERABLE ADULTS POLICY AND PROCEDURES</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to recommend for approval the new Council policy for safeguarding children and vulnerable adults.

### **2.0 RECOMMENDATION**

- 2.1 That Council is recommended to approve the adoption of the Safeguarding Children and Vulnerable Adults Policy.

### **3.0 REASON FOR RECOMMENDATION**

- 3.1 The Council has a legal obligation to ensure that its functions are discharged with regard to the need to safeguard and promote the welfare of children and vulnerable adults. These duties and obligations are contained in various separate pieces of legislation and guidance and the policy has been developed in accordance with these, including the following:

- (i) Section 11 of the Children Act 2004 and Working Together to Safeguard Children, 2006 and 2010.
- (ii) Ryedale District Council is a statutory partner of the North Yorkshire Local Safeguarding Children's Board and the policy has been developed in line with the agreed multi-agency procedures.
- (iii) The guidelines on adult safeguarding produced by the Department of Health 'No Secrets' 2000.
- (iv) North Yorkshire Safeguarding Adults Multi-agency Policy and Procedures.

#### **4.0 SIGNIFICANT RISKS**

- 4.1 There are no significant risks in adopting the policy. The Council would be exposed to risk if it did not have up to date, compliant safeguarding policies and procedures.

### **REPORT**

#### **5.0 BACKGROUND AND INTRODUCTION**

- 5.1 The Council adopted a Child Protection and Safeguarding Children Policy in 2007. Since that time further statutory guidance has been published<sup>1</sup> which has prompted the need to revise the Council's existing policy and related procedures. The North Yorkshire Safeguarding Adults Board has also produced multi-agency procedures for all partner agencies and therefore the proposed new policy has been produced to encompass adult safeguarding. There remain separate reporting procedures for children and adults to reflect the differing requirements.

#### **6.0 POLICY CONTEXT**

- 6.1 This policy is in accordance with the Council's policy framework.

#### **7.0 CONSULTATION**

- 7.1 The policy and procedures have been developed in consultation with North Yorkshire County Council, the sub-regional lead officers group, Unison and the Ryedale Safeguarding Panel which includes the Member Champions for Adults and Children.

#### **8.0 REPORT DETAILS**

- 8.1 The Council has a legal duty to have in place policies and procedures that ensure that its functions are discharged with regard to the need to safeguard and promote the welfare of children and there is an expectation and guidance in regard to the same obligations for the safeguarding of vulnerable adults. It is anticipated that this will become a duty in due course.
- 8.2 The Council has had in place a Safeguarding Children and Child Protection Policy since 2007. In 2010, following the publication of additional statutory guidance in relation to inter-agency working, officers have reviewed the policy and procedures and in addition have prepared a policy and procedure for the safeguarding of vulnerable adults in anticipation of a new duty and in line with agreed North Yorkshire Safeguarding Adults multi-agency procedures.
- 8.3 The new policy and procedures are attached at Annex A. The policy is combined for both Children and Adults however there are separate reporting procedures. Although very similar, the procedures have been kept separate in order to comply with the separate county wide multi-agency procedures.
- 8.4 The policy and procedures include the following sections:
- Understanding Abuse
  - Safeguarding Policy - including roles and responsibilities
  - Procedure for Vulnerable Adults

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<sup>1</sup> Working Together to Safeguard Children – A guide to inter-agency working to safeguard and promote the welfare of children – DCSF - March 2010

- Procedure for Children
- Procedure for Managing Allegations against Staff

8.5 The policy and procedures are supported by a range of Appendices including Codes of Conduct, referral forms and definitions.

8.6 The code of conduct has been amended to include references to the use of social media such as Facebook, SMS (texting) and MySpace.

8.7 The revised policy proposes that the Named Senior Officer for Safeguarding is amended from the Corporate Director to the Head of Organisational Development. The Designated Safeguarding Officer is the Housing Services Manager.

## **9.0 IMPLICATIONS**

9.1 The following implications have been identified:

- a) Financial  
None identified.
- b) Legal  
The policy and procedure is compliant with current legislation.
- c) Other  
There are no significant other implications arising from this report.

**Marie-Ann Jackson**  
**Corporate Director**

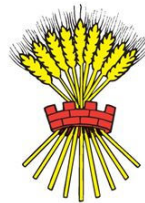
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**Background Papers:**  
Ryedale Safeguarding Children and Child Protection Policies (2007)

**Background Papers are available for inspection at:**  
Ryedale Intranet

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RYEDALE  
DISTRICT  
COUNCIL



# Safeguarding Children and Vulnerable Adults

## Policy and Procedures





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5. Roles and Responsibilities - Table & Contacts
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8. Consent Form - Photography
9. Alert Procedure
10. Referral Procedure
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Version History			
Version	Revision	Reviewer	Date
1.0	New Policy and Procedure	Marie-Ann Jackson	23 October 2010
1.1	Nominated Named Senior Officer changed  Codes of Conduct added	Marie-Ann Jackson	3 December 2010
1.2	Photography Consent Form	Marie-Ann Jackson	6 December 2010
1.3	Taxi Drivers Code of Conduct	Beckie Bennett	25 January 2011

# Section One: Understanding Abuse

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## 1. What is abuse?

Abuse is the violation of an individual's human or civil rights by another person or persons<sup>1</sup>. It can be a single act or repeated acts. It can be physical, psychological, sexual or emotional. It also includes acts of neglect or an omission to act. In all forms of abuse there are elements of emotional abuse. Vulnerable adults may also suffer additional types of abuse such as being manipulated financially or being discriminated against. Other examples of abuse include inflicting physical harm such as hitting or misuse of medication, rape and sexual assault or exposure to sexual acts without informed consent, emotional abuse such as threats, humiliation and harassment, exploitation, ignoring medical or physical needs, withholding of necessities of life such as food or heating. This list is not definitive.

Abuse may take place in a family or in an institutional or community setting, by those known to the victim or, more rarely, by a stranger.

The abuser may be an adult or adults, or a child or children. People who behave abusively come from all backgrounds and walks of life. They may be doctors, nurses, social workers, advocates, staff members, volunteers or others in a position of trust. They may also be relatives, friends, neighbours or people who use the same services as the person experiencing abuse.

Definitions of each category of abuse are detailed at Appendix 1.

## 2. Definition of child and vulnerable adult

### Child

A child is legally defined as anyone under the age of 18.

### Vulnerable Adult

A vulnerable adult is a person aged 18 years or over who may be unable to take care of themselves, or protect themselves from harm or from being exploited. Everyone has the right to live without fear of being abused and with their rights and choices respected.

Some people are more vulnerable than others because they are old and frail, or have a sensory impairment, a disability, a mental health problem, or have some form of illness. This means they may have difficulty in making their wishes and feelings known and this may make them vulnerable to abuse. It may also mean that they are not able to make their own decisions or choices. A person may also be vulnerable because of a temporary illness or difficulty.

A vulnerable adult may be:

- living in residential accommodation, such as a care home or a residential special school
- living in sheltered housing
- receiving domiciliary care in their own home
- receiving any form of healthcare
- detained in lawful custody (in a prison, remand centre, young offender institution, secure training or attendance centre, or under the powers of the Immigration and Asylum Act 1999)

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<sup>1</sup> No Secrets - 2000

- under the supervision of the probation services
- receiving a specified welfare service, namely the provision of support, assistance or advice by any person, the purpose of which is to develop an individual's capacity to live independently in accommodation or support their capacity to do so
- is receiving a service or participating in an activity for people who have particular needs because of their age or who have any form of disability
- an expectant or nursing mother living in residential care
- receiving direct payments from a local authority or health and social care trust in lieu of social care services, or
- require assistance in the conduct of their own affairs.

## **If you are worried about a child or vulnerable adult ...**

Please report your concerns or talk as soon as possible to the:

Designated Safeguarding Officer

**Kim Robertshaw, Tel: 01653 600666 ext 355** or the

Deputy Designated Safeguarding Officers

**Rachael Fox-Evans Tel: 01653 600666 ext 262**

**Beckie Bennett, Tel 01653 600666 ext 483**

These Officers are nominated to act on the Council's behalf in referring allegations or suspicions to the statutory authorities.

You may also contact:

**North Yorkshire County Council Social Care Customer Relations Unit: 0845 034 9410**

Email: [social.care@northyorks.gov.uk](mailto:social.care@northyorks.gov.uk)

**or the Out of Hours Duty team: 0845 034 9417**

Email: [edt@northyorks.gov.uk](mailto:edt@northyorks.gov.uk)

If you consider it to be an **emergency** then contact the **Police** directly by **calling 999** or **0845 60 60 247**.

If the suspicions relate to any member of staff, contact the Council's nominated Named Senior Officer: **Louise Sandall, Head of Organisational Development, Tel 01653 600666 ext 392**.

## **Important**

Remember it is not up to you to decide if abuse has taken place, that is the role of North Yorkshire's Social Care Services, **BUT** it is up to you to report **ANY** concerns to your Designated Safeguarding Officer.

We have a legal responsibility to respond to any issues that may concern us even if they don't involve our staff or services.

## Section Two: Safeguarding Policy

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### 1. General Principles

Ryedale District Council delivers a range of services which help to improve outcomes for children and vulnerable adults. Services can be delivered in a variety of ways and a variety of settings. This policy applies to all our service delivery vehicles and any setting where we deliver services whether it is from our operational buildings or out in the community.

The Council recognises that all children and vulnerable adults have a right to protection from abuse, and acknowledges our responsibility to safeguard and promote the welfare of children and vulnerable adults. The legislative framework within which this policy operated is at Appendix 2.

The Council is committed to the following principles:

- promoting good practice and enhance safeguarding of children and vulnerable adults, irrespective of age, class, religion, culture, disability, gender, ethnicity, sexual orientation, nationality, family, dependency, marital or economic status;
- contributing positively to improving outcomes for these groups through the development and delivery of services;
- recognises its duty, under Section 11 of the Children Act 2004, to ensure that functions, and services provided have regard to the need to safeguard and promote the welfare of children;
- working with partners within inter-agency frameworks to ensure that children and vulnerable adults at risk of abuse receive protection and support;
- acting in a way that supports the right of the individual to lead an independent life based on self-determination and personal choice, recognising that this can involve risks which need to be managed;
- acknowledges that the identification of abuse is the responsibility of all members of the community. It is the particular responsibility of Council staff to raise awareness, provide support and take appropriate action.

The Council has in place a range of policies and procedures, which contribute to safeguard and promote the welfare of children and vulnerable adults. These reflect legislative requirements, professional and governing body standards and requirements, and good practice. A list of relevant policies is shown in Appendix 3.

### 2. General Statement of Intent

The Council will:

- adopt a zero tolerance approach to abuse and will work to ensure that policies and practices are consistent with local multi-agency procedures and meet all our legal obligations
- contribute to partnership arrangements through the:
  - North Yorkshire Local Safeguarding Children Board,
  - Scarborough Whitby & Ryedale Local Children Safeguarding Forum,
  - North Yorkshire Safeguarding Adults Board,
  - Local Safeguarding Adults Group
  - Multi-Agency Public Protection Arrangements

- meet the requirements of the North Yorkshire Multi-Agency Safeguarding Adults and the North Yorkshire Safeguarding Children Board Policies & Procedures
- ensure that all allegations, disclosures or suspicions of abuse are dealt with appropriately, and that where possible the person being abused is supported
- apply safe recruitment and selection practices that comply with Working Together 2010<sup>2</sup>
- ensure that individuals working for the Council with access to children or vulnerable adults undertake approved safeguarding training specific to the needs of their service
- ensure that all people delivering a service on behalf of the Council understand and accept their responsibility with regard to safeguarding and promoting the welfare of children and vulnerable adults
- ensure that all employees, Elected Members and others associated with the delivery of Council services are aware of the Safeguarding Policy and Procedure and their responsibilities for safeguarding and promoting the welfare of children and vulnerable adults
- will provide appropriate awareness and training opportunities for staff, volunteers and Members to equip them to carry out their responsibilities effectively. This will include general awareness, service-specific and specialist training as appropriate, and will link into the training framework developed through the North Yorkshire Safeguarding Boards
- co-operate with Child Death and Serious Case Reviews where these are linked to any area of the Council's responsibility, in accordance with locally agreed arrangements.

### 3. Roles and Responsibilities

To safeguard and promote the welfare of children and vulnerable adults in Ryedale, the following roles and responsibilities are identified:

The **Chief Executive** is the **Deputy Named Senior Officer** and will ensure the Council fulfils its statutory duties, in accordance with the Council's policy and procedures.

The **Head of Organisational Development** is the **Named Senior Officer** and will take corporate responsibility to ensure the Council's Safeguarding arrangements are implemented.

The **Head of Organisational Development** will ensure that all allegations against staff are fully investigated and that the appropriate action is taken. The **Chief Executive** will deputise for this role.

The **Head of Organisational Development** will Chair a **Safeguarding Panel** to ensure policy and procedures are effective and to monitor action to safeguard and promote the welfare of children and vulnerable adults across the council.

**Corporate Management Team** will endorse and implement the Safeguarding Policy and Procedures and the Safeguarding Panels' priorities and actions.

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<sup>2</sup> Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children

The **Head of Organisational Development** will ensure that safe recruitment procedures are in line with this policy and that appropriate training for staff and Members is provided.

The Council will nominate a manager as a **Designated Safeguarding Officer** and designated **Deputy Safeguarding Officers**, responsible for safeguarding and promoting the welfare of children and vulnerable adults across all council services.

The **Housing Services Manager** is the designated lead officer to comply with the duty to cooperate with **Multi-Agency Public Protection Arrangements** for managing those identified as presenting a risk, or potential risk, of harm to others.

**Heads of Service and Senior Managers** will monitor action to safeguard and promote the welfare of children and vulnerable adults within their service and ensure that **ANY** safeguarding issues (or referrals/actions) are reported to the Designated Safeguarding Officer and/or their deputy.

**Case Officers** are those staff in the Council who work with individuals or families and already refer to Social Care or the Police as a normal part of their job. Where these members of staff make referrals, (or have concerns about safeguarding) they still must inform the Designated Safeguarding Officer or their Deputy.

**All members of staff, volunteers and Members** will carry out their duties in a way that safeguards and promotes the welfare of children and vulnerable adults in line with this policy and their Codes of Conduct (Appendix 4). They must also act in a way that protects them from wrongful allegations of abuse and bring matters of concern to the attention of the Designated Safeguarding Officer.

A table illustrating the roles and responsibilities for safeguarding is at Appendix 5.

A full description of the Roles and Responsibilities of the Designated Safeguarding Officer is at Appendix 6.

#### **4. Commissioned or Contracted Services and Facility Letting**

Any contractor or sub-contractor, engaged by the Council in areas where workers are likely to come into contact with children, young people or vulnerable adults should have their own Safeguarding Children, Young People and Vulnerable Adults Policy or, failing this, must comply with the terms of this policy. This includes responsibility to ensure that workers with the potential to come into contact with children, young people or vulnerable adults are subject to the necessary CRB checks. This applies to all contracts even those not requiring a formal tender.

Where facilities are let to external groups for use with children, young people or vulnerable adults and when parents/carers are not present, the hirer will need to:

- Ensure that public liability insurance is in place;
- Have a suitable safeguarding children, young people and vulnerable adults policy or agree to operate within the provisions of the Council's policy;
- Keep a register detailing medical information and any special needs of participants;
- Ensure lead staff have valid criminal records bureau checks;
- Carry out risk assessments for individual activities.

## 5. Taxi Licensing

The Council, as the Licensing Authority, has a duty of care to children and vulnerable adults who use Taxi or Private Hire transport that is licensed by the Council. We recognise that all children and vulnerable adults have a right to be safe and protected from abuse and harm. We take seriously our duty to safeguard and protect children and vulnerable adults and will take all reasonable steps to ensure that the operators and drivers of Taxi and Private Hire vehicles and any other licence holders pose no threat to children or vulnerable persons.

The Council has the power to refuse, revoke or suspend licences after convictions for various offences, or failure to comply with the relevant provisions of The Local Government (Miscellaneous Provisions) Act, 1976, Part 11, or any other reasonable cause. The power to refuse, suspend or revoke with immediate effect where it appears in the interests of public safety was introduced by the Road Safety Act 2006.

The Council has a Taxi/Private Hire Policy that determines our procedure for dealing with applications. This includes provisions to ensure that the safety of children and vulnerable adults is safeguarded.

These provisions provide that:

- All drivers on first application are required to undertake a Criminal Records Bureau (CRB) check and every 3 years thereafter on renewal applications.
- Any application that returns a negative safeguarding related CRB disclosure will be refused a license.
- The licensee has a right of appeal to the Council's Licensing Committee and the Magistrate's Court.

All licensed drivers must comply with the Council's "Code of Conduct for Hackney Carriage and Private Hire Drivers" (Appendix 7). Any breaches of this code will be taken seriously and could result in the license being suspended or revoked.

Where the Licensing Authority receives a complaint regarding the moral, physical, sexual harm or neglect of a child or vulnerable adult the license holder will be contacted and where the matter is considered to be a serious breach of the Code of Conduct the Licensing Authority will issue a precautionary suspension of the license pending an investigation by the appropriate authority. The license holder will be advised that an allegation into his/her professional conduct has been received.

The allegation will be reported to the Designated Safeguarding Officer or their relevant Deputy Officer who will ensure that all the appropriate actions are taken in line with the Council's Safeguarding Procedures both in regard to the subject of the alleged abuse and the perpetrator.

All allegations will be referred to the police and/or the Local Authority Designated Officer at NYCC (LADO) and/or the Police Authority Designated Officer (PADO) by the Council's Designated Safeguarding Officer or their relevant Deputy Officer.

Following the investigation a decision will be made regarding any further action to be taken which could include the revocation of the license and/or criminal proceedings.



## **6. Photography, Film and Media**

Photographs can be used as a means of identifying children and young people especially when they are accompanied with personal information. This information can make children vulnerable e.g. to an individual who may wish to groom that child for abuse. The content of an image can be adapted for inappropriate use and there is evidence of adapted material finding its way on to child pornography sites.

The Council, in the delivery of its services, will ensure that all necessary steps are taken to protect children and young people from the inappropriate use of photographic images.

At any event run by the Council to which children or young people are invited or involved:

- Consent must be sought from parents/carers to photograph/video children and young people. A consent form is available in Appendix 8.
- Staff, Members and volunteers should be vigilant at all times regarding the use of cameras, camera phones or videos at events, which involve children and young people.
- Event organisers will be responsible for ensuring that children and young people are informed that photographers may be in attendance at an event and ensure they get the necessary consent and registration forms.
- Where possible in publicising an event the Council will not use a child's image in conjunction with the name or personal details of the child. We will never publish personal details of a child or young person. We will only publish images of young people where we have prior permission.
- Council Officers will ensure that consent/registration forms and images are stored safely.
- Council Officers will act on all concerns of any child, young person or carer regarding inappropriate use of photographic equipment/images.

## **7. Monitoring & Review**

We will continually monitor Safeguarding in the Council through the quarterly meetings of the Council's Safeguarding Panel and review our Safeguarding Policy and Procedures every three years to ensure they are effective and remain consistent with locally agreed inter-agency procedures.

## Section Three: Procedure for Vulnerable Adults

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### 1. How to report suspected abuse

Every individual to whom this policy applies has a responsibility to **Alert** the Designated Safeguarding Officer, or their Deputy, of any concerns they have or actions they have taken (including **Referrals** to social care or the police) relating to safeguarding following an agreed multi-agency procedure. This can be found at Appendix 9. The Designated Safeguarding Officer, or their Deputy, has a responsibility to **Refer** any concerns to the appropriate referral agency, following an agreed multi-agency procedure. This can be found at Appendix 10.

In the majority of cases the District Council’s involvement in the procedure ends once a referral has been made.

**Remember...** it is not up to Ryedale’s Officers to decide if abuse has taken place, that is the role of North Yorkshire’s Adult Social Care Services, **BUT** it is up to us to report **ANY** concerns to the Designated Safeguarding Officer.

We have a legal responsibility to respond to any issues that may concern us even if they don’t involve our staff or services.

### 2. Alerting & Referring – Officer Roles

<b>Alerter</b>	<p><i>Anyone</i> who has contact with vulnerable adults and hears disclosures or allegations, or has concerns about potential abuse or neglect, has a duty to pass their concerns on appropriately. Any <b>Council Officer</b> can be an <b>Alerter</b>. The <b>Alerter</b> may also be a service user or a member of the public. The <b>Alerter</b> also has a role in taking the necessary steps to address any immediate safety or protection needs.</p>
<b>Referrer</b>	<p>The <b>Designated Safeguarding Officer</b>, their <b>Deputy</b> - or an individual <b>Case Officer</b> where appropriate - are responsible for <b>Referring</b> concerns to the referral agencies (Police or Social Care). These Officers are the Council’s <b>Referrers</b>.</p> <p><b>Referrals</b> made by a <b>Case Officer</b> must still be reported to the <b>Designated Safeguarding Officer</b>.</p> <p><b>Referrals</b> may also be made directly by the service user, family or friends, or by a member of the public.</p>

### 3. Alerting Procedure - What steps should you take?

Alerting is telling someone that you are aware or suspect that abuse has taken place, or that it may in the future. Everyone who works with vulnerable adults has a duty to share their concerns, even if the vulnerable adult asks them not to. It is always good practice to inform vulnerable adults of this duty. **Any member of staff** can be the alerter.

*A simple flow-chart outlining the Alert procedure is at Appendix 9.*

#### **What should you do if you witness abuse?**

If you witness abuse or abuse has just taken place the priorities will be to:

#### **Ensure Safety:**

The first priority is to ensure the safety and protection of vulnerable adults. In making the person (and others potentially at risk) safe it may be necessary to inform emergency services, call an ambulance if required. Also, take steps to ensure yourself, staff and other service users safe.

#### **Preserve Evidence:**

Where there are suspicions that a crime may have taken place the Police should be contacted immediately and all physical, forensic and other evidence should not be contaminated.

#### **Good Practice: Preserving forensic evidence:**

- Disturbing a scene as little as possible, sealing off areas if possible
- Not removing the victim's clothing
- Discouraging washing/bathing
- Not handling items which may hold DNA evidence
- Putting any bedding, clothing which has been removed or any significant items given to you (may include weapons) in a safe dry place
- Not interviewing the victim or potential witnesses
- Not alerting the alleged perpetrator
- Making a note of your observations in relation to the condition and attitude of the people involved and any actions you have taken.

#### **Record the Incident:**

It is important that you write down everything you can recall about the incident as soon as possible.

You should make detailed notes regarding what actually took place, noting names, descriptions, location, dates/times and any other relevant details you can remember. You should be careful to separate fact from opinion. You should date and sign your notes. To help you ensure you have recorded comprehensive information, you may wish to use the Inter-Agency Safeguarding Adults Alert/Referral Form – Appendix 11 - as a guide.

Be aware that your record of the alert could be used as evidence in a range of procedures; disciplinary, criminal or at a Safeguarding Case Conference.

#### **Good Practice - Recording:**

- Any information given directly by the adult concerned should be listened to and recorded carefully, using the person's own words
- Clarify the bare facts of the reported abuse or grounds for suspicion; do not ask leading questions eg. suggesting names of who may have perpetrated abuse if the person does not disclose it
- If a vulnerable adult makes an allegation to you asking that you keep it confidential, you should inform the person that you will respect their right to confidentiality as far as you are able to, but, that you are not able to keep the matter secret
- Record all factual evidence accurately
- Never prevent or persuade another person from raising concerns, suspicions or presenting evidence.
- Don't share any information about the incident without agreeing this with the Designated Safeguarding Officer and/or your line manager.

#### **Alert the Appropriate Person**

Alerters have a **duty** to share the information with the Designated Safeguarding Officer (or their deputy). You are not at liberty to keep concerns to yourself and you should never promise to keep secrets.

You should inform the Designated Safeguarding Officer (or a Deputy) as soon as possible on the same day about the incident.

If you do not feel able to share the information with any of the Designated Officers, or another manager in the Council because you believe they are implicated or colluding with the alleged abuse, you should follow the Council's "Whistle-blowing Policy".

#### **What Happens Next?**

The referring officer may need you to help them complete the Inter-Agency Safeguarding Adults Alert/Referral Form – Appendix 11. Depending on the seriousness of the allegation, you may be invited to the initial Assessment meeting which will be convened by NYCC's Adult Social Care Department. In the event that you are required to attend you will receive support from the Designated Safeguarding Officer.

### **3. Referring Procedure**

Referring is the responsibility of any of the nominated Officers who have either received information from an Alerter, or who have their own safeguarding concerns.

Ryedale District Council has nominated the following Officers to make referrals: the **Designated Safeguarding Officer**, their **Deputies** and any **Case Officer** directly involved with a client. **Case Officers include Housing Officers, Community Safety staff and Taxi-Licensing staff.**

**All referrals must be made within 24 hours  
of an Alert being received.**

The referral agency (police or social care) will record relevant information from the **Referrer** about the alleged incident and its context.

If the alleged victim is already receiving care services this should not preclude a Safeguarding Adults referral where concerns are raised or abuse is disclosed.

Where a vulnerable adult is alleged to be a perpetrator of abuse, a referral should also be made.

Where the alleged incident identifies a worker(s) as the alleged perpetrator of the abuse, information that can confirm that the alleged abuse could have taken place should be gathered by the Referrer and shared with the referral agency. This could include checking staff rotas and incident reports, providing information about past incidents or concerns from internal records, and recording injuries on body charts. This is primarily a paper exercise and **should not** involve conducting interviews. See the “Allegations Against Staff Procedure”.

A simple flow-chart outlining the Referral procedure is at Appendix 10.

### **Making a Referral to Adult Social Care**

Once the Designated Safeguarding Officer (or their Deputy or Case Officer) has gathered the relevant information and established an allegation of abuse, they have a **duty** to make a referral to the relevant Adult Social Care Department.

Prior to making a referral, the referrer should gather as much information as possible about the allegation by completing the Inter-Agency Safeguarding Adults Alert/Referral Form – Appendix 11.

If, in completing the form, the Referrer does not have access to all the required information this should **NOT** delay making the referral.

### **Referral Point**

#### **Referrals should be made to North Yorkshire Adult Social Care by contacting:**

North Yorkshire County Council Social Care Customer Relations Unit

Tel: **0845 034 9410**

Fax: 01609 532009

Email: [cru.customer.services@northyorks.gov.uk](mailto:cru.customer.services@northyorks.gov.uk)

For Out of Hours Emergencies call **0845 034 9417**

For any Safeguarding Adults concerns which may involve a **Crime**, contact should be made with the **Police** by calling **0845 60 60 247** or in an **Emergency 999**.

Explain to the call taker that you wish to make a “**Safeguarding Adults Referral**”.

The Safeguarding Manager at NYCC Social Care is responsible for deciding the way forward with the referral made. The Alerter, or Referrer, or Case Officer may be required to attend an assessment meeting and will be supported by their manager in doing so.

## Section Four: Procedure for Children

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### 1. How to report suspected abuse

Every individual to whom this Policy applies has a responsibility to **Alert** the Designated Safeguarding Officer, or their Deputy of any concerns they have or actions they have taken (including **Referrals** to social care or the police) relating to children’s safeguarding. The Designated Safeguarding Officer, or their Deputy, has a responsibility to **Refer** any concerns to the appropriate referral agency.

Where staff are unable (or reluctant) to refer directly, the Designated Safeguarding Officer must decide how the concerns should be communicated to Children’s Social Care or the Police.

In the majority of cases the District Council’s involvement in the procedure ends once a referral has been made.

**Remember...** it is not up to Ryedale’s Officers to decide if abuse has taken place, that is the role of North Yorkshire’s Children’s Services, **BUT** it is up to us to report **ANY** concerns to the Designated Safeguarding Officer.

We have a legal responsibility to respond to any issues that may concern us even if they don’t involve our staff or services.

### 2. Alerting & Referring – Officer Roles

<b>Alerter</b>	<p><i>Anyone</i> who has contact with children and young people and hears disclosures or allegations, or has concerns about potential abuse or neglect, has a duty to pass their concerns on appropriately. Any <b>Council Officer</b> can be an <b>Alerter</b>. The <b>Alerter</b> may also be a service user or a member of the public. The <b>Alerter</b> also has a role in taking the necessary steps to address any immediate safety or protection needs.</p>
<b>Referrer</b>	<p>The <b>Designated Safeguarding Officer</b>, their <b>Deputy</b> - or an individual <b>Case Officer</b> where appropriate - are responsible for <b>Referring</b> concerns to the referral agencies (Police or Social Care). These Officers are the Council’s <b>Referrers</b>.</p> <p><b>Referrals</b> made by a <b>Case Officer</b> must still be reported to the <b>Designated Safeguarding Officer</b>.</p> <p><b>Referrals</b> may also be made directly by the service user, family or friends, or by a member of the public.</p>

### 3. Alerting Procedure - What steps should you take?

Alerting is telling someone that you are aware or suspect that abuse has taken place, or that it may in the future. Everyone who works with children and young people has a duty to share their concerns, even if the child asks them not to. It is always good practice to inform the child or young person of this duty. **Any member of staff or the public** can be the **Alerter**.

A simple flow-chart outlining the Alert procedure is at Appendix 9.

#### **What should you do if a Child has talked to you about abuse?**

Make a note immediately of exactly what the child has said, what you said in reply, when the child spoke to you and what was happening immediately beforehand. Record names, places, dates and times of the events and when the record was made. For further guidance see Appendix 12.

Alert the Designated Safeguarding Officer or their Deputy about your discussion **immediately** and give them your notes in an envelope marked **Private and Confidential – Addressee Only**.

Advice must be sought from Children’s Social Care where there are concerns about a child going home to a potentially abusive or harmful situation. On a rare occasion it might be necessary for Children’s Social Care and/or the Police to discuss putting into effect safety measures for the child so that they do not return home.

#### **What should you do if you witness abuse?**

If you witness abuse or abuse has just taken place the priorities will be to:

##### **Ensure Safety:**

The first priority is to ensure the safety and protection of the child or young person. In making the child (and others potentially at risk) safe it may be necessary to inform emergency services, call an ambulance if required. Also, take steps to ensure yourself, staff and other service users are safe.

##### **Preserve Evidence:**

Where there are suspicions that a crime may have taken place the Police should be contacted immediately and all physical, forensic and other evidence should not be contaminated.

##### **Good Practice: Preserving forensic evidence:**

- Disturbing a scene as little as possible, sealing off areas if possible
- Not removing the victim’s clothing
- Discouraging washing/bathing
- Not handling items which may hold DNA evidence
- Putting any bedding, clothing which has been removed or any significant items given to you (may include weapons) in a safe dry place
- Not interviewing the victim or potential witnesses
- Not alerting the alleged perpetrator
- Making a note of your observations in relation to the condition and attitude of the people involved and any actions you have taken.

##### **Record the Incident:**

It is important that you write down everything you can recall about the incident as soon as possible. You should make detailed notes regarding what actually took place, noting names, descriptions, location, dates/times and any other relevant details you can remember. You should be careful to

separate fact from opinion. You should date and sign your notes. To help you ensure you have recorded comprehensive information, you may wish to use the **Child Protection Report Form – Appendix 13** as a guide.

Be aware that your record of the alert could be used as evidence in a range of procedures; disciplinary, criminal or at a Safeguarding Case Conference.

**Good Practice - Recording:**

- Any information given directly by the child or young person concerned should be listened to and recorded carefully, using the person's own words
- Clarify the bare facts of the reported abuse or grounds for suspicion; do not ask leading questions eg. suggesting names of who may have perpetrated abuse if the person does not disclose it
- If a child or young person makes an allegation to you asking that you keep it a secret, you should tell them that you will only tell the people who need to know but, that you are not able to keep the matter secret
- Record all factual evidence accurately
- Never prevent or persuade another person from raising concerns, suspicions or presenting evidence.
- Don't share any information about the incident without agreeing this with the Designated Safeguarding Officer and/or your line manager.

**Good Practice - Unclear situations:**

If you are unsure as to whether a child has, is or is likely to suffer significant harm and/or an allegation has been made, you should:

- discuss your concerns with the **Designated Safeguarding Officer** or their Deputy who will seek advice from the Children's Social Care Manager.
- If your Designated Safeguarding Officer is unavailable, contact Social Care directly on **Customer Relations Unit: 0845 0349410** or their **Out of Hours number 0845 0349417**

**Remember...** Suspicions should not be discussed with anyone other than those named above.

**Good Practice - Talking to Parents/Carers:**

In most cases...

- Be open and honest at the outset with parents/carers about child protection concerns and any action which the Council intends to take.
- Where a referral is to be made, all reasonable efforts should be made to inform parents/carers. However, an inability to inform parents/carers should not prevent a referral from being made.
- Don't think "what might happen if I make a referral?" – think "what might happen if I don't?"
- Consideration should be given to not informing them when a child expresses a wish that their parents are not informed at this stage.



There are cases where it would not usually be good practice for a Case Officer or designated Safeguarding Officer to discuss concerns with parents/carers before referral.

- In these cases arrangements for discussing the concerns with the parents/carers should be agreed with and by Children’s Social Care and/or the Police.
- A reasoned judgement must be made in each case.
- Concerns must not be discussed with parents/carers before referral where:
  - *discussion would put a child at risk of significant harm*
  - *discussion would impede a Police investigation or social work enquiry*
  - *sexual abuse is suspected*
  - *organised or multiple abuse is suspected*
  - *the fabrication of an illness is suspected*
  - *to contact parents/carers would place you or others at risk.*

### **Alert the Appropriate Person**

Alerters have a **duty** to share the information with the Designated Safeguarding Officer (or their deputy). You are not at liberty to keep concerns to yourself and you should never promise to keep secrets.

You should inform the Designated Safeguarding Officer (or a Deputy) as soon as possible on the same day about the incident. If you do not feel able to share the information with any of the Designated Officers, or another manager in the Council because you believe they are implicated or colluding with the alleged abuse, you should follow the Council’s “Whistle-blowing Policy”.

NB The welfare of the child is paramount and **anyone** can make a **referral** direct to North Yorkshire County Council Social Care if necessary – see section 3 below.

### **What Happens Next?**

The referring officer may need you to help them complete the Child Protection Report Form – Appendix 13. Depending on the seriousness of the allegation, you may be invited to the initial Assessment meeting which will be convened by NYCC’s Children’s Social Care. In the event that you are required to attend you will receive support from your line manager and the Designated Safeguarding Officer.

## **3. Referring Procedure**

Referring is the responsibility of any of the nominated officers who have either received information from an Alerter, or who have their own safeguarding concerns.

Ryedale District Council has nominated the following officers to make referrals: the Designated Safeguarding Officer, their Deputies and any Case Officer directly involved with a client. Case Officers include Housing Officers, Community Safety staff and Taxi-Licensing staff.

**All referrals must be made within 24 hours  
of an Alert being received.**

The referral agency (police or social care) will record relevant information from the **Referrer** about the alleged incident and its context.

If the alleged victim is already receiving care services this should not preclude a Child Protection Referral where concerns are raised or abuse is disclosed.

Where the alleged incident identifies a worker(s) as the alleged perpetrator of the abuse, information that can confirm that the alleged abuse could have taken place should be gathered by the Referrer and shared with the referral agency. This could include checking staff rotas and incident reports, providing information about past incidents or concerns from internal records, and recording injuries on body charts. This is primarily a paper exercise and **should not** involve conducting interviews. See the “Allegations Against Staff Procedure”.

A simple flow-chart outlining the Referral Procedure is at Appendix 10.

### **Making a Referral to Children’s Social Care**

Once the Designated Safeguarding Officer (or their Deputy or Case Officer) has gathered the relevant information from the **alerter**, they have a **duty** to make a referral to the relevant Children’s Social Care Department.

Where concerns that a child is suffering, or likely to suffer, significant harm are received by the Designated Safeguarding Officer a **referral** should be made **immediately**. Urgent referrals should be made by telephone, supported by a written referral completed and submitted within 24 hours.

The Designated Safeguarding Officer (or Case Officer where appropriate) should contact Children’s Social Care through the NYCC Customer Relations Unit or the Emergency Duty Team.

#### **When anyone is making a referral they should:**

- Clearly identify themselves as acting on behalf of Ryedale District Council and provide contact details
- Explain to the call taker that you wish to make a “Safeguarding Children or Child Protection Referral”
- Provide as much basic family information as possible, clearly stating the name of the child, the parents/carers and any other children known to be in the household, the dates of birth and addresses and any previous addresses known
- Give details of any special needs or communication needs of either the child or any family member
- State why they feel the child is suffering, or is likely to suffer, significant harm
- Share their knowledge and involvement of the child(ren) and family
- Share their knowledge of any other agency involved
- Indicate the child’s parent/carer’s knowledge of the referral and their expectations
- Follow the referral up in writing within 24 hours.

Prior to making a referral, the referrer and alerter should gather as much information as possible about the allegation by completing the Child Protection Report Form – Appendix 13.

If, in completing the form, the referrer does not have access to all the required information this should **NOT** delay making the referral.

A simple flow-chart outlining the Referral Procedure is at Appendix 10.

## Referral Point

### Referrals should be made to North Yorkshire Children's Social Care by contacting:

North Yorkshire County Council Social Care Customer Service Unit

Tel: **0845 034 9410**

Fax: 01609 532009

Email: [cru.customer.services@northyorks.gov.uk](mailto:cru.customer.services@northyorks.gov.uk)

For Out of Hours Emergencies call **0845 034 9417**

For any Child Protection concerns which may involve a **Crime**, contact should be made with the **Police** by calling **0845 60 60 247** or in an **Emergency 999**.

Explain to the call taker that you wish to make a **"Child Protection Referral"**.

The Safeguarding Manager at NYCC Social Care is responsible for deciding the way forward with the referral made. The Alerter, or Referrer, or Case Officer may be required to attend an assessment meeting and will be supported by their manager in doing so.

### What happens next?

The Referrer is entitled to receive an understanding from the Children's Social Care representative of what will happen next, be given the name of a contact person within Children's Social Care who will be dealing with the referral and to receive information on the outcome of the referral within 7 days.

Sometimes, following a referral, Council staff may be involved in an assessment meeting and management process led by Children's Social Care, in line with North Yorkshire Safeguarding Children's Board procedures where other agencies will be present. In addition where there is a criminal investigation staff may be required to co-operate with the Police. In all circumstances staff will receive appropriate support from their manager and the Designated Safeguarding Officer will provide support and guidance where required/appropriate.

### Good Practice - Referrals

- If there has been a deliberate injury or where there are concerns about the child's safety the parent/carer should not be contacted before first consulting with Children's Social Care.
- Where emergency medical attention is required it should be sought immediately. The Referrer should inform the doctor of any suspicion of abuse.
- If a referral is made without the parent's knowledge and non-urgent medical treatment is required, Children's Social Care should be informed.
- If appropriate the parent/carer should be encouraged to seek help from Children's Social Care prior to a referral being made. If they fail to do so in situations of real concern the Designated Safeguarding Officer or Case Officer will contact Children's Social Care directly for advice.
- In the event of allegations of sexual abuse the designated Safeguarding Officer will contact Children's Social Care or the Police Child Abuse Investigation Team directly. The Referrer should NOT speak to the parents.

- Under no circumstances should the Designated Safeguarding Officer, or anyone else acting for the Council, attempt to carry out any investigation into allegations or suspicions of abuse including sexual abuse.
- The role of the Designated Safeguarding Officer is to collate the exact details of the allegations or suspicion and to provide this information to the child protection agencies who will investigate the matter.

#### **Good Practice - Confidentiality**

- The identity, information and/or suspicions about the welfare of a child should be treated in strictest confidence and discussed only with the Council's nominated officers, appropriate Children's Social Care Officers or the Police. In sharing information with Children's Social Care or the Police the welfare of the child is paramount and overrides all other considerations regarding the sharing of information.
- Any confidential notes, records, written complaints or allegations, should be forwarded as soon as possible to the Designated Safeguarding Officer in a sealed envelope marked "***Private and Confidential (Addressee Only)***".
- The Designated Safeguarding Officer is responsible for maintaining accurate secure written records of all concerns received, and action taken in response.
- The Named Senior Officer is responsible for keeping secure written records of all allegations of abuse made against staff, Members, volunteers, contractors and licensees, and details of management action taken.

## Section Five: Managing Allegations against Staff

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### 1. Introduction

Where an allegation of abuse is made against a member of staff, the relevant disciplinary procedures may be invoked as well as reporting the case to the appropriate authorities. Any investigation taken under Local Safeguarding Children and Vulnerable Adults Policies & Procedures will take precedence over the Council's internal disciplinary procedures.

### 2. Who do these procedures apply to?

These procedures apply to staff, volunteers and Members of Ryedale District Council as well as others that may not have a direct employment relationship with us but where we will need to consider whether to continue to use the person's services, or to approve or licence them as suitable to work with children and vulnerable adults.

### 3. Scope of Allegations to which these Procedures Apply

These procedures apply to a wide range of allegations, including those that indicate a person may be unsuitable to work with children in their present position, or in any capacity. They are therefore to be followed in respect of any allegation that a person who works with children has:

- Behaved in a way that has harmed, or may have harmed, a child;
- Possibly committed a criminal offence against, or related to, a child;
- Behaved towards a child or children in a way that indicates they are unsuitable to work with children.

### 4. What to do if you have concerns about a colleague

Where you have concerns about a colleague, you should report these concerns to the Council's **Named Senior Officer** (or their Deputy) – see Appendix 5 for the current contact information – who will manage the allegation in line with the agreed multi-agency procedures.

All allegations against staff should be reported to the Senior Named Officer for Safeguarding. This person is the Council's designated officer for the management of allegations against staff and it is they who will liaise directly with the appropriate agencies.

#### **Allegations against Councillors**

Where an allegation is made against an Councillor this should be referred in the first instance to the Named Senior Officer who will then engage the Council's Monitoring Officer who has responsibility to address Member code of conduct related issues.

### 5. What happens if an allegation is made?

Where there are allegations of abuse or concerns about poor practice of an employee or member the Council's Named Senior Officer will refer the allegation to the appropriate Local Authority

Designated Officer (LADO) for discussion.

The purpose of this discussion is to consider the nature, content and context of the allegation and to agree a course of action, including sharing additional information which may be relevant, such as previous history, whether the child/family has made similar allegations in the past.

The discussion will lead to a decision about what further action, if any, is necessary.

This may include one or more of the following:

1. Child/Vulnerable Adult Safeguarding Investigation – this will assess whether the child/adult is in need of protection or in need of services (externally led by NYCC Social Care Services)
2. Criminal Investigation (externally led by the North Yorkshire Police)
3. A disciplinary investigation (using the this Council’s disciplinary procedures)
4. No further action.

In the first two instances, the Council will not be involved in any form of investigation unless requested to do so by the Social Care Services or the Police.

Where the LADO considers that a criminal offence may have been committed they will refer the matter to the Police for investigation. Where it is decided that a criminal offence has NOT been committed the matter will be dealt with through the Council’s disciplinary procedures.

## **6. Internal Procedure**

The Council’s standard procedure for disciplinary investigations will be used. Consideration will be given to suspension on full pay pending the outcome of the investigation. The Council will assess each individual allegation on its own, taking into account the findings of any criminal investigation and respond to the outcome of the investigation in line with Council policy and procedures.

Interviewing the alleged victim of abuse as part of the disciplinary process should be avoided as far as possible and should never be undertaken without the agreement of the Safeguarding Manager in Social Care. The reports written and facts established should be made available to those carrying out the disciplinary process, in line with the North Yorkshire Information Sharing Protocol.

### **Suspension from Duties**

The Named Senior Officer should consider suspension of the employee pending the outcome of the investigation. Decisions not to suspend an employee following an allegation of abuse must be fully documented and endorsed separately by an independent senior officer from within the **employing agency** in consultation with the LADO or Safeguarding Manager (NYCC Social Care).

Depending on the outcome of the investigation, the Council will assess the appropriateness of the staff member returning to work in their previous environment. A decision to withdraw permission for the employee to work with vulnerable groups may lead to the Council having a legal duty to report the person to the Independent Safeguarding Authority. The LADO will be informed of the outcome of any investigation.

## **7. Support for Staff**

It can be very worrying to have concerns about a person’s safety or welfare that relate to the

conduct of a colleague. The Council recognises that this can involve additional stress for those reporting concerns. The Council will ensure that support mechanisms are in place and offered to anyone who raises a concern in order to ensure that they are confident that these concerns will be dealt with appropriately. These include confidentiality guidelines and access to counselling services.

If an allegation is made towards another member of staff, full support will be given in line with the Council's Whistle-blowing policy.

Equally, support will be given to a member of staff who is the subject of an allegation. The member of staff will be informed about the concerns or allegations as soon as possible and give an explanation of the likely course of action – unless there is an objection to this from the Police or Social Care.

All members of staff involved in a disclosure will be offered support through the Council's Occupational Health programme and will be offered access to counselling services.

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# Appendices and Guidance Papers

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## Definitions and Indicators of Abuse

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### Physical abuse

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm. Physical harm may also be caused when a parent/carer fabricates the symptoms of, or deliberately induces, illness in a child or vulnerable adult.

#### Possible Indicators of physical abuse:

- History of unexplained falls or minor injuries
- Unexplained bruising
- Unexplained burns in unusual locations or unusual type
- Unexplained fractures to any part of the body
- Unexplained lacerations or abrasions
- Slap, kick, pinch or finger marks
- Injuries/bruises similar shape to an object
- Untreated medical problems
- Weight loss – due to malnutrition or dehydration; complaints of hunger
- Appearing over medicated.

### Psychological or Emotional abuse

Psychological or emotional abuse is the persistent emotional maltreatment of a child or vulnerable adult such as to cause severe and persistent effects on emotional development or health. It could include threats of harm or abandonment, forced marriage, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.

#### Possible Indicators of psychological or physical abuse:

- Ambivalence about the parent or carer
- Fearfulness expressed in the eyes; avoids eye contact with the parent or carer, flinching when approached
- Deference
- Overtly affectionate behaviour toward the alleged perpetrator
- Insomnia or need for excessive sleep
- Change in appetite
- Unusual weight gain/loss
- Tearfulness
- Unexplained paranoia
- Low self-esteem
- Excessive fears
- Confusion
- Agitation.

### Sexual abuse

Sexual abuse involves forcing or enticing a child, young person or vulnerable adult to take part in sexual activities, including prostitution, whether or not they are aware of what is happening. The activities may involve physical contact, including penetrative (e.g. rape, buggery or oral sex) or non-

penetrative acts. Non contact sexual abuse includes abuse through sexual exploitation, looking, pornographic photography, indecent exposure, harassment, unwanted teasing or innuendo.

Penetrative sex where one of the partners is under the age of 16 is illegal, although prosecution of similar age, consenting partners is not usual. However, where a child is under the age of 13 it is classified as rape under s5 Sexual Offences Act 2003.

**Possible Indicators of sexual abuse:**

- A sudden change in usual behaviour for no obvious reason
- Sudden onset of confusion, wetting or soiling
- Withdrawal, choosing to spend the majority of time alone
- Unusually overt sexual behaviour/language by child or vulnerable adult
- Self-inflicted injury
- Disturbed sleep pattern and poor concentration
- Difficulty in walking/sitting
- Torn, stained, bloody underclothes
- Love bites
- Pain or itching, bruising or bleeding in the genital area
- Sexually transmitted urinary tract/vaginal infections
- Bruising to thighs and upper arms
- Frequent infections
- Severe upset or agitation when being bathed/dressed/undressed/medically examined
- Pregnancy in person not able to consent.

**Neglect**

Neglect is the persistent failure to meet basic physical and/or psychological needs, likely to result in the serious impairment of health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Neglect may involve a parent or carer failing to:

- Provide adequate food, clothing and shelter (including exclusion from home or abandonment);
- Protect a child or vulnerable adult from physical and emotional harm or danger;
- Ensure adequate supervision (including the use of inadequate care-givers);
- Ensure access to appropriate treatment.

It may also include neglect of, or unresponsiveness to, a child or vulnerable adult's basic emotional needs.

Neglect or "acts of omission" include ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.

**Possible Indicators of neglect:**

- Poor condition of accommodation
- Inadequate heating/lighting
- Physical condition of person is poor, e.g. ulcers, sores, dirty, untreated lice infestations
- Clothing in poor condition, e.g. dirty, wet, torn
- Malnutrition
- Failure to give prescribed medication or medical care
- Failure to ensure privacy and dignity.

### **Financial or material abuse – Vulnerable Adults**

Financial abuse includes theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property.

#### **Possible Indicators of financial abuse:**

- Unexplained or sudden inability to pay bills
- Unexplained or sudden withdrawal of money from accounts
- Person lacks belongings
- Lack or receptiveness to assistance requiring expenditure
- Extraordinary interest by family members or the carers in the persons assets or finances
- Power of attorney obtained when a vulnerable adult is not able to understand the purpose of the document
- Recent changes in deeds or title of property
- High levels of expenditure with no evidence of benefit
- Personal items going missing.

### **Discriminatory abuse**

Abuse may be targeted at a perceived vulnerability or on the basis of prejudice including racism, sexism, or that based on a person's disability or sexuality. It can take other forms of abuse such as harassment, slurs or similar treatment.

#### **Possible Indicators of discriminatory abuse:**

- Hate mail
- Verbal or physical abuse
- Criminal damage to property.

### **Institutional abuse**

Institutional abuse can be different from other forms because it is about who abuses and how that abuse comes about. Institutional abuse can take any of the other forms.

#### **Possible Indicators of institutional abuse:**

- May be reflected in enforced schedule of activities, the limiting of personal freedom, the control of finances, lack of adequate clothing or food, poor personal hygiene, lack of stimulating activities, low quality diet
- Institutions may include residential or nursing homes, schools, boarding schools, hospitals, day centres, children's homes.

## LEGISLATIVE FRAMEWORK

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### **Children Act 1989**

Places two specific duties on District Councils to co-operate in the interests of children in need.

**Section 17(10)** states that a child shall be taken to be in need if:

- a. He is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority under this Part.
- b. His health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services, or
- c. He is disabled.

**Section 27** provides that a Children's Services Authority may request help from any local authority in exercising the local authority's functions under Part 3 of the Act. Part 3 places a duty on local authorities to provide support and services for children in need. The authority whose help is requested in these circumstances has a duty to comply with the request, provided it is compatible with its other duties and functions.

**Section 47** places a duty on any Local Authority to help another Local Authority (i.e. Children's Services Authority) with its enquiries in cases where there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm.

### **Children Act 2004**

**Section 10** requires each Local Authority (i.e. Children's Services Authority) to make arrangements to promote co-operation between the Authority, each of the Authority's relevant partners (including District Councils) and such other persons or bodies working with children in the Local Authority area as the Authority considers appropriate. The arrangements are to be made with a view to improving the wellbeing of children in the Authority's area that includes protection from harm or neglect alongside other outcomes. This section is the legislative basis for Children's Trust arrangements.

**Section 11** requires a range of organisations (including District Councils) to make arrangements for ensuring that their functions, and services provided on their behalf, are discharged with regard to the need to safeguard and promote the welfare of children.

**Section 13** requires each Children's Services Authority to establish a Local Safeguarding Children Board. It also requires a range of organisations (including District Councils) to take part in Local Safeguarding Children Boards.

**Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children – 2010**

**No Secrets 2000**

**Standards in Safeguarding Adults 2005**

## POLICIES LINKED TO SAFEGUARDING

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### Human Resources Policies, Procedures and Regulations including:

- Capability Procedure
- Collective Disputes Procedure
- Core Competencies
- Disciplinary & Grievance Procedures
- Single Equality Scheme
- Harassment Policy (Sexual, Racial and Personal Harassment Policy)
- Member & Officer Codes of Conduct
- Recruitment and Selection Procedures (CRB Policy)
- Relationships at Work Policy
- Staff Handbook
- Whistle-blowing Procedure

### Health & Safety Policies, Procedures and Regulations including:

- Accident Report Guidance
- AIDS and HIV Policy
- Council Policy - Risk Assessment
- Driving - Council Vehicles Policy
- Managing Health and Safety
- RIDDOR 1995
- Smoking Policy
- Violence to Staff Guidelines
- Visiting Sites or Premises
- Working on RDC Premises

### ICT Policies, Procedures and Regulations including:

- Communications Operations Management Policy
- Computer Telephone and Desk Use Policy
- Email Policy
- Freedom of Information Policy
- Government Connects Secure Extranet (GCSx) Acceptable Usage Policy and Personal Commitment Statement
- Human Resources Information Security Policy
- Information Protection Policy
- Information Security Incident Management Policy
- Information Security Policy Overview
- Internet Acceptable Usage Policy
- IT Access Policy
- IT Infrastructure Security Policy
- Legal Responsibilities Policy
- Ryedale Data Protection Guidance
- Ryedale Records Management Policy

### Council Complaints Procedure

### Procurement Policies

### Licensing Policy

### Service-specific policies and procedures

## CODES OF CONDUCT

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These provisions apply to all Members and Officers acting in their professional capacity on behalf of Ryedale District Council.

### DO

- Treat all children and vulnerable adults fairly and with respect.
- Be aware of the procedures for reporting concerns and how to contact the Designated or Deputy Safeguarding Officers.
- Be aware that physical contact with a child or vulnerable adult may be misinterpreted. There may be occasions when this is unavoidable, such as comfort at times of distress, or physical touch in sport. In all such cases contact should only take place with the consent of the child or vulnerable adult and you should inform the Designated Safeguarding Officer or your Line Manager of the circumstances.
- Respect the right of a child or vulnerable adult to personal privacy.
- Make others (for example your line manager/the Designated Safeguarding Manager) aware if you find yourself the subject of inappropriate affection or attention from a child or vulnerable adult.
- Report to the Designated or Deputy Safeguarding Officer any safeguarding concerns including allegations or suspicions of abuse.

### DO NOT

- Spend time alone with children or vulnerable adults, away from others. Meetings with individuals should be avoided or take place within sight of others. If privacy is needed, the door should remain open and other staff or volunteers should be aware of the meeting.
- Take children or vulnerable adults alone in a car, however short the journey. Where this is unavoidable it should be with full knowledge and consent of the parents/carer and the manager responsible for the service/activity.
- Engage with children, young people or vulnerable adults via internet chatrooms; instant messaging services e.g. MSN messenger; social networking sites such as Facebook or MMS/SMS services (mobile phone texting).
- Meet children or vulnerable adults outside of organised activities, unless it is with the knowledge and written consent of the parents/carer and the manager responsible for the service/activity.
- Start an investigation or question anyone after an allegation or concern regarding abuse has been raised. You should just record the facts and report these to the Designated or Deputy Safeguarding Officer.
- Allow any allegations made to go without being reported and addressed, or either trivialise or exaggerate abuse issues.
- Make promises to keep any disclosure confidential from relevant authorities.

- Show favouritism to any one, or threaten/carry out any form of physical punishment.
- Never:
  - Initiate or engage in sexually provocative conversations or activity
  - Allow the use of inappropriate language to go unchallenged
  - Do things of a personal and intimate nature that individuals can do for themselves.



## Safeguarding Roles

### Chief Executive

Strategic responsibility to ensure the Council fulfils its statutory duties.

To deal with allegations against staff/Members or volunteers in the absence of the Head of Organisational Development.

### Head of Organisational Development Named Senior Officer

Responsible for ensuring safeguarding arrangements are implemented in line with policy.

To deal with allegations of abuse against staff, Members or volunteers in line with agreed Council and inter-agency procedures.

Chairs Safeguarding Panel.

To provide support to Corporate Director/Chief Executive when handling any allegations of abuse made against Members, staff or volunteers.

To ensure appropriate checks and procedures are in place for recruitment of staff/volunteers.

Ensure all staff and Members undertake appropriate training and are aware of safeguarding arrangements.

### Designated Safeguarding Officer & Deputies

Responsible for safe-guarding and promoting the welfare of children and vulnerable adults throughout the Council.

Ensure Council handles concerns about safeguarding children or vulnerable adults in line with agreed Council and inter-agency procedures.

Liaise with lead authority (NYCC), North Yorkshire Safeguarding Children's Board, North Yorkshire Adult Safeguarding Board and other agencies where required.

To make Referrals to NYCC Social Care/Police and to keep secure records.

Support other staff in process of bringing concerns and making referrals.

### Corporate Management Team

To endorse and implement the Council's Safeguarding arrangements through feedback from the Councils' Safeguarding Panel.

### Heads of Service and Senior Managers

Responsible for monitoring action to safeguard and promote the welfare of children within their area of service.

Ensure all staff undertake appropriate training and are aware of safeguarding arrangements.

### Case Officer

To make referrals to NYCC Social Care/Police.

To report any referrals or actions they have made regarding safeguarding to the Designated Safeguarding Officer.

### All staff, Members and volunteers

Must carry out their duties in a way that safeguards the welfare of children and vulnerable adults

To bring matters of concern or abuse to the attention of the Designated Safeguarding Officer.

### Safeguarding Panel

To develop, monitor and keep under review the Council's Safeguarding policies and procedures.

Ensure corporate procedures and training are appropriate, compliant and effective.

Report to Corporate Management Team.

#### Safeguarding Panel Membership is:

Head of Organisational Development – Named Senior Officer (Chair)

Head of Organisational Development

Housing Services Manager - Designated Safeguarding Officer

Deputy Safeguarding Officers

Legal Services Representative

Member Champions for Children and Adults

## Current Designated Officers

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### Designated Safeguarding Officer

Kim Robertshaw

Housing Services

Tel: 01653 600666 ext 355

[kim.robertshaw@ryedale.gov.uk](mailto:kim.robertshaw@ryedale.gov.uk)

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### Deputy Designated Safeguarding Officers

Rachael Fox-Evans

Housing Services

Tel: 01653 600666 ext 262

[rachael.foxevans@ryedale.gov.uk](mailto:rachael.foxevans@ryedale.gov.uk)

Beckie Bennett

Streetscene

Tel: 01653 600666 ext 483

[beckie.bennett@ryedale.gov.uk](mailto:beckie.bennett@ryedale.gov.uk)

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### Named Senior Officer

Louise Sandall

Head of Organisational Development

Tel: 01653 600666 ext 392

[louise.sandall@ryedale.gov.uk](mailto:louise.sandall@ryedale.gov.uk)

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### Deputy Senior Officer

Janet Waggott

Chief Executive

Tel: 01653 600666 ext 201

[janet.waggott@ryedale.gov.uk](mailto:janet.waggott@ryedale.gov.uk)

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## **ROLE AND RESPONSIBILITIES OF DESIGNATED SAFEGUARDING OFFICER (AND DEPUTIES)**

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The role of the Designated Safeguarding Officer in safeguarding children or vulnerable adults is to:

1. Be the main (but not the only) point of contact within Ryedale District Council for referring concerns to Social Care and/or appropriate agencies.
2. Ensure details of all allegations, suspicions or concerns are collected and passed on or to be informed about any referrals made.
3. Ensure that appropriate action is taken in response to concerns raised, and that lines of responsibility are clear.
4. Seek advice from, and liaise with, agencies where required.
5. Make appropriate referral to agencies and ensure referrals are followed up.
6. Ensure the Council's Safeguarding Policy is followed in managing all safeguarding concerns, allegations or suspicions.
7. Refer any allegations of abuse against staff, Members and volunteers to the Head of Organisational Development or in their absence the Chief Executive [where this has not already happened].
8. Ensure that accurate and secure records are kept of all safeguarding concerns, allegations or suspicions, including completion and/or collation of all forms and paperwork.
9. Provide support and guidance to staff and volunteers where required.
10. To attend the Council's Safeguarding Panel on a regular basis.

## Code of Conduct for Hackney Carriage and Taxi Drivers

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### CODE OF CONDUCT FOR LICENSED DRIVERS

This Code of Conduct should be read in conjunction with the other statutory and policy requirements set out in this document. Licence holders shall endeavour to promote the image of the hackney carriage and private hire trade by:

#### RESPONSIBILITY TO THE TRADE:

- Complying with this Code of Good Conduct and signing to say they have understood it.
- Complying with all the Conditions of their Licence and the Council's Hackney Carriage and Private Hire Licensing Policy.
- Behaving in a civil, orderly and responsible manner at all times.

#### RESPONSIBILITY TO CHILDREN & VULNERABLE ADULTS:

- **All complaints, information or any other concern brought to the Councils attention regarding a child or vulnerable adult will result in the immediate investigation of any licensed driver or operator and this may lead to suspension of licence pending the outcome.**
- **Ryedale District Council shall follow its Safeguarding Children & Vulnerable Adults Policy when responding to any complaints/concerns.**

#### DO...

- Treat all children and vulnerable adults with respect.
- Be aware that verbal interaction with children or vulnerable adults may be interpreted by them as offensive or harassment, even if this was not your intention.
- Report to Ryedale District Council any unacceptable behaviour from a child or vulnerable adult.
- Report to Ryedale District Council any safeguarding concerns including allegations of abuse or suspicion of abuse.
- Be aware that contact made outside of a school environment or any other care institute, as a result of you coming into contact with a child/vulnerable adult whilst you are working, is considered inappropriate and is discouraged and may have an impact on your future employment as a licensed driver.

#### DO NOT...

- Instigate any verbal or physical contact with children/vulnerable adults that is not part of the normal customer and client relationship (this applies both at work and whilst not at work.)
- Respond to any verbal or physical contact from children or vulnerable adults that is not part of the normal customer and client relationship (this applies both at work and whilst not at work). If you are approached or contacted, or you have any other concerns about the person's behaviour then you should report it immediately to your employer or to another responsible body. If you are unsure who to report it to please contact the Taxi Licensing Officer.
- Give any personal information to any child or vulnerable adult, for example your name, address, telephone or mobile number or email address.

- Accept or respond to a child or vulnerable adult attempting to give you personal information, for example their name, address, telephone or mobile number or email address.
- Engage with children or vulnerable adults via internet chatrooms, instant messaging services e.g. MSN Messenger, or social networking sites e.g. Facebook, Bebo or MySpace.
- Accept physical or verbal abuse from a child or vulnerable adult. DO NOT respond yourself, but report it immediately to someone in the school office or to Ryedale District Council.
- Make promises to keep any disclosure confidential from relevant authorities.
- Allow any allegations go unreported or trivialise any abuse issues.
- Start any investigation after an allegation or concern has been raised. You just need to record the facts and report these to Ryedale District Council.
- Show favouritism to anyone or threaten to carry out any form of physical punishment.

**NEVER:**

- **Initiate or engage in sexually provocative conversation or activity or allow the use of inappropriate language to go unchallenged. Never do things of a personal/intimate nature that individuals can do for themselves.**

**RESPONSIBILITY TO ALL CLIENTS:**

- Maintain their vehicles in a safe and satisfactory condition at all times.
- Keep their vehicles clean and suitable for hire to the public at all times.
- Attend punctually when undertaking pre-booked hiring.
- Assist, where necessary, passengers into and out of vehicles.
- Offer passengers reasonable assistance with luggage.
- All hackney and private hire vehicles will be smoke-free areas at all times. This includes whether the vehicle is working or not.
- Obey all traffic regulations.
- Not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle.
- Not drive while having misused legal or illegal drugs.
- Fulfil their responsibility to ensure compliance with legislation regarding the length of working hours.
- Not eat or drink in the vehicle in the presence of customers.

**RESPONSIBILITY TO RESIDENTS:**

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- Not sound the vehicle's horn illegally.
- Keep the volume of radio/cassette/CD/MP3 players and VHF radios to a minimum.
- Switch off the engine if required to wait.
- Take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

**At taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:**

- Rank in an orderly manner and proceed along the rank in order and promptly.
- Remain in the vehicle.

**At private hire offices a licence holder shall:**

- Not undertake servicing or repairs of vehicles.

- Not allow their radio/cassette/CD/MP3 players or VHF radios to cause disturbance to residents of the neighbourhood.
- Take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business.

#### **DRESS CODE FOR LICENSED DRIVERS**

The Council is committed to encouraging the professional image of the trade. The Council considers that drivers should conform to a smart standard of dress to raise and maintain the profile of the licensed trade. The Council does not impose such standards by way of conditions to any licence. It is expected, however, that such standards will be maintained at all times. Examples are set out below:

#### **Acceptable Standards of Dress within this code:**

- Tops, Shirts, blouses, T-shirts, or sweat tops should cover the shoulders and be capable of being worn inside trousers or shorts.
- Shirts or blouses can be worn with a tie or open-necked.
- Trousers/Shorts/Skirts - Shorts should be tailored.
- It is recommended that female drivers do not wear short skirts for personal safety reasons.
- Footwear should fit around the heel of the foot. (Safety shoes with protected toecaps are recommended.)

#### **Unacceptable Standards of Dress within this Code:**

- Bare chests.
- Clothing or footwear which is unclean or damaged.
- Clothing printed with words, logos or graphics, which might offend.
- Sports shirts or shorts e.g. football, rugby or cricket tops or track suits.
- Studs or sharp-edged clothing.
- Beach-type footwear (e.g. flip-flops or mules).
- Footwear with pronounced heels.
- Baseball caps.

## Photography Consent Form

Dear Parent or Guardian

We take the issue of child safety very seriously and would never knowingly use an image of your child/children without your prior consent. We would therefore ask you to read through the information below and then complete, sign and return the form to us.

Name of child (Block Capitals):		
Name of parent or guardian (Block Capitals):		
<p>I understand that any photographic or video images taken will only be used for the following purposes:</p> <ul style="list-style-type: none"> <li>• Electronic (including website) and printed information, displays and exhibitions relating to the activity shown in the picture by <i>(insert name of organisation/event here)</i>.</li> <li>• Any related <i>(insert name of organisation/event here)</i> publicity.</li> </ul> <p>I understand that any photographic or video images will <b>NOT</b> be used for:</p> <ul style="list-style-type: none"> <li>• Anything that may cause offence, embarrassment or distress for the child or their parent or guardian, e.g. drug/alcohol abuse etc.</li> </ul> <p>I understand that any photographic or video images may continue to be used until I advise otherwise.</p>		
Having read the statements above, do you give your consent for images to be taken and for those images to be used for publicity materials? (Please put a tick in appropriate boxes)	<input type="checkbox"/>	<b>YES</b> - I give my consent for photographic and/or video images of my child to be taken.
	<input type="checkbox"/>	<b>NO</b> - I do NOT give my consent for photographic and/or video images of my child to be taken.
	<input type="checkbox"/>	<b>YES</b> - I give my consent for any photographic and/or video images of my child to be used in publicity.
	<input type="checkbox"/>	<b>NO</b> - I do NOT give my consent for any photographic and/or video images of my child to be used in publicity.
Signature of parent or guardian:		
Your contact telephone number:		
Relationship to the child:		
Date (Day/Month/Year):		
Once completed this form needs to be returned to: <i>(Insert Name of Event Organiser)</i> , Ryedale District Council, Ryedale House, Malton, YO17 7HH		

Please note: Some photographs and images may be retained as part of the Council's historical record. If you wish to have any photograph or image of your child destroyed, you should inform **(insert name of Event organiser)** writing at Ryedale District Council, Ryedale House, Malton YO17 7HH. Official Use Only:

Subject of photograph.....

Photograph Ref Number(s).....

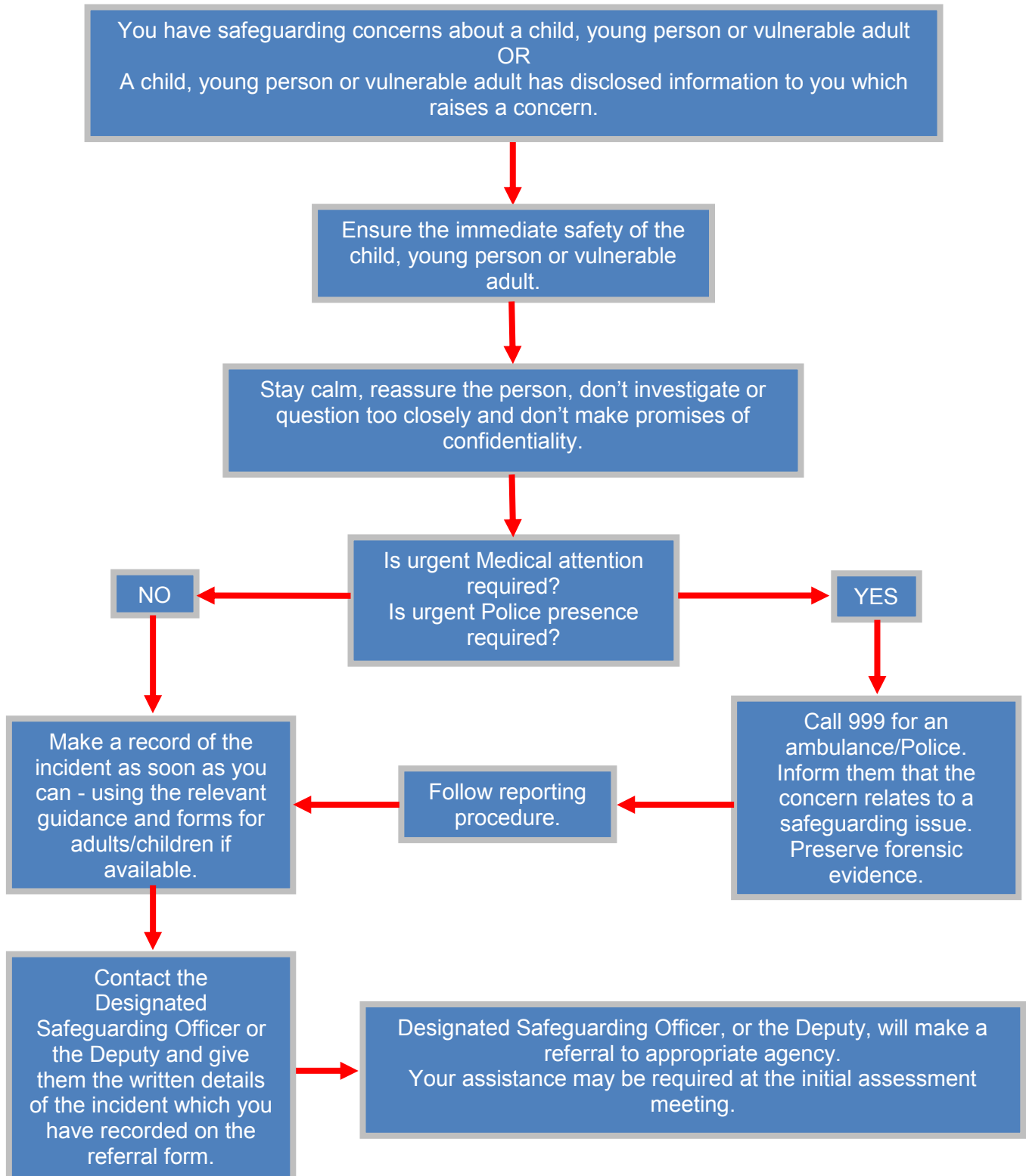
Date taken.....



## Process for the Role of Alerter

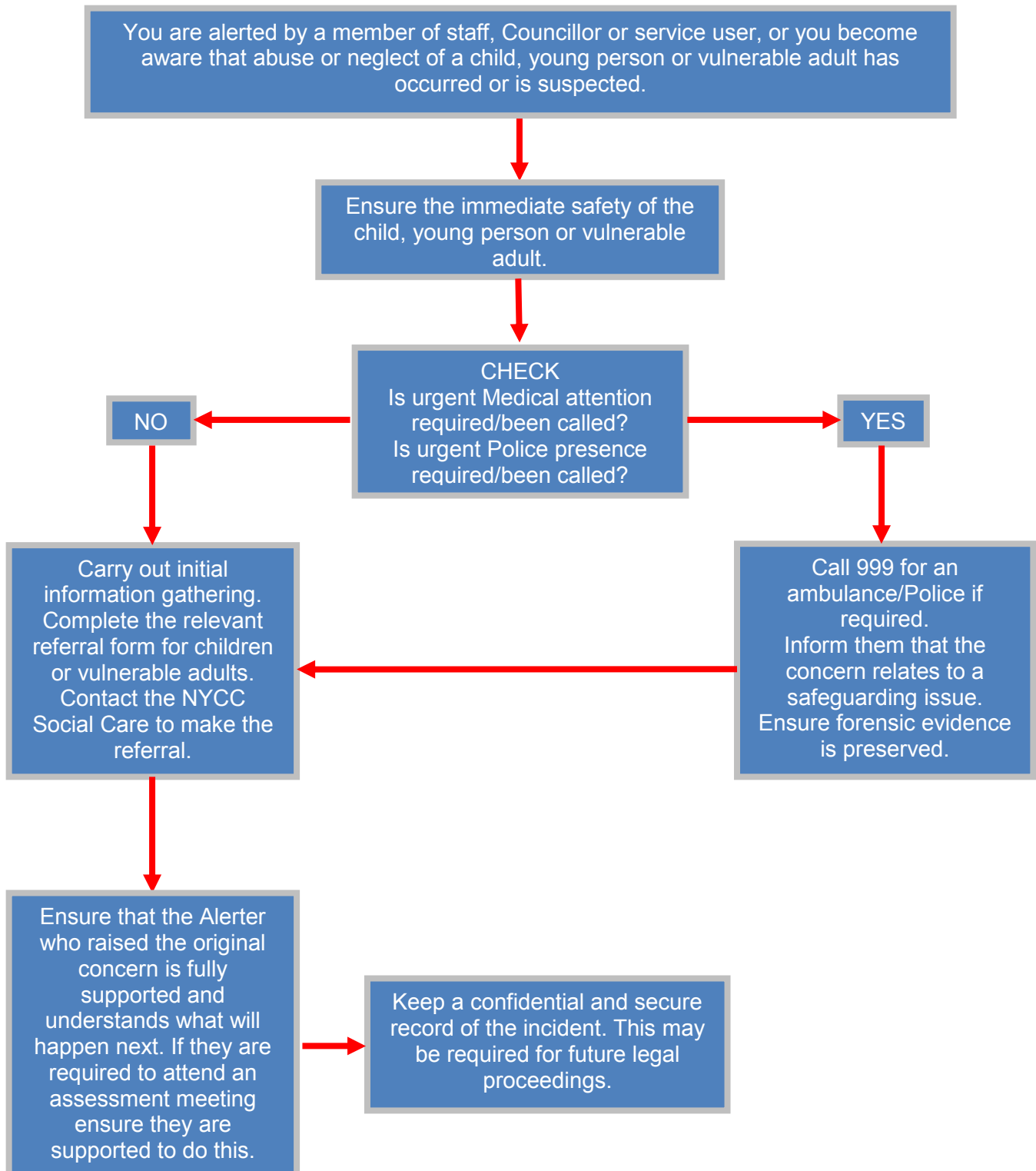
The timescale for alerting is

**Immediately!**



## Process for the role of Referrer

The timescale for Referring is within **24 hours** of the Alert.



## SAFEGUARDING ADULTS ALERT/REFERRAL FORM

# North Yorkshire Safeguarding Adults Board

## Inter-agency Safeguarding Adults Alerter/Referral

**SAFEGUARDING CONCERNS:** Please contact Customer Services Centre on 0845 034 9410

If you have Safeguarding Concerns you will be asked the following information. Completion of this form must not delay immediate action being taken where necessary to ensure the safety of the vulnerable person.

<b>Date of the Alert:</b>	<b>Time of the Alert:</b>
---------------------------	---------------------------

**1 Tell us who the vulnerable person is you are concerned about:**  
(please complete as much of this as is known – if not known put N/K)

**Name:**

**Gender:**

**Home address:**

**Contact address:**

**Telephone No:**

**Age:**

**Date of Birth:**

**Ethnic Origin/Nationality:**

**Religion:**

**Client Group:**

**Communication and access needs:**

**Is the vulnerable person aware of the referral?** Yes  No

*If No, why?*

**In your opinion, does the vulnerable person have capacity?** Yes  No  Not Known

**Are you aware if a Safeguarding referral about this vulnerable person has been made before?** Yes  No  Not Known

**Is the vulnerable person involved with any other agencies?** Yes  No  Not Known

*If Yes, please provide details:*

**2 Please tell us about who you are**

Name:

Organisation (if applicable):

Contact address:

Telephone No:

Mobile No:

Email:

County:

Postcode:

Relationship to the vulnerable person:

**3 Details of vulnerable person's main contact**

Name:

Relationship to vulnerable person:

Is Relative/Carer aware of this referral? Yes  No 

Contact address:

Telephone No:

Mobile No:

Email:

County:

Postcode:

Are they willing to be contacted? Yes  No  Not Known **4a Details of the concern(s) being raised**

Please indicate the type of abuse suspected (please tick more than one if appropriate):

Neglect  Emotional  Financial  Physical  Sexual Discriminatory  Institutional 

And do you consider this abuse:

Hate Crime  Domestic Violence  Domestic Violence Between Partners 

Location of incident/concern:

Date and Time:

**Brief factual details of the incident:**

*This should include a clear factual outline of the concern being raised with details of times, dates, people and places where appropriate. (Please continue on a separate sheet if required).*

**4b Current situation**

**Where is the vulnerable person now in relation to the alleged perpetrator?**

**Are there other people who may be at risk or harm?** Yes  No  Not Known

*If Yes, please describe the risk that remains and names of others potentially at risk (please only refer to identified risk that relates directly to the concern)*

**If you are concerned about the vulnerable person's welfare have you contacted their GP or the ambulance service?** Yes  No

**If criminal activity is suspected have police been contacted?** Yes  No

*If Yes, what was the outcome?*

**Police Crime/Ref No:**

**Who else has been informed of this concern?**

**5 Details of alleged perpetrator(s) involved (if known)**  
*(please complete as much of this as is known)*

Name:

Gender:

Address:

Occupation/Position/Title/Organisation:

Date of Birth:

What is the relationship of the alleged perpetrator to the vulnerable person?

Does alleged perpetrator live with vulnerable person? Yes  No

Is this alleged perpetrator considered a vulnerable person? Yes  No  Not Known

Are they aware of this alert? Yes  No

*If yes, what is their response, and are there any hazards to be aware of?*

**6 Details of person completing this form**

Name:

Date completed:

Address:

Telephone No:

Mobile:

Email:

**FOR LOCAL AUTHORITY USE:**

Decision Made:

Safeguarding Manager:

Team:

Alert allocated to:

SWIFT No:

Have you advised the Alerter/Referrer of the Decision? Yes/No

Date:

Completed forms should be sent to: North Yorkshire County Council, Customer Services Centre, County Hall, Racecourse Lane, Northallerton, North Yorkshire DL7 8AD. Fax number: 01609 532009

## What to do if a child talks to you about abuse

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It is important that you respond effectively when dealing with concerns about a child or young person. Concerns may be raised or come to your attention in different ways. These include:

- A child may tell you about their own or another child's abuse.
- Someone else might report that a child has told them about abuse or that they strongly believe that a child is being abused.
- A child may show signs of physical injury for which there appears no satisfactory explanation.
- A child's behaviour may indicate that it is possible they are being abused.
- Observed or reported unusual behaviour of a member of staff or volunteer, or the way in which they relate to a child or young person.
- Observed or reported unusual behaviour of a member of the public, on Council property or land, or associated with the delivery of Council services.

All concerns should be reported to the designated Safeguarding Officer (or Deputy) in line with the Council's Child or Vulnerable Adult Safeguarding Policy.

In an emergency situation, if the designated persons are unavailable, contact Children's Social Care or the Police.

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### **If a child is telling you something themselves:**

#### **DO**

- Stay calm.
- Listen carefully to what is said.
- Find an appropriate early opportunity to explain that it is likely that the information will need to be shared. Do not promise to keep secrets.
- Allow the child to continue at their own pace.
- Ask questions for clarification only and at all times avoid asking questions that suggest a particular answer.
- Reassure the child that they have done nothing wrong in telling you.
- Tell them what you will do next and with whom the information will be shared.
- Record in writing what was said using the child's words as soon as possible. Note the date and time, any names mentioned and to whom the information was given. Ensure the record is signed off and dated.
- Contact the Safeguarding Officer or their Deputy and forward all information to them as soon as possible.

#### **DO NOT**

- Dismiss the concern.
- Panic.
- Allow your shock or distaste to show.

- Probe for more information than is offered.
- Make promises you cannot keep, such as agreeing not to tell anyone else.
- Speculate or make assumptions.
- Approach the alleged abuser.
- Make negative comments about the accused person.
- Attempt to investigate the concern.
- Discuss with anyone other than the designated Safeguarding Children Officer (or Deputy) or appropriate Officers from Children's Social Care or the Police.



## Child Protection Alert/Refer Form

<b>CHILD PROTECTION INCIDENT REPORTING FORM</b>	
<b>Date of Report:</b>	
<b>Site / Service:</b>	
<b>Name of person making the report:</b>	
<b>Role / Position:</b>	
<b>Contact details:</b>	
<b>Telephone (Work):</b>	
<b>(Mobile):</b>	
<b>(Home):</b>	
<b>Email:</b>	
<b>Name of Child(ren):</b>	<b>Date of Birth:</b>
	<b>Date of Birth:</b>
	<b>Date of Birth:</b>
	<b>Date of Birth:</b>
<b>Address:</b>	
<b>Name of Parent (s)/ Guardian(s):</b>	
<b>Contact details:</b>	
<b>Telephone (Work):</b>	
<b>(Mobile):</b>	
<b>(Home):</b>	
<b>Email:</b>	
<b>Details of any special needs or communication needs of child and/or parent / guardian:</b>	

**(Please turn over to complete the form)**

**Details of Incident / Disclosure / Observation**

Please give an accurate record of the incident / disclosure / observation that has lead you to make this report in as much detail as possible.

- Why do you feel the child is suffering, or is likely to suffer, significant harm
- Share your knowledge and involvement of the child(ren)
- Share your knowledge of any other agency involved
- Indicate the child’s parent/guardian’s knowledge of the referral and their expectations

If you have made a referral by telephone follow this up in writing within 48 hours.

Date of Incident/Disclosure/Observation:

Time:

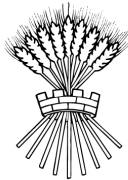
Details of what took place: (please continue on a separate sheet if required)

Signed:

Date:

*This Report is confidential and should only be discussed with the Designated Safeguarding Officer, Deputy, or Case Officer) and Officers from NYCC Children Services*

*When the form is complete check all details then seal in an envelope and send immediately to the Designated Safeguarding Officer and NYCC Social Care marked “Private and Confidential – Address Only”.*



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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>10 FEBRUARY 2011</b>
<b>REPORT OF THE:</b>	<b>HEAD OF ORGANISATIONAL DEVELOPMENT LOUISE SANDALL</b>
<b>TITLE OF REPORT:</b>	<b>FLEXIBLE RETIREMENT POLICY AND PROCEDURE</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

1.1 The purpose of this report is to recommend for approval the new Council policy for Flexible Retirement.

### **2.0 RECOMMENDATION**

2.1 That Council is recommended to approve the adoption of the Flexible Retirement Policy.

### **3.0 REASON FOR RECOMMENDATION**

3.1 With the requirement of ongoing efficiency savings it is important that there is a framework for managers and employees to access when considering any exit strategy in relation to Flexible Retirement from the working environment.

3.2 Ryedale District Council values the knowledge, experience and skills of all its employees and is committed to having a flexible approach to retirement.

3.3 To ensure that Ryedale District Council is compliant and consistent when applications for flexible and / or early retirement are being considered.

### **4.0 SIGNIFICANT RISKS**

4.1 There are no significant risks in adopting the policy.

## **REPORT**

### **5.0 BACKGROUND AND INTRODUCTION**

5.1 The Flexible Retirement Policy applies to all employees who are members of the

Local Government Pension Scheme (LGPS).

5.2 The LGPS is a nationwide scheme and requires consistency in the interpretation of its rules, regulations and guidelines wherever possible.

5.3 Under the local Government Pension Scheme (LGPS) Regulations the Council has the discretion to allow an employee to reduce their working hours and/or undertake a lower graded post whilst being able to be in receipt of some or all of their LGPS benefits early. This is known as flexible retirement.

5.4 For employees who are not members of the LGPS, they may request flexible working through the Council's Flexible Working Request Policy.

## **6.0 POLICY CONTEXT**

6.1 This policy is in accordance with the Council's policy framework.

## **7.0 CONSULTATION**

7.1 The policy and procedures have been developed in consultation with North Yorkshire County Council as custodian of the LGPS, Staff Focus Group, UNISON and Management Team.

## **8.0 REPORT DETAILS**

8.1 There are significant benefits for both employees and the Council as a whole by enabling employees to take advantage of the flexible retirement provisions. For example:

- It enables a person to ease his or her way into retirement;
- It enables the Council to retain the skills and expertise of an individual which may otherwise be lost thereby protecting the quality of the Council services through the retention of skilled and experienced employees;
- It provides greater flexibility and choice for employees;
- It takes account of demographic changes in the population as a whole and in the working population in particular;
- It provides equality of opportunity and fairness for employees;
- It enables employees to strike an effective work/life balance and complements the Council's existing work life balance policies and its aim of being an employer of choice.

8.2 Rather than continuing in employment with Ryedale District Council to 65 or beyond it is possible to consider Flexible Retirement from age 55, if an employee reduces their hours or moves to a less senior position. Provided the Council agrees, the employee can draw some or all of the pension benefits they have built up so helping ease them into retirement.

8.3 The Procedure details the process for employees to follow should they wish to express an interest in flexible retirement and also what the line manager needs to consider. This can be found at Annex A.

8.4 In all cases, employees must receive advice as to how flexible retirement will affect their net pay and pension entitlement, as an employee's pension will normally be actuarially reduced if paid before age 65. In addition, any job held while in receipt of

pension benefits may attract a higher rate of tax. While the Council will provide necessary pay and pension figures, the employee will be encouraged to seek independent financial advice prior to pursuing flexible retirement.

- 8.5 A full appraisal will be carried out to establish both the financial and service delivery implications on the Authority of any application.
- 8.6 There is no guarantee that an application for Flexible Retirement will be approved, the final decision is with the Head of Service and Corporate Director
- 8.7 The Policy and Procedure will be reviewed annually in line with any legislative changes as informed by the LGPS.

## **9.0 IMPLICATIONS**

- 9.1 The following implications have been identified:
  - a) Financial  
Officer delegation on this matter is limited to working within the existing budgetary framework, there are therefore no new financial implications in approving the policy.
  - b) Legal  
The policy and procedure is compliant with current legislation.
  - c) Other  
There are no significant other implications in considering this recommendation.

**Louise Sandall**  
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**Background Papers:**  
None.

**Background Papers are available for inspection at:**  
N/a

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RYEDALE  
DISTRICT  
COUNCIL



# Flexible Retirement Policy and Procedures

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## 1. INTRODUCTION

Under the Local Government Pension Scheme (LGPS) Regulations, the Council has the discretion to allow an employee to reduce their hours of working, or take a lower graded post, and also receive payment of their LGPS benefits early, although there maybe a reduction to their benefits. This is known as flexible retirement.

## 2. PRINCIPLES OF THE POLICY

Flexible Retirement allows employees aged 55+ to continue to work for Ryedale District Council whilst in receipt of a Local Government Pension providing the Council consents and there has either been a reduction in hours or a reduction in grade.

Pension benefits taken on flexible retirement may be subject to a reduction if they are being drawn earlier than 'earliest retirement date'. The amount of reduction to the pension and lump sum is determined by an actuarial calculation based on a formula determined by the Government Actuary's Department. In very exceptional circumstances and where there is a justifiable business case, all or part of the reduction can be waived [\[see paragraphs on Approval/Refusal\]](#).

## 3. PROCEDURE

Each application will be considered on its own merits and account taken of individual circumstances within the overall framework of this policy. No application is guaranteed to be successful, but in considering any request, account will be taken of:-

- The cost to the service (for example, the additional cost of recruitment and training);
- Any effect on the ability of the service to meet service demands (e.g. customer requirements);
- The ability to re-organise work amongst existing staff;
- The ability to recruit suitable new/additional staff;
- The overall impact on quality of service;
- The overall impact on performance;
- The sufficiency of work during the periods the employee proposes to work;
- Planned structural changes.

Flexible Retirement in these circumstances is voluntary and no employee will be required to accept flexible retirement against their wishes.

If you wish to consider applying to draw your pension benefits, you are advised to seek an estimate of benefits from the [North Yorkshire Pension Fund](#).

All applications for flexible retirement with employer's consent must be submitted in writing to the employee's line manager, indicating whether the request is on the basis of:

- a reduction in hours;
- a reduction in grade; or
- a combination of both

An application must also include an explanation of what impact, if any, you think agreeing to the request will have on the service and how, in your opinion, any such impact might be accommodated. You must also specify the revised grade and/or working pattern desired.

It should be noted that:

- 'Reduction in hours' must be permanent and significant e.g. from 5 days per week to 3 days but a minimum of 40% reduction for both full and existing part time staff (this is the equivalent of reducing by 2 days per week).
- Lower grade must be permanent and at least one full grade, e.g. from Grade 4 to Grade 3. (A suitable properly job evaluated vacancy at the lower grade must be available and should be filled by the normal recruitment and selection process unless in exceptional circumstances and in the exigencies of the service). The employee should normally identify a suitable lower graded post to which they are appointed on merit – unless there is a clear business case for an internal transfer within their own service area.
- Apart from in exceptional circumstances, employees may only re-apply for flexible retirement after a period of twelve months has elapsed since the date of the last application.

#### **4. APPROVAL/REFUSAL OF AN APPLICATION**

Before approving any application for Flexible Retirement the line manager, via HR, must obtain an estimate of pension benefits and costs to the Pension Fund from the Pensions Service.

If there is no cost (no strain) to the Pension Fund of approving a request, the Service Unit Manager or equivalent manager can accommodate the revised working pattern/grade without impacting on service delivery and wishes to approve the application, then the Head of Service or equivalent manager may approve the application. The line manager must provide the details of any agreed variation to grade and/or hours of work to HR. HR will issue revised terms and conditions of employment and make any necessary arrangements for the payment of agreed benefits. The Line Manager will complete the form as required.

If the benefits estimate indicates a 'strain' to the Pension Fund, but is otherwise supported by the Service Unit Manager or equivalent manager, the application must be considered by the Head of Service and Corporate Director. The line manager must provide a detailed written statement incorporating the reasons for the proposal as part of a justifiable business case. A statement of the cost to the Pension Fund, as provided by the Pension Service, must also be made available.

If the application is refused at any stage, the line manager must inform the employee of this decision in writing. Any right of appeal will be to a senior designated officer and should be submitted in writing within 5 working days of written receipt of the decision. A copy of any application will also be held on their personal file.

## 5. BENEFITS

Flexible retirement policies can help the Authority:-

- Retain valuable employees who would otherwise leave their job
- Re-organise service delivery methods
- Succession plan
- Deliver financial savings

Benefits for the employee:-

- Employee is able to draw full pension benefits
- Employee is able to continue working within local government
- Employee is able to gain better work-life balance
- Can continue to pay into the Pension scheme on different grade/pay
- To enable employee to retire on a gradual basis

## 6. NON MEMBERS OF THE LOCAL GOVERNMENT PENSION SCHEME

Employees who are not members of the Local Government Pension Scheme may request flexible working through the Council's [Flexible Working Request Policy](#).

## 7. COSTS OF FLEXIBLE RETIREMENT

Allowing staff to retire on flexible terms has the following consequences:-

- There is a loss to the Pension Fund, firstly through the non-collection of anticipated pension contributions, and secondly because the pension is paid out earlier and for a longer period. The cost of the payment of pension would normally be recovered from the Council and not the Pension Fund. This is known as 'strain' cost.
- If the flexible retirement of staff is not carefully managed, it could lead to a loss of much needed expertise and knowledge from the authority and this may be addressed through flexible retirement.

## 8. CONSIDERATIONS

Where an employee's combined age and membership, in complete years, total 85 or more – known as the 85 year rule - benefits cannot be actuarially reduced often resulting in a significant cost to the Pension Fund if an application for flexible retirement is consented to by the employer. (See Point 9 for further information on the 85 year rule and actuarial reduction).

HR will ensure that an estimate of pension benefits and any costs to the Pension Fund is obtained prior to the submission of a formal application.

Applications for flexible retirement should not be unreasonably refused but consideration of applications should take account of the issues identified in the Flexible Retirement policy, the benefits gained, the way in which the early retirement is to be funded, as well as whether there will be any additional consequential savings to the Authority.

Consideration should be given to whether the flexible retirement will facilitate an increase in the efficiency of the service in question, e.g. through the introduction of more effective working methods or the provision of an opportunity to introduce new skills into service delivery or the reorganisation of staffing. Additionally, consideration should be given to whether there are compassionate grounds for the early payment of benefits or any other circumstances which may be relevant to the decision and which may contribute to the more efficient exercise of the Council's business.

Consideration should also be given to circumstances that clearly allow capacity for some degree of progressive succession planning and/or the development of leadership capacity and should be viewed in a positive light.

The criteria applied must constitute a proportionate means of achieving a legitimate aim, for example in terms of service delivery/efficiency. Under Age Discrimination legislation, it is not possible to determine an application for flexible retirement on the grounds of age and/or length of service (or related costs).

Any request for a reduction in grade and/or hours must be accommodated within the Service Unit. If this is not possible, the employee may seek outline approval from his/her existing line manager (provided that there is no cost impact upon the Pension Fund) subject to the employee applying for and being offered a post at a lower grade elsewhere within the Council.

Any business case submitted for consideration by the Head of Service should detail how any capitalised cost of early release of pension can be funded by the service unit.

## **9. 85 YEAR RULE**

Actuarial Reduction for early payment of pension

If you take flexible retirement before age 65 your benefits may be reduced to take account of being paid for longer. How much your benefits are reduced depends on how early you draw your benefits.

If an employee joined the LGPS after 30 September 2006 and takes flexible retirement before age 65, the benefits will be reduced. If they are paying into the LGPS on 30 September 2006 some or all of the benefits paid early could be protected from the reduction.

### **Protected Member**

If an employee was contributing to the LGPS on 30 September 2006 they may have protected rights regarding early payment of their benefits.

- If an employee will be age 60 or over by 31 March 2016 and chooses to retire before age 65, then, provided they satisfy the [85-year rule](#) when they start to draw their pension, the benefits they build up to 31 March 2016 will not be reduced.

- If an employee will be under age 60 by 31 March 2016 and chooses to retire before age 65, then, provided they satisfy the [85 year rule](#) when they start to draw their pension, the benefits they build up to 31 March 2008 will not be reduced.
- If an employee will be aged 60 between 1 April 2016 and 31 March 2020 and meet the [85 year rule](#) by 31 March 2020, some or all of the benefits they build up from 1 April 2008 will not have a full reduction.

The Rule of 85 is satisfied if the age of the employee at the date they draw their benefits and the employees scheme membership add up to 85 or more (part years are ignored). If the employee is part-time, their membership counts towards the rule of 85 at its full calendar length.

If the employees benefits are deferred the rule is satisfied if the employees age at the time they draw your benefits and the membership they would have had in the LGPS add up to 85 or more (part years are ignored).

## **10. FORM FOR REQUESTING FLEXIBLE RETIREMENT**

See attached form.

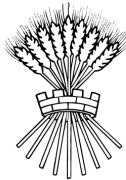
# Application for Flexible Retirement



Name:		
Date of Request:		
Service Unit:		
Line Manager:		
Please indicate the basis for the request for flexible retirement:	Reduction in Hours	
	Reduction in Grade	
	Reduction in Hours and Grade	
If reduction in hours, please indicate the number of hours requested and the working pattern desired:		
If reduction in grade, please indicate the grade requested and the role identified:		
Please consider how your request will impact on your workload/responsibility (please complete what you consider the options/impact on the role/workload):		
Date you propose the flexible retirement to apply from:		
Signature of employee requesting flexible retirement:		
Date of Application:		

Employer use only:

Strain on Pension Fund Cost:	
<i>If a cost is identified above, the line manager must provide a detailed written statement incorporating the reasons for the proposal as part of a justifiable business case.</i>	
Line Manager/Service Unit Manager comments on application:	
*Approved / Refused: *delete	Reason:
Name and Job Title:	
Date:	



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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>10 FEBRUARY 2011</b>
<b>REPORT OF THE:</b>	<b>COUNCIL SOLICITOR AND MONITORING OFFICER ANTHONY WINSHIP</b>
<b>TITLE OF REPORT:</b>	<b>COMMUNITY GOVERNANCE REVIEW – MALTON AND NORTON ON DERWENT</b>
<b>WARDS AFFECTED:</b>	<b>MALTON AND NORTON ON DERWENT</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

1.1 To consider and respond to a community governance petition which has been submitted under the provisions of Section 80 of the Local Government and Public Involvement in Health Act 2007 (The 2007 Act) requesting the District Council to conduct a community governance review to consider:

- Amalgamating the two existing Town Councils of Malton and Norton on Derwent to constitute and create a single Town Council;
- Constitute a new single Parish from the existing two Parishes;
- Making recommendations as to the name of the new Parish

1.2 Ryedale District Council has a duty under section 83 of the 2007 Act to respond to the petition using its powers to undertake a Community Governance Review under section 82 of the 2007 Act.

### **2.0 RECOMMENDATIONS**

2.1 Council is recommended to approve that:

- (a) A Community Governance Review of the areas of Malton Town Council and Norton on Derwent Town Council be undertaken;
- (b) The terms of reference for the review, as attached to this report, be agreed; and
- (c) Either

#### OPTION A

A local poll be conducted to ascertain the views of the local government

electors of the areas of Malton and Norton on Derwent on the proposed amalgamation of the two existing Town Councils of Malton and Norton on Derwent and the name of the single Town Council such a poll to be conducted on a date to be determined after the local government elections on 5 May 2011.

#### OPTION B

Consultation of local government electors be conducted by means of a questionnaire by post.

- (d) Other persons or bodies be consulted by mailing the questionnaire. Such persons or bodies to include:
- Malton Town Council
  - Norton Town Council
  - Malton and Norton Area Partnership
  - The Fitzwilliam (Malton) Estate

and any other groups brought to the attention of the Council Solicitor that he considers appropriate.

### **3.0 REASONS FOR RECOMMENDATIONS**

- 3.1 To comply with the statutory duty under section 83 of the 2007 Act to respond to a community governance petition.

### **4.0 SIGNIFICANT RISKS**

- 4.1 No significant risks have been identified in preparing this report. – see Risk Matrix (Annex A).

## **REPORT**

### **5.0 BACKGROUND AND INTRODUCTION**

- 5.1 Malton and Norton-on-Derwent both have a long history and whilst they are in close proximity they have often been separate and distinct for centuries for a number of reasons including separation by the River Derwent, being located in a different county prior to 1974 and a different pattern of land ownership. A brief summary of the historical background is included in the attached Annex B. In recent years there has been a call for the amalgamation of the two town councils to form one town council for Malton and Norton and this has culminated in a community governance petition.
- 5.2 A petition has been submitted under the provisions of Section 80 of the Local Government and Public Involvement in Health Act 2007. The petition requests the Council to conduct a community governance review to consider:
- Amalgamating the two existing Town Councils of Malton and Norton on Derwent to constitute and create a single Town Council;
  - Constitute a new single Parish from the existing two Parishes;
  - Making recommendations as to the name of the new Parish
- 5.3 To be valid a petition requesting a Community Governance Review must contain the signatures of at least 10% of the electors for the area subject to the review whose names appear on the Register of Electors which is in force for the area the subject of



the review at the time the petition is submitted. The petition must also define the area to which it relates and specify one or more proposals for consideration. The petition meets all of these criteria and is therefore valid.

- 5.4 Ryedale District Council has a duty under section 83 of the 2007 Act to respond to the petition using its powers to undertake a Community Governance Review under section 82 of the 2007 Act. In doing so, the Council is required to have regard to Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government.
- 5.5 In relation to the stages of a community governance review a flowchart is attached at Annex C which gives an outline only of the procedure since it is not directly applicable to reviews relating to town and parish council areas.
- 5.6 The review begins when the District Council publishes its terms of reference and ends when it publishes its recommendations – it has a maximum of 12 months to complete the process (section 102(3) and (4) of the 2007 Act).
- 5.7 Section 93 of the 2007 Act sets out the duties the Council must comply with when undertaking a review. These include consulting with local government electors and those who might have an interest in the review, taking account of any representations received and the community identity and effective local government criteria.
- 5.8 However, subject to complying with these duties, section 93 of the 2007 Act confers on principal councils a wide discretion as to how they carry out the review. The District Council can carry out a further consultation exercise during the review period if it so wishes and in any such way that would assist with deciding what recommendations it should make. Once its recommendations are published, this concludes the community governance review.
- 5.9 Following publication of the recommendations, it is then for the District Council to decide to what extent it will give effect to the recommendations. Once it has made that decision the District Council must publish that decision and its reasons for making the decision (see section 96(2) of the 2007 Act).
- 5.10 Finally, the District Council gives effect to the recommendations by approving the making of a reorganisation order.
- 5.11 The order would deal with the following matters:-
  - (i) Amalgamation of existing parishes and the constitution of a new parish;
  - (ii) Establishing and naming a new parish council
  - (iii) Elections for new parish
  - (iv) Numbers of Town Councillors
  - (v) Warding of parishes (if relevant)
  - (vi) Dissolution of Town Councils
  - (vii) Transfer of property rights and liabilities

## **6.0 POLICY CONTEXT**

6.1 The Council has a legal duty to respond to the petition.

## 7.0 CONSULTATION

7.1 Section 93(3) of the 2007 Act requires the District Council to conduct a consultation exercise of local government electors and other persons or bodies which appears to the principal council to be appropriate. It is proposed that consultation is undertaken after the terms of reference have been approved by Council and the means of consultation has been approved.

## 8.0 REPORT DETAILS

8.1 A Community Governance Review (CGR) is a review of the whole part of a local authority's area. In this instance the review will be limited to the areas of Malton Town Council and Norton on Derwent Town Council.

8.2 The Council is required to publish the terms on which the review is to be undertaken and the draft Terms of Reference (TOR) is attached as **Annex D**.

8.3 Members are advised that the District Council has a statutory duty under section 93 of the 2007 Act to consult and take into account any representations received in connection with the review.

8.4 Section 93(3) of the 2007 Act provides as follows:-

*“(3) The principal council must consult the following:-*

- (a) Local Government electors for the area under review;*
- (b) Any other person or body (including a local authority) which appears to the principal council to have an interest in the review.”*

8.5 Local government electors for the area under review must be consulted as well as any other person or body which appears to have an interest in the review. It is considered that there are the following two ways of consulting local government electors:-

- (i) Conducting a local poll in the areas of Malton and Norton on Derwent pursuant to section 116 of the Local Government Act 2003
- (ii) Write to each eligible elector in the review area with a copy of the TOR and a questionnaire seeking their views on their preferred option for community governance arrangements in Malton and Norton on Derwent.

8.6 Council has to consult with others who appear to have an interest in the review which might include local businesses and local public and voluntary organisations.

8.7 It is recommended that a public notice be published in the Gazette & Herald and the Malton and Pickering Mercury and appropriate press releases will be issued to invite any other interested persons or bodies to put forward their views. The TOR and questionnaire will also be available on the Council's website.

8.8 The Council also has to inform North Yorkshire County Council that a review will be undertaken and of the terms of reference of the review and to consult them.

8.9 Any representations received in connection with the review must be taken into

account and the review must be concluded within the period of 12 months starting with the day on which the review begins.

- 8.10 Subject to the duties set out in the Act, it is for Ryedale District Council to decide how to undertake the review.
- 8.11 It is recommended starting the consultation by 5 May 2011 and asking that responses be submitted by 6 June 2011. The TOR includes a timetable for the remainder of the process.
- 8.12 Undertaking a poll is considered to satisfy the wellbeing test since it is important to have the optimum community governance arrangements for Malton and Norton on Derwent.
- 8.13 However guidance from the Electoral Commission indicates that it is impractical to hold a local poll on the same day as the local government elections on 5 May 2011 for the following reasons:
- It would not be possible to run the local poll in combination with the local government elections in May 2011 as this is not a combination which is recognised in law.
  - Election law is very prescriptive about what is legally permissible to happen at a polling station during the period of an election to ensure that the conduct of an election is entirely proper and without the appearance of improper procedures.
  - Rule 30 of the Local Elections (Principal Areas) (England and Wales) Rules 2006 is quite clear about who may attend at the polling station and this excludes anyone conducting a local poll because it is not authorised.
  - Accordingly against this background, Electoral Commission advice is that a second, separate room would have to be used at polling stations.
  - Two polling stations in Malton and Norton do not have a second room.
  - There would be additional costs associated with hiring additional rooms and staffing them.
  - There may be problems with staff availability.
  - The Council's printers may not have capacity to pick up the additional work, which would include preparatory set up work.

## **9.0 IMPLICATIONS**

9.1 The following implications have been identified:

a) Financial

The advice received is that local polls and elections cannot be combined. It is possible to hold a local poll under section 116 of the Local Government Act 2003 on the same day as the local government elections. It will need to be a standalone poll although it is possible to use the same polling venues. The estimated cost of the poll will be £1,000. It is estimated that the cost of printing and distribution of the consultation documents will be in the region of £1,500. That does not include the cost of prepaid envelopes or staff time. It also does not include the cost of any advertising. There is no means for the District Council to recovering the costs of a community governance review and accordingly the District Council bears these costs. Council has a duty to undertake a Community Governance Review and those duties are set out in the Local Government and

Public Involvement in Health Act 2007.

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

The report has no other significant implications.

**Anthony Winship  
Council Solicitor**

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**Background Papers:**

Local Government and Public Involvement in Health Act 2007

Guidance on Community Governance Reviews published by DCLG and the Electoral Commission in April 2008

Parish and Town Councils in England (HMSO 1992) Research by the Aston Business School

Circular 1126/1988 – Council Size published by the National Association of Local Councils.

**Background Papers are available for inspection at:**  
Ryedale House, Legal Services

## COMMUNITY GOVERNANCE REVIEW – RISK MATRIX

Issue/Risk	Consequences if allowed to happen	Likelihood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
The District Council fails to comply with the statutory requirements relating to Community Governance Reviews in the 2007 Act.	Complaint and potentially a court order or mandamus.	2	B	There is no mitigation in this case	2	B

Score	Likelihood	Score	Impact
1	Very Low	A	Low
2	Not Likely	B	Minor
3	Likely	C	Medium
4	Very Likely	D	Major
5	Almost Certain	E	Disaster

## BRIEF HISTORY OF MALTON AND NORTON-ON-DERWENT

Malton consists of two parts which are still quite independent of each other. There is Old Malton which was originally the village which grew up along the Scarborough road which passed the priory and New Malton which has the principal commercial retail area for the locality.

Pevsner's guide for Yorkshire: York and East Riding published in 1995 describes the history and development of Norton-on-Derwent as being inseparable from that of Malton across the River Derwent and as long playing the role as a residential and industrial suburb of Malton. The guide continues:-

*"Between 1841 and 1871 Norton's population rose from 1,644 to 3,170, almost doubling, while that of Malton fell from 5,317 to 4,998. The rise of Norton and the decline of Malton continued up to the mid C20 and by the Second World War the former was the most populous settlement of the two. In 1991 the population of Norton was 6,230, and that of Malton 4,220. Norton's rapid expansion was due to the fact that it was an open community free of the control exercised by the Fitzwilliam family at Malton."*

The background to this quote is that the Fitzwilliam (Malton) Estate Company is the principal land owner in Malton and the largest landlord of commercial property. The pattern of land ownership in Norton-on-Derwent has been more diverse and has been predominantly freehold.

Some of the key dates in the history of local government in Malton and Norton are summarised below:-

1888 - Local Government Act 1888 created County Councils.

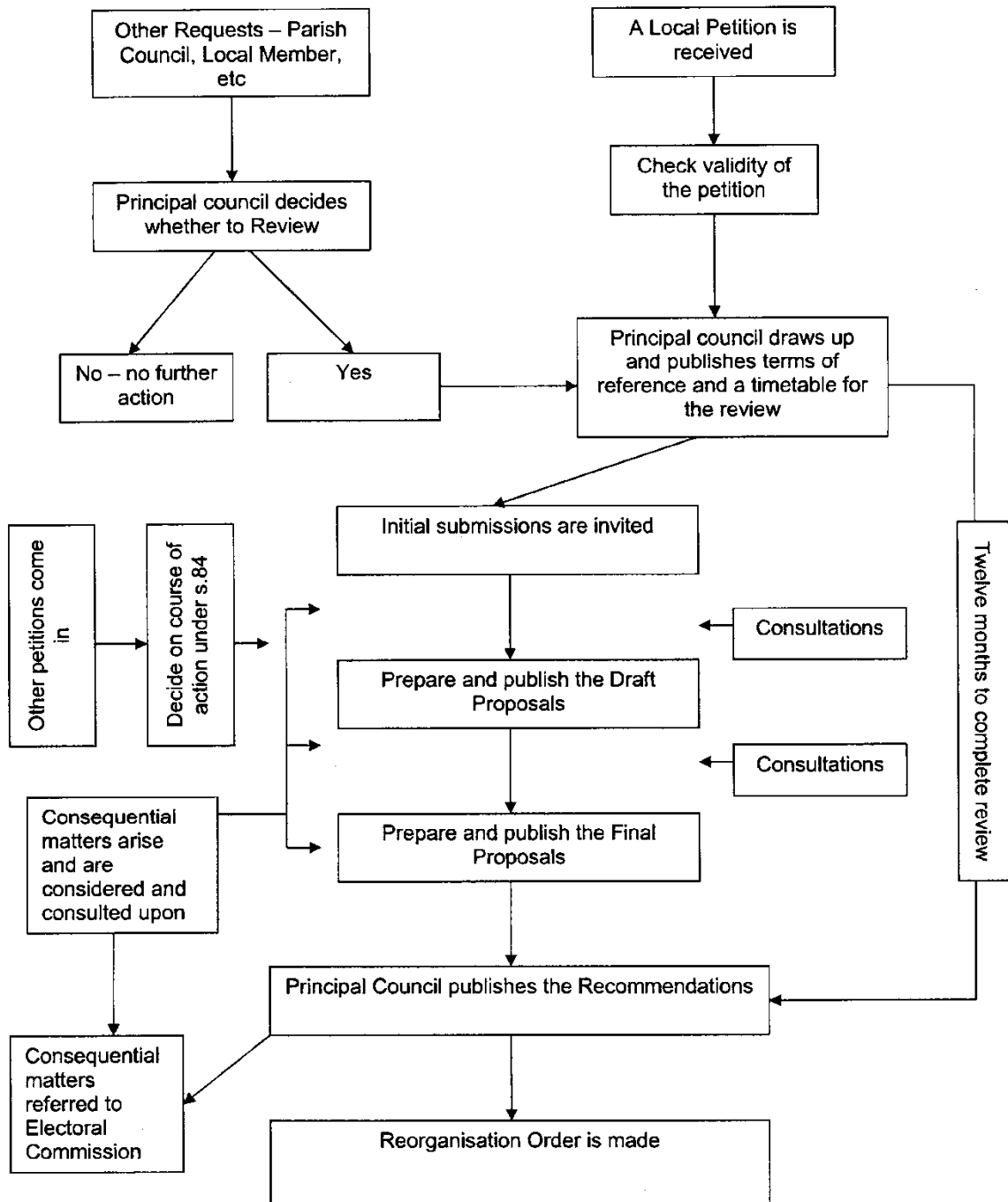
Malton was located in the North Riding of Yorkshire with County Hall at Northallerton. Norton-on-Derwent was located in the East Riding of Yorkshire with County Hall at Beverley.

1894 - Local Government Act 1894 created urban and district councils and established parish councils.

1972/4 - Local Government Act 1972 abolished urban and rural district councils and each county was divided into counties and districts.

Ryedale District Council was formed by the amalgamation of nine Councils including Malton Urban District Council and Norton Urban District Council.

COMMUNITY GOVERNANCE REVIEWS - FLOWCHART



## Ryedale District Council

### Terms of Reference

**For a Community Governance Review in response to a petition submitted under Section 80 of the Local Government and Public Involvement in Health Act, 2007.**

#### Introduction

1. A petition has been submitted under the provisions of Section 80 of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act). The petition requests the Council to:
  - Amalgamate the two existing Town Councils of Malton and Norton-on-Derwent to constitute and create a single town council
  - Constitute a new single Parish from the existing Parishes
  - Make recommendations as to the name of the new parish.
2. To be valid a petition requesting a Community Governance Review must contain the signatures of at least 10% of the electors for the area subject to the review whose names appear on the Register of Electors which is in force for the areas of Malton and Norton-on-Derwent at the time the petition is submitted. The petition which has been submitted contains the required number of valid signatures.
3. The petition must also define the area to which it relates and specify one or more proposals for consideration. The petition meets all of these criteria and is therefore valid.
4. Ryedale District Council has a duty under section 83 of the 2007 Act to respond to the petition using its powers to undertake a Community Governance Review under section 82 of the 2007 Act. In doing so, the Council is required to have regard to Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government.
5. The Council has the power to decide whether or not to amalgamate the parishes of Malton and Norton-on-Derwent. There is currently no provision for any appeal against any decision on a Community Governance Review made by the Council.

#### What is a Community Governance Review?

6. A Community Governance Review (CGR) is a review of the whole or part of a local authority's area to consider one or more of the following –
  - a. The creation, merger, alteration or abolition of parishes
  - b. The naming of parishes and the style of new parishes
  - c. The electoral arrangements for parishes including -



- The ordinary year of election
  - The number of councillors to be elected
  - The warding (if any) of the parish
7. A CGR should according to the last Government's White Paper *Strong and Prosperous Communities* published in October 2006 -
- a. improve community engagement
  - b. provide for more cohesive communities
  - c. provide better local democracy
  - d. result in more effective and convenient delivery of local services

### **Parish Governance in Ryedale**

8. In the District of Ryedale, there are 116 parishes. 86 have parish or town councils and the other 30 have parish meetings. The size of parish councils ranges from 5 to 12 Councillors. All parish councils are elected together in a four yearly cycle. The next elections are in May 2011.

### **Who will undertake the Community Governance Review**

9. As the principal authority, the District Council is responsible for undertaking any community governance review. The Council Solicitor will lead the review at officer level and the Policy and Resources Committee will make recommendations to Council for final adoption.

### **How the Council proposes to conduct consultations during the review**

10. Under Section 93, the Council has a duty to consult –
- a. Local government electors for the area under review
  - b. Any other person or body (including another local authority) which appears to have an interest in the review
11. The Council proposes to consult with local government electors for the area by EITHER
- OPTION A conducting a poll in the areas of Malton and Norton-on-Derwent pursuant to section 116 of the Local Government Act 2003 to ascertain the views of the local government electors of the areas of Malton and Norton on Derwent on the proposed amalgamation of the two existing Town Councils of Malton and Norton on Derwent and the name of the single Town Council such a poll to be conducted on a date to be determined after the local government elections on 5 May 2011.
- OPTION B conduction a consultation of local government electors by means of a questionnaire by post.

12. The Council also has to consult with others who appear to have an interest in the review which might include local businesses and local public and voluntary organisations. It is recommended that a public notice be published in the Gazette & Herald and Malton & Pickering Mercury and appropriate press releases will be issued to invite any other interested persons or bodies to put forward their views. The Terms of Reference and questionnaire (**Appendix 3**) will also be made available on the Council's website.
13. The Council has a duty under section 79 of the 2007 Act to inform North Yorkshire County Council that the review is to be undertaken and of the terms of the review. The Council will also consult with them on the options contained in the terms of reference and any proposals that are made as a result of the conduct of the review.
14. The Council will also publish the terms of reference of the review, the questionnaire, the options contained in the terms of reference and any proposals that are made as a result of the conduct of the review on its website – [www.ryedale.gov.uk](http://www.ryedale.gov.uk)
15. The timetable for the conduct of the review including the consultation process is attached as **Appendix 1** to these terms of reference.

#### **Electorate forecast to be used during the review**

16. Section 95 of the 2007 Act requires the Council to make electoral recommendations when considering the establishment of any new parish council. It must take into consideration the number of local government electors on the register of electors at the time of the commencement of the review and the projected change to the number of electors in the five years beginning on the day the review starts. The following figures will be used throughout this review. The Council has used the Register of Electors of 2010 to provide the electorate figures. The population projection for the Ryedale District area in 2011 is 54,000 and is expected to increase to 56,500 by 2018. This is approximately a 1% increase. There are no official projected population figures for Malton and Norton on Derwent in five years time. The projected population figures for 2018 bellow are the populations of Malton and Norton on Derwent increased by 1% from the 2009 figures. These figures are estimates only.

<b>Ward</b>	<b>2009 Population (Estimate)</b>	<b>2010 Electorate</b>	<b>Ratio of Electorate to Population</b>	<b>2018 Population (Estimate)</b>	<b>2018 Electorate (Estimate)</b>
Malton	5050	3888	77%	5100	3927
Norton on Derwent	7440	5648	76%	7514	5710
<b>TOTALS</b>	12490	9536		12614	9637

The statistics for the number of local government electors on the register of electors for 2010 are as follows:-

<b>Town Council/Town Ward</b>	<b>No. of Seats</b>	<b>Eligible Electorate</b>	<b>Electors per Seat</b>
Malton	10	3,888	388
Norton-on-Derwent (Norton-on-Derwent East Ward)	6	2,961	493
Norton-on-Derwent (Norton-on-Derwent West Ward)	6	2,687	447

The population statistics for Malton and Norton-on-Derwent based on the 2001 census published by the Office of National Statistics are as follows:-

Malton - 5,023  
Norton - 6,943

The 2009 population estimate published by North Yorkshire County Council are as follows:-

Malton - 5,050  
Norton - 7,440

### **Guidance on the optimum number of Town Councillors on Parish/Town Councils'**

17. In Guidance on Community Governance Reviews, the Electoral Commission advises that:

*"In considering the issue of council size, the Commission is of the view that each area should be considered on its merits, having regard to its population, geography and the pattern of communities"*

18. The Aston Business School have published recommendations on the levels of parish council representation. For an area with an electorate up to 10,000 they recommend that the number of councillors should be in a range of between 9 and 16. The figures for an electorate of 10,000–20,000 are 13-27. The National Association of Local Councils recommends that the maximum number of councillors should be 17.
19. There are no statutory guidelines relating to the number of parish councillors that should make up a parish council. There is no maximum number specified but the minimum statutory number is one. The Government's advice is that each person's vote should be of equal weight so far as possible having regard to other legitimate competing factors when it comes to the election of councillors. If this principle were applied, there would be more Town Councillors representing Norton-on-Derwent than Malton.

20. Bearing in mind the recommendations of the National Association of Parish Councils, the likely number of parish councillors for the area of Malton and Norton-on-Derwent if a parish council were to be established is probably 17. This would result in each parish councillor representing an average of 560 electors. For election administration purposes it would be best to divide any parish of this size into parish wards and three would be a sensible number. Match the existing town wards from Malton and Norton-on-Derwent with seven councillors for Malton, five councillors for Norton East and five councillors for Norton West.

## **Options for consideration**

### **Establishing a single Town Council for Malton and Norton-on-Derwent**

21. The petition asks the Council to set up a single town council for Malton and Norton-on-Derwent and the Council must consider this option. There is no difference between a parish council and a town council except in name. The Council has a duty to consider the request because of the submission of a valid petition.
22. To assist you in coming to a view the Council has drafted arguments for and against the establishment of a single parish or town council for Malton and Norton on Derwent and these are set out in **Appendix 2**.
23. **Appendix 4** lists what parish councils can do if they wish to. It is a brief summary of the discretionary powers and duties of a parish council.

### **Consequential matters**

24. When all the required community consultation has been undertaken and the review completed the Council may make a Community Governance Order to bring into effect any decision that it may make. If the Council decide to take no action then it will not be necessary to make such an order.
25. If such an order is made it may be necessary to cover certain consequential matters in that order. These may include –
  - a. the transfer and management or custody of property
  - b. the setting of a precept (council tax levy) for any new parish or parishes
  - c. provision with respect to the transfer of any functions, property, rights and liabilities
  - d. provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.
26. In considering these matters the Council will be guided by the Local Government (Parishes and Parish Councils) (England) Regulations 2008.
27. The Council will also take into account the requirements of regulation 3 of the Local Government Finance (New Parishes) Regulations 2008 when calculating

the budget requirement of any new parish councils when setting the council tax levy to be charged.

28. Elections for any council that may be established would be held in the ordinary year of elections which in this case is 2015. However, as those elections are some four years after any order could be made the District Council could, under the provisions of Sections 16(3) and 90 of the LGA 1972, resolve to hold the elections earlier with any councillors elected at those elections serving a shortened term to allow the parish electoral cycle to return to that of the District Council.

#### **Adoption and Publication of Terms of Reference**

29. The terms of reference were approved, adopted and published by Ryedale District Council at a meeting of the Council held on 10 March 2011.

## Process Timetable

<b>Action</b>	<b>When</b>
Petition received	7 April 2010
Petition Validated	June 2010
Terms of reference drafted	By 2 February 2011
Terms of reference agreed by Policy and Resources Committee	10 February 2011
Terms of reference agreed by Council and published	10 March 2011
First consultation period commences	5 May 2011
First consultation Period closes	6 June 2011
Draft proposals prepared	By 21 September 2011
Draft proposals are agreed by Policy and Resources Committee and recommended to Council.	29 September 2011
Council to agree proposals for publication	3 November 2011
Second consultation period commences	10 November 2011
Second consultation Period closes	17 November 2011
Final proposals prepared	By 1 December 2011
Final Proposals are recommended	8 December 2011
Council to agree Final Proposals	12 January 2012
Final recommendations are published	By 19 January 2012
Electoral matters are referred to Electoral Commission if required	By 19 January 2012
Electoral Commission response	By 31 January 2012
Review Order made	17 February 2012

**THE CASE FOR AND AGAINST THE AMALGAMATION OF THE TWO EXISTING TOWN COUNCILS OF MALTON AND NORTON-ON-DERWENT TO CONSTITUTE AND CREATE A SINGLE TOWN COUNCIL**

**FOR**

**AGAINST**

**1: COSTS**

The cost of a single Town Council for Malton and Norton could be minimal, made up of some of the costs which the District Council spends on Malton and Norton. To this will be added employee costs, democratic costs and the usual expenses of being a local authority.

No parish or town council in the District of Ryedale pays its councillors allowances. If they were minded to do so, they would still have to ask the Ryedale District Council's Independent Remuneration Panel for their views.

For the financial year 2010-2011 the council tax levy on a band D property in Malton was £1,855.42 and for Norton-on-Derwent was £2,445.15. It is not possible to estimate what the costs of a single Town Council for Malton and Norton will be as they will be determined by the functions that it performs and its administrative structure.

Ryedale District Council's council tax is currently 'capped' by the Government each year; no such 'cap' is currently in place for parish or town councils.

Town Councillors are able to vote in a scheme of allowances for themselves and if adopted would increase the cost of democracy.

**2: INFLUENCE AND RESPONSIBILITIES**

A single Town Council for Malton and Norton-on-Derwent could potentially have greater influence on the district and county councils and other government agencies on a range of matters. One particular area would be on planning and development issues where the town council would be consulted on the same basis as all other parish and town councils in the district.

Parish councils provide a useful sounding board of public opinion for district and county councillors because they are closer to the individual communities they represent.

Town/parish Councils have a number of statutory powers although these are mostly minor. It could take over the administration of public toilets and some other functions from the District Council through negotiation.

A single Town Council for Malton and Norton-on-Derwent could give rise to a competitive relationship between the Town Council and the District Council in relation to competing priorities which could cause delay and increase costs.

A single Town Council for Malton and Norton-on-Derwent could be more efficient in many areas of service delivery such as public toilets.	
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**3: REPRESENTATION & ACCOUNTABILITY**

<p>If a single Town Council was created for Malton and Norton-on-Derwent it would potentially:-</p> <ul style="list-style-type: none"> <li>a. Be accountable to electors and under local control</li> <li>b. Be a local authority in its own right giving representation at grass roots level</li> <li>c. Raise funds and provide local services and facilities</li> <li>d. Encourage a greater sense of community identity and civic pride</li> </ul>	<p>If a single Town Council is created for Malton and Norton it would potentially:-</p> <ul style="list-style-type: none"> <li>a. Add little extra accountability and democratic representation</li> <li>b. Duplicate and increase the costs of the provision of some services</li> <li>c. Levy additional council tax and incur additional costs</li> </ul>
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**4: OTHER ISSUES**

<p>Roles of the existing town, district and county councils are clearly defined and each represents their residents at the different levels. The legal "power of well-being" means that parish councils can now raise and spend money on whatever are their priorities, including businesses, individuals and other areas where they were not previously able to do so.</p> <p>The combined number of Town Councillors for the two separate town councils of Malton and Norton-on-Derwent is 22 (10 seats for Malton and 12 seats for Norton). The recommended number of seats for a single town council for an electorate the size of Malton and Norton is 17. Accordingly the numbers of Town Councillors would be reduced for Malton and Norton if the guidance was followed.</p>	<p>A single town council in Malton and Norton could cause confusion to residents as to which local authority or councillor to approach.</p> <p>Some of Ryedale's current district councillors are parish/town councillors in other areas leading to a possible confusion of roles.</p> <p>A parish council for Malton and Norton could resolve that it takes the style of town council and that its Chairman could take the title of Town Mayor. This could add confusion to the role and responsibilities of the Chairman of the District of Ryedale as the first citizen within the district.</p> <p>The District Council already has a legal power of "well-being" and it does not require an extra layer of bureaucracy to address the needs of the community.</p> <p>Given that the population of Norton-on-Derwent is greater than Malton, Norton-on-Derwent would be entitled to more Town Councillors than Malton. Indications from guidance are that Malton would have seven seats and Norton-on-Derwent would have ten seats on a single town council.</p>
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**Community Governance Review**

You are strongly advised to read the Terms of Reference for the review, or, at the very least, the summary as set out in the accompanying letter, before answering any of the following questions:

Please put X in either the 'Yes' or 'No' column against each question to indicate your response.

		YES	NO
1	Do you support the setting up of a single town council for Malton and Norton-on-Derwent?		
2	Do you support the name of Malton and Norton Town Council for a single Town Council?		

<p><b>Any comments you would like to make?</b> Please continue on back if necessary</p>
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**What can a Parish Council do?**

A parish council can, if it decides to do so, provide a number of services. These are summarised in the table below:

<b>Service or Function</b>	<b>What can a Parish Council do?</b>
Allotments	Provide allotments
Baths and Washhouses	Provide public baths and washhouses
Burial grounds, cemeteries and crematoria	Acquire, maintain and provide burial grounds, cemeteries and crematoria. Maintain monuments and memorials and contribute towards the expenses of cemeteries
Bus Shelters	Provide and maintain bus shelters
Bye Laws	Make bye-laws for pleasure grounds, cycle parks, baths and washhouses, open spaces, burial grounds, mortuaries and post-mortem rooms
Charities	Receive accounts of parochial charities
Clocks	Provide public clocks
Commons and common pastures	Enclose, regulate and manage commons and provide common pasture
Conference facilities	Provide and encourage the use of conference facilities
Community centres	Provide and equip buildings for use by athletic, social or educational clubs
Crime Prevention	Spend money on various crime prevention measures
Drainage	Deal with ponds and ditches
Education	Appoint school governors
Entertainment and the arts	Provide entertainment and support for the arts
Gifts	Accept gifts
Highways	Repair and maintain public footpaths and bridle-ways. Light roads and public places. Provide litter bins, parking places for vehicles, bicycles and motor-cycles, roadside seats and shelters, bus shelters, traffic signs and other notices. Plant trees and maintain roadside verges.
Investments	Participate in collective investment schemes
Land	Acquire, appropriate, dispose of and accept gifts of land
Litter	Provide litter bins
Lotteries	Promote lotteries
Mortuaries and post mortem rooms	Provide mortuaries and post mortem rooms
Nuisances	Deal with offensive ditches
Open spaces	Acquire and maintain land used for open spaces
Parish property and documents	Make decisions on the custody of parish property and documents
Public Conveniences	Provide public conveniences
Recreation	Acquire land for and provide recreation grounds, public walks, pleasure grounds and manage and control them. Provide gymnasiums, playing fields, holiday camps and boating pools.
Town and Country Planning	Be notified of planning applications in the parish and submit comments on them to the district council
Tourism	Contribute to organisations encouraging tourism
Traffic Calming	Contribute financially to traffic calming schemes
Transport	Spend money on community transport schemes
War memorials	Maintain, repair, protect and adapt war memorials
Water supply	Provide facilities for obtaining and utilising water from wells, springs or streams.



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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>10 FEBRUARY 2011</b>
<b>REPORT OF THE:</b>	<b>HEAD OF PLANNING GARY HOUSDEN</b>
<b>TITLE OF REPORT:</b>	<b>FEES AND CHARGES - PRE APPLICATION ADVICE</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

1.1 This report sets out the proposed fees and charges for 2011/12 for pre-application advice which are under the remit of this Committee. The proposals introduce an alternate fee structure.

### **2.0 RECOMMENDATION**

2.1 That Council is recommended to approve the Development Management Pre-Application Advice Fees and Charges (Annex B).

### **3.0 REASON FOR RECOMMENDATIONS**

3.1 Fees and charges are an important part of the Council's Budget Strategy. Officers have reviewed potential areas for further income generation to assist in the preparation of the Council's budget. Other neighbouring Authorities already charge for this service and others within North Yorkshire are planning to do so for 2011/12.

### **4.0 SIGNIFICANT RISKS**

4.1 There are no significant risks associated with the charges proposed. The proposed fees will be monitored over the year in order to assess their impact on demand for the service and the need for further adjustment.

4.2 The risk matrix is attached at Annex A.

## **REPORT**

### **5.0 BACKGROUND AND INTRODUCTION**

5.1 The Council currently charges for pre-application advice, albeit at a flat rate which is

applicable at the same rate to all types of development proposals. These were approved by Council in January 2010 for 2010/2011 and set at a rate of £50 or £70 including site inspection. Officers are aware, however, that other Councils charge on a differential basis dependant upon the scale of the development proposed. It is considered that there is merit in applying a fee scale that better reflects the extent and complexity of advice being sought. The Council also charges £25 for Development Enquiry forms in respect of householder developments.

- 5.2 Members are advised that the discretionary fees for charging for Development Enquiry forms and pre-application advice to householders are recommended not to exceed those set in 2010/11. This is to encourage potential applicants to continue to engage with the Council and to mitigate the risk of householders proceeding with alterations to their properties without obtaining the appropriate written advice.
- 5.3 The fee income projected in respect of pre-application advice for 2010/2011 is estimated to be below estimated income target at approximately £5k. Officers consider that the graded charging scheme proposed will assist in meeting the budget targets for 2011/2012.

## 6.0 POLICY CONTEXT

- 6.1 Council policy is currently to operate a flat rate charge for all types of pre-application advice. This report proposes the introduction of a variable fee scale dependant upon the nature of the development.

## 7.0 REPORT DETAILS

- 7.1 It is noted that two adjacent authorities, Scarborough and Selby, operate an alternative system of differential charges which vary dependant upon the nature and scale of the development proposed. This approach reflects the general levels of increased complexity associated with larger developments and it is an approach that is recommended by officers. The thresholds of each different fee category are recommended below in Table 1.

	No. of dwellings	Floor Area (non-residential or mixed)	Site Area
<b>Category 1</b>	1 – 9	100 - 999 sq. m	Below 0.5 hectare
<b>Category 2</b>	10 – 49	1,000 - 1,999 sq. m	0.5 - 1.0 hectare
<b>Category 3</b>	50+	2,000 sq. m +	1 hectare +

- 7.2 The level of charges recommended are based on a choice of two options. These are offered as written advice only or additionally as written advice with a package of up to 3 meetings. The charges all include VAT at 20% and are recommended below.

Category 1		Category 2		Category 3	
<b>Written Advice Only</b>					
£100 + £20 VAT = £120 total		£200 + £40 VAT = £240 total		£400 + £80 VAT = £480	
<b>Package of Meetings and Written Advice</b>					
Package of 1 meeting, plus written advice	£200 + VAT = £240 total	Package of up to 3 meetings, plus written advice	£400 + £80 VAT = £480 total	Package of up to 3 meetings, plus written advice	£800 + £160 VAT = £960 total

7.3 The proposed fees are not envisaged to impact on the developments being brought forward for development. In the scale of the developments shown in Table 1 above, the proposed charges set out in Table 2 are considered to be an incidental cost.

7.4 There are no additional costs from the revised charging proposals.

## **8.0 IMPLICATIONS**

8.1 The following implications have been identified:

a) Financial

The proposals will assist in meeting the income targets in the 2011/2012 budget.

b) Legal

There are no legal implications regarding this report.

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

There are no significant additional implications of the proposals.

**Gary Housden**  
**Head of Planning**

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**Background Papers:**

None

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## Fees & Charges- RISK MATRIX – ANNEX A

Issue/Risk	Consequences if allowed to happen	Likelihood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
That the proposed charges could be counter productive as demand falls in excess of fee income	Failure to achieve budget targets will require additional savings to be identified.	<b>3</b>	<b>D</b>	Demand and competition factors are reviewed in setting charges and where evidence shows that a negative impact could occur alternatives are recommended to members	<b>2</b>	<b>B</b>

Score	Likelihood	Score	Impact
1	Very Low	A	Low
2	Not Likely	B	Minor
3	Likely	C	Medium
4	Very Likely	D	Major
5	Almost Certain	E	Disaster

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## DEVELOPMENT MANAGEMENT

### DISCRETIONARY CHARGES

#### Development Enquiry Forms

Fee Charged	£25
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#### Pre-Application Advice

Fees Charges

- |      |   |                |
|------|---|----------------|
| 1.   | Householder request requiring:                                    | £50 (inc VAT)  |
|      | • history, investigation and opinion                              |                |
| 2.   | Householder request as above, but also requesting site inspection | £70 (inc VAT)  |
| 3.   | Additional Fee Categories   |                |
| i)   | <u>Category 1</u>   |                |
|      | Written Advice only   | £120 (inc VAT) |
|      | Written Advice and 1 meeting                                      | £240 (inc VAT) |
| ii)  | <u>Category 2</u>   |                |
|      | Written Advice only   | £240 (inc VAT) |
|      | Written Advice and up to 3 meetings                               | £480 (inc VAT) |
| iii) | <u>Category 3</u>   |                |
|      | Written Advice only   | £480 (inc VAT) |
|      | Written Advice and up to 3 meetings                               | £960 (inc VAT) |

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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>10 FEBRUARY 2011</b>
<b>REPORT OF THE:</b>	<b>CORPORATE DIRECTOR (s151) PAUL CRESSWELL</b>
<b>TITLE OF REPORT:</b>	<b>RELOCATION OF MALTON SCOUTS</b>
<b>WARDS AFFECTED:</b>	<b>MALTON DIRECTLY, ALL INDIRECTLY</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 This report considers financial support to aid the relocation of the Malton Scout group.

### **2.0 RECOMMENDATION**

- 2.1 That Council is recommended to support the relocation proposals for Malton Scouts with a contribution of up to £40k from unallocated capital resources.

### **3.0 REASON FOR RECOMMENDATION**

- 3.1 This report considers the relocation of the Malton Scout Group in light of the expiry of their lease on 31 March 2011 and the Council decision to sell Wentworth Street Car Park (WSCP) in November 2010. This support demonstrates the Council's commitment to the Scouts and facilitates a development at Malton School for the benefits of the scouts, the school and the wider community. This early support will assist in attracting other grant funding.

### **4.0 SIGNIFICANT RISKS**

- 4.1 The significant risk is that the project fails to attract outside grant funding to make the project viable. This is mitigated through the support offered which should assist in attracting the required external support.

## **REPORT**

### **5.0 BACKGROUND AND INTRODUCTION**

- 5.1 The Malton Scouts are currently located on the Wentworth Street Car Park (WSCP) site under a lease. This lease expires on the 31 March 2011.

5.2 Council's decision to sell WSCP on the 17 November 2010 means that alternative accommodation will be needed to accommodate the existing tenants including Malton Scouts.

## **6.0 POLICY CONTEXT**

6.1 The recommendations are in line with existing policy.

## **7.0 CONSULTATION**

7.1 Both Malton School and Malton Scouts have been involved in the discussions around relocation.

## **8.0 REPORT DETAILS**

8.1 Prior to and subsequent to the Council decision to sell WSCP, the Council has been in discussions with the Malton Scout Group to find suitable alternative accommodation.

8.2 Early in this process Malton School were involved to investigate the possibility of relocating the Scouts to some part of the school site, either through a new building or conversion of existing premises. A proposal has been developed and initially costed to convert an existing on site small underused gym.

8.3 The conversion will split the room and provide the scouts with a dedicated space, storage, use of school toilets as well as use of the school grounds. An agreement between the school and scouts would set out the terms of occupancy and resolve the logistics around weekend use etc.

8.4 The conversion would provide the school with a performing/staged space. Within this space retractable seating (for up to 150) would be provided. Aside from enabling the schools curriculum to be expanded it would provide a bookable space for local events out of school hours. Discussions have also included the Council having use of this space for a small number of evenings per year as part of any financial contribution.

8.5 In evaluating the costs the school has engaged a funding expert to identify any grants/charitable trusts who would assist in the project. Such applications are assisted by committed support from partner organisations.

8.6 The total cost of the conversion work including retractable seating and necessary alterations to the scout space to provide an office etc. are likely to be £150k - £160k.

8.7 The current estimates are that the School, Scouts and external grant may be able to deliver three quarters of this and the Council is requested to consider a contribution of up to £40k.

## **9.0 IMPLICATIONS**

9.1 The following implications have been identified:

a) Financial

The proposed contribution can be met from existing unallocated capital resources.

b) Legal

This funding would be accompanied by formal legal agreement.

- c) Other  
There are no other implications arising from this decision.

**Paul Cresswell  
Corporate Director (s151)**

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**Background Papers:**  
None.

**Background Papers are available for inspection at:**  
n/a

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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>10 FEBRUARY 2011</b>
<b>REPORT OF THE:</b>	<b>HEAD OF PLANNING GARY HOUSDEN</b>
<b>TITLE OF REPORT:</b>	<b>RYEDALE PLAN – POLICY APPROACH TO CONSERVATION DEFICIT</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

1.1 For Members to consider comments submitted in response to consultation on this issue and to agree the approach to conservation deficit in the Ryedale Plan.

### **2.0 RECOMMENDATIONS**

2.1 That Council is recommended:

- (i) Not to agree to the inclusion of a policy approach in the Ryedale Plan to allocate development to fund conservation deficits of local, national and regional importance;
- (ii) To agree that the Ryedale Plan makes reference to the national enabling development policy as an appropriate mechanism to address the conservation deficits associated with historic assets of national, regional or local significance and that the Plan includes reference to the criteria against which, enabling development proposals will be considered, including any locally relevant criteria;
- (iii) With regard to the Castle Howard Estate, the principle of a detailed criteria-based policy on the basis of that outlined in the report, is agreed for inclusion in the Ryedale Plan subject to the independent verification of income information, further detailed information relating to the estate's wider repair and restoration programme and to confirmation that a mechanism to secure affordable housing contributions can be agreed.

### **3.0 REASON FOR RECOMMENDATIONS**

3.1 National policy (PPS5 – Planning for the Historic Environment) requires Local

Development Frameworks (LDF's) to set out a positive and proactive strategy for the conservation and enjoyment of the historic environment of their area. This report considers how one specific element of such a strategy – the issue of conservation deficit, could be addressed in the LDF.

#### **4.0 SIGNIFICANT RISKS**

- 4.1 The report considers policy options and consultation responses. It is considered that there are no significant direct risks associated with the report. Greater procedural risks would be incurred if Members did not fully consider this issue having undertaken specific consultation on this matter.

### **REPORT**

#### **5.0 BACKGROUND AND INTRODUCTION**

- 5.1 At the Extraordinary Meeting of Council on the 9<sup>th</sup> February 2010, Members agreed to consult on the issue of using a local policy approach in the Ryedale Plan to support the repair and restoration of historic assets which face a 'conservation deficit' and require funds to secure a sustainable future.

- 5.2 The officer recommendation related specifically to consultation being undertaken on the principle of including the Castle Howard Estate villages in the Service Village category in order to assist in addressing the conservation deficit facing the estate. This arose as a specific issue/ option through a combination of the following:

- Resolution of Council on the 15<sup>th</sup> December 2009 that reconsideration is given to replacing the distinction between Service and other villages by a criteria based policy
- Liaison and consultation with the Castle Howard Estate and involvement in the preparation of the Castle Howard Conservation Management Plan
- Consultation with English Heritage.

- 5.3 At the meeting, the officer recommendation was amended. Council resolved that there should be further consultation on the principle of allocating development to fund conservation deficits of local, national and regional importance. The amendment arose following concerns in the debate that the issue and the officer recommendation were specifically linked to one landowner and one specific historic asset.

- 5.4 On the 2<sup>nd</sup> August 2010, the reconvened extraordinary meeting of (the 29<sup>th</sup> July) Council agreed the consultation draft of the Ryedale Plan. This included specific questions relating to the principles of releasing development land to support the maintenance and repair of historic assets.

#### **6.0 POLICY CONTEXT**

- 6.1 As part of a strategy for the conservation and enjoyment of the historic environment required by PPS5, national policy also requires that in preparing Development Plans consideration is given as to how best conserve individual, groups or types of heritage assets that are at most risk of loss.

- 6.2 The concept of Enabling Development has been a long standing planning tool which has been used to help generate funds for the repair of significant heritage assets. Enabling Development is defined as 'Development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it



being carried out and which could not otherwise be achieved' (Enabling Development and the Conservation of Significant Places, English Heritage, 2008). Enabling Development was included as national policy when it was embodied in PPS5 which was issued in 2010.

6.3 A number of tests are included in the national policy and supporting guidance to help assess enabling development proposals. They include for example, confirmation that there is no alternative source of funding available, that work is necessary to secure the future of a heritage asset and mechanisms are in place to ensure that benefits/funds are secured for use as intended.

6.4 By definition, enabling development is development which is contrary to the Development Plan. The recent consultation aimed to explore whether, in addition, it would be appropriate to include within the LDF, a local plan-led policy to address conservation deficit.

## 7.0 CONSULTATION

7.1 As part of the consultation, views were sought on the principle of releasing land to support the maintenance and repair of heritage assets of national, regional or local importance. The consultation suggested policy options/mechanisms which included:

- A general criteria-based policy which could list the various factors that could be used to determine proposals for development. This would in effect, be a policy that would support the release of land under certain specific circumstances, across Ryedale.
- The explicit identification of locations or settlements where new development sites could be released. This could be through the specific allocation of sites or through a criterion- based policy applicable to specific areas.

In addition, the consultation made it clear that rather than a local policy approach, the issue of conservation deficit could still be addressed using the national Enabling Development policy included within PPS 5.

7.2 The consultation provided the opportunity for the owners of historic assets supporting the option of identifying specific locations/ settlements, to provide full details of the conservation deficit which they face.

7.3 It should be noted that the draft Plan consulted on the potential policy options to address the maintenance and repair of heritage assets of national, regional or local significance, as opposed to assets of national, regional and local significance as resolved by Council in February 2010. Although the precise wording of the resolution was not included in the consultation draft plan in error, it is considered that this has not in any way undermined the spirit or purpose of the consultation.

7.4 Similarly, the (February 2010) Council resolution made specific reference to undertaking consultation on the principle of allocating sites as a means of address conservation deficits. The consultation broadened this to include criteria based policy mechanisms. This was appropriate given that the testing of options is an integral element of plan/ policy making.

7.5 Comments received in response to the consultation are summarised in Annex A.

7.6 The majority of responses have been received in relation to suggested policy options or to the scope of any approach – the extent to which any potential policy approach

should relate to assets of varying significance. Indeed, it is interesting to note that only a very limited number of responses disagree with the principle of using development to support the maintenance and repair of historic assets per se.

7.7 The majority of those who have objected have done so in relation to the two options which represent a local policy approach, with particular concerns arising in relation to suggestions of land allocations or the identification of specific locations. Consistent concerns that have been cited include:

- Conflict with/ contrary to national policy (PPS5) and English Heritage guidance on enabling development, particularly in respect of the allocation of sites
- Conflict with/ contrary to national policy aimed at ensuring the sustainable location/ distribution of housing development
- Conflict with the strategy and key objectives of the Core Strategy
- The extent to which the necessary robust evidence of conservation deficit is available to justify a local, plan-led policy position (including evidence of how funding could not be raised by other means)
- The national Enabling Development policy is more robust and appropriate.

7.8 The majority of responses objecting to the suggested approaches are from residents of villages where the Castle Howard Estate own land. As well as the key concerns outlined above, residents have the following concerns:

- The capacity of villages to accommodate new development in terms of their infrastructure
- General opposition to new housing development
- Potential scale of new development required to meaningfully address the Castle Howard conservation deficit resulting in an inappropriate scale of development with implications for the AONB and setting of the Listed Building and establishing a precedent which would become difficult to 'reign in' in the future
- Lack of specific and robust evidence relating to the scale of the Castle Howard conservation deficit.

7.9 In total 58 individuals or organisations have been recorded as having submitted comments which disagree that the District Council should include a local policy in the Ryedale Plan to support the release of sites to help sustain the long term future of historic assets. As well as local residents, 8 Parish Councils; the Howardian Hills AONB and North Yorkshire County have also expressed concerns.

7.10 A limited number of individuals/ organisations have expressed general support for the principle of establishing a local policy response to this issue. The majority of supportive comments are qualified on the basis of specific issues or are in support of one specific policy option. For the most part, these have been submitted by landowners/landed estates. It should be noted that a number people who have supported a particular policy option have simultaneously provided reasons why they disagree with an alternative option. These are grouped within the qualified support section of Annex A. Whilst this does lead to some repetition with those comments recorded as disagreeing with the introduction of any form of local policy, it ensures that these views are clearly distinguished from those of people who disagree entirely with any form of local policy.

## **8.0 REPORT DETAILS**

8.1 The strategy for the distribution and accommodation of development in the emerging

Ryedale Plan looks to accommodate the majority of new development in the most accessible settlements in Ryedale as a key way of delivering sustainable patterns of development. Members are aware that the emerging plan also supports in principle, a number of types of development, in particular employment, land based and tourist development across the wider rural area. This strategy was supported by the Inspector who considered the previous version of the Core Strategy and Members have continued to agree the strategy and settlement hierarchy as the new Core Strategy has evolved. Clearly therefore, any policy mechanism aimed at supporting the release of development sites in locations outside of this framework, would need to be clearly justified on the basis of good planning reasons.

- 8.2 It is perhaps not surprising that most of the support for a criteria based policy, applicable in scope to heritage assets of all levels of significance has generated support from the majority of landowners who have responded to the consultation. However, very little information has been provided to help justify why such an approach is necessary over and above the national enabling development policy. Ryedale has a wealth of heritage assets that range in significance. It is considered that such an approach has the potential to lead to a dispersal of development across the District and as a result, any policy would require a rigorous set of criteria against which proposals would need to be assessed. Officers are of the view that in reality such criteria or policy tests are unlikely to be significantly different to those which are embodied in the national enabling development policy.
- 8.3 In view of the above, it is considered that the national enabling development policy remains the most appropriate mechanism to address instances of conservation deficit and to help to sustain the long term future of heritage assets in Ryedale. However, Members are aware that the current coalition government is committed to replacing the existing national planning policy statements with a single national planning framework. Therefore, in order to 'future proof' the Ryedale Plan, it is considered appropriate that the criteria which will be used to assess proposals coming forward via an enabling development route are included in the Plan. This would also provide the opportunity to include particularly locally specific criteria to help inform the development management process.
- 8.4 Officers are of the view that any local plan-led policy to address this issue could only be justified in particularly exceptional circumstances. It is for this reason that officers are of the view that further consideration needs be given to the use of a local policy to assist in addressing the conservation deficit of the Castle Howard Estate.
- 8.5 English Heritage is of the view that Castle Howard is the most significant of Ryedale's Country houses and estates as well as being of particular national importance. Indeed, officers of English Heritage consider that Castle Howard, alongside Highclere Castle (Downton Abbey in the recent television programme), Blenheim Palace and Chatsworth House represent the most significant examples of Country Houses/ Estates in this country. In addition, Castle Howard provides some of the most iconic images of Ryedale. It is an integral part of the area's tourist economy and is one of Ryedale's key businesses.
- 8.6 The Estate, through the Conservation Management Plan (CMP) has detailed the projects and costs of the maintenance and repair work that is required to secure a long term sustainable future for the key heritage assets. The CMP indicates that there is insufficient income to undertake many of the projects required, resulting in a 'conservation deficit'. It is understood that the disposal of some assets together with the restoration and repair of others is one of the main ways in which the estate can generate additional income.

- 8.7 The release of land for new residential development would contribute to this. However, Slingsby is the only location where this would be supported in principle through the emerging Core Strategy. Other land holdings which are adjacent to settlements are adjacent to settlements that fall outside of the service village category in the Core Strategy such as Welburn, Terrington, Bulmer and Coneysthorpe. To progress residential development schemes in these areas, the Estate would need to rely on the national enabling development policy.
- 8.8 Clearly that is a policy option which is open to them and this is acknowledged in the CMP. Alternatively, officers are of the view that a plan-led policy approach is, in principle, justifiable given the national significance of Castle Howard. The main difference between relying on the national enabling development policy and having a local policy would be that development proposals coming forward as enabling development would be contrary to policy and the Council's position would be reactive. A local policy – a plan-led approach - would establish the principle of the release of sites as policy, in effect, a proactive approach to this issue.
- 8.9 This could take the form of the direct allocation of sites, or alternatively, a criteria-based policy specific to the estate villages. English Heritage are of the view that the former would not represent the most appropriate option on the basis that if circumstances change, sites could remain allocated, resulting in pressure for their release even if the reason or justification for their allocation no longer exists. Whilst it is considered that the plan itself could accompany allocations with policy mechanisms to control their release, clearly, if English Heritage is concerned about the extent to which this could provide the necessary level of control, then this would not be an appropriate option to pursue.
- 8.10 Alternatively, a plan-led policy approach could be in the form of a criteria-based policy which supports in principle the release of development sites at specified villages subject to a range of criteria. In effect, to reflect the levels of control and principles used to justify schemes under the national Enabling Development policy – for example, that the conservation deficit exists at the point an application is made and that mechanisms are in place to secure how funds are spent and the like. It would also be important and relevant for any policy to provide the necessary control to ensure that the scale of development and the individual and cumulative effects of proposals would not have a significant adverse impact of the character and setting of individual settlements or the wider Area of Outstanding Natural Beauty (AONB).
- 8.11 Understandably, one of the greatest concerns raised by local residents is the concern and fear that any local policy approach would, in effect, simply promote unacceptable levels of development in their localities. There is concern that the scale of development required to address the conservation deficit would be so great that this would inevitably be the case. Residents are also concerned that over time, a precedent would be established which would in effect, establish the principle that the conservation deficit becomes the paramount and over riding consideration.
- 8.12 It should be made clear explicitly clear that officers are of the view that it would be entirely inappropriate to introduce any policy which aimed to facilitate a level of development that would lead to significant adverse landscape impact. Whilst Castle Howard is of national significance as a heritage asset, the estate sits within a nationally protected landscape – the AONB. As such, any policy response to the conservation deficit could needs to be balanced with the need to ensure that objectives of the national landscape designation are not undermined.
- 8.13 It is important therefore, that it is understood that it is not the intention of any plan-led

policy to facilitate a level of development which would satisfy the conservation deficit in its entirety. At most any policy could only aim to facilitate a level of development, appropriate to the scale and character of settlements and the wider landscape, which would help generate funds to contribute to a reduction in the conservation deficit and to target priority projects with extrapolating repair costs. For the reasons outlined, it is considered that on balance, this approach is one which would be suitable for inclusion in the Plan.

- 8.14 Officers are aware that this is a sensitive and contentious issue. The approach suggested and outlined above would provide the necessary control and implementation criteria that would be as robust as those embodied within the national enabling development policy. The main advantage of a plan led policy is that it would provide developers working with the estate with a degree of confidence to bring schemes forward. It would also provide a clear message that as a Local Planning Authority, the Council is committed, in principle to assisting in securing the long term future for this important business and unique asset.
- 8.15 If Members were minded to agree to the inclusion of such a policy, it is recommended that at this stage this would be in principle. Financial information provided by the estate would need to be subject to independent verification. Officers are also keen to see further detailed evidence of the repair and restoration programme for existing building within the estates ownership. In addition, officers are keen to ensure that options for affordable housing contributions are fully explored with the estate before final decision are taken on this matter.

## **9.0 IMPLICATIONS**

- 9.1 The following implications have been identified:
- a) Financial  
No direct financial implications
  - b) Legal  
No direct legal implications
  - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)  
Non Identified.

**Gary Housden**  
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**Background Papers:**

Ryedale Plan – 2010 Consultation comments  
Extraordinary Meeting of Council : 9 February 2010  
Extraordinary Meeting of Council : 29 July 2010  
PPS 5 Planning for the Historic Environment  
Enabling Development and the Conservation of Significant Places: English Heritage, 2008  
Castle Howard Conservation Management Plan. December 2008

**Background Papers are available for inspection at:**  
Ryedale House

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## ANNEX A CONSULTATION COMMENT SUMMARIES

### Release of Land to address Conservation Deficit – General Comments

#### Issues raised

- Appropriate for the LDF to consider how the development strategy address the issue of conservation deficit
- Highlighted the importance of Castle Howard to the District
- Disappointed specific reference to Castle Howard was removed but encouraging that its importance has been recognised
- Castle Howard is committed to carrying out thorough consultation to ensure proposals address concerns of residents of estate villages
- Has the potential to lead to uncertainty in relation to planning housing provision within the settlement hierarchy
- The Castle Howard Estate and the Council held discussions prior to the 2009 consultation although no formal submissions (in relation to this issue) were made or consulted on.
- The Council were a consultee on the preparation of the Castle Howard Management Plan. Residents of the estate villages were not consulted on the document
- Would require close control otherwise any development might detract from the amenity value of the asset itself.

**Provided by: English Heritage; Castle Howard Estate; Cllr P Andrews; MV and D Roberts; Mr F Ellis;**

### General Support

- Ryedale has many historic assets. This should be part of the Core Strategy so that owners do not have to rely on national policy.
- Encouraging that the release of land would enable the repair and restoration of the ( Castle Howard) Estate
- Castle Howard Management Plan identifies the areas requiring significant capital expenditure to ensure the long term conservation of important buildings . Costs will quadruple in 50 years if work is not undertaken
- There are mechanisms which would ensure any development was of a standard befitting the area
- Birdsall Estates are in need of enabling development with an estimated conservation deficit of 10 million
- Strongly support the principle to support the repair/ restoration of assets of national, regional or local importance
- Cannot be left to national policy as this is too vague to respond to assets of local significance

**• Provided by; Mr Tatham; Castle Howard Estate; Birdsall Estate; Ms D Baines**

### Qualified Support

#### General Issues

- Concept is sensible
- Conservation deficit must be demonstrable
- Would need to be supported by robust evidence
- Only where other funding sources have been explored
- Should only apply where the deficit can be realistically met by the release of land
- Should not be restricted to a specific landowner or Estate
- Should be part of the Core Strategy so owners do not have to rely on national policy
- A formal Conservation Management Plan should be a requirement
- Consistent with the need for Local Planning Authorities to express housing targets as floor targets

- Providing principles of the Core Strategy are adhered to
- Providing gain is directed to purpose intended
- Should just be for buildings of national significance
- Applicants will have to justify need and the Council should have absolute discretion in deciding whether a case has merit
- The Council should invite landowners to list worthy cases
- Should be supported in more sustainable/ accessible locations
- Should not be restricted to designated assets when many traditional buildings contribute to the character of the area
- Conforms with/ provides a local context for PPS5 Policy HE11
- No objections provided development is for local needs/ affordable housing only otherwise this would be selling planning permission
- Merits of the site should be the key consideration not the needs of the owner
- Should not be applied to local sites as there are too many of this level of significance. Should be consistent with CS11 of the Core Strategy
- Should not be at the expense of other environmental interests ( eg the AONB; Landscape character, biodiversity, accessibility, green infrastructure)
- Applicable to other estates, not just Castle Howard

**Raised by; Oswaldkirk PC; Fitzwilliam (Malton Estate; Thorpe Basset Estate; Castle Howard Estate; P Beanland; Ms Knott; Mt Tatham; P Hayward; Mr M Fletcher; Dr R Wheeler; Chomley Estate; CMDR James Life Interest Trust; Hovingham Estate; Ryedale Liberal Party; Natural England; Thorpe Bassett Estate; Dr R Wheeler; Chomley Estate; CMDR James Life Interest Trust; Hovingham Estate**

**Criteria – Based Approach**

- Most appropriate option
- Provides flexibility for future
- Needs to be tight enough to justify excessive development
- Include criteria ensuring other sources of funding have been fully explored
- Should comply with the criteria of the Core Strategy and provide affordable and other developer contributions/ be of benefit to the District as well as the asset
- Could be a policy which amplifies or provides a local context to the implementation of national enabling development policy
- Support subject to any policy amplifying national policy
- Support when this is to meet any conservation deficit
- Should be in addition to stated levels of housing development
- Would allow other landowners to seek additional development if a conservation argument became relevant

**Raised By; Mr M Gwilliam; K Storey; Oswaldkirk PC; Mr Tatham; Thorpe Basset Estate; P Hayward; Ms D Baines; Natural England; Dr R Wheeler; Chomley Estate; CMDR James Life Interest Trust; Hovingham Estate; M Gwilliam; K Storey; English Heritage**

**Identify Settlements/ Locations /Sites- Agree**

- Most appropriate option/ support this option
- This option coupled with a Conservation Management Plan to demonstrate how and where value gained will be utilised
- Beneficial as it would prevent owners making applications that are contrary to policy
- Could select sites that would not mar the landscape
- Should be in addition to RSS housing figures and outwith distribution requirements
- Concerned that this would require a robust mechanism for enforceability, linking the development/ allocation of sites to conservation works as this would be beyond the definition of enabling development
- Level of information required to support such an approach would not be far short of that required by an enabling development approach
- Allows a public airing of the issues and may be essential to give some owners the confidence to progress more expensive planning applications but there will be many practical problems to



overcome

- Sites should be allocated without changing the status of the settlement in the settlement hierarchy – this would provide more specific benefit to the Estate

**Raised by; Pickering Town Council; Castle Howard Estate; M Taylor; English Heritage;**

**Identify Settlements/ Locations/ Sites – Disagree/ Concern**

- Some concerns over the practical mechanisms used to establish the quantum of development and the robustness of the identification of location
- Settlements which do not correspond with the settlement hierarchy/ development strategy would undermine the integrity of the Core Strategy and make the document unsound
- Sites allocated on this basis would not be defined as enabling development and could not be securely linked to the benefit of the asset
- Identification of settlements/ locations which do not correspond with the settlement hierarchy would inhibit the capacity of Local Service Centres to fulfil their role/ not appropriate to allocate land to benefit one landowner at the expense of the other
- Need for and quantum of enabling development will change over time. Only allocating land will not respond to this.
- Would require a robust mechanism for enforceability to link the development of a site to the restoration/ repair of an asset
- Requires a detailed level of information to support such an approach which is not far short from the information owners would need to provide through an enabling development route. May reduce uncertainty for owners but is not a less involved/ cheaper process
- Specific policy would become out of date and would not respond to new assets

**Raised by ;Thorpe Bassett Estate; Dr R Wheeler; Chomley Estate; CMDR James life Interest Trust; Hovingham Estate; English Heritage; D Baines. ( Note – many of the objectors/ comments recorded in the general disagree section reiterate the concerns outlined above)**

**Disagree**

**Issues raised**

- Generally disagree
  - Conflicts with good planning/ contrary to planning law/ subverts the process
  - Sets a precedent
  - Undemocratic
  - Has hallmarks of bribery
  - Conflict of interest with English Heritage
  - Historic assets should not be a determining factor in determining housing allocations
  - National problem which should be dealt with nationally
  - One individual/ organisations should not be favoured
  - Estates should stand on their own
  - Should not allocate land to the detriment of other Landowners/ Estates who have similar difficulties
  - No details as to how this would work in practice
  - Leads to more development pressure as it would be in addition to the 3000 homes planned
  - An explicit policy would become out of date
  - Development should be for the needs of residents
  - If the principle is taken forward it should apply to all assets that contribute to the well being of the District
- Development Land must not be released to fund privately owned assets/ upkeep of private possessions
- Would take a more conciliatory view if they were for publically owned assets
- Funding should be raised by other means (examples given - reviewing expenditure; sale / reuse of other assets, including empty properties; Renewable sources of income)
- Existing enabling development policy should be used/ will suffice

- Is more rigorous/ appropriate
- Ensures funds are used appropriately
- No need for a local policy to support the release of or identify sites as national policy (PPS5) and English Heritage guidance (on enabling development) embed necessary criteria / guidelines/ level of scrutiny
- Approach would be contrary to Government policy (PPS5) and English Heritage Guidance
  - National Policy and Guidance states that plans should not identify land for such sites/ enabling development as the case for enabling development can only be properly considered in the context of a planning application
  - Site specific provisions run the risk of becoming development in accordance with the Plan, which would by definition not be enabling development and could not be securely and enforceably linked to the benefit of the place
  - Has been suggested by some that this issue is not enabling development (development which is unacceptable in planning terms) and the English Heritage guidance is therefore not relevant. This is not the case as under this plan development at non service villages would be considered unacceptable in planning terms
- Contrary to national policy on sustainability – PPS3
- Conflicts with the criteria, objectives and strategy of the Core Strategy
  - Would lead to development in less sustainable/ accessible locations
  - Contrary to objectives to protect the AONB
  - Scale of development would be contrary to objectives aimed at safeguarding the historic built environment
  - Contrary to objectives 3 and 10 and policies CS11, CS12, CS16 and CS19 of the draft Core Strategy
  - CS would be unsound/ its integrity undermined
  - New development sites should be linked to good access to jobs, services and transport
  - Housing development should recognise the requirements and interests of the local community
- Would inhibit the ability of local service centres to fulfil their role in the settlement hierarchy/ would reduce the need for housing land in more sustainable locations
- The allocation of land for this purpose is not appropriate
- Concern over mechanism to establish a suitable quantum of development and robustness of identification of location
- The allocation of land will not respond to changing circumstances - the need and quantum of 'enabling development ' will change
- Concern over the inappropriate scale of development required to address some conservation deficits ( which may - examples given - demand year on year development to provide funds; result in development of a scale out of character with the area; place a strain on infrastructure and services, traffic and parking problems in villages; Landscape implications in AONB and settings of Listed Buildings; negate the purpose of conserving buildings and their settings
- Preservation of historic buildings should not be at the expense of an AONB
- Concern it would lead to a repeated commitment to release land to the detriment of character
- Concern over how it could be guaranteed/ policed to ensure funds are used as intended, for conservation
- Concerns over how it would be properly established that funds are required
  - There are no proven / verifiable records of Castle Howard's Conservation deficit. Uncertainty over how this is calculated. Should be independently audited
  - Castle Howard Management Plan is insufficient to justify including sites
  - Only 4.5 million of Castle Howard's own money has been spent on conservation since the 1940's
  - No urgent repair notices have been served by RDC in the case of Castle Howard
- Concern over implications of applying approach to all historic assets which would lead to unlimited housing development across the District
- Concerned that Castle Howard approached the Council before the previous consultation but that this was not mentioned in it

- Against major development in Welburn to help Castle Howard
- Over 80% of Welburn's residents are opposed to the development of more than 10 houses over the life of the LDF
- Would be contrary to Welburn's Parish Plan and those of Crambeck and Slingsby
- Welburn already has a high proportion of rented and social housing
- Development at Welburn would not comply with national sustainable development policy
- Welburn lacks the services to meet the criteria of a service village/ is not a service village
- Welburn is in a AONB. Would alter the character of the village/ area
- Should not be large scale development at Welburn
- Use smaller sites in boundaries
- Access to A64 is already dangerous
- Where would people work?
- Castle Howard has not consulted with Welburn village
- Castle Howard has failed to maintain property for decades
- Villages wish to govern their own affairs via a Parish Council and not a feudalistic way
- Could distort the local tourist economy
- Concerned about Church Lane (Welburn) being an access route
- Welburn had few amenities which is what those you feel would wish to live here will require
- Use sites at Coneysthorpe
- Terrington is very over developed
- Liberal allocation of development sites have the risk of being unsaleable ghost communities
  
- Majority of residents of Howardian Villages are opposed to this
- Infill is more appropriate

**Provided by; CPRE; Slingsby, Fryton and South Holme PC; Scampston PC; Hambleton District Council; Ampleforth PC; Terrington PC; Mrs M Mackinder; Howardian Hills AONB; Helmsley TC; Mr N Symington; Welburn PC; Mr S Danbury; Ryedale Liberal Party; Mr and Mrs T Scott; Mrs E Gathercole; Mr and Mrs A Hewitt; Mr A and Mrs M Bell; MV and D Roberts; Ms E Freer; Mr P Hill; Dr Cox; E Banks; Mr P Benham; K and J Warner; Mr M Southerton; Mr M Fox; P Brown; Mr A Robinson; A Johnson; Mr T Strickland; J Hopkins; A and E Johnson; Mr C Ward; Mr J Magrath; Mrs J Gibson; Mr M Stenning; Mr P Fenby; Mrs Cox; Mrs S Hill; Mr J Lewis; Ms S Symington; Mr E Gathercole; Mr and Mrs Manging; North Yorkshire County Council; Mrs A Barnett; Mr P Pickersgill; P Goodwill; M Southerton (on behalf of client in Wombleton); Mr B Graham; Flaxton PC; Amotherby PC**

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