

## COUNCIL

### **Council Summons and Agenda**

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You are hereby summoned to attend an **Extraordinary Meeting of Ryedale District Council** to be held in the **Council Chamber, Ryedale House, Malton** on **Thursday, 14 January 2016** on the conclusion of the Extraordinary Meeting of Council which commences at 6.30pm for the transaction of the following business:

#### **Agenda**

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1 **Emergency Evacuation Procedure**

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

2 **Apologies for absence**

3 **Minutes**

(Pages 3 - 18)

To approve as a correct record the minutes of the Ordinary Meeting of Council held on 8 October 2015.

4 **Urgent Business**

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

5 **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.

**6 Announcements**

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

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

**8 To Receive Statements from the Leader of the Council Provided for the Council Meetings on 8 October 2015 and 10 December 2015 and to Receive Questions and Give Answers on those Statements** (Pages 19 - 22)

**9 To consider for Approval the Recommendations in respect of the following Part 'B' Committee Items:** (Pages 23 - 108)

**Overview and Scrutiny Committee – 5 November 2015**

Minute 48 - Treasury Management Mid Year Review (page 23)

**Policy and Resources Committee – 26 November 2015**

Minute 46 - Ryedale District Council's Safeguarding Policy (page 33)

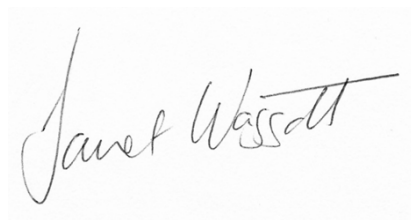
Minute 47 - Local Council Tax Support 2016/17 Scheme (page 83)

Minute 49 - Living Wage Motion (page 95)

Minute 50 - Timetable of Meetings 2016/17 (page 103)

**10 CIL Adoption** (Pages 109 - 118)

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



Janet Waggott  
Chief Executive

## Council

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Minutes of Proceedings

At the **Ordinary Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Thursday 8 October 2015**

## Present

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Councillors    Acomb  
                  Joy Andrews  
                  Paul Andrews  
                  Steve Arnold  
                  Val Arnold (Chairman)  
                  Bailey  
                  Burr MBE  
                  Clark  
                  Cleary  
                  Cowling  
                  Cussons  
                  Duncan  
                  Farnell  
                  Frank  
                  Gardiner (Vice-Chairman)  
                  Goodrick  
                  Hope  
                  Ives  
                  Jainu-Deen  
                  Jowitt  
                  Keal  
                  Maud  
                  Oxley  
                  Raper  
                  Sanderson  
                  Shields  
                  Thornton  
                  Wainwright  
                  Windress

## In Attendance

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Jill Baldwin  
Simon Copley  
Peter Johnson  
Phil Long  
Clare Slater  
Janet Waggott  
Anthony Winship

## Minutes

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### 42      **Apologies for absence**

Apologies for absence were received from Councillor Evans.

43 **Public Question Time**

The following public question was submitted by Simon Thackray:

*"In order to protect the health of the people of Ryedale, and the residents of Malton and Norton and Old Malton in particular, will this Council please give an assurance that it will not, either now or in the future, approve any development that is predicted to cause, or is likely to cause, the air quality within the Malton AQMA to breach, or continue to breach, the EU limit value for the concentration of Nitrogen Dioxide, and EU laws on air quality?"*

The Chairman thanked Simon Thackray for his question and replied:

*"The District Council cannot make a decision on a planning application before hearing all the facts.*

*The question is framed in a yes/no way . The answer to the question is that if the Planning Committee is satisfied that any proposed development causes demonstrable unacceptable harm in air quality terms which is supported by expert opinion, it is open to the Planning Committee to refuse the planning application.*

*The answer below describes how the planning system determines if proposed development causes unacceptable harm which justifies refusal.*

*It is by going through due process of determining a planning application having regard to all material planning considerations that the Planning Committee reaches a yes/no answer to a planning application by means of approval or refusal.*

*It is important at the outset to note that planning decisions are made:-*

- on their merits;*
- on planning grounds;*
- by Members with an open mind and after considering all the evidence;*
- in the public interest and not as a result of any private interest.*

*The Planning Committee cannot adopt a blanket policy of opposition to any matter related to a planning application before hearing the facts of the case.*

*The starting point in considering planning applications is planning policy at both the National level and the local plan level.*

*At the local level the Ryedale Plan contains policies on Air Quality issues.*

*In relation to air quality issues the Air Quality policies contained in the Ryedale Plan use the word 'acceptable' as the standard that proposed development needs to meet before it is approved .*

*Planning applications may include supporting evidence including technical impact assessments . The District Council receives expert advice on matters of air quality from suitably qualified and experienced environmental health officers and/or consultants.*

*The Planning Committee or a Planning Inspector on appeal can be faced with representations expressing the fears of residents on air quality issues and the expert evidence on the issue of air quality which may be contrary to the residents fears. The decision maker needs to decide what weight to give those representations in the decision making balance before reaching a decision.*

*In the High Court case of Trevett v. Secretary of State relating to a judicial review of three inspector's decisions in Stroud, Mr Justice Sullivan, as he then was, gave advice to decision makers faced with this kind of situation in the context of telecommunication masts . The advice is summarised as follows :*

*It can be the case that the decision maker "considers that "greater weight" should be attached to the expertise of the organisations he identifies. I have underlined the word "greater" because it makes it plain that the decision maker is not dismissing the residents' fears as being of no account whatsoever because they were not objectively justified, but concluding that they should be given lesser weight."*

*The quote from Mr Justice Sullivan as he then was above emphasises the importance of expert advice in the decision making process. Residents and Town and Parish Councils need to be aware of that important fact of the decision making process.*

*Whether or not a planning application is refused on the grounds of unacceptable harm in air quality terms is ultimately a planning judgement to be made by Officers/Elected Members based on the expert evidence and other evidence presented to the Planning Committee."*

Simon Thackray then asked a supplementary question:

*"This Council has recently approved major development in Malton that will have a significant impact on air quality - it's unquestionable - more houses, more cars, more pollution. Therefore will the Council now request that an air quality assessment be submitted to support the live GMI Wentworth Street car park planning application, so the Council can confirm to itself and to the residents of Malton that the cumulative impact of all new developments when combined with the impact of the new supermarket and filling station on Wentworth Street car park will not have a negative effect, a negative impact on air quality and endanger the health of the public?"*

The Chairman agreed that a written reply would be provided.

The following public question was submitted by Lorraine Allanson:

*"Hydraulic Fracturing is highly likely to become a reality for Ryedale even though a number of councillors are at present opposed to the process. Many businesses and individuals in Ryedale are concerned that because of their negative stance the future benefits of playing a part in the supply chain could be lost. If Hydraulic Fracturing does develop in Ryedale this could offer many opportunities. Will councillors put aside their opposing political views to pull together for the betterment of Ryedale and work as a team to ensure that Ryedale responds quickly to the requirements of the gas industry?"*

The Chairman thanked Lorraine Allanson for her question and replied:

*"The legal position is that no fracking, or drilling for oil or gas , can take place without:*

*(a) Planning Permission, from the Minerals Planning Authority (in this case North Yorkshire County Council or the North York Moors National Park Authority); and*

*(b) Planning Permission for any ancillary related development which is a District matter from Ryedale District Council.*

*As the Mineral Planning Authority, North Yorkshire County Council must consult Ryedale District Council under Article 22 of the Town and Country Planning (Development Management Procedure)(England)Order 2010.*

*It is important to note that if any Member of Ryedale District Council is also a Member of North Yorkshire County Council and on the County Planning Committee, they are legally required to make planning decisions :-*

- on their merits;*
- on planning grounds;*
- with an open mind and after considering all the evidence;*
- in the public interest and not as a result of any private interest.*

*Any Member of the District Council Planning Committee dealing with ancillary fracking related development is bound by the above legal duties.*

*In relation to the District Council exercising its discretion to make a consultation response in relation to a fracking application, the decisions of the District Council and its Committees are subject to the normal public law principles. These principles include the requirement that power should not be exercised in an arbitrary way.*

*The District Council is subject to the common law principles which apply to all decision-making by local authorities, including the requirement to take a reasoned decision based upon all material information. When the District*

*Council exercises its discretion it abuses its discretion if it takes into account irrelevant considerations or failing to take into account relevant considerations."*

**44 Minutes**

The minutes of the Ordinary Meeting of Council held on 3 September 2015 were presented.

**Resolved**

That the minutes of the Ordinary Meeting of Council held on 3 September 2015 be approved and signed by the Chairman as a correct record.

**Recorded Vote**

For

Councillors Acomb, Steve Arnold, Val Arnold, Bailey, Cleary, Cowling, Cussons, Duncan, Farnell, Frank, Gardiner, Goodrick, Hope, Ives, Jainu-Deen, Maud, Oxley, Raper, Sanderson, Shields and Wainwright.

Against

Councillors Joy Andrews, Clark and Thornton.

Abstentions

Councillors Paul Andrews, Burr, Jowitt, Keal and Windress.

**45 Urgent Business**

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

**46 Declarations of Interest**

The following interests were declared:

Councillor Paul Andrews declared a personal non-pecuniary but not prejudicial interest in Agenda Item 10 - Minute 24 (Land at Wentworth Street, Malton), as a supporter of the business community in Ryedale and Malton, and Agenda Item 11 (Notices on Motion), as he had been involved in the campaign against fracking.

Councillor Val Arnold declared a personal non-pecuniary but not prejudicial interest in Agenda Item 11 (Notices on Motion) as a North Yorkshire County Councillor, but not a member of its Planning Committee.

Councillor Clark declared a personal non-pecuniary but not prejudicial interest in Agenda Item 11 (Notices on Motion) as a North Yorkshire County Councillor, but not a member of its Planning Committee.

Councillor Keal declared a personal non-pecuniary but not prejudicial interest in Agenda Item 11 (Notices on Motion) as she had been involved in the campaign against fracking.

Councillor Sanderson declared a personal non-pecuniary but not prejudicial interest in Agenda Item 11 (Notices on Motion) as a North Yorkshire County Councillor.

Councillor Shields declared a personal non-pecuniary but not prejudicial interest in Agenda Item 11 (Notices on Motion) as a North Yorkshire County Councillor.

Councillor Thornton declared a personal non-pecuniary but not prejudicial interest in Agenda Item 11 (Notices on Motion) as he had been busy with fracking, attempting to find the truth for and against.

All Members present declared that they had been lobbied in relation to Agenda Item 10 - Minute 24 (Land at Wentworth Street, Malton) and Agenda Item 11 (Notices on Motion).

#### 47 **Announcements**

The Chairman made the following announcement:

- That Helmsley was in the final for the market town category of the Great British High Street and that Members could vote for it in the competition and encourage others to do so.

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

1. Councillor Clark submitted the following question:

To Councillor Windress, Chairman of Planning Committee:  
"Have you reconsidered your position as Chair of Planning?"

The Chairman of Planning Committee, Councillor Windress replied  
*"If I thought I needed to consider my position as Chairman of RDC's Planning Committee, I would not need prompting from the Leader of the Liberal Party."*

Councillor Clark asked the following supplementary question:

"On the basis that your predecessor needed several promptings, I hope for your sake that you are right but on the basis that so far the planning decisions, £200,000 plus on the 2 Wentworth Street car park planning applications, £600,000 plus on affordable housing and public open space that other Council's



didn't fall into, that's £1.1 million that we didn't need to have wasted - how big has that number got to get before you reconsider your position?"

Councillor Windress replied:

*"Firstly I was not Chairman on either of the Wentworth Street planning committees, although I did chair the second one but it was as Vice Chairman...The £600,000 was not my decision, it was a Council decision - Full Council not Planning Committee."*

2. Councillor Clark submitted the following question:

To Councillor Windress, Chairman of Planning Committee:

"Could the Chair of Planning please inform Council why he has not with his committee produced a policy on fracking for Ryedale?"

The Chairman of Planning Committee, Councillor Windress replied

*"RDC are not the mineral authority. If RDC were the mineral authority a policy on this would have been in the Ryedale Local Plan. Perhaps Councillor Clark could tell us what the present policy on fracking at NYCC is, as they are the mineral authority?"*

Councillor Clark responded:

"I would be delighted to tell you what the fracking policy is at NYCC as the mineral authority, unfortunately they haven't got one but they have a policy that emerges on 20th of this month so Cllr Windress does that not give you 12 days to have a policy on fracking for Ryedale. 12 days to emerge and I think it'll take a little bit of time other than the moratorium we've got as a guidance to produce a policy so that you can feed that policy into your committee's decisions on what to recommend to NYCC where not one fracking well is proposed, not one tens, not one in hundreds but thousands or several thousands come forward. I do suggest to you seriously, it would be a good idea. We've done this tonight in a hurry, in a rush because it needs to be done for a couple of weeks time but it would be invaluable to Ryedale, invaluable to our industry in Ryedale if we could have a policy put through the system led by yourself please."

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

This item of business was not considered at the meeting as the guillotine had fallen, with the duration of the meeting having exceeded three and a half hours.

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

**Policy and Resources Committee – 24 September 2015**

**Minute 23 - Exempt Information**

The meeting did not move into exempt session.

**Minute 24 – Land at Wentworth Street, Malton including the Motion on Notice proposed by Councillor Paul Andrews and seconded by Councillor Burr**

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

That Council be recommended:

That the following motion not be approved;

*"The Council is asked to resolve that as:*

- Clarification is needed for the business community in Malton and Ryedale*
- The Contract for the sale of WSCP to GMI is due to expire (unless renewed) on 4 May 2015; and*
- The Contract cannot be completed until GMI can provide a superstore developer to build a superstore on WSCP, and to date GMI have failed to comply with this condition; and*
- WSCP is, by reason inter alia of its location and absence of direct access to the A64, not a prime site for a superstore; and*
- The recent collapse of the market for new superstores is a permanent change in the business environment*

*The Council therefore resolves not to renew the contract to sell WSCP to GMI."*

An amendment was moved by Councillor Duncan and seconded by Councillor Goodrick:

*"To remove the words which state that the following motion not be approved and add after the resolves to terminate the contract:*

*This Council investigate other options available for the development of the Wentworth Street Car Park site. Any future plans for development on this site should have support from a cross section of the people of Malton and Norton, and the people of Ryedale as a whole."*

Upon being put to the vote the amendment was lost.

Voting Record

11 For

12 Against

3 Abstentions

Upon being put to the vote the motion was carried.

## **Resolved**

(i) That the following motion not be approved;

*"The Council is asked to resolve that as:*

- Clarification is needed for the business community in Malton and Ryedale*
- The Contract for the sale of WSCP to GMI is due to expire (unless renewed) on 4 May 2015; and*
- The Contract cannot be completed until GMI can provide a superstore developer to build a superstore on WSCP, and to date GMI have failed to comply with this condition; and*
- WSCP is, by reason inter alia of its location and absence of direct access to the A64, not a prime site for a superstore; and*
- The recent collapse of the market for new superstores is a permanent change in the business environment*

*The Council therefore resolves not to renew the contract to sell WSCP to GMI."*

## **Recorded Vote**

### For

Councillors Steve Arnold, Val Arnold, Bailey, Cowling, Cussons, Farnell, Frank, Hope, Jainu-Deen, Keal, Wainwright and Windress.

### Against

Councillors Joy Andrews, Paul Andrews, Burr, Clark, Cleary, Duncan, Goodrick, Ives, Jowitt, Maud and Thornton.

### Abstentions

Councillors Acomb, Gardiner and Oxley.

## **Minute 25 – Budget Strategy 2016/17**

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

That Council be recommended:

To approve the following strategy for the preparation of the 2016/2017 budget:

- (i) Proposals to be brought forward for a freeze in Council Tax for the next financial year;
- (ii) Increases in fees and charges to be to a maximum of 4.5% on a cost centre heading basis excluding VAT and only those charges

- officers recommend above this figure to be considered by the relevant policy committee;
- (iii) Efficiencies to be maximised;
  - (iv) The use of New Homes Bonus in line with the medium term financial plan; and
  - (v) Options for service cuts to be provided. These proposals to be considered by the Resources Working Party and brought to the Policy and Resources Committee and Council.

An amendment was moved by Councillor Clark and seconded by Councillor Thornton:

"Replace (i) with *Increase Council Tax by 1.99%*"

Upon being put to the vote the amendment was lost.

### **Recorded Vote**

#### For

Councillors Joy Andrews, Paul Andrews, Burr, Clark, Jowitt, Keal, Shields and Thornton.

#### Against

Councillors Acomb, Steve Arnold, Val Arnold, Bailey, Cleary, Cowling, Cussons, Duncan, Farnell, Frank, Gardiner, Goodrick, Hope, Ives, Jainu-Deen, Maud, Oxley, Wainwright and Windress.

#### Abstentions

None.

Upon being put to the vote the motion was carried.

### **Resolved**

That Council approve the following strategy for the preparation of the 2016/2017 budget:

- (i) Proposals to be brought forward for a freeze in Council Tax for the next financial year;
- (ii) Increases in fees and charges to be to a maximum of 4.5% on a cost centre heading basis excluding VAT and only those charges officers recommend above this figure to be considered by the relevant policy committee;
- (iii) Efficiencies to be maximised;
- (iv) The use of New Homes Bonus in line with the medium term financial plan; and
- (v) Options for service cuts to be provided. These proposals to be considered by the Resources Working Party and brought to the Policy and Resources Committee and Council.

## **Recorded Vote**

### For

Councillors Acomb, Steve Arnold, Val Arnold, Bailey, Cleary, Cowling, Cussons, Duncan, Farnell, Frank, Gardiner, Goodrick, Hope, Ives, Jainu-Deen, Maud, Wainwright and Windress.

### Against

Councillors Joy Andrews, Paul Andrews, Burr, Clark, Jowitt, Shields and Thornton.

### Abstentions

Councillors Keal and Oxley.

## **51 Notices on Motion Submitted Pursuant to Council Procedure Rule 11**

A procedural motion was moved by Councillor Paul Andrews and seconded by Councillor Burr to suspend standing order 11.4 to allow the notice on motion to be discussed.

Upon being put to the vote, the procedural motion was carried.

### Voting Record

17 For

11 Against

1 Abstentions

1. It was moved by Councillor Clark and seconded by Councillor Thornton

"RDC is a consultee for the planning application currently in front of NYCC to perform a test frack and go into production for up to 9 years at the KM8 site in Kirby Misperton. The Planning Committee must discuss this by mid October in order that they can offer a view. RDC has no policy on fracking. The eyes of the country and the world will be watching with interest in the decision making process and we have yet to debate this issue. It is complex and of great significance for the future of Ryedale at many levels not least its economy, jobs, health and potential costs to the council. This process is now in its 11th hour so we must avoid losing our voice by taking it past midnight. This issue must therefore be debated on the 8th October 2015. If we do not debate the issues at this point then the voice of Ryedale people will become muted in the decision making process at NYCC.

On the scientific evidence to date Ryedale Liberals believe that the case for fracking is not made.

- 84% of peer reviewed science shows significant risks or impacts on health.
- 88% shows risks and impacts on air quality.
- 66% shows risks to water quality.

- The impact on agriculture is not known but is liable to be negative.
- The impact on tourism is not known but is liable to be negative.
- The impact in traffic is not known but is liable to be large.

This council therefore resolves:

- (i) On the present information available RDC calls for a 5 year moratorium on fracking in Ryedale. When sufficient evidence becomes available RDC can reconsider its policy.
- (ii) It therefore calls upon the Planning Committee to take this decision into account when making its recommendation to NYCC on the KM8 planning application."

The Council Solicitor and Monitoring Officer advised Members of Council that Members of the Planning Committee wishing to participate at a future meeting of the Planning Committee on the consultation response on the fracking planning application would need to keep an open mind and reserve their final decision on the issue of fracking until the Planning committee meeting when they have the Officer report and all the available facts.

Members of the Planning Committee were advised not to reach a final decision on the issue of fracking before they have received the officers report and all the facts available to Members of the Planning Committee meeting.

If Members of the Planning Committee were able to keep an open mind they would be able to participate at a future meeting of the Planning Committee on the consultation response on the fracking planning application.

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

### **Recorded Vote**

#### For

Councillors Acomb, Joy Andrews, Paul Andrews, Bailey, Burr, Clark, Jainu-Deen, Jowitt, Keal, Raper, Shields, Thornton and Wainwright.

#### Against

Councillors Steve Arnold, Val Arnold, Cowling, Frank, Gardiner, Ives and Oxley.

#### Abstentions

Councillors Cleary, Cussons, Duncan, Farnell, Goodrick, Hope, Maud and Sanderson.

### **Resolved**

- (i) On the present information available RDC calls for a 5 year moratorium on fracking in Ryedale. When sufficient evidence becomes available RDC can reconsider its policy.

- (ii) It therefore calls upon the Planning Committee to take this decision into account when making its recommendation to NYCC on the KM8 planning application.

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

There being no other business, the meeting closed at 11.02pm.

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## 8 October 2015 – Responses to Supplementary Questions

### Public Questions

From Simon Thackray:

*"This Council has recently approved major development in Malton that will have a significant impact on air quality - it's unquestionable - more houses, more cars, more pollution. Therefore will the Council now request that an air quality assessment be submitted to support the live GMI Wentworth Street car park planning application, so the Council can confirm to itself and to the residents of Malton that the cumulative impact of all new developments when combined with the impact of the new supermarket and filling station on Wentworth Street car park will not have a negative effect, a negative impact on air quality and endanger the health of the public?"*

Answer:

"The current position is that the GMI planning application is still live because the planning permission has been quashed on judicial review.

GMI have been requested to clarify if they wish the planning application to be reported back to the Planning Committee for re-determination and if they have any further supporting information for the planning application. Council Officers are expecting a response soon.

If GMI want the planning application to be reported back to the Planning Committee for re-determination there is a question of whether or not the Council will ask for an air quality assessment.

If GMI want the planning application to be reported back to the Planning Committee for re-determination then the advice from Environmental Health is that they should be asked to provide **either** an Air Quality Assessment **or** fresh justification for not providing one (having regard to the recently issued Institute of Air Quality Management/Environmental Protection UK guidance 'Land Use Planning and Development Control: Planning for Air Quality May 2015 (v1.1). The guidance document contains quite specific criteria (pages 18-19) to assist in deciding whether an air quality assessment would be appropriate.

If the Environmental Health Officer considers that a planning application to be re-determined by the Planning Committee was inadequate without an Air Quality Assessment there would be a recommendation of refusal on those grounds. Members of the Planning Committee would make a planning decision having due regard to the Planning Officers report and all material considerations including the recommendation of the Environmental Health Officer."

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## **Leader's Statement - Council 8 October 2015**

### **Derwent Training Association - 14 September 2015**

I have attended the opening of the new "Mechatronics" teaching room at Derwent Training Association. You will recall that we gave a grant of 30k towards the construction of this. It is a much needed addition to the facilities at DTA. Mechatronics is a fusion of several strands of engineering - electronics, hydraulics, robotics and computer engineering. DTA will now be able to help train apprentices in these skills, which helps to address the shortage of employees in the engineering industry and helps our young people into well paid jobs. This will be particularly important when the Whitby Potash Mine comes to fruition.

### **Yorkshire Water - 16 September 2015**

The CE and I had our annual meeting with Yorkshire Water. We discussed ways we might work together including inspection of private water supplies. I took the opportunity to remind Yorkshire Water that there was still a problem at Butcher Corner, Malton and undertook to forward any complaints I received to Yorkshire Water. No major projects are planned in the Ryedale district in the period up to 2020. It was good to learn about YW's plans for replanting their woodlands with native species to replace the existing conifers. A couple of interesting statistics are that YW have to maintain some 55,000 kilometres of sewer on our behalf and have taken approximately 250,000 water samples to ensure the safety of our water supply.

### **LEP Infrastructure Board - 17 September 2015**

After close work with the LEP and the developers, Ryedale DC was successful in bringing forward funding for the Malton Agribusiness Park at Old Malton. The project was awarded £2.1m towards infrastructure costs by Government following a proposal from this Council and the LEP - the funding was not available until 2016/17. However, persistence has paid off and - following under spends elsewhere - some of the funding has been released to bring forward a start on this exciting development to around November 2015 and road works are now expected to begin before Christmas.

A strong emphasis from this meeting was the importance of working up economic and development projects for future delivery through LEP funding. It was recognised that had the plans for the Malton Agri-Business Park not been progressed by RDC and the developers we would not have been successful in attracting funds for this project. So we need to support the work of our officers in progressing appropriate plans for future bids in Ryedale. The current focus is on bringing forward employment land at Pickering and enhancing access to advanced engineering companies at Kirkbymoorside. However the business case for a series of smaller scale improvements on the A64 between Malton and Scarborough can be advanced with the appropriate investment, in combination with the working up of potential proposals east of Hopgrove by Highways England.

### **P&R - 24 September 2015**

At the meeting of Policy & Resources on the 24 September, the first tranche of Community Grants to local projects were approved. A second set of applications will be considered later in this financial year.

I am also pleased to be able to tell you that support for our creative economy was agreed. The creative economy in Ryedale is an important tourism attraction.

Unfortunately the meeting went on rather too long and we adjourned at 10.30pm with some items to be carried forward to the next meeting of P&R.

Our Community Infrastructure Levy charging regime was the subject of examination by an Inspector for one day last week. Approval of our CIL will be an important step forward for this Council. We expect a draft version of the Inspector's report by 16 October.

We shall soon be considering the sites documents for our local plan. This stage of our local plan, when approved, will give us certainty of where development is to take place in Ryedale.

**LGNY&Y - 2 October 2015**

On Friday 2nd October I attended a meeting of Local Government North Yorkshire & York. You will have heard that a combined authority for Sheffield has been agreed - as yet there is no firm news of a deal that includes Ryedale.

We had an update on the progress to date on broadband provision. It is my opinion that progress is far too slow - we are looking at another 4 years before we have 95% cover. That cannot be good for economic development in Ryedale.

## LEADER'S STATEMENT - COUNCIL 10 DECEMBER 2015

### Flooding

I would like to start by expressing my heartfelt sympathy for the residents of Cumbria and other parts of the country who have been so badly affected by flooding over the last week. What a timely reminder of how lucky we are to have our flood defences completed in Pickering.

### Combined Authorities

As yet no consensus has been reached despite the most recent meeting of the APPG being held in Leeds on Friday 4 December 2015. A meeting is planned for the new year for Leaders to meet to discuss and agree the geographical footprint for our Combined Authority area. Proposed amendments in the Cities and Local Government Devolution Bill could have far reaching effects for us as, in exceptional circumstances, those amendments could allow some of our District Councils in North Yorkshire to effectively become part of a West Yorkshire combined authority.

Director of Public Health's Annual report is available now on the NYCC website. It contains some interesting information and I am sure our Health & Wellbeing Board will be concentrating on the recommendations from that report.

### Comprehensive Spending Review

Much of the detail from the CSR will not become evident until our local settlement is announced later in December. We expect the announcement on either 17 or 23 December which will be reflected in our Budget.

The main issues for this Council are:-

- 1.The move to 100% retention of business rates - which would come with additional responsibilities
- 2.There will be an extension to the doubling of small business rate relief for the 12 months to April 2017
3. Possible reforms to NHB
4. The ability for NYCC to increase council tax to cover Social Care
5. Of course from my point of view the increase in the state pension had to be good news - the largest real term increase in 15 years.

We had some good news and some bad news around the announcements on Enterprise Zones. The news that Fera have been awarded Enterprise Zone Status and investment of 50 million pounds is very good news but it was disappointing that the Coast & Country Enterprise Zone application was unsuccessful. This of course included the Malton proposal, but does not affect the Food Enterprise Zone status which was successful earlier this year.

Tonight on our agenda, as well as other items, we shall be looking at our safeguarding policy, hopefully confirming the increase in wages to our lowest paid employees and at long last we are in a position to adopt our CIL Charging schedule

Looking ahead to the new year we shall be confirming our budget for 2016/17 and starting work on challenges including working on our Medium Term Financial Strategy and the Towards 2020 transformation programme.

Finally, I wish you a Merry Christmas and a Happy New Year.

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**REPORT TO:** FULL COUNCIL

**DATE:** 10 DECEMBER 2015

**SUBJECT:** PART 'B' REFERRALS FROM OVERVIEW AND SCRUTINY COMMITTEE ON 5 DECEMBER 2015

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**48 Treasury Management Mid Year Review**

Considered the report of the Finance Manager (s151).

**Recommendation to Council**

That the report be received and the mid year performance of the in-house managed funds to date be noted.

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<b>REPORT TO:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>10 DECEMBER 2015</b>
<b>REPORT OF THE:</b>	<b>FINANCE MANAGER (s151) PETER JOHNSON</b>
<b>TITLE OF REPORT:</b>	<b>TREASURY MANAGEMENT MID-YEAR REVIEW</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 To report on the treasury management activities to date for the financial year 2015/16 in accordance with the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (the Code).

### **2.0 RECOMMENDATIONS**

- 2.1 It is recommended that:
- (i) Members receive this report; and
  - (ii) The mid-year performance of the in-house managed funds to date is noted.

### **3.0 REASON FOR RECOMMENDATIONS**

- 3.1 The Council has adopted the Code. A provision of the Code is that a mid-year review report must be made to the Full Council relating to the treasury activities of the current year.

### **4.0 SIGNIFICANT RISKS**

- 4.1 There are significant risks when investing public funds especially with unknown institutions. However, by the adoption of the CIPFA Code and a prudent investment strategy these are minimised. The employment of Treasury Advisors also helps reduce the risk.

## **REPORT**

### **5.0 BACKGROUND AND INTRODUCTION**

- 5.1 The Council operates a balanced budget, which broadly means cash raised during

the year will meet its cash expenditure. Part of the treasury management operations ensures this cash flow is adequately planned, with surplus monies being invested in low risk counterparties, providing adequate liquidity initially before considering maximising investment return.

- 5.2 The second major function of the treasury management service is the funding of the Council's capital plans. These capital plans provide a guide towards whether the Council has a borrowing need, essentially the longer term cash flow planning to ensure the Council can meet its capital spending operations. This management of longer-term cash may involve arranging long or short term loans or using longer term cash flow surpluses.
- 5.3 Treasury management in this context is defined as:  
*"The management of the local authority's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."*
- 5.4 The CIPFA Code of Practice on Treasury Management 2009 was adopted by this Council on 22 February 2010 and this Council fully complies with its requirements.
- 5.5 The primary requirements of the Code are as follows:
1. Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
  2. Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
  3. Receipt by the Full Council of an annual Treasury Management Strategy Statement (including the Annual Investment Strategy and Minimum Revenue Provision Policy) for the year ahead, a Mid-Year Review Report and an Annual Report covering activities during the previous year.
  4. Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions.
  5. Delegation by the Council of the role of scrutiny of treasury management strategy and policies to a specific named body, which in this Council is the Overview and Scrutiny Committee.
- 5.6 This mid-year report has been prepared in compliance with CIPFA's Code of Practice and covers the following:
- An economic update for the first six months of 2015/16;
  - A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
  - A review of the Council's investment portfolio for 2015/16;
  - A review of compliance with Treasury and Prudential Limits for 2015/16.

## **6.0 POLICY CONTEXT**

- 6.1 The Council has adopted the CIPFA Code of Practice on Treasury Management in Local Authorities and this report complies with the requirements under this Code.

## **7.0 CONSULTATION**

- 7.1 The Council uses the services of Capita Asset Services (Sector Treasury Services

Limited) to provide treasury management information and advice.

## **8.0 REPORT DETAILS**

### **Economic Update**

- 8.1 UK GDP growth rates in 2013 of 2.2% and 2.9% in 2014 were the strongest growth rates of any G7 country; the 2014 growth rate was also the strongest UK rate since 2006 and the 2015 growth rate is likely to be a leading rate in the G7 again, possibly being equal to that of the US. However, quarter 1 of 2015 was weak at +0.4% (+2.9% y/y) though there was a rebound in quarter 2 to +0.7% (+2.4% y/y). Growth is expected to weaken to about +0.5% in quarter 3 as the economy faces headwinds for exporters from the appreciation of Sterling against the Euro and weak growth in the EU, China and emerging markets, plus the dampening effect of the Government's continuing austerity programme, although the pace of reductions was eased in the May Budget. Despite these headwinds, the Bank of England August Inflation Report had included a forecast for growth to remain around 2.4 – 2.8% over the next three years, driven mainly by strong consumer demand as the squeeze on the disposable incomes of consumers has been reversed by a recovery in wage inflation at the same time that CPI inflation has fallen to, or near to, zero over the last quarter. Investment expenditure is also expected to support growth. However, since the report was issued, the Purchasing Manager's Index, (PMI), for services on 5 October would indicate a further decline in the growth rate to only +0.3% in Q4, which would be the lowest rate since the end of 2012. In addition, worldwide economic statistics and UK consumer and business confidence have distinctly weakened so it would therefore not be a surprise if the next Inflation Report in November were to cut those forecasts in August.
- 8.2 The August Bank of England Inflation Report forecast was notably subdued in respect of inflation which was forecast to barely get back up to the 2% target within the 2-3 year time horizon. However, with the price of oil taking a fresh downward direction and Iran expected to soon rejoin the world oil market after the impending lifting of sanctions, there could be several more months of low inflation still to come, especially as world commodity prices have generally been depressed by the Chinese economic downturn. There are therefore considerable risks around whether inflation will rise in the near future as strongly as had previously been expected; this will make it more difficult for the central banks of both the US and the UK to raise rates as soon as was being forecast until recently, especially given the recent major concerns around the slowdown in Chinese growth, the knock on impact on the earnings of emerging countries from falling oil and commodity prices, and the volatility we have seen in equity and bond markets in 2015 so far, which could potentially spill over to impact the real economies rather than just financial markets.
- 8.3 The American economy made a strong comeback after a weak first quarter's growth at +0.6% (annualised), to grow by no less than 3.9% in quarter 2 of 2015. While there had been confident expectations during the summer that the Fed. could start increasing rates at its meeting on 17 September, or if not by the end of 2015, the recent downbeat news about Chinese and Japanese growth and the knock on impact on emerging countries that are major suppliers of commodities, was cited as the main reason for the Fed's decision to pull back from making that start. The nonfarm payrolls figures for September and revised August, issued on 2 October, were disappointingly weak and confirmed concerns that US growth is likely to weaken. This has pushed back expectations of a first rate increase from 2015 into 2016.
- 8.4 In the Eurozone, the ECB fired its big bazooka in January 2015 in unleashing a massive €1.1 trillion programme of quantitative easing to buy up high credit quality government and other debt of selected EZ countries. This programme of €60bn of monthly purchases started in March 2015 and it is intended to run initially to

September 2016. This already appears to have had a positive effect in helping a recovery in consumer and business confidence and a start to a significant improvement in economic growth. GDP growth rose to 0.5% in quarter 1 2015 (1.0% y/y) but came in at +0.4% (+1.5% y/y) in quarter 2 and looks as if it may maintain this pace in quarter 3. However, the recent downbeat Chinese and Japanese news has raised questions as to whether the ECB will need to boost its QE programme if it is to succeed in significantly improving growth in the EZ and getting inflation up from the current level of around zero to its target of 2%.

8.5 *The Council's treasury advisor, Capita Asset Services, has provided the following forecast:*

	Dec-15	Mar-16	Jun-16	Sep-16	Dec-16	Mar-17	Jun-17	Sep-17	Dec-17	Mar-18	Jun-18
Bank rate	0.50%	0.50%	0.75%	0.75%	1.00%	1.00%	1.25%	1.50%	1.50%	1.75%	1.75%
5yr PVLB rate	2.40%	2.50%	2.60%	2.80%	2.90%	3.00%	3.10%	3.20%	3.30%	3.40%	3.50%
10yr PVLB rate	3.00%	3.20%	3.30%	3.40%	3.50%	3.70%	3.80%	3.90%	4.00%	4.10%	4.20%
25yr PVLB rate	3.60%	3.80%	3.90%	4.00%	4.10%	4.20%	4.30%	4.40%	4.50%	4.60%	4.60%
50yr PVLB rate	3.60%	3.80%	3.90%	4.00%	4.10%	4.20%	4.30%	4.40%	4.50%	4.60%	4.60%

Capita Asset Services undertook its last review of interest rate forecasts on 11 August shortly after the quarterly Bank of England Inflation Report. Later in August, fears around the slowdown in China and Japan caused major volatility in equities and bonds and sparked a flight from equities into safe havens like gilts and so caused PVLB rates to fall below the above forecasts for quarter 4 2015. However, there is much volatility in rates as news ebbs and flows in negative or positive ways and news in September in respect of Volkswagen, and other corporates, has compounded downward pressure on equity prices. This latest forecast includes a first increase in Bank Rate in quarter 2 of 2016.

### **Treasury Management Strategy Statement and Annual Investment Strategy Update.**

8.6 The Treasury Management Strategy (TMSS) for 2015/16 was approved by this Council on 24 February 2015. There are no policy changes to the TMSS, the details in this report update the position in the light of the updated economic position and budgetary changes already approved. Council's Annual Investment Strategy, which is incorporated in the TMSS, outlines the Council's investment priorities as follows:

- Security of capital
- Liquidity

8.7 The Council will also aim to achieve the optimum return on investments commensurate with the proper levels of security and liquidity. In the current economic climate it is considered appropriate to keep investments short term (maximum loan period of 12 months) and only invest with highly credit rated financial institutions, using Sector's suggested creditworthiness approach, including sovereign rating and credit default swap (CDS) overlay information provided by Sector.

8.8 Investments during the first six months of the year have been in line with the strategy and there have been no deviations from the strategy.

8.9 As outlined above, there is still some uncertainty and volatility in the financial and banking market, both globally and in the UK. In this context, it is considered that the strategy approved on 24 February 2015 is still fit for purpose in the current economic climate.

**Investment Portfolio 2015/16**

8.10 In accordance with the Code, it is the Council's priority to ensure security of capital and liquidity and to obtain an appropriate level of return which is consistent with the Council's risk appetite.

8.11 As set out earlier in the report, it is a very difficult investment market in terms of earning the level of interest rate commonly seen in previous decades as rates are very low and in line with the 0.5% Bank Rate.

8.12 The Council's investment position at the beginning of the financial year was as follows:

Type of Institution	Investments (£)
UK Clearing Banks	7,160,000
Foreign Banks	1,000,000
Local Authorities	0
Building Societies	1,000,000
Total	9,160,000

8.13 A full list of investments held as at 30 September 2015, compared to Sectors counterparty list and changes to Fitch, Moodys and S&P's credit ratings during the first six months of 2015/16 is shown in annex B and summarised below:

Type of Institution	Investments (£)
UK Clearing Banks	10,020,000
Foreign Banks	2,000,000
Building Societies	2,500,000
Local Authorities	0
Total	14,520,000

8.14 As illustrated in the economic background section above, investment rates available in the market are at a historical low point. The average level of funds available for investment purposes in the first six months of 2015/16 was £15.2m. These funds were available on a temporary basis and the level of funds available was mainly dependent on the timing of precept payments, receipt of grants and the progress of the capital programme.

8.15 The table below compares the investment portfolio yield for the first six months of the year against a benchmark of the average 7 day LIBID rate of 0.36%.

	Average Investment (£)	Average Gross Rate of Return	Net Rate of Return	Benchmark Return	Interest Earned (£)
Cash Equivalents	5,730,710	0.34%	n/a	n/a	9,785
Fixed Term Deposits	1,063,542	0.76%	n/a	0.36%	35,993

8.16 The Council's budgeted investment return for 2015/16 is £59k and performance during the financial year to 30 September 2015 is £46k, **which is on target to out perform the budget.**

8.17 The current investment counterparty criteria selection approved in the TMSS is meeting the requirement of the treasury management function.

#### **Compliance with Treasury and Prudential Limits**

8.18 It is a statutory duty for the Council to determine and keep under review the "Affordable Borrowing Limits". The Council's approved Treasury and Prudential Indicators (affordability limits) are outlined in the approved Treasury Management Strategy Statement (TMSS).

8.19 During the financial year to date the Council has operated within the treasury limits and Prudential Indicators set out in the Council's TMSS and in compliance with the Council's Treasury Management Practices. The Prudential and Treasury Indicators are shown in annex A.

8.20 The level of gross borrowing remains at £1.75m, full details can be found at annex B.. Repayments have been made in line with the loan repayment schedule. In order to fulfil the funding requirements of the current Capital Programme the Council still has a borrowing requirement of £320k, however it is unlikely that we will look to borrow the remaining sum in the current financial year.

## **9.0 IMPLICATIONS**

9.1 The following implications have been identified:

a) Financial

The results of the investment strategy affect the funding of the capital programme. The investment income return to 30 September 2015 was £46k, which is in excess of the profiled budget. The cost of borrowing affects the revenue account. Borrowing costs to 30 September 2015 were £30k, which is below the profiled budget.

b) Legal

There are no additional legal implications within this report.

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

There are no additional implications within this report.

**Peter Johnson**  
**Finance Manager (s151)**

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#### **Background Papers:**

None

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

N/a

## PRUDENTIAL AND TREASURY INDICATORS

## Prudential Indicators

	2014/15	2015/16		
	Actual	Original Estimate	Current Position	Revised Estimate
Capital Expenditure	£1.331m	£1.263m	£0.442m	£2.129m
Net borrowing requirement	-£6.897m	-£6.380m	-£12.770m	-£6.700m
Capital Financing Requirement as at 31 March (excl borrowing by finance lease)	£1.010m	£2.029m	n/a	£2.029m
Annual change in Capital Financing Requirement	£1.010m	£1.019m	n/a	£1.019m

## Treasury Management Indicators

	2015/16	
	Original Limits	Revised Estimate
<b>Authorised Limit for external debt -</b>		
Borrowing	£20.0m	£20.0m
Other long term liabilities	£1.0m	£1.0m
Total	£21.0m	£21.0m
<b>Operational Boundary for external debt -</b>		
Borrowing	£5.0m	£5.0m
Other long term liabilities	£0.7m	£0.7m
Total	£5.7m	£5.8m

## Investment Portfolio as at 30 September 2015

Investment by Institution	Investment £	Duration of Investment	Latest Capita Duration Band Rating	Sovereignty Rating
<b>UK Clearing Banks</b>				
National Westminster Bank	2,520,000	On Call	12 Months	AA+
Bank of Scotland	1,500,000	12 Months	6 Months	AA+
Bank of Scotland	1,000,000	12 Months	6 Months	AA+
Nationwide B.S.	1,500,000	6 Months	6 Months	AA+
Barclays Bank	1,000,000	6 Months	6 Months	AA+
CIC	1,000,000	6 Months	6 Months	AA
Santander	1,000,000	95 Days Notice	6 Months	AA+
Santander	1,500,000	95 Days Notice	6 Months	AA+
Nationwide B.S.	1,000,000	6 Months	6 Months	AA+
CIC	1,000,000	5.5 Months	6 Months	AA
Barclays Bank	1,500,000	5.5 Months	6 Months	AA+
<b>Grand Total</b>	<b>14,520,000</b>			

Fitch and Moodys Sovereignty Rating for the UK is AA+ while S&P's is AAA.  
All the above borrowers met the required credit rating at the time of investment.

## Borrowing Schedule as at 30 September 2015

Lender	Principal	Type	Interest Rate	Maturity
PWLB	£1.00m	Maturity	3.69%	50 years
PWLB	£0.75m	EIP	2.99%	19 years





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**REPORT TO:** FULL COUNCIL  
**DATE:** 10 DECEMBER 2015  
**SUBJECT:** PART 'B' REFERRALS FROM POLICY AND RESOURCES COMMITTEE ON 26 NOVEMBER 2015

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**46 Ryedale District Council's Safeguarding Policy**

Considered – Report of the Head of Planning and Housing.

**Recommendation to Council**

That Council is recommended to approve the adoption of the Safeguarding Children and Adults at Risk Policy and Procedures.

Voting record  
8 for  
0 against  
0 abstentions

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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>26 NOVEMBER 2015</b>
<b>REPORT OF THE:</b>	<b>HEAD OF PLANNING AND HOUSING GARY HOUSDEN</b>
<b>TITLE OF REPORT:</b>	<b>SAFEGUARDING CHILDREN AND ADULTS AT RISK POLICY AND PROCEDURES</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to recommend for approval the revised Council policy and procedures for safeguarding children and adults at risk.

### **2.0 RECOMMENDATION**

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

### **3.0 REASON FOR RECOMMENDATION**

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

- (i) Section 11 of the Children Act 2004 and Working Together to Safeguard Children, 2006 and 2010.
- (ii) Ryedale District Council is a statutory partner of the North Yorkshire Local Safeguarding Children's Board and the policy has been developed in line with the agreed multi-agency procedures.
- (iv) Safeguarding Adults Multi-agency Policy and Procedures for West and North Yorkshire.

This policy sets out guidance for staff and Elected Members about these duties and procedures for their implementation.

#### **4.0 SIGNIFICANT RISKS**

- 4.1 Failure to put in place appropriate arrangements for safeguarding children, young people and adults would be a breach of the statutory requirements of the Children's Act 2004 and would potentially put vulnerable children and adults at risk.

#### **5.0 POLICY CONTEXT AND CONSULTATION**

- 5.1 The policy has regard to national policy guidelines and recommendations of good practice. The policy will assist the Council in meeting its statutory requirements under the Children's Act 2004.

### **REPORT**

#### **6.0 BACKGROUND AND INTRODUCTION**

- 6.1 The new Safeguarding Policy and Procedures is attached as Annex One. The policy sets out the requirements of District Council's in meeting its statutory safeguarding responsibilities and provides guidance for staff and elected members about their duties and procedures for implementation.

- 6.2 The existing Safeguarding Policy and Procedures has been reviewed and updated and this revised document reflects the latest guidance and good practice.

- 6.3 The Policy sets out the duties and requirements of the Council in respect of safeguarding. It identifies the key indicators of abuse and sets out clearly what staff and elected members should do in the event they suspect abuse may be occurring or the welfare of a child is at risk.

- 6.4 The Policy also deals with safeguarding of adults at risk and again sets out clearly action to be taken by staff if they have concerns about a vulnerable adult.

- 6.5 The Policy has been updated to provide information and guidance in relation to sexual exploitation and trafficking and to reflect the Council's responsibilities in relation to "Prevent" which is one of the strands of the government's Counter Terrorism Strategy.

- 6.6 The Policy has also been amended in line with the changes that came in 2015 with the Care Act.

#### **7.0 CONSULTATION**

- 7.1 The Council participates in partnership arrangements in relation to children and young people and adults at risk.

- 7.2 This policy reflects procedures and referral processes that have been agreed with partners, specifically North Yorkshire County Council. The Policy takes account of relevant legislation, guidance and good practice.

- 7.3 The policy and procedures have been developed in consultation with the sub-regional lead officers group and the Ryedale Safeguarding Panel which includes elected members.

## **8.0 REPORT DETAILS**

- 8.1 The Council has a legal duty to have in place policies and procedures that ensure that its functions are discharged with regard to the need to safeguard and promote the welfare of children and adults at risk.
- 8.2 The Council has had in place a Safeguarding Children and Child Protection Policy since 2007. In 2010, following the publication of additional statutory guidance in relation to inter-agency working, officers reviewed the policy and procedures and in addition incorporated a policy and procedure for the safeguarding of vulnerable adults. A further review has now taken place to reflect further changes to legislation.
- 8.3 The policy is combined for both Children and Adults, however there are separate reporting procedures. Although very similar, the procedures have been kept separate in order to comply with the separate county wide multi-agency procedures.
- 8.4 The policy is supported by a range of Appendices including code of Conduct, referral forms and definitions.
- 8.5 The revised policy proposes that the Named Senior Officer for Safeguarding is amended to the Corporate Director. The Designated Safeguarding Officer remains the Council's Housing Services Manager.

## **9.0 IMPLICATIONS**

- 9.1 The following implications have been identified:
- a) Financial  
There are no direct financial issues arising from consideration of this report. Individual actions, for example costs associated with undertaking Data Barring Checks do have financial implications for the District Council, however, it is anticipated that these can be accommodated within existing budget provision.
  - b) Legal  
The Policy takes account of the legal duties placed on District Council's as set out in the Children's Act 2004.
  - c) Equalities  
The Policy is in place to protect vulnerable children and adults. The Policy recognises that children and adults who are perceived as "different" for example due to disability, ethnic background or sexual orientation can be more vulnerable to abuse.
  - d) Staffing  
This Policy has been prepared in partnership with Scarborough Borough Council, who have also provided training, advice and assistance in relation to safeguarding issues for council staff and elected members. However, it is essential that staff and elected members across the organisation are aware of their responsibilities and action to take if they have a concern. Service Unit Managers have a key role to play in ensuring staff are aware of the Policy, identifying any additional training that may be required and in supporting staff who identify safeguarding concerns.

**Gary Housden**  
**Head of Planning and Housing**

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**Background Papers: Safeguarding Children and Adults at Risk, Policy and Procedures**

RYEDALE  
DISTRICT  
COUNCIL



# Safeguarding Children and Adults At Risk Policy and Procedures

Sept 2015  
VERSION 2.7

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## APPENDICES

<b>A. Definitions/Glossary</b>	<b>B. Legislative Framework</b>
<b>C. Policies and Procedures Supporting Safeguarding</b>	<b>D. Accountability, Management for Safeguarding</b>
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<b>J. Useful Contacts</b>	



<b>Version History</b>			
<b>Version</b>	<b>Revision</b>	<b>Reviewer</b>	<b>Date</b>
1.0	New Policy and Procedure	Marie-Ann Jackson	23 Oct 2010
1.1	Nominated Named Senior Officer changed Codes of Conduct added	Marie-Ann Jackson	3 Dec 2010
1.2	Photography Consent Form	Marie-Ann Jackson	6 Dec 2010
1.3	Taxi Drivers Code of Conduct	Beckie Bennett	25 Jan 2011
2.0	Final Version for Publication following adoption by Council – 10 March 2011	Marie-Ann Jackson	11 Mar 2011
2.1	Nominated Senior Officer name change	Rachael FoxEvans	January 2013
2.2			Feb 2013
2.3	LADO name change Addition of Prevent Agenda (App 1)		April 2013
2.4	Policy Revision	Rachael Fox Evans	July 2014
2.5	New Policy and procedure	Sandra Rees	March 2015
2.6	Inclusion of Care Act	Sandra Rees	July 2015
2.7	Further updates relating to changes in policy.	Kim Robertshaw	Sept 2015

## 1.0 POLICY STATEMENT

1.1 At a policy level District Councils are expected to be able to demonstrate:

- senior management commitment to the importance of safeguarding and promoting the welfare of children, young people and adults at risk
- a clear statement of the Council's responsibilities towards children, young people and adults at risk, available for staff, members, volunteers, elected members, contracted services and the public
- a clear line of accountability within the organisation for reporting safeguarding concerns
- service development that takes account of the need to safeguard and promote welfare – and is informed by the views of children, young people, families and adults at risk
- safer recruitment procedures
- training on safeguarding and promoting the welfare of children, young people and adults at risk available for all members, staff and volunteers commensurate with the level of their contact with children, young people and vulnerable adults. For example, housing professionals were the first to make contact with Victoria Climbié.
- clear protocols on safe working practice known to members, staff and volunteers
- all contracted services and grant funded organisations have appropriate safeguarding policies and procedures in place, commensurate with their level of contact with children, young people and adults at risk.
- safeguarding policies and procedures of contracted services and grant funded organisations are regularly monitored.
- effective inter-agency working to safeguard and promote the welfare of children, young people and adults at risk.
- effective information sharing
- the voice of children, young people and adults at risk is heard in service planning, decision-making and service delivery.
- The Council will work in partnership with Scarborough Borough Council and Scarborough Borough Council Community Safety and Safeguarding Manager will assist in reviewing policy and ensuring good practice across the partnership.

1.2 Through this policy the Council:

- a. recognises that all children and adults, irrespective of their age, class, religion, culture, disability, gender, ethnicity, sexual orientation, nationality, family, dependency, marital or economic status have a right to protection from abuse, and acknowledges its shared responsibility for safeguarding and promoting the welfare of children and adults at risk. The Council will therefore adopt a zero tolerance approach to abuse and will work to ensure that its policies and practices are consistent with agreed local multi-agency procedures and meet the organisations' legal obligations.
- b. makes a commitment to promoting good practice and enhancing safeguarding of children and adults at risk, and will contribute positively to improving outcomes for these groups through the development and delivery of its services.

- c. recognises its duty, under Section 11 of the Children Act 2004, to ensure that its functions, and services provided on its behalf, are discharged with regard to the need to safeguard and promote the welfare of children.
  - d. Accepts its responsibility to work with partners to seek to ensure that adults at risk of abuse receive protection and support.
  - e. Recognises the principle of wellbeing under the Care Act 2014.
- 1.3 The Council places reliance upon a range of policies and procedures which contribute to safeguard and promote the welfare of children and adults at risk. These reflect legislative requirements, professional and governing body standards and requirements, and good practice. A list of relevant policies is shown in Appendix C.
- 1.4 To meet its commitments to safeguarding the Council will:
- a. Contribute to partnership arrangements including representation on the following;
    - North Yorkshire Safeguarding Children Board
    - Scarborough, Whitby and Ryedale Children's Safeguarding & Strategy Groups
    - North Yorkshire and City of York Safeguarding Adults Board
    - Scarborough, Whitby and Ryedale Local Safeguarding Adults Group
    - Multi-Agency Public Protection Arrangements
    - Multi Agency Risk Assessment Conferences
  - b. Implement processes that meet the requirements of the North Yorkshire Multi-agency Safeguarding Adults and Safeguarding Children Policies & Procedures.
  - c. Ensure that all allegations, disclosures or suspicions of abuse are dealt with appropriately, and that where possible the person being abused is supported.
  - d. Apply safer recruitment and selection practices that comply with the Protection of Children and Vulnerable Adults (NI) Order 2003, Safeguarding Vulnerable Groups Act 2006, and guidelines issued by the Department of Health, Social Services and Public Safety.
  - e. Ensure that individuals working for the Council with access to children or adults at risk undertake safeguarding and health and safety training, and are subject to supervision standards appropriate to their role and specific to the needs of children and adults at risk.
  - f. Ensure that all people acting, or providing services on behalf of the Council understand and accept their responsibility with regard to safeguarding and promoting the welfare of children and adults at risk.
  - g. Ensure that all employees, Elected Members and others associated with the delivery of Council services are aware of the Safeguarding Policy and Procedure and receive appropriate training.

- h. Staff adhere to the Mental Capacity Act 2005 and Code of Practice where an adult at risk lacks mental capacity in relation to decisions within this procedure.
- i. Co-operate with Child Death, Serious Case Reviews and Homicide Reviews where these are linked to any area of the Council's responsibility, in accordance with locally agreed arrangements.
- j. Monitor and review the Safeguarding Policy and Procedure every three years to ensure they are effective and remain consistent with locally agreed inter-agency procedures.

## 2.0 GUIDANCE FOR STAFF & PROCEDURES

### 2.1 Background, Roles and Responsibilities

Many District Council services contribute to improving outcomes for children and adults at risk, and the Council provides services for, and works with children, adults at risk, their families and carers in a variety of settings, including:

Community facilities, services and events	Early years and childcare provision	Sport, culture and leisure services	Environmental health	Play facilities	Commissioning/contracting services
Community Safety and Crime Reduction	Licensing	Planning	Housing, homelessness and related support services	Customer First	Community Development and Regeneration Services

### 2.2 Section 11 Duty

North Yorkshire County Council (NYCC) is the lead authority with responsibility to safeguard children and adults at risk but District Councils have a statutory duty, (under Section 11 of the Children's Act 2004), to make arrangements to ensure its functions safeguard and promote the welfare of children. District Councils also have a responsibility to work with partners to ensure that adults at risk of abuse receive protection and support.

### 2.3 To safeguard and promote the welfare of children and adults at risk at the Council:

- a. The Chief Executive will take responsibility to ensure the Council fulfils its statutory duties, in accordance with NYCC policy and procedures.
- b. The Corporate Director will take corporate responsibility to ensure the Council's Safeguarding Arrangements are implemented.
- c. The Human Resources Manager will ensure that recruitment procedures are in line with this policy and that appropriate training is provided.
- d. The Council will nominate a Designated Officer responsible for safeguarding and promoting the welfare of children and adults at risk throughout the council.

- e. Senior Managers will monitor action to safeguard and promote the welfare of children and adults at risk within their service.
- f. All members of staff will carry out their duties in a way that safeguards and promotes the welfare of children and adults at risk in line with this policy.
- g. They must also act in a way that protects them from wrongful allegations of abuse and bring matters of concern to the attention of the Designated Safeguarding Officer.
- h. Under the Criminal Justice Act 2003 the Council has a duty to co-operate with Multi-Agency Public Protection Arrangements for managing those identified as presenting a risk, or potential risk, of harm to others.
- i. The Council is committed to these arrangements, with the designated safeguarding officer acting as lead officer.

2.4 A Flow Chart illustrating the line of accountability for safeguarding is at Appendix D. A table setting out roles and responsibilities is at Appendix E.

### **3.0 CHILDREN AND YOUNG PEOPLE**

#### **3.1 Categories of Abuse**

3.2 Abuse and neglect are forms of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting, by those known to them or, more rarely, by a stranger for example via the internet. They may be abused by an adult or adults, or another child or children.

3.3 Research and anecdotal evidence indicates that children who may be perceived as 'different', e.g. disabled children, children from minority ethnic groups or cultures and children with differing sexual orientations, are more vulnerable to abuse. It is therefore vital that all agencies promote equality of opportunity and anti-discriminatory practice. Failure to do so may expose particular children to significant harm.

3.4 The following definitions are based on those set out in *“Working Together to Safeguard Children”* (HM Government 2015)

#### **3.5 Physical Abuse**

Physical abuse is a form of abuse which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

#### **3.6 Emotional Abuse**

This is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person.

It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate.

It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction

It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyber bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children.

Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

### 3.7 Sexual Abuse

Involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening.

The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet).

Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

Sexual abuse includes abuse of children through sexual exploitation. Penetrative sex where one of the partners is under the age of 16 is illegal, although prosecution of similar age, consenting partners is not usual. A child under the age of 13 is not legally able to consent to any sexual activity and therefore this would constitute rape under Section 5 of the Sexual Offences Act 2003.

### 3.8 Neglect

Neglect is the persistent failure to meet a child's basic physical and / or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse.

Once a child is born, neglect may involve a parent or carer failing to:

- Provide adequate food, clothing and shelter (including exclusion from home or abandonment);
- Protect a child from physical and emotional harm or danger;
- Ensure adequate supervision (including the use of inadequate care-givers);
- Ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

### **3.9 What to Do If You Are Worried About a Child**

3.10 Professionals in all agencies have a responsibility to refer a child to Children's Social Care when it is believed or suspected that a child:

- Has suffered significant harm and /or;
- Is likely to suffer significant harm and/or;
- Has developmental and welfare needs which are likely only to be met through provision of family support services (with agreement of the child's parent).

3.11 Referrers should have the opportunity to discuss their concerns with a qualified social worker.

There is now an Assistant Team Manager from Children's Social Care based within the Contact Centre. Referrers will be asked about their concerns and they should raise any family concerns they hold as well as those directly involving the child. Such concerns may be due to domestic abuse, mental illness, substance misuse and/or learning disability.

If as a result of the consultation Children's Social Care conclude that a referral is required, then the referrer should comply by making the referral without delay.

### **3.12 Talking to Parents/Carers**

3.13 In most cases it is good practice to be open and honest at the outset with parents/carers about concerns and any action that the Council intends to take. Where a referral is to be made the line manager or designated safeguarding officer should make all reasonable efforts to ensure parents/carers are informed. However, an inability to inform parents/carers should not prevent a referral being made. Consideration should be given to not informing them when a child expresses a wish that their parents are not informed at this stage.

3.14 There are cases where it would not be good practice for the line manager or designated safeguarding officer to discuss concerns with parents/carers before referral.

3.15 In these cases arrangements for discussing the concerns with the parents/carers should be agreed in advance with Social Care and/or the Police. Concerns must not usually be discussed with parents/carers before referral where:

- a. discussion would put a child at risk of significant harm
- b. discussion would impede a Police investigation or social work enquiry
- c. sexual abuse is suspected
- d. organised or multiple abuse is suspected
- e. the fabrication of an illness is suspected

- f. to contact parents/carers would place you or others at risk
- g. it is not possible to contact parents/carers without causing undue delay in making the referral.

3.16 In each case the line manager must make a reasoned judgement. In the absence of the line manager, or where further guidance is needed, contact should be made with the designated safeguarding officer or Children's Social Care.

### **3.17 Disclosures**

3.18 If a child/young person tells you they have been abused you must:

- Listen and do not promise confidentiality
- Keep calm, reassure and do not ask leading questions
- Allow the child to finish and tell them what you will do next
- Make an immediate record of what the child has said, using their own words, record dates and times and sign
- Reassure them that they have done nothing wrong in telling you.
- Inform your line manager without delay, who will obtain guidance from the Assistant Team Manager from Children's Social Care.
- If your line manager is unavailable contact the designated safeguarding officer. If that person is not available contact Children's Social Care direct ( numbers below)
- If the referral is out of hours then you will need to inform the Emergency Duty Team (number below)
- If you are making the referral direct in the absence of the line manager or designated safeguarding officer then follow the procedure at 3.25.
- You need to follow the referral up in writing within 48 hours to CSC and pass a copy of the referral to the line manager and designated safeguarding officer

3.19 Do Not:

- Dismiss the concern
- Panic
- Allow your shock or distaste to show
- Probe for more information than is offered
- Make promises you cannot keep, such as agreeing not to tell anyone else
- Speculate or make assumptions
- Approach the alleged abuser
- Make negative comments about the accused person
- Attempt to investigate the concern
- Discuss with anyone other than the line manager, designated safeguarding officer or appropriate officers from NYCC Social Care or the Police

### **3.20 Abuse Requiring an Immediate Response**

- If medical attention is required then contact the emergency services on 999
- Inform your line manager or designated safeguarding officer without delay



- If your line manager and designated safeguarding officer is unavailable contact children's social care direct and /or Police ( numbers below)
- If the referral is out of hours then you will need to inform the Emergency Duty Team (number below)
- If you are making the referral direct in the absence of the line manager or designated safeguarding officer then follow the procedure at 3.25.
- You need to follow the referral up in writing within 48 hours to CSC and pass a copy of the referral to the Designated Safeguarding Officer (Housing Manager).

3.21 The line manager must consider if it is safe for the alleged victim to return home to a potentially abusive situation, (seeking advice from NYCC Social Care or Police where required).

3.22 Where there is any doubt about the safety of the child if they were to return home to a potentially abusive situation, the line manager must inform NYCC Social Care and/or the Police of their concerns. Managers in the Police or CSC agencies will then advise about how to proceed to ensure the immediate well- being of the child.

3.23 What you should do if you have concerns about a child:

- Determine whether you suspect the child to be in immediate danger of harm and if so respond as outlined above in section 3.17.
- If you feel the child appears not to be in immediate danger of harm you must still inform your service unit manager without delay.

3.24 Unclear situations

If it is unclear as to whether abuse or neglect is taking place you should discuss your concerns with your line manager who may seek advice from the designated safeguarding officer or Assistant Team Manager from Children's Social Care.

### **3.25 Reporting Concerns to Children's Social Care**

3.26 In making a referral you should:

- a. clearly identify yourself (acting on behalf of Ryedale District Council) and provide contact details
- b. provide as much basic family information as possible, clearly stating the name of the child, the parents/carers and any other children known to be in the household, the dates of birth and addresses and any previous addresses known
- c. give details of any special needs or communication needs of either the child, or any family member
- d. state why they feel the child is suffering, or is likely to suffer, significant harm
- e. share their knowledge and involvement of the child(ren), and family
- f. share their knowledge of any other agency involved
- g. indicate the child's knowledge of the referral and their expectations

- h. ensure a written record is made of their concerns and actions by ensuring the completion of a Child Protection Report (Appendix H) and providing a copy to the Designated Safeguarding Officer
- i. follow up your referral in writing to Children's Social Care within 48 hours.

3.27 The line manager and/or designated safeguarding officer is entitled to:

- a. receive an understanding from North Yorkshire County Council Social Care representative of what will happen next
- b. be given the name of a contact person within North Yorkshire County Council Social Care who will be dealing with the referral
- c. receive information on the outcome of the referral within 7 days.

3.28 Sometimes, following a referral, Council managers could be involved in the assessment and management process led by North Yorkshire County Council Social Care. They could be invited to take part in any Strategy Meeting or to attend an Initial Child Protection Conference. Where there are criminal investigation staff and managers could be required to co-operate with the Police. In all these circumstances sufficient time will be given to prepare and attend these meetings and individuals will be provided with the necessary support and guidance from line management and/or the designated safeguarding officer during the process.

#### Contact Details to Make a Referral

- Referrals to Customer Service Centre contact in office hours (0845 034 9410)
- Referrals to Children's Social Care out of hours must be made to Emergency Duty Team on 0845 034 9417
- Referrals to Police if emergency contact 999
- Referrals to the Police for advice only - contact the Protecting Vulnerable Persons Unit on 01723 509888
- Written documentation to support the telephone referrals (within 48 hours)

A diagram setting out reporting arrangements is at Appendix G.

## **4.0 ADULTS AT RISK**

4.1 This section outlines what should happen if somebody has concerns about the safety and welfare of an adult at risk.

4.2 Everyone who works with adults at risk has a duty to share their concerns, even if the adult at risk asks them not to. It is always good practice to inform adults at risk of this duty.

## **4.3 Categories of Abuse**

4.4 Care Act 2014 Sect 42

The safeguarding duties apply to an adult who:

Has needs for care and support (whether or not the local authority is meeting any of those needs) and; is experiencing, or at risk of, abuse or neglect; and as a result of those needs, is unable to himself or herself against the abuse or neglect or the risk of it.

Within this policy, an adult at risk is someone who falls within this description. An adult at risk may therefore be a person who, for example:

- is an older person who is frail due to ill health, physical disability or cognitive impairment
- has a learning disability
- has a physical disability and/or sensory impairment
- has mental health needs including dementia or a personality disorder
- has a long-term illness/condition
- misuses substances or alcohol
- is an unpaid carer such as a family member/friend who provides personal assistance and care to adults and is subject to abuse
- lacks mental capacity to make particular decisions and is in need of care and support

This list is not exhaustive.

- 4.5 For the purposes of Safeguarding Adults work, data recording and monitoring, abuse is categorised under the following headings, although it must be noted that more than one can happen at the same time and that this list is not exhaustive:

**Physical: Physical abuse** – including assault, hitting, slapping, pushing, misuse of medication, restraint or inappropriate physical sanctions.

**Sexual abuse** – including rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault or sexual acts to which the adult has not consented or was pressured into consenting.

**Psychological abuse** – including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation or unreasonable and unjustified withdrawal of services or supportive networks.

**Financial or material abuse** – including theft, fraud, internet scamming, coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

**Organisational abuse** – including neglect and poor care practice within an institution or specific care setting such as a hospital or care home, for example, or in relation to care provided in one's own home. This may range from one off incidents to on-going ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.

**Domestic violence** – including psychological, physical, sexual, financial, emotional abuse; so called 'honour' based violence.

**Self-neglect** – this covers a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding.

**Modern slavery** - encompasses slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.

**Hate Crime** – HATE crime is any criminal offence committed against a person or property that is motivated by an offenders hatred of someone because of their:

- Difference
- Disability
- Race
- Religion or belief
- Sexual orientation
- Transgender identity

Hate Crime is linked to discriminatory abuse.

**Mate Crime** – MATE crime is when someone appears to befriend a person, but in fact begins to exploit, hurt or harm them. This can include sexual abuse, forced prostitution, financial exploitation, forced labour, physical abuse or even murder.

This type of abuse particularly affects people with learning disabilities and mental health problems. But this does not mean that it cannot happen to other adults at risk. Living in isolation can make people more vulnerable to these "fake friends".

Mate crime comes under Hate crime and **must** be reported to the Police.

Safeguarding will include some cases of the above. It is important to note that it will only be if the criteria set out at Care Act 2014 section 42.1 are met (i.e. must have needs for care and support) before the issue is considered as a safeguarding concern.

#### 4.6 Principals of Safeguarding

**The policy and procedure is founded on the following safeguarding principles and values that govern how the safeguarding adults procedure should be implemented.**

##### **Principle 1 Empowerment**

Adults should be in control of their lives and consent is needed for decisions and actions designed to protect them. If someone has mental capacity and can make own decisions they must be supported to maintain control and professional support their decision making. Where they lack capacity, the principles of the MCA must be followed.

##### **Principle 2 Protection**

The safeguarding adults procedures provide a framework by which adults can be supported to protect themselves from abuse or be protected where they lack mental capacity to protect themselves.

### **Principle 3 - Prevention**

The primary goal is to prevent abuse and we all have a role to play in this.

Prevention is associated with a broad range of responsibilities and initiatives; each associated with making safeguarding adults a core responsibility within the context of providing high quality services and support.

### **Principle 4 - Proportionality**

There is a responsibility to ensure that responses to safeguarding concerns are proportional to assessed risk and the nature of the allegation/concern. Decisions need to take into account the principles of empowerment and protection.

### **Principle 5 - Partnerships**

Partnership means working together to prevent and respond effectively to concerns of abuse and incidents. Partnerships involves working with relatives, friends, informal carers and other representatives including advocates as partners to achieve positive outcomes for the adult at risk. Working effectively together and supporting the adult at risk to make informed decisions about identified risks of harm and helping them access sources of support that keeps them safe.

### **Principle 6 - Accountability**

This principle involves transparency and decision making that can be accounted for. Each individual and organisation must fulfil their duty of care, making informed defensible decisions with clear lines of accountability. Organisation and staff (including volunteers) must understand what is expected of them, recognise and act on their responsibilities and accept collective responsibility for safeguarding arrangements.

## **4.7 Raising a Concern**

- The action of reporting concerns and allegations of abuse or neglect to the multi-agency safeguarding adults contact point.

## **4.8 What to do if you are Worried about an Adult at Risk**

- When you become aware of abuse or neglect, you should make sure that emergency assistance, where required, is summoned and that your concerns are reported to your line manager or designated safeguarding officer who are known as the responders.
- Any information given directly by the adult concerned should be listened to and recorded carefully, using the person's own words.
- Clarify the bare facts of the reported abuse or grounds for suspicion; do not ask leading questions e.g. suggesting names of who may have perpetrated abuse if the person does not disclose it.
- If an adult at risk makes an allegation to you asking that you keep it confidential, you should inform the person that you will respect their right to confidentiality as far as you are able to, but, that you are not able to keep the matter secret.
- Do not take any actions which might alert the alleged perpetrator.
- Record all factual evidence accurately and complete an alerter form at (Appendix I).
- Never prevent or persuade another person from raising concerns, suspicions or presenting evidence.

- Be aware of the possible need for forensic evidence. Ensure that evidence is not contaminated.
- Don't share information about the incident without agreeing this with your line manager or designated safeguarding officer or in their absence NYCC Social Care or Police.
- If you are making the referral direct in the absence of the line manager or designated safeguarding officer then follow the procedure at 4.11.
- You need to follow the referral up in writing within 48 hours to NYCC Social Care and pass a copy of the referral to the Designated Safeguarding Officer.

#### **4.9 Abuse Requiring an Immediate Response**

- If medical attention is required then contact the emergency services on 999
- Inform your line manager and designated safeguarding officer without delay

4.10 The line manager must consider if it is safe for the alleged victim to return home to a potentially abusive situation, seeking advice from the designated safeguarding officer and/or NYCC Social Care and/or Police where required. On a rare occasion it might be necessary for NYCC Social Care and/or the Police to discuss putting into effect safety measures for the victim so that they do not return home

#### **4.11 The Referral Process**

The officer will complete the adult alert/referral form if not already completed (Appendix I). These can be obtained from [www.northyorks.gov.uk/safeguarding](http://www.northyorks.gov.uk/safeguarding) and should be send to:

North Yorkshire County Council  
 Customer Services Centre  
 County hall  
 Racecourse Lane  
 Northallerton  
 North Yorkshire  
 DL7 8AD

A copy of the referral should be sent to the Designated Safeguarding Officer.

#### **Contact details to make a referral**

- North Yorkshire County Council Customer Services Centre on 0845 034 9410
- Out of hours to Emergency Duty Team on 0845 034 9417
- Referrals to Police if emergency contact 999
- A copy of the referral to the Designated Safeguarding Officer

4.12 The line manager or designated safeguarding officer is entitled to:

- a. receive an understanding from North Yorkshire County Council Social Care representative of what will happen next
- b. be given the name of a contact person within North Yorkshire County Council Social Care who will be dealing with the referral

c. receive information on the outcome of the referral within 7 days.

4.13 Staff must actively contribute and participate within safeguarding Formal Enquiries carried out under the Multi-Agency Safeguarding Adults Policy and Procedure Staff should work in partnership with other agencies to ensure the safeguarding planning needs of the adult at risk are met.

## **5.0 SUPPORT AND WELFARE FOR STAFF**

5.1 Sometimes, following a referral, Council staff, volunteers and elected members may be involved in the assessment and management process led by North Yorkshire County Council Social Care. They may be invited to take part in any Strategy Meeting or to attend an Initial Case Conference or Safeguarding Adults Review. Where there is a criminal investigation staff may be required to co-operate with the Police.

5.2 In all these circumstances staff, volunteers and elected members will be offered sufficient time to prepare and attend these meetings with the support of their line manager.

5.3 They will also receive appropriate senior management support and the designated safeguarding officer will continue to provide support and guidance as required/appropriate.

5.4 It is recognised by Ryedale District Council that dealing with safeguarding issues is not easy and staff, volunteers and elected members may need support to deal with any issues, concerns and feelings this may raise for them personally. Occupational Health and Counselling Services are available to staff. Requests for this support should be made to your line manager or the designated safeguarding officer.

## **6.0 OTHER SAFEGUARDING CONFERENCES**

6.1 **Multi Agency Risk Assessment Conferences (MARAC)** – are for high risk victims of domestic abuse. MARAC meetings combine up to date risk assessment information with assessment of the victims needs and links this to the most appropriate services for all those directly involved in domestic abuse, including children and young people, wider family members and the perpetrator. The MARAC protocol signed up by SBC can be found on the North Yorkshire Safeguarding Children Board website [www.safeguardingchildren.co.uk](http://www.safeguardingchildren.co.uk). The Protecting Vulnerable Persons Unit within North Yorkshire Police and/or designated safeguarding officer will support staff with this process.

6.2 **Multi Agency Public Protection Arrangements (MAPPA)** provides a framework for the assessment and management of risk posed by sexual and violent offenders. The Housing Services Manager will be the Council representative at MAPPA. Information from MAPPA will be kept on secure system.

## **7.0 RECRUITMENT, EMPLOYMENT AND TRAINING**

7.1 All recruitment and human resource issues will be managed in line with Ryedale District Council's policies and procedures to ensure safe practice and develop an

environment where the risk of abuse is managed. This will include code of conduct, robust arrangements for Data Barring Services and whistle-blowing.

- 7.2 The Council will provide appropriate awareness and training opportunities for staff, volunteers and members to equip them to carry out their responsibilities effectively. This will include general awareness, service-specific and specialist training as appropriate, and will link into the training framework developed through the North Yorkshire Safeguarding Boards.
- 7.3 All staff will be made aware of the Council's arrangements for safeguarding and promoting the welfare of children and adults at risk and their responsibilities at the induction stage

## **8.0 ALLEGATIONS AGAINST STAFF, ELECTED MEMBERS AND VOLUNTEERS**

- 8.1 All allegations of abuse made against members of staff, volunteers and members who work with children or adults at risk will be managed in line with the Council's employment policies and procedures.
- 8.2 These procedures apply to a wide range of allegations, including those that indicate a person may be unsuitable to work with children or adults at risk in their present position, or in any capacity. They are, therefore, to be followed in respect of allegations that a person who works with children and/or adults at risk has:
- Behaved in a way that has harmed, or may have harmed a child or adult at risk
  - Possibly committed a criminal offence against, or related to, a child or adult at risk
  - Behaved towards a child, children or adult at risk in a way that indicates they are unsuitable to work with children.
- 8.3 Where you have concerns about a colleague, you should report these concerns to the Human Resources Manager or their named deputy, who will manage the allegations in line with the agreed policy.

The Human Resources Manager will discuss allegations against staff, volunteers or elected members with the NYCC Local Authority Designated Officer (LADO). The purpose of this discussion is to consider the nature, content and context of the allegation and to agree what further action, if any, is necessary.

This may include:

- a. Child / adult at risk safeguarding investigation- this will assess whether the child/adult is in need of protection or in need of services – led by NYCC Social Care.
- b. Criminal investigation – led by North Yorkshire Police
- c. A disciplinary investigation in line with SBC disciplinary procedures.
- d. No further action.

In the first two instances Social Care and/or Police will lead on any investigations.



#### 8.4 Human Resources will notify the Data Barring Services where -

- RDC have permanently removed a member of staff, volunteer or elected member from regulated activity
- RDC thinks that the person has either:
  - Engaged in relevant conduct or
  - Satisfied the harm test or
  - Received a caution for, or been convicted of, a relevant offence
- For most cases, the Data Barring Service only has the power to bar a person who **is, has been** or **might in future** engage in regulated activity

The Corporate Director will act as the Named Senior Manager to provide high-level support to the Human Resources Manager in handling any allegations of abuse made against members of staff or volunteers in line with the current RDC policy.

### 9.0 PHOTOGRAPHY, FILM AND MEDIA

#### 9.1 The Council will take appropriate action to protect children and young people from the inappropriate use of photographic images.

Whilst it is accepted that the majority of the photographs taken by or on behalf of the Council will be anonymous group shots in public places, it should be remembered, however, that photographs can be used as a means of identifying children and young people especially when they are accompanied with personal information. This information can make children vulnerable e.g. to an individual who may wish to groom that child for abuse. The content of an image can be adapted for inappropriate use and there is evidence of adapted material finding its way on to child pornography sites. Staff, members and volunteers should be vigilant at all times regarding the use of cameras, camera phones or videos at events, which involve children and young people. Council officers will act on all concerns of any child, young person or carers regarding inappropriate use of photographic equipment/images.

#### 9.3 For any event an officer will be identified who has responsibility for:

- Communicating that photographers may be in attendance at an event
- Ensuring that so far as it is practicable to do so, where photographs are to be taken, there is a registration process for the event which includes provision permitting consent for the use of images taken at the event. Such process must allow individuals to opt out of consent whilst still registering for the event.
- Ensuring that consent/registration forms and images are stored safely and any future use of images seeks further permissions from child and parents/carers for their use at a later date.
- Where parents/carers have agreed to photography, providing a mechanism to identify those children who may be photographed, such as a badge or marker. A simple form is available to copy in Appendix J.

- Where publicity in relation to an event includes photographs of a child all efforts are taken to minimise the use of information that may lead to the identification of the child unless it is necessary to do so.

## **10.0 LICENSING**

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

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

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

These provisions provide that:

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

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

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

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

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

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

## **11.0 LEISURE SERVICES**

- 11.1 Children and young people and adults at risk are users of the leisure services, including parks, swimming pools, leisure centres and theatres. Leisure services also organise courses for young children.
- 11.2 Any leisure facility which young people attend provides an environment in which staff need to be vigilant to protect children and adults at risk from abuse. Such risks can arise from unsupervised access to children and adults at risk, however, there is also an opportunity to protect where indicators of abuse are noted (i.e. bruises on a child coupled with observed inappropriate parental chastisement in a swimming pool, bullying of an adult with learning disabilities by a carer etc).
- 11.3 Leisure facilities are operated on the Council's behalf by Everyone Active (Sports and Leisure Ltd). The company have a Safeguarding Policy.

## **12.0 HOUSING AUTHORITIES AND HOMELESS SERVICES**

- 12.1 Housing and homelessness services in local authorities and others at the front line such as environmental health organisations are subject to the section 11 duties set out in paragraph 2.2 of this document.
- 12.2 Professionals working in these services may become aware of conditions that could have an adverse impact on children. Under Part 1 of the Housing Act 2004, authorities must take account of the impact of health and safety hazards in housing on vulnerable occupants, including children, when deciding on the action to be taken by landlords to improve conditions.
- 12.3 Housing authorities also have an important role to play in safeguarding vulnerable young people, including young people who are pregnant or leaving care.

## **13.0 COMMISSIONED SERVICES**

### **13.1 Working with Contractors and Partner Organisations**

Any contractor or sub-contractor, engaged by the Council in areas where workers are likely to come into contact with children, young people or adults at risk should have their own Safeguarding Children, Young People and Adults At Risk Policy or, failing this, must comply with the terms of this policy. Any policy must include requirements which ensure that workers with the potential to come into contact with children, young people or adults at risk are subject to the necessary data barring checks. In any contract let by the Council, the Council must make provision allowing for the investigation, report and/or inspection of any agency/organisation acting on or behalf of them where there is a cause for concern in relation to safeguarding.

- 13.2 This requirement must form part of any service level agreement, contract or license.

### 13.3 Letting of Facilities/Events

Where facilities are let to external groups or events organised, which involve children, young people or adults at risk when parents/carers are not present, the Council will include provision within its conditions of hire requiring:

- include within their risk register for the event consideration of the management of risks related to safeguarding children
- public liability insurance (£5 million minimum)
- either agreement to work within the expectations of this policy unless the event organiser has in place an alternate suitable safeguarding children, young people and adults at risk policy
- retain a register for the recording of medical information or special needs
- ensure staff who will have significant unsupervised involvement with children and young people over the course of the event have data barring checks where appropriate for the role they are undertaking.

## **14.0 SAFE MANAGEMENT OF THE USE OF ELECTRONIC MEDIA**

14.1 Children and young people can be abused in their homes, community settings, and educational settings through the use of digital technology by adults, other children or strangers. We therefore have to raise awareness and educate those involved in a child's/young person's welfare and development about the dangers that children/young people can face in the online world. For many children / young people in North Yorkshire, the online 'virtual' world is as real to them as the 'real' world; however the digital world needs to be seen in the same context as the real world in that it also has dark alleys and dangerous places which children and others would be unwise to venture into. Children / Young people do not always recognise the inherent dangers of the internet and often do not understand that online behaviour may have offline consequences. Despite this, digital technologies can offer children and young people opportunities to learn and develop, communicate, be creative and be entertained.

14.2 It is not possible to completely control use of internet, gaming, and social media and a risk management approach is therefore required.

14.3 Children and young people must be encouraged to develop as responsible online citizens. Such citizens will recognise their responsibility to keep themselves and their peers safe online as well as accepting the responsibility they have to present themselves as positive role models. It is only through the development of a sense of online responsibility that the safety and well-being of today's children and young people can be ensured.

The District Council working together with the North Yorkshire Safeguarding Board have established a team of E Safety Ambassadors who are able to provide training and guidance in relation to E Safety to those whose work brings them into contact with young people.

Where as a consequence of the Local Authority's decisions children or young people are provided with access to electronic media, a risk assessment should be undertaken to determine whether safeguards should be considered.

This should take regard of the County wide E Safety Strategy, procedures and training provided by the Safeguarding Board Ambassadors.

Ryedale District Council does not have its own E Safety Ambassador further information can be sought from Scarborough Borough Council.

## **15.0 SEXUAL EXPLOITATION AND TRAFFICKING**

15.1 The sexual exploitation of children can involve exploitative situations, contexts and relationships where young people (or a third person or persons) receive "something" (e.g., food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of their performing, and/or another or others performing on them, sexual activities.

It can occur through the use of technology without the child's immediate recognition; e.g., being persuaded to post sexual images on the internet/mobile phones without immediate payment or gain.

In all cases, those exploiting the child have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources.

Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child's limited availability of choice resulting from their social/economic and/or emotional vulnerability.

Everyone should be alert to the possibility that a child for whom they have concerns may be sexually exploited. They should discuss their concerns with their service unit manager or designated safeguarding officer or children's social care if they are concerned that a child falls into the following categories.

**Category 1 (at risk):** a vulnerable child who is at risk of being targeted and groomed for sexual exploitation;

Response required - In a case where there are indications that a child is at risk of being groomed for abuse through sexual exploitation, staff, volunteers, members should consult their Line Manager or Designated Safeguarding Officer.

**Category 2 (medium risk):** a child who is targeted for opportunistic abuse through the exchange of sex for attention, accommodation, food, gifts and drugs. The likelihood of coercion and control is significant;

Response required - Where a child is considered to be at medium risk of sexual exploitation, a referral should be made to Children's Social Care following the procedure at section 3.

**Category 3 (high risk):** a child, whose sexual exploitation is habitual, often self-defined and where coercion/control is implicit.

Response required - Where a child is considered to be at high risk of sexual exploitation, a referral should be made to Children's Social Care following the procedure at section 3.

These categories include situations where:

- A child is at immediate risk of significant harm and has other additional vulnerabilities;
- The sexual exploitation may be being facilitated by a child's parent;
- The sexual exploitation may be facilitated by a child's parent failing to protect;
- A related or unrelated adult in a position of trust or responsibility to a child may be organising or encouraging the sexual exploitation.

## 15.2 Trafficking

Trafficking is defined as 'the recruitment, transportation, transfer, harboring or receipt of children by means of threat, force or coercion for the purpose of sexual or commercial sexual exploitation or domestic servitude'

A number of factors identified may indicate that a child or young person has been trafficked. In all such cases the first priority is to ensure the safety of the child or young person

## 15.3 Indicators

- The child or young person may present as unaccompanied;
- Child or young person may go missing;
- Multi use of the same address may indicate that this is a sorting house;
- Contracts, consent and financial inducement with parents may become apparent;
- The child or young person may hint at threats to family in their country of origin;
- Talk of financial bonds and the withholding of documents;
- Befriending of a vulnerable child or young person;
- False hopes of improvement in their lives;

If any suspicions are raised that a child or young person is being trafficked, or at risk of this, immediate action to safeguard the child or young person is required.

Staff, volunteers and members should consult their Line Manager or Designated Safeguarding Officer.

The Line Manager and/or Designated Safeguarding Officer will undertake urgent liaison with the Police.

In the absence of a Line Manager the Designated Safeguarding Officer a referral should be made to Children's Social Care following the procedure at section 3.

## 16.0 **PREVENT**

- 16.1 Prevent is one of the four main strands of the government's counter terrorist strategy, CONTEST. Prevent has five main objectives, objective 3 of which is "Supporting vulnerable individuals who are being targeted and recruited to the cause of violent extremism."

The Prevent strategy promotes a multi-agency approach which emphasises the need to recognise the vulnerability of children, young people and vulnerable adults to radicalisation, work to safeguard those at risk, and work together to provide the skills, understanding and support to children and young people to make critical choices and develop strategies to resist the narratives of extremists and exploitative relationships.

Radicalisation is defined as the process by which people come to support terrorism and violent extremism and, in some cases, to then participate in terrorist groups.

There is no obvious profile of a person likely to become involved in extremism or a single indicator of when a person might move to adopt violence in support of extremist ideas.

The process of radicalisation is different for every individual and can take place over an extended period or within a very short time frame.

No research has identified a definitive list of indicators which would show that someone is vulnerable to radicalisation to violent extremism. People can be drawn into violence or they can be exposed to the messages of extremist groups by many means. These can include family members or friends, direct contact with members groups and organisations or, increasingly, through the internet.

This can put a person at risk of being drawn into criminal activity and has the potential to cause significant harm. Potential diagnostic indicators identified in the Channel Guidance include:

- use of inappropriate language,
- possession of violent extremist literature,
- behavioural changes,
- the expression of extremist views,
- advocating violent actions and means,
- association with known extremists,
- seeking to recruit others to an extremist ideology.

If any suspicions are raised about individuals who may be vulnerable to being drawn into terrorism or at risk of this, immediate action to safeguard the child or young person is required.

Staff, volunteers and members should consult their Service Unit Manager or Designated Safeguarding Officer who will report this to the Police.

The Police will refer it to the most appropriate of the multi-agency arrangements.

## **17.0 CONFIDENTIALITY AND STORAGE OF INFORMATION**

- 17.1 The identity, information and/or suspicions about the welfare of a child or adult at risk should be treated in strictest confidence and discussed only with your line manager or designated safeguarding officer, appropriate NYCC Social Care Officers or the Police. In sharing information with NYCC Social Care or the Police the welfare of the child, young person or adult at risk is paramount and overrides all other considerations regarding the sharing of information.

- 17.2 Any confidential notes, records, written complaints or allegations, should be forwarded as soon as possible to Designated Safeguarding Officer in a sealed envelope marked "*Private and Confidential (Addressee Only)*".
- 17.3 The Designated Safeguarding Office officer is responsible for maintaining accurate secure records of all concerns received, and action taken in response, including ensuring the completion of the Child Protection Incident Reporting Form and Safeguarding Adults Alert/Referral Form.
- 17.4 The Human Resources Manager is responsible for keeping secure records of all allegations of abuse against staff and volunteers, and management action taken.
- 17.5 Access to the secure records will be given to service unit manager level and above and to the designated Safeguarding Officer and line manager.



<b>DEFINITIONS/GLOSSARY</b>
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<b>TERM</b>	<b>MEANING</b>
<b>Adult &amp; Children's Social Care</b>	North Yorkshire County Council. Further details and multi agency procedures can be obtained at <a href="http://www.safeguardingchildren.co.uk">www.safeguardingchildren.co.uk</a> and <a href="http://www.northyorks.gov.uk/safeguarding">www.northyorks.gov.uk/safeguarding</a>
<b>Child/Children/Young Person</b>	Anyone under the age of 18
<b>Data Barring Service</b>	The DBS is a national organisation conducting checks to enable an assessment to be made on the suitability of a person to care for or work with children or vulnerable adults.
<b>Designated Safeguarding Officer</b>	The council employee with overall responsibility for overseeing the Safeguarding Policy and Procedures. In the absence of the Designated Safeguarding Officer, the Deputy Chief Executive will take on this role.
<b>Employees/Member of staff</b>	Those employed by the Council, whether permanent or temporary. This includes paid and voluntary staff, and also elected Councillors.
<b>North Yorkshire Local Safeguarding Children's Board (NYLSCB)</b>	The Children Act 2004 required each local authority to establish a Local Safeguarding Children Board (LSCB). The North Yorkshire Safeguarding Children Board (NYSCB) is the key statutory mechanism for agreeing how relevant organisations in North Yorkshire will cooperate to safeguard and promote the welfare of children in the county, and for ensuring the effectiveness of their arrangements for safeguarding.
<b>North Yorkshire Safeguarding Adults Board (NYSAB)</b>	The North Yorkshire Safeguarding Adults Board (NYSAB) oversees multi-agency work on safeguarding vulnerable adults.
<b>Parent</b>	Generic term to include birth parents, stepparents and carers. The term will specify parental responsibility where necessary.
<b>Safeguarding</b>	The process of protecting from abuse, neglect or maltreatment, preventing impairment of health and development, and ensuring the provision of safe and effective care to enable optimum life chances and successfully progression to adulthood with independence.
<b>Adult At Risk</b>	An adult who has needs for care and support (whether or not the local authority is meeting any of those needs ) and; is experiencing, or at risk of, abuse or neglect; and as a result of those needs, is unable to protect himself or herself against the abuse or neglect or the risk of it.
<b>Multi Agency Risk Assessment Conferences (MARAC).</b>	Are for high risk victims of domestic abuse.
<b>Multi Agency Public Protection Arrangements (MAPPA)</b>	Provide a framework for the assessment and management of risk posed by sexual and violent offenders.

<b>LEGISLATIVE FRAMEWORK</b>
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**Children Act 1989 Children Act 2004**

**Section 10** requires each Local Authority (i.e. Children's Services Authority) to make arrangements to promote co-operation between the Authority, each of the Authority's relevant partners (including District Councils) and such other persons or bodies working with children in the Local Authority area as the Authority considers appropriate. The arrangements are to be made with a view to improving the wellbeing of children in the Authority's area that includes protection from harm or neglect alongside other outcomes. This section is the legislative basis for Children's Trust arrangements.

**Section 11** requires a range of organisations (including District Councils) to make arrangements for ensuring that their functions, and services provided on their behalf, are discharged with regard to the need to safeguard and promote the welfare of children.

**Section 13** requires each Children's Services Authority to establish a Local Safeguarding Children Board. It also requires a range of organisations (including District Councils) to take part in Local Safeguarding Children Boards.

**Section 17(10)** states that a child shall be taken to be in need if:

- a. He is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority under this Part.
- b. His health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services, or
- c. He is disabled.

There are two specific duties on District Councils to co-operate in the interests of children in need.

**Section 27** provides that a Children's Services Authority may request help from any local authority in exercising the local authority's functions under Part 3 of the Act. Part 3 places a duty on local authorities to provide support and services for children in need. The authority whose help is requested in these circumstances has a duty to comply with the request, provided it is compatible with its other duties and functions.

**Section 47** places a duty on any local authority to help a Local Authority (i.e. Children's Services Authority) with its enquiries in cases where there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm.

**POLICIES AND PROCEDURES SUPPORTING SAFEGUARDING**

**Human Resources Policies, Procedures and Regulations including:**

- Code of Conduct
- Disciplinary Procedure and Rules
- Disclosure Policy and Procedure
- Employment of Ex-Offenders
- Equality Statement and Equality Scheme
- Grievance Policy and Procedure
- Harassment and Bullying Policy
- Recruitment and Selection – Code of Practice (including CRB procedure)
- References – Guidance on providing and obtaining References

**Health & Safety Policies, Procedures and Regulations including:**

- Risk Assessments:
- New and Expectant Mothers
- Young People at Work
- Accident Reporting
- Corporate Policy Statement
- Personal Safety
- Guidance on Young People at Work

**Whistleblowing Policy**

**Complaints Procedure**

**Corporate Customer Care Policy and Procedure**

**Data Protection Policy, Procedure and Guidance**

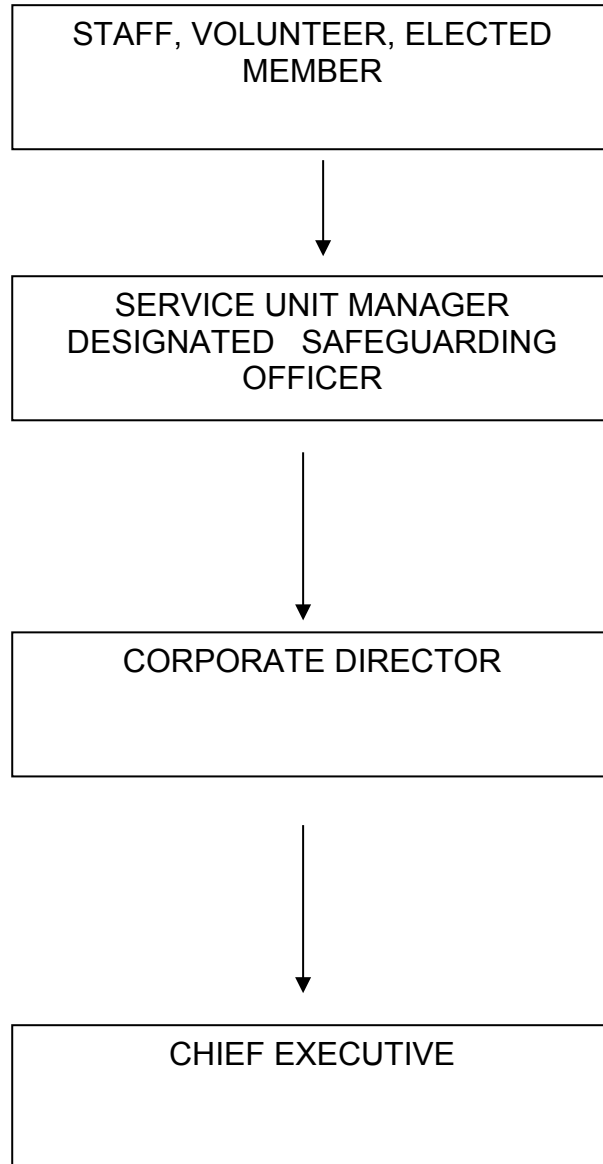
**ICT User Policy**

**Licensing Policy**

**Multi Agency Risk Assessment Conference Protocol**

**Service-specific policies and procedures**

**ACCOUNTABILITY AND MANAGEMENT FOR SAFEGUARDING**



<b>ROLES AND RESPONSIBILITIES</b>
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<b>Chief Executive</b>	<ul style="list-style-type: none"> <li>• Ensures the Council fulfils its statutory duties</li> </ul>
<b>Corporate Director</b>	<ul style="list-style-type: none"> <li>• Safeguarding overall Lead for the Council</li> <li>• Endorses Safeguarding Arrangements</li> </ul>
<b>Heads of Service</b>	<ul style="list-style-type: none"> <li>• Ensures Safeguarding Arrangements are implemented</li> </ul>
<b>Safeguarding Panel</b>	<ul style="list-style-type: none"> <li>• Agrees Corporate Safeguarding priorities and actions</li> <li>• Supports Designated Safeguarding Officer</li> <li>• Leads and co-ordinates safeguarding work throughout the District Council.</li> <li>• Maintains and updates the Council's Safeguarding Policy providing quality assurance checks.</li> </ul>
<b>Designated Safeguarding Officer</b>	<ul style="list-style-type: none"> <li>• Acts as Designated Safeguarding Officer.</li> <li>• Represents the Council on Locality Safeguarding Forums and ensures appropriate links to NY Children and Adults Safeguarding Boards.</li> <li>• Acts as point of contact for raising safeguarding concerns within the Council in the absence of the relevant Service Unit Manager.</li> <li>• Ensures that appropriate action is taken in response to concerns raised, and that lines of responsibility are clear.</li> <li>• Provides advice and support to Service Unit Managers, staff and elected members where necessary.</li> <li>• Provides a central secure record system of all reported safeguarding concerns, allegations or suspicions.</li> </ul>
<b>Human Resources Manager</b>	<ul style="list-style-type: none"> <li>• Acts as Named Senior Manager in relation to allegations of abuse against staff and volunteers</li> </ul>
<b>Service Unit Managers</b>	<ul style="list-style-type: none"> <li>• Ensures the Council's Safeguarding Policy is followed in managing all safeguarding concerns, allegations or suspicions.</li> <li>• Collects details of allegations, suspicions or concerns from staff within their service area.</li> <li>• Acts as a point of contact for staff within their service area for raising safeguarding concerns.</li> <li>• Ensures that appropriate action is taken in response to concerns raised, and that lines of responsibility are clear.</li> <li>• Seeks advice from, and liaises with, safeguarding agencies where required.</li> <li>• Makes appropriate referral to safeguarding agencies and ensure referrals are followed up.</li> <li>• Refers any allegations of abuse against staff and volunteers to the Named Senior Officer (Human Resources Manager, or deputy).</li> <li>• Ensures accurate and secure records of all safeguarding concerns, allegations or suspicions reported to them and ensure completion of the appropriate referral forms.</li> <li>• Ensures secure records of all safeguarding concerns, allegations or suspicions are sent to the Designated Safeguarding Officer.</li> <li>• Monitor action to safeguard and promote welfare of children and adults at risk within their areas of responsibility</li> <li>• Ensure delivery of safe services and safe working practices</li> </ul>
<b>All those involved in developing and delivering services</b>	<ul style="list-style-type: none"> <li>• Deliver services with regard to safeguarding and promoting the welfare of children and adults at risk</li> <li>• Raise any safeguarding issues, concerns or allegations as set out in the policy.</li> </ul>

<b>CODE OF CONDUCT FOR SAFEGUARDING</b>
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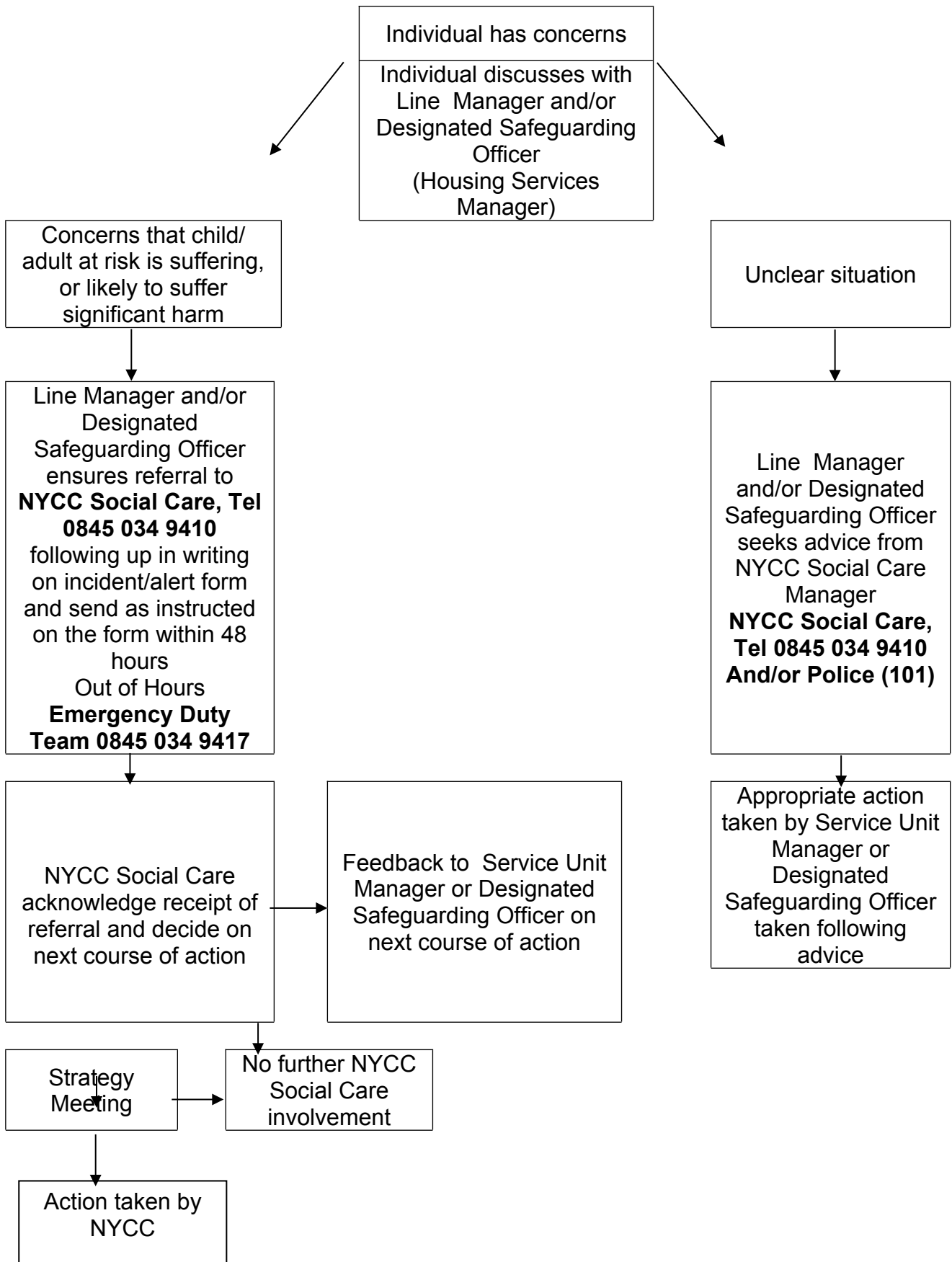
**DO**

- Treat all children and adults at risk fairly and with respect.
- Be aware of the procedures for reporting concerns and how to contact the Designated Safeguarding Officer.
- Be aware that physical contact with a child or adult at risk may be misinterpreted. There may be occasions when this is unavoidable, such as comfort at times of distress, or physical touch in sport (*see NGB Guidelines*). In all such cases contact should only take place with the consent of the child or vulnerable adult.
- Respect the right of a child or adult at risk to personal privacy.
- Make others (for example your line manager) aware if you find yourself the subject of inappropriate affection or attention from a child or adult at risk.
- Report to the Designated Safeguarding Officer any safeguarding concerns including allegations or suspicions of abuse.

**DO NOT**

- Spend time alone with children or adults, away from others. Meetings with individuals should be avoided or take place within sight of others. If privacy is needed, the door should remain open and other staff or volunteers should be aware of the meeting.
- Take children or adults at risk alone in a car, however short the journey. Where this is unavoidable it should be with full knowledge and consent of the parents/carer and the manager responsible for the service/activity.
- Meet children or adults at risk outside of organised activities, unless it is with the knowledge and written consent of the parents/carer and the manager responsible for the service/activity.
- Start an investigation or question anyone after an allegation or concern regarding abuse has been raised. You should just record the facts and report these to the Service Unit Manager and/or Designated Safeguarding Officer.
- Allow any allegations made to go without being reported and addressed, or either trivialise or exaggerate abuse issues.
- Make promises to keep any disclosure confidential from relevant authorities.
- Show favouritism to any one, or threaten/carry out any form of physical punishment.
- Never:
  - Initiate or engage in sexually provocative conversations or activity
  - Allow the use of inappropriate language to go unchallenged
  - Do things of a personal and intimate nature that individuals can do for themselves.

**REPORTING ARRANGEMENTS**



**CHILD PROTECTION INCIDENT REPORTING FORM**

<b>CHILD PROTECTION INCIDENT REPORTING FORM</b>	
<b>Date of Report:</b>	
<b>Site / Service:</b>	
<b>Name of person making the report:</b>	
<b>Role / Position:</b>	
<b>Contact details:</b>	
<b>Telephone (Work):</b>	
<b>(Mobile):</b>	
<b>(Home):</b>	
<b>Email:</b>	
<b>Name of Child(ren):</b>	<b>Date of Birth:</b>
	<b>Date of Birth:</b>
	<b>Date of Birth:</b>
	<b>Date of Birth:</b>
<b>Address:</b>	
<b>Name of Parent (s)/ Guardian(s):</b>	
<b>Contact details:</b>	
<b>Telephone (Work):</b>	
<b>(Mobile):</b>	
<b>(Home):</b>	
<b>Email:</b>	
<b>Details of any special needs or communication needs of child and/or parent / guardian:</b>	

**(Please turn over to complete the form)**



**Details of Incident / Disclosure / Observation**

Please give an accurate record of the incident / disclosure / observation that has lead you to make this report in as much detail as possible.

- Why do you feel the child is suffering, or is likely to suffer, significant harm
- Share your knowledge and involvement of the child(ren)
- Share your knowledge of any other agency involved
- Indicate the child's parent/guardian's knowledge of the referral and their expectations

If you have made a referral by telephone follow this up in writing within 48 hours.

Date of Incident/Disclosure/Observation:

Time:

Details of what took place: (please continue on a separate sheet if required)

Signed:

Date:

**North Yorkshire Safeguarding Adults Board  
Inter-agency Safeguarding Adults Concerns Form**

STRICTLY CONFIDENTIAL

This form should be completed in accordance with the Multi-Agency Policy and Procedures which can be found at [www.nypartnerships.org.uk/sab](http://www.nypartnerships.org.uk/sab)

You should complete this form with as much detail as possible. Lack of access to the necessary information should NOT delay reporting the alert.

You should first contact North Yorkshire County Council Customer Services Centre on **01609 780780**.

**You should then send the completed form as a confidential document to: North Yorkshire County Council, Customer Services Centre, County Hall, Racecourse Lane, Northallerton, North Yorkshire DL7 8AD. Fax number: 01609 532009**

The form can also be e-mailed to [social.care@northyorks.gov.uk](mailto:social.care@northyorks.gov.uk) or using the secure e-mail address [social.care@northyorks.gcsx.gov.uk](mailto:social.care@northyorks.gcsx.gov.uk) with 'Safeguarding adults concern' as the subject.

REMEMBER: If you suspect that someone is being abused and they are in **immediate** danger you should ring the Police on **999**.

<b>Date of the concern:</b>
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<b>PART A</b>
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<b>1 Tell us about the adult at risk that you are concerned about: (please complete as much of this as is known – if not known put N/K)</b>
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<b>Name:</b>
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<b>Gender:</b>
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<b>Home address:</b>
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<b>Telephone No:</b>
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<b>Age:</b>	<b>Date of Birth:</b>
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<b>Ethnic Origin/Nationality:</b>	<b>Religion:</b>
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<b>Primary support needs of the adult at risk (refer to guidance notes):</b>
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<b>Is the adult at risk aware of the safeguarding concern?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
---

<i>If No, why not?</i>
------------------------

<b>Is the adult at risk involved with any other agencies?</b> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Known <input type="checkbox"/>
---

If Yes, please provide details:

**2 Tell us about the main contact for the adult at risk**

<b>Name:</b>	
<b>Relationship to adult at risk:</b>	
Are they the relative/carer? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are they aware that this concern has been raised? Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>Contact address:</b>	<b>Telephone No:</b>
	<b>Mobile No:</b>
	<b>Email:</b>
<b>County:</b>	<b>Postcode:</b>
Are they willing to be contacted? Yes <input type="checkbox"/> No <input type="checkbox"/> Not Known <input type="checkbox"/>	

**3a Tell us about the concern (s) being raised**

<b>Location of alleged incident/concern</b> (please give details):	<b>Date and Time of alleged incident/concern:</b>
	Date:
	Time:
<b>Type of location</b> (refer to guidance)	

**What type of abuse is suspected?** (Tick all that apply):

<input type="checkbox"/> Neglect	<input type="checkbox"/> Psychological	<input type="checkbox"/> Financial & material	<input type="checkbox"/> Physical	<input type="checkbox"/> Sexual
<input type="checkbox"/> Discriminatory	<input type="checkbox"/> Organisational	<input type="checkbox"/> Modern slavery	<input type="checkbox"/> Self-neglect	<input type="checkbox"/> Domestic abuse

**And do you consider this abuse is also:**

<input type="checkbox"/> Hate Crime	<input type="checkbox"/> Sexual exploitation
-------------------------------------	--

### 3a Tell us about the alleged incident/concern(s) being raised - continued

#### **Factual details of the alleged incident/concern:**

*This should be **concise** and include a clear factual outline of the concern being raised with details of times, dates, people and places where appropriate.*

*Remember to:-*

*Describe what happened;*

*Make it clear what is fact and what is opinion;*

*Record whether there were any witnesses to the incident; who they were and how they can be contacted.*

*(Please continue on a separate sheet if required)*

**3b Tell us what actions have been taken to reduce the risk of harm or abuse to the adult at risk.**

**Tell us what actions have been taken to ensure the safety of the adult at risk.**

**Where is the adult at risk now? (Include where they are in relation to the person alleged to have caused harm)**

**Is anyone else at risk of abuse?** Yes  No  Not Known

*If so give name(s) and details*

**In your opinion, does the adult at risk have the mental capacity to understand the risks within this safeguarding concern?**

Yes  No  Not Known

**If you are concerned about the welfare of the adult at risk have you contacted their GP or the ambulance service?** Yes  No

*If No, why not*

**If you think that a crime has been committed have Police been contacted?** Yes

No

*If Yes, what was the outcome?*

*If No, why not?*

**Who did you speak to?**

**What was the Police Crime/Ref No?**

**Who else has been informed of this concern?**

<b>4 Details of person(s) alleged to have caused harm (if known)</b> <i>(please complete as much of this as is known and continue on a separate sheet if more than one is involved)</i>	
Name:	
Address:	
Occupation/Position/Title/Organisation:	
Date of Birth:	Gender:
What is the relationship of the person alleged to have caused harm to the adult at risk? (please see list of options at the end of this form)	
Does the adult at risk know the person alleged to have caused harm? Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure <input type="checkbox"/>	
Is the person alleged to have caused harm a person with care and support needs? Yes <input type="checkbox"/> No <input type="checkbox"/> Not Known <input type="checkbox"/>	
Is the person alleged to have caused harm the main family carer? Yes <input type="checkbox"/> No <input type="checkbox"/> Not Known <input type="checkbox"/>	
Is the person alleged to have caused harm aware of this alert? Yes <input type="checkbox"/> No <input type="checkbox"/> Not Known <input type="checkbox"/> <i>If yes, what is their response, and are there any hazards to be aware of?</i>	

<b>5 Details of person raising the concern</b>	
Name:	Job title <i>(if applicable)</i> :
Organisation <i>(if applicable)</i> :	Type of organisation: (delete those that do not apply) Health/Housing/District Council/NYCC/ Other/Police/Private /Voluntary
Contact address:	Telephone No: Mobile No: Email:
County:	Postcode:
Relationship to the adult at risk: (please see list of options at the end of this form)	
Who raised the concern with you?	
Date completed:	

## Guidance Notes for completing this form

### Section 1 - Primary Support Reasons: Please enter one of the following:-

Physical support	Mental Health support
Sensory support	Social support
Support with memory and cognition	No support reason
Learning Disability support	Not known

### Section 3a - Location of alleged incident/concern: Please enter one or more of the following:

Residential care	Hospital
Nursing care	Community service
Own Home	Other

### Section 4 - Details of person alleged to have caused harm

#### Please enter one or more of the following:-

Social Care Support or Service Provider - public sector  
Social Care Support or Service Provider - private sector  
Social Care Support or Service Provider - voluntary (3rd sector)  
Relative / Family Carer  
Individual - known but not related  
Individual – unknown/stranger  
Primary Health Care staff  
Secondary Health Care staff  
Community Health Care staff  
Social Care Staff - care management & assessment  
Police  
Regulator, e.g. Care Quality Commission  
Other public sector staff  
Other private sector staff  
Other voluntary

### Section 5 – Details of the person raising the concern: Please enter one of the following:-

Domiciliary Care Staff	Self Referral
Residential Care Staff	Family member
Day Care Staff	Friend/neighbour
Social Worker/Care Manager	Other service user
Self -Directed Care Staff	Care Quality Commission
Other Social Care Staff	Housing
NHS - Primary/Community Health Staff	Education/Training/Workplace Establishment
NHS - Secondary Health Staff	Police
NHS - Mental Health Staff	Other

<b>USEFUL CONTACTS</b>
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**RYEDALE DISTRICT COUNCIL****Any Safeguarding concerns, allegations and suspicions**

Designated Safeguarding Officer:  
Kim Robertshaw  
Housing Services Manager  
Ext 383

Deputy Safeguarding Officer  
Beckie Bennett  
Head of Environment, Streetscene & Facilities  
Ext 249

**Allegations of abuse against staff and volunteers**

Phil Long  
Corporate Director  
Ext 461

Denise Hewitt  
Human Resources Manager  
Ext 394

**NORTH YORKSHIRE COUNTY COUNCIL**

Customer Service Centre:  
01904 780780

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

For general questions and enquiries about safeguarding, please contact the safeguarding adults team: [safeguardingadultsteam.enquiries@northyorks.gov.uk](mailto:safeguardingadultsteam.enquiries@northyorks.gov.uk)

**Please note this e-mail address is NOT for reporting abuse or making referrals.**

**Local Authority Designated Officer (LADO) for North Yorkshire**

Contact via: Customer Service Centre: 0845 0349410

**NORTH YORKSHIRE POLICE**

Child Abuse Investigation Team	101
MASH Multi Agency Safeguarding Hub	101



## **NATIONAL ORGANISATIONS**

NSPCC Child Protection Helpline:	0808 8005000
Childline:	0800 1111
Care Quality Commission:	0300 0616161
Action on Elder Abuse:	0808 8088141
Victim Support:	0808 1689111
The Samaritans	0845 7909090
Help The Aged	0207 2781114
Domestic Abuse Services	01723 365609
Women's Aid Nationally	0808 2000247
Age Concern	0800 009966
Shelterline	0808 8004444

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**REPORT TO:** FULL COUNCIL  
**DATE:** 10 DECEMBER 2015  
**SUBJECT:** PART 'B' REFERRALS FROM POLICY AND RESOURCES COMMITTEE ON 26 NOVEMBER 2015

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**47 Local Council Tax Support 2016/17 Scheme**

Considered – Report of the Finance Manager (s151).

**Recommendation to Council**

That Council be recommended to:

- (i) a Local Council Tax Support Scheme for 2016/17 to include a minimum payment of 8.5%, and with the charges proposed to limit the backdating of claims to one month instead of six months and to remove the family premium from 1 May 2016.
- (ii) to authorise the Finance Manager in consultation with the Chairman of Policy and Resources Committee to undertake the necessary consultation work to design a scheme for 2017/18, in light of the experience in previous years, to be presented to Policy and Resources Committee in December 2016.

Voting record  
7 for  
0 against  
1 abstention

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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>26 NOVEMBER 2015</b>
<b>REPORT OF THE:</b>	<b>FINANCE MANAGER (s151) PETER JOHNSON</b>
<b>TITLE OF REPORT:</b>	<b>LOCALISATION OF COUNCIL TAX SUPPORT 2016/2017 SCHEME</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 This report seeks approval of the scheme for 2016/17. There are two changes proposed to the scheme which has operated in 2015/16.

### **2.0 RECOMMENDATIONS**

- 2.1 That members recommend to Council
- (i) a Local Council Tax Support Scheme for 2016/17 to include a minimum payment of 8.5%, and with the changes proposed to limit the backdating of claims to one month instead of six months and to remove the family premium from 1 May 2016.
  - (ii) to authorise the Finance Manager in consultation with the Chairman of Policy and Resources Committee to undertake the necessary consultation work to design a scheme for 2017/18, in light of the experience in previous years, to be presented to Policy and Resources Committee in December 2016.

### **3.0 REASON FOR RECOMMENDATIONS**

- 3.1 The Council must approve a scheme of its choice for 2016/17.

### **4.0 SIGNIFICANT RISKS**

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

### **5.0 POLICY CONTEXT AND CONSULTATION**

- 5.1 The Council will need to approve a Local Scheme for Council Tax Support (CTS). Consultation is undertaken annually through the Councils website.

## 6.0 REPORT DETAILS

6.1 At Council on the 18 December 2014 members approved a scheme for Localised Council Tax for 2015/16. This followed the Government's decision to terminate Council Tax Benefit and allow Local Authorities to establish their own local schemes from 1 April 2013. Council Tax Support (CTS) is a discretionary means-tested reduction to help residents on low incomes to pay their Council Tax bill.

The current scheme provides that all working age customers have a maximum award of 91.5% of their Council Tax liability, which means that every working age household is required to pay at least 8.5% of their Council Tax bill.

6.2 The main feature of the Council's scheme was that working age claimants saw an 8.5% reduction in benefit and many people who had never paid Council Tax were now doing so. Whilst the sums were often low (most were £64 to £130), there were residents on low incomes and/or benefits. The decision to make a cut of 8.5% did attract transitional grant funding from Government of £11k for RDC in 2013/14 (and proportionate amounts for the other major preceptors). This grant was available for 2013/14 only. In 2013/14 and 2014/15 and 2015/16 the Council received new burdens funding for the additional work around local schemes and these grants have been taken into the Councils budget. At this stage it is not known whether funding will be available in 2016/17, however it is believed that a financial contribution towards additional costs may be possible from the major preceptors, in particular the County Council, should the new burdens funding be no longer available. This in part is because of the greater financial benefit NYCC would see from any extension of the scheme.

6.3 The scheme affects all precepting authorities (District Councils, County Councils, Fire Authorities, Police Authorities and Parish Councils) through the Council Tax Base (CTB) which is reduced by the cost of the scheme.

6.4 The following table sets out the estimated claimant breakdown for 2015/16:

<b>Claimant Type</b>	<b>Number</b>	<b>Annual Cost</b>	<b>% total spend</b>
1. Over Pension Age	1874	£1771k	62%
2. Working Age – Household Vulnerable	288	£242k	8%
3. Working Age: Vulnerable	457	£465k	15%
4. Working Age: Employed	270	£158k	5%
5. Working Age: - Other	399	£320k	10%
	3288	£2956k	

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

6.5 Council must now consider a scheme for 2016/17. In order to inform this process consultation has again taken place on the preferred maximum liability for Council Tax and options for aligning the scheme with two changes to Housing Benefit. Public consultation took place between 7 October 2015 and 11 November 2015 via the Council's web site. No responses were received to the questionnaire.

The scheme for Pension Age applicants is set by Government.

- 6.6 The Government has announced its intention to remove the family premium and limit the backdating of Housing Benefit claims to one month instead of six months. The Family Premium is awarded in Housing Benefit and Council Tax Support if the claimant or partner has at least one child living with them in which they receive Child Benefit for. It currently increases the applicable amount by £17.45. The recommendation is to make similar amendments to the Local Council Tax Support Scheme for 2016/17. All of the North Yorkshire authorities are considering this.
- 6.7 For 2016/17, year 4, there is again a mixed picture of approaches from Local Authorities. Proposed 2016-17 schemes within the North Yorkshire Districts are as follows:

	2016/17	2015/16	Working Age Recipient Collection Rate 2014/15
Craven	10%	10%	81.80%
Hambleton	20%	20%	78.18%
Harrogate	0%	0%	Not available
Richmondshire	10%	8.5%	84.70%
Ryedale	8.5%	8.5%	82.23%
Scarborough	12.5%	10%	81.04%
Selby	10%	10%	74.60%
York	18%	30%	Not available

- 6.8 Those with the greater cuts have generally seen the greatest impact on collection rates and increased administrative costs, as well as the impact on claimants. The billing authority (RDC) alone bears these increased administrative costs.
- 6.8 Should RDC lower the rate of discount from 91.5% to 80% to claimants it would mean the additional amount which would be billed to working age claimants would be c.£150k for a rate of 20%. RDC's share of this additional income after considering collection rates would be c.£10k. There would potentially be additional costs facing the Council from such a decision. Claimant payments would increase such that the majority would be £150 - £300 per annum.

## 7.0 IMPLICATIONS

- 7.1 The following implications have been identified:

a) Financial

There are no significant new financial implication of the recommendation. There may however be an impact on staff resources and the time taken to process applications. The Council is currently operating two schemes, one for Housing Benefit and one for Local Council Tax Support, but with the same principles. There would be a significant impact on the time taken to process applications if required to operate two schemes with significant differences. The recommended approach would maintain the alignment of operating principles.

b) Legal

The scheme is a detailed legal document of the Council which will only require minor amendment as a result of changes to legislation. The amendments over which the Council has discretion are included in the report.

c) Other

An impact assessment has been undertaken of previous claims which found that the majority of those backdated include requests for up to a month. Of the total number of claims, 1.8% requested a backdated claim, of these 67% were for less than one month. It is not possible to predict the impact of the removal of the family premium as this will only affect new claimants from 2016 and demand cannot be anticipated.

**Clare Slater**  
**Head of Corporate Services**

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Telephone No: 01653 600666 ext: 347  
E-Mail Address: [clare.slater@ryedale.gov.uk](mailto:clare.slater@ryedale.gov.uk)

**Background Papers:**

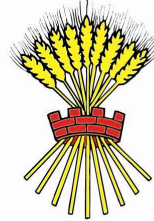
[Ryedale District Council Council Tax Reduction Scheme - S13A and Schedule 1a of the Local Government Finance Act 1992](#)

[http://www.ryedale.gov.uk/attachments/article/795/Ryedale\\_S13a\\_Scheme\\_Complete\\_v1.93.pdf](http://www.ryedale.gov.uk/attachments/article/795/Ryedale_S13a_Scheme_Complete_v1.93.pdf)

[The Housing Benefit \(Abolition of the Family Premium and date of claim\) \(Amendment\) Regulations 2015](#) <http://www.legislation.gov.uk/uksi/2015/1857/made>



**RYEDALE  
DISTRICT  
COUNCIL**



## Local Council Tax Support Scheme Questionnaire

### **Ryedale District Council is currently consulting on its Local Council Tax Support Scheme for the 2016/17 financial year.**

Council Tax Support (CTS) was implemented on 1 April 2013 and replaced the former national Council Tax Benefit scheme with a discount scheme. It is a discretionary means-tested reduction to help residents on low incomes to pay their Council Tax bill.

The current scheme provides that all working age customers have a maximum award of 91.5% of their Council Tax liability, which means that every working age household is required to pay at least 8.5% of their Council Tax bill.

### **Proposed changes to the Local Council Tax Support Scheme for 2016/17**

Local Authorities must review their schemes annually and the Council is considering its options for the maximum Council Tax liability we use for 2016/17.

The scheme for Pension Age applicants is set by Government and is not affected by any of the changes set out in this consultation.

The Government has also announced its intention to remove the family premium and limit the backdating of Housing Benefit claims to four weeks instead of six months. The Council proposes to do the same for its Local Council Tax Support Scheme for 2016/17.

## Have your say

We welcome your views on the proposals outlined by completing the following short questionnaire.

It is important to get the views of all Council Taxpayers, regardless of whether you receive any discounts or reductions, as the scheme is paid for through Council Tax payments.

The consultation is open from Wednesday 7 October to Wednesday 11 November 2015

Some sections are optional, but please continue to the end of the questionnaire in order to complete and submit.

### Q1 **MAXIMUM AWARD**

Currently all working age customers can apply for a maximum reduction of 91.5% of their Council Tax Bill. For 2016/17, we are considering keeping the reduction against the bill at 91.5% or changing the reduction against the bill to 85% or 80%:

The effect of the different options we are considering is illustrated in the table below. The example below is based on the Band D charge of £1554.06 (without any Parish Charges) across the Ryedale District for the 2015/16 year.

	<b>Under the current scheme 91.5% charges would be:</b>	Under the proposed scheme 85% charges would be:	Under the proposed scheme 80% charges would be:
Annual Cost	<b>£132.10</b>	£233.11	£310.81
Monthly Cost over 10 months	<b>£13.21</b>	£23.31	£31.08
Weekly Cost	<b>£2.53</b>	£4.46	£5.94

I believe that all eligible working age customers should have the maximum award of Council Tax Support restricted to:

91.5% (current)

85%

80%

Don't know

If you have any comments or alternative suggestions to this proposal please detail below:

**Q2 BACKDATING COUNCIL TAX SUPPORT**

From 1st April 2016 Housing Benefit will be backdated for a maximum of four weeks from the present maximum of six months. It is proposed that the Council Tax Support Scheme be aligned with the changes for Housing Benefit (maximum four weeks) from 1st April 2016. Do you agree?

- I agree with limiting the backdating of Council Tax Support to a maximum of four weeks
- I disagree with limiting the backdating of Council Tax Support to a maximum of four weeks
- I have no opinion

If you have any further comments or alternative suggestions, please detail below:

**Q3 REMOVAL OF FAMILY PREMIUM**

From 1 April 2016 the Government has announced that the Family Premium element will be removed for new Housing Benefit claims made after 1st April 2016. This premium will also be removed from tax credits and universal credit from April 2017.

It is proposed that the Council Tax Support Scheme be aligned with this. Please note this change would not affect those claimants on Income Support, Income Related Employment and Support Allowance, or Income Based Jobseeker's Allowance.

Do you agree?

- I agree with removing the Family Premium from the Council Tax Support Scheme
- I disagree with removing the Family Premium from the Council Tax Support Scheme
- I have no opinion

If you have any further comments or alternative suggestions, please detail below:

## Equalities Monitoring Form (optional)

### Section A

To help us understand what different people think about the proposed local council tax support scheme for Ryedale, please provide us with the following information. If you are responding on behalf of an organisation, please go to Section B.

Are you a Council Tax payer in the Ryedale area?

Yes

No

Prefer not to answer

If you ticked 'Yes', which of the following towns do you live in or closest to?

Helmsley

Kirkbymoorside

Malton

Norton

Pickering

Prefer not to answer

Are you receiving Council Tax Support?

Yes

No

Prefer not to answer

Are you...?

Female

Male

Prefer not to answer

Date of birth: (DD/MM/YYYY)

Do you consider yourself to be a person with a disability?

Yes

No

Prefer not to answer

## Section B - Organisation details

Q10 Are you responding to this consultation as an individual or on behalf of an organisation?

Individual

On behalf of an Organisation

Are you responding to this consultation in your capacity as a representative of any of the following?

Yes

No

Voluntary Organisation

Housing Association

Landlord

Any other, please specify:

Please complete your contact details below (optional):

Name

Address

E-mail address

Telephone number

## Next steps

We will consider the views of everyone who responds to this questionnaire.

The Council's Policy & Resources Committee will meet on 26 November 2015 to review the consultation results and make final recommendations.

The new scheme will be approved by full Council in December 2015 for implementation from 1st April 2016.

Following the final decision by Council in December 2015, we will let people know about the new scheme.

## Further information

If you would like to contact someone about the possible changes you can telephone 01653 600666 or email [benefits@ryedale.gov.uk](mailto:benefits@ryedale.gov.uk)

Thank you for your time.

Please select 'Submit' below to complete.



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**REPORT TO:** FULL COUNCIL  
**DATE:** 10 DECEMBER 2015  
**SUBJECT:** PART 'B' REFERRALS FROM POLICY AND RESOURCES COMMITTEE ON 26 NOVEMBER 2015

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## **49 Living Wage Motion**

Considered – Report of the Corporate Director.

### **Recommendation to Council**

That Council be recommended:

A That the following motion not be approved:

Ryedale Council has an objective of increasing the average wage level in Ryedale. So as to set an example and show sound leadership this Council resolves to:

- i) "Pay all RDC employees, excluding apprentices, at the Living Wage or above"; and
- ii) "That preference will be given to external contracts where the applicant pays the Living Wage or above."

Any cost of the above to be financed in 2015/16 year from the reserves.

Voting record  
2 for the motion  
5 against the motion  
1 abstention

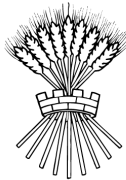
B i. To pay RDC employees, excluding apprentices, who currently earn less than the living wage at the rate of £7.85 hr with effect from 1 November 2015 retrospectively until such time as this is naturally overtaken by the National Living Wage.

ii. Not to sign up to the Living Wage Foundation concept for the reasons outlined in the report.

Voting record  
7 for  
1 against  
0 abstentions

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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>26 NOVEMBER 2015</b>
<b>REPORT OF THE:</b>	<b>CORPORATE DIRECTOR PHIL LONG</b>
<b>TITLE OF REPORT:</b>	<b>LIVING WAGE MOTION</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

1.1 This report considers the following motion presented to Council on the 9 July 2015 as follows:

That Members consider the following motion referred from Council on the 9 July 2015 to this Committee:

Ryedale Council has an objective of increasing the average wage level in Ryedale. So as to set an example and show sound leadership this Council resolves to:

- i) "Pay all RDC employees at the Living Wage or above";
- and
- ii) "That preference will be given to external contracts where the applicant pays the Living Wage or above."

Any cost of the above to be financed in 2015/16 year from the reserves.

### **2.0 RECOMMENDATION**

2.1 Members are recommended:

- i. To pay RDC employees who currently earn less than the living wage at the rate of £7.85 hr with effect from 1 November 2015 retrospectively until such time as this is naturally overtaken by the National Living Wage.
- ii. Not to sign up to the Living Wage Foundation concept for the reasons outlined in the report.

### **3.0 REASON FOR RECOMMENDATION**

3.1 Implementation of the Living Wage principle has nominal impact on the Councils budget at a projected cost of £5,091 per year excluding on-costs (based on the hourly

rate of £7.85). As a low wage economy the implementation of the recommendation by Ryedale District Council would potentially encourage local employers to follow by example.

3.2 Whilst the living wage foundation has recently increased the UK living wage for outer London to £8.25 from 1 November 2015, it is recommended that we do not follow this principle as it would erode pay differentials over grades 1, 2 and 3. By comparison the previous figure of £7.85 has affect over only grades 1 and 2.

3.3 It is for this reason that it is recommended that the Council does not sign up to the Living Wage Foundation concept for the reasons outlined in the main body of the report. In summary the Council would be handing over pay decisions to a third party over which it would have no input or influence. Such increases could impact on future budgets and significantly erode the differentials within the Council's job evaluation system.

#### **4.0 SIGNIFICANT RISKS**

4.1 Implementation of the Living Wage hourly rate brings risk regarding Equal Pay Claims as it introduces a new factor in determining pay and a two tier system of pay/remuneration.

- Any benefit of increase in the cost of earnings could be off set by a loss or reduction in any state benefits.
- The perception and effect on morale of employees not receiving a pay increase could have a negative effect on team relations.

4.2 Inclusion of preference in contracting for those organisations who pay the living wage may result in increased costs and delays to service delivery and this is not recommended.

4.3 Adverse press and public reaction to what could be portrayed as 'excessive' pay increases for Local Government employees during a period of austerity.

#### **5.0 POLICY CONTEXT AND CONSULTATION**

5.1 Council Aim 5: To Transform the Council. To deliver future improvements and build capacity.

### **REPORT**

#### **6.0 REPORT DETAILS**

6.1 At Council on the 9 July 2015 it was moved by Councillor Clark and seconded by Councillor Thornton:

*Ryedale Council has an objective of increasing the average wage level in Ryedale.*

*So as to set an example and show sound leadership this Council resolves to:*

*iii) "Pay all RDC employees at the living wage or above";*

*and*

*iv) "That preference will be given to external contracts where the applicant pays the living wage or above."*

*Any cost of the above to be financed in 2015/16 year from the reserves.*

6.2 The Chairman referred the motion to the Policy and Resources Committee under Council Procedure Rule 11.4. and this report allows members consideration of the motion.

### **Background**

6.3 The Living Wage Campaign in the UK was launched by London Citizens in 2001 and calls for every worker in the country to earn enough to provide their family with the essentials of life. Following a series of successful campaigns, various interested parties joined together and formed the Living Wage Foundation in 2011. The Foundation is now the lead body and provides accreditation, advice and support to potential and accredited Living Wage Employers.

6.4 The Living Wage hourly rate outside of London has been calculated for the Living Wage Foundation by the Centre for Research in Social Policy (CRSP) at Loughborough University. The calculation is based on Minimum Income Standards for the United Kingdom, the product of research by CRSP funded by the Joseph Rowntree Foundation. The research looks in detail at what households need in order to have a minimum acceptable standard of living. Decisions about what to include in the standard are made by groups comprising members of the public. The Living Wage is therefore rooted in social consensus about what people need to make ends meet. The updating of the Living Wage each year takes account of rises in living costs and any changes in what people define as a 'minimum'. It also takes some account of what is happening to wages in general.

6.5 The Living Wage rate (outside of London) was £7.85 per hour which equates to an annual full time salary of £15,145 (37 hr weeks). The new Living wage rate has recently changed - as from 1 November 2015 - equates to £15,917 (37hr week). In contrast the Adult National Minimum Wage has increased to £6.70 as recommended by the Low Pay Commission (LPC).

6.6 There are currently 15 established employees (2 male, 13 female) to whom this would apply within the Council, all part time. In full time equivalents, this equates to 3.9 FTE per week. The jobs which fall within this group of staff are cleaning staff, canteen assistants, toilet cleaners and toilet key holders.

6.7 Implementation of the Living Wage would currently cost £5,091per year excluding on-costs as such it would effectively put all grade 1 employees midpoint on grade 2.

### **Living Wage Foundation Concept**

6.8 The Council can implement the Living Wage rate with or without signing up to the Living Wage Foundation, however there are a number of implications of fully signing up to the Living Wage Foundation concept:

- If the Council signed up to the Living Wage Foundation ultimately the Council would be handing over some of its pay decisions. It would be bound to a third party over which it would have no input and any future increases in the living wage would have to be met by the Council. Such increases could further erode the differentials within the Council's job evaluation system, especially during times where increases in pay for employees are low.
- It could undermine the integrity of the Council's established and agreed job evaluation scheme. The payment of the Living Wage artificially increases the pay beyond that which job evaluation and the pay structure have deemed appropriate. This in turn could lead to claims from other officers to ensure that differentials are maintained. Any changes to the agreed grading structure makes the Council vulnerable to Equal Pay claims. There is no statutory requirement to

- implement the living wage.
- Such a change would require consultation with the recognised trade unions
- The grading structure may need to be redesigned and thus require renegotiation of collective agreement and lifting all of the grading structure sufficiently high enough to lift the lower grades above the Living Wage.
- If the Council implemented the living wage without signing up to the Living Wage Foundation, the issue would need to be considered by Council on each occasion an increase in the living wage was made.
- There would be immediate increased and uncontrolled costs to the wage bill in a difficult financial climate.

**That preference will be given to external contracts where the applicant pays the living wage or above**

- 6.9 In procuring goods and services officers are bound by the Constitution, which basically tiers purchases into different categories, with the overall proviso that officers should seek to ensure best value and operate within budgets:
- For purchases under £5k officers should proceed in a manner most expedient to the efficient management of the service.
  - For purchases between £5k and £50k officers should seek 3 written quotes.
  - For purchases over £50k formal tendering with specification is required with various permitted procurement routes.
- 6.10 In 2014/15 the Council made payments to nearly 915 different suppliers.
- 6.11 It would be relatively straightforward in tendering contracts over £50k to give preference, through a weighting in the tender evaluation criteria. Below this there is major concern that checking will increase administration cost and delay service delivery. Often such purchases do not have formal evaluation criteria and therefore giving preference to the living wage would be difficult. Therefore should members wish to implement this part of the motion the officer recommendation is that it applies only to contracts of over £50k.

**New National Minimum Living Wage**

- 6.12 In the summer budget it was announced that the existing minimum wage for over 25's will rise to £7.20 an hour with effect from 1 April 2016 and increasing to £9 an hour by 2020 through the concept of the new National Minimum Living Wage. Ryedale District Council is under obligation to implement this. There is currently no indication of the % increase year on year to 2020.
- The change will not affect people aged 24 and under currently on the minimum wage.
  - The national minimum wage is £6.70.
  - 18-20 year olds' current rate has increased by 17 pence to £5.30 per hour.
  - The rate for 16 to 17 year olds has increased by 8p to £3.87 per hour.
- 6.13 The current estimated cost on implementing the New National Minimum Living Wage of £7.20 per hour on 1 April 2016 for a full year is an additional £202 excluding on-costs for the same 15 people.

**7.0 IMPLICATIONS**

- 7.1 The following implications have been identified for the Living Wage:
- a) Financial  
The cost of implementing the Living Wage at the rate of £7.85 per annum is

currently £5,092 for a full year.

The cost of implementing the new National Minimum Living Wage in April 2016 is £202 for a full year.

- b) Legal  
There are no significant Legal issues.
  
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)  
Payment of the Living Wage or new National Minimum Living Wage artificially increases the pay of some staff beyond that which job evaluation and the pay structure have determined is appropriate.

**Phil Long**  
**Corporate Director**

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**Background Papers:**  
Ryedale District Council salary scales 1 and 2

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**REPORT TO:** FULL COUNCIL  
**DATE:** 10 DECEMBER 2015  
**SUBJECT:** PART 'B' REFERRALS FROM POLICY AND RESOURCES  
COMMITTEE ON 26 NOVEMBER 2015

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**50 Timetable of Meetings 2016/17**

Considered – Report of the Council Solicitor.

**Recommendation to Council**

That Council is recommended to approve the timetable of meetings for 2016-17.

Voting record  
4 for  
1 against  
2 abstentions

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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>26 NOVEMBER 2015</b>
<b>REPORT OF THE:</b>	<b>COUNCIL SOLICITOR ANTHONY WINSHIP</b>
<b>TITLE OF REPORT:</b>	<b>TIMETABLE OF MEETINGS 2016-2017</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

1.1 This report presents the draft timetable of meetings for 2016-2017 for approval.

### **2.0 RECOMMENDATION**

2.1 That Council is recommended to approve the timetable of meetings for 2016-2017, attached as Annex A to this report.

### **3.0 REASON FOR RECOMMENDATION**

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

### **4.0 SIGNIFICANT RISKS**

4.1 There are no significant risks relating to this recommendation.

### **5.0 POLICY CONTEXT AND CONSULTATION**

5.1 A timetable of meetings is agreed and published for each municipal year. This is an essential part of making the Council's decision making process open and accessible to all interested parties. Management Team have been consulted on the draft timetable of meetings for 2016-2017.

## **REPORT**

### **6.0 REPORT DETAILS**

6.1 The draft timetable of meetings, attached as Annex A of the report, has been based on the meeting cycle used in 2015-16.

6.2 The schedule at Annex A takes account of particular reporting requirements relating to the Annual Governance Statement and Statement of Accounts. No meetings have been scheduled to coincide with Maundy Thursday (13 April 2017), the Ryedale Show (26 July 2016) and the County Council Elections (4 May 2017). Mondays have also been kept free of meetings as this is when the majority of parish and town councils meet.

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

## **7.0 IMPLICATIONS**

7.1 The following implications have been identified:

a) Financial

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

b) Legal

None.

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

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

## **8.0 NEXT STEPS**

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

### **Anthony Winship Council Solicitor**

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### **Background Papers:**

None.



**TIMETABLE OF MEETINGS MAY 2016 TO MAY 2017**

COMMITTEE	MAY 2016	JUN	JULY	AUG	SEPT	OCT	NOV	DEC	JAN 2017	FEB	MAR	APR	MAY	Day
Council	19*		7		1	6		8		21 Tues	2**	6	18*	Thurs
Policy & Resources		16			22		24			2	23			Thurs
Scrutiny		23			29			1		16	30			Thurs
Audit			28		21 Wed		3		26			20		Thurs
Planning Committee and Licensing Committee		7	5	2 & 31 Wed	27	25	22	20	17	14	14	11	9	Tues (6pm)
Resources Working Party					8		10		19		16			Thurs
Parish Liaison Meeting		8				19								Wed (7pm)
Member Development					7	12	9	7	11***		8	5		Wed

All meetings start at 6.30pm unless otherwise indicated.

**NOTES**

- \* Annual Council at 3 pm
- \*\* Reserve date for business not transacted on 21 February 2017
- \*\*\* Budget Briefing

**ELECTIONS**

4 May 2017 – North Yorkshire County Council Election

**Bank Holidays**

Spring Bank Holiday	- Monday 30 May 2016
Late Summer Bank Holiday	- Monday 29 August 2016
Christmas Bank Holiday	- Monday 26 & Tuesday 27 December 2016
New Year's Day Holiday	- Monday 2 January 2017
Council Offices closed	- Saturday 24 Dec 2016 to Monday 2 Jan 2017 inclusive
Easter	- Friday 14 and Monday 17 April 2017
May Day	Monday 1 May 2017

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**REPORT TO:** COUNCIL

**DATE:** 10 DECEMBER 2015

**REPORT OF THE:** HEAD OF PLANNING AND HOUSING  
GARY HOUSDEN

**TITLE OF REPORT:** RYEDALE COMMUNITY INFRASTRUCTURE LEVY

**WARDS AFFECTED:** ALL

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 For Council to agree to the introduction of the Community Infrastructure Levy (CIL) charge

### **2.0 RECOMMENDATION**

- 2.1 That Council agree:
- (i) To the introduction of the CIL charges as outlined in the Ryedale CIL Charging Schedule (Appendix 1) from 1 March 2016.

### **3.0 REASON FOR RECOMMENDATION**

- 3.1 Following the recommendations of the Inspector appointed to examine the CIL Charging Schedule, the Council is in a position to implement CIL charges. Members are aware that the CIL is an important source of revenue to fund the infrastructure necessary to support planned growth.
- 3.2 Any charge applied through the Community Infrastructure Regulations (2010) (as amended) can only be applied from the date that the introduction of the charge is approved by a meeting of Council.
- 3.3 The date included in the recommendation above takes account of the need to establish appropriate internal administrative processes necessary to implement the charge. It also allows a period of time for developers and land owners to understand the implications of the introduction of the charge and the implications this will have for planning applications submitted after this date.

#### **4.0 SIGNIFICANT RISKS**

- 4.1 There are no significant direct risks associated with the introduction of the CIL charges. However, it is important that administrative arrangements are in place to support the smooth implementation of the charges to avoid any confusion for those liable to pay the charge and to ensure that timely payments are received.

#### **5.0 POLICY CONTEXT AND CONSULATION**

- 5.1 Members are aware that on the 22nd September 2015 the Council's Draft Community Infrastructure Charging Schedule was formally examined by an independent Planning Inspector on behalf of the Secretary of State. Prior to this event the Draft Charging Schedule has been subjected to two formal stages of consultation.
- 5.2 The Inspector's report was released on the 14 October 2015. The Inspector concluded that the level of charge was appropriate: that the Council had evidence which demonstrated that the CIL charges were not going to put the overall development of the area, as set out in the adopted Development Plan (the Ryedale Plan-Local Plan Strategy) at risk.

#### **6.0 REPORT**

##### **Ryedale District Council's Community Infrastructure Levy Charge**

- 6.1 Members will recall that the CIL is a tariff-based fixed charge based on the net internal floor space (m<sup>2</sup>) of development to which the charge is applicable. The charges are outlined in the Ryedale CIL charging schedule which is appended to this report.( Appendix 1). Other types of development which are not listed on the Charging Schedule are not liable to a CIL charge.
- 6.2 Members are reminded that there are number of exemptions and relief from the charge. For example, affordable housing and self-build accommodation is not CIL liable. Additionally, Members are reminded that some CIL revenue (15%) goes directly back to the Parish and Town Councils in the areas from which it is generated. This figure increases to 25% if a Neighbourhood Plan is adopted and in place.

##### **Administering and Implementing the Charge**

- 6.3 The process by which the Levy is administered is complex and multi-staged and responsibilities of the Council and of those liable to pay the charge vary at different stages in the process.
- 6.4 In effect, CIL is a land charge/ taxation system and its implementation and administration is very similar to operating a system of Council Tax billing and receipting. Key stages in the process include the issuing of liability and demand notices; the collection/receipt of CIL (including enforcement action if necessary) and financial accounting; the spending of CIL and formal requirements to monitor and report CIL expenditure.
- 6.5 The administration of CIL is a corporate activity and will require co-ordination across service units within the Council, including finance, legal and planning.

Prior to the introduction of the charge, Corporate Management Team will establish the necessary internal procedures necessary to operate the charge.

6.6 Key elements of this will include:

- the procurement of technical software to administer the implementation of the charge
- establishing the roles and responsibilities of different service units in implementing the charge, including training for relevant staff
- working with Members to establish priorities for spending CIL. It is anticipated that this will require liaison with North Yorkshire County Council. NYCC are a key stakeholder for CIL. A number of the infrastructure improvements required to support growth (for which CIL is intended to be used to address) are services provided by NYCC.

6.7 The 1 March 2016 is seen by Officers as being a realistic starting point for the operation of the Levy, and will provide the appropriate timeframe for the necessary implementation measures to be established.

## **7.0 IMPLICATIONS**

7.1 The following implications have been identified:

- a) Financial  
The Council will need to procure the software necessary to administer the levy.
- b) Legal  
Internal training required
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)  
Internal training required

## **8.0 NEXT STEPS**

8.1 Notice of the intention to implement the levy will be given on the Council's web-site

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**Background Papers:**  
The Ryedale Community Infrastructure Levy

**Background Papers are available for inspection at:**  
[www.ryedale.gov.uk](http://www.ryedale.gov.uk)

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RYEDALE  
DISTRICT  
COUNCIL



Ryedale District Council

Community Infrastructure Levy  
Draft Charging Schedule (Revised)

Published March 2015

## **The Charging Authority**

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

## **Statutory Compliance**

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

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

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

## **Justifying the Introduction of CIL**

At the time of publishing (March 2015), the Council has identified an infrastructure funding gap of **£63,870,000**.

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

## **Scope of CIL**

The following development types will be liable to CIL:

- Development comprising 100m<sup>2</sup> or more of new build floorspace;
- Development of less than 100m<sup>2</sup> of new build floorspace that results in the creation of one or more dwellings, but excluding self-build properties; and
- The conversion of a building that has not been in use for at least 6 continuous months during the last three years.

## **CIL Exemptions and Relief**

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

### **Development exempt from CIL**

- The conversion of any building previously used as a dwelling house to two or more dwellings
- Development of less than 100m<sup>2</sup> of new build floorspace, provided that it does not result in the creation of a new dwelling
- The conversion of a building in lawful use, or the creation of additional floor-space within the existing structure of a building in lawful use
- Development of buildings and structures into which people do not normally go (eg, pylons, wind turbines, electricity sub stations)

### **Development entitled to Mandatory Relief from CIL**

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

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

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

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

## CIL Rates

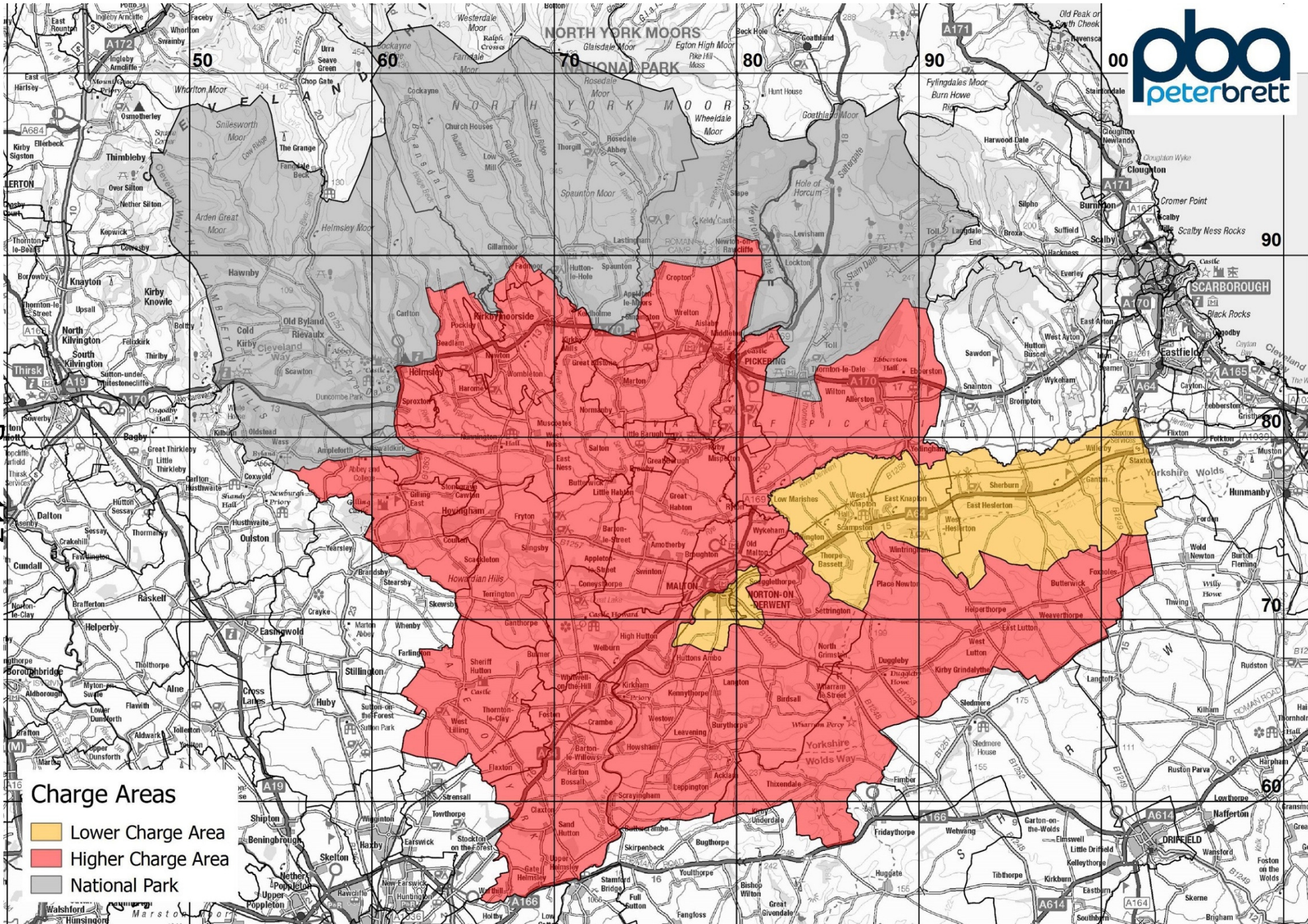
The Revised Draft Charging Schedule Report, undertaken by Peter Brett Associates (formerly Roger Tym and Partners), informs and provides the viability evidence for the CIL rates proposed by Ryedale District Council. The proposed charging schedule is as follows:

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

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

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

The charge zone areas are shown on map shown overleaf.



### Charge Areas

- Lower Charge Area
- Higher Charge Area
- National Park

## **Supporting Information and Evidence Base**

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

- Ryedale Local Plan Strategy (adopted September 2013)
- Ryedale Infrastructure Delivery Plan (January 2012)
- Ryedale Community Infrastructure Levy Revised Draft Charging Schedule Report (February 2015)
- Draft Regulation 123 List