



COUNCIL

Council Summons and Agenda

You are hereby summoned to attend an **Ordinary Meeting of Ryedale District Council** to be held in the **Council Chamber, Ryedale House, Malton** on **Thursday 8 March 2012 at 6.30pm** in the evening for the transaction of the following business:

Agenda

1 **Emergency Evacuation Procedure**

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

2 **Apologies for absence**

3 **Public Question Time**

4 **Minutes**

(Pages 1 - 10)

To approve as a correct record the minutes of the Ordinary Meeting of Council held on 20 February 2012.

5 **Urgent Business**

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

6 **Declarations of Interest**

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

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

7 Announcements

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

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

9 To Receive a Statement from the Leader of the Council and to Receive Questions and Give Answers on that Statement (Pages 11 - 12)

10 To consider for Approval the Recommendations in respect of the following Part 'B' Committee Items: (Pages 13 - 14)

Commissioning Board – 26 January 2012

Minute 46 – Empty Properties

Reports of Officers of the Council

11 Proposed Charges for Housing Enforcement Notices (Pages 15 - 18)

12 Amendments to the Constitution - Form of Minutes and Recording of Meetings (Pages 19 - 30)

13 Pay Policy Statement (Pages 31 - 42)

14 Any other business that the Chairman decides is urgent.

Information Items (Pages 43 - 46)

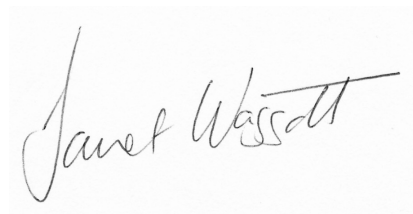
Reports on the Local Economic Partnership – Councillor K Knaggs

Background Papers- (Pages 47 - 70)

The following reports are attached for information:

Commissioning Board – 26 January 2012

Minute 46 – Empty Properties (page 47)



Janet Waggott
Chief Executive

Council

Minutes of Proceedings

At the **Ordinary Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Monday 20 February 2012**

Present

Councillors Andrews
 Arnold (Chairman)
 Bailey
 Mrs Burr MBE
 Clark
 Mrs Cowling
 Cussons
 Mrs Frank
 Hope
 Knaggs
 Legard
 Raper
 Mrs Shields
 Wainwright
 Windress
 Mrs Denniss
 Mrs Goodrick
 Fraser
 Hicks
 Mrs Hopkinson
 Ives
 Mrs Knaggs
 Richardson
 Mrs Sanderson
 Ward

In Attendance

Simon Copley
Paul Cresswell
Janet Waggott
Anthony Winship
Trevor Anderson
Nicki Lishman

Minutes

90 **Apologies for absence**

Apologies for absence were received from Councillors Acomb, Hawkins, Maud, Walker and Woodward.

91 **Public Question Time**

There were no questions from members of the public.

92 **Minutes**

The minutes of the Ordinary Meeting of Council held on 12 January 2012 were presented.

Resolved

That the minutes of the Ordinary Meeting of Council held on 12 January 2012 be approved and signed by the Chairman as a correct record.

93 **Urgent Business**

The Chairman reported that there were no items of urgent business.

94 **Declarations of Interest**

There were no declarations of interest.

95 **Announcements**

There were no announcements.

96 **Appointment of Vice Chairman**

It was moved by Councillor Knaggs and seconded by Councillor Windress that Councillor Hope be appointed Vice Chairman of the Council for the ensuing year.

Resolved

That Councillor Hope be appointed Vice Chairman of the Council for the remaining part of the Municipal year.

Having first made the Declaration of Acceptance of Office, as Vice Chairman of the Council, Councillor Hope thanked Members for his appointment. The Chairman then invested Councillor Hope with the Vice Chairman's Chain and Badge of Office. Councillor Hope announced that his consort was to be his wife. The Chairman then invested Mrs Daphne Hope with the Vice Chairman's consort's chain and badge of office.

97 **Revenue and Capital Budgets and Setting of Council Tax 2012/2013**

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

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

- (a) Firstly, consideration of the recommendations in Minute 43 of the Policy & Resources Budget Meeting held on 2 February 2012, together with item 9 paragraph roman numeral I relating to the Council's revenue budget
- (b) Secondly, item 9 paragraphs roman numerals II to V relating to the requisite calculations and the setting of Council Tax.

It was moved by Councillor Knaggs and seconded by Councillor Legard that the recommendations in minute no. 43 (Financial Strategy 2012/2013) of the Budget Policy & Resources Committee meeting held on 2 February 2012 be approved and adopted, together with the adoption of the revenue budget recommendation under paragraph roman numeral 1 of item 9 on the agenda.

An amendment was moved by Councillor Clark and seconded by Councillor Richardson that;

“Council Tax be increased by 2.5%”

Upon being put to the vote the amendment was lost.

The following amendments were moved by Councillor Clark and seconded by Councillor Ward that;

The following cuts not take place

Introduction of charging for removal of rats by the Pest Control Service	£4,000
Sports Development Support	£30,000
Cease Play Rangers Scheme	£12,000
Reduce Kirkbymoorside Area office to one day per week	£10,000
Grant cut to RVA	£7,000
Skate Park savings to be reduced from 15,000 to £12,000	£3,000

To be funded by

£50,000	Unallocated
£16,000	New Homes Bonus for 2012/13

Upon being put to the vote, each of the amendments was lost.

Upon being put to the vote the motion was carried.

It was moved by Councillor Knaggs and seconded by Councillor Legard that item 9 paragraphs roman numerals II to V relating to the requisite calculations and the setting of Council Tax be approved and adopted.

Upon being put to the vote the motion was carried.

Resolved

That Council approves:

- (i) the Council's Financial Strategy (included as Annex A of the report to the Special Policy and Resources Committee (Budget) meeting held on 2 February 2012 which included the following amendment;

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.

I Budget 2012/2013

That the revised revenue estimates for the year 2011/2012 and the revenue estimates for 2012/2013, as submitted in the Council's Financial Strategy and Revenue Budget 2012/2013 Book be approved (copy enclosed).

II Council Tax Base

That it be noted that, in accordance with Minute No. 363(d)/2005 of the Policy & Resources Committee held on 8 December 2005, which was subsequently approved by Council at its meeting on 12 January 2006, Ryedale District Council has (pursuant to Section 101 of the Local Government Act 1972) delegated responsibility to adopt the Council Tax base to the Chief Executive and Chief Finance Officer in consultation with the Chairman of the Policy & Resources Committee. The Council calculated the amounts for the year 2012/13, in accordance with regulations made under Section 31B of the Local Government Finance Act 1992, as amended, as set out in Annex A.

III **District/Parish Council Tax Rates**

That the following amounts be now calculated by the Council for the year 2012/13, in accordance with Sections 31A, 31B and 34 to 36 of the Local Government Finance Act 1992, as amended (the Act):

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

£34,602,650 being the aggregate of the amounts, which the Council estimates for the items, set out in Section 31A(2) of the Act.

(b) **Income (including Government Grants and Collection Fund Surpluses)**

£30,177,954 being the aggregate of the amounts, which the Council estimates for the items, set out in Section 31A(3) of the Act.

(c) **District/Parish Council Tax Requirement**

£4,424,696 being the amount by which the aggregate at Part III(a) above exceeds the aggregate at Part III(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year.

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

£210.36 being the amount at Part III(c) above, all divided by the amount at Part II above, calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year.

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

£707,570 being the aggregate amount of all special items referred to in Section 34(1) of the Act.

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

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

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

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

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

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

IV **County Council, Police and Fire & Rescue Authority Tax Rates (Provisional)**

That it be noted that for the year 2012/13 precepting Authorities have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, as amended, for each of the categories of dwellings shown below:-

BAND	NORTH YORKSHIRE COUNTY COUNCIL	NORTH YORKSHIRE POLICE AUTHORITY	NORTH YORKSHIRE FIRE & RESCUE AUTHORITY
£	£	£	£

A	704.99	136.37	41.40
B	822.48	159.09	48.30
C	939.98	181.82	55.20
D	1057.48	204.55	62.10
E	1292.48	250.01	75.90
F	1527.47	295.46	89.70
G	1762.47	340.92	103.50
H	2114.96	409.10	124.20

V **Total Council Tax Rates**

That having calculated the aggregate in each case of the amounts at Part III(h) and Part IV above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, as amended, hereby sets the amounts set out in Annex C as the amounts of Council Tax for 2012/13 for each of the categories of dwellings shown.

98 **Treasury Management Strategy Statement and Annual Investment Strategy 2012/2013**

The Corporate Director (s151) submitted a report (previously circulated) which considered the Treasury Management and Annual Investment Strategies, the Minimum Revenue Provision Policy and set the Prudential Indicators for 2012/13.

Resolved

- (i) That the report be received;
- (ii) That the Treasury Management and Investment Strategies be noted and approved; and
- (iii) That the Prudential Indicators in the report be approved

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

There were no questions pursuant to Council Procedure Rule 10.2 (questions on Notice at Full Council).

100 **To Dispose of Any Business from the Last Council Meeting**

The following notice of motion moved by Councillor Ives and seconded by Councillor Wainwright at the meeting of Full Council held on 12 January 2012 and which had then stood adjourned in line with Council Procedure Rule 23.2 was considered.

This council resolves that:

The following amendments are made to Part 4, Council Rules of Procedure, Constitution of the Council:

13.4 Content and length of speeches

The time limit is reduced to a maximum of three minutes without the Chairman's consent.

13.5 When a member may speak again

Remove section g – 'if named subsequently in the debate'

13.9 Right of reply

a) Remove the duplicated last sentence – 'at the end of the debate on the motion, immediately before it is put to the vote.

b) Remove the duplicated sentence 'In addition the mover of the original motion also has a right of reply whether the motion is amended or not, at the close of the debate on the motion immediately before it is put to the vote.'

13.13 Personal explanation

Remove the word 'misunderstood' from line three.

An amendment was moved by Councillor Mrs Burr and seconded by Councillor Mrs Shields to;

"Defer this item to the next meeting of Full Council, as this meeting was traditionally known as the Budget Meeting"

Upon being put to the vote the amendment was not carried.

An amendment was moved by Councillor Andrews and seconded by Councillor Mrs Burr to;

"Delete 13.4 Content and Length of Speeches".

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

Recorded Vote

For the amendment

Councillors Andrews, Mrs Burr, Clark, Mrs Shields, Richardson and Ward

Against the amendment

Councillors Bailey, Mrs Cowling, Cussons, Mrs Denniss, Mrs Frank, Fraser, Mrs Goodrick, Hicks, Hope, Hopkinson, Ives, Knaggs, Mrs Knaggs, Legard, Raper, Mrs Sanderson and Wainwright

Abstentions

Councillors Arnold and Windress

The amendment was, therefore, not carried.

Upon being put to the vote the motion was carried.

Resolved

That the following amendments be made to Part 4, Council Rules of Procedure, Constitution of the Council:

13.4 Content and length of speeches

The time limit be reduced to a maximum of three minutes without the Chairman's consent.

13.5 When a member may speak again

That section g – 'if named subsequently in the debate' be removed

13.9 Right of reply

a) That the duplicated last sentence – 'at the end of the debate on the motion, immediately before it is put to the vote' be removed

b) That the duplicated sentence 'In addition the mover of the original motion also has a right of reply whether the motion is amended or not, at the close of the debate on the motion immediately before it is put to the vote' be removed.

13.13 Personal explanation

That the word 'misunderstood' be removed from line three.

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

The Leader of the Council, Councillor Knaggs, reported that he had no statement to make on this occasion.

102 Timetable of Meetings 2012-2013

The Head of Organisational Development submitted a report (previously circulated) which presented the draft timetable of meetings for 2012-2013 for approval.

Resolved

That the timetable of meetings for 2012-2013, attached as Annex A to the report be approved, with the proviso that the meeting scheduled for 1 August 2012 be rearranged.

103 **Appointment of the Community Investment Fund Panel**

Nominations were sought for members of the Community Investment Fund Panel on the following basis:

- 4 – Conservatives
- 1 – Liberal
- 1 – Independent
- 1 – Liberal Democrat

Resolved

That the following Councillors form the membership of the Community Investment Panel.

	Councillor	Substitute
Conservative	Acomb	To follow
	Mrs Goodrick	To follow
	Ives	To follow
	Mrs Knaggs	To follow
Liberal	Ward	Clark
LibDem	Mrs Burr	Mrs Shields
Independent	Wainwright	To follow

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

There being no items of urgent business, the meeting closed at 9.40 pm.

LEADER STATEMENT 8 MARCH 2012

Since the last statement, we have set our budget and frozen council tax for the third year in succession, without touching the new homes bonus which will go entirely to local communities and organizations. And work on the Brambling Fields interchange, the biggest improvement to Ryedale's infrastructure for many years, has begun.

In the next cycle of meetings we can expect to consider the economic strategy action plan further. Work on the implementation of the business hub internal reorganization and on round 3, looking ahead to the 2013/14 financial plan, will continue. We have the use of commuted sums from affordable housing to decide, and there may be more to come relating to the progressive updating of our personnel policies.

Perhaps more importantly, we will need to look at the capital programme again as we move into the summer and autumn. Do we believe that the Environment Agency is going to come up with something both deliverable and worth delivering in respect of Pickering flood defences? Do we see the Milton Rooms as an asset or a liability in the light of the artistic activity now taking place there? And what will the impact of decisions on supermarket applications in Malton have, directly or indirectly, on our programme?

We are only weeks away from a decision on the Livestock Market and Wentworth Street sites. All I will say about them is that whatever the decisions, there will be an afterwards, in which all the protagonists will need to draw a line under the past and try to work together for the future.

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REPORT TO: FULL COUNCIL

DATE: 8 MARCH 2012

**SUBJECT: PART 'B' REFERRALS FROM COMMISSIONING BOARD
ON 26 JANUARY 2012**

46 Empty Properties

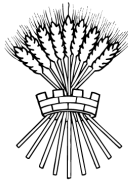
The Head of Economy and Housing submitted a report (previously circulated) which sought the adoption by Council of the new North Yorkshire Empty Property Strategy, together with a Ryedale Empty Property Action Plan. To assist implementation of the Action Plan the report also sought a rolling capital resource to encourage and force the re-use of empty properties.

Resolved

That Council be recommended to approve:

- (i) that the North Yorkshire Empty Property Strategy and the Ryedale Empty Property Action Plan be adopted; and
- (ii) that the principle of a recyclable capital resource of £100k, to be made available to pursue legal powers against owners of empty properties and to undertake works in default on properties, be supported and be considered through setting the Council budget for 2012/13.

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REPORT TO: COUNCIL

DATE: 8 MARCH 2012

REPORT OF THE: HEAD OF ECONOMY AND HOUSING
JULIAN RUDD

TITLE OF REPORT: PROPOSED CHARGING FOR HOUSING ENFORCEMENT
NOTICES

WARDS AFFECTED: ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 To seek Member approval for charges to be levied for the serving housing enforcement notices.

2.0 RECOMMENDATION

2.1 That Council approves the levying of charges for the serving of housing enforcement notices from 1 April 2012, based upon an hourly charge of £45 to a maximum of £300 per notice.

3.0 REASON FOR RECOMMENDATION

3.1 Landlords operating within the private rented sector have a legal responsibility to maintain their properties in a good state of repair. They must ensure that any property they rent to tenants is free from all serious health and safety hazards. Where the landlord fails in this duty then the Council is able to step in and require the landlord complete the repairs or improvements to the properties.

3.2 The private rented stock represents 13.6% of the stock within Ryedale and the Council has limited resources to ensure all privately rented accommodation meets the minimum standard. It is important that this resource can be targeted at the worst properties and dealing with those landlords that have demonstrated that they are unwilling to comply with the legislation.

3.3 The use of a charge for the serving of notices has been used at other authorities in North Yorkshire as a tool to encourage the landlord to either work with the department or to complete the work prior to the service of the notice. This also makes a contribution to the cost of this Council service.

4.0 SIGNIFICANT RISKS

- 4.1 There are no significant risks associated with the recommendation. Indeed the charging regime proposed will reduce the risk of rented property not being maintained, which can result in poor living conditions, poor homes, poor health and ultimately increased applications under homeless legislation.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 This report seeks Members agreement for charging for the serving of Housing Act enforcement notices. This approach will be reflected within the Private Sector Renewal Strategy.
- 5.2 The Housing Act 2004 (the Act) came into force in April 2006. The Act (section 49) gives local authorities the discretion to charge for the serving of enforcement notices.
- 5.3 The Council is responsible for improving the conditions of housing in the private sector, in particular the rented sector. As a result the team uses a wide range of tools to achieve this including informal and formal action. Where the contravention of the Act is serious enough an officer can serve a legal notice against the owner of the property, and the Housing Act gives the Council the discretion to make reasonable charges for the preparation and service of such notices.
- 5.4 Historically, the Council has worked informally with landlords and letting agents to improve the living conditions with the private rented accommodation within the District, which has been mostly successful. However, there are an increasing number of instances where landlords are unwilling to improve the conditions and the Council must actively enforce to improve the housing conditions with the available resources.

6.0 POLICY CONTEXT

- 6.1 The objectives support the Council aims of meeting housing need in the District and creating the conditions to create economic success.
- 6.2 Any changes agreed by members to this report will be taken account of in the review of the Private Sector Housing Strategy review.

7.0 CONSULTATION

- 7.1 A brief consultation was carried out with the other local authorities in the sub region in terms of their approach to charges. York, Selby, Scarborough and Hambleton / Richmondshire all now charge for serving of notices. The level of hourly charges and the overall cap proposed in this report are in-line with charges levied by other authorities in North Yorkshire.

8.0 REPORT DETAILS

- 8.1 The Housing Act legislation is complicated and time consuming and the officers involved with enforcing the Act are specifically trained to follow the time-consuming procedures within this area, at a cost to this Authority. Where a landlord has failed in their duty to maintain their property the application of a charge for the serving of a legal notice will help to off-set the costs incurred by the Council.

8.2 It is proposed that Ryedale District Council start to charge for the following forms of enforcement under the Housing Act 2004:

- Improvement Notices (sections 11 and 12)
- Prohibition Orders (sections 20 and 21)
- Emergency Remedial action (section 40)
- Emergency Prohibition orders (section 43)
- Demolition Order (section 265 Housing Act 1985).

8.3 It is not proposed to charge for Hazard Awareness Notices as they are advisory notices and no formal action can be taken should the recipient fail to comply with this.

8.4 It is proposed that the charge will be dependent on the officer time involved in the case, from inspecting the property and preparing the case through to drafting the notice and then serving it. Using this method means that there will be an hourly charge of £45 (to take account of associated costs incurred by the Council, such as commissioning specialist reports, and reflective of charges levied by adjacent authorities) and that the charge will vary from case to case, depending on the hours of officer time involved. However, in line with the other authorities in North Yorkshire the fee will be capped at £300.

Service of a notice/order	Hourly rate of £45 per hour, to a maximum charge of £300
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9.0 IMPLICATIONS

9.1 The following implications have been identified:

Financial

- a) The aim of the enforcement activity carried out by the Council is to improve the quality of the housing with the rented sector. The proposed charging for legal notices is a means of recouping an element of the costs incurred by the Council in this service area, such as commissioning specialist technical reports that are generally required to back up enforcement actions. However, given that only around 5 – 10 enforcement notices are anticipated per year the amount generated through these charges will be limited and should not be considered to be a net generator of income.

b) Legal

Section 49 of the Housing Act gives the local authority the discretion to charge for the serving of notices. There is no maximum limit to the level of charge however the charge must be justifiable and reasonable. The Notice recipient has the right to appeal against the notice and the charge. A tribunal may make an order to reduce, quash or require repayment of any charge made. Charging for notices must not be a source of generating income for profit and enforcement action must only be taken where it is appropriate to do so. The Council can be challenged where a disproportionate number of notices have been served inappropriately, with a suggestion of generating income.

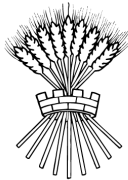
10.0 NEXT STEPS

10.1 Provided that Council endorse this proposal the charging of legal notices served due to disrepair will begin on 1 April 2012.

Julian Rudd
Head of Economy and Housing

Author: **Serena Williams**, Environmental Health Officer (Housing)
Telephone No: 01653 600666 ext: 320
E-Mail Address: serena.williams@ryedale.gov.uk

Background Papers:
None



REPORT TO:	COUNCIL
DATE:	8 MARCH 2012
REPORT OF THE:	HEAD OF ORGANISATIONAL DEVELOPMENT LOUISE SANDALL
TITLE OF REPORT:	AMENDMENTS TO THE CONSTITUTION - FORM OF MINUTES AND RECORDING OF MEETINGS
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 This report seeks approval to amend Council Procedure Rule 24 in the Constitution, so that Council Procedure Rule 16.3, regarding the form of minutes, does not apply to Committees.
- 1.2 The report also seeks approval to replace Council Procedure Rule 21, regarding recording and other equipment, to allow members of the public to record, photograph or film meetings without requiring the prior consent of the proper officer.

2.0 RECOMMENDATIONS

- 2.1 (i) That Council approve the following change to Council Procedure Rule 24 (Application of Council Procedure Rules to Committees), so that Council Procedure Rule 16.3 (Form of Minutes) does not apply to Committees:

All of the Council Rules of Procedure apply to meetings of Full Council. Only Rules 5–13 (with the exception of Rule 7 not applying to the Standards Committee, Rule 9 and subject to Rule 13 being extended to allow a Member to speak more than once on a matter at the discretion of the Chairman), and 14–23 (but not Rule **16.3 and** 19.1) apply to meetings of committees. The Licensing Committee has resolved to adopt the Rules that apply to the proceedings of committees, panels etc of the Council but separate proceedings will apply to the hearings of its sub committees.

- (ii) That Council approves the deletion of Council Procedure Rule 21 and replaces it with the following:

Anyone who wishes to use an electronic device to record, photograph, film or make live text based communications of public meetings of Council or any Committee or sub-committee may do so provided:

- (i) they notify the chairman of the meeting in advance and all those present at the meeting are made aware that recording is taking place;
- (ii) the electronic device is set to silent mode;
- (iii) there is no interference with the proceedings of Council or Committee (including the use of flash photography);
- (iv) there is no interference with the sound system used for meetings of Council or a Committee.

Permission to use electronic devices may be withdrawn by the chairman of the meeting at any time, if it is causing disturbance or disruption to the meeting, and use of the electronic device in the meeting must cease.

3.0 REASON FOR RECOMMENDATIONS

- 3.1 To allow the implementation of a new style of minutes for Committees, thereby supporting the introduction of service improvements including making audio-recordings of meetings available on the website and publication of the minutes online more promptly. This delivers significant benefits to the public, Members and officers, supporting timely access to information and encouraging engagement with the Council. This includes members of the public who are not able to attend evening meetings and or who do not wish to travel across the large geographical area to Ryedale House, and or whose preference is to make use of electronic means of communication. It also ensures that best use is made of the staff and the systems available, delivering an efficient and effective service.
- 3.2 To remove restrictions on the recording of meetings by members of the public, thereby increasing transparency and allowing them to access local democracy using modern communication methods.

4.0 SIGNIFICANT RISKS

- 4.1 There are no significant risks relating to this decision.

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 Council Procedure Rule 16.3 (Form of Minutes) reads:

Minutes will contain all motions and amendments in the form and order the Chairman put them. (The minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information may not be made available to the public but a summary of the proceedings will be made available where the minutes open to inspection do not provide a reasonably fair and coherent record - See the Access to Information Procedure Rules - Page 129).

- 6.2 Council Procedure Rule 24 applies this to Committees as well as Full Council.

- 6.3 It is proposed to amend Council Procedure Rule 24 so that this requirement no longer applies to Committees. In practice the text in brackets regarding exempt or confidential information would still apply to Committees through the Access to Information Procedure Rules. It is only the first sentence regarding the actual content of minutes that would cease to apply to Committees.
- 6.4 A draft of the proposed format is attached as Annex A of the report. Part B minutes going to Full Council will continue to be accompanied by the officer report.
- 6.5 As part of the refurbishment of the Civic Suite, the Council purchased an audio-visual system which has an audio-recording facility. This facility is currently used at Council and Committee meetings. There is the potential to post these audio-recordings on the website for access by Members and members of the public. This would provide a significant benefit in allowing those people who are not able to attend a meeting in person to hear the full discussion on items of interest, as well as allowing those present to revisit a discussion after the event.
- 6.6 It is intended to publish minutes more quickly online following meetings, making information available more promptly about decisions made, for Members, officers and members of the public, and removing the need to publish a separate decision list for calling-in purposes.
- 6.7 To facilitate these changes, a new style of minutes is required, principally focused around the recording of the decisions, in line with legal requirements.
- 6.8 Owing to the greater complexity of Council proceedings, no changes are proposed to the form of minutes for meetings of Full Council. As the new format of committee minutes would essentially be a record of decisions taken on officer reports, it would not transfer to the more varied business of Full Council, which includes public questions, questions on notice, statements from the Council Leader and motions on notice. It is however intended to make audio-recordings of Council meetings available on the website.
- 6.9 Members are asked to note that Council Procedure Rule 23.2 provides that any motion to amend the Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next Ordinary Meeting of Council. This means that changes to the form of minutes could not be implemented until the start of the 2012/13 municipal year at the earliest.
- 6.10 Local Authorities are being encouraged to engage with the public and to promote local democracy. The Council will seek to respond with a broad package of measures, which will include consideration of how to make Council meetings more accessible to the public. There has been a view expressed by the government on the recording of meetings, attached as Annex B of the report.
- 6.11 Those people listening to recordings of meetings would be able to pick up the flavour of the debate and hear all of the points made. Once a decision has been taken at a meeting, it should stand. Such recordings therefore would be intended to help the public understand why decisions have been made, rather than continue a debate over their merits.
- 6.12 The Secretary of State for Communities and Local Government has written to all Councils encouraging them to be more open in their decision making and stated "Opening the door to new media costs nothing and will help improve public scrutiny."

The greater powers and freedoms that we are giving local councils must be accompanied by stronger local accountability.”

6.13 Council Procedure Rule 21 (Recording and Other Equipment) reads:

With the exception of equipment being used by officers of the Council for the purposes of conducting the business of the Council, or for providing assistance for people with a disability, anyone who wishes to record, photograph or film meetings must receive the prior consent of the proper officer.

Any person acting in breach of this provision can be required to leave the meeting.

6.14 By replacing this Procedure Rule and thereby removing the current restrictions on recording, bloggers, tweeters, residents with their own websites and users of Facebook and YouTube could contribute to transparency and democratic debate. The new Procedure Rule still includes provisions for the chairman of the meeting to prevent recording should it cause a disturbance or disruption to the meeting.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

a) Financial

There are no direct financial implications arising from this report. One of the reasons for the recommended change to the form of minutes is to make better use of staffing and equipment resources.

b) Legal

The change proposed complies with all legal requirements relating to the form of Committee minutes.

In relation to legal implications of the public recording meetings, the Department of Communities and Local Government gave the following advice:

“I do recognise that there are obligations on whoever is filming or publishing information – be it the council itself or a citizen or mainstream journalist – under the Data Protection Act 1998. But I do not see these obligations as preventing access for journalism. Nor are there grounds for a council seeking to obstruct a citizen or other journalist from processing information. The Information Commissioner’s Office has told us that:

‘In the absence of any other legal barrier to comment, publication, expression and so on, the Act in and of itself would not prevent such processing of information.

In the majority of cases the citizen blogging about how they see the democratic process working is unlikely to breach the data protection principles.

In the context of photographing or filming meetings, whilst genuine concerns about being filmed should not be dismissed, the nature of the activity being filmed – elected representatives acting in the public sphere – should weigh heavily against personal objections.’

Moreover there are within the Act itself exemptions from the data protection principles which might apply in the circumstances of the citizen journalist. The first exemption relates to the processing of information for journalistic purposes (section 32), the second for the processing of information for domestic purposes (section 36).”

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

Staffing: The necessary learning and development to support the recommended change will be undertaken.

Equalities: The provision of audio-recordings of Council and Committee meetings on the website will improve access to information for those not able to attend the meetings in person. Those without IT access at home would be able to access the web at a library.

Louise Sandall
Head of Organisational Development

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

Background Papers:

The Council's Constitution – Part 4: Rules of Procedure

Background Papers are available for inspection at:

http://www.ryedale.gov.uk/council_and_democracy/councillors_democracy_and_ele/policies_and_plans.aspx

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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

Councillors Mrs Burr, Mrs Knaggs and Legard.

28 Minutes of the Meeting Held on 29 September 2011

Decision

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

Decision

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

30 Urgent Business

There were no items of urgent business.

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

Considered – Report of the Head of Transformation.

Decision

That the report be noted.

33 Treasury Management Monitoring Report

Considered – Report of the Corporate Director (s151).

Decision

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

34 Banking Arrangements

Considered – Report of the Corporate Director (s151).

Decision

- (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

Considered – Report of the Corporate Director (s151).

Decision

That the report be noted.

36 Maintenance of Closed Churchyards

Considered – Report of the Council Solicitor and Monitoring Officer and the Corporate Director (s151).

Decision

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

Considered – Report of the Head of Planning.

Recommendation to Council

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)**

Considered – Report of the Head of Planning.

Recommendation to Council

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.



To All Council Leaders
cc Monitoring Officers

Bob Neill MP
Parliamentary Under Secretary of State

**Department for Communities and Local
Government**
Eland House
Bressenden Place
London SW1E 5DU

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Fax: 0303 444 3986
E-Mail: bob.neill@communities.gsi.gov.uk

www.communities.gov.uk

23 February 2011

Dear Colleague,

Access to Meetings

As part of the Government's transparency drive I want to highlight the importance of your council giving citizens the opportunity to access and experience their local democracy using modern communication methods. It is essential to a healthy democracy that citizens everywhere are able to feel that their council welcomes them to observe local decision-making and through modern media tools keep others informed as to what their council is doing. The mainstream media also needs to be free to provide stronger local accountability by being able to film and record in meetings without obstruction.

Councils are now faced with important budget decisions affecting the day to day lives of people living and working in their communities. Council meetings have long been open to interested members of the public and recognised journalists, and with the growth of online film, social media and hyper-local online news they should equally be open to 'Citizen Journalists' and filming by mainstream media. Bloggers, tweeters, residents with their own websites and users of Facebook and YouTube are increasingly a part of the modern world, blurring the lines between professional journalists and the public.

There are recent stories about people being ejected from council meetings for blogging, tweeting or filming. This potentially is at odds with the fundamentals of democracy and I want to encourage all councils to take a welcoming approach to those who want to bring local news stories to a wider audience. The public should rightly expect that elected representatives who have put themselves up for public office be prepared for their decisions to be as transparent as possible and welcome a direct line of communication to their electorate. I do hope that you and your colleagues will do your utmost to maximise the transparency and openness of your council.

I do recognise that there are obligations on whoever is filming or publishing information – be it the council itself or a citizen or mainstream journalist – under the Data Protection Act 1998. But I do not see these obligations as preventing access for journalism. Nor are there grounds for any council seeking to obstruct a citizen or other journalist from processing information. The Information Commissioner's Office has told us that:

' In the absence of any other legal barrier to comment, publication, expression and so on, the Act in and of itself would not prevent such processing of information.

In the majority of cases the citizen blogging about how they see the democratic process working is unlikely to breach the data protection principles.

In the context of photographing or filming meetings, whilst genuine concerns about being filmed should not be dismissed, the nature of the activity being filmed – elected representatives acting in the public sphere – should weigh heavily against personal objections’.

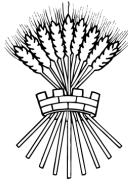
Moreover there are within the Act itself exemptions from the data protection principles which might apply in the circumstances of the citizen journalist. The first exemption relates to processing of information for journalistic purposes (section 32), the second for the processing of information for domestic purposes (section 36).

In short transparency and openness should be the underlying principle behind everything councils do and in this digital age it is right that we modernise our approach to public access, recognising the contribution to transparency and democratic debate that social media and similar tools can make.

I copy this letter to your monitoring officer given their responsibility for advising on your council’s procedures and decision-making arrangements.

A handwritten signature in black ink, appearing to read 'Bob Neill', with a large, stylized initial 'B'.

BOB NEILL MP



REPORT TO:	COUNCIL
DATE:	8 MARCH 2012
REPORT OF THE:	CHIEF EXECUTIVE JANET WAGGOTT
TITLE OF REPORT:	PAY POLICY STATEMENT 2012/2013
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek approval to of the Council's 2012/13 Pay Policy Statement in accordance with section 38 of the Localism Act 2011 (the Act).

2.0 RECOMMENDATION

- 2.1 That Council approves the 2012/13 Pay Policy Statement attached at Annex A to this report.

3.0 REASON FOR RECOMMENDATION

- 3.1 Local Authorities are required under section 38(1) of the Localism Act 2011 to prepare a Pay Policy Statement. The statement must articulate the Council's policy towards the pay of the workforce, particularly senior staff and lowest paid employees.

4.0 SIGNIFICANT RISKS

- 4.1 There are no significant risks to the Council in implementing the recommended policy statement as it provides information on how the Council remunerates its senior employees thus conforms to the required legislation.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 Each local authority is an individual employer in its own right and has the autonomy to make decisions on pay that are appropriate to local circumstances and which deliver value for money for local taxpayers. The provisions of the Act do not seek to change this or to determine what decisions on pay should be taken but they require individual employing authorities to be more open about their own policies in relation to pay and how decisions are made in this regard.

- 5.2 Section 40 of the Act requires authorities in developing their Pay Policy Statement to have regard to any guidance published by the Secretary of State. This includes Communities and Local Government guidance on Openness and Accountability in Local Pay and the Code of Recommended Practice for Local Authorities on Data Transparency.
- 5.3 The government has taken steps to increase transparency on the pay and reward of public sector employees and the Code of Recommended Practice for Local Authorities on Data Transparency which amongst other things asks councils to consider the way they release data on senior salaries.
- 5.4 In March 2011 the Hutton Review of Fair Pay was published which made several recommendations for promoting pay fairness in the public sector by tackling disparities between the lowest and highest paid in the public sector.
- 5.5 The provisions contained in the Act bring together the need for increasing accountability, transparency and fairness in the setting of pay which has culminated in the formalisation of the Council's Pay Policy Statement which outlines the pay and reward of the most senior employees set within the context of the pay of the wider workforce.
- 5.6 Elected Members are reminded that the remuneration and appointment of the posts of the Head of Paid Service (Chief Executive) and Chief Officers (Corporate Director s151) are the only posts which are the responsibility of Members.

6.0 POLICY CONTEXT

- 6.1 This report seeks to implement the following Council aims:

Transform Ryedale District Council: Increasing the Council's accountability transparency and fairness with its citizens by publishing pay and reward information of its most senior employees.

7.0 CONSULTATION

- 7.1 No consultation has taken place in the production of this report.

8.0 REPORT DETAILS

- 8.1 The Act sets out in detail the specific elements which the Pay Policy Statement must include as a minimum. A copy of the proposed 2012/13 Pay Policy Statement can be found at Annex A.
- 8.2 The Act requires that in addition to the determination of senior salaries authorities must make clear what approach is taken to awarding other elements of pay including severance payments, any additional fees e.g. election duties, pay increases, honoraria payments etc. This has been included within the proposed policy.
- 8.3 The Act requires that authorities include in their Pay Policy Statements the approach to the publication of and access to information relating to the remuneration of Chief Officers. Reference to the Council's Statement of Accounts where this information is published is included within the proposed policy.
- 8.4 The Act requires that Pay Policy Statements are produced annually and are considered by Full Council. Any subsequent amendments required to the policy

should also be considered by Full Council. This should be carried out in accordance with part 5A of the Local Government Act 1972. The Secretary of State does not consider that any of the grounds for exclusion of the public would be met for discussions around Pay Policy Statements.

- 8.5 The Act requires that Full Council should also be offered the opportunity to vote before large salary packages (in excess of £100k) are offered in respect of a new appointment.
- 8.6 The Act requires that the Council's approach to pay, as set out in the Pay Policy Statement, is accessible for citizens for them to take an informed view of whether local decisions on all aspects of remuneration are fair therefore the approved Pay Policy Statement will be published on the Council's website.
- 8.7 The Hutton report highlighted that there is value in ensuring decisions about senior pay are taken in the context of similar decisions on lower paid staff and the Act requires Authorities to set their policy on remuneration for the highest paid employees alongside policies on the lowest paid which has been reflected in the 2012/13 Pay Policy Statement at Annex A.
- 8.8 The Hutton report and The Code of Recommended Practice for Local Authorities on Data Transparency also suggest that the organisation's pay multiple is published. The 'pay multiple' is the ratio between the highest paid employee and the median average earnings across the organisation which acts as a means of illustrating the relationship between the highest and lowest paid. This ratio has been included in the 2012/13 Pay Policy Statement.

9.0 IMPLICATIONS

9.1 The following implications have been identified:

- a) Financial
None arising from this report.
- b) Legal
None arising from this report.
- c) Staffing and Equalities

The proposed Pay Policy Statement applies to senior employees and brings together a number of existing policies and local agreements into one document thus increasing the Council's transparency relating to staffing and equalities.

The Trade Unions have been informed about the proposed Pay Policy Statement.

Janet Waggott
Chief Executive

Author: Barrie May, Interim Head of Organisational Development
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Background Papers:

CLG Draft Guidance: Openness and Accountability in Local Pay.

CLG Code of Recommended Practice for Local Authorities on Data Transparency.

Hutton Review of Fair Pay in the Public Sector

Background Papers are available for inspection at:

Localism Act <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

PAY POLICY STATEMENT 2012/2013

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1 INTRODUCTION

Sections 38 – 43 of the Localism Act 2011 require that the authority produce a policy statement that covers a number of matters concerning the pay of the authority's staff, principally Chief Officers. This policy statement meets the requirements of the Localism Act in this regard and also meets the requirements of guidance issued by the Secretary of State for Communities and Local Government to which the authority is required to have regard under Section 40 of the Act. This policy was considered and approved by the Full Council at the Council meeting which took place on 8 March 2012. This policy also has some connection with the data on pay and rewards for staff which the authority publishes under the Code of Recommended Practice for Local Authorities on Data Transparency and the data which is published under The Accounts and Audit (England) Regulations (2011). It should be noted that the requirements to publish data under the Secretary of State guidance, the Code of Practice and the Regulations do differ, the data requirements of the Code of Practice and the Accounts and Audit Regulations are summarised at Annex A to this policy statement.

2 DEFINITION OF OFFICERS COVERED BY THE POLICY STATEMENT

This policy statement covers the following posts:

1. Head of the Paid Service, which in this authority is the post of Chief Executive.
2. Statutory Chief Officers (as defined under the Localism Act), which in this authority is the post of Corporate Director (Section 151 Officer).
3. The Monitoring Officer
4. Non-statutory Chief Officers, (those who report directly to the Head of the Paid Service) which in this authority are the posts of:
 - Head of Policy and Partnerships
 - Head of Planning and Housing
5. Deputy Chief Officers, (those who report directly to a statutory Chief Officer) which in this authority are the posts of:
 - Head of Corporate and Business Support
 - Head of Economy and Infrastructure
 - Head of Environment

3 POLICY ON REMUNERATING CHIEF OFFICERS

The authority's policy on remunerating Chief Officers is set out on the schedule that is attached to this policy statement at Annex B. The Chief Executive's and Corporate Director's (Section 151 Officer) remuneration packages are set by Elected Members. It is the policy of this authority to establish a remuneration package for each Chief Officer post that is sufficient to attract and retain staff of the appropriate skills, knowledge, experience, abilities and qualities that is consistent with the authority's requirements of the post in question at the relevant time. The Chief Executive and Corporate Director (Section 151 Officer) are the only employees appointed by Elected Members.

4 POLICY ON REMUNERATING THE LOWEST PAID IN THE WORKFORCE

The authority applies terms and conditions of employment that have been negotiated and agreed through appropriate collective bargaining mechanisms (national or local) or as a consequence of authority decisions, these are then incorporated into contracts of employment. The lowest pay point in this authority is spinal column point four of Grade one, this relates to an annual salary of £12,145 and can be expressed as an hourly rate of pay of £6.2951. This pay point and salary was determined by the authority as part of a pay scale for employees employed on Local Government Services Terms and Conditions in April 2004 and has been applied since that date. The pay rate is increased in accordance with any pay settlements which are reached through the National Joint Council for Local Government Services.

5 POLICY ON THE RELATIONSHIP BETWEEN CHIEF OFFICER REMUNERATION AND THAT OF OTHER STAFF

The highest paid salary in this authority is £104,460 which is paid to The Chief Executive. The average median salary in this authority is £19,126. The ratio between the two salaries, the 'pay multiple' is 5.46:1. This authority does not have a policy on maintaining or reaching a specific 'pay multiple', however the authority is conscious of the need to ensure that the salary of the highest paid employee is not excessive and is consistent with the needs of the authority as expressed in this policy statement. The authority's approach to the payment of other staff is to pay that which the authority needs to pay to recruit and retain staff with the skills, knowledge, experience, abilities and qualities needed for the post in question at the relevant time, and to ensure that the authority meets any contractual requirements for staff including the application of any local or national collective agreements, or authority decisions regarding pay.

6 POLICY ON OTHER ASPECTS OF CHIEF OFFICER REMUNERATION

Other aspects of Chief Officer remuneration which are appropriate to be covered by this policy statement, are defined as; recruitment, pay increases, additions to pay, performance related pay, earn back, bonuses, termination payments, transparency and re-employment when in receipt of an LGPS pension or a redundancy/severance payment. These matters are addressed in the schedule that is attached to this policy statement at Annex C.

7 APPROVAL OF SALARY PACKAGES IN EXCESS OF £100K

The authority will ensure that prior to an offer of appointment is made, any salary package for any post that is in excess of £100k will be considered by Full Council. The salary package will be defined as base salary, any bonuses, fees, routinely payable allowances and benefits in kind that are due under the contract.

8 FLEXIBILITY TO ADDRESS RECRUITMENT ISSUES FOR VACANT POSTS

In the vast majority of circumstances the provisions of this policy will enable the authority to ensure that it can recruit effectively to any vacant post. There may be exceptional circumstances when there are recruitment difficulties for a particular post and where there is evidence that an element or elements of the remuneration package are not sufficient to secure an effective appointment. This policy statement recognises that this situation may arise in exceptional circumstances and therefore a

departure from this policy can be implemented except for appointment of the Chief Executive or Corporate Director (s151).

9 AMENDMENTS TO THE POLICY

It is anticipated that this policy will not need to be amended during the period it covers (April 2012 – 31 March 2013), however if circumstances dictate that a change of policy is considered to be appropriate during the year then a revised draft policy will be presented to Full Council for consideration.

10 POLICY FOR FUTURE YEARS

This policy statement will be reviewed each year and will be presented to Full Council each year for consideration in order to ensure that a policy is in place for the authority prior to the start of each financial year.

11 ANNEX A

The Secretary of State for CLG Code of Recommended Practice for Local Authorities on Data Transparency indicates that local authorities should publish the following data concerning staff:

- Salaries, names (with an option for individuals to refuse to consent to this), job descriptions, responsibilities, budgets (including overall salary cost of staff reporting), and numbers of staff for all staff in receipt of a salary of more than £58,200
- An organisational chart of the staff structure of the authority including salary bands and details of currently vacant posts
- The 'pay multiple' – the ratio between the highest paid salary and the median average salary of the whole authority workforce

The Accounts and Audit (England) Regulations (2011) require that the following data is included in the authority's accounts:

- Numbers of employees with a salary above £50k per annum (pro-rata for part time staff) in multiples of £5k
- Job title, remuneration and employer pension contributions for senior officers. Senior officers are defined as Head of Paid Service, Statutory Chief Officers and Non-Statutory Chief Officers by reference to Section 2 of the 1989 Local Government & Housing Act
- Names of employees paid over £150k per annum

<http://www.ryedale.gov.uk/pdf/Statement%20of%20Accounts%201%20April%202010%20to%2031%20March%202011.pdf> (page 59)

For the above remuneration is to include:

- Salary, fees or allowances for the current and previous year
- Bonuses paid or receivable for the current and previous year
- Expenses paid in the previous year
- Compensation for loss of employment paid to or receivable, or payments made in connection with loss of employment
- Total estimated value of non-cash benefits that are emoluments of the person

For the above pension contributions to include:

- The amount driven by the authority's set employer contribution rate
- Employer costs incurred relating to any increased membership or award of additional pension.

Aspect of Chief Officer Remuneration	Ryedale District Council Policy
Recruitment	The post will be advertised and appointed to at the appropriate approved salary for the post in question unless there is good evidence that a successful appointment of a person with the required skills, knowledge, experience, abilities and qualities cannot be made without varying the remuneration package. In such circumstances a variation to the remuneration package is appropriate under the Council's policy and any variation will be approved through the appropriate decision making process.
Pay Increases	The Council will apply any pay increases that are agreed by relevant national negotiating bodies and/or any pay increases that are agreed through local negotiations. The Council will also apply any pay increases that are as a result of authority decisions to significantly increase the duties and responsibilities of the post in question beyond the normal flexing of duties and responsibilities that are expected in senior posts subject to approval by the appropriate decision making process.
Additions To Pay	The Council would not make additional payments beyond those specified in the contract of employment.
Performance Related Pay	The Council does not operate a performance related pay system as it believes that it has sufficiently strong performance management arrangements in place to ensure high performance from its senior officers. Any areas of under-performance are addressed in accordance with appropriate Council Policy.
Earn-Back (Withholding an element of base pay related to performance)	The authority does not operate an earn-back pay system as it believes that it has sufficiently strong performance management arrangements in place to ensure high performance from its senior officers. Any areas of under-performance are addressed rigorously.
Bonuses	The Council does not pay bonus payments to employees.
Termination Payments	The Council applies its normal redundancy payments arrangements to senior officers and does not have separate provisions for senior officers. The Council also applies the appropriate Pensions regulations when they apply. The Council has agreed policies in place on how it will apply any discretionary powers it has under Pensions regulations. Any costs that are incurred regarding senior officers are published in the Council's accounts as required under the Accounts and Audit (England) Regulations 2011.
Transparency	The Council meets its requirements under the Localism Act, the Code of Practice on Data Transparency and the Accounts and Audit Regulations in order to ensure that it is open and transparent regarding senior officer remuneration.
Re-employment of staff in receipt of an LGPS Pension or a redundancy/severance payment	The Council is under a statutory duty to appoint on merit and has to ensure that it complies with all appropriate employment and equalities legislation. The Council will always seek to appoint the best available candidate to a post who has the skills, knowledge, experience, abilities and qualities needed for the post. Where a former employee left the Council due to Voluntary Severance (not Compulsory Redundancy) then he/she must not be permanently re-engaged with the Council.

13 ANNEX C

Post	Base Salary	Expenses	Bonuses	Performance Related Pay	Earn-Back	Honoraria	Ex-Gratia Payments	Election Fees	Joint Authority Duties	Severance Arrangements
Chief Executive	£104,460	Paid through normal authority procedures.	None	None	None	None	None	Election duty fees are paid in accordance with normal authority and national procedures.	None	The authority's normal policies regarding redundancy and early retirement apply to the post holder. No payments were made in the last year and none are anticipated for 2012/13.
Corporate Director (s151)	£70,000	Paid through normal authority procedures.	None	None	None	None	None	Election duty fees are paid in accordance with normal authority and national procedures.	None	The authority's normal policies regarding redundancy and early retirement apply to the post holder. No payments were made in the last year and none are anticipated for 2012/13.

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Post	Base Salary	Expenses	Bonuses	Performance Related Pay	Earn-Back	Honoraria	Ex-Gratia Payments	Election Fees	Joint Authority Duties	Severance Arrangements
Head of Policy and Partnerships	£54,558	Paid through normal authority procedures.	None	None	None	Paid through normal authority procedures, none planned.	Paid through normal authority procedures, none planned.	Election duty fees are paid in accordance with normal authority and national procedures.	None	The authority's normal policies regarding redundancy and early retirement apply to the post holder. No payments were made in the last year and none are anticipated for 2012/13.
Head of Planning and Housing	£54,558									
Head of Corporate and Business Support	£54,558									
Head of Economy and Infrastructure	£54,558									
Head of Environment	£54,558									
Council Solicitor/Monitoring Officer	£53,332									

LOCAL ECONOMIC PARTNERSHIP BOARD MEETING 27 JANUARY 2012

A full turn-out of board members heard a presentation from the Regional Economic Intelligence Unit based at Leeds City Council. The economy was seen as flat but not in recession, with returning export-led optimism in some sectors. Currently Yorkshire is one of the stronger regions in England although the Unit forecasts a slowdown in activity in York, Harrogate, Richmondshire and the East Riding.

Progress on the LEP priorities is as follows

- 1. Agri-Food. Pre-bookings for the training programme have been disappointing. With hindsight we did not check our partner's ability to deliver and to market actively – task group to meet the Chair of Deliciously Yorkshire. Meanwhile we are influencing DEFRA's plans for a National Agri-Innovation Centre. FERA at Sand Hutton is a possibility but could be held back by Ryedale's mixed reputation with business when it comes to planning.**
- 2. Broadband. 3 pilots have been organized to test business engagement, one of them being the Malton business park. Advice on tactics has been taken from Northern Ireland which has been very successful in developing business engagement.**
- 3. Visitor Economy. The Conference "Supporting the Yorkshire Brand" is fully booked**
- 4. Certificate in Business Growth. Pilot project under way with 30 young/start-up businesses. Work on developing the sector-specific parts of the package with input from the banks. If all goes well there will be a national launch in the summer.**
- 5. Networking. I attended the launch of the network of networks on January 20th. 50 business networks e.g. Federation of Small Businesses, Chambers of Commerce, are signed up. We have taken over the Business Link database of 20,000 businesses.**
- 6. Skills. A contract with Youth Enterprise Services has been agreed to ensure further education colleges are involved in enterprise support. In partnership**

with NYCC, we are looking to offer a subsidized scheme to encourage businesses to take an extra apprentice. Derwent Training of Malton is involved in this project.

A bid has been submitted (since this meeting) to DEFRA to develop a network of rural growth hubs. Possible locations include Malton, the edge of the moors, Stokesley, Northallerton, Colburn and the Upper Dales (but some of these will fall by the way-side). The bid would use £.5 million from the Growing Places Fund plus £2.75 million from DEFRA's Rural Growth Network Fund to create a 3 year programme. The targets would be to attract £5 million of private investment, support 250-300 businesses and create 500 new jobs

The LEP has received 62 bids totaling £27 million for the Growing Places Fund. 8 applications have been short-listed, 4 public sector and 4 private, 3 from Hambleton/Richmondshire but none from Ryedale. To avoid conflicts of interest the board did not go through the applications but set up a working group of 3 (with no indirect involvement in any bid) to guide officers in assessing the short list against the agreed criteria. The underlying intention is to create a revolving fund in which investments are repaid and then re-invested, rather than traditional outright grants. It does look as if some applicants did not appreciate that.

We're starting to see some failures as well as successes, unsurprising given the Board's innovative approach. Another solid meeting with a lot happening. Next meeting March 9.

Keith Knaggs

REPORT ON RYEDALE BUSINESS FORUM 21 FEBRUARY 2012

We've held a few of these meetings now but they really took off at the previous one when Barry Dodd the chairman of the North Yorkshire, York and East Riding Economic Partnership came to speak. The impetus and involvement generated from that carried forward to this meeting, which had a small but high-quality attendance with a preponderance of manufacturing businesses.

A private sector LEP Board member, Rob Miller – Managing Director of Bluebird Vehicles who are located on the old Plaxton's site at Scarborough – gave a private sector view of the Partnership's work, which was followed by a detailed analysis of the current partnership work streams from its chief operating officer James Farrar. We discussed the possibility of linking a Ryedale Business Week with the successful Scarborough Engineering Week, and concluded with an overview of Ryedale's Economic Action Plan from Jos Holmes.

What is striking about the forum is the way the private sector business people keep coming back to the themes which really interest them and the clarity of focus they display. Whatever the ostensible topic we ended up with 3 themes.

1. BROADBAND.

It's hugely important for so much business – not necessarily on the industrial estates where you have a lot of branches of larger businesses tied into their bespoke systems and not in control of their own IT – but amongst the genuinely independent businesses of which we have many. If we don't get genuine broadband throughout Ryedale we will lose a lot of future business growth. There was also a clear view that these painfully long-drawn-out public procurement exercises involving NYCC and Nynet may attract headlines but by the time they get a result the technology will be out-of-date. The LEP should lobby ministers to follow the German model of internet provision and expedite the roll-out of wireless-based 4G broadband.

2. TOURISM.

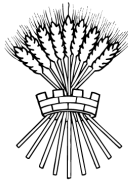
The LEP still has no representative of the tourist sector although it was claimed a number of candidates have been put forward. This is a

continuing thorn in the side of board members and cannot be allowed to continue. If there is a genuine problem here then side-step it and ensure that the sector has ownership of the visitor economy task group.

3. WORKING WITH SCHOOLS

Ryedale's manufacturing sector in particular is heavily committed to the provision of skilled work for young people and is very alive to the risk that the development of the potash industry on the Moors may draw existing skilled workers away from the rest of Ryedale. There is huge anxiety about how devolving responsibility for careers advice to schools will work and we were told some real horror stories about the response of certain schools to attempts by some local businesses to establish a relationship. The LEP has a lobbying job to do with ministers. The league tables by which schools are judged are focused on exam results and completely ignore vocational training and outcomes in terms of getting people into employment. So this part of the government's agenda completely contradicts its enterprise agenda. This really shouldn't be too difficult to fix.

Keith Knaggs



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	COMMISSIONING BOARD
DATE:	26 JANUARY 2012
REPORT OF THE:	HEAD OF ECONOMY AND HOUSING JULIAN RUDD
TITLE OF REPORT:	EMPTY PROPERTIES
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 This report seeks adoption by Council of the new North Yorkshire Empty Property Strategy, together with a Ryedale Empty Property Action Plan. To assist implementation of the Action Plan the report also seeks a rolling capital resource to encourage and force the re-use of empty properties.

2.0 RECOMMENDATIONS

2.1 That Council is recommended to approve:

- (i) that the North Yorkshire Empty Property Strategy and the Ryedale Empty Property Action Plan be adopted; and
- (ii) that the principle of a recyclable capital resource of £100k, to be made available to pursue legal powers against owners of empty properties and to undertake works in default on properties, be supported and be considered through setting the Council budget for 2012/13.

3.0 REASON FOR RECOMMENDATIONS

3.1 Empty homes are a wasted resource in a District that has an extensive need for affordable housing. A clear Action Plan, together with allocated resources, will enable the Council to adopt a more pro-active approach, including the ability to undertake remedial works where an empty property owner fails to act following significant contact from the Council. Recycling this fund through recovery from empty property owners will enable a series of works to be undertaken. It will also enable more pressure to be applied to the most recalcitrant of owners so that property is brought back into use without further Council intervention.

- 3.2 Following analysis by the Housing and Economy Joint Commissioning Group, as part of its review of the Council's private sector housing activities, the Commissioning Board on 24 November 2011 (Minute 32 refers) resolved that 'That an Empty Homes Strategy / Action Plan be developed to establish Ryedale District Council policies and action to minimise the occurrence of empty residential units within the District'.
- 3.3 The North Yorkshire sub-region has recently developed an Empty Property Strategy to be adopted by each of the Authorities involved. This overarching Strategy provides a framework for the attached Ryedale Empty Property Action Plan, which details the localised approach to minimising empty homes in Ryedale.
- 3.4 The New Homes Bonus provides funds for both new homes and empty properties brought back into use, with an additional amount for affordable homes. Bringing empty properties back into use is therefore not just important for the community but also to ensure the Council continues to increase the amount it receives.

4.0 SIGNIFICANT RISKS

- 4.1 There are potential risks to the reputation of the Council whether it adopts the recommendations of this report or not. Empty properties are a visible unused resource within communities and the Council could be accused of failing to act to meet the housing needs of local people. Equally, the threat of legal action could, without great care, lead to friction with property owners and potential bad press.
- 4.2 There are also financial risks if the Council does works in default but is subsequently unable to recover the cost of those works. All these risks can be significantly mitigated by the action of the Council.
- 4.3 A further risk is that should the amount of empty properties within Ryedale increase then this will have an adverse affect on the amount of New Homes Bonus that the Council will receive to invest in the area.
- 4.4 Throughout Ryedale the levels of homelessness, whilst low, are on the increase. It is important that the Council acts to address the housing needs of its community, including working to reduce the amount of empty properties.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 In December 2011 there were 336 empty properties in Ryedale but a significant proportion of these will be re-occupied again after a 6-month period and usually within a year. This report focuses on the properties that have been empty for longer than six months, which, at December 2011, stood at 200 properties. It is these empty properties that require a concerted effort to bring them back into use.
- 5.2 Between July and September 2011 the Council employed an officer on a part-time basis to work specifically on bringing empty homes back into use through checking data, visiting empty properties and contacting landlords. In particular, the officer worked closely with the Council Tax team to ensure that the Council's data on empty properties was accurate. This resulted in a significant reduction in the number of empty properties and helped to maximise the amount of New Homes Bonus received.

6.0 POLICY CONTEXT

- 6.1 Overarching policy is set out within the Council's Housing Strategy although more detail is contained within the appended North Yorkshire Empty Property Strategy and the Ryedale Empty Property Action Plan. The content and recommendations of this report are consistent with these policy documents and the Council's corporate aim to meet housing needs in the area.

7.0 CONSULTATION

- 7.1 The Council sponsors a Landlords Forum and this provides the main consultative forum with owners of private property in Ryedale.

8.0 REPORT DETAILS

Long-term empty homes in Ryedale

- 8.1 An analysis has been undertaken of the 336 properties that had been empty over for 6 months in December 2011 and this showed that: 28 were under renovation; 38 were for sale or to let; 9 had now been occupied through Housing Services interventions, 14 had restrictions in place, 2 were due to be occupied and 4 were in need of substantial renovation. The remaining 241 require further intervention and contact with the owners, with letters sent to 67 of the owners.

- 8.2 Only 35% of the 241 empty properties were located within the market towns of Malton, Norton, Helmsley, Pickering and Kirkbymoorside, with the majority being within villages and rural areas of Ryedale.

- 8.3 Due to limited resources priority for action should be given to those properties that had been empty for 12 months or more. As part of the exercise undertaken July-September 2011 contact was made with 67 owners of empty properties by letter. A further fixed term appointment will be made in 2012/2013 to continue to pursue these and other owners further, in addition to implementing other aspects of the Action Plan that is attached at Annex A.

Use of empty homes for affordable housing

- 8.4 Where possible, empty properties are brought back into use to become affordable homes for local people. However, there are limited numbers of empty properties that have realistic potential to be brought back into use for affordable housing. The size and condition of a property affects whether it can be let at an affordable rent, with long-term empty homes being more likely to deteriorate and so more difficult to bring back into use at an affordable rent. The attitude of the owner is also a key factor, with some owners seemingly content to leave a property empty for years, even though they are paying Council Tax for that home.

Future approach to empty homes

- 8.5 Whilst the production of affordable homes is a priority for this Council there are wider social and environmental issues arising from unused homes. Empty homes have the potential to meet the general housing needs of others by being sold or let on the open market. They can detract from the visual amenity of an area and sometimes physically affect neighbouring properties.

- 8.6 The Council last adopted an Empty Homes Strategy in 2003. This is in need of updating and a sub-regional Empty Homes Strategy has recently been prepared for North Yorkshire (see Annex B) that requires adoption by this Council. Within the framework of this Strategy Officers have prepared a Ryedale Action Plan (see Annex

A) to guide the activities of this Authority in taking a more vigorous approach to getting empty homes back into active re-use, in line with the work undertaken by the Economy and Housing JCG and the resolution of the November 2011 Commissioning Board.

- 8.7 The main aims of the North Yorkshire Empty Property Strategy are:
- Develop new and strengthen existing partnerships
 - Improve the quality of data around empty property
 - Explore funding options for assisting owners of long term empty properties
 - Improve the quality of information available to empty home owners
 - Develop Sub Regional procedures to ensure consistent practice/regulation
- 8.8 Within the Ryedale Action Plan the above aims have been followed with local actions listed in order to ensure consistency across the sub region. It is proposed that the Council continues the approach of seeking to persuade the property owner of the need to return the property back into use and this will be the option initially pursued in all cases. The Council will continue to offer a range of support including:
- Advice and assistance for owners of empty property
 - Bond guarantee and Rent in advance scheme
 - Advertising of properties to rent to assist in finding tenants
 - Providing support to tenants for an initial three months
 - Private sector grant assistance – a range of grants are available including empty property grant; and houses in multiple occupation grant
 - Notifying owners of the availability of Flat Conversion Allowances. This scheme enables property owners to claim up front tax relief on the whole of their capital spending on the renovation or conversion of empty flats and offer them for rent
 - Ryedale Landlords Forum provides advice and support to private landlords
 - Reclassifying empty space above shops as commercial premises where it can only be accessed from the shop and there is no other alternative access.
- 8.9 Experience has shown that writing to and visiting owners often leads to no response and some form of further action is required. Under the Action Plan when it has become clear that negotiation with the owner has been unsuccessful, and that he/she does not voluntarily intend to co-operate, other legally enforceable sanctions will be considered. Legal sanctions may not necessarily, of themselves, compel the owner to return his/her property back into use but may, as a consequence of the financial impact of compliance with a particular statute, result in the re-letting or sale of a property in order for the owner to recoup their costs.
- 8.10 Where the owner fails to comply with conditions imposed by any legal sanction, the cost of any remedial action taken by the Council in default of the owner is normally, but not always, recoverable from him/her. An obstacle to this and some other legal options that would otherwise be available (see below) to this Council to bring properties back into use is the absence of a recyclable capital fund to support works to empty properties. Consequently it is recommended that Members support the principle of establishing such a rolling fund to allow this and the other legal options below to be pursued as a matter of policy, and that this financial allocation of £100K be considered by Council when capital resources are available.
- 8.11 The Government is currently consulting on changes to council tax exemptions and discounts on empty homes. It is also asking whether an “Empty Homes Premium” should be introduced allowing councils to charge the standard rate of council tax on very long term empty homes. It also proposes that councils keep the extra revenue

these measures generate. (See <http://emptyhomes.com/latest-news/our-response-to-council-tax-consultation>.)

- 8.12 The wide-range of legal powers held by local authorities to deal with substandard and unsafe buildings are set out at Annex C. The Council has the power to undertake works itself where property owners will not or cannot undertake the works. The Council has a fiduciary duty to its Council Tax and Ratepayers to recoup its debts. Where the owner cannot repay the expenses that the Council has incurred in undertaking works, then the Council can enforce the sale of the property. In practice, having visually examined a large number of empty properties throughout the District, there may be very few properties where any statutory breach can be considered to have occurred.
- 8.13 However, where the Council has served a notice under the statutory provisions and the owner fails to undertake improvement works within the prescribed timescales and is in breach of a statutory notice, the Council will, where practicable, undertake to carry out those works in default, recovering the cost of those works. Should any owner fail to reimburse the Council, then, depending on the legal sanction utilised when works were undertaken in default, the Council will register a charge against the property at the Land Registry. Once the charge is registered the Council will then consider the use of the Enforced Sale Procedure.
- 8.14 Where no charge can be made against a property, the Council will consider using its compulsory purchase powers. These powers will only be used as a last resort when all negotiations with the owner have failed or the owner cannot be found. Where a property is sold through the enforced sale procedure, the Council will ensure that it obtains the best possible price. Where the Council compulsorily acquires a property, then the Council will pay the market value of the property to the owner. There are costs associated with both the options.
- 8.15 The Council can also pursue an Empty Dwelling Management Order (EDMO). The EDMO enables the council to assume management control of the empty dwelling in order to secure its occupation. For a property to be subject to an order through the courts then a substantial amount of work needs to be done to prove that as a Council everything else has been pursued to bring the property back into use. The property also needs to be a relatively good state of repair otherwise it will be difficult for the Council to recoup its costs. The government are making changes to EDMOs. This will mean that EDMOs will only be granted on properties that have been empty for two years or more and where the property is deemed to be a nuisance.

9.0 IMPLICATIONS

- 9.1 The following implications have been identified:
- a) Financial
The Council already operates a grant regime to assist owners in bringing empty properties back into use, although the funding for this is limited. This report recommends the establishment of a rolling capital fund of £100K to cover the cost of enforcement actions. This requires consideration through budget setting for 2012/13.
 - b) Legal
The legal implications of the various powers available to local authorities in relation to empty homes are detailed at Annex C.
 - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
The reuse of empty homes has environmental and safety benefits in addition to

potential benefits for the disadvantaged in housing need.

10.0 NEXT STEPS

- 10.1 In attempting to return long-term empty properties back into use, Officers will adopt the most suitable strategy that suits the circumstances at any given time, but will favour persuasion as opposed to legal action wherever possible.
- 10.2 Officers will always be mindful of limited resources and financial constraints that may have to be drawn upon in any proactive interventions when determining the best course of action to follow. Where interventions with potentially negative impacts upon the Council's limited resources appear inevitable these will only be implemented with appropriate approval.

Julian Rudd
Head of Economy and Housing

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Background Papers:

Report to 24 November 2011 Commissioning Board – 'Update from Housing and Economy JCG'

Background Papers are available for inspection at:

<http://democracy.ryedale.gov.uk/mgConvert2PDF.aspx?ID=8187>

RYEDALE LOCAL ACTION PLAN

REF	OBJECTIVE	SPECIFIC ACTIONS AND PERFORMANCE MEASURES	TARGET DATE	RESOURCES REQUIRED	LEAD
1.0 DEVELOP NEW AND STRENGTHEN EXISTING PARTNERSHIPS					
1.1	Review the level of resources attached to empty property work across the district in order to assess the case for efficiencies	Ryedale Empty Property Group to be developed to produce a corporate approach with empty properties and to maximise manpower and investigate the opportunities and implications of shared working.	March 2012	All Relevant Departments within the Council.	Housing Services
1.2	Develop links with Housing Associations, Landowners and Local Letting Agents.	Housing Services to approach the aforementioned to ascertain their willingness to work with the department to bring properties back into use, or to manage properties as required	July 2012	Empty property officer	Housing Services
2.0 IMPROVE THE QUALITY OF DATA AROUND EMPTY PROPERTY					

[Type text]

2.1	Improve baseline data through better understanding of council tax processes	To work with the data provided by the Council Tax Team to improve the quality and reliability relating to empty property data.	Ongoing / Annually in time for the October CT returns that will determine 'New Homes Bonus'. To be completed by September 2011 and annually thereafter	Empty Property Officer and Council Tax Department	Housing Services/Council Tax
3.0	EXPLORE FUNDING OPTIONS FOR ASSISTING OWNERS OF LONG-TERM EMPTY PROPERTIES				
3.1	Investigate a move from grants to loans as the mechanism for funding work to bring long-term empty properties back into use	Private Sector Housing to monitor the private sector renewal funding situation	March 2012	Empty Property Officer	Housing Services

[Type text]

3.2	Maximise available funding for use in empty property work following removal of private sector renewal funding	a) Explore the possibility of Empty Homes Loans (including Sheffield City Council and alternative providers) b) A robust case will need to be made for investment for the New Homes Bonus to be made available for empty properties work within Ryedale. c) Explore the possibility of obtaining funding from the HCA in partnership with a registered provider once it becomes available	March 2012 Ongoing	Empty Property Officer	Housing Services
4.0 IMPROVE THE QUALITY OF INFORMATION AVAILABLE TO EMPTY HOME OWNERS					
4.1	Improve the quality and consistency of empty home web page	Private Sector Housing to review web pages; benchmark against other Local Authorities.	October 2012	Housing Services	Housing Services

[Type text]

4.2	Produce an information booklet for empty home owners	To utilised work by Sub-Regional Empty Property Group in the development of an empty property leaflet	October 2012	All Local Authorities Sub-Regional Empty Property Group	Sub-Regional Empty Property Group
4.3	Increase the number of reports of empty properties from members of the public	a) See 4.1 (improving web pages) b) Improve links with local communities through ward meetings/parish councils/ community action groups, etc.	October 2012	Empty Property Officer	Housing Services
5.0 DEVELOP PROCEDURES TO ENSURE CONSISTENT PRACTICE / REGULATION					
5.1	Develop procedures to ensure consistent practice/ regulation	To work with the Sub-Regional Empty Property Group to build upon work to develop handbook for use by empty property practitioners across the sub-region	October 2012	Empty Property Officer	Sub-Regional Empty Property Group
5.2	Develop a procedure to ensure consistent enforcement protocols. This will be based on legally enforceable sanctions being pursued where efforts to persuade owners have failed.	To confirm a procedure that allows officers to proceed with the most appropriate course of action to bring empty properties back into use.	April 2012	Housing Services	Housing Services

NORTH YORKSHIRE
EMPTY PROPERTY STRATEGY
2011-2015

Empty Property Strategy 2011-2015

1.0 Introduction and Background

This document represents the Empty Properties Strategy for North Yorkshire (excluding Scarborough Borough Council) for the period 2011-15. The strategy outlines the current situation in respect of empty properties across North Yorkshire and the measures and actions which are to be put in place in order to bring empty properties back into use.

Empty properties represent a significant waste of valuable housing accommodation. This is especially pressing at a time of both a severe affordable housing shortage across the sub-region and low rates of new housing completion.

Each vacant dwelling which can be brought back into residential use represents a gain to the housing stock across the sub-region. Vacant dwellings also often have seriously detrimental effects upon the condition and value of adjoining properties and on the amenities of the neighbourhood in which they are situated. Usually, the longer dwellings have remained vacant, the greater their disrepair, the more the risk of vandalism and other misuse and the greater the harmful impact on the neighbourhood.

2.0 Aims and Objectives of the Strategy

Aim:

To pro-actively maximise the re-use of empty properties and decrease the number of empty properties across the sub-region.

Objectives:

- To improve the local neighbourhood and reduce anti-social behaviour and crime
- To increase the supply of affordable housing across the sub-region
- To undertake a co-ordinated approach to tackle empty properties
- To work with a range of partners and individuals (including owners, Private Landlords and Registered Social Landlords) to bring back empty properties into use
- To create employment and training opportunities for local people. Yorbuild in York
- Addressing complaints from the general public
- Engaging with the Community

Links to Other Priority Areas

This strategy is primarily focused on reducing the numbers of long term empty properties; however, we recognise that this action plan links to other aspects of the North Yorkshire Housing Strategy and National policy agendas which includes:-

- ∨ Reducing homelessness
- ∨ Increasing the supply of affordable homes
- ∨ Reduction in anti-social behaviour linked to long term empties
- ∨ Crime reduction
- ∨ Responding to the Localism agenda
- ∨ Producing consistent working practices and procedures through the sub-region.

3.0 Strategic Context

3.1 The National Context

According to the Empty Homes Agency there are approximately 726,000 empty homes in England, which is around 3.0% of the total housing stock. The vast majority are in the private sector. Approximately 325,000 of these have been empty for longer than 6 months. There is recognition from the Government that long term empty properties are a problem, which blights neighbourhoods.

3.2 Regional and Sub-Regional Context

Regionally there are approximately 92,000 empty properties in Yorkshire and the Humber; approximately 38,000 have been empty for longer than 6 months which represents around 4% of the total housing stock. Of these, nearly 90% are within the private sector.

Empty dwellings, North Yorkshire 2010*

Local Authority	Total dwellings	Empty Dwellings	>6mths empty	>6mths empty as % stock
Craven	26,115	768	186	0.71
Hambleton	39,164	1,129	428	1.09
Harrogate	69,643	2,577	933	1.34
Richmondshire	22,282	755	314	1.41
Ryedale	23,840	964	407	1.71
Scarborough	55,593	2,426	1,019	1.83
Selby	35,859	1,124	445	1.24
York	84,743	1,470	383	0.45
Total	357,239	11,213	4,115	1.1

* Statistics obtained from 'Homes for Empty Homes' Website for 2010

3.3 North Yorkshire Housing Strategy Action Plan: 2010 – 2015:

Across York and North Yorkshire, there are approximately 11,200 empty properties, representing around 3.14% of the total housing stock. The vast majority of these properties are in the private sector. Over 4,100 have been empty for longer than 6 months.

Priority 4 of the North Yorkshire Housing Strategy: “Enabling the provision of more affordable homes” contains a key target of “Housing markets and alternative delivery mechanisms, including the re-use of empty properties

4.0 Why it is important to bring empty properties back into use

The importance of bringing empty properties back into use cannot be under estimated. There are a number of key reasons why the sub-region should consider the need to prioritise this issue including:

Long term empty properties can attract anti-social behaviour including vandalism, fly-tipping, crime etc, which causes blight on the neighbourhood and distress to neighbours

Long term empty properties start to deteriorate, which could then have a detrimental affect adjoining properties

The value of the property may start to decrease over time due to the deterioration, it may also become an eyesore, which could also adversely affect the value of nearby properties

There is a severe affordable housing shortage across the sub-region and bringing empty properties back into use can help to address this shortage.

There is the resource issue of the other Public Services which are affected by these properties i.e Local Authorities, Police and Fire

4.1 New Homes Bonus

In addition, the Government is proposing that the New Homes Bonus can act as an incentive for local authorities to increase housing supply. The proposal acts on the basis of awarding grant based on average council tax for a period of up to 6 years on each additional new home created within a local authority area. This also applies to bringing empty properties back into use. However, the incentive is based on achieving a net reduction in the number of empty properties within a local authority area.

In effect, the New Homes Bonus will mean that Local Authorities will need to give greater strategic importance to the management of data that is held on Empty Properties and working in a more co-ordinated manner across each authority.

5.0 Enforcement Action

Local authorities have at their disposal a range of enforcement tools that can be used in order to improve or bring empty properties back into use; a further appendix has been added which indicates the legislative powers to which these relate. Each Local Authority will decide as to which tools are most appropriate given their circumstances.

e.g

Environmental Protection Act 1990: Statutory Nuisance: We can order owners to make their property safe or we can take emergency action to make the building safe.

Building Act 1984: Dangerous or dilapidated buildings or structures: We can order owners to make the property safe or we can take emergency action to make the building safe.

Town and Country Planning Act 1990: Local Authorities have planning powers to take control of land they need to put in place their community strategies and local development documents. These planning powers are wide enough to allow us to take over land for redevelopment.

Empty Dwelling Management Order (EDMO): EDMO's were introduced by the Housing Act 2004 and can be used by local authorities to bring back into use a property which has been empty for longer than 6 months and the owner has refused all reasonable offers of assistance.

Compulsory Purchase Order (CPO): The threat and use of CPO's can be utilised where a property is long term empty, in poor condition and in an area of housing need. CPO's would normally only be considered as a last resort where all other measures would not be effective and where the property requires extensive renovation may be justified where there appears to be no other chance of a suitable property being used as a home

Enforced Sale: Where a local land charge has been made on a long term empty property, the council can force the sale of the property to a third party.

It should be pointed out that taking enforcement action can often prove very costly, especially in the case of EDMO and CPO action. Given the short term lack of available capital funding, specific actions such as EDMO and CPO may only be used in certain circumstances, where it is considered to be the only reasonable course of action to be pursued.

ACTION PLAN

REF	OBJECTIVE	SPECIFIC ACTIONS AND PERFORMANCE MEASURES	TARGET DATE	RESOURCES REQUIRED	LEAD
1.0 DEVELOP NEW AND STRENGTHEN EXISTING PARTNERSHIPS					
1.1	Review levels of resources attached to empty property work across the sub-region in order to assess the case for efficiencies	Sub-regional Empty Property Group to analyse the existing manpower resources attached to empty property work across the sub-region and investigate the opportunities and implications of shared working.	xxxx 2011 in time for xxxx Chief Officers Group	All Local Authorities	Sub-regional Empty Property Group
1.2	Continue and strengthen partnership between sub-regional empty property officers	Hold quarterly meetings of the North Yorkshire Empty Property Working Group with a view to: <ul style="list-style-type: none"> a) Share best practice b) Oversee implementation and monitoring of the action plan. 	Ongoing	All Local Authorities	Sub-Regional Empty Property Group
1.3	Develop links with Housing Associations, Developers and Landowners	<ul style="list-style-type: none"> a) Sub-regional Empty Property Group to fully understand details of HCA funding for Housing Associations to bring empty properties back into use. b) Each Local Authority to contact respective Housing Associations once details are known. 	<p>Actioned</p> <p>Ongoing</p>	<p>Sub-Regional Empty Property Group</p> <p>All Local Authorities</p> <p>Housing Associations</p> <p>Developers</p>	Each Local Authority
1.4	Develop links with leaseholders	<ul style="list-style-type: none"> a) Sub-regional Empty Property Group to monitor proposed pilot scheme at Selby District Council b) Explore the feasibility of a sub-regional private sector leasing scheme 	March 2013	<p>All Local Authorities</p> <p>Private Sector Landlords</p>	Sub-Regional Empty Property Group

2.0 IMPROVE THE QUALITY OF DATA AROUND EMPTY PROPERTY					
2.1	Achieve greater consistency of reporting across the sub-region	Sub-Regional Empty Property Group to develop protocol for the reporting of empty properties in line with the New Homes Bonus and direct action of each local Authority.	January 2012	All Local Authorities Sub-Regional Empty Property Group	Sub-Regional Empty Property Group
2.2	Improve baseline data through better understanding of council tax processes	Each Local Authority to work with their respective Council Tax Team to understand processes around the collection of empty property data with a view to improving its quality and reliability.	Ongoing / Annually in time for the October CT returns that will determine 'New Homes Bonus'. To be completed by September 2011 and annually thereafter	All Local Authorities (Empty Property Officers and Council Tax Departments)	Each Local Authority
3.0 EXPLORE FUNDING OPTIONS FOR ASSISTING OWNERS OF LONG-TERM EMPTY PROPERTIES					
3.1	Investigate a move from grants to loans as the mechanism for funding work to bring long-term empty properties back into use	Private Sector Housing Group to monitor the private sector renewal funding situation	March 2012 actioned by York	Private Sector Housing Group	Private Sector Housing Group

3.2	Maximise available funding for use in empty property work following removal of private sector renewal funding	<ul style="list-style-type: none"> a) Each Local Authority to review their funding policy in relation to empty properties following the removal of private sector renewal funding b) Explore the possibility of Empty Homes Loans (including Sheffield City Council and alternative providers) c) A robust case will need to be made for investment for the New Homes Bonus to be made available for empty properties work in each Local authority. 	<p>Actioned</p> <p>March 2012</p> <p>Ongoing</p>	All Local Authorities	Each Local Authority
4.0	IMPROVE THE QUALITY OF INFORMATION AVAILABLE TO EMPTY HOME OWNERS				
4.1	Improve the quality and consistency of empty home web pages across the sub-region	Sub-Regional Empty Property Group to review web pages; benchmark against other Local Authorities and agree standard content for the sub-region	October 2012	All Local authorities Sub-Regional Empty Property Group	Sub-Regional Empty Property Group
4.2	Produce a sub-regional information booklet for empty home owners	Sub-Regional Empty Property Group to develop empty property leaflet	October 2012	All Local Authorities Sub-Regional Empty Property Group	Sub-Regional Empty Property Group

4.3	Increase the number of reports of empty properties from members of the public	<ul style="list-style-type: none"> a) See 4.1 (improving web pages) b) Improve links with local communities through ward meetings/parish councils/ community action groups, etc. 	October 2012	<p>All Local Authorities</p> <p>Sub-Regional Empty Property Group</p>	Sub-Regional Empty Property Group
5.0 DEVELOP SUB-REGIONAL PROCEDURES TO ENSURE CONSISTENT PRACTICE / REGULATION					
5.1	Develop sub-regional procedures to ensure consistent practice/ regulation	Sub-Regional Empty Property Group to build upon work by Selby DC to develop handbook for use by empty property practitioners across the sub-region	October 2012	<p>All Local Authorities</p> <p>Sub-Regional Empty Property Group</p>	Sub-Regional Empty Property Group

Appendix 1 – Table of Available Powers

Problem	Legislation	Power granted
Dangerous or dilapidated buildings or structures	Building Act 1984, Sections 77/78	To need the owner to make the property safe (S77) or enable the LA to take emergency action to make the building safe (S78)
	Housing Act 2004	Imposes a general duty upon Local Authorities to take appropriate action in relation to hazards (under the Housing Health & Safety Rating System) including Improvement Notices etc
	(Listed Buildings and Conservation Areas) Planning Act 1990	The LA should consider its powers under this legislation first if the building is listed or in a conservation area. Repairs Notices or Urgent Works Notices can be served. If there is a default on the former, a CPO can be served, but usually only if a “Back to Back” partner can take over the renovation of the building. On the UWN, LA can step in and make wind/weather tight and structurally sound and secure, but time consuming.
Unsecured properties (if there is a risk it may be entered or suffer vandalism/arson, etc)	Building Act 1984 Section 78	To allow the LA to fence off the property
	Local Government (Miscellaneous Provisions) Act 1982 Section 29	To require the owner to take steps to secure the property or allow the LA to board it up in an emergency
Blocked or defective drainage or sewers	Local Government (Miscellaneous Provisions) Act 1982 Section 35	To require the owner to address obstructed private sewers
	Building Act 1984, Section 59	To require the owner to address blocked or defective drainage
	Public Health Act 1961 Section 17	To require the owner to address defective drainage or private sewers

Vermin (If it is either present or there is a risk of attracting vermin that may detrimentally affect peoples health)	Public Health Act 1961 Section 34	To require the owner to remove waste so that vermin is not attracted to the site.
	Prevention of Damage by Pests Act Section 4	
	Public Health Act 1961 Section 83	
	Building Act 1984, Section 76	
	Housing Act 2004	
	Environmental Protection Act 1990 Section 80	It is possible to use this power to cure vermin issues, remove waste or ask for certain repairs where there is a nuisance to someone else.
Unightly land and property affecting the amenity of an area	Public Health Act 1961 Section 34	To require the owner to remove waste from the property
	Town and Country Planning Act 1990 Section 215	To require the owner to address unightly land or the external appearance of the property
	Building Act 1984, Section 79	To require the owner to take steps to address a property adversely affecting the amenity of an area through its disrepair
An enforced sale can made against long term empty properties	Law of Property Act 1925	The Local authority would have all the legal rights of a mortgage lender under the Law. A charge may be issued against the property if the owner did not obey the terms of a statutory notice that had been issued or the owner failed to pay Council Tax or other debts you owed to the local authority.
Long term properties empty without good reason where owner is not doing anything to bring them back into use	Housing Act 2004 Empty Dwelling Management Orders	Allows the Local Authority to secure occupation and proper management of privately owned houses/flats that have been empty for more than six months (subject to conditions).
	Housing Act 1985, Section 17	Allows the Local Authority to acquire the property compulsorily.

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Powers available to a local authority that can be used to take action against owners of empty property

Environmental Protection Act 1990 Sections 79-81

Allows the council to require the abatement of statutory nuisances. The term statutory nuisance applies to a range of problems that might arise from empty homes, including accumulations of rubbish or dampness affecting neighbouring properties. The council can serve an abatement notice on the owner of the premises requiring works to abate the nuisance and if the notice is not complied with can carry out works in default.

Building Act 1984 Section 77

Enables the council to deal with buildings that it considers to be dangerous. It can apply to a Magistrates' Court for an order requiring the owner to make the building safe or demolish it.

Building Act 1984 Section 78

Allows the council to deal with buildings that pose an immediate danger. This emergency measure allows the local authority to carry out remedial works itself without giving the opportunity to deal with it himself. The Council is only entitled to carry out works that remove the danger.

Building Act 1984 section 79

This empowers the council to deal with ruinous and dilapidated buildings or structures and neglected sites and if necessary carry out work in default.

Local Government (Miscellaneous Provisions) Act 1982 Section 29

Allows the council to carry out works to an unoccupied building to prevent unauthorised entry or to prevent it from becoming a danger to public health. 48 hours notice is needed unless the works are required immediately.

Housing Act 2004

The implementation of the Housing Act 2004 includes the introduction of the Housing Health and Safety Ratings System and the authority to implement Empty Dwelling Management Orders.

Enforced Sale Procedure (ESP)

Enforced sale is not a procedure that is directly intended to deal with problematic properties. Instead, it is a provision that enables the council to recover outstanding debts, following actions that have created a land charge against a property.

Compulsory Purchase Order (CPO)

The Council can use its compulsory purchase powers in order to address an acute local housing need or where there are good planning or development reasons to justify their use and it may be possible to structure a legal agreement with a third party such as a registered social landlord (RSL) or private developer, who will purchase the property from the Council when the Compulsory Purchase Order is confirmed.

The benefit of compulsory purchase is that it generally guarantees that the property is brought back into use and made to the Decent Home standard; whereas the use of the Council's other legal powers may only result in urgent problems being addressed.

The principal disadvantages of the compulsory purchase option are the extremely long time periods involved, which, even if an appeal is not involved, can take between 12 – 24 months

and the significant financial cost to the Council, which may not be recouped. At the final stages of the procedure further delays and costs can be encountered if a public inquiry is made due to objections from written representations.

The compulsory purchase option will only ever be used as a last resort when all negotiations have failed with the owner or the owner cannot be found and only with Committee approval.

Empty Dwelling Management Order (EDMO)

An EDMO enables the Council to assume management control of an empty dwelling in order to secure its occupation. The associated management and maintenance costs can be recovered by the Council from rental income. EDMO's are a new provision under the Housing Act 2004 to assist Councils to tackle long-term empty homes. They can help both property owners and the Council find a solution that enables a property to be returned to use. The basic principle of an EDMO is to allow the Council to effectively 'step into the shoes' of the owner and secure occupation by proper management of the dwelling.

There are two types of EDMO: an interim EDMO and a final EDMO. An interim EDMO lasts for a period of up to twelve months whereas a final EDMO lasts for up to seven years. Both orders allow the Council to take over the management of the property, usually via a managing agent, and any costs incurred in making the property habitable are recovered from the rental income.

An EDMO is only likely to be a financially realistic proposition if the property subject to such an Order is in reasonably good condition at the outset. If considerable expenditure is necessary to return the property to a statutory standard that is free from Category 1 hazards and is decent and safe for human occupation, this option may not be suitable due to the expenditure needed.