



POLICY AND RESOURCES COMMITTEE

Wednesday 4 April 2012 at 6.30 pm

Council Chamber, Ryedale House, Malton

Agenda

1 Emergency Evacuation Procedure

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

2 Apologies for absence

3 Minutes of the Meetings Held on 8 December 2011 and 2 February 2012 (Pages 1 - 8)

4 Minutes of Meetings of the Resources Working Party held on 10 January 2012 and 13 March 2012 (Pages 9 - 16)

5 Urgent Business

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

6 Declarations of Interest

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

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

PART 'A' ITEMS - MATTERS TO BE DEALT WITH UNDER DELEGATED POWERS OR

MATTERS DETERMINED BY COMMITTEE

- 7 **Delivering the Council's Priorities** (Pages 17 - 26)
- 8 **Establishing the Community Investment Fund Panel** (Pages 27 - 34)

PART 'B' ITEMS - MATTERS REFERRED TO COUNCIL

- 9 **Redeployment and Redundancy Policy and Discretionary Compensation Policy**
(Pages 35 - 48)
- 10 **Constitutional Changes** (Pages 49 - 56)
- 11 **Policy on Discretionary Business Rate Relief for Charities, Rural Hereditaments and Non-Profit Making Organisations** (Pages 57 - 64)
- 12 **Any other business that the Chairman decides is urgent.**

Public Document Pack Agenda Item 3

Policy and Resources Committee

Held at Council Chamber, Ryedale House, Malton
on Thursday 8 December 2011

Present

Councillors Acomb (Chairman), Bailey, Knaggs, Woodward, Ives, Mrs Goodrick and Maud

Substitutes: Councillor Mrs J E Sanderson and Councillor Mrs E Shields

By Invitation of the Chairman:

Overview & Scrutiny Committee Observers: Councillors Raper, Wainwright and Windress

In Attendance

Paul Cresswell, Nicki Lishman and Gary Housden

Minutes

27 Apologies for absence

Apologies for absence were received from Councillors Mrs Burr, Mrs Knaggs and Legard.

28 Minutes of the Meeting Held on 29 September 2011

The minutes of the meeting of the Policy and Resources Committee held on 29 September 2011 (previously circulated) were presented.

Resolved

That the minutes of the meeting of the Policy and Resources Committee held on 29 September 2011 be approved and signed by the Chairman as a correct record.

29 Minutes of a Meeting of the Resources Working Party held on 22 November 2011

The minutes of the meeting of the Resources Working Party held on 22 November 2011 (previously circulated) were presented.

Resolved

That the minutes of the meeting of the Resources Working Party held on 22 November 2011 be received.

30 **Urgent Business**

The Chairman report that there were no items of urgent business to be considered at the meeting.

31 **Declarations of Interest**

No declarations of interest were received.

PART "A" ITEMS - MATTERS TO BE DEALT WITH UNDER DELEGATED POWERS OR MATTERS DETERMINED BY COMMITTEE

32 **Delivering the Council Plan**

The Head of Transformation submitted a report (previously circulated), which detailed progress with delivering the Council Plan.

Members queried the national increase in homelessness and whether there had been a corresponding increase in Ryedale. Members were advised that a written answer would be provided to the Committee.

Resolved

That the report be noted.

33 **Treasury Management Monitoring Report**

The Corporate Director (s151) presented a report (previously circulated), which reported on treasury management activities to date for 2011/12 and updated Members on current investments in accordance with the Chartered Institute of Public Finance (CIPFA) Code of Practice on Treasury Management (the Code).

Resolved

- (i) That the report be received
- (ii) That the current investments and performance in 2011/2012 be noted.

34 **Banking Arrangements**

The Corporate Director (s151) presented a report (previously circulated), which presented new banking terms for consideration by Members.

Resolved

- i. That the report be received; and
- ii. A three year renewal of the contract for the Council's banking services with Nat West be agreed.

35 Revenue Budget Monitoring

The Corporate Director (s151) presented a report (previously circulated), which presented a revenue budget monitoring report for 2011/2012.

Resolved

That the report be noted.

36 Maintenance of Closed Churchyards

The Council Solicitor and Monitoring Officer and the Corporate Director (s151) submitted a report (previously circulated) which examined the current procedure for the maintenance of closed churchyards by Ryedale District Council and considered consultation on a proposed new method of financing related works in the future.

It was agreed by Members that this item did not meet the criteria for a Part B item and that it should have been considered in Part A of the agenda.

Resolved

That a consultation with Parish Councils on the following principles be approved:-

Where Parish Councils did not wish to retain responsibility for the maintenance of closed churchyards that Council:-

- (a) Agrees that a special expense be charged to cover Ryedale District Council's annual maintenance and administration costs in the event of any parish determining that it does not wish take responsibility for maintenance of a closed churchyard in its parish and passes this to Ryedale District Council;
- (b) Agrees that a special expense charge be made to cover costs henceforth for closed churchyards which have already transferred to this Council;
- (c) Consider whether they would wish to see an upper annual limit to any special expense charge levied for closed churchyards, and if so determine at what level they would wish this to be set.

PART "B" ITEMS - MATTERS REFERRED TO COUNCIL

37 **Fees and Charges**

The Head of Planning presented a report (previously circulated), which set out the proposed fees and charges for 2012/13 for those services delivered which are recommending charges outside the parameters set by Full Council.

Members queried who was responsible for the repair of street signs that had been damaged by vandalism. It was agreed that the Head of Planning would provide a written reply to the Committee.

Resolved

That the following fees and charges exceptions be approved;

- i. No increase in Local Land Charge fees.
- ii. No increase in Development Management Discretionary Charges.
- iii. No increase in Street Naming & Numbering Charges.

38 **Oswaldkirk Conservation Area Character Appraisal and Management Plan (CAAMP)**

The Head of Planning submitted a report (previously circulated), which presented for Members consideration, the Oswaldkirk Conservation Area Appraisal and Management Plan and to approve it for adoption as a Supplementary Planning Document (SPD).

Members queried the cost of the production of the Plan and it was agreed that the Head of Planning would provide a written estimated figure to the Committee.

Resolved

That the Oswaldkirk Conservation Area Assessment and Management Plan be adopted as a Supplementary Planning Document.

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

There being no items of urgent business, the meeting closed at 7.20 p.m.

Public Document Pack Agenda Item 3

Policy and Resources Committee

Held at Council Chamber, Ryedale House, Malton
on Thursday 2 February 2012

Present

Councillors Acomb (Chairman), Bailey, Mrs Goodrick, Ives, Knaggs, Mrs Knaggs, Legard (Vice-Chairman), Maud and Woodward

Substitutes: Councillor Mrs E Shields

By Invitation of the Chairman:

Councillors Andrews, Arnold, Clark, Mrs Cowling, Cussons, Mrs Frank, Fraser, Hawkins, Hicks, Mrs Hopkinson, Raper, Mrs Sanderson, Ward and Windress.

In Attendance

Trevor Anderson, Paul Cresswell, Nicki Lishman and Janet Waggott

Minutes

40 Apologies for absence

Apologies for absence were received from Councillor Mrs Burr, Hope and Wainwright.

41 Urgent Business

There were no items of urgent business.

42 Declarations of Interest

Councillor Acomb declared a personal but not prejudicial interest as a member of Ryecat/Ryedale Community Transport.

Councillor Mrs Knaggs declared a personal but not prejudicial interest as a trustee of Ryedale Voluntary Action.

Councillor Legard declared a personal but not prejudicial interest as a member of the board of Ryedale Festival.

PART "B" ITEMS - MATTERS REFERRED TO COUNCIL

43 Financial Strategy 2012/2013

The Corporate Director (s151) submitted a report (previously circulated) which set out the budget for 2012/13, a proposed Council Tax level, the Financial Strategy, details of balances and reserves and the indicators under the Prudential Code for capital finance as required by the Local Government Act 2003.

Amendments to the reports were made by the Corporate Director (s151):

- To note that the grant to Ryedale Voluntary Action is presently £22,000, not £27,000 as per the report
- To note that the Environment Agency funding for flood resilience funding of £212,500 in Pickering and Kirkbymoorside would be included in the capital programme, at no net cost to the Authority, to be submitted to the Council for approval
- To note the additional income from Cameras in Action would ensure that CCTV be continued and funded to 31 March 2013

It was moved by Councillor Knaggs and seconded by Councillor Ives that the recommendation 2.1 (i) of the report be approved.

An amendment moved by Councillor Mrs Goodrick and seconded by Councillor Mrs Knaggs that;

“In light of the past year’s experience in the use of the Civic budget, it is proposed for 2012/2013 to reduce it by £7,000 and the saving be allocated £3,000 to Ryecat and £4,000 to pest control to subsidise the charges for dealing with rats.”

Was, upon being put to the vote, carried.

An amendment moved by Councillor Legard and seconded by Councillor Mrs Shields to;

“Cut the Ryedale Festival grant in 2012/2013 by 40% (£10,000) and a corresponding reduction in the unallocated growth provision from £50,000 to £40,000.”

Was, upon being put to the vote, not carried.

Upon being put to the vote the substantive motion was approved.

It was moved by Councillor Knaggs and seconded by Councillor Ives that the recommendations 2.1 (ii) (iii) and (iv) of the report be approved.

Upon being put to the vote the motion was approved.

Resolved

That Council be recommended to approve:

- (i) the Council's Financial Strategy (included as Annex A of the report) as amended to include the following:

In light of the past year's experience in the use of the Civic budget, it is proposed for 2012/2013 to reduce it by £7,000 and the saving be allocated £3,000 to Ryecat and £4,000 to pest control to subsidise the charges for dealing with rats; and

- a. The prudential indicators (Financial Strategy Appendix B of the report)
 - b. The revised capital programme (Financial Strategy Appendix D of the report)
 - c. Growth Pressures totalling £148k (Financial Strategy Appendix A)
 - d. Investment in Priorities of £100k (Financial Strategy Appendix A)
 - e. Savings/additional income totalling £628k (Financial Strategy Appendix A)
 - f. Cuts to Services of £164k; (Financial Strategy Appendix A)
- (ii) a Revenue Budget for 2012/2013 of £6,972,100 which represented 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 was covered within the separate Council Tax setting report to Full Council);
 - (iii) the special expenses amounting to £47,400; and that
 - (iv) members note the financial projections for 2013/2014 and authorise officers to continue to maximise efficiencies through service reviews, income generation and shared services.

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

As there were no other items of urgent business, the meeting closed at 7.45 p.m.

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Resources Working Party

Held at Meeting Room 1, Ryedale House, Malton
on Tuesday 10 January 2012

Present

Councillors Acomb (in the Chair). , Mrs Cowling, Mrs Goodrick, Knaggs and
Mrs Knaggs

In Attendance

Trevor Anderson, Paul Cresswell, Jos Holmes, Phil Long, Julian Rudd, Sue Shuttleworth
and Janet Waggott

Minutes

23 **Apologies for absence**

An apology for absence was received from Councillor Legard

24 **Minutes of the last meeting of the Resources Working Party held on 22 November 2011**

The minutes of the last meeting of the Resources Working Party held on 22
November 2011 (previously circulated) were presented.

Resolved

That the minutes of the last meeting of the Resources Working Party held on
22 November 2011 be approved and signed by the Chairman as a correct
record.

25 **Urgent Business**

The Chairman reported that there were no items which he considered should
be dealt with as a matter of urgency by virtue of Section 100B(4)(b) of the
Local Government Act 1972.

26 **Declarations of Interest**

Councillor Acomb declared a personal interest in that part of Item 5 (Budget
Strategy 2012/2013) relating to Ryecat as he is a member of the Board of
Ryedale Community Transport.

Councillors Mrs Knaggs and Mrs Goodrick declared a personal interest in Item
5 as members of RVA and CAB respectively.

27 **Budget Strategy 2012/2013 Update**

The Corporate Director (s151) presented a report (previously circulated) which formed the basis of the preparation and planning for the 2012/1013 Council budget.

The report drew attention to the parameters for the preparation of the 2012/2013 budget that had been approved at a meeting of f the Council held on 3 November 2011 and set out in detail the budget prospects for 2012/13 broken down into the following areas:

- Baseline Savings Projection
- Growth Items
- Efficiencies
- Cuts requirements and options

It was noted that the proposals will ensure that the Council sets a balanced budget for the forthcoming year with minimal impact on Council services.

Each section of the report was discussed in detail and Members gave a clear steer on the possible cuts identified to meet the shortfall in balancing the budget.

Resolved

That the report be received and that

- (i) The updated financial position of the Council for 2012/13 and the implications of the Council Tax Freeze grant be noted
- (ii) Members' comments on the growth issues and any further growth proposals be noted
- (iii) Members' views on the possible cuts identified to meet the shortfall in balancing the budget be incorporated into the presentation to be given at the forthcoming Member Briefing

28 **Sport and Leisure Asset Management Strategy Swimming Pool Provision**

The Head of Environment submitted a report (previously circulated) which formed part of the review regarding the Sport and Active Lifestyles strategy. It identified key findings and considered options available to the Council in relation to future investment into its swimming pools.

Resolved

That the report be received.

29 **Bowls Club Update**

The Corporate Director (s151) presented a report (previously circulated) setting out the current position relating to the Ryedale Indoor Bowls Club.

Resolved

That the report be received.

30 **Capital Programme Progress Report 2011-2015**

The Corporate Director (s151) submitted a report (previously circulated) on the Capital Progress Report 2011-15 as generated on 3 January 2012.

Resolved

That the report be received.

31 **Capital Programme Progress Report 2011-2015 Financial Schedule**

The Corporate Director (s151) submitted a report (previously circulated) on the Capital Programme 2011-2015:Financial Schedule 30 November 2011

Resolved

That the report be received.

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

There being no urgent business, the Chairman declared the meeting closed at 4.25pm.

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Resources Working Party

Held at Meeting Room 1, Ryedale House, Malton
on Tuesday 13 March 2012

Present

Councillors Acomb, Mrs Cowling, Mrs Goodrick, Knaggs and Mrs Knaggs

In Attendance

Councillors Andrews and Wainwright

Officers: Simon Copley, Paul Cresswell, Julian Rudd, Clare Slater, Janet Waggott and Howard Wallis

Minutes

33 **Apologies for absence**

Apologies for absence were received from Councillor Legard.

34 **Minutes of the last meeting of the Resources Working Party held on 10 January 2012**

The minutes of the last meeting of the Resources Working Party held on 10 January 2012 (previously circulated) were presented.

Resolved

That the minutes of the last meeting of the Resources Working Party held on 10 January 2012 be approved and signed by the Chairman as a correct record.

35 **Urgent Business**

The Chairman reported that there were no items which he considered should be dealt with as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.

36 **Declarations of Interest**

The following interests were declared:

Councillor Andrews declared a personal interest in agenda item 5 (Milton Rooms Development) as Vice Chairman of the Milton Rooms Management Committee.

Councillor Mrs Goodrick declared a personal interest in agenda item 7 (Capital Programme Progress Report 2011-15) as the Council's representative on the Citizens' Advice Bureau.

Councillor Mrs Knaggs declared a personal interest in agenda item 7 (Capital Programme Progress Report 2011-15) as the Council's representative on Ryedale Voluntary Action.

37 **Milton Rooms Development**

The Head of Economy and Housing submitted a report (previously circulated), which outlined the progress that had been made at the Milton Rooms and considered options available to the Council in relation to potential future investment in the facility.

Resolved

That Members:

- (i) note the request from the MRMC to extend the existing lease, or enter into a new lease to incorporate possession of the Assembly Rooms and caretaker's quarters;
- (ii) note the request to write off the MRMC's outstanding loan liabilities to the Council of £29,200;
- (iii) note the potential for officer support from the Prince's Regeneration Trust, capital investment from other funding organisations and the likely requirement for further RDC funded capital expenditure on the site;
- (iv) note the request for senior Members and Management to meet with the MRMC to discuss proposals for the venue at the earliest opportunity; and
- (v) authorise officers to commence renegotiating the terms of the lease from the Fitzwilliam Estate as appropriate to facilitate longer term aspirations for the building.

38 **Establishing the Community Investment Fund Panel**

The Head of Policy and Partnerships submitted a draft report for the Policy and Resources Committee (previously circulated), which sought Members' approval of operational criteria for the Community Investment Fund Panel (CIF Panel).

Resolved

That the report be received.

39 **Capital Programme Progress Report 2011-15**

The Corporate Director (s151) submitted a progress report (previously circulated) on the Capital Programme 2011-15, and updates were provided on specific schemes.

Resolved

That the report be received.

40

EMIS

The Corporate Director (s151) submitted the Executive Management Information System (EMIS) report (previously circulated).

Resolved

That the report be received.

41

Any other business that the Chairman decides is urgent.

There being no items of urgent business, the meeting closed at 4.30pm.

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|----------------------|---|---|---|--|
| Council Aim | Aim 1: Housing Need To meet housing need in the Ryedale District Council area | | | |
| Strategic Objectives | 1. To change and add to housing stock to meet the local housing needs | 2. To support people to access a suitable home or remain in an existing home | | |
| Council Aim | Aim 2: Economic Success To create the conditions for economic success | | | |
| Strategic Objectives | 3. Place of opportunity – economic structure and supporting infrastructure | 4. Opportunity for people – increasing wage and skills levels | | |
| Council Aim | Aim 3: High Quality Environment To have a high quality, clean and sustainable environment. | | | |
| Strategic Objectives | 5. Reducing waste and CO2 emissions | 6. Planning to adapt to climate change | 7. To maintain the quality of our local environment | |
| Council Aim | Aim 4: Active Safe Communities To help all residents to achieve a healthy weight by encouraging an active lifestyle, in communities where everyone feels welcome and safe | | | |
| Strategic Objectives | 8a. Safe Villages and Towns | 8b. Healthy Villages and Towns | | |
| Council Aim | Aim 5: To Transform the Council | | | |
| Strategic Objectives | 9. To know our communities and meet their needs | 10. To develop the leadership, capacity and capability to deliver future improvements | | |

Performance Narrative

Aim 1 – Meeting Housing Need

The expected out-turn for the year 2011/12 is around 90 units, with several schemes very close to handover. On the basis of planning permissions granted and affordable homes programmed to be delivered by Housing Associations the anticipated out-turn for 2012/13 is again in excess of 75 units. The Council can now demonstrate in excess of a 5 year supply of available housing sites. In 2010/11 a significantly increased number of households in difficulty sought assistance from the Council and its partners. This level has broadly continued into 2011/12, although numbers seeking assistance are not expected to exceed 2010/11 levels. Homelessness has increased nationally however homeless acceptances in Ryedale are expected to be in line with 2010/11 figures. The number of households in temporary accommodation is remaining reasonably level at around 20 households at any point in time.

Supporting Independent Living

Over £188K has already been spent in 2011/12 on households making adaptations through the provision of a Disabled Facilities Grant enabling them to remain in their own homes. A Home Improvement Agency Partnership between Ryedale and Scarborough Councils is being progressed to further strengthen performance and increase capacity for this service. An exercise is being undertaken through the procurement partnership (Procure North Yorkshire) through which Ryedale, Scarborough and Selby should further reduce the cost of improvements.

57 Energy Efficiency grants have been completed and a further 21 are currently being progressed.

Aim 2 – Creating Conditions for Economic Success

The Council has agreed the publication version of The Ryedale Plan strategy document with the aim of submitting this by end of April 2012 for a summer inspection, Progress with the Plan adds certainty to the decision making of the Planning Committee and enables progress with the Sites Document and the associated Community Infrastructure Levy charging regime.

Improving Infrastructure

Work has started on site for a major extension to York Road Industrial Estate that will provide opportunities for new jobs and investment in Malton. A range of business uses are anticipated and RDC Economy Officers are working with the developers to encourage investment. Work started on site on 9 January 2012 on the improvement of the Brambling Fields junction on the A64 to take through traffic away from the congested centre of Malton and so improve the air quality problems at Butcher Corner. The Council has allocated £2.4m to jointly fund the £6m scheme with NYCC and the Highways Agency and work is on schedule to be completed in June 2012.

Wage and Skill Levels

The York and North Yorkshire Local Enterprise Partnership (LEP) has been established to guide and encourage public and private sector investment in and maximise support for enterprise and industry in the area. The LEP is investigating key economic priorities such as small businesses and agri-food and the Chairman met with Ryedale businesses at the Ryedale Business Forum, an initiative which is being championed by the Leader of the Council. This Council has put forward proposals under the LEP's Rural Growth Network' scheme and is also involved in a scheme with the LEP to promote high-speed broadband at York Road Industrial Estate in Malton. The 2010 'Opportunity Knocks' event to highlight to young people in Ryedale the diversity of business and employment opportunities available in the local area was repeated successfully in November 2011 with all Ryedale secondary schools involved and an even wider range of Ryedale employers present. Following the successful development of this as an annual event the Council is planning to incorporate this into a broader 'Business Week' event.

Supporting those on Low Income

During the last year, the Council helped 3,945 residents pay their rent and Council Tax. The time taken for processing and maintaining all claims is now improving following the implementation of the Northgate revenues and benefits system.

Aim 3 –Maintaining a High Quality Environment

Increasing the rate of recycling and reducing the amount of waste collected

Performance remains strong both regionally and nationally with low comparative costs and high levels of recycling achieved. Collections of cardboard and plastic bottles from every household have been introduced as part of the kerbside recycling collection service with a phased implementation. This has been slightly delayed following late delivery of vehicles and vehicle faults which are being addressed. The additional materials complement the glass, cans, paper and garden waste already collected from 24,500 properties across the District. Initial feedback has been extremely positive regarding the new system and the transition process, with high levels of public participation. Projections for 2012/13 are that the new scheme will divert 12,142 tonnes of waste from landfill, an estimated 850 tonnes being from the new collections of plastic and card (34.5 kgs per household). All recyclate is taken to the new transfer station on Showfield Lane operated by Palm Recycling. This partnership has proved highly successful providing the authority with good service quality, value for money and reductions in CO₂ through reduced travel.

Managing the risk of future flooding

The Council has been successful in securing £85,000 from the Environment Agency for flood resistance work in Pickering in addition to the £127,500 for Kirby Mills and Keldholme. Surveys of properties most at risk are currently being undertaken. In regard to the Kirby Mills/Keldholme (£127.5 K) externally grant funded scheme, thirty one surveys have been completed, procurement and evaluation have taken place and work has been undertaken on

installation. Agreement has been reached with the Environment Agency to utilise any under spend on properties in Kirkbymoorside and/or Pickering in other areas with all funding being utilised for the benefit of those residents most at risk of flooding.

Progress has been made regarding 'Slowing the Flow at Pickering' Project with a presentation to the Commissioning Board in January 2012. A possible option involves a combination of small bunds with below ground level storage with soft engineering measures such as channel restrictions.

Reduction of Co2 from Council Operations

Co2 emissions resulting from Council Operations have been significantly reduced by 3% in 2009/10 and an additional 7% in 2010/11. The largest contribution has come from upgrading the gas boilers at Ryedale House and Derwent Pool. Moving to monthly garden waste collections over the three month winter period has reduced fuel use in fleet vehicles which is the second biggest contributor. Further fuel savings are now being realised following trials of 'Masternaut' (a GPS based vehicle tracking system), an Eco Driving Assistant system which helps the driver to optimise fuel consumption and also supports waste round re-profiling.

Following procurement, work has started at Ryedale Pool Pickering regarding a gas-fired CHP, air source heat pumps and high efficiency domestic hot water storage, combined with appropriate amendments to the air handling equipment and the installation of a solar thermal array. The proposed scheme represents the most financially viable solution for energy used at the site and offers the potential for investing in renewable technologies and making significant reductions in CO₂ emissions likely to be in excess of 70 tonnes per year.

Maintaining the quality of our environment

The Countryside Management Advisor continues to deliver the Biodiversity Action Plan, engaging with landowners to promote the completion of management plans for sites of importance for nature conservation in Ryedale.

The work of the Building Conversation Officer continues to maintain the quality of Ryedale's built historic environment. Of particular note is the recent approval and commencement of works on a £3.5m refurbishment scheme for the Talbot Hotel, Malton, to provide a premier hotel facility which should support the future economic development of the town with the creation of up to 25 Jobs in 2012.

Aim 4 – Active Safe Communities

Safe and Welcoming Communities

The Safer Ryedale Partnership Plan for 2011/12 has been agreed by the Partnership Board and is being implemented. Compared to this period last year, crime rates have fallen again. Home Office funding for Safer Ryedale has again been reduced. The partnership is planning for anticipated changes, particularly in the allocation of funding, following the enactment of the Police and Social Responsibility Bill and the election of Police and Crime Commissioners in late 2012.

Supporting Active Communities.

A detailed review has been undertaken regarding the latest statistical survey information and RDC owned Leisure assets regarding - demand, capacity and budgeted capital investment and investment forecast. Analysis of the latest data shows a significant decrease back to previous levels.

- Satisfaction with local provision increased from 66.5% to 71.7% but has fallen back to 66.2%.
- Satisfaction, though reasonable, remains below the average percentage for England (69.0%), and the Yorkshire and Humber region (69.2%).
- Regarding swimming Ryedale has fallen in the most recent figures, 10.5% participating once per month by comparison to averages in England (12.8%) and Yorkshire and Humber (12.3%).

Analysis of the Facility capacity of Pools to meet demand has been undertaken. This indicates existing provision approximately meets current and future requirements assuming investment over a 10 year period. However funding is unavailable and future potential investment cannot currently be accommodated within the existing resources of the capital programme.

Aim 5 - Transforming the Council

The Council is on target to deliver the savings required for 2011/12. The budget is currently being prepared for 2012/13 with a requirement of further savings of £700k required to balance the budget. The Council is still awaiting the decision on Localised Planning Fees.

Ensuring the capacity to deliver

The ICT Programme is successfully approaching its conclusion having seen the upgrade of most of the Council's key applications and delivery infrastructure. The Financial Management System is due to go live at the start of the financial year, following which the close down of accounts on the old system will indicate the end of the Programme.

The Council's investment in Learning and Development for both Officers and Members has been well supported and evaluation has demonstrated that there have been positive outcomes delivered for the organisation through this. Workforce planning will need to accommodate any impacts from the decisions made in February to deliver a balanced budget.

Community Engagement

The Consultation pages of the public website have been redesigned to ensure access to both live consultations and the outcomes from closed consultations. All of the parish plans developed by local communities are now available on the website. Parish Plans are currently being supported in the parishes of Gillamoor and Fadmoor, Rosedale, Lockton, Farndale and Bransdale.

Supporting Democracy

The Council has been invited to work with the Post Office and The Department for Business Innovation and Skills to develop new operating models which should help to achieve a sustainable future for the post office network. This invitation resulted from the work undertaken by the Post Office Scrutiny Review Task Group. A new scrutiny review has been launched and will consider 'support for a sustainable community and voluntary sector' and the role of the Council in this.

Annual Canvass of Electors

The annual canvass of electors was concluded, with a response rate of 96.67%, an increase on last year. Once again, all of the Electoral Commission's performance standards have been met and all but one exceeded.

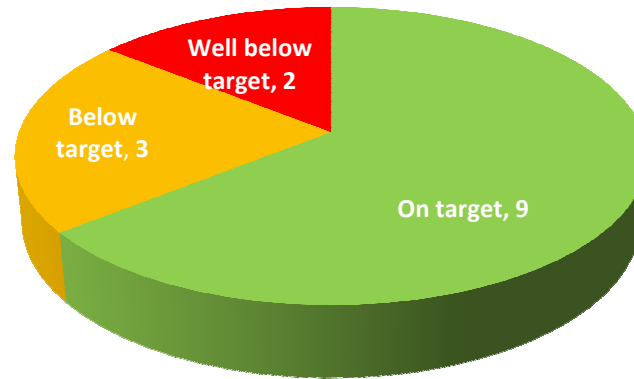
Member Development

A commitment to achieving Member Development Charter Status has been signed by the Chief Executive and three Group Leaders. The Charter is a national initiative, which is a statement of Councils' commitment to developing and supporting their elected councillors and aims to help Councils adopt a structured approach to councillor development and to building elected member capacity. Its approach is similar to Investors in People and involves a self-assessment, a pre-assessment visit and then an assessment day, involving peer review by officers and members.

Excellent feedback was received on visits by Members to local secondary schools as part of Local Democracy Week.

Aim 1. Housing Need – Performance Indicators

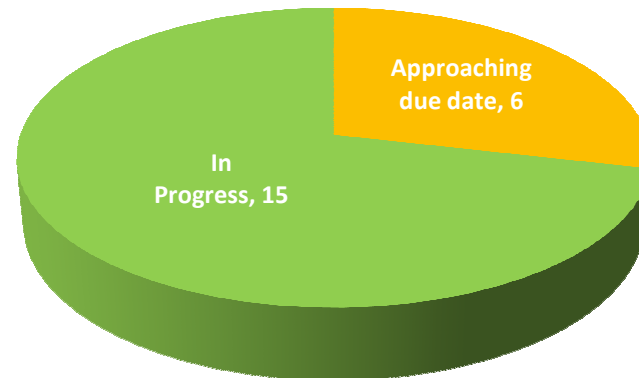
| Status | Performance Indicator |
|--------|--|
| ✓ | Percentage of vulnerable people achieving independent living |
| ✓ | The extent to which older people receive the support they need to live independently at home |
| ✓ | Number of current Lifeline users in Ryedale |
| ✓ | Number of empty properties in Ryedale |
| ✓ | Prevention of Homelessness through Advice and Proactive Intervention |
| ✓ | Improvements in energy efficiency of homes |
| ✓ | Number of affordable homes permissions granted |



| Status | Performance Indicator |
|--------|--|
| ✓ | Stock Condition |
| ✓ | Supply of ready to develop housing sites |
| ⚠ | Time taken to process Housing Benefit/Council Tax Benefit new claims and change events |
| ⚠ | Net additional homes provided |
| ⚠ | Number of affordable homes delivered (gross) |
| ⛔ | % households in Ryedale in Fuel Poverty |
| ⛔ | Affordability Ratio |

Aim 1. Housing Need - Actions

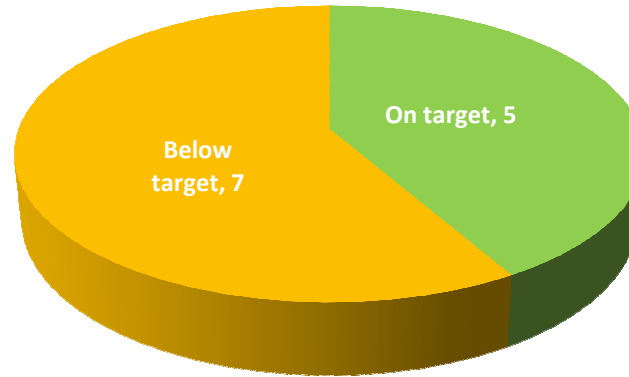
| Target | Title |
|--------|--|
| 21 | Planning Gain |
| ▶ | Registered Social Landlord/Other Funded |
| ▶ | Provision of a Mortgage rescue scheme in partnership |
| ▶ | Homelessness - Projects & Initiatives |
| ▶ | Homelessness Strategy Action Plan |
| ▶ | Support for HCA funding to Housing associations |
| ▶ | New Homes Bonus |
| ▶ | Lifeline Service |
| ▶ | Young People – Homelessness prevention |
| ▶ | Home Appreciation Loans 2011-12 |



| On Target | Title |
|-----------|---|
| ▶ | Home Repair Loans 2011-12 |
| ▶ | Decent Home Loans 2011-12 |
| ▶ | Empty Property Grants 2011-12 |
| ▶ | Energy Efficiency Loans 2011-12 |
| ▶ | Disabled Facilities Grants 2011-12 |
| ⚠ | HMO Grants 2011-12 |
| ⚠ | Exception Sites Land Purchase |
| ⚠ | Homelessness applications & acceptances |
| ⚠ | Temporary Accommodation & Bridge House |
| ⚠ | To deliver an LDF for Ryedale |
| ⚠ | Empty Homes Strategy |

Aim 2. Economic Success – Performance Indicators

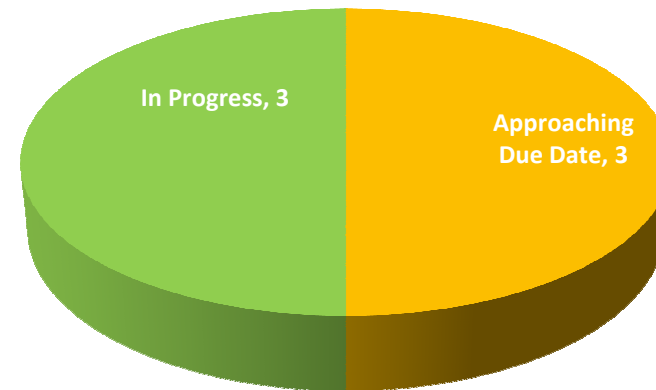
| Status | Performance Indicator |
|--------|---------------------------------------|
| ✓ | % Ryedale population qualified - NVQ1 |
| ✓ | % Ryedale population qualified - NVQ2 |
| ✓ | % Ryedale population qualified - NVQ3 |
| ✓ | % Ryedale population qualified - NVQ4 |
| ✓ | Industrial lettings vacancies |
| ⚠ | Employment Rate |
| ⚠ | NEETs |



| Status | Performance Indicator |
|--------|---------------------------------------|
| ⚠ | Number of new business start ups |
| ⚠ | Footfall – Malton Town Centre |
| ⚠ | Average household earnings in Ryedale |
| ⚠ | Gross weekly earnings by workplace |
| ⚠ | Total Job Seeker Allowance Claimants |

Aim 2. Economic Success - Actions

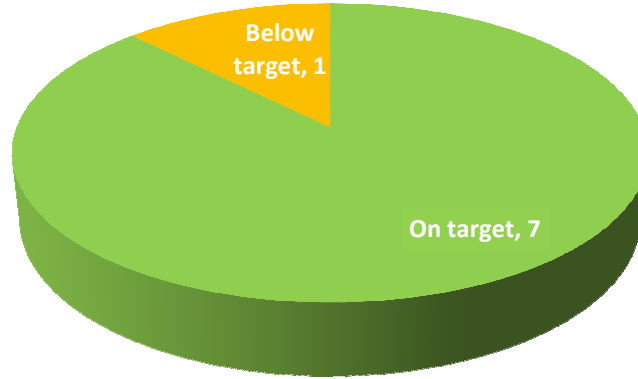
| Target | Title |
|--------|--|
| ▶ | Enable economic activity through supporting projects |
| ▶ | Support local businesses |
| ▶ | A64 Brambling Fields Junction Upgrade |



| On Target | Title |
|-----------|---|
| ⚠ | Improve Skills and Knowledge of the workforce |
| ⚠ | Provision in Capital Programme for Managed Workspace Facilities |
| ⚠ | To deliver an LDF for Ryedale |

Aim 3. High Quality Environment – Performance Indicators

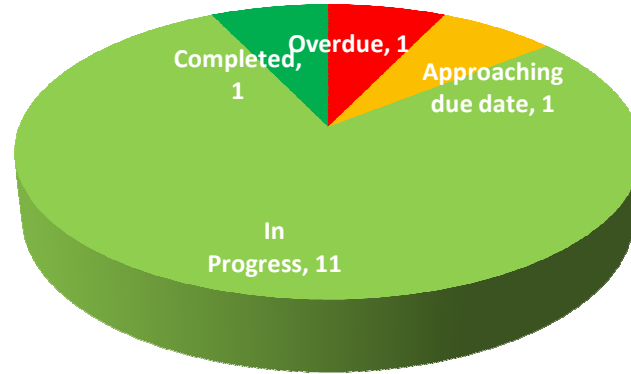
| Status | Performance Indicator |
|--------|--|
| ✔ | New homes built on previously developed land |
| ✔ | Flood and coastal erosion risk management |
| ✔ | Total number of properties flooded per year |
| ✔ | Overall/general satisfaction with local area |



| Status | Performance Indicator |
|--------|---|
| ✔ | Improved Local Biodiversity |
| ✔ | CO2 reduction from Council operations |
| ✔ | % of household waste sent for reuse, recycling and composting |
| ⚠ | Residual household waste - kg per household |

Aim 3. High Quality Environment – Actions

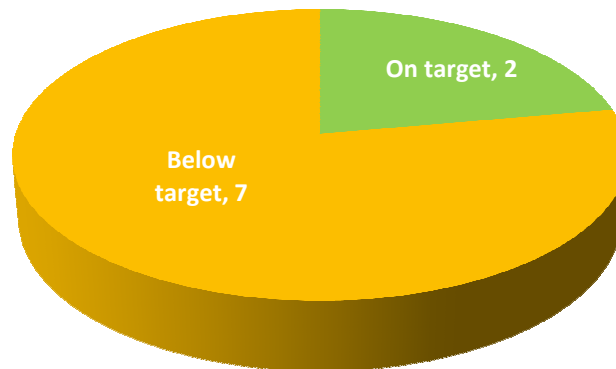
| On Target | Title |
|-----------|---|
| ✔ | Prioritize flood risk areas and implement local catchment's of sandbags for immediate self help |
| ▶ | Maintain a current multi-agency risk plan |
| ▶ | Vale of Pickering Channel Management Pilot |
| ▶ | Householder Flood Resistance Grants Scheme |
| ▶ | Winter maintenance grant scheme |
| ▶ | Recreational Open Space Development |
| ▶ | Plastic Bottles & Cardboard Recycling Rollout |



| On Target | Title |
|-----------|--|
| ▶ | Develop local transfer station for recyclable materials in partnership with private sector |
| ▶ | Deliver on farm garden waste composting through partnership with local farmers |
| ▶ | Enhance stakeholder participation re volunteer groups |
| ▶ | Round review re waste management to ensure optimum efficiency |
| ▶ | Develop an Air Quality Action Plan. |
| ⚠ | Refresh climate change strategy in line with new government guidelines |
| 🛑 | Pickering Flood scheme |

Aim 4. Active Safe Communities – Performance Indicators

| On Target | Title |
|-----------|--|
| ✓ | Crime Rate for the District |
| ✓ | % of parishes covered by a current plan |
| ⚠ | Obesity in primary school age children in Year 6 |
| ⚠ | Self-reported measure of people's overall health and wellbeing |
| ⚠ | Adult participation in sport and active recreation |

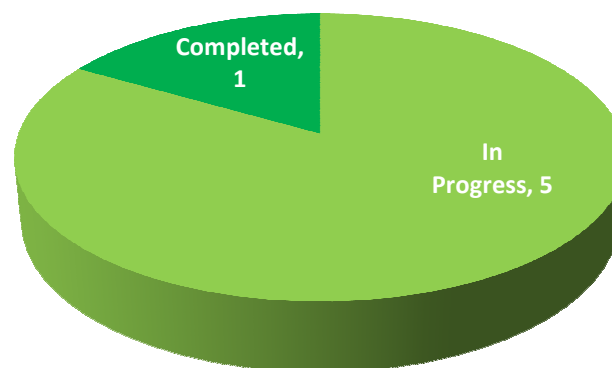


| On Target | Title |
|-----------|---|
| ⚠ | Residents satisfied with sports/leisure facilities |
| ⚠ | Obesity in Adults |
| ⚠ | Swimming Pools & Sports centres no of visits per 1,000 population |
| ⚠ | Levels of satisfaction with Council sport and leisure facilities |

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Aim 4. Active Safe Communities – Actions

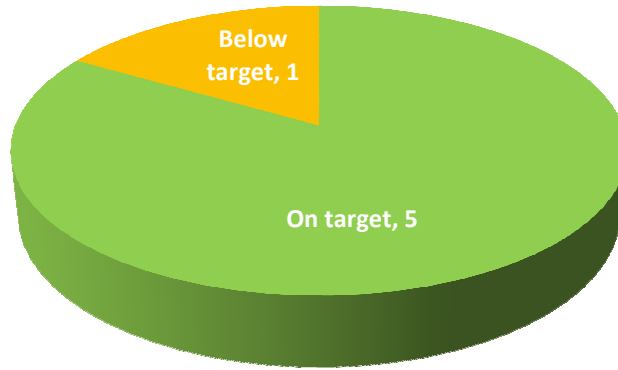
| On Target | Title |
|-----------|--|
| ✓ | Grant to Malton School for dry sports centre |
| ▶ | Safer Ryedale Partnership Plan 2011-2012 |
| ▶ | Investigate feasibility of a GP referral scheme in Ryedale |



| On Target | Title |
|-----------|---|
| ▶ | Grant for the redevelopment of existing sports facilities in Helmsley |
| ▶ | Review the Sports Strategy with a vision towards 2012 Olympics |
| ▶ | Recreational Open Space Development |

Aim 5. To Transform the Council – Performance Indicators

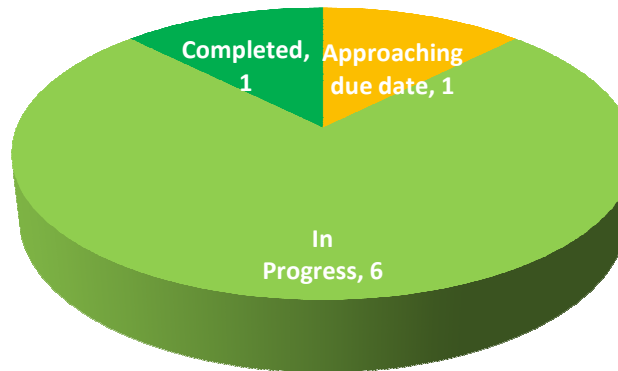
| Status | Performance Indicator |
|--------|---------------------------------------|
| ✔ | Civic participation in the local area |
| ✔ | Overall satisfaction with the Council |
| ✔ | Top priorities for local people |



| Status | Performance Measure |
|--------|--|
| ✔ | Service satisfaction – customer satisfaction |
| ✔ | Queries resolved at first point of contact |
| ⚠ | Pulse Survey - employee satisfaction |

Aim 5. To Transform the Council – Actions

| Target | Title |
|--------|--|
| ✔ | Formulate an action plan for maintaining IIP accreditation |
| ▶ | Going for Gold |
| ▶ | Value for Money |
| ▶ | Deliver the Police Commissioner elections |



| On Target | Title |
|-----------|---|
| ▶ | Partnership Protocol and significant partnerships |
| ▶ | Service Equality Monitoring |
| ▶ | A Plan for Every Parish |
| ⚠ | ICT Strategy Programme |



| | |
|-------------------------|---|
| PART A: | MATTERS DEALT WITH UNDER DELEGATED POWERS & |
| PART B: | RECOMMENDATIONS TO COUNCIL |
| REPORT TO: | POLICY AND RESOURCES COMMITTEE |
| DATE: | 4 APRIL 2012 |
| REPORT OF THE: | HEAD OF POLICY AND PARTNERSHIPS CLARE SLATER |
| TITLE OF REPORT: | ESTABLISHING THE COMMUNITY INVESTMENT FUND PANEL |
| WARDS AFFECTED: | ALL |

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To seek Members' approval of operational criteria for the Community Investment Fund Panel (CIF Panel)

2.0 RECOMMENDATIONS

- 2.1 Part A (matters delegated to this Committee)

It is recommended that Members:

- (i) agree the criteria for the operation of the CIF Panel as detailed in paragraphs 8.2 – 8.7; and
- (ii) that members note the inclusion of the Main Grants and Christmas Lights funds under the management of the CIF Panel. The Talented youth Grant scheme ending this year with that allocation to be included under the CIF Panel from April 2013

- 2.2 Part B (recommendations to Council)

The Council is recommended to approve:

- (i) the terms of reference for the CIF Panel for inclusion in the Council's Constitution (annex A); and
- (ii) the 2012/2013 meeting schedule for the CIF panel.

3.0 REASON FOR RECOMMENDATIONS

- 3.1 The Council has agreed the establishment of the CIF Panel as a new committee of the Council and has nominated members to the panel.

- 3.2 The Council has also resolved that the Policy and Resources Committee should establish the criteria for approval of all bids made to the CIF Panel.

4.0 SIGNIFICANT RISKS

- 4.1 Any significant risks are mitigated by the operating principles as recommended in the report.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 The Council have decided to utilise part of the New Homes Bonus (NHB) allocation for 2011/12 to establish a Community Investment Fund.
- 5.2 The government has stated that the purpose of the NHB is to 'ensure that the economic benefits of growth are returned to the local authorities and communities where growth takes place'.
- 5.3 The aim of the Community Investment Fund is to contribute to the delivery of the Council's priorities and supporting parish councils and voluntary and community organisations to deliver projects which meet the needs of communities.
- 5.4 This report will set out for Members a proposal for the operation and administration of the Community Investment Fund including detail of priorities, eligibility rules, levels of funding and an approval mechanism.
- 5.5 The Council operates a number of grants schemes which are detailed in Annex B. Some of these are awarded by a panel of officers. As the aim of this funding is to support projects which are a priority for communities such as village halls, sports facilities and play areas, the CIF Panel provides the opportunity to streamline the decision making process for these grants. Summary information attached at Annex B

6.0 POLICY CONTEXT

- 6.1 The general principles upon which the CIF is established include targeting funds at projects which contribute to the achievement of the Councils priorities; building community capacity and have a demonstrable positive impact on the communities of Ryedale.
- 6.2 The proposal meets the Council's corporate strategic objective: 'to develop the leadership capacity and capability to deliver future improvements.'

7.0 CONSULTATION

- 7.1 The Council consulted with parishes on the use they would make of any funding made available to the Council through NHB.

8.0 REPORT DETAILS

- 8.1 The principles and criteria under which it is suggested the CIF Panel should be operated are detailed below:

Management and Administration

- 8.2 It is proposed that the Community Investment Fund be managed and administered in accordance with the following:
- a. A sum of £201,606 is allocated from the 2011/2012 New Homes Bonus to finance the fund to be utilised as follows:
 - (i) Pot 1 - That 100,803 be distributed to applicants who are Parish Meetings, Parish or Town Councils, or groups of these, on a geographic basis to those wards in which the development took place which generated the new homes bonus. The parishes within a ward are able to bid for a maximum of the amounts as detailed in annex C
 - (ii) Pot 2 - That 100,803 be distributed to other projects whose applicants may be parish meetings or Parish or town councils, properly constituted organisations and may include, Voluntary Organisations and Community Groups, the District Council, North York Moors National Park (for the benefit of Ryedale Communities.
 - b. A sum of £46,220 to be allocated from the main grants fund to be managed by the fund under the same principles as pot 2 above.
 - c. Applications will be considered for both capital and revenue projects which meet the eligibility criteria.
 - d. Revenue grants will be awarded for a maximum period of two years
 - e. The panel will meet if there are funds remaining unallocated at the scheduled time of the meeting.
 - f. The fund will be operated by the "Community Investment Fund Panel" which will be made up of 7 Members (nominations made by Council in line with requirements of political proportionality) and will be advised by the appropriate officers. Terms of reference are attached at Annex A.
 - g. The fund will be administered by the Community Partnerships Officer under the management of the Head of Policy and Partnerships.
 - h. The CIF Panel will meet three times per civic year to a schedule agreed by Council
 - i. The impact and performance of the fund will be monitored on an ongoing basis by the CIF Panel and reviewed and evaluated in January 2013.

Eligibility criteria - Organisations

8.3 For Pot 1

- A Parish Meeting or Parish or Town Council (or group of these)

For Pot 2

- A Parish Meeting or Parish or Town Council
- A properly 'not for profit' constituted charity or voluntary organisation
- An organisation that allow its membership to be open to all
- Be capable of raising funds and have a locally controlled bank account
- have a good record of self help if an existing group
- New groups should show evidence of intent to achieve the above
- Applications from Ryedale District Council and The North York Moors National Park will be considered where projects will directly benefit communities in the Ryedale Area.
- Collaborative bids from groups of organisations will also be considered

Eligibility Criteria – Projects

8.4 The projects, activities or services to be considered by the fund can be varied and diverse but must be able to show that they make a positive contribution to at least one of the Councils stated priorities as follows:

- To meet housing need

Helping people to access a suitable home or remain in an existing one, preventing homelessness and supporting independent living.

- To support the conditions for economic success

Providing opportunity for people, increasing skills and wage levels with better jobs

- To have a high quality clean and sustainable environment

Maintaining the quality of our local environment and increasing pride of place

- To encourage active and safe communities

Encouraging active lifestyles in communities where people feel safe

- To transform the Council

Supporting services which are important to communities and are accessible and meet local needs

and that meet one or more of the following criteria:

- a. extends or expands an existing service provision to new customers;
- b. delivers a project or service which can be clearly demonstrated as a community priority;
- c. demonstrates clear benefit to Ryedale Communities

Funding Priorities

8.5 Priority will normally be given to those bids which:

- a. attract partnership or match funding,
- b. are initiated by community based organisations or groups
- c. are supported by evidence of need such as consultation or a parish plan
- d. can demonstrate community support and participation.

Assessment Criteria

8.6 If an application is complete and includes all the information requested and the applicant is an organisation which is eligible to apply, an assessment will be undertaken of both the organisation and the project against the following criteria:-

The organisation:

- Is well managed and financially sound
- Would be able to deliver the project if a grant was awarded
- Reflects the community it serves
- Takes into account the needs and aspirations of the community in its work

The project:

- Is in line with the Council's stated aims
- Responds to a clearly identified need and has community support, and this should be evidenced with research such as a parish plan or village appraisal,
- Will deliver clear outcomes for the communities of Ryedale and the impact of the project has been anticipated and is supported by evidence
- Has clear objectives and a development plan.
- Has a budget which is accurate and reasonable with a realistic plan to secure matching funding.
- (For revenue grants) has a clear plan to secure new funding if the project is expected to continue beyond the term of any grant awarded by the Council
- (For capital projects) has a clear and realistic projection of income for the future maintenance of the facility and a plan for its future operation
- Includes details of how it will be monitored and evaluated i.e. how will you show that the project has delivered the desired outcomes in Ryedale?
- Must be deemed viable and deliverable.

Application Procedure

- 8.7 All applications to the fund must be made using the application form which will be agreed at the first meeting of the panel. A press and publicity campaign will accompany the launch of the Fund and application details will be distributed to all parish and town councils and promoted to other organisations as soon as is practicable.
- 8.8 It is suggested that the panel meets every 4 months with the following schedule of meetings, subject to demand:

| Deadline for applications | Meeting of the CIF Panel |
|----------------------------------|---------------------------------|
| Inaugural meeting | Wednesday 25 April 2012 |
| Friday 15 June 2012 | Tuesday 17 July 2012 |
| Friday 19 October 2012 | Tuesday 27 November 2012 |
| Friday 22 February 2013 | Tuesday 19 March 2013 |

- 8.9 At its first meeting the panel will elect a chairman and agree the application forms for the Fund in line with the criteria set by this report.
- 8.10 Terms of Reference for the CIF Panel are attached at annex A.

9.0 IMPLICATIONS

- 9.1 The following implications have been identified:
- (i) Financial
 - (i) As a new fund utilising the NHB the proposal has no additional financial implications for the Council.
 - (ii) The fund will operate within financial standing orders and will be subject to the usual audit processes.
 - (iii) The initiative has the potential to attract partnership funding into the district and as such has a positive financial impact.
 - (ii) Legal

There are no significant new legal implications arising from this recommendation. Any grants above £50k will require formal written contract.
 - (i) Other

There are no significant other implications arising out of this report.

Clare Slater
Head of Transformation

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Telephone No: 01653 600666 ext: 347
E-Mail Address: clare.slater@ryedale.gov.uk

Background Papers:
None.

TERMS OF REFERENCE: Community Investment Fund Panel

MEMBERSHIP:

The CIF Panel is comprised of 7 Members of the Council. The Committee shall elect its own chairman, annually.

FUNCTIONS:

To discharge all the following functions and duties conferred on the Council:-

A. Grant Making

- To award any funding allocated to it from the New Homes Bonus (or similar sources of funding made available to it by a meeting of Council or Policy and Resources Committee) in the form of grants.
- Maintaining a fair and effective grants programme that supports the needs of all sections of the Ryedale Community in line with the Councils stated priorities.
- To take decisions based on officer recommendations for grants
- Keeps the needs of Ryedale under review and in light of this, develop and recommend detailed criteria and priorities for grant giving to Council or Policy and Resources Committee annually

B. Other Functions

Any function delegated to an Officer which in the opinion of the Officer should be determined by the CIF Panel.

Proposal for Streamlining decision making for Community Grants

| Grant scheme | Budget 2012-13 | | Decision Making Body | |
|-----------------------|----------------|----------|--------------------------------|--|
| | As Is | Proposed | As Is | Proposed |
| Main Grants | £44,830 | £46,220 | Officer Grants Panel | CIF Panel |
| Talented Youth Grants | £4,330 | £3,750 | Community Partnerships Officer | Community Partnerships Officer for 2012/13 |
| Christmas Lights | £810 | £0 | Community Partnerships Officer | CIF Panel |

Main Grants:

- 5 Awards made in 2011/12 totalling £73,080.35.
- Applicants must be a properly constituted charity, community group or voluntary organisation which allows membership to be open to all, be capable of raising funds with a bank account. Grants are awarded to a maximum of £25,000 and 20% of total project costs. Projects funded include cultural facilities such as sport and recreation, arts heritage and play facilities and village halls.
- Revenue awards made to a maximum of £1,000 and for up to 3 years duration.
- Awards are made by the Grants Panel of Officers which meets every two months.
- Applicants could approach the CIF for funding and the budget of £44,830 incorporated into Pot 2.

Talented Youth Grants:

- 23 awards made totalling £3450. Each award is for £150 for residents aged between 12 and 18 years and demonstrating exceptional achievement in sport or the arts.
- Awards are made by the Community Partnerships Officer.
- The budget could be revised to £3,750 from £4,330 and £580 incorporated into the CIF Pot 2 for 2012/13. Notice will be given to recipients that this will be the last year that this funding will be offered by the Council.
- The funding will then be incorporated into CIF pot 2 from April 2013.

Christmas Lights:

- 6 awards made in 2011/12 totalling £480. Applicants could approach the CIF for funding and the budget allocation of £810 incorporated into Pot 2 of the CIF.

Nominal Grants:

- No nominal grants were awarded in 2011/12 and so it is proposed that these grants no longer be offered.
- Applicants requiring start up funding for a project can apply to the CIF pot 2.

| Ward | Allocation |
|----------------|----------------------|
| Amotherby | 5,646 |
| Ampleforth | 3,581 |
| Cropton | 3,218 |
| Dales | 1,730 |
| Derwent | 7,224 |
| Helmsley | 1,789 |
| Hovingham | 2,003 |
| Kirkbymoorside | 10,502 |
| Malton | 6,192 |
| Norton | 15,238 |
| Pickering | 10,381 |
| Rillington | 6,131 |
| Ryedale SW | 911 |
| Sherburn | 1,761 |
| Sheriff Hutton | 3,157 |
| Sinnington | 4,614 |
| Thornton Dale | 8,529 |
| Wolds | 8,196 |
| | Total 100,803 |



| | |
|-------------------------|---|
| PART B: | RECOMMENDATIONS TO COUNCIL |
| REPORT TO: | POLICY AND RESOURCES COMMITTEE |
| DATE: | 4 APRIL 2012 |
| REPORT OF THE: | HEAD OF CORPORATE AND BUSINESS SUPPORT LOUISE SANDALL |
| TITLE OF REPORT: | REDEPLOYMENT AND REDUNDANCY POLICY AND DISCRETIONARY COMPENSATION POLICY |
| WARDS AFFECTED: | ALL |

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 This report seeks approval to amend the Redeployment and Redundancy Policy in the calculation of redundancy payments. This amendment is also to be carried forward to the Discretionary Compensation Policy.

2.0 RECOMMENDATIONS

- 2.1 That Council is recommended to approve:
- (i) The change in Redeployment and Redundancy Policy to the maximum number of full years of service from 30 to 20 when calculating redundancy pay with effect from 17 May 2012. (Annex A).
 - (ii) The change is reflected in the Discretionary Compensation Policy. (Annex B).

3.0 REASON FOR RECOMMENDATIONS

- 3.1 As a part of 2011/12 Going for Gold Efficiency programme a review was held of terms and conditions of employment for employees under NJC National Agreement on Pay and Conditions of Service.
- 3.2 The recommendations within this report arise from the Terms and conditions review and through agreement with UNISON and apply to both the Redeployment and Redundancy Policy and Discretionary compensation Policy.

4.0 SIGNIFICANT RISKS

- 4.1 As agreement has been reached with UNISON on this issue there are no significant risks in adopting this change.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 In line with Ryedale District Council aim 5 of Transformation.
- 5.2 Consultation took place from October 2011 to December 2011 with all employees and UNISON. The change has been agreed with UNISON as part of a collective agreement covering various changes to terms and conditions.

REPORT

6.0 REPORT DETAILS

- 6.1 Under Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 the Council retains the ability to exercise its discretion under regulations 5 and 6 when calculating redundancy payments. The Council is required to formulate, publish and keep under review a policy which will be applied in the exercise of their discretions (Annex B).
- 6.2 To be entitled to receive a redundancy payment employees must have at least two years continuous service in a post. The amount of redundancy pay an employee receives depends on their actual weekly pay and amount of reckonable service.
- 6.3 The current Policy, which was agreed in April 2008, calculates redundancy payments using actual weekly pay and to award lump sum compensation by applying a multiplier of 1.5 to each completed year of service up to a maximum of 30 years (45 weeks).
- 6.4 It is recommended that Ryedale District Council calculates redundancy pay based on the multiplier of 1.5 weeks pay for every completed year of service, up to a maximum of 20 years giving maximum total of 30 weeks pay. In this proposal the Council has reviewed its current offer in line with other Authorities, whilst being mindful to not discriminate on the basis of age.
- 6.5 UNISON has signed a collective agreement agreeing to a number of changes in the Terms and Conditions of employees. UNISON has provided the following comment for inclusion in the report around the specific changes within this report:
'UNISON welcomes the fact that the new arrangements will preserve this non age discriminatory provision of the current policy. Whilst accepting the reduction in the maximum number of reckonable year's service from 30 to 20, UNISON's preference was for it to have remained the same.'

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
- a) Financial
The amount of any redundancy payment from April 2012 will be capped at a maximum of twenty years reckonable service. In the event of any further redundancies within the Council redundancy costs will be reduced through the changes to the policy
 - b) Legal
There are no legal implications to this change.
 - c) Other
There are no significant equality impacts identified.

8.0 NEXT STEPS

- 8.1 The Redeployment and Redundancy Policy as demonstrated at Annex A will be published to all staff following Full Council's approval.

Louise Sandall
Head of Corporate and Business Support

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E-Mail Address: denise.hewitt@ryedale.gov.uk

Background Papers:

Statutory Guidance and calculator- <http://www.direct.gov.uk/redundancy.dsb>

Background Papers are available for inspection at:

Current Redeployment and Redundancy Policy and Procedures –
<http://intranet.ryedale.gov.uk/default.aspx?page=8393>

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Annex A

Ryedale District Council

REDEPLOYMENT AND REDUNDANCY POLICY AND PROCEDURES

1. The following statement is Ryedale District Council's policy on redeployment and redundancy and the exercise of discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006.
2. This new policy is effective from 17 May 2012 and replaces any previous redeployment and redundancy policy or procedures.
3. The policy forms no contractual rights and the Council retains the right to amend the policy at any time, subject to consultation with any recognised Trade Union. At the time of publication Ryedale District Council recognise Unison for the purposes of collective consultation.

Policy

4. It is the aim of Ryedale District Council, through careful forward planning, to maintain and enhance efficiency in order to safeguard the current and future employment of employees.
5. However, it is recognised that there may be changes in funding, organisational requirements and technological developments, which may affect staffing needs. The Council, in consultation with individuals and Unison, will seek to minimise the effect of redundancies through the provision of sufficient time and effort to finding alternative employment for surplus staff.
6. Where compulsory redundancy is inevitable the Council will handle the redundancy in the most fair, consistent and sympathetic manner possible and minimise as far as possible any hardship that may be suffered by the employees concerned.
7. The law allows for a statutory minimum compensation requirement based on a maximum weekly amount and capped at 20 years service. The statutory calculation uses the formula of 0.5x the capped weekly amount for all years service accrued up to the age of 22 years; x1 the capped weekly amount for all years service accrued between 22 and 40 years and x1.5 for those accrued from 41 years +. See Appendix B.
8. The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 enables Ryedale District Council to exercise discretion over and above the statutory minimum. Ryedale District Council's policy on the application of the 2006 Discretionary Compensation Regulations is:-

| Discretionary Power | Ryedale District Council's Policy |
|---|---|
| Regulation 5: This allows the discretion for redundancy payments to be based on an actual week's pay rather than statutory maximum week's pay. | Actual weekly pay will be used to calculate the redundancy payments for all Ryedale District Council employees. |
| Regulation 6: | Lump sum compensation payments |

| | |
|---|--|
| <p>This allows the discretion to award a lump sum payment of up to 104 weeks' pay (inclusive of any statutory or discretionary redundancy payment).</p> | <p>will be made to all employees. Severance payments will be calculated by applying a multiplier of 1.5 to each completed year of service, up to a maximum of 20 years service (30 weeks). See Appendix A.</p> |
|---|--|

The Local Government Pension Scheme Regulations (LGPS)1997

| Discretionary Power | Ryedale District Council's Policy |
|--|---|
| <p>Regulation 52: Facility for employer to augment (increase) an employee's LGPS membership.</p> | <p>The Council will not augment membership under regulation 52 unless an employee who would otherwise be eligible for a 'lump sum compensation payment' under the Discretionary Compensation policy requests, before leaving, that he/she be awarded a period of augmented membership under regulation 52 which is actuarially equivalent in value to the 'lump sum compensation payment' (in excess of the redundancy payment) that would otherwise have been paid under the Discretionary Compensation Policy.</p> <p>Augmentation by conversion will be applied should a member request it under the following guidelines:</p> <p>If you are a Local Government Pension Scheme member and have been for at least 3 months and you are awarded a discretionary lump sum compensation payment, you may ask for the lump sum to be converted into additional LGPS membership.</p> <p>The amount that may be augmented (converted) is actuarially equivalent to the lump sum and cannot exceed:</p> <ul style="list-style-type: none"> • The excess above the statutory and discretionary redundancy payment; or • 10 years membership <p>You cannot receive a lump sum payment and augmented membership. You therefore cannot augment part of your lump sum and receive the remainder.</p> |

9. The Council aims to provide an appropriate level of support, through regular communication, the provision of training and Ryedale Counselling Services.
10. The aim of our policy is to ensure that no employee receives less favourable treatment or is disadvantaged on the grounds of disability, race, colour, nationality or ethnic origin, sex, marital status, age, sexual orientation, religious belief or any other unjustifiable cause not specified.
11. This policy and associated guidance will be reviewed from time to time to ensure it reflects changing organisational needs and legal requirements. Unison will be consulted about any proposed revisions.

Who is covered by the policy and associated procedures?

The Redeployment and Redundancy policy and procedures apply to all employees except those described below.

12. The provisions **do not** cover:
 - The transfer or sale of a function(s) of the Council, where Transfer of an Undertaking, Protection of Employment (TUPE) provisions apply. In these circumstances you should refer to [\[Transfer of Work to Another Organisation\]](#);
 - Anyone who is not an employee - for example, an independent contractor or freelance agent.

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**LOCAL GOVERNMENT PENSION SCHEME (LGPS) EMPLOYER
DISCRETIONARY COMPENSATION POLICY
With effect from 17 May 2012**

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1.0 Introductory Notes:

The Local Government Pension Scheme is a statutory scheme; that is, most of the rules and regulations are laid down by the Government of the day.

There are, however, some areas of the Scheme that are left to be decided by Employers such as Ryedale District Council. Most of these are included in the LGPS Employer Discretion Policy (LGPS) 2012 that can be accessed via the Intranet (under 'Pensions') but Discretionary Compensation awards are covered in this separate Policy. **These discretions are mainly concerned with awards on redundancy and efficiency departures.**

Any queries relating to these discretions should be referred to HR.

2.0 Statement Of Policy

The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006

And

The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended)

The following is a statement of Ryedale District Council's (RDC) policy on the exercise of discretions under the above two Regulations as required by those Regulations. The policy represents clear guidance on the exercise of any particular discretion.

The decision maker retains the right to deviate from the policy in exceptional circumstances. RDC retains the right to amend these policies at any time. RDC recognises that any change to the policies contained herein must be published within one month of the decision to amend the policy and that they must not give effect to any policy change until one month has elapsed since the date of such publication. The policies confer no contractual rights. The policy in force at the time of a relevant event occurring will be the one that is applied, notwithstanding the above proviso and any transitional protections that may be in force.

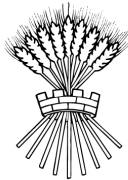
3.0 Regulations

| | | |
|---|---|--|
| 5 | Power to increase statutory redundancy payments The employer may pay, under this regulation, compensation to a level not exceeding the difference between the statutory redundancy pay under part XI of the 1996 Act (ERA 1996) and the payment to which he would have been entitled had no limit on week's pay been used in the calculation. | RDC uses actual salary in the calculation of redundancy payment as opposed to the statutory maximum as per s. 227 ERA 1996, in accordance with Regulation 5 of DCR 2006. |
|---|---|--|

| | | |
|--------------|---|---|
| <p>6</p> | <p>Discretionary compensation for redundancy</p> <p>Where a member has not been awarded an additional period of Local Government service under Regulation 12 of the LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended), his employer may pay, not later than six months after the date of termination, compensation under this regulation.</p> <p>That amount must not exceed 104 weeks' pay.</p> | <p>Lump sum compensation payments will be made to all employees.</p> <p>Severance payments will be calculated by applying a multiplier of 1.5 to each completed year of service, up to a maximum of 20 years service (30 weeks).</p> <p>For employees affected by TUPE regulations, RDC will take legal advice where appropriate.</p> |
| <p>11(2)</p> | <p>Compensatory Added Years (no longer awarded)</p> <p>The employer may award to a person aged 50 or over with 5 or more years membership (or notional membership) of the LGPS in cases of redundancy, termination of employment on efficiency grounds, or cessation of a joint appointment which occurred after 30th September 2006 and before 1st April 2007 (but only if employment had commenced pre 1st October 2006)</p> | <p>It is not the policy of RDC to make such awards.</p> <p>For employees affected by TUPE regulations, RDC will take legal advice where appropriate.</p> |
| <p>21(4)</p> | <p>Surviving Spouse's Compensatory Added Years payment.</p> <p>The employer may determine how to apportion any surviving spouse's annual compensatory added years' payment where the deceased is survived by more than one spouse.</p> | <p>RDC will consider each case on its merits</p> |

| | | |
|--------------|---|---|
| <p>25(2)</p> | <p>Children's Compensatory Added Years Payment.</p> <p>The employer may decide to whom any children's compensatory added years' payments are to be paid where children's pensions are not payable under the LGPS (because the employee had not joined the LGPS) and in such a case, how the added years will be apportioned amongst the eligible children.</p> | <p>RDC will consider each case on its merits</p> |
| <p>21(7)</p> | <p>Circumstances under which surviving spouse's compensatory added years' payments should continue after remarriage, cohabitation or entering into a civil partnership.</p> <p>The employer may decide, in respect of the spouse of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries, enters into a new civil partnership or cohabits after 1st April 1998, whether the normal pension suspension rules should be dis-applied, ie whether the spouse's or civil partner's annual compensatory added years payments should continue to be paid</p> | <p>RDC will consider each case on its merits</p> |
| <p>21(5)</p> | <p>Reinstatement of surviving spouse's compensatory added years payment.</p> <p>If, under the preceding decision, the employer decides to apply the normal suspension rules, the employer can then decide whether the payment should be reinstated after the end of the</p> | <p>If RDC determined to suspend such payment, it will reinstate after the end of the remarriage, new civil partnership or cohabitation.</p> |

| | | |
|----|---|---|
| | remarriage, new civil partnership or cohabitation | |
| 17 | <p>Suspension of member's annual compensatory added years payment during any period of re employment in local government.</p> <p>The employer may determine whether and to what extent to reduce or suspend the member's annual compensatory added years payment during any period of re employment in local government.</p> | <p>RDC will make a determination after consultation with the Administering Authority and having regard to the date of original award.</p> |
| 19 | <p>Effect on member's annual compensatory added years payment following cessation of a period of re employment in local government.</p> <p>The employer may determine how to reduce the member's annual compensatory added years payment following the cessation of a period of re employment in local government.</p> | <p>RDC will make a determination after consultation with the Administering Authority and having regard to the date of original award.</p> |



| | |
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| PART B: | RECOMMENDATIONS TO COUNCIL |
| REPORT TO: | POLICY AND RESOURCES COMMITTEE |
| DATE: | 4 APRIL 2012 |
| REPORT OF THE: | HEAD OF CORPORATE AND BUSINESS SUPPORT LOUISE SANDALL |
| TITLE OF REPORT: | CONSTITUTIONAL CHANGES |
| WARDS AFFECTED: | ALL |

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 This report seeks approval for a number of constitutional changes.

2.0 RECOMMENDATION

2.1 That Council is recommended to approve the changes to the constitution detailed in Annex A of the report.

3.0 REASON FOR RECOMMENDATION

3.1 To reflect changes to officer responsibilities and ensure business is dealt with efficiently and effectively.

4.0 SIGNIFICANT RISKS

4.1 There are no significant risks associated with the recommendations in this report. Not approving the recommendations may result in a risk that business is not dealt with by the Council as efficiently and effectively as possible.

5.0 POLICY CONTEXT AND CONSULTATION

5.1 This report relates to corporate aim 5, to transform the Council, and to strategic objectives 9, to know our communities and meet their needs, and 10, to develop the leadership, capacity and capability to deliver future improvements.

REPORT

6.0 REPORT DETAILS

6.1 Changes to officer responsibilities have prompted a review by Management Team of

the officer delegations within the constitution. The review has also considered any changes needed to ensure that appropriate business is brought before Members, at the right decision making body.

6.2 The changes proposed are set out in Annex A of the report.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

- a) Financial
None.
- b) Legal
All changes comply with legal requirements.
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
None.

Louise Sandall Head of Corporate and Business Support

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Background Papers:
The Council's Constitution

Background Papers are available for inspection at:
http://www.ryedale.gov.uk/council_and_democracy/councillors_democracy_and_ele/policies_and_plans.aspx

Constitution Changes

| Constitutional Reference | Proposed Changes | Comment |
|---|--|---|
| Part 2 – Article 2: Members of the Council (p11) | <ul style="list-style-type: none"> To remove the reference to the date of the next elections. | To ensure revisions to constitution are not required to merely reflect time passing. |
| Part 2 – Article 4: Full Council para 4.1(a) (p15) | <ul style="list-style-type: none"> To remove the Food Law Enforcement Plan from the Policy Framework; To amend the Licensing Policy/Statement to read “Licensing Policy”; To add “Gambling Act 2005 – Statement of Licensing Principles”. | <p>Will still remain as a policy, but not part of policy framework</p> <p>To reflect legislation - information</p> <p>Statement of Licensing Principles required to be adopted by Council</p> |
| Part 2 – Article 4: Full Council para 4.2(b) (p15) | <ul style="list-style-type: none"> To add the words “where possible” so the paragraph reads: “Approving the strategic financing of the Council, upon recommendations from the Policy & Resources Committee <i>where possible</i> including: <ul style="list-style-type: none"> - Determination of the Financial Strategy - Approval of the Revenue Budget - Approval of the Capital Programme - Setting the Council Tax - Determination of fees and charges where authority to set these has not been delegated - Determination of borrowing limits” | There may be occasions where Council will need to consider the issues but, for whatever reason a recommendation from the Policy and Resources Committee has not been possible. There are no plans to take such issues direct to Council and avoid the Policy and Resources Committee considering the issue first. |
| Part 2 – Article 4: Full Council para 4.2(h) (p16) | <ul style="list-style-type: none"> To add the words “for a term of up to 4 years” so the paragraph reads: “Appointing representatives to outside bodies, <i>for a term of up to 4 years</i>, unless the appointment has been delegated by the Council.” | To expressly give Council the option to extend appointments to outside bodies for up to 4 years. By extending the term this provides members with the opportunity to become more involved in the outside body and provides continuity for the outside body. |
| Part 3 – Responsibility for Council Functions para 1.0(a) | <ul style="list-style-type: none"> To add the words “where possible” so the paragraph reads: | There may be occasions where Council will need to consider the issues but, for whatever reason a |

| | | |
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| Page 43 | <p>“Approving the strategic financing of the Council, upon recommendations from the Policy & Resources Committee <i>where possible</i> including:</p> <ul style="list-style-type: none"> - Determination of the Financial Strategy - Approval of the Revenue Budget - Approval of the Capital Programme - Setting the Council Tax - Determination of fees and charges where authority to set these has not been delegated - Determination of borrowing limits” | <p>recommendation from the Policy and Resources Committee has not been possible. There are no plans to take such issues direct to Council and avoid the Policy and Resources Committee considering the issue first.</p> |
| Part 3 – Terms of Reference (p45-58) | <ul style="list-style-type: none"> • To remove the specific references to numbers of Members on each committee and replace with wording saying that the numbers of Members will be determined by Council. • To update job titles in the delegation of functions paragraphs set out in each of the terms of reference; • To include terms of reference for the Community Investment Fund Panel. | <p>To ensure constitution revisions are not required if Council changes Committee numbers.</p> <p>New Management Structure</p> <p>New Committee</p> |
| Part 3 – Terms of Reference: Planning Committee (p45) | <ul style="list-style-type: none"> • To delete the words “for approval” from the condition so it reads: “Where the Planning Committee indicates that it is minded not to accept the officers’ recommendations, the application be deferred to the next Planning Committee where so requested by the Head of Planning.” | <p>To allow deferral of all decisions where the Planning Committee does not accept the officers recommendation whether that is approval or refusal.</p> |
| Part 3 – Terms of Reference: Commissioning Board section C (p52) | <ul style="list-style-type: none"> • To add “taxi licensing” to the list of Streetscene functions; • To remove food and drink from the general Environmental Health bullet point, in the list of Health & Environmental Services functions, and replace it with “food safety” as a separate bullet point; • To replace the reference to the Community Services Committee, under Section E (Other Functions), with the Commissioning Board; • To update the public health paragraphs under the | <p>To update services</p> |

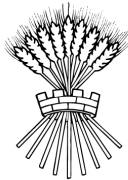
| | | |
|---|--|--|
| | <p>delegation of functions.</p> <ul style="list-style-type: none"> • (does this need a different reference ie. Delegation of functions P 53) | |
| Part 4 – Overview & Scrutiny Procedure Rules para 11 (p116) | <ul style="list-style-type: none"> • To remove the cross-reference to the Access to Information Procedure Rules. | As Access to information for Overview and Scrutiny Committee Members is not specifically mentioned in the Access to Procedure Rules. |
| Part 4 – Overview & Scrutiny Procedure Rules para 14 (p117) | <ul style="list-style-type: none"> • To reword the second paragraph as follows: Current wording – “In any event, call-in will not apply to quasi-judicial decisions eg: development control and licensing.” Proposed wording – “In any event, call-in will not apply to administrative/quasi-judicial decisions eg: development control and licensing decisions.” | Case law has established that planning decisions are administrative decisions as opposed to quasi-judicial decisions. |
| Part 4 – Financial Standing Orders and Financial Regulations para 19 (p142) | <ul style="list-style-type: none"> • To delete this paragraph relating to the now abolished Car Loans Scheme and renumber the following paragraphs. | Scheme abolished. |
| Part 4 – Financial Standing Orders and Financial Regulations (p145) | <ul style="list-style-type: none"> • To amend so that Heads of Service can authorise costs not exceeding £25,000. | To reflect update to limits for operational convenience. |
| Part 5 – Protocol on Attendance and Questions at Overview and Scrutiny Committees para 2 (p231) | <ul style="list-style-type: none"> • To amend the written notice required to be given for attendance at meetings to at least 5 working days, in line with the Overview and Scrutiny Procedure Rules. | No further comment. |
| Part 5 – Planning Protocol (p289) | <ul style="list-style-type: none"> • To remove the Planning Protocol from Part 5 of the Constitution as it also appears in Part 3. | No further comment. |

Other changes for information

| | | |
|---|---|--|
| Part 1 – How Decisions Are Made (p4) | <ul style="list-style-type: none"> To add reference to the Community Investment Fund Panel. | Ensure new Committee is included in constitution |
| Part 1 – Citizens’ Rights (p6) | <ul style="list-style-type: none"> To remove the bullet point referring to the Standards Board for England. | No longer relevant. |
| Part 2 – Article 3: Citizens and the Council (p14) | <ul style="list-style-type: none"> To delete para (c) (iii) referring to the Standards Board for England. | No longer relevant. |
| Part 2 – Article 4: Full Council para 4.2 (p17) | <ul style="list-style-type: none"> To add an additional paragraph after para 4.2(n) to read as follows: “Approving, prior to an offer of employment, any salary package for any post that is in excess of £100k.” To renumber the remaining paragraphs. | To reflect the Council’s approved pay policy |
| Part 2 – Article 7: The Policy & Resources Committee, Commissioning Board, Planning Committee and Licensing Committee (p21) | <ul style="list-style-type: none"> To add a paragraph on the Community Investment Fund Panel and amend the title of the article to reflect this. | To reflect the new Committee. |
| Part 2 – Article 8: The Standards Committee para 8.3 (p23) | <ul style="list-style-type: none"> To amend the final bullet point to remove references to the Standards Board for England. | No longer relevant. |
| Part 3 – Responsibility for Council Functions para 1.0 (p 44) | <ul style="list-style-type: none"> To add an additional paragraph after para 4.2(n) to read as follows: “Approving, prior to an offer of employment, any salary package for any post that is in excess of £100k.” To renumber the remaining paragraphs. | To reflect the Council’s approved pay policy |
| Part 3 – Terms of Reference: Licensing Committee para 2 (p46) | <ul style="list-style-type: none"> To add the words “including taxi licensing, licensing under the Gambling Act 2005 and the setting of fees under the Gambling Act 2005”. | To reflect legislative changes |

| | | |
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| Part 3 – Terms of Reference: Licensing Committee (p47) | <ul style="list-style-type: none"> • To add a Schedule of Functions delegated under the Gambling Act 2005 (excluding the delegation relating to setting of fees, which was subsequently allocated to the Licensing Committee); • To add a delegation of the determination of all new, renewal and variation applications for sexual Entertainment Venue Licences; • To add a delegation of new applications for licensed Sex Establishments. | To reflect legislative changes |
| Part 3 – Insert Terms of Reference for Community Investment Fund Committee (P60) | <ul style="list-style-type: none"> • Add terms of reference for CIF Committee following agreement by Policy and Resources Committee 4/4/12 | New Committee |
| Part 3 – Terms of Reference: The North Yorkshire Audit Partnership Joint Committee (p61) | <ul style="list-style-type: none"> • To delete the terms of reference. | Audit Partnership ends on 31/3/12 |
| Part 3 – Scheme of Officer Delegation para 1.2.11 (p64) | <ul style="list-style-type: none"> • To replace the Head of Economy & Housing with the Head of Planning & Housing in the table of proper officer functions; • To correct the paragraph numbering. | New Management Structure |
| Part 3 – Planning Committee Protocol (p66) | <ul style="list-style-type: none"> • To update the Planning Committee Protocol to reflect legislative changes. | To reflect legislative changes |

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PART B: RECOMMENDATIONS TO COUNCIL

REPORT TO: POLICY AND RESOURCES COMMITTEE

DATE: 4 APRIL 2012

**REPORT OF THE: CORPORATE DIRECTOR (s151)
PAUL CRESSWELL**

**TITLE OF REPORT: POLICY ON DISCRETIONARY BUSINESS RATE RELIEF
FOR CHARITIES, RURAL HEREDITAMENTS & NON-
PROFIT MAKING ORGANISATIONS**

WARDS AFFECTED: ALL WARDS

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 To submit for members' consideration a policy for the determination of the allocation of Discretionary Business Rate Relief to organisations in the district that includes charities, non-profit making organisations, rural shops and post offices.

2.0 RECOMMENDATIONS

2.1 That Council is recommended to approve:

- (i) the Discretionary Business Rates Policy at Annex B; and
- (ii) that officers be delegated to approve Discretionary Business Rates Relief in line with that Policy.

3.0 REASON FOR RECOMMENDATIONS

3.1 The business rates relief policy has not been reviewed for a considerable number of years and existing awards have no end dates. Clearly the status of some applicants will have changed since the original award. The proposed criteria and new application form used to assess entitlement will provide a more robust method of evaluating Mandatory and Discretionary Rate Relief claims than currently exists.

3.2 The policy attached does not propose any changes to the criteria currently being applied by officers.

4.0 SIGNIFICANT RISKS

4.1 If the current policy and application process is not reviewed there is an increased risk that the policy will not reflect the range of applications received.

- 4.2 If the application form is not expanded to ask more detailed information in the case of both mandatory and discretionary rate relief then there is the risk that relief may be granted in cases where eligibility does not exist.
- 4.3 A review will mitigate the risk that recipients of discretionary relief who are entitled to mandatory relief are not identified.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The business rates relief policy has not been reviewed for a considerable number of years and requires consideration by members prior to the scheduled renewal of applications. Current recipients of business rate relief will be informed that their current relief arrangement will end on 31 March 2013. They will have to reapply for relief and their applications will be assessed under the terms of the agreed policy.
- 5.2 Other neighbouring local authorities have been consulted to benchmark their schemes of assessing applications. All other authorities consulted have schemes which have an award period and then periodic review of claims.

REPORT

6.0 REPORT DETAILS

- 6.1 Under Section 47 of the Local Government Finance Act 1988 local authorities have the discretion to grant relief to certain ratepayers for all or part of the amount of non-domestic (business) rates payable. The Authority awards relief in accordance with its own policy, which is now due for review.
- 6.2 The purpose of this review is to endorse the policy and provide a more robust assessment for the award of Discretionary Rate Relief that recognises the contributions made by organisations to the residents of Ryedale area on an individual basis.
- 6.3 The total value of Business Rate Relief awarded by Ryedale District Council for the past three financial years is as follows:

| Financial Year | Mandatory Relief £ | Discretionary Relief £ |
|----------------|-----------------------|---------------------------|
| 2009/10 | 671,071 | 169,771 |
| 2010/11 | 678,640 | 164,255 |
| 2011/12 | 776,535 | 169,525 |

- 6.4 Registered charities and bodies exempt from registration that use premises solely for charitable purposes are entitled to mandatory relief equal to 80% of their non-domestic rates bill. CASC's (Community Amateur Sports Clubs) registered under the scheme, introduced by the Government in 2002, are entitled to mandatory rate relief equal to 80% of their full non-domestic rates bill.
- 6.5 The total discretionary relief granted is funded partly from the National Non Domestic Rating Pool and partly by the general fund of Ryedale District Council (i.e. directly by the Council Tax chargepayers). There are two types of award:
- Where the organisation is a registered charity and so receives 80% mandatory relief the cost to chargepayers of awarding the additional 20%

- relief is 75% of the amount granted; and
- Where the organisation is not a registered charity and does not therefore receive mandatory relief the cost to the Council of granting discretionary relief is 25% of the amount granted.

6.6 The cost to Ryedale District Council of awarding the discretionary rate relief over the last three years is shown in the following table:

| Financial Year | Cost to Ryedale DC £ |
|-----------------------|---------------------------------|
| 2009/10 | 84,951 |
| 2010/11 | 82,144 |
| 2011/12 | 86,367 |

6.7 The level of discretionary rate relief granted for 2011/12 analysed by type of organisation and premises with the related cost to the Authority is shown in the following table:

| Organisation / Premise Type | Relief Granted for 2011/12 £ | Cost to Ryedale DC 2011/12 £ |
|---|---|---|
| Offices, shops, café, stores, warehouses and workshops | 39,471 | 21,614 |
| Village halls | 15,303 | 10,041 |
| Residential Homes, Hostels Etc | 702 | 527 |
| Self catering premise – social welfare | 357 | 268 |
| Museums | 2,403 | 1,802 |
| Private schools | 13,509 | 3,377 |
| Pre school playgroups | 481 | 361 |
| Other educational and training facilities | 3,776 | 2,832 |
| Sports grounds, playing fields and other leisure facilities | 80,712 | 39,253 |
| Post Offices | 9,827 | 5,546 |
| Public Houses | 2,984 | 746 |
| Totals | 169,525 | 86,367 |

In 2011/2012 there were 202 bodies in receipt of discretionary relief.

- 6.8 The existing discretionary rate relief awards have no end date. The legislation stipulates that the Authority must give one year's notice of ceasing or amending the level of relief granted. All organisations currently receiving relief will have to reapply for mandatory and discretionary rate relief. Once applicants have submitted all required information with their claim form they will be informed of the decision, which will apply from the 1 April 2013, within 2 months.
- 6.9 The proposed primary criteria for the policy is shown on Annex B. There are no significant changes to the existing policy. However, a new more extensive application form is being introduced with more detailed questions to make it easier to gauge the contribution the organisation makes to the community and assess the appropriate level of relief to be granted.
- 6.10 The new proposed way of assessing claims focuses more on what and to whom the organisation provides a service rather than the broader terms previously used. It also takes into account if significant financial reserves are held by the organisation and recognises if the service is provided by several similar providers in the area.

- 6.11 Clearly the review may provide a situation where there are some winners and losers. The losers will probably be organisations whose status has changed since the original award, such as those who are no longer charities, but were at the time of application. The implementation of the renewal process will ensure that the relief is granted in a fair and more accurate manner and may identify claimants who through changes in circumstances are no longer entitled to receive relief.
- 6.12 The Council also has an approved policy for the award of Hardship Relief. Claims for hardship relief are determined by members.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
- a) Financial
It is not anticipated that there will be any significant change in the level of relief granted as a result of this review.
 - b) Legal
The Local Government Finance Act 1988 prescribes that organisations must be given at least one year's notice of any change in the level of relief they are to be granted. All current claimants will be notified that their current entitlement will however expire on 31 March 2013 so that any new policy can be applied from 1 April 2013.
 - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
There are no significant other implications in considering this report.

Paul Cresswell
Corporate Director (s151)

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Background Papers:
None

Background Papers are available for inspection at:
None

Discretionary Business Rate Relief for Charities, Rural Hereditaments and Non Profit Making Organisations- RISK MATRIX – ANNEX A

| Issue/Risk | Consequences if allowed to happen | Likelihood | Impact | Mitigation | Mitigated Likelihood | Mitigated Impact |
|---|---|------------|----------|---|----------------------|------------------|
| If the policy is not reviewed there is an increased risk that the policy will not reflect the range of applications received. | Due consideration may not be given to applications and may result in a legal challenge to the Council's decision not to grant relief. | 2 | B | Consultation to take place with neighbouring local authorities to gauge the policy in place and to inform any proposals for change. | 1 | A |
| If the application form is not expanded to ask more detailed information in the case of both Mandatory and Discretionary Rate Relief then there is the risk that relief may be granted in cases where eligibility does not exist. | Insufficient consideration given to individual applications, which could result in erroneous financial award being made at a cost to both the Council and central government. | 2 | B | Application form to be revised. | 1 | A |

| 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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ANNEX B

DISCRETIONARY RATE RELIEF FOR CHARITIES, RURAL HEREDITAMENTS & NON-PROFIT MAKING ORGANISATIONS POLICY

The period of award will be for three years, after which it will be again subject to review. The basis of allocation for the award of discretionary rate relief be as follows:

| Category | Mandatory Relief | Discretionary Relief |
|--|------------------|----------------------|
| Charity Shops – where wholly or mainly used for the sale of goods donated to a charity and the proceeds of sale of the goods (after any deduction of expenses) are applied for the purposes of a charity | 80% | Nil |
| Charity Offices Wholly used by the charity | 80% | 20% |
| Social Welfare | | |
| Young persons organisation (registered charity) | 80% | 20% |
| Community centre & village halls (registered charity) | 80% | 20% |
| Community centre & village halls (not registered charity) | Nil | 100% |
| Other social welfare activities (registered charity) | 80% | 20% |
| Other social welfare activities where there are few or no local beneficiaries (registered charity) | 80% | Nil |
| Other social welfare activity (not registered charity) | Nil | 100% |
| Other social welfare activity where there are few or no local beneficiaries (not registered charity) | Nil | 80% |
| Business Development | | |
| Business development organisations (registered charity) | 80% | 20% |
| Other non-profit making business development organisations (not a registered charity) | Nil | 100% |
| Culture & Heritage | | |
| Registered charities (with no substantial revenue generated from entrance fees/sales) | 80% | 20% |
| Registered charities (where substantial revenue is generated from entrance fees/sales) | 80% | Nil |
| Other non-profit making organisations (with no substantial revenue generated from entrance fees/sales) | Nil | 100% |
| Other non-profit making organisations (where substantial revenue is generated from entrance fees/sales) | Nil | 80% |
| Education | | |
| Educational/Training Facilities (registered charity) | 80% | 20% |
| Other non-profit making Educational/Training Facilities | Nil | 100% |
| Faith Schools & Non Local Authority Schools (registered charity) | 80% | Nil |
| Pre-school playgroups (registered charity) | 80% | 20% |
| Pre-school playgroups (not a registered charity) | Nil | 100% |

| Category | Mandatory Relief | Discretionary Relief |
|--|-------------------------|-----------------------------|
| Recreation | | |
| Registered CASC (with no substantial revenue generated from bar/catering facilities & memberships are unrestricted). | 80% | 20% |
| Registered CASC (where substantial revenue is generated from bar/catering facilities) | 80% | Nil |
| Other non-profit making Leisure/Sports Clubs & Grounds (with no substantial revenue generated from bar/catering facilities & memberships are unrestricted) | Nil | 100% |
| Other non-profit making Leisure/Sports Clubs & Grounds (where substantial revenue is generated from bar/catering facilities & memberships are unrestricted) | Nil | 80% |
| Social Housing (Housing Association) | | |
| Usually (registered charity) | 80% | Nil |
| Usually (not registered charity) provides tenancy support services to the community | Nil | 80% |
| Rural Businesses | | |
| Post Offices | 50% | 50% |
| Public House with essential secondary use unique to local community (within mandatory RV threshold) | 50% | 20% |
| Public House with essential secondary use unique to local community (outside mandatory RV threshold, but within discretionary RV threshold) | Nil | 70% |
| Other Public Houses (outside mandatory RV threshold, but within discretionary RV threshold) that are deemed essential to the local community that cannot be sustained without relief | Nil | 50% |
| General Stores (within mandatory RV threshold) that are deemed essential to the local community that cannot be sustained without discretionary relief | 50% | 50% |
| General Stores (outside mandatory RV threshold, but within discretionary RV threshold) that are deemed essential to the local community that cannot be sustained without relief | Nil | 50% |