



**POLICY AND RESOURCES COMMITTEE**

Thursday 25 August 2022 at 6.30 pm

Council Chamber, Ryedale House, Malton

**IMPORTANT:** This meeting is being held as an in-person meeting and in public. In view of the ongoing COVID-19 pandemic, Ryedale District Council will continue to operate in accordance with Government guidelines.

Please try to stay at home if you are unwell, take a test if you have COVID-19 symptoms, and stay at home and avoid contact with other people if you test positive.

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Please note that proceedings at this meeting will be filmed for subsequent broadcast via the Council's website. If you choose to attend, you will be deemed to have consented to being recorded and/or filmed and to the use of those images and sound recordings on the broadcast.

**Agenda**

**1 Emergency Evacuation Procedure**

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

**2 Apologies for absence**

**3 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.

**4 Minutes of the meeting held on 16 June 2022**

(Pages 5 - 10)

**5 Minutes of the Local Plan Working Party held on 14 April 2022**

(Pages 11 - 18)

- 6     **Minutes of the Local Plan Working Party held on 13 June 2022**     (Pages 19 - 26)
- 7     **Minutes of the Livestock Market Working Party held on 6 July 2022**     (Pages 27 - 30)
- 8     **Minutes of the Local Plan Working Party held on 7 July 2022**     (Pages 31 - 34)
- 9     **Minutes of the Local Plan Working Party held on 4 August 2022**     (Pages 35 - 38)
- 10    **Recommendations of the Community Grants Working Party held on 11 August 2022**     (Pages 39 - 44)
- 11    **Urgent Business**  
To receive notice of any urgent business which the Chair 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.

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

- 12    **York and North Yorkshire Devolution Deal**     (Pages 45 - 50)

**PART 'B' ITEMS - MATTERS REFERRED TO COUNCIL**

- 13    **Allocation of Community Infrastructure Levy funds**     (Pages 51 - 60)

**TO RECEIVE COMMITTEE LEVEL DECISIONS MADE UNDER URGENCY POWERS AS REQUIRED UNDER CONSTITUTION**

- 14    **Suspension of Overnight Motorhome and Campervan Parking In Cleveland Way Car Park**     (Pages 61 - 70)
- 15    **Covid-19 Additional Relief Funding (CARF) Scheme**     (Pages 71 - 88)

**EXEMPT PART 'B' ITEMS - MATTERS TO BE REFERRED TO COUNCIL**

- 16    **Exempt Information**

To consider a resolution to exclude the press and public from the meeting during consideration of the following item 17 (Proposal for Light Industrial Starter Units) as provided by paragraph 3 of Schedule 12A of Section 100A of the Local Government Act 1972, as the information relates to the financial or business affairs of any particular person (including the authority holding that information).

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

- 17    **Proposal for Light Industrial Starter Units** (Pages 89 - 104)
- 18    **Any other business that the Chair decides is urgent.**

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## Policy and Resources Committee

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Held at Council Chamber, Ryedale House, Malton  
on Thursday 16 June 2022

### Present

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Councillors Joy Andrews, Paul Andrews (Substitute), Arnold, Burr MBE, Clark, Docwra, Duncan, Frank, Graham and Keal (Chair)

Overview & Scrutiny Committee Observers: Councillor Brackstone

### In Attendance

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Lynne Bayes, Lucy Furneaux, Lily Hamilton, Elizabeth Heath, Anton Hodge, Phillip Spurr, Amy Thomas and Margaret Wallace

### Minutes

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1      **Emergency Evacuation Procedure**

2      **Apologies for absence**

Apologies were received from Councillor Riby, Councillor P Andrews substituting.

3      **Declarations of Interest**

Councillor Keal declared a personal, non-pecuniary and non-prejudicial interest in item 14 (Funding for Norton Skate Park) as a member of Norton Town Council.

Councillor P Andrews declared a personal, non-pecuniary and non-prejudicial interest in item 14 (Funding for Norton Skate Park) as a member of Malton Town Council.

Councillor Burr also declared a personal, non-pecuniary and non-prejudicial interest in Item 14 (Funding for Norton Skate Park) as a member of Norton and Malton Town councils.

4      **Minutes of the meeting held on 17 March 2022**

Decision
That the minutes of the Policy and Resources Committee held on 17 March 2022 be approved and signed by the Chair as a correct record, subject to an amendment to the voting record under Item 117 – Exempt Information, and that an incorrect figure in the report under Item 118 – Housing Benefit Debtor Write Offs be noted.

**Voting Record**

Approved by general affirmation

**5 Minutes of the Local Plan Working Party held on 9 March 2022**

The minutes of the Local Plan Working Party held on 9 March 2022 were received.

**6 Minutes of the Local Plan Working Party held on 29 March 2022**

The minutes of the Local Plan Working Party held on 29 March 2022 were received.

**7 Minutes of the Livestock Market Working Party held on 6 April 2022**

The minutes of the Livestock Market Working Party held on 6 April 2022 were received.

**8 Minutes of the Flood Management Working Party held on 26 April 2022**

The minutes of the Flood Management Working Party held on 26 April 2022 were received.

**9 Minutes of the Local Plan Working Party held on 12 May 2022**

The minutes of the Local Plan Working Party held on 12 May 2022 were received.

**10 Minutes of the Local Plan Working Party held on 24 May 2022**

The minutes of the Local Plan Working Party held on 24 May 2022 were received.

**11 Urgent Business**

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

**12 Appointment of Working Parties and Sub-Committees**

Considered – report of the Head of Corporate Governance.

It was proposed by Cllr Burr and seconded by Cllr P Andrews that Cllr Thackray be appointed to the Local Plan Working Party.

Upon being put to the vote the motion was carried by general affirmation.

**Decision**

- (i) That the terms of reference for working parties and sub-committees of the Policy and Resources Committee attached at Appendix 1 of the report be approved;

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| (ii) That members and substitutes be appointed to working parties and sub-committees of the Policy and Resources Committee based on the allocation of seats set out in Appendix 2; |
| (iii) That Cllr Thackray be appointed to the Local Plan Working Party.   |

**Voting Record**

Approved by general affirmation

**13 Revenue and Capital Budget Monitoring - Draft Outturn 2021-2022**

Considered – report of the Chief Finance Officer (s.151)

<b>Decision</b>
Policy and Resources Committee:
(i) Notes the contents of the report and that the draft surplus Balance of £10k has been transferred to the General Reserve.
(ii) Approves a carry forward of £242k from revenue budgets and £7.56m from the Capital Programme to ensure that key projects can be adequately resourced and completed.

**Voting Record**

Approved by general affirmation

**14 Funding for Norton Skate Park**

The Chair informed the Committee that this item would be taken out of numerical order, and it was addressed following the conclusion of Item 11.

Considered – report of the Programme Director for Place and Resources.

<b>Decision</b>
Policy and Resources Committee approve that:
(i) Funding for the scheme already allocated in the 2022/23 budget be provided to Norton Town Council (NTC) but subject to RDC having sight of the preferred quote for the work and on the understanding that all interest groups are consulted and included in ongoing development work at the site.
(ii) RDC funding be conditional upon confirmation of any required match funding, should the cost of the scheme be above the RDC £50,000 contribution.

**Voting Record**

Unanimous

**PART 'B' ITEMS - MATTERS REFERRED TO COUNCIL**

**15 Norton College Astro-Turf Replacement Funding Request**

Considered – report of the Programme Director for Place and Resources.

**Recommendation to Council**

Policy and Resources Committee recommends that:

- (i) Funding of 90% towards the estimated total project cost for the replacement astro-turf pitch at Norton College up to a maximum of £108,000 be provided;
- (ii) Provision of a grant is subject to 10% match funding from the College, a robust procurement process being undertaken by the College, the provision of a community use plan, and completion within 2022/23;
- (iii) Agreement of the procurement process and the community use plan is delegated to the Programme Director for Place and Resources in consultation with the S151 Officer and the Chair of the Policy and Resources Committee.

**Voting Record**

Unanimous

Councillor Docwra left the meeting at 8.20pm.

**16 Council Performance - Quarter 4 2021-22**

Considered – report of the Strategy and Performance Manager.

**Recommendation to Council**

It is recommended to Council that the progress report is noted.

**Voting Record**

Approved by general affirmation

**TO RECEIVE COMMITTEE LEVEL DECISIONS MADE UNDER URGENCY POWERS, AS REQUIRED UNDER THE CONSTITUTION**

**17 Contract Award - Public Toilet Cleaning**

The Committee level decision made under urgency powers was received and the Constitutional requirement was met.

**18 Council Tax Rebate - Discretionary Scheme**

The Committee level decision made under urgency powers was received and the Constitutional requirement was met.

**19 Rural Community Grant Scheme 2022/23**



The Committee level decision made under urgency powers was received and the Constitutional requirement was met.

#### **EXEMPT PART 'B' ITEMS - MATTERS TO BE REFERRED TO COUNCIL**

#### **20 Exempt Information**

##### **Resolved**

To exclude the press and public from the meeting for discussion of the following item 21 (Levelling Up Fund Application – Malton Rail Station) as provided by paragraph 3 of Schedule 12A of Section 100A of the Local Government Act 1972, as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

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

##### **Voting Record**

Unanimous

#### **21 Malton Rail Station - Levelling Up Fund Application**

Considered – Report of the Programme Director, Place and Resources

##### **Recommendation to Council**

Policy and Resources Committee recommends to Council that approval is given to the Ryedale District Council (RDC) submission of a Levelling Up Fund application for the Malton Station Redevelopment Project in July 2022, including a financial contribution of around £1.5 million, subject to a successful bid.

##### **Voting record**

Unanimous

#### **22 Any other business that the Chair decides is urgent.**

There being no further business, the meeting closed at 9:00pm.

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## Local Plan Working Party

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Held at Virtual Meeting  
on Thursday 14 April 2022

### Present

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Councillors Paul Andrews, Goodrick, Mason, Potter, Riby and Thackray

### In Attendance

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Rachael Balmer and Jill Thompson, Lizzie Phippard and Matthew Lishman

### Minutes

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#### 37 Minutes

Minutes of the Local Plan Working Party held of 14<sup>th</sup> April 2022 at 6pm

#### Apologies

Apologies were received from Cllr Windress

#### Minutes

Cllr Goodrick Moved the Minutes of the previous meeting, they were seconded by Cllr Potter.

All Members were in favour and minutes were approved.

#### 38 Market Towns Site Submissions

##### The Market Towns

##### Malton

##### Site 141 – Peasey Hills Recreation Ground

Yield of 30 dwellings, site of 1.66 hectares, and possible yield of around 34 dwellings.

Local Plan considerations – identified as public open space, within development limits, was a long standing refuse site, and there are contamination issues, and hence why the site hasn't yet been built out.

##### Site 143 – Land at Peasey Hills Road

Site area 0.13 hectare and within development limits.

##### Site 146 – Land adjacent to Barton Cottage Castle Howard Road

Just under a third of a hectare in size and has been submitted for 2 dwellings. We believe it to have a potential yield of 6 dwellings. It is within the development limits of the town, but part of it is also within Malton Conservation Area.

Site 144 – Walled Garden Old Maltongate.

The walled gardens of the Malton Estate. Has been put in for public open space, not for residential space.

Site 149 – Land at Sheepfoot Hill

This site has been in the plan making process previously. It is within development limits but also within Conservation area and within Flood Zone 3. There is a high level of flood risk on this site.

Site 279 – Land to the east of Chandlers Wharf Castlegate

This site is adjacent to the last site. Similarly to above it is within development limits but also within the Conservation area and within Flood Zone 3.

Site 181 – Land North of Castle Howard Road, a Fitzwilliam estate submission

In the developers eyes the site is capable of delivering 500 houses, but we believe it to be less than that. Has a site area of 14.16 hectares – we believe it could deliver around 300 dwellings. The site is outside of development limits, although not in the AONB, it's a site that could potentially affect the setting of the AONB.

It is a site that planning permission has previously been refused on (known as High Malton).

This site is coupled with Land to the south (further submission), 181a – Land South of Castle Howard Road

Allotments to the east side, also submitted by Fitzwilliam Estate. It is outside development limits and just over 10 hectares in size. In their submission they suggest it could provide 220 units. Our calculations suggest it could host around 210 dwellings.

Site 186 to the North in Old Malton, Thackrays Yard.

This site is identified for 30 dwellings and measures just over one hectare in size. We believe it would probably deliver 24 units. It's partly within and partly adjacent to the existing development limits.

Site 271 Manor Farm (paddock and existing buildings) Land North of Town Street Old Malton

Identified for 35 dwellings and just shy of being 2 hectares in size. We have considered that it could deliver a little bit more than that. It is adjacent to development limits but within the Conservation area of Old Malton. It's also partially within a visually important undeveloped area (VIUA). Also, parts of the site are across the road from the Grade 1 Listed St Marys Church and there is also a larger area of schedule monuments nearby.

Site 264 – Peasey Hills East, Land East of Rainbow Lane and South of Westgate Lane

It has been submitted on the basis of delivering between 175/245 houses. A site area of just over 9 hectares. Based on our yield calculation, it would deliver about 195 dwellings. Outside of development limits, also part of a wider

area of land that was identified as a visually important undeveloped area in the Local Plan Sites Document. There is a truncation from the originally submitted site extent, and this area of land was excluded on the basis of having a higher flood risk.

Cllr Potter: what are the access options here?

Officer: there are two options, off Rainbow Lane and then also off Westgate. Neither are particularly wide in their extents.

Members identified that they might need some infrastructure improvements.

### **Employment sites**

#### Site 270 – Eden Camp East Land East of A169 & Site 270a – Eden Camp East Land East of A169 (both submitted for Employment use)

Site submissions for the Fitzwilliam Trust Corporation, they were made last time. We had identified in the Local Plan that this was a broad location to see potential future employment land, should it be required. Adding these previously would have taken us above what we required for the plan period and can make it more vulnerable for speculative applications for housing development.

#### 234 – Rabbit Lane Old Malton & 269 – Howe Bridge Farm Lane, Old Malton (both submitted for Employment use)

Both submissions by different landowners. Site 239 was submitted previously. And all extending out along the A169.

Members felt that this looks like a prime spot for agricultural land and were concerned with the expansion northwards along the A169.

### **Questions**

Members raised questions in relation to site 181/181a accessed from York Road or Castle Howard Road.

Officer: explained that the easiest access would be Castle Howard Road, especially as from the south the land rises quite steeply. Also there is minerals workings to the south, so the topography is more complex in that location. In an ideal world it would be favourable to produce two accesses from it, for safety and for emergency vehicles being able to access this site from all aspects.

Questions were also raised in relation to 271 and what the site history was. One member believed it had gained approval for a care home and had some queries in relation to access for this site.

Officer: this is an additional submission that they have made and we will explore whether or not they want to deliver the extant permission and what

that means in relation to accessing the sites. From Old Malton Road you would have to go through this site area.

Members also questioned the two submissions at Sheepfoot Hill (Sites 144/149), given they are brownfield sites it was presumed that they might be allowable in terms of flood risk on the basis that finished floor levels would be a certain height above AOD.

Officer: it is not straightforward, whilst they are brownfield sites (that is the case) they will still need to be sequentially tested. NPPF suggests we should seek development in the areas of least flood risk. If the site does pass the sequential test (because it cannot be sighted anywhere else) it will have to then move on to an exceptions test, and that's where you would be looking to make an exception to siting development in an area that isn't at the lowest flood risk. You're weighing considerations that it can go anywhere else. This site also has the industrial element as well as flood, which adds contamination concerns.

Concerns were also raised about the area of Sheepfoot Hill being within the Air Quality Management Area, in what could be considered one of the worst patches in the town. Some members felt we would be required to look at the cumulative impact these sites would have on that. Should air quality assessments be conducted on all sites?

Officer: we will look to do air quality assessment work a little bit down the line, looking at the cumulative considerations, once we have established what the distribution of development will be. And this will influence the levels of development, particularly at Malton and Norton.

A member suggested that presumably Fitzwilliam Estate will look to build the livestock market in lieu of any of these projects coming forward.

Another member raised a question in relation to site 141, an area of open space surrounded by houses, and asked if this is an existing play area and can it become an asset of community value?

Officer: we would identify it as an area of public open space, but it is not a formal sports pitch. Yes, a piece of land can become an asset of community value. It would require a concerted group to evidence that there is a strong element of community value.

Officer: this particular site is potentially a bit of liability and not in a great state, so I'm not too sure how well it is actually used.

Some members wanted to know the fall-back position in relation to site 271; would we be in a position to refuse an application for housing given the site history?

RB: this site is not in development limits for the vast majority of the site and is within Old Malton Conservation Area so there are Heritage considerations that would need to be taken into account for development proposed for this site. It is a sensitive site, and also its relationship between Malton and Old Malton and coalescence issues.

## **Comments**

Looking at 181 and 181a, some members felt that Fitzwilliam Estate would need to be more plan compliant (affordable housing land for schools, bungalow designs, density, potentially divorced from town centre etc. were topics raised). It was also mentioned that there are also air quality issues related to the sites here too. Both these sites were turned down for impacts on the setting of the AONB. Several concerns were raised by members.

Concerns also raised in relation to site 279, the brownfield site that looks untidy.

Sites 141 and 143, raised concerns.

Several members agreed that Site 264 was a significant site that would mean adding far more houses into a housing network that the town is cable of supporting, it would need commensurate infrastructure in order for any such site to be considered.

Site 271 is another submission that members had concerns with regarding heritage issues.

Site 186 also has some concerns with the access and its extent.

One member suggested that they did not think there should be any more development in Malton, until at least there has been a new interchange built between Broughton Rd and the A64. Members were broadly in agreement with this.

## **Norton**

### Site 26 - Whitewall Corner Field, Norton

It's been identified for a yield of 220 dwellings, the site is 4.5 hectares, and a more realistic yield would be around 95 dwellings. There are sensitivities around this location, there are listed buildings in proximity to the site. Adjacent to development and also within a visually important undeveloped area.

### Site 37 – Land off Welham Road

Just to the north of the last site. It has been submitted for 200 dwellings and is 11 hectares in size. We think it would be able to deliver around 229 dwellings. But as we said previously, this is a visually important undeveloped area and has heritage considerations.

#### Site 38 – Land between Beverley Road and Langton Road

It's a very sizeable site submission, just shy of 29.5 hectares in size. The developers proposed the site is capable of yielding 900 dwellings, but we feel on our calculations that it is closer to 600 units. Adjacent to the Area of High Landscape Value (AHLV) and is on land outside development limits.

#### Site 138 – Land at Norton Road

They have submitted the site without a specific use in mind. The site has significant flood risk, and we have identified if it did come forward for residential use it would provide around 23 dwellings. The existing uses on site (the skate park) is a community recreational facility.

#### 139 – Land at Bark Knotts Farm

Identified a yield of 45 dwellings, site is just over 3 hectares. We have identified it as potentially having a yield of 65 dwellings. A site within development limits, however there is very high flood risk, partly in Flood Zone 3 and others in Zone 2. This is one of the primary reasons this site hasn't been delivered to date.

#### 195 – Malton Woolgrowers, Park Road

Potentially yield of 60 units, site area is just over 4.7 hectares, adjacent to development limits, we have identified it as being able to deliver around 100 dwellings, however, again this is a site that is subject to high flood risk so with regard to the sequential test we would need to look at land in least flood risk. It is also close to the River Derwent Special Area of Conservation (SAC), as are a number of sites in this location. It is known as a site with contamination issues.

#### 201 – Land of Welham Road 68a Welham Road

Former trout hatchery. It is adjacent to the development limits, and is just over 0.7 of a hectare, and is potentially capable of delivering 14 dwellings. There are some potential flood risk issues on the site. A track/lane runs from Welham Road into this site.

#### 221 – Site at Welham Road, east of Beechwood Road and Hunters Way

Identified for 100 houses, the site is just under 4.5 hectares in size. We think it has a potential yield of 93 dwellings.

#### 222 – Land at Quarry Farm, North of Scarborough Road

This is a site put forward with an unspecified use. It is just outside of development limits and is just over a hectare in size; we have established it could deliver around 26 dwellings if residential development was ultimately identified. Because of excavation works, there is changes in the topography, but that part of the site is further across. It is also next to the railway.

#### 224 – Land West of Norton Grange, Park Road



This is a very large submission, as a mixed use. The developer has indicated a predominantly residential use, with some employment, retail and community use. This site is just over 67 hectares in size, and they have identified that it would be capable of delivering 1500 dwellings. We believe it could deliver 1400 dwellings. A very high proportion of the site is in an area of very high flood risk, effectively corresponding with the line of the gallops. So a large parcel of this site would then be excluded from development to satisfy the requirements of the sequential test.

225 – Land at Norton Grove Stud and adjoining land, south of Scarborough Road

Proposed as a heritage museum, on the border with Settrington Parish.

230 – Land adjoining Norton Grove Lodge south of Scarborough Road

This site has been identified for 100 houses with a site area of 3.27 hectares. We have identified the yield to be more like 78 units. It is outside development limits, but not subject to any more designations. There might be some element of flood risk to the eastern side of the site.

232 – Land West of Welham Road

It has been submitted in that wider submission, but this has some forward as an individual submission with a site area of 5.5 hectares in size. They have identified a yield of 148 dwellings, we have suggested a yield of around 110 dwellings. Adjacent to development limits on its northern and eastern extents. There is also a public right of way that runs across the site.

253 – Land adjacent to Norton Lodge

Over on the eastern side of the map. A site that is contiguous in its extent with the allocation at Norton Lodge and is being promoted on the basis of becoming an extension of that existing site. The submission suggests a yield of 450 dwellings, the site is just shy of 18 hectares in size. We have identified that it is capable of delivering more like 376 dwellings.

**Questions**

The area above site 38, runs the opposite side of the railway. If we were to accept development here, it would be extremely beneficial to get a car park for the railway from this side. If the site is suggested for mixed use, could we suggest this?

Officer: Allocations usually concentrate on residential and employment sites. That being said, this sort of proposal could be seen as a critical site for providing infrastructure for the town. It does lend itself well to that sort of use due to the existing bus and railways stations and because of the connectivity between the two towns. Could be a consideration in a sequential and exception test as that sort of thing couldn't be developed anywhere else.

Members asked how the location of the Beverley Road site as a previous allocation is situated in connection with the new site submitted.

Officer: The existing allocation is due to develop around 600 homes. As it stands, the submission is closer to 700 dwellings. This new site submission would join the proposed site and continue out to the east.

### **Comments**

Concerns were raised that everything west of Norton, all the Welham Road sites are out of the question until the infrastructure comes into place. Development here would force everything onto County Bridge. There should be a bypass adjacent to York Road before this can happen. Active travel is a priority, looking at a cycle and pedestrian bridge to the station. A chicken and egg situation in that which comes first, the development or the infrastructure.

In terms of all the submissions, we are looking at a massive amount of over development without the infrastructure to support it.

There were also remarks on a traffic report conducted in 2010 which suggested that Malton and Norton's roads could facilitate another 2000 houses. Once the Norton Lodge site is built out, this will equate to the full 2000 having been developed already. Coupled with the increased train timetable, the two towns have reached their limits in terms of current strategic road infrastructure.

Comments were made on the 5 year housing supply, asking if we don't allocate housing in Malton and Norton, can we still meet the supply required. Officers advised that this is the role of the distribution strategy to identify where development will be prioritised.

Concerns were raised with regards to flooding and avoiding land which had a high risk of flooding. There is increased public awareness of this issue, and a number of sites in Norton have flood risk issues.

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### **Remaining Settlements where no Site Submissions have been made**

It was agreed that we would go on to discuss both Kirkbymoorside and Pickering at the next LPWP meeting alongside settlements with no site submissions.

**The dates for the next two meetings will be 12<sup>th</sup> May and 24<sup>th</sup> May.**

**Meeting adjourned 19:36**

## Local Plan Working Party

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Held at Virtual  
on Monday 13 June 2022

## Present

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Councillors Paul Andrews, Docwra, Frank, Goodrick, Mason, Potter and Thackray  
(Substitute)

## In Attendance

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Rachael Balmer and Lizzie Phippard

## Minutes

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### 46      **Apologies**

Apologies received from Cllr Cleary

Jill Thompson and Matt Lishman

### 47      **Minutes of meeting of 24 May 2022**

The Chair asked if any Cllrs had any matters rising from the minutes in which they wished to discuss.

#### Matters Arising of Minutes from 24 May meeting

##### *Castle Howard Submissions*

There was discussion around the Castle Howard Estates submission of sites at Slingsby. The Chair brought up a section in the previous meeting under the Slingsby section on Page 7 which stated that officers had mentioned that we would ask land owners to demonstrate housing figures and benefits the sites might bring, was this the case?

Officers stated that when we did the call for sites, we asked a series of questions about the site submission and what they would deliver e.g. green infrastructure, how many houses etc. We have that information, but some land owners have been far more detailed than others. That means effectively those who have not submitted the higher level of detail, they will not perform as well in the site assessment. We may well go back to site submitted for further info, and they are able to provide further info should they wish to.

A member asked if for example, a developer was to say they will deliver a specific number of homes or a certain house build standard or energy efficiency, how could we ensure they stick to this figure. RB explained that we would set out a number of development principles when we make allocations. Those principles will need to be deliverable, but that is how we will set out and require certain standards through the development. It was also explained that

larger sites submissions will be expected to quantify infrastructure on and off site. We will need to set this out with allocations, as we did for the local sites document.

Some Members raised concerns about large development whereby infrastructure lags the development, rather than the more appropriate way around and felt that this was positive to avoid this. Member also asked for clarification on whether or not we could incorporate building standard and environmental standards into policies around allocations. Officers confirmed that, yes this could be done, but we would need test the viability.

One member explained that they had been present at the Ganthorpe meeting and had concerns that CHE not able to be legally bound to deliver all the wider benefits they are identifying and will simply sell the site to a major housebuilder.

It was also mentioned that CHE do attract money and tourism into the wider area, and this is about the wider estate.

That we should be open minded when considering these schemes and CHE's intentions.

#### *Sustainable build standards*

The chair noted that national policy doesn't contain enough about these matters raised (climate change mitigation, build standards etc.) Therefore all Members can do is get as much in to the Local and hoping that national policy catches up soon. We should be looking at successful plans and seeing how Ryedale can implement their approach. Rachael explained that the legal power is the Local Plan and expressed through the policies. In order to do that we need to evidence those policy choices and provided a viability evidence base to back it up.

One member stated that the viability evidence base is the struggle as this is where developers can then find they are unable to build because of our requirements, and they will build elsewhere.

Rachael explained that this is on the basis that we have viability tested those chosen standards in the Plan before allocations, so that developers can't then come back and say this. This would be based on the level of housing delivery, housing market values that developers have submitted to us, against the build standards and factoring affordable housing policy and CIL. Making sure it can demonstrated that a specific build standard is achievable and therefore they should build to that standard.

One member felt this would then be reflected in the price of those houses when they come to market, they are likely to then be more expensive to equate for the extra build cost, and therefore less affordable.

#### *Slingsby Sports Field and other matters*

There was some discussion over Slingsby sports field and potential for it becoming an Asset of Community Value. Rachael explained that the Parish could instigate this, or a neighbourhood group and it is then administered by the district council. A number of members have had conversations and worked with Slingsby sports association, and felt they may be the best group to go for Asset of Community Value.

A member explained that there was a direct question at the Slingsby meeting to see if the Castle Howard Estate would gift the sports field to the community. CHE did not agree to this, but nor did they disagree. Also the provision of a school, they said they might be able to assist with this.

There was a comment about the existing housing stock in the village, and how CHE are selling off some of this existing stock at present. There was concern that this existing housing stock being sold off may be brought and turned into holiday lets/B&B. CHE had apparently suggested that we might impose a principle residency policy. This is not current policy, no decisions have been made to implement such a policy, and would not apply to existing dwellings. Cllr Mason asked if we will be looking at neighbourhood plans and local green space in this review, as he felt this should be considered.

RB explained that we would not be, but neighbourhood plan preparation is something the government is very keen for us to support.

RB In larger unitary areas, such as Cornwall and Northumberland that have been through unitary changes there are more neighbourhood plans present. Going forward with LGR we are likely to see North Yorkshire having many more Neighbourhood plans coming forward as the overall plan will likely be a lot more high level, so more detail could be dealt with in localised Plans.

RB In the development of the local plan sites document we took the view that the subject of green space is best responded to by the local community, so this would best addressed through the neighbourhood plan process.

RB We will look at green infrastructure in the review in relation to sites but don't have the capacity to identify and designate local green space in the review of this plan.

The Chair asked if the site submissions are already out there in the public domain and had everyone seen the Transport connectivity paper issues in May by CHE. It was confirmed to members that all sites and submitted documentation is now publicly available. Members were concerned that there had been delays in getting the information out.

#### **Minutes from 24 May 2022.**

Cllr Goodrick noted an error in the Welburn section on the minutes (paragraph 3 the second sentence) the wording reads 'car' not 'car park' – as it should.

Following these discussions the minutes were moved by Cllr Potter and seconded by Cllr Frank, for approval with this aforementioned amendment.

The minutes were approved with the amendment by Cllr. Goodrick.

#### 48 **Report: Local Plan Review - Scope**

RB gave a brief overview of the report published to members and explained that this was to revisit the timescales and reconfirm the scope of the principles of the Review.

The report notes that we aim to take a key decision paper to members in autumn. Followed by publication and intended submission on 23<sup>rd</sup> February 2023. This will mean the review has been published and the principle of submission agreed when the new council comes into being.

In terms of the scope, the review needs to concentrate on spatial distribution principles, associated allocations, ensuring policies are in line with any amendments to NPPF and how the council will respond to climate change and build standards.

Things not to be covered in the review: Retail space requirements, CIL, Affordable housing policy, and the existing Ryedale Plan to sit alongside the review rather than a whole new document. It is also not the intention to do a whole scale review of development limits.

RB raised that in light of not reviewing development limits beyond allocations, and the discussions Members have been having on the sites that they may wish to explore a criteria based policy which gave a clear steer on small scale development.

#### *Member's Questions and Discussion*

There was discussion surrounding criteria based policy and looking at smaller sites coming forward outside of development limits. There was discussion over % increase per smaller settlement. Members explored within 5% to 10% of settlement size, as a more favourable figure. This would mean small scale development outside Development Limits could be considered but that those sites don't need to be formally allocated. Some Members felt this should include brownfield sites but noted that developers are often less likely as they are more expensive to develop. Most members echoed that this would be a good idea to encourage smaller development.

RB explained that Members would need look at the criteria which they had been exploring when they looked at all the site submissions- to think about the factors which would important to consider such as access, amenity, flood risk.

RB advised that the review of the plan needs to ensure we have identified sufficient allocations to meet the land supply. We can't rely on the additional housing from a criteria based policy, as this wouldn't evidence delivery. It would just allow organic schemes to come forward in conjunction with the allocations under very specific circumstances.

Members discussed the scope of the review. RB explained that we have to evidence the policy changes we are making, but also the elements we don't change need to also be proportionately evidenced and justified. The evidence base has to be comprehensive because of this. Members asked if there are plans for major shifts in government policy. Rachael explained that it has been noted that the NPPF will be updated in July, and this may affect how we respond to the Plan Review, subject to any transitional arrangements.

The topic of building standards was also covered. It was noted by one member that the government had formally responded last year in reconfirming that Local Plans can set standards for new homes that go beyond building regulations specification. Members expressed support for looking to employ sustainable building standards, and that we would need to be sure that the developers could deliver those standards, looking at viability.

Members discussed Policy SP8 and raised concerns around holiday cottages not paying an appropriate amount of council tax or business rates. RB explained that we have an established approach in terms of tourist accommodation. It was confirmed that our approach to tourist accommodation is not something we expect to be reviewing. But we will be looking at occupancy conditions and the review of the plan- specifically the Ryedale Plan Local Needs Occupancy Condition (LNOC) condition and the use of a primary residency condition.

One member was pleased to see that LNOC and primary residency would be coming forward in the Review, but did say that in relation to development limits, they felt it was wrong to restrict to the size of development, instead they felt the restriction should be development that will not be in line with the character or location of settlement. This has the potential to allow more development.

Reference was made to the site selection criteria and that not changes had been made to the assessment from last time. They felt that the selection methodology was restrictive and we only allowed for allocation of sites if they were in the locality of a pub, a school and a bus stop, restricting development to about 10 or 12 villages.

RB confirmed the site section methodology (SSM) has been reviewed and updated in relation to the sustainability appraisal objectives and updates in specific areas. But the SSM only employs the settlement hierarchy as it is ultimately identified. So as the criteria for service villages is being reviewed, and so it is for member to decide the settlement hierarchy, and to establish if it will remain the same or be amended and if so how it is amended.

Members discussed subsection 6.13 of the report which looks at the aspects of the Plan which are proposed not to be under view. This included the affordable policy. Members raised concerns around the current situation in the district with affordable housing, and affordable not being affordable. It was considered that local affordable housing and social housing are different things. Concerns for families wanting to stay in a local area and not being able to buy there.

There was discussion around Malton and Norton, particularly in relation to the existing allocation for 700 houses at Norton and limited infrastructure in the principle towns.

There was also conversations about Malton and Norton air quality management areas and need for improvements there.

A number of members agreed that we need to be more agile and concise about the scope of the review given the limited time scales, with the timeframe being a concern. RB advised that Officers would keep Members up to date with work and any delays. Members appreciated that it is a case of being effective within in a short period of time for the communities in Ryedale.

It was also noted that we need to take note of other authorities Local Plans who will be joining the new north Yorkshire council. RB confirmed that as of yet no decisions have been made in terms of what the format of the Local Plan will look like in the new council or indeed the principle of the Shadow Authority's approach to plan reviews. A number of members agreed that given the substantial change upon the authority, they would like to get as far through the current review as possible.

## **Conclusion**

The Chair moved the recommendation with amendment of subsection underlined below

**2.0 RECOMMENDATION in part (ii) to change the wording to 'Agree the scope in principle of the review of the Ryedale Plan to the elements identified in paragraph 6.11 and 6.15;'**

**(Parts (i) and (iii) to remain the same).**



This is in relation to ensuring criteria based policy is included, as part (i) specifically mentioned that we will not be doing a full scale review of development limits.

This was seconded by Cllr Mason, who was advised of the change in the meeting due to him leaving earlier.

Members voted to approve recommendation within the report with the amendment as above.

5 for, 2 abstentions – recommendation approved with amendment.

49      **Any Other Business**

Dates of the next meeting is 7<sup>th</sup> July to explore occupancy conditions then there will be a recess in meetings until September.

**Meeting closed 19:45**

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## **Livestock Market Working Party**

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Held in the Council Chamber on Wednesday 6 July 2022 at 6:30pm.

### **Present**

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Councillors P Andrews (Substitute), Arnold, Cussons MBE, Keal (Chair) and Wass

### **In Attendance**

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Owen Griffiths, Phillip Spurr and Howard Wallis

### **Minutes**

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#### **1 Apologies**

Apologies were received from Cllrs Burr, Cleary, and Docwra.

#### **2 Minutes**

The Minutes of the previous meeting were received by the Working Party.

#### **3 Site Negotiations**

Officers provided an update on the site negotiations that had taken place since the last meeting.

Although it was recognised at the last meeting that there would be a user restriction on the land provided by the Fitzwilliam Trust Corporation (FTC), the details of that user restriction still needed to be worked out. Discussions and correspondence between the two parties have continued, with the principles needing to be finalised to avert future risk. It would also be important that, in order to protect the public expenditure, that any user restrictions would not be indefinite.

The officers hope to have the exclusivity agreement finalised by the end of July.

#### **4 Project Development Update**

There have been further stakeholder meetings for those involved with the project. A revised site plan was shared with the present users of the Livestock Market and constructive feedback was provided. This feedback would be useful for the development of the project after the exclusivity agreement is finalised.

The Members were informed of the present cost estimates for the scheme and how that would work with the budget previously allocated by Members. It was acknowledged that, since the previous cost estimates, construction cost inflations would put price pressures on the budget of the project.

It was put forward that various options will need to be considered for implementing the project including:

- 1) Phasing the project - with the budget agreed by Members funding an initial phase only.
- 2) Ensuring an appropriate structuring for project delivery - to attract follow-up investment to complete further phases.

- 3) Grant Funding - may provide an opportunity for additional investment from external grants. However, there are not presently considered to be any grants available that are being offered for this type of project.
- 4) Increased Council Budget – to enable the whole project to be delivered. Any increase in budget would clearly require Council approval.

Following the update Members asked questions on:

- How the Council will assess rental levels for the completed Market?
- The extent of FTC involvement in the project.
- If there was any grant funding available, would there be any restrictions on it?

## 5 Programme

The project programme was provided at the previous meeting but it has had to be reconfigured due to the delays in the agreement mentioned in the site negotiation updates.

As a result of this, the report that was due to go to the August Policy and Resources Committee will now have to go to the Policy and Resources Committee in September, or potentially the following meeting in November. If the report is approved by the Committee, the recommendations would be taken to Full Council and to the continuing authority of North Yorkshire County Council to be approved under Section 24 process.

The Chair wanted the minutes to reflect her support and thanks for the efforts made by Officers throughout the changes and delays in the project development.

Questions were then asked about:

- What would the continuing authority require for the section 24 process and what would that process would be?
- How long the Section 24 process would take?

## 6 Next Steps

The next steps of the project are contingent upon the agreement of the FTC over the user restriction and the exclusivity agreement.

Once that agreement is in place, the following steps can be progressed:

- Revised design and cost estimates, in conjunction with Align consulting.
- Further details regarding the level of infrastructure and servicing required.
- An assessment of the options available for the operations and management of the Market once the project has been completed.
- Writing the report for the Policy and Resources Committee.
- Preparing the business case for the Section 24 approval

Key updates will be circulated to the Members of the Working Party and the next Working Party meeting will be held ahead of the Policy and Resources Committee.

7

**AOB**

There being no further business the meeting finished at 7:20pm.

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## Local Plan Working Party

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Held at Virtual  
on Thursday 7 July 2022

### Present

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Councillors Paul Andrews, Docwra, Frank, Mason, Potter, Thackray and Windress

### In Attendance

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Rachael Balmer, Matthew Lishman and Jill Thompson

### Minutes

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#### 50 Apologies

Apologies were made by Cllr Cleary and Lizzie Phippard.

#### 51 Minutes of Meeting of 13 June 2022

Cllr Potter approved the minutes, seconded by Cllr Goodrick

#### Matters arising from Minutes

Cllr Potter had two questions:

*Regarding brownfield sites, is it correct that the Council has very little leverage to make developers use brownfield sites?*

Officer: We support redevelopment of brownfield sites but there are other policy considerations that we have to give equal consideration to, for instance, flood risk and site deliverability.

*Do we know when the amendments to the National Planning Policy Framework are forthcoming?*

Cllr Potter accepted that this was uncertain.

#### 52 Report: Local Plan Review - Occupancy Conditions

The report was for discussion and regarding the treatment of the Local Needs Occupancy condition (LNOC) as part of the review and the consideration of the application of a Primary Residence condition (PRC). Members were advised that they may want to give a steer on their (non-) application.

### Debated points

Members and Officers discussed the reasons behind the condition being introduced in the Local Plan Strategy. That whilst it delivered specific opportunities to meet a local housing need its primary objective was to restrict incremental housing delivery and to focus housing through larger allocated sites to deliver key infrastructure, affordable homes. Policy SP1: development will be restricted within the other villages and open countryside. Policy SP2 identifies the circumstances where the LNOC will be applied. SP21 is where the condition is actually set out.

There was a debate about whether or not the policy was successful. Officers explained that it was successful as a restrictive policy tool, and was to stem externally driven demand for small scale incremental growth. Some Members were unhappy with the policy being viewed as successful. But officers and members agreed that the LNOC did not address local housing needs in a broad sense, and would only meet the needs of a relatively small number of people.

- There was a general widespread acceptance that things have changed since LNOC was introduced. National policy is focused with housing delivery, and to ensure that it is not artificially restricted.
- LNOC was described as a contradiction because it suggests both giving local people the opportunity to buy locally, but it also blocks houses from being developed. With such low levels of permissions granted, and even lower delivery on the ground.
- LNOC was criticized as it does not provide any affordable housing.
- LNOC was described as too restrictive with regards to developments in villages.
- LNOC leads to significant property devaluation.
- Concern that properties of high value are more likely to have the condition lifted- which is unfair.
- Should not discriminate against speculative builders, as it is the small builders who are most affected by this policy. Members asked if small builders had been consulted and what was their reaction. No small builders had responded to the consultation, though Officers are aware of the dissatisfaction with the policy expressed by local developers in the course of determining planning applications.
- One Member pointed out that there is an important distinction between people with second homes, holiday lets and those who rent-out their second homes.
- Members discussed the value of second homes and holiday lets to local tourism. Matters of council tax collection for commercial properties were raised.
- The PRC was briefly discussed, benefits of it being that it means people live in villages and contribute to the local economy, regardless of where they're come



from. Another Member pointed out that PRC doesn't deliver affordable housing.

- There was an initial discussion about the replacement of the LNOC with the PRC.

### Questions from Members

- It was posed that by applying the LNOC we were viewing the District as being similar to the National Park, given their use of the condition. Officers advised that this was not the case, and that the LNOC was used under specific circumstances.
- It was posed that if we are considering allocations in villages not presently among the settlement hierarchy, would they still be subject to LNOC? Officers advised that if the current approach to LNOC is retained Infill sites in market towns/service villages and any allocations within 'other villages' would not be subject to the condition. Infill development in other villages and wider open countryside would be.
- *Can LNOC and PRC be applied together?* Officers advised it would be difficult to apply them simultaneously and would be a degree of control that is unprecedented. That said, LNOC is generally seen to apply to homes being lived in as a principal residence.
- *What is the policy justification for not applying the condition to certain schemes?* Officers advised that it is in primary legislation and embodied into SP12: we have a statutory duty to the conservation and enhancement of heritage assets. There are additional viability considerations in these cases due to additional costs of the change of use. We treat it as a departure for these reasons.
- *What is the policy justification for cases where the condition is no longer relevant or reasonable to apply?* Officers advised that sub-section G of Policy SP21 sets out the case-by-case basis to establish the fact the condition is no longer relevant or reasonable to apply, this is applied where properties are built, and if it is has been fairly tested on the market but there are no forthcoming buyers.

We have had appeal decisions upheld by an Inspector where properties have not been built and the appellant has sought to lift the condition due to viability issues. However, this is seen as speculative development with no intended occupier and the Inspector has agreed that there is no reason for the condition to be lifted as there is no local need for the dwelling.

- Members asked about how successful the PRC Policy has been in the National Park. Officers advised that the plan dates from 2020 but was only adopted earlier this year, so it's only had six months of implementation time.
- Members asked about the different use classes. Officers advised that it is difficult to impose restrictions on the use of a dwelling unless we have granted planning permission with conditions applied at that point. Planning permission can be obtained for a property to be used strictly as a holiday let, and it cannot be used as a dwelling. But there is no holiday let use class, so properties don't need planning permission to be used as temporary holiday lets, second homes or other non-usual residences. Only if the nature of the use substantially changes does a judgement need to be made regarding whether or not there has been a material change from it being essentially used as a dwelling.

#### General indications

Three members sought the outright LNOG removal.

Three members were keen to explore the LNOG working in a more targeted way, and not to apply to allocated sites, and to explore whether it could work in tandem with the PRC.

53

#### **Any other business**

**Meeting adjourned 20:20. Primary Residence Condition to be discussed in more detail at next meeting.**

**Date of the next meeting:** Provisionally 28 July 2022

## Local Plan Working Party

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Held as a Virtual Meeting  
on Thursday 4 August 2022

### Present

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Councillors Paul Andrews, Cleary, Docwra, Frank, Goodrick, Potter and Thackray

### In Attendance

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Rachael Balmer, Matthew Lishman, Lizzie Phippard and Jill Thompson

### Minutes

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#### 54      **Apologies**

Apologies were received from Cllr Windress and Cllr Mason.

#### 55      **Minutes of Meeting Held 7 July 2022**

The minutes of the previous meeting were approved.

#### 56      **Report: Local Plan Review - Occupancy Conditions**

##### ***Item 3 Addendum***

Firstly, Councillors were asked by the Chair if they had any comments to make in relation to the addendum to item 3 which present actual figures for LNO.

The only note was that the figures demonstrate that the condition has been putting a break on the delivery of houses that has the LNOC. In more recent years, a lot less completions than approvals.

Throughout the course of the meeting, it was mostly agreed that the LNO is no longer viable and some viewed it as unsustainable.

##### ***Primary Residency Condition***

The main purpose of the meeting was to discuss the Primary Residency condition, set out in the second part of the report. Members discussed the pros and cons of Primary Residency Condition (PRC), to establish whether it would be something they would be keen to explore in the Plan review.

The key points were as follows:

### Main disadvantages discussed

- Some members expressed strong desire to provide more affordable housing which was based on earnings rather than market value, and suggested that this should be a key objective in the plan review. Members acknowledged that the PCR will not assist in addressing this affordable housing need. It does depress the value of properties, but not to the extent that they become 'affordable' or indeed meet a local housing need. It was also noted that most change in relation to affordable housing comes mainly from National Policy.
- From the examples of PRC already implement in Cornwall and Northumberland, officers and members remarked on the difficulty to establish how well it is working, as they would need to be in place for at least in excess of 5 years and beyond to gauge how effectively the condition is working in those areas and whether there are any wider, unintended consequences, such as impacts on site allocations delivery where the policy has come in, and price rises in the existing build stock.
- Some Members felt PRC could continue to restrict development.
- Members discussed where a PRC would be imposed and it was concluded that this would not be a condition across board, it would only be in place for 'other villages' and open countryside development, if such a condition was to be applied. Officers referred to the Primary Residency condition currently in place at Northumberland, and noted that the policy is applied in a very settlement specific way. In which only those with 20% or higher proportion of second homes would then have the condition imposed on development approvals. This would mean that only a very limited number of the Ryedale villages would qualify under the condition in place at Northumberland.
- One Member remarked on how the evidence base for housing need through assessments like Strategic Housing Market Assessments (SHMA), is not inclusive of the demand for second homes and holiday homes. It was considered that there is a demand for these but it is not addressed in the evidence.
- On site allocations the implementation of a PRC could affect viability regarding other plan aspirations such as sustainable/accessible build standards, and mandatory requirements such as biodiversity net gain, impending building regulations changes, and CIL and affordable housing contributions.

### Main positives discussed

- Some members felt a PRC would not discourage or restrict people from building properties villages
- Some felt the Northumberland policy offered a good example that we should look to implement in Ryedale too.
- Research showed that the PRC would approximately create a 5% market value decrease for properties with the condition. This was not deemed an issue by some members.
- One Member felt there would not be issues around enforcing a PRC and felt there were plenty of avenues to prove whether properties are a person's primary residency.

It was asked by one Member if there are any figures available which indicate if there are any settlements within Ryedale with 20% or more second homes. Officers explained that we do not have settlement specific information at present, but that we should note that smaller settlements will have a higher proportion as the overall total is less.

Members took a vote on PRC, not as a formal vote, but for officers to gauge their thoughts on PRC at this stage.

3 members voted for a PRC policy to be included within the review, with two specifying it for Other Villages.

4 members voted against implementing a Primary Residency condition.

57

### **Any Other Business**

There was no other business

**Meeting closed 19:35**

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## Grants Working Party

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Held at Meeting Room 1, Ryedale House, Malton  
on Thursday 11 August 2022

### Present

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Councillors Arnold (Chair), Docwra (Substitute), Di Keal, King, Potter (Substitute) and Thackray

### In Attendance

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Alan Bardet, Sally Roger and Bridget Skaife

### Minutes

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#### 28 Appointment of Chair

Members voted unanimously for Councillor Arnold to continue as Chair of Grants Working Party.

#### 29 Apologies for Absence

Apologies were received from Councillors Joy Andrews and Hope.

#### 30 Minutes

The minutes from the meeting held on 28 February 2022 were agreed.

#### 31 Urgent Business

There was no urgent business.

#### 32 Declarations of Interest

Cllr Arnold declared a personal, no pecuniary interest as Chair of Pockley Village Hall and a trustee of Helmsley Arts Centre

Cllr Keal declared a personal, no pecuniary interest as a trustee of Woodham Stone Collection, involvement in the Ryedale Food Bank and as a member of Malton & Norton Lions.

Cllr King declared a personal, no pecuniary interest as a trustee of Woodham Stone Collection.

Cllr Potter declared a personal, no pecuniary interest as a Director of Pickering CIC

#### 33 Exempt Information

It was agreed to exclude the press and public from the meeting during consideration of applications under the following items, as the public interest has been considered and, in all circumstances of the case, the public interest

in maintaining the exemption was considered to outweigh the public interest in disclosing the information.

34 **Community Grant Applications**

**Recommendation**

That the recommendations contained in the Minute Annex (Community Grant Applications) be presented to the Policy and Resources Committee for approval.

**Appendix - Community Grants Applications**

35 **Section 106 Grant Applications**

**Recommendation**

That the S106 application of £12,000 from Scrayingham Outside Space Improvements, Friends of Scrayingham & Leppington (S106-073) be submitted to the Policy & Resources Committee for approval.

36 **Any other business that the Chairman decides is urgent**

Members agreed that the second payment of the grant awarded to Lockton Artists Open Studios (CG 093) can be made.

Members asked to pass on thanks to officers for their hard work appraising the large volume of applications to a such a high standard.

There being no other business, the meeting closed at 19:55.



## Community Grants Recommendations

<b>Recipient</b>	<b>Grant Reference</b>	<b>Total Project Cost</b>	<b>Grant Requested</b>	<b>Grant requested % intervention</b>	<b>Grant Recommended</b>	<b>Grant recommended % intervention rate</b>
Pockley Village Hall, Treatment to village hall roof	CG-148	£1,281.00	£1,000	78%	<b>£1,281</b>	<b>100%</b>
Westow Petanque Club, New Petanque terrain	CG-150	£12,220.28	£5,000	41%	<b>£3,500</b>	<b>29%</b>
Sand Hutton & Claxton Village Hall, Converting to CIO & registering assets	CG-152	£2,500	£2,500	100%	<b>£0</b>	<b>0%</b>
Friends of Scrayingham & Leppington, Scrayingham outside space improvements	CG-153	£21,399	£9,399	44%	<b>£0</b>	<b>0%</b>
NY Music Therapy Centre, Inclusive music sessions	CG-154	£20,000	£10,000	50%	<b>£8,000</b>	<b>40%</b>
Welham Bowling Club, Outdoor pop-up sunshades & Coloured bowls	CG-155	£1,770	£1,770	100%	<b>£1,200</b>	<b>68%</b>
Malton in Bloom, Shepherdess, sheep dog & straw bale sculpture	CG-156	£8,500	£4,250	50%	<b>£0</b>	<b>0%</b>
Sand Hutton & Claxton Village Hall, Website	CG-157	£2,970	£2,500	84%	<b>£0</b>	<b>0%</b>
West Lutton Events Fundraising Group, Village & communities annual events	CG-158	£2,263	£2,263	100%	<b>£1,500</b>	<b>66%</b>
Malton, Norton & District Lions, Outside flooring & cupboards	CG-159	£2,320	£2,320	100%	<b>£1,500</b>	<b>65%</b>
Ryedale Special Families, New Community building	CG-160	£1,200,000	£5,000	0.42%	<b>£5,000</b>	<b>0%</b>
Swinton Play Area Committee, Older childrens swings project	CG-161	£2,265	£2,265	100%	<b>£1,700</b>	<b>75%</b>
Sheriff Hutton Bridge Cricket Club, Defibrillator	CG-162	£1,241	£1,241	100%	<b>£1,241</b>	<b>100%</b>
Malton Museum, Walking Tours	CG-163	£1,330	£1,330	100%	<b>£1,000</b>	<b>75%</b>

## Community Grants Recommendations

Ryedale Community Foodbank, Tackling food poverty in Ryedale	CG-164	£24,000	£5,000	21%	<b>£5,000</b>	<b>21%</b>
Coast & Vale Community Action, Hungate Centre - renewable energy sources	CG-165	£41,222	£10,000	24%	<b>£8,000</b>	<b>19%</b>
Resume Foundation, A new employability surgery for Pickering	CG-166	£10,000	£5,000	50%	<b>£4,000</b>	<b>40%</b>
Malton & Norton Rugby Union Football Club, Replace floodlighting	CG-167	£19,946	£9,973	50%	<b>£7,500</b>	<b>38%</b>
Thornton le Clay Village Institute, Village Hall Kitchen Refit	CG-168	£10,000	£5,000	50%	<b>£0*</b>	<b>0%</b>
Helmsley Arts Centre, Ryedale new writing festival	CG-169	£10,944	£5,472	50%	<b>£0*</b>	<b>0%</b>
Helmsley Walled Garden, Plants, people & possibilities	CG-170	£35,000	£10,000	29%	<b>£0*</b>	<b>0%</b>
Pickering Pre-School Playgroup, Woodland/outdoor learning project	CG-172	£1,586.82	£1,586.82	100%	<b>£1,200</b>	<b>76%</b>
Swinton & District Excelsior Band, Bandroom remedial works	CG-173	£2,180	£700	32%	<b>£700</b>	<b>32%</b>
Kirkbymoorside Methodist Church, Women of Kirkbymoorside	CG-174	£2,500	£2,500	100%	<b>£1,005</b>	<b>40%</b>
Musical Memories CIC, Songs & Streams	CG-175	£20,000	£10,000	50%	<b>£0</b>	<b>0%</b>
Middleton & Aislaby Village Hall, Beyond Reflections	CG-176	£2,395	£2,395	100%	<b>£0</b>	<b>0%</b>
Friends of Pickering Infant & Nursery School, Phonetically decodeable books	CG-177	£2,424.92	£2,424.92	100%	<b>£0</b>	<b>0%</b>
Friends of Pickering Infant & Nursery School, Forest school improvements	CG-178	£1,548	£1,548	100%	<b>£1,122</b>	<b>72%</b>

### Community Grants Recommendations

Kirkham Henry Performing Arts CIC, Accessibility/safety improvements to building	CG-180	£19,992	£9,992	50%	<b>£0*</b>	<b>0%</b>
Pickering Town CIC, Revitalising Pickering's website: VisitPickering.com	CG-181	£40,000	£10,000	25%	<b>£0*</b>	<b>0%</b>
Terrington Bowls Club, Lets be Seated!	CG-182	£1,800	£300	17%	<b>£300</b>	<b>17%</b>
Kirkbymoorside Environment Group, Getting around & staying put	CG-185	£13,000	£4,500	35%	<b>£1,000</b>	<b>8%</b>
Heslerton Sports Club, Rabbit fencing	CG-186	£5,426	£2,713.20	50%	<b>£2,000</b>	<b>37%</b>
Woodhams Stone Collection, Securing our past to enrich our future	CG-188	£21,000	£10,000	48%	<b>£0*</b>	<b>0%</b>
Moorsbus CIC, Moorsbus 2022 service enhancements	CG-189	£11,500	£5,750	50%	<b>£5,750</b>	<b>50%</b>
Wilton Village Hall, Phone box library	CG-190	£606	£606	100%	<b>£500</b>	<b>83%</b>
Pockley Village Hall, Cold water improvements & painting of elevations	CG-191	£2,596.80	£2,500	96%	<b>£2,000</b>	<b>77%</b>
Community Counselling (North Yorkshire) Ltd, Improving access to talking therapy	CG-192	£36,490	£10,000	27%	<b>£4,259</b>	<b>12%</b>
The Wesley Centre Malton, New community café	CG-193	£51,725	£10,000	19%	<b>£5,000</b>	<b>10%</b>

\*Deferred to next round of grants.

Total Recommended	<b>£75,258</b>
Total Allocation	£212,694
Funds Remaining	<b>£137,436</b>

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<b>PART A:</b>	<b>MATTERS DEALT WITH UNDER DELEGATED POWERS</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>25 AUGUST 2022</b>
<b>REPORT OF THE:</b>	<b>PROGRAMME DIRECTOR – PLACE &amp; RESOURCES PHILLIP SPURR</b>
<b>TITLE OF REPORT:</b>	<b>YORK AND NORTH YORKSHIRE DEVOLUTION DEAL</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 present to committee details of the 'minded to' York and North Yorkshire Devolution Deal, which was announced by government on 1 August 2022.
- 1.2. This paper summarises the content of the deal, and the proposed governance steps. Committee is asked to consider the content of the deal, which will be presented to Full Council on 15 September 2022, alongside details of the proposed governance review, and Scheme for the Mayoral Combined Authority (MCA).

### **2.0 RECOMMENDATION**

- 2.1 It is recommended that Members:
  - consider the content of the York and North Yorkshire Devolution Deal, and note that a report, including the details set out at s.1.2, will be presented to Full Council on 15 September 2022.

### **3.0 REASONS FOR RECOMMENDATION**

- 3.1 To present the contents of the York and North Yorkshire Devolution Deal, and to note that a more detailed report will be presented to Full Council on 15 September 2022.

### **4.0 SIGNIFICANT RISKS**

- 4.1 It is understood that the district and borough councils in North Yorkshire are not formally required to agree the devolution proposals – formal agreement is only required from the two constituent authorities, City of York Council, and NYCC as the new North

Yorkshire Council. Nevertheless, there are reputational risks to this council should the deal, the governance review, and the MCA Scheme not be agreed by RDC.

## **5.0 POLICY CONTEXT AND CONSULTATION**

5.1 RDC's Council Plan 2020 – 2024 identifies a number of key challenges facing the district, including:

- low wages and a talent drain out of the area
- the sustainability of rural services, communities and economy
- housing affordability
- poor digital, transport and communications connectivity

5.2 The Council Plan identifies the need to address these issues, to build strong, attractive and inclusive communities; an economy which delivers growth, homes and jobs; and, a sustainable safe and clean environment. The powers and funding available through the devolution deal, set out at s.6.9, offer the opportunity to help address these issues within Ryedale, but also across a wider York and North Yorkshire geography.

## **6.0 REPORT**

### **6.1 REPORT DETAILS**

6.2 Negotiations on the York and North Yorkshire Devolution Deal commenced following publication of the Levelling Up White Paper in February 2022.

6.3 The Levelling Up White Paper set out a devolution framework summarising three levels of devolution, as set out in the following table:

**Table 2.3 Devolution Framework**

**Level 3** – A single institution or County Council with a directly elected mayor (DEM), across a FEA or whole county area

**Level 2** – A single institution or County Council without a DEM, across a FEA or whole county area

**Level 1** – Local authorities working together across a FEA or whole county area e.g. through a joint committee

Function	Detail	L1	L2	L3
Strategic role in delivering services	Host for Government functions best delivered at a strategic level involving more than one local authority e.g. Local Nature Recovery Strategies	✓	✓	✓
	Opportunity to pool services at a strategic level	✓	✓	✓
	Opportunity to adopt innovative local proposals to deliver action on climate change and the UK's Net Zero targets	✓	✓	✓
Supporting local businesses	LEP functions including hosting strategic business voice		✓	✓
Local control of sustainable transport	Control of appropriate local transport functions e.g. local transport plans*		✓	✓
	Defined key route network*			✓
	Priority for new rail partnerships with Great British Railways – influencing local rail offer, e.g. services and stations			✓
	Ability to introduce bus franchising		✓	✓
	Consolidation of existing core local transport funding for local road maintenance and smaller upgrades into a multi-year integrated settlement			✓
Investment spending	UKSPF planning and delivery at a strategic level		✓	✓
	Long-term investment fund, with an agreed annual allocation			✓
Giving adults the skills for the labour market	Devolution of Adult Education functions and the core Adult Education Budget		✓	✓
	Providing input into Local Skills Improvement Plans		✓	✓
	Role in designing and delivering future contracted employment programmes			✓
Local control of infrastructure decisions	Ability to establish Mayoral Development Corporations (with consent of host local planning authority)			✓
	Devolution of locally-led brownfield funding			✓
	Strategic partnerships with Homes England across the Affordable Housing Programme and brownfield funding			✓
	Homes England compulsory purchase powers (held concurrently)		✓	✓
Keeping the public safe and healthy	Mayoral control of Police and Crime Commissioner (PCC) functions where boundaries align*			✓
	Clear defined role in local resilience*		✓	✓
	Where desired offer MCAs a duty for improving the public's health (concurrently with local authorities)			✓
Financing local initiatives for residents and business	Ability to introduce mayoral precepting on council tax*			✓
	Ability to introduce supplement on business rates (increases subject to ballot)			✓

\* refers to functions which are only applicable to combined authorities

\* refers to functions which are currently only applicable to mayoral combined authorities

- 6.4 In order to secure the greatest investment for York and North Yorkshire, a Level 3 deal was pursued, consistent with the proposals submitted to Whitehall in December 2020. These proposals were considered and supported by RDC in Summer 2020.
- 6.5 Following the conclusion on negotiations a 'minded to' deal was published by the Secretary of State for Levelling Up, Housing and Communities, Rt Hon Greg Clark MP, on 1 August 2022.
- 6.6 This deal is attached at Annex A.

## **6.7 The 'Minded To' Deal**

6.8 The devolution agreement is contingent upon York and North Yorkshire proceeding through the steps necessary to establish a Mayoral Combined Authority, and meeting the governance criteria required for a Level 3 devolution deal.

6.9 This devolution agreement includes:

- York and North Yorkshire establishing a combined authority and electing a directly elected mayor to provide overall vision and leadership, seek the best value for taxpayer's money, be directly accountable to the city region's electorate and to receive new powers on transport, housing and skills.
- Control of a £18 million per year allocation of investment funding over 30 years (35% capital, 65% revenue), to be invested by York and North Yorkshire to drive growth and take forward its priorities over the longer term.
- New powers to improve and better integrate local transport, including the ability to introduce bus franchising, control of appropriate local transport functions e.g., local transport plans, and control of the Key Route Network.
- An integrated transport settlement starting in 2024/25, and an additional £1 million to support the development of local transport plans.
- New powers to better shape local skills provision to meet the needs of the local economy, including devolution of the core Adult Education Budget, as well as input into the new Local Skills Improvement Plans.
- New powers to drive the regeneration of the area and to build more affordable homes, including compulsory purchase powers and the ability to establish Mayoral Development Corporations.
- Over £13 million for the building of new homes on brownfield land across 2023/24 and 2024/25, subject to sufficient eligible projects for funding being identified.
- Investment of up to £2.65 million on projects that support York and North Yorkshire's priority to deliver affordable, low carbon homes across the area, subject to final business cases.
- Subject to a full business case demonstrating the value of the scheme in delivering housing, jobs and GVA to the area, the government is minded to provide additional support to the York Central brownfield regeneration scheme.
- £7 million investment to enable York and North Yorkshire to drive green economic growth towards our ambitions to be a carbon negative region. This investment is subject to agreement of a submitted business case.
- York and North Yorkshire Combined Authority will plan and deliver the UK Shared Prosperity Fund (UKSPF) from 2025/26 if there is a continuation of the Fund and the delivery geographies remain the same.
- Integration of the York and North Yorkshire Local Enterprise Partnership into the York and North Yorkshire Combined Authority. This will ensure there continues to be a strong and independent local business voice which informs local decision making.
- A commitment to explore a local partnership with Great British Railways so that the mayor can help shape and improve local rail.
- Support to develop a Natural Capital Investment Plan for York and North Yorkshire.
- Commitments to work in partnership with the area on the development and delivery of strategies to realise the region's cultural potential.
- Engagement on broadband and mobile infrastructure rollout, and on the development of the Scarborough Cyber Cluster.



- A commitment to establish a programme working group in support of the BioYorkshire programme.
- A key leadership role for the mayor in public safety, taking on the role and functions of the Police Fire & Crime Commissioner and having a clear role in local resilience and civil contingency planning, preparation, and delivery.

## **6.10 Governance of the Mayoral Combined Authority**

6.11 The 'minded to' deal sets out the voting structure of the Mayoral Combined Authority, alongside functions and decision-making powers.

6.12 In addition, further governance steps are required locally to enable the constituent authorities to formally accept the deal and complete the necessary governance steps.

6.13 There are three formal local governance stages:

- The constituent councils accept the content of the deal and agree to a governance review.
- Subject to point one above, the constituent councils develop a Scheme setting out what the Combined Authority is and how it will operate, and agree to publish the Scheme for public consultation; and
- Following a public consultation which is compliant with Gunning Principles, the feedback is considered and, provided the constituent councils wish to proceed, the Scheme is finalised and submitted to Whitehall.

6.14 Assuming stages 1,2 and 3 progress according to plan, it is anticipated the final Scheme could, if approved, be ready to submit to Whitehall around February 2023 with a view to the Order being placed before Parliament in/around November 2023 to facilitate creation of the Combined Authority and allow the election of a Mayor in May 2024.

6.15 Annex B provides a LGA simple guide to the devolution process.

## **6.16 Next Steps**

6.17 In order to facilitate this process and enable a consultation in Autumn/Winter 2022, a report is being produced for consideration by all districts, the County, and the City of York councils in September 2022. This report, which will be considered by Full Council on 15 September 2022, will include the following details:

- The Deal and process to be followed
- The technical Governance Review, and
- A draft Scheme for consultation

## **7.0 IMPLICATIONS**

7.1 The following implications have been identified:

(i) Financial

The agreement of a Devolution Deal for York and North Yorkshire will unlock a Gainshare Fund (Mayoral Investment Fund) of £540m (£18m per annum) over the next thirty years, in addition to the further funding identified at s.6.9. Additional funding will be allocated to the sub-region through future Comprehensive Speeding Review rounds,

with the deal estimated to be worth in excess of £750m, with potential further funding to follow through future phases of devolution.

(ii) Legal

As highlighted above, RDC is not formally required to agree the deal. Legal issues around the Governance Review, and the draft Scheme for consultation will be considered in the report to September Full Council.

(iii) Environmental, Ecological, Climate Change and Carbon

While there are no direct Environmental issues flowing out of this report, as highlighted at s.6.9, opportunities to drive green economic growth and support York and North Yorkshire's ambitions to be a carbon negative region feature prominently in the devolution deal.

(iv) Equalities

There are no direct Equalities issues flowing out of this report.

(v) Staffing

There are no direct Staffing issue for RDC flowing out of this report.

(vi) Planning

There are no direct Planning issues flowing out of this report.

(vii) Health and Safety

There are no direct Health & Safety issues flowing out of this report.

(viii) Crime & Disorder

There are no direct Crime & Disorder issues flowing out of this report.

(ix) Data Privacy

There are no direct Data Privacy issues flowing out of this report.

**Phillip Spurr**

**Programme Director – Place & Resources**

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**Background Papers:**

Annex A – York and North Yorkshire Devolution Deal  
Annex B – Combined Authorities: A Plain English Guide



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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>25 AUGUST 2022</b>
<b>REPORT OF THE:</b>	<b>PROGRAMME DIRECTOR FOR PLACE AND RESOURCES PHILLIP SPURR</b>
<b>TITLE OF REPORT:</b>	<b>ALLOCATION OF COMMUNITY INFRASTRUCTURE LEVY FUNDS</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 At Policy & Resources Committee on 16 June 2022, Members agreed to allocate up to £158,000 of Community Infrastructure Levy (CIL) funding towards the replacement of the astro-turf pitch at Norton College dependent on a number of conditions being met by the school. Consequently, a number of further organisations have approached the Council for CIL funding. Following the desire of Council Members to look at utilising the Council's remaining CIL budget prior to 31 March 2023, this paper sets out options relating to the allocation of the remaining CIL budget to support either:
- Infrastructure projects that are aligned to the schemes identified in the Council's current Local Development Plan in Appendix 1, (that reflect the requirements of planned growth and provide a starting point for the prioritisation of CIL) **or**
  - A broader range of infrastructure schemes such as those identified in Appendix 2, with a view to establishing criteria and an appraisal process for a CIL grant application scheme.

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

- 2.1 It is recommended that:
- Members are asked to establish their preference for the allocation of CIL funding, either:
    - Through using the existing Local Development Plan infrastructure list as the basis for eligibility (Appendix 1 - Local Development Plan); or
    - Through a new scheme with a broader eligibility framework that would cover a range of community infrastructure schemes such as those

identified in both Appendix 1 or Appendix 2.

- (ii) Members are asked to approve the development of CIL Funding Protocol (including an Expression of Interest stage, scheme eligibility / criteria and final application process) for determining eligible CIL funded schemes and the allocation of these funds funding in line with the proposal set out at s6.8 to 6.15, with delegated authority given to the Director of Place and Resources, the S151 officer and Chair of Policy & Resources to approve the protocol. This protocol will be required for either route outlined in 2.1 (i) above that is selected by Members.
- (iii) The CIL funding available to be allocated as a result of this paper should not exceed the current CIL funds received to date with any existing commitments upheld and the total amount available for allocating reduced accordingly. Any CIL funds received after this time will be subject to further agreement by Members; and
- (iv) Delegated authority is given to the Director of Place and Resources in consultation with the S151 officer and Chair of Policy & Resources to approve CIL funding applications following consultation with a CIL focussed grants working party.

### **3.0 REASON FOR RECOMMENDATION(S)**

- 3.1 Members have expressed a desire to allocate the Council's CIL budget towards community infrastructure schemes within Ryedale prior to Vesting Day. Agreement of a scheme to allocate the available CIL funding needs to be determined if the CIL funding currently held by RDC is to be allocated prior to Vesting Day.
- 3.2 If approval is given for the allocation of CIL funds under either option outlined at 2.1(i), the Council will open up an Expression of Interest scheme for applicants to submit their proposals. Once necessary eligibility checks have been completed via an appraisal process, a full application stage will follow. Completed applications will go to a CIL grants working party for a recommendation followed by a further decision by the Director of Place and Resources in consultation with the S151 Officer and the Chair of Policy & Resources.
- 3.3 Members should note that the recommendation is an either / or decision. Therefore, if the decision is to go with an approached based on Appendix 1, then CIL funds will be spent in line with the Local Development Plan SP22. The potential schemes listed in Appendix 2 may therefore not necessarily be eligible to make an application. If the decision is to go with the creation of a scheme with wider eligibility as indicated by the potential schemes found in Appendix 2, then CIL funds may not be spent on schemes which support the Local Development Plan.

### **4.0 SIGNIFICANT RISKS**

- 4.1 If the available CIL monies are not allocated to schemes at this time the funding will pass to the successor authority but will not need to be returned.
- 4.2 Large infrastructure will remain a requirement of local places post Vesting Day, therefore there is a risk that if CIL is allocated now to a range of community infrastructure projects, larger schemes that CIL had been earmarked for may not see funding immediately becoming available, i.e. a new school in Norton-on-Derwent which is identified in the Local Plan, or transport improvements which may require a source of funding in the future.
- 4.3 Many of the schemes which have approached us as potential future recipients of CIL

funding and that are identified in Appendix 2, do not currently have the funds to deliver their schemes set out in the summary of activity and therefore many projects would likely remain dormant until such funds could be raised.

- 4.4 It is likely that some schemes that are successful in securing CIL funding will be subject to the s24 process.
- 4.5 If schemes are brought forward for CIL funding there is the likelihood of capacity issues in teams to manage the process, notably within Economic Development, Planning, Finance and Legal. The appointment of additional staff to help manage this workload will be required.
- 4.6 There is a risk that funds are allocated to meet the deadline of 31 March 2023 which could compromise due diligence and value for money, and therefore are not supported at the S.24 process. This risk can be mitigated by the use of business cases and other due diligence.

## **5.0 POLICY CONTEXT AND CONSULTATION**

- 5.1 Members are aware that the CIL is an important source of revenue to fund the infrastructure necessary to support planned growth. CIL can be used to fund a wide range of infrastructure, including transport, flood defences, schools, hospitals, and other health and social care facilities. This definition allows the levy to be used to fund a range of facilities including as play areas, open spaces, parks and green spaces, cultural and sports facilities, healthcare facilities, academies and free schools, district heating schemes and police stations and other community safety facilities. This flexibility gives the Council the opportunity to choose what infrastructure they need to deliver the Local Plan. Local authorities must spend the levy on infrastructure needed to support the development of the District, and the Council can decide what infrastructure is needed. The levy can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development.
- 5.2 Policy SP22 of the Local Development Plan specifies how the CIL is applied to development in the District and identifies the necessary improvements to social, physical or utility infrastructure which are required as a result of new development. Types of development that CIL funding could be allocated to are highlighted in Appendix 1.
- 5.3 It is important to recognise that CIL receipts can only be spent on capital projects, although associated revenue spending to maintain those capital items is also permissible. It can be used to increase the capacity of existing infrastructure (such as extending a school) or to repair failing infrastructure (such as a community building) if that is necessary to support additional development (assessed on a case by case basis).
- 5.4 The Council currently has no CIL allocation policy due to only recently having accumulated a meaningful budget to fund CIL development activity, therefore this funding could now be allocated to schemes. The Council has discretion to allocate funds and will review internal strategies and evidence including the Local Development Plan to assist in identifying the infrastructure that is required and / or potential schemes that will support development.

- 5.5 CIL funding is traditionally earmarked for areas that have taken substantial growth and therefore the bulk of the funding could be allocated to projects within the towns that have had CIL charge levies applied from these developments. The Council will also engage with service and infrastructure providers including town and parish councils to discuss possible infrastructure schemes aimed at supporting development of the area.

## **REPORT**

### **6.0 REPORT DETAILS**

- 6.1 At Policy & Resources Committee on 16 June 2022, Members agreed to allocate funding of up to £158,000 of CIL towards the replacement of the astro-turf pitch at Norton College, following a request received from the college. This funding is dependent on a number of conditions being met, as agreed by Council. Consequently, a number of further organisations have approached the Council for CIL funding, these requests are listed in Appendix B.
- 6.2 RDC has approximately £3 million of unallocated CIL funding. At the time of writing we are not aware of any decision by the new North Yorkshire Council with regards to future use of CIL funds.
- 6.3 The Local Development Plan (policy SP22) is a potential starting point for the prioritisation of CIL and reflects the requirements of planned growth in the plan period (2012 – 2027), and at present many of the schemes identified in this document remain prioritised as types of infrastructure that CIL funding should be prioritised for and allocated against.
- 6.4 A decision to allocate CIL funding prior to Vesting Day could be made in relation to projects within the Local Development Plan, or the Council could retain CIL money for addressing larger value schemes in the future, including items which are going to be needed to support further future growth (i.e. schools and highway improvements).
- 6.6 The Ryedale Plan identifies the requirement for a new primary school at Norton-on-Derwent within the plan period of 2012-2027. It is anticipated that CIL contributions gathered to date could potentially be used to fund this requirement. In addition to Education S106 funding held by RDC for use by NYCC as the education authority.
- 6.7 Any expenditure of CIL involving funding for education or highways improvements will require liaison with North Yorkshire County Council as 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. There are also specific regulations about the funding of schools which need to be considered where appropriate.
- 6.8 **Process for CIL Strategic fund allocation**
- If Members agree to allocate CIL funding prior to Vesting Day, a process for determining the allocation will need to be developed via a CIL Spending Protocol. The aim of the Protocol will ensure that the decision-making process is transparent and through it will allow the Council to identify and agree priorities for the use of CIL and the allocation of funds.
- 6.9 Application process:

- RDC will confirm the level of funds available and then invite organisations to submit an Expression of Interest for CIL funding to allow an eligibility check to be undertaken.
- Eligible organisations will then be asked to formally submit a full and detailed application for consideration.
- Those who have identified a project should complete the application documentation and submit in line with any published deadline.

6.10 A standard pro-forma will be prepared for organisations with an infrastructure project they are seeking CIL funding towards, which will require details of the full business case for the scheme, including information on:

- a) The public benefit of proposed scheme;
- b) The value for money that a scheme provides, including how the expenditure links to recent or proposed developments and identifies the necessary improvements to social, physical or utility infrastructure which are required as a result of new development;
- c) The proportion of funding that CIL will be providing (with the expectation being that it will be some way short of 100%);
- d) The deliverability of the scheme;
- e) The maintenance arrangements that are in place; and
- f) The information that will be provided by the project sponsor following any grant of funding, to include any match funding and financial robustness of the applicant/delivery arrangements

6.11 Prospective applicants should also supply evidence of existing demand, additional demand likely to arise from proposed development, the extent to which relevant existing infrastructure or services are capable, in terms of location, capacity and suitability, of meeting those additional demands and the estimated costs of providing new infrastructure or improving existing infrastructure to meet these additional demands. The project plan should set out the full costs of the scheme and the timescales for implementation.

6.12 The Expression of Interest process will take place from September 2022 with full applications to be processed thereafter. The table below shows approximate timescales for the proposed allocation of CIL prior to Vesting Day. Specific dates will be published and publicised.

Step	Approximate Date
Expression of Interest stage	Mid-September to mid-October
Full application process open	From mid-October
Assessments and decision of proposed schemes	Ongoing from mid-November

6.13 A guide on how to apply for CIL funding will be produced to provide supporting information.

6.14 Evaluation of proposed schemes

- All proposed schemes submitted will be evaluated.
- The evaluation process will include Officer recommendations to a CIL grants working party which will in turn recommend schemes for consultation and decision by the Director of Place and Resources, the Section 151 Officer

and the Chair of Policy and Resources. The consultation will be expected to reach a balanced judgement and give reasons for their recommendation for its approval.

#### 6.15 Prioritisation of CIL funds

If the total of CIL infrastructure costs bids are in excess of the amount of funding available, the Council will use the following factors as part of the evaluation of proposed schemes to ensure CIL monies are spent in the most appropriate way to ensure that it will support the most needed infrastructure in the district:

- The public benefit of proposed schemes;
- The value for money that a scheme provides;
- Whether the scheme/project is included in the Council's Local Plan/Council Plan or other relevant strategies and plans or there is good reason why it is not;
- Whether the CIL contribution will be only part of the funding and the project is to be funded from a number of other sources too, including funding from the CIL paid to town and parish councils. The Council will not fund 100% of infrastructure schemes; and
- Whether evidence has been provided to demonstrate that the scheme is deliverable within the next 12 months and that there are sufficient maintenance arrangements in place.

### 7.0 IMPLICATIONS

#### 7.1 The following implications have been identified:

##### a) Financial

CIL funding allocations could potentially be made towards eligible schemes via the Local Development Plan Policy SP22 (Appendix 1), or to schemes similar to those identified in Appendix 2 as per the recommendation in section 2.1 (i). At present the total ask of schemes indicating an interest in receiving CIL funding listed in Appendix 2 is £2,246,500, with further requests likely to follow. It is likely that the full use of the Council's CIL funding received to date would be fully committed once the scheme is formally opened to applicants. There are no other appropriate existing capital budgets that could be used.

Approval of the Council's CIL budget towards schemes in the current financial year would reduce the amount of funding available for larger scale schemes in future years.

The Council is currently under financial restrictions through the S.24 process with regards to allocating funding in advance of Vesting Day.

Allocations should only be made in line with CIL guidance and should not be allocated simply to spend the funds ahead of Vesting Day, without undertaking due diligence. This should include setting out how the expenditure supports costs incurred due to the development which secured those funds.

A timetable for each project should be agreed particularly as Vesting Day is only seven months away and it will be difficult to complete major capital works by that time.

In agreeing spend, the Council should also be aware of the County Council's



(and the new North Yorkshire Council's) responsibilities regarding school funding.

In their annual report, noted by Council on 29 June 2022, the External Auditors highlighted a risk of the Council incurring excess expenditure and reducing reserves due to the LGR timescale. That report stated that:

*“any requests for additional use of reserves and/or increases to expenditure prior to 31 March 2023 should be reviewed against clear business cases, ensuring that appropriate due processes and governance checks are maintained prior to the cessation of Ryedale District Council on 31 March 2023. Members of the Council will still have a fiduciary duty to public monies and the local taxpayer up to 31 March 2023, so resources should continue to be prioritised based upon key needs and any additional non-statutory expenditure should be scrutinised appropriately prior to being committed.”*

b) Legal

Further to an eligibility and application process being approved and funding approved for specific projects, a standard agreement between the Council and each grant applicant will be needed to secure any relevant terms and conditions in advance of the funds being transferred.

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

A decision by Members to allocate CIL funding in 2022/23 will have resource implications on various departments across the Council, including the Economic Development Team, Planning, Finance and Legal. The appointment of additional staff will be required in the Economic Development Team to help manage this workload.

Planning Officers have confirmed that it has been thought that a significant proportion of the CIL monies held by RDC would be required to provide a new school in Norton. The timing of this need is currently uncertain. It was also noted that the way in which CIL funds will be utilised from April 2023 onwards has not yet been determined. Officers also highlighted that there is currently no prioritisation process in place for Members to follow due to only recently a significant amount of CIL having been accrued.

A CIL Expression of Interest application scheme will be produced and appraised by Economic Development Team Officers and recommended to a CIL grants working party for a decision. Officers would be responsible for the administration and recording of the grants in Civica system to ensure transparency is audited.

**Phillip Spurr**  
**Programme Director, Place and Resources**

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**Background Papers:**  
N/A

**Background Papers are available for inspection at:**  
N/A

## **Appendix 1**

### **Local Development Plan - SP22 Planning Obligations, Developer Contributions and the Community Infrastructure Levy**

Policy SP22 is a general development management policy which is central to the implementation of the key elements of the Local Development Plan. Developer contributions and the Community Infrastructure Levy (CIL) funds can be used to contribute to all or some of the following:

- Affordable housing and/or specialist housing to meet specific needs
- Transport infrastructure improvements including public and community transport schemes and revenue support, transport infrastructure schemes, car parking, cycling and pedestrian improvements, Travel Plans and behavioural change measures
- Education provision and facilities
- Health care provision
- Emergency services
- Renewable energy, community energy schemes and 'Allowable Solutions'
- Community buildings, open space, leisure and play facilities, allotments and burial facilities
- Drainage and flood prevention measures
- Water and sewerage utilities
- Environmental/public realm improvements
- Green Infrastructure Networks
- Biodiversity and habitat compensation measures
- Refuse collection receptacles and vehicles

## Appendix 2 - Community Infrastructure Levy (CIL) Funding Requests

The following funding requests have been received by the Council for a potential CIL allocation, along with further potential scheme requests we understand are to be submitted in due course. All schemes will be subject to an Expression of Interest process.

A CIL scheme already approved is for the Norton College AstroTurf replacement and has been identified separately below.

**CIL funding allocated (to 23 July 2022), subject to conditions agreed by RDC being met**

Scheme	Requirement	CIL 'Ask'	Total Project Cost
Norton College #1	Replacement Astro Turf	£108k (+£50k possible)	£120k (£170k possible)

### CIL schemes identified (known and potential)

Scheme	Description	Request Received	Business Case received	CIL 'Ask'	Total Project Cost
<b>Known</b>					
Norton College #2	Replacement Fitness Suite equipment / refurb	Yes	No	TBC	TBC
MCSC / Malton School	New fitness suite facility – request to fill possible unsuccessful Lottery bid	Yes	Yes	c.£150k (£250k if Sport England £100k is lost)	£474k
Milton Rooms	Previous paper written but not considered due to budget changes	Paper already prepared	Yes	£200k	TBC
Livestock Market	Development of Livestock Market	Yes	Yes	£600k	£2.85m
Ryedale Special Families	Development of new HQ in Pickering	Yes	Yes	£300k	£1.4m
Helmsley Playing Field	Landscaping of sports fields to bring it back into use	Yes	Yes	£232.5k	£249.5k
Path for Everyone – Kirkbymoorside to Helmsley	Development of cycling and walking route	Yes	No	TBC	TBC
Path for Everyone – Malton to Hovingham	Development of cycling and walking route	Yes	No	TBC	TBC

Anaerobic Digester Plant	Development of AD plant at Eden Business Park, Malton	Yes	No	£350k	£3.5m
Malton Museum	TBC	Yes	No	TBC	TBC
<b>Potential</b>					
Norton School development	Contribution towards development of a new primary school associated with Norton Lodge Development	Awaiting info from NYCC	No	TBC	TBC
Helmsley Outdoor Pool	Changing Rooms	Awaiting	No	TBC	TBC
Wesley Centre	Phase 4 – seeking funding for the £1.4 million final phase	Awaiting	No	TBC	TBC
Ryedale School Astroturf	Development of Astroturf facility	Awaiting	No	TBC	TBC
Next Steps, Norton	TBC	Awaiting	No	TBC	TBC
Woodham Stone Collection	TBC	Yes	Yes	£414k	TBC
Kirkbymoorside Skate Park	TBC	Awaiting	No	TBC	TBC
Beck Isle Museum	TBC	Awaiting	No	TBC	TBC
<b>Total CIL funding ask to date</b>				<b>£2,246,500</b>	



## **URGENCY POWERS**

### **DECISION PRO-FORMA**

**TITLE OF CONSULTATION:** **SUSPENSION OF OVERNIGHT MOTORHOME AND CAMPERVAN PARKING IN CLEVELAND WAY CAR PARK**

**OFFICER REQUESTING:** **AMY THOMAS  
ECONOMIC DEVELOPMENT SERVICE MANAGER**

#### **1.0 PURPOSE**

- 1.1 To review the current overnight parking provision for motorhomes and campervans in the Cleveland Way car park in Helmsley and agree a suspension to this provision.

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

- 2.1 It is recommended that the following is approved:
- i. Overnight parking for motorhomes, campervans and any other vehicles used for overnight sleeping is suspended until a full review of alternative options can take place.
  - ii. A full review of alternative options to manage overnight parking is put on hold until the transition to North Yorkshire Council (NYC) is completed and options can be considered in line with other facilities already in existence across the county.

#### **3.0 REASON FOR RECOMMENDATION(S)**

- 3.1 The level of liability associated with unregulated use the Cleveland Way car park by motorhomes staying overnight leaves RDC at significant risk.
- 3.2 The number and range of complaints being received continues to increase representing reputational risk to RDC if no action is taken regarding overnight parking.
- 3.3 A number of potential options exist to better manage any overnight parking provision but these need to be fully investigated, including engagement with Elected Members and local stakeholders, before being implemented if considered appropriate.

#### **Background**

- 3.4 Over the last couple of years (2021/22 and the current year), use of the overnight parking provision at the Cleveland Way car park in Helmsley appears to have escalated, and with this so have the complaints being received. The number of complaints being received varies at each given time but to date this year it is estimated we have received a significant number of complaints (an increase of greater than 100%). Helmsley Town Council and residents most vocal with complaints.
- 3.5 The layout of the site means that the car park is split into three individual sections; the

front section is designated for cars only, the central area contains coach bays and both standard and larger sized parking bays, and the rear section is made up of standard sized car parking bays but this is where overnight motorhome parking is permitted.

- 3.6 Currently, and as per the Planning Permission we have in place, the overnight parking is only permitted in the rear section of the car park as this area is away from nearby residential properties.
- 3.7 The site does not offer any specific facilities such as elsan points which are usually made available at campsites. In addition RDC does not charge for use of this facility overnight and therefore no income is generated through making this site available. The site was originally intended as a stop off point for visitors travelling through the area but through it rapidly increasing popularity, increasingly appears to have become almost a destination 'site' in its own right.

### **Current Issues**

- 3.8 Signage indicating where overnight parking is permitted, the maximum number of vehicles staying overnight and the rules of use (eg: no BBQ's, no loud music, parking at least 3m apart etc) are clear. This is enhanced by red lines across the entrance to the central section, thus directing motorhomes to the rear section of the car park.
- 3.9 During summer 2021 a small number of complaints were received around motorhome parking and the following measures were put into place to try and ease the situation in discussion with HTC with a view to review the situation in 2022:
- Automatic locking doors installed on the public toilets so they could be open earlier and later.
  - Signs and lines as outlined in 3.8 were introduced
  - Additional security staff were employed on busy weekends / bank holidays from 8.00am – 8.00pm to patrol the car park, assist visitors with parking, redirecting motorhomes attempting to park in the coach bays etc at a cost of approx. £1,100 for a three day weekend. To date expenditure on this element has been c.£5,600 with further additional support scheduled for later in the summer.
  - Enforcement team visits were timed to include the start and end of the working day.
- 3.10 Complaints have continued into early summer 2022 and have escalated in number and nature, despite the above measures all still being in place. The nature of the complaints cover the following issues associated with the overnight parking of motorhomes:
- Too many vehicles on site and overcrowding taking place;
  - Vehicles parking too close together;
  - Vehicles parking outside of the designated motorhome parking area and parking in the central section;
  - BBQ's and open fires on site – both in the car park and the surrounding picnic areas;
  - Tables and chairs being set out in the car park outside of vehicles;
  - Use of the wooded area around the site as a source of fuel for fires;
  - Tent camping in the green space surrounding the car park has been reported;
  - Use of Council Tax payments by residents to allow provision of this site for free for visitors;
  - Emptying of waste from vehicles into the wooded area and down public drains;
  - Caravans being parked in spaces and left;
  - Human excrement has been found in the surrounding wooded area; and
  - Concerns have been raised by several local businesses including an adjacent livery business with livestock in the neighbouring fields, and a local campsite who have to meet rules and regulations for the continued operation of their site. By offering free provision the site is taking business away from local camp / caravan sites limiting the potential growth of these businesses.

- 3.11 Whilst most of the communication received from motorhome owners is positive and appreciative of the site being made available to them, we do receive complaints regarding the availability of spaces large enough to accommodate large motorhomes. In several instances owners have parked in the coach only area and received a Penalty Charge Notice (PCN) for this.
- 3.12 Officers have dealt with the high number of complaints and issues, taking a significant amount of staff resource from across a number of teams within the authority.
- 3.13 The situation is continually being reviewed by Officers and the following further measures are in progress for the next couple of months to try and address some of the issues being raised including the following which are in addition to the suspension of overnight parking being requested within this paper:
- 24/7 opening of the public toilets in this location
  - Larger spaces for motorhomes parking during the day have been added to reduce the number of complaints from motorhome owners who park in the coach bays and receive PCN's
  - A programme of woodland and grounds maintenance is planned to remove lower limbs from the trees and cut back ground vegetation to provide a clearer line of sight between the different areas of the car park.
- 3.14 Given access to the car park is unrestricted, enforcement activities cannot take place outside of the working day, the site appears to be increasing in popularity, and complaints can peak on unexpected days and times, the current offer of overnight parking for motorhomes is unmanageable.
- 3.15 Beyond the operational challenges of the car park, the level of liability and risk associated with the inability to manage numbers and after hours usage of the car park is significant. A Corporate Health and Safety review of the site highlighted fire safety issues from vehicles being parked too close together should a fire break out in a vehicle and due reports and evidence of BBQ's and open fires. The conclusion of the review was that RDC has a duty to control this risk for the safety of both users and the environs, including the nearby residential properties. If steps are not take to restrict this usage and / or identify a more appropriate way to manage the site and an incident occurs, this leaves RDC in a vulnerable positon.

### **Proposed Solution**

- 3.16 Given the issues and risks outlined above the following solution is being proposed following consultation and agreement with local Elected Members for Helmsley, the Police and Fire services, RDC's Corporate Health and Safety Advisor and the RDC Senior Management Team.
- 3.17 Double barrier gates will be installed across the roadway preventing access to the central and rear sections of the car park. These barriers will be fabricated metal and will be fastened in the middle with a paddock. Each side or the gate will be padlocked back into place against a post on each side of the road when open so they themselves don't represent a hazard.
- 3.18 Clear signage will be installed both on the new barriers and at various locations around the car park stating that no overnight parking is permitted and the gates will be locked between 6.00pm and 6.00am (exact times tbc). It is proposed that the barriers will be opened each morning by the Street Scene team and closed each evening but this arrangement will be confirmed.
- 3.19 It is proposed that once the barriers are installed, for the first two weeks they are not locked but additional evening enforcement patrols take place. SBC Enforcement team have confirmed that this is possible to facilitate and that a PCN can be issued with a

contravention code that covers parking in a car park when closed even if it can still be accessed as long as there is signage in place.

- 3.20 The Street Scene team have been consulted and this arrangement will mean they can still access the central section of the car park and the mini recycling centre during the day. Whilst this proposal will restrict vehicular access to the recycling facilities by the public in the evenings, pedestrian access will still be available.
- 3.21 To prevent the issue of overnight parking being displaced to the front section of the car park, a height barrier will be installed which will allow free access to cars 24/7 as currently occurs, but will prevent access to taller vehicles such as motorhomes.
- 3.22 Installation of a height restrictive barrier has been checked with the North York Moors National Park Authority (NYMNP) Planning Department, and it has been confirmed that this can be implemented under our Permitted Development Rights so there is no need for Planning Permission, although any work taking place must be sensitive to the Scheduled Ancient Monument in the centre of the car park. For any work taking place close to this it is advisable contact will be made with the Archaeologist at the NYMNP in advance.
- 3.23 Lead-in time for the manufacture of both the gates and height barrier is still to be confirmed, with installation to take place by the Street Scene team. It is suggested that once confirmed and orders placed, external communication both locally and within the motorhome and caravan sector takes place utilising press, social media and the RDC website giving sufficient notice of this change.
- 5.24 Local Elected Members have been engaged with this discussion and have expressed support for the suspension of overnight parking. Members have also expressed the view that additional facilities for the benefit of overnight users should not be installed. Furthermore the location and proposed type of gates have been discussed and agreed.

### **Future Options**

- 3.25 As a suspension of overnight parking is being requested, investigation of alternative delivery mechanisms will then be required. There are a number of potential options and the process of investigation will need to involve engagement with local Elected Members and local stakeholders.
- 3.26 With the conclusion of the Local Government Reorganisation process due to be completed in 8 months' time, delaying the review of these options until NYC is established is preferable so options and delivery mechanisms of councils currently operating such facilities can be taken into account.
- 3.27 It should be clearly noted that any suspension of overnight parking for motorhomes does not mean motorhomes and other similar vehicles cannot park in the car park during the day. Some larger spaces to accommodate such vehicles have already been implemented.
- 3.28 Given the level of local dissatisfaction being communicated to us and the significant risks and liabilities attached to not taking any action in this situation, it is recommended to suspend the provision of overnight motorhome parking within two weeks of a decision being made. It is proposed that the broad timeline for implementing this closure is as follows:
- Urgency Decision Taken - Wk Beg 18 July 2022
  - Gates, height barrier and signage commissioned – Wk Beg 18 July 2022
  - Communications issued locally and within motorhome / caravan – Wk beg 18 July 2022 to 29 July 2022
  - Temporary advisory signage to be installed – Wk beg 25 July



- Overnight parking formally suspended - From Saturday 30 July 2022
- Enforcement support to implement this decision starts – 30 July 2022
- Gate, barrier and permanent signage installation – no date yet
- Gate locked / unlocked – within two weeks of gates etc being installed

#### **4.0 SIGNIFICANT RISKS**

- 4.1 The most significant risk to RDC is that of liability should there be an emergency on site should no preventative action have been taken. The most significant liability is that of fire if too many vehicles are parked on the site overnight, or users not adhering to the rules of no fires/BBQ's and the limit of 15 vehicles.
- 4.2 The anti-social behaviour of some site users most notably around having BBQ's / fires on site and leaving human excrement in the woodland around the car park represents a health and safety hazard and a public health hazard. This behaviour by a minority of users cannot be left unchecked as it puts the majority of car parks users who adhere to the rules at serious risk of harm.
- 4.3 There is potential for reputational damage to RDC and poor public perception from motorhome users if the decision is made to withdraw overnight parking, however, there is also significant reputational risk to RDC from within the local community if no action is taken to resolve the issues being reported and that are causing much concern locally.

#### **5.0 IMPLICATIONS**

- 5.1 The following implications have been identified:

- a) Financial  
Costs will be incurred in relation to the fabrication and installation of gate barriers, the height barrier, and signage. Exact costs are currently being sought but any costs incurred can be covered through the car parking capital budget held by Economic Development for improvements to the car parks.  
It is likely that costs will also be incurred for the communication of this message if adverts or articles need to be purchased in motorhome / caravan publications.

- b) Legal

The Occupier's Liability Act 1957 provides that occupiers have a 'common duty of care' towards visitors to land for which they own or are in control of. Section 2(2) of the 1957 Act provides: "The common duty of care is a duty to take such care as in all the circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the premises for the purpose for which he/she is invited or permitted to be there".

It is essential for occupiers to assess the risks and dangers on their land and have a strategy in place to deal with them. It is a positive duty, not only to avoid negligent or careless acts, but, a duty to positively avoid negligent or careless omissions.

Case law has indicated that relevant factors for an occupier/owner of land to consider are:

- How obvious the danger or risk is;
- The Magnitude of the risk;
- The likelihood of the risk happening;

- The age and capacity of the visitor's. The Occupier must be prepared for children to be less careful than adults;
- The purpose of the visit;
- The consequences of the danger happening;
- Self-accountability – to what degree can or should the visitor be aware of obvious dangers. and, take care to avoid ordinary risks;
- The effectiveness of risk assessment processes.

Whilst the Council gives consent for members of the public to use the Car Park for overnight stays of campervans and motorhomes, the consent is limited to use associated with normal activities, i.e. overnight parking only.

It is evident from the considerable number of complaints that the Car Park is being used by some owners of motorhomes or campervans for activities outside of the implied consent given by the Council, for example, having BBQs, lighting fires, putting out picnic tables and depositing human excrement in the nearby woods. It is obvious that the risk of harm to an individual using the Car Park is high, therefore the Council is under a duty to act to minimise any risk associated with the improper usage of the Car Park.

The activities detailed above, expose the Council to significant risks in terms of both a breach of their duty of care to visitors, and, their public liability obligations to users of the Car Park. Under the Occupier's Liability Act 1957, the Council cannot exclude death or personal injury to users of the Car Park. The fact that an individual may be undertaking activities of which consent is not given by the Council, will not per se, provide the Council with a defence. The individual will become a non-visitor at that time, but will be covered to a certain extent by the Occupier's Liability Act 1984. Further, the Council could potentially be liable for a breach of their duty of care to other users of the Car Park injured, or, suffering loss as a consequence of banned activities being undertaken in the Car Park and its vicinity.

Case law further provides precedent that the Occupier's Liability threshold may be met by implementing a reactive system of management of a premises. With regard to the Car Park in question, it is appropriate that as the Council is now aware of dangerous activities taking place on their premises, steps are taken to stop the activities until the matter can be more fully reviewed and further options considered. The only current option for health & safety reasons is to cease permitting overnight parking for campervans and motorhomes in the Car Park, therefore preventing danger occurring associated with inappropriate use of the Car Park.

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

Whilst delivery of the actions outlined above will require Officer time from across a number of teams, it is anticipated that this will reduce the amount of time spent on complaints and resolving issues in the longer term.

Given the contentious nature of the issue, significant Communications support will be required to communicate the messages surrounding the reasons for of implementation of any closure.

## 6.0 MONITORING OFFICER ADVICE

The Council owes a duty of care to visitors and non-visitors to the Car Park as a consequence of obligations associated with being an owner/occupier of premises under the Occupier's Liability Acts 1957 and 1984.

The Council is aware of dangerous and hazardous activities taking place in the Car Park by users of campervans and motorhomes. Such activities resulting in death or personal injury to visitors or non-visitors to the Car Park would be deemed to be a breach of the Council's duty of care under the legislation detailed above, and, for which they would be liable under the Tort of negligence.

To protect all individuals who use the Car Park, and, the Council from being sued for the breach of its duty of care should death, personal injury or damage to property under occur, it is necessary to invoke urgency powers to stop overnight parking of campervans and motorhomes.

## 7.0 CONSULTATION RECORD

According to the Constitution, under urgency powers, decisions usually taken by the Council and its committees are taken by the CEO following consultation with the appropriate elected members.

The appropriate elected members are:

- The Group Leaders<sup>1</sup>
- Relevant Ward member(s), if any, for matters of particular relevance to that ward<sup>2</sup>

Name of Consultee	Cllr D Keal
Approved	
Date consultation completed	14/07/2022

Name of Consultee	Cllr S Arnold
Approved with comments as follows; Thank you I will do as you request, although I do not agree with all the accusations put forward but I do agree it is the only answer.	
Date consultation completed	14/07/22

	Cllr J Frank
I think the decision has been made to close the motor home parking. It's a shame in my opinion I think it was a good Idea and a good thing to do. I accept there are problems but I would have thought they could be mitigated to a great extent. There are things that could be tried, as we discussed. I think closing it altogether will cause more problems elsewhere it would be better to trial some other things ie better signage and perhaps a resident could be employed to patrol and police the site. I don't think it's beyond the wit of man to make the site safe and secure for everyone concerned. Closing it will in my opinion cause a backlash of wild parking around the town and elsewhere in the area.	
Date consultation completed	18/07/22

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1. "Relevant Ward Member(s), if any" refers to ward specific matters and does not mean that all Members will be consulted on everything


Name of Consultee	Cllr M Potter
Approved with comments as follows; Further to our conversation, I will agree with the urgency notice in respect of cessation of Overnight Parking of Motorhomes and Campervans in Cleveland Way Car Park, Helmsley, on the understanding that improved ways of managing this facility will be investigated. It is most unfortunate that reasonable, well-behaved users will be inconvenienced, along with the miscreants, with the danger of just moving the problem to less suitable locations. However, as there is clearly a problem with the current arrangements and policing the site outside office hours, then so be it.	
Date consultation completed	18/07/22

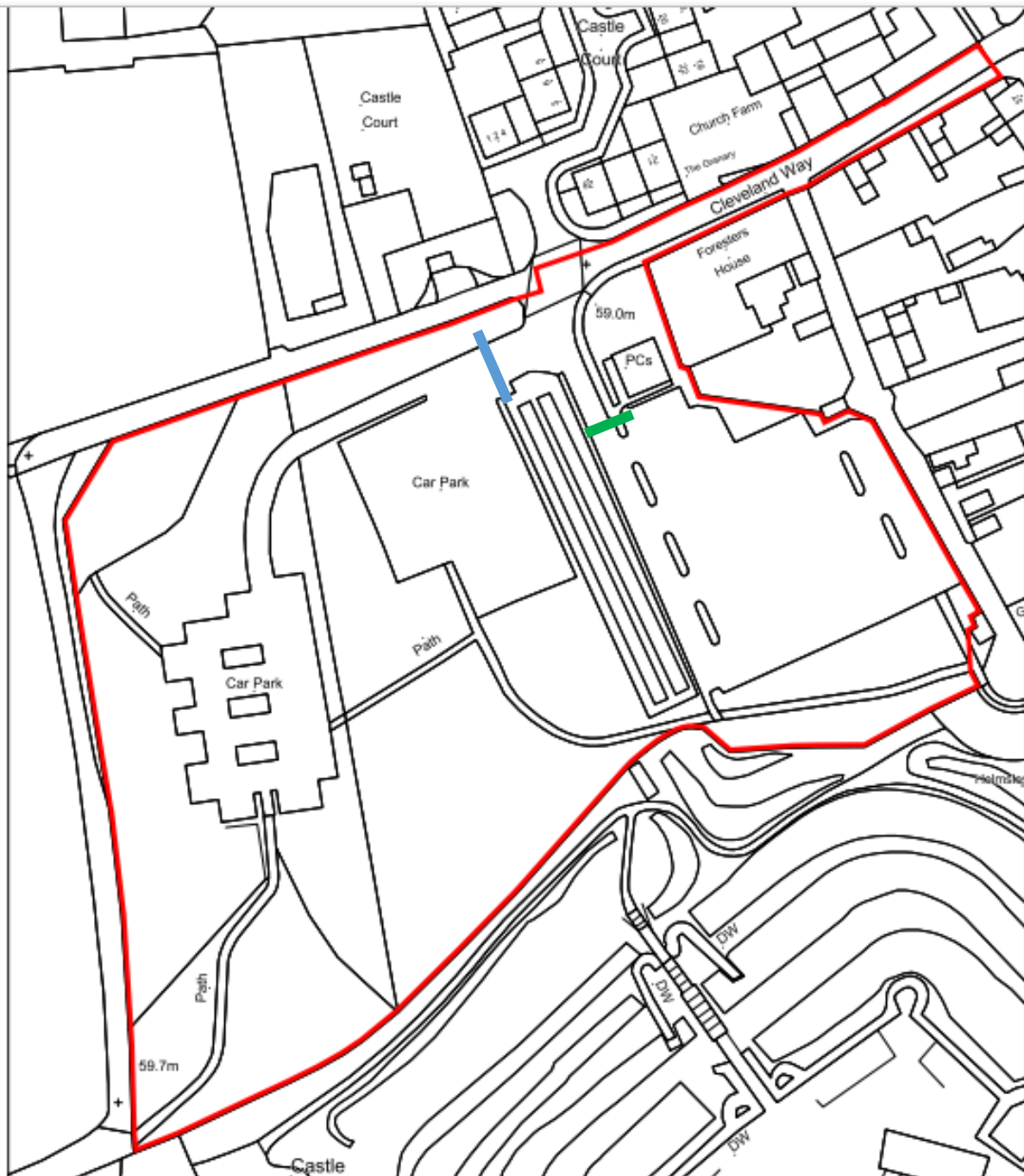
Name of Consultee	Cllr K Duncan
Happy there has been discussion and consultation with him today.	
Date consultation completed	19/07/22

Name of Consultee	Cllr L Burr
Sorry, I will not comment on this one	
Date consultation completed	19/07/22

Name Of Consultee	Cllr J Windress
No response	
Date consultation completed	18/07/22

## 8.0 DECISION

Decision of the CEO based on consultation	To be completed after consultation  Rationale is that 'the suspension of this service has been approved on the basis of urgency given the level of complaints received and the council's responsibility to ensure that the service remain safe and respond to community and Town Council concerns. The suspension will allow for a full review to take place, taking into account the views of all stakeholders.
Date 22.07.2022	



### Cleveland Way Car Park Barrier and Gate Proposal

**Blue Line** – Gates open during the day for full access but closed overnight to prevent access to the central and rear sections of the car park

**Green Line** – Height restriction barrier to ensure 24/7 access to the front section of the car park for cars only

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## **URGENCY POWERS**

### **DECISION PRO-FORMA**

**TITLE OF DECISION:** **COVID-19 ADDITIONAL RELIEF FUNDING (CARF) SCHEME**

**OFFICER REQUESTING:** **ANTON HODGE  
CHIEF FINANCE OFFICER (S151)**

**DATE OF SUBMISSION:** **27 JULY 2022**

#### **1.0 PURPOSE**

- 1.1 To gain agreement for the increased distribution of funds under the Covid-19 Additional Relief Funding (CARF) scheme so that surplus funds can be distributed to eligible businesses by the 31 August 2022 deadline. The scheme is fully funded by Central Government, Ryedale District Council has been allocated £1,090,079 to assist those ratepayers whose businesses have been (and continue to be) affected by the Covid-19 pandemic but are ineligible for existing support linked to business rates.

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

- 2.1 It is recommended that:

(i) Approval is given to increase the maximum relief award from 15% to 20%.

#### **3.0 REASON FOR RECOMMENDATION(S)**

- 3.1 The scheme is fully funded and a clear criteria is provided by Government.
- 3.2 The purpose of the Covid-19 Additional Relief Funding (CARF) scheme is to provide assistance where the business property does not qualify for other relief.
- 3.3 On 17 February 2022 Full Council approved the Covid-19 Additional Relief Funding (CARF) scheme to assist eligible businesses with a maximum relief of 15% for the 2021/2022 liability.
- 3.4 The council has surplus funds and is able to increase the relief awarded from 15% to 20%.
- 3.5 The deadline set by Central Government to award the funding for the Covid-19 Additional Relief Funding (CARF) scheme is 31 August 2022.
- 3.6 Following approval the additional relief will be awarded to all eligible businesses.

#### **4.0 SIGNIFICANT RISKS**

- 4.1 If the Urgency Power is not utilised, there is a significant risk due to the timings of the required committee meetings the increased relief will not be applied to eligible businesses and funding will be returned to Central Government. Ryedale businesses will miss out on much needed financial assistance which could lead to complaints being received from businesses and cause reputational damage.

#### **5.0 IMPLICATIONS**

- 5.1 The following implications have been identified:
- a) Financial  
Covid-19 Additional Relief Funding (CARF) scheme is funded by Government.
  - b) Legal  
The Council has a legal obligation to award appropriate funding within an approved budget.
  - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)  
There are implications for Equalities and Staffing if the Urgency Power is not invoked and payments are delayed. Further, there will be increased pressure on staff within the Revenues & Benefits Team dealing with the increase volume of enquiries.

#### **6.0 MONITORING OFFICER ADVICE**

- 1.2 Group Leaders are advised that if Urgency Powers are not utilised to gain agreement for the increased distribution of funds under the Covid-19 Additional Relief Funding (CARF) scheme so that surplus funds can be distributed to eligible businesses by the 31 August 2022 deadline, eligible businesses will not receive the additional funding they are entitled to. Any undistributed funds at 31 August 2022 will be returned to Central Government. The implications of the failure to distribute funds to local businesses will deny them much needed financial assistance. Failing or delaying the distribution of funds will also lead to reputational damage to the Council and the potential for a considerable number of complaints.

#### **7.0 CONSULTATION RECORD**

According to the Constitution, under urgency powers, decisions usually taken by the Council and its committees are taken by the CEO following consultation with the appropriate elected members.

The appropriate elected members are:

- Group Leaders

Name of Consultee	Councillor D Keal
No response, assume agreement as per email sent on 27 July 2022	
Date consultation completed	29/07/22



Name of Consultee	Councillor S Arnold
No response, assume agreement as per email sent on 27 July 2022	
Date consultation completed	29/07/22


Name of Consultee	Councillor L Burr
No response, assume agreement as per email sent on 27 July 2022	
Date consultation completed	29/07/22

Name of Consultee	Councillor K Duncan
No response, assume agreement as per email sent on 27 July 2022	
Date consultation completed	

Name of Consultee	Councillor J Frank
Agreed	
Date consultation completed	28/07/22

Name of Consultee	Councillor M Potter
Agreed	
Date consultation completed	28/07/22

## 8.0 DECISION

Decision of the Acting CEO based on consultation	To be completed after consultation
Approved: P Spurr	
Date:	01/08/2022

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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>FULL COUNCIL</b>
<b>DATE:</b>	<b>17 FEBRUARY 2022</b>
<b>REPORT OF THE:</b>	<b>CHIEF FINANCE OFFICER (S151) ANTON HODGE</b>
<b>TITLE OF REPORT:</b>	<b>COVID-19 ADDITIONAL RELIEF FUNDING (CARF) SCHEME</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 To inform Full Council of the proposed Covid-19 Additional Relief Funding (CARF) scheme.

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

- 2.1 It is recommended that:
- (i) Full Council supports the proposed Covid-19 Additional Relief Funding (CARF) scheme.

### **3.0 REASON FOR RECOMMENDATION(S)**

- 3.1 Central Government has provided Ryedale District Council with funding of £1,090,079 to assist those ratepayers whose businesses have been (and continue to be) affected by the Covid-19 pandemic but are ineligible for existing support linked to business rates.

### **4.0 SIGNIFICANT RISKS**

- 4.1 Businesses within Ryedale who have been affected by the Covid-19 pandemic would continue to suffer.
- 4.2 Reputational damage to Ryedale District Council if this funding was not to be distributed to the businesses who it is aimed at supporting.

## **5.0 POLICY CONTEXT AND CONSULTATION**

- 5.1 **Our economy: harnessing Ryedale's unique economy to deliver, growth, homes and jobs – Open for business.** We will work with Government, industry and businesses to bring new investment to the area, expanding the commercial space on offer within the district in a sustainable way. We will develop the council's role in providing workshop, incubator and scale-up space for all small start-up businesses and facilitate the expansion of business parks.

## **REPORT**

### **6.0 REPORT DETAILS**

- 6.1 The purpose of the Covid-19 Additional Relief Funding (CARF) scheme is to provide assistance where the business property does not qualify for other relief.
- 6.2 Over the past few years, a number of schemes (such as Expanded Retail Discount) have been led by Central Government but without any specific legislative changes.
- 6.3 Ryedale District Council is keen to support such initiatives especially where they are designed to help local businesses and will look to maximise the reliefs given as well as maximise any grants received.
- 6.4 In view of this, Ryedale District Council has decided that where a ratepayer meets all of the relevant criteria, relief will be awarded at a maximum 15% of the 2021/22 liability after any other reliefs and reductions have been applied. The relief awarded may increase or decrease in future if the Rateable Value (RV) is increased or decreased retrospectively.
- 6.5 The criteria in the Government's guidance for the Covid-19 Additional Relief Funding (CARF) scheme is as follows:-
- 6.5.1 The ratepayer is not eligible (or would be eligible) for the Expanded Retail Discount (covering Retail, Hospitality and Leisure), the Nursery Discount or the Airport and Grounds Operations Support Scheme (AGOSS);
- 6.5.2 The ratepayer is not entitled to either Small Business Rate Relief or Rural Rate Relief granted at 100%;
- 6.5.3 The rate payer is not entitled to mandatory relief (80%) and discretionary (top up) of 20% which is funded through business rates retention;
- 6.5.4 The hereditament is treated as occupied by the council;
- 6.5.5 The ratepayer confirms that they have been adversely affected by the pandemic and been unable to adequately adapt to that impact and
- 6.5.6 The ratepayer is not subject to Subsidy Controls
- 6.6 Eligible businesses have been identified from the current database and all will have the 15% discount relief applied to the 2021/2022 account.

- 6.7 Where adding the 15% relief to the 2021/2022 account places the Business Rates account into credit, before issuing any refund all businesses will be contacted requesting they confirm the following details;-
- (a) Has your business been affected by Covid?
  - (b) Business was operational during 2021/2022
  - (c) Subsidy Control?
  - (d) Do you want to opt out of the scheme?
- 6.8 This administration process of the Covid-19 Additional Relief Funding (CARF) scheme has been discussed and approved by our Internal Auditors - Veritau. In all cases, Ryedale District Council will notify ratepayers of all decisions made.
- 6.9 Where a ratepayer falsely applies for any relief, or where the ratepayer provides false information, makes false representation, or deliberately withholds information in order to gain relief, the relief will be removed and prosecutions will be considered under the Fraud Act 2006.
- 6.10 Members of the Policy & Resources Committee were informed at the meeting held on 3 February 2022 that a report on the Covid-19 Additional Relief Funding (CARF) scheme would be brought directly to Full Council due to the tight timescales for delivering this scheme.
- 6.11 Following approval from Full Council the Covid-19 Additional Relief Funding (CARF) scheme will be implemented.

## **7.0 IMPLICATIONS**

- 7.1 The following implications would have to be considered if the matter was to be looked into in further detail:
- a) Financial – As Central Government leads this initiative funding will be provided through section 31 of the Local Government Act 2003. Ryedale District Council has been allocated £1,090,079 for this scheme. The total amount of relief awarded may exceed the funding allocated to Ryedale District Council, if as a result of any future Rateable Value (RV) amendments. Any overspend would be shared 50/50 by Ryedale District Council and Central Government.
  - b) Legal – There are no Legal implications to this paper.
  - c) Other -
  - d) Equalities – The aim of the Covid-19 Additional Relief Funding (CARF) scheme is to support those businesses who do not receive any mandatory relief and have been impacted as a result of the Covid-19 pandemic.
  - e) Staffing – The administration of the Covid-19 Additional Relief Funding (CARF) scheme will have an impact on staffing resource within the Revenues & Benefits team due to the additional workload the scheme will bring.
  - f) Planning – N/A
  - g) Health & Safety – N/A
  - h) Environmental – N/A
  - i) Crime & Disorder – N/A

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**Background Papers:**

COVID-19 Additional Relief Fund (CARF): local authority guidance  
<https://www.gov.uk/government/publications/covid-19-additional-relief-fund-carf-local-authority-guidance>

Draft Ryedale DC COVID-19 Additional Relief Fund (CARF) Policy



# **Policy for the granting of COVID-19 Additional Relief Fund Discretionary Non-Domestic Rate Relief**

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## **1.0 Purpose of the Policy**

- 1.1 The purpose of this policy is to determine the level of discretionary relief payable under the Council's COVID-19 Additional Relief Fund (CARF) scheme.
- 1.2 Central Government has provided the authority with funding to assist those ratepayers who businesses have been (and continue to be) affected by the pandemic but that are ineligible for existing support linked to business rates.
- 1.3 The Government has not changed the legislation relating to the business rates reliefs available to properties. Instead, the Government will, in line with the eligibility criteria set out in this policy, reimburse local authorities where relief is granted using discretionary relief powers under section 47 of the Local Government Finance Act 1988.
- 1.4 Whilst funding is provided by Central Government, it is for the Council to decide its own local scheme and determine in each individual case whether to grant this particular relief.
- 1.5 Relief under the CARF scheme will only be available to reduce chargeable amounts in respect of the 2021/22 financial year.
- 1.6 This document outlines the following areas:
  - Details of the criteria for receiving Discretionary Reliefs under the COVID-19 Additional Relief Fund (CARF) scheme;
  - The Council's policy for the granting the relief;
  - General guidance on granting and administering the reliefs and awards;
  - Subsidy Controls applicable; and
  - The Council's Scheme of Delegation.
- 1.7 Where ratepayers apply for relief they will be granted (or not granted) relief under the COVID-19 Additional Relief Fund (CARF) scheme in line with the following policy.

## 2.0 Discretionary Relief – Legislative Background

### Introduction

- 2.1 The original purpose of discretionary relief was to provide assistance where the property does not qualify for mandatory relief, or to ‘top’ up cases where ratepayers already receive mandatory relief.
- 2.2 Over recent years and particularly since 2011, the discretionary relief provisions have been amended to allow authorities the flexibility to provide more assistance to businesses and organisations.
- 2.3 The range of bodies, which are eligible for discretionary rate relief, is wide and not all of the criteria laid down by the legislation will be applicable in each case.
- 2.4 The Council will expect all businesses provide such information and evidence as required in order to determine whether relief should be awarded.
- 2.5 There is no statutory appeal process or Tribunal against any decision made by the Council although, as with any decision of a public authority, decisions can be reviewed by Judicial Review. The authority will however, upon request, review decisions made. Details of the internal review process are given within this policy.
- 2.6 The decision to grant or not to grant discretionary relief is a matter purely for the Council.

## 3.0 Eligibility for discretionary relief under the COVID-19 Additional Relief Fund (CARF) scheme

- 3.1 Whilst the Council has determined its own scheme, the Department for Levelling Up, Housing and Communities has stated that, in order for the Council to receive the allocated funding, it must:
  - (a) **not** award relief to ratepayers who for the same period of the relief either are or would have been eligible for the Expanded Retail Discount (covering Retail, Hospitality and Leisure), the Nursery Discount or the Airport and Ground Operations Support Scheme (AGOSS);
  - (b) **not** award relief to a hereditament for a period when it is unoccupied (other than hereditaments which have become closed temporarily due to the government’s advice on COVID-19, which should be treated as occupied for the purposes of this relief), and
  - (c) direct their support towards ratepayers who have been adversely affected by the pandemic and have been unable to adequately adapt to that impact.

- 3.2 In line with section 47(8) of the Local Government Finance Act 1988, the Council must not grant any relief to itself or to either local or major precepting authorities.
- 3.3 The relief will be applied after mandatory reliefs and other discretionary reliefs funded by section 31 grants have been applied, excluding those where the Council has provided relief using its wider discretionary relief powers introduced by the Localism Act 2011 which are not funded by section 31 grants.
- 3.4 Where any reduction or remission is granted to a ratepayer under S49 Local Government Finance Act 1988 (where hardship is proven to the Council), then there will be no requirement to grant CARF Discretionary Rate Relief for that amount.
- 3.5 In certain cases, the order in which relief is granted is specified. Mandatory relief shall be granted in all cases where the relevant criteria are met irrespective of whether discretionary relief can be granted or not.

#### **4.0 Discretionary Relief to be awarded under the COVID-19 Additional Relief Fund.**

- 4.1 Over the past few years, a number of schemes (such as the COVID-19 Additional Relief Fund) have been led by Central Government but without specific legislative changes.
- 4.2 The Council is keen to support such initiatives especially where they are designed to help local businesses and will look to maximise both the reliefs given as well as maximise any grants receivable.
- 4.3 In view of this, the Council has decided that where a ratepayer meets **all** of the relevant criteria, relief will be 15% of the 2021/22 liability **after** any other reliefs and reductions have been applied.
- 4.4 The criteria for the COVID-19 Additional Relief Fund are as follows:
- (a) the ratepayer is **not** eligible (or would not be eligible) for the Expanded Retail Discount (covering Retail, Hospitality and Leisure), the Nursery Discount or the Airport and Ground Operations Support Scheme (AGOSS);
  - (b) the ratepayer is not entitled to either Small Business Rate Relief or Rural Rate Relief granted at 100%;
  - (c) the ratepayer is **not** entitled to mandatory relief (80%) and discretionary (top up) of 20% which is funded through business rates retention;
  - (d) the hereditament is treated as occupied by the Council;
  - (e) the ratepayer confirms that they have been adversely affected by the pandemic and have been unable to adequately adapt to that impact;

- (f) the ratepayer is **not** subject to Subsidy Control as defined within section 6; and
- (g) the hereditament is not excluded under the section 5 below

## 5.0 Subsidy Control

- 5.1 The Council's COVID-19 Additional Relief Fund (CARF) scheme is subject to the subsidies chapter within the UK-EU Trade and Cooperation Agreement (TCA). However, for CARF there is an exemption for subsidies under the value of approximately £2,243,000 per economic actor (broadly speaking, for example, a holding company and its subsidiaries).
- 5.2 This allowance comprises 325,000 Special Drawing Rights (at current exchange rates about £343,000) for Small Amounts of Financial Assistance and a further £1,900,000 for COVID-19 related subsidy.
- 5.3 Therefore, to be awarded CARF the ratepayer must not have claimed over the period 2019/20 to 2021/22 more than £2,243,000 from schemes which fell within the Small Amounts of Financial Assistance or COVID-19 related allowances.
- 5.4 Any COVID-19 business grants a ratepayer has received from local government generally and the 2019/20 Retail Relief should count towards this limit, but the ratepayer should not count any Extended Retail Discount they have received since 1 April 2020.
- 5.5 Further details of subsidy control can be found at:  
<https://www.gov.uk/government/publications/covid-19-additional-relief-fund-carf-local-authority-guidance>
- 5.6 The ratepayer will need to indicate to the Council:
  - if they have not to date received any subsidy which fell within the Small Amounts of Financial Assistance or COVID-19 related allowances; or
  - if the ratepayer has received other such subsidies, they will be required to provide the name and total value of those subsidies.
- 5.7 A ratepayer must not apply for CARF if they have already exceeded the £2,243,000 allowance. However, the Council will still consider applications for support under the CARF scheme if they have reached this limit provided you can evidence that they:
  - (a) Intend to use the support to fund uncovered fixed costs (costs not covered by profits for insurance etc) during the period of COVID-19. Economic actors may claim for up to 70% of their uncovered costs (although this 70% limit does not apply to small businesses with less than 50 employees and less than £9 million turnover where the limit is instead 90%); and
  - (b) Have shown a decline in turnover of at least 30% within the April 2020 to March 2021 period, compared to the same 2019 to 2020 period.

- 5.8 The ratepayer may claim up to a further £10 million of additional allowance (on top of the £2,243,000) if they meet the above tests and they have not claimed any other support from the additional allowance up to an aggregate £10 million limit (such as from the COVID-19 business grants).
- 5.9 Government and the Council will not tolerate any business falsifying their records or providing false evidence to gain this relief including claiming support above these thresholds.
- 5.10 A ratepayer who falsely applies for any relief or provides false information or makes false representation in order to gain relief may be guilty of fraud under the Fraud Act 2006.

## **6.0 Effect on the Council's Finances**

- 6.1 As Central Government leads this initiative, funding will be provided through section 31 of the Local Government Act 2003. This is not automatic and Central Government will look to the Council to adopt the recommended approach when granting in these areas.
- 6.2 In order to guarantee funding, the Council will ensure that the criteria in this policy are met in full.

## **7.0 Administration of Discretionary Relief**

- 7.1 The following section outlines the procedures followed by officers in granting, amending, or cancelling discretionary relief and reduction. This is essentially laid down by legislation<sup>1</sup>

### **Applications and Evidence**

- 7.2 The Council will award this relief to eligible ratepayers . This may vary from time to time.
- 7.3 Where appropriate, ratepayers may be required to provide such evidence necessary to allow the Council to make a decision. Where insufficient information is provided, then no relief will be granted. In some cases, it may be necessary for officers to visit premises and we would expect ratepayers claiming relief to facilitate this where necessary.

### **Granting of relief**

- 7.4 In all cases, the Council will notify the ratepayer of decisions made.

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<sup>1</sup> The Non-Domestic Rating (Discretionary Relief) Regulations 1989

- 7.5 Where relief is granted, then the following will be notified to them in writing:
- The amount of relief granted and the date from which it has been granted;
  - If relief has been granted for a specified period, the date on which it will end.
  - The new chargeable amount;
  - The details of any planned review dates and the notice that will be given in advance of a change to the level of relief granted; and
  - A requirement that the applicant should notify the Council of any change in circumstances that may affect entitlement to relief.
- 7.6 This discretionary relief will only be awarded for the 2021/22 financial year.

### **Variation of a decision**

- 7.7 Variations in any decision will be notified to ratepayers as soon as practicable and will take effect as follows:
- Where the amount is to be increased due to a change in rate charge (excluding rateable value increases) or a change in the Council's decision which increases the award – this will apply from a date determined by the Council as appropriate;
  - Where the amount is to be reduced due to a reduction in the rate charge or liability including any reduction in rateable value, awarding of another relief or exemption this will apply from the date of the decrease in rate charge; and
  - Where the amount is to be reduced for any other reason, it will take effect from a date determined by the Council as appropriate;
- 7.8 A decision may be revoked at any time and the Council will terminate the relief at any time the ratepayer fails to meet **any** of the relevant eligibility criteria.

## **8.0 Scheme of Delegation**

### **Granting, Varying, Reviewing and Revocation of Relief**

- 8.1 All powers in relation to reliefs are given under the Local Government Finance Act 1988, the Local Government and Rating Act 1997, the Local Government Act 2003 and the Localism Act 2011. However section 223 of the Local Government Act 1992 allows for delegation of decisions by the Council to Cabinet, Committees, Sub-Committees or Officers.
- 8.2 The Council's scheme of delegation allows for the Head of Revenues and Benefits to award, revise or revoke any discretionary relief applications. However, any application which is considered to be of a significant nature, will be subject to consultation with the Council's Section 151 Officer, prior to final determination.

- 8.3 Applications that are refused will, on request, be reconsidered if additional supporting information is provided or the refusal is subsequently considered to be based on a misinterpretation of the application.

## **Reviews**

- 8.4 The policy for granting relief will be reviewed annually or where there is a substantial change to the legislation or funding rules. At such time, a revised policy will be brought before the relevant committee of the Council.

## **Disputes**

- 8.5 Where the Council receives a dispute from the ratepayer regarding the granting, non-granting or the amount of any discretionary relief, the case will be reviewed by the Head of Revenues and Benefits. Where a decision is revised then the ratepayer shall be informed, likewise if the original decision is upheld.
- 8.6 Where the ratepayer wishes to appeal the decision of the Head of Revenues and Benefits, the case will be considered by the Council's Section 151 Officer whose decision on behalf of the Council will be final.
- 8.7 Ultimately the formal appeal process for the ratepayer is Judicial Review although the Council will endeavour to explain any decision fully and openly with the ratepayer.

## **9.0 Reporting changes in circumstances**

- 9.1 Where any award is granted to a ratepayer, the Council will require any changes in circumstances which may affect the relief, to be reported as soon as possible or in any event within 21 days of the change. This will be important where the change would result in the amount of the award being reduced or cancelled e.g., where the premises comes unoccupied or is used for a purpose other than that determined by the Council as eligible for relief.
- 9.2 Where a change of circumstances is reported which would cease or revise eligibility, the relief will, if appropriate, be revised or cancelled as appropriate. Where any award is to be reduced, the Council will look to recover the amount from the date the change of circumstances occurred.

## **10.0 Fraud**

- 10.1 Where a ratepayer falsely applies for any relief, or where the ratepayer provides false information, makes false representation, or deliberately withholds information in order to gain relief, prosecutions will be considered under the Fraud Act 2006.



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

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