



POLICY AND RESOURCES COMMITTEE

Thursday 24 June 2010 at 6.30 pm

Council Chamber, Ryedale House, Malton.

Agenda

1 Emergency Evacuation Procedure

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

2 Apologies for absence

3 Minutes of the Meeting Held on 1 April 2010

(Pages 1 - 10)

4 Urgent Business

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

5 Declarations of Interest

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

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

6 Minutes of a Meeting of the Resources Working Party held on 8 June 2010

(Pages 11 - 16)

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

7 Appointment of Working Parties/Sub-Committee

The Committee is requested to appoint Members to the following Working Parties/Sub-Committee. The Membership for 2009/2010 is indicated below:

(a) Senior Management Contracts Working Party

Chairman of the Council, Group Leaders, Committee Chairmen and the Staff Champion.

(b) Resources Working Party

3 Conservative members, Councillors Mrs Cowling, Knaggs and Legard
2 Liberal Democrat Members, Councillors H Keal and Mrs Hodgson
1 Independent Member – Councillor Wainwright.

(c) Constitution Review Working Party

Group leaders and the Chairman of the Council.

(d) Sub-Committee – Appeals Panel

Chairman of Policy and Resources, Staff Champion and Vice Chairman of Policy and Resources.

In the absence of any of these Members, the panel to consist of 3 Members to be appointed by the Chief Executive in Consultation with the Chairman of Policy and Resources, or in the Chairman's absence, the Vice Chairman, from the current membership of the Policy and Resources Committee (including any substitute members). The Panel to meet as and when required. Such a panel to consist of one Member of the Conservative Group, one Member of the Liberal Democrat Group and one Member of the Independent Group.

Terms of reference of the Sub Committee

To determine appeals in relation to the following matters:

- To determine appeals against dismissal on disciplinary cases.
- Any other appeal to Members which is currently within the Council's policies and procedures.

8 Annual Statement of Accounts and Annual Governance Statement (to follow)

9 Draft Oswaldkirk Conservation Area Assessment and Management Plan Supplementary Planning Document (Pages 17 - 68)

10 ICT Printer Rationalisation (Pages 69 - 76)

11 ICT Programme Approvals (Pages 77 - 82)

PART 'B' ITEMS - MATTERS REFERRED TO COUNCIL

12 Exempt Information

To consider a resolution to exclude the press and public from the meeting during consideration of the following items:

Annex B of item 13 (Wentworth Street Car Park, Malton) as provided by paragraph 3 of Schedule 12A of Section 100A of the Local Government Act 1972.

16 (Vivis Lane Realignment – Position Statement) as provided by paragraphs 2 & 3 of Schedule 12A of Section 100A of the Local Government Act 1972.

17 (Application for Hardship Relief) as provided by paragraph 3 of Schedule 12A of Section 100A of the Local Government Act 1972.

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.

- 13 **Wentworth Street Car Park, Malton** (Pages 83 - 96)
- 14 **Changes to the Constitution - Contract Procedure Rules** (Pages 97 - 128)
- 15 **Pickering Flood Storage Proposals (to follow)**

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

- 16 **Vivis Lane Realignment - Position Statement** (Pages 131 - 136)
- 17 **Application for Hardship Relief (to follow)**
- 18 **Any other business that the Chairman decides is urgent.**

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Policy and Resources Committee

Held at Ryedale House, Malton
on Thursday 1 April 2010

Present

Councillors Wainwright (in the Chair), Acomb, Mrs Burr, Mrs Hodgson, Legard, Maud and Woodward

Substitutes: Councillor Mrs L Cowling for Councillor Knaggs

In Attendance

T Anderson, Mrs L Carter, P Cresswell, Mrs C Slater, Mrs J Thompson, Miss J Waggott, A Winship and Ms E Woodland

Minutes

71 Apologies for absence

Apologies for absence were received from Councillors Arnold, Bailey and Knaggs.

72 Minutes of an Ordinary Meeting of the Policy & Resources Committee held on 3 December 2009 and the Minutes of a Special Meeting of the Policy & Resources Committee (Budget) held on 4 February 2010

The minutes of an Ordinary Meeting of the Committee held on 3 December 2009 and the minutes of a Special Meeting (Budget) of the Committee held on 4 February 2010 were presented.

Resolved

That the minutes of an Ordinary Meeting of the Committee held on 3 December 2009 and the minutes of a Special Meeting (Budget) of the Committee held on 4 February 2010 be approved and signed by the Chairman as a correct record.

73 Urgent Business

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

74 Declarations of Interest

There were no declarations of interest.

75 Minutes of a Meeting of the Constitution Review Working Party held on 27 January 2010

The minutes of a meeting of the Constitution Review Working Party held on 27 January 2010 were presented.

Resolved

That the minutes of a meeting of the Constitution Review Working Party held on 27 January 2010 as submitted be endorsed.

76 Minutes of meetings of the Resources Working Party held on 13 January 2010 and 24 March 2010

The minutes of meetings of the Resources Working Party held on 13 January 2010 and 24 March 2010 were submitted.

Resolved

That the minutes of meetings of the Resources Working Party held on 13 January 2010 and 24 March 2010 as submitted be endorsed.

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

77 Minutes of meetings of the Resources Working Party held on 13 January 2010 and 24 March 2010

Resources Working Party Minute 41 - ICT Programme Approvals

That the Policy And Resources Committee approve the expenditure of £135k from the 2009/2012 ICT Capital Programme allocation.

78 Aim 5 Performance and Finance

The Senior Management Team submitted a report the purpose of which was:

- To present for comment the performance and finance reports for Council Aim 5

- To inform Members of progress made against the Council's agreed aims and strategic objectives, as agreed by Members in the Council Plan 2009/13
- To present the refreshed Council Plan for 2010/13

Members were reminded that the Council had adopted the Council Plan for 2009/13 in March 2009. The Financial Strategy had been agreed in February 2009. The report provided progress on the delivery of the Council Plan to the end of February 2010 in terms of actions delivered and performance levels achieved against Aim 5 together with a review of the financial implications to date. The report included the performance and finance information for Aim 5, which fell within the terms of reference for the Policy & Resources Committee.

In addition, the report outlined the schedule of performance reports to be presented to Members throughout the year and the links to the corporate planning framework.

Resolved

- (a) That the performance and finance report be endorsed
- (b) That the revisions to the Council Plan for 2010/13 be noted.

79 Revenue Budget Monitoring

The Corporate Director (s151) submitted a report, which presented the revenue budget monitoring report for 2009/2010.

The report included a summary of the significant variances within the Council's revenue accounts in the current year, 2009/2010. The report was derived from the information contained within the EMIS reports plus additional significant budgets within the Authority. EMIS reports were considered at each Resources Working Party meeting.

Resolved

That the report be noted.

PART 'B' ITEMS - MATTERS REFERRED TO COUNCIL

80 Matters Referred from Council/Other Committees

Community Services Committee - 25 March 2010

Minute No. 70/2009 - Relocation of Malton Museum

The Head of Economy & Housing submitted a report, which had been considered at a meeting of the Community Services Committee held on 25 March 2010.

The Community Services Committee:

- (a) Endorsed the relocation of Malton Museum as part of the Derventio Fort project
- (b) Recommended that the Policy & Resources Committee recommend to full Council that the Malton Museum Relocation Project be included in the Council's Capital Programme, with an allocation of £50,000, subject to an appropriate investment contract with the York Archaeological Trust. The investment contract should require the development of links with Castle Gardens and it should also specify that the racing and brewing industries be fully represented in the Museum.

The Corporate Director (s151) reported that since the meeting of the Community Services Committee, the Authority had been notified that the York Archaeological Trust's stage one application for Heritage Lottery Funding of £50,000 had been unsuccessful.

In the light of this information it was recommended that the Policy & Resources Committee endorse the relocation of Malton Museum as part of the Derventio Fort Project and defer any funding decision until a new funding package had been identified.

Resolved

- (a) That the relocation of Malton Museum as part of the Derventio Fort Project be endorsed
- (b) That any funding decision be deferred until a new funding package has been identified for the project.

81 Howardian Hills Area of Outstanding Natural Beauty (AONB) Partnership Agreement

The Head of Planning circulated a report the purpose of which was to inform Members of the new Partnership Agreement and to seek approval for the Chief Executive to sign the agreement on behalf of the Council.

AONB Partnership Agreements provide a framework for the delivery of duties and obligations arising from part IV of the Countryside and Rights of Way Act 2000, including the operation and management of an AONB Partnership, the provision of a staff unit to act on behalf of the Partnership and the publishing, reviewing and monitoring of the AONB Management Plan. The Agreement also sets out the shared vision and expectations on all partners.

The new Partnership agreement is, essentially, a newer version of the existing Memorandum of Understandings that are in place for different AONB partnerships across the country.

Members are aware that currently, the Howardian Hills AONB is managed as a partnership between Natural England, North Yorkshire County Council, Hambleton District Council and Ryedale District Council. The existing Memorandum of Understanding has been agreed by all partners and covers the period 2005-2011. It was subject to review in 2008.

Natural England, the successor to the Countryside Agency, is keen to ensure that a consistent framework for partnership agreements are in place across the Country. The individual Memorandum of Understandings that are currently in place vary in their scope and content and many do not contain clauses relating to redundancy. Redundancy clauses are included in the new Partnership Agreement and this represents the main change for many of the existing Memorandum of Understandings. Further minor changes included in the new agreement template were outlined in Section 8 of the report.

Resolved

That Council be recommended to authorise the Chief Executive to sign the Howardian Hills Area of Outstanding of Natural Beauty Partnership Agreement.

82 Ampleforth Conservation Area Character Appraisal and Management Plan

The Head of Planning circulated a report in connection with the Ampleforth Conservation Area Character Appraisal and Management Plan, a copy of which was appended to the report. Members were requested to consider the Plan and to recommend it to full Council for approval and adoption.

The document provided detailed background information about the character of the Ampleforth Conservation Area and provided advice on new development and management and enhancement proposals. The appraisal amplified the policies and statements contained within PPS 5 - Planning and the Historic Environment. The production of the appraisal emphasised the importance placed on retaining the historic built environment in Ryedale and on enhancing our villages with good quality new design, as prioritised in the Ryedale Community Plan (Landscape and Environment Theme). Adoption of the document as SPD would ensure that it was given appropriate weight in the decision making process.

A comprehensive analysis of the special qualities that contributed to the character of the conservation area could help in better proposals for development and may result in a reduction in the amount of officer time spent in

negotiations with applicants. The refusal of unsuitable applications for development also became more justifiable with appropriate guidance in place.

Resolved

That Council be recommended to:

- (a) note the comments received following consultation
- (b) agree the amendments to the Ampleforth Conservation Area Character Appraisal and Management Plan
- (c) adopt the Ampleforth Conservation Area Appraisal and Management Plan as a Supplementary Planning Document subject to this also being agreed by the North York Moors National Park Authority.

83 Ryedale Local Development Scheme

The Head of Planning circulated a report, which sought agreement to amendments to the Local Development Scheme.

The Local Development Scheme (LDS) was the three-year, rolling project plan for the Local Development Framework (LDF). The current LDS had been agreed with Government Office early last year. It looked to progress the production of three main Development Plan Documents (DPD's):

- Core Strategy DPD
- Facilitating Development DPD
- Helmsley DPD

The report outlined the milestones that had been set leading to the adoption of the documents. It was reported that whilst the Council had achieved the milestones relating to the scoping consultation and initial consultation, the Core Strategy had not been published at the end of 2009. This had been largely due to:

- The scale of consultation responses received following the Summer 2009 consultation
- A need to undertake additional technical work that had not been previously anticipated
- The complexities of the technical evidence base. In particular, the Strategic Transport Assessment for Malton and Norton.

The report detailed the proposed revisions to the Core Strategy milestones, together with the implications for the other Development Plan Documents.

Resolved

That Council be recommended to approve the proposed revisions to the Local Development Scheme as outlined in Sections 8.9, 8.11 and 8.12 of the report.

84 Officer Code of Conduct

The Council Solicitor & Monitoring Officer circulated a report the purpose of which was to consider and recommend to Council the approval of a revised Officer Code of Conduct.

The Action Plan for implementation in relation to the Annual Governance Statement included reference to the need for a bespoke Officer Code of Conduct document. The Council's existing Officer Code of Conduct had been prepared in 1995. There was also express legislative power for Central Government to introduce an Officer Code of Conduct. The commitment of Central Government to the idea of a Code of Conduct for Local Government was outlined in the report. It was pointed out that the production of a local Code of Conduct for Officers was not intended to imply distrust but that it existed for the avoidance of doubt. Although the March 1995 Officer Code of Conduct had been updated, it was in need of revision, details of which were given in the report.

Resolved

That Council be recommended to approve the revised Officer Code of Conduct with immediate effect for inclusion within Part 5 of the Council's Constitution.

85 Collective Disputes Policy

The Head of Organisational Development submitted a report, which recommended the implementation of a new policy and procedural requirements with regard to Collective Disputes; a copy of the proposed policy was appended to the report.

The Council fully recognised the importance of communicating with staff as openly and effectively as possible and to involve staff as far as was practicable in the decision making process. It was recognised that in exceptional circumstances employees may have remaining complaints or problems relating to change, which they might wish to raise through the Trade Union, claims to employment tribunal.

Resolved

That Council be recommended to approve the Collective Disputes Policy.

86 Criminal Records Bureau/Independent Safeguarding Authority (CRB/ISA) Policy

The Head of Organisational Development submitted a report, which sought agreement to the implementation of a new Criminal Records Bureau/Independent Safeguarding Authority Policy, a copy of which was appended to the report.

Following consideration of the report and the financial implications for the Authority, it was

Resolved

That the matter be deferred to a future meeting of the Committee.

87 Member Involvement in Appeal Panels

The Head of Organisational Development submitted a report, which sought Member approval for a principle change that affected three Human Resources Policies: the Disciplinary Procedure, the Capability (Capability Performance) and Management Attendance Policy. The principal change was to replace the current provision for Member Appeal Panels, for appeals against dismissal, with Officer Appeals Panels.

Following consideration of the report, it was

Resolved

That Council is recommended not to approve the replacement of Member Appeal Panels for appeals against dismissal with Officer Appeals Panels.

88 Capital Programme Additions

The Corporate Director (s151) circulated a report the purpose of which was to consider two schemes for inclusion in the Council's Capital Programme; Repairs and Preservation Works to the Assembly and Milton Rooms, and the Repair of the Castle Garden Wall Ancient Monument.

The repairs to the Assembly and Milton Rooms were required in order to prevent further deterioration of the fabric of the building, which was listed and held under lease by the Council.

The Castle Garden Wall repairs were to ensure that the Council met its legal responsibilities for the maintenance of the freehold asset.

Resolved

That Council be recommended to approve the addition of the following schemes to the Council's Capital Programme:

- (a) Repairs and Preservation Works to Assembly and Milton Rooms, Malton at a value of £350,000 in 2010/2011
- (b) Repairs to Castle Garden Wall Ancient Monument, options 4 and 5 as set out in the report, totalling £150,000 in 2010/2011.

89 **Any other business that the Chairman decides to be urgent.**

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Resources Working Party

Held at Members' Lounge, Ryedale House, Malton
on Tuesday 8 June 2010

Present

Councillors Wainwright (in the Chair), Mrs Cowling, Mrs Hodgson, Keal, Knaggs and Wainwright

In Attendance

Trevor Anderson, Paul Cresswell, Phil Long and Julian Rudd

Councillors Clark and Andrews (for agenda items 1-6).

Minutes

1 Apologies for absence

Apologies for absence were received from Councillor Legard.

2 Minutes of the meeting held on 24 March 2010

The minutes of the last meeting of the Resources Working Party held on 24 March 2010 were presented.

Members raised a query about whether substitutes were allowed for the Working Party and officers agreed to clarify the situation for future meetings.

Resolved

That the minutes of the meeting of the Resources Working Party held on 24 March 2010 be approved and signed by the Chairman as a correct record.

3 Urgent Business

There was one item which the Chairman considered 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:

- Letter from the Minister for Housing and Local Government on reducing burdens on local government.

4 Declarations of Interest

The following interests were declared:

Councillor Knaggs declared a personal interest having been involved in discussions relating to Malton School, Helmsley Community Centre, the Ryedale Folk Museum and the Pickering Flood Defences.

Councillor Mrs Cowling declared a personal prejudicial interest relating to the Pickering Flood Defences.

Councillor Mrs Hodgson declared a personal interest as a governor at Malton School.

Councillor Keal declared a personal interest as a member of the Pickering Flood Defence Group.

5 Externally Funded Capital Schemes

Members received a report which updated them on the current status of externally delivered capital schemes, where the Council was acting as a part funder of the project.

Members made the following comments on the schemes that were 'grant aided' by the Council for others to deliver:

Dry Sports Centre Malton School

- That a copy of the community use part of the legal agreement be circulated to the Working Party.

Helmsley Sports

- That if no progress was made finding funding for the project, its place in the programme should be reviewed in the future.

Ryedale Folk Museum

- That it was unacceptable for the Council not to be included in the meetings between the Heritage Lottery Fund and the Museum.

A64 Brambling Fields Junction Upgrade

- That the potential improvements for pedestrians and cyclists be welcomed.
- That officers should attend Parish Council meetings at Settrington and Scagglethorpe.

Vivis Lane Junction Upgrade, Pickering

- That a report be provided to the Policy & Resources Committee on the costs and timescales for the scheme and comparing the traffic management solution with that proposed as part of a planning

permission on an adjacent site, to allow a decision to be made as to whether the scheme should remain in the capital programme.

Rural Capitals Business Space

- That economic development for the area should be the priority, rather than specific locations for development at Malton or Pickering.

Members also commented on three other potential schemes with significant external funding:

Heart of Malton (HofM)

- That the use of the Mount Hotel to provide new business units with shared facilities be supported.

Malton Museum Relocation/Derwentio Fort & Orchard Fields Project, Malton

- That it was hoped that York Archaeological Trust could secure funding to take the project forward.

Pickering Flood Protection

- That the scheme was welcomed, despite the fact that it would not protect against the 2007 flood level.
- That the Environment Agency's funding should be maximised and any overspend on the project should fall to them.

Resolved

- (i) That the progress made and the current position on each of the schemes be noted.
- (ii) That a report be provided to the Policy & Resources Committee on the costs and timescales for the Vivis Lane Junction Upgrade scheme at Pickering and comparing the traffic management solution with that proposed as part of a planning permission on an adjacent site.

6 Wentworth Street Car Park (verbal update)

Members received a verbal update on the Wentworth Street Car Park, prior to a written report going to the Policy & Resources Committee later in the month. An informal tender process with seven named parties was proposed for disposal of the site, culminating in a recommendation for consideration by a special meeting of Council.

Resolved

That the verbal update on the Wentworth Street Car Park be noted.

7 Capital Programme Progress Report

Members received a report on progress with the capital programme.

Members requested that the work of the Conservation Area Partnership be publicised and also that the improvements to Commercial Street in Norton be publicised, along with the fact that the shops and other outlets were still open for business.

Resolved

That the Capital Programme Progress Report be noted.

8 Capital Programme 2009/2010 - Outturn Monitoring

Members received a report which informed them of the progress made with the capital programme during 2009-10 and provided details of the capital expenditure incurred and the funding applied to finance the programme.

Resolved

That the information in the report be noted.

9 ICT Approvals (verbal)

Members received a verbal update on ICT approvals.

Two items were to be brought forward to the Policy & Resources Committee for funding approval following consideration by the ICT Programme Board:

- Financial Management System Replacement
- Cash Receipting and e-payments

In addition, a printer rationalisation project would also be coming forward for approval.

Resolved

That the verbal update on ICT approvals be noted.

10 Any other business that the Chairman decides is urgent

Copies of a letter which had been received from the Minister for Housing and Local Government on reducing burdens on local government were circulated to Members, along with a number of suggested responses for consideration.

Members were asked to forward their comments to the Leader, by email, by 11 June 2010.

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PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	24 JUNE 2010
REPORT OF THE:	HEAD OF PLANNING GARY HOUSDEN
TITLE OF REPORT:	DRAFT OSWALDKIRK CONSERVATION AREA ASSESSMENT AND MANAGEMENT PLAN SUPPLEMENTARY PLANNING DOCUMENT
WARDS AFFECTED:	OSWALDKIRK

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 For Members to approve the Draft Oswaldkirk Conservation Area Assessment and Management Plan for formal consultation (Annex B with supporting documents attached at Annexes C,D and E) . Any comments received will then be reported back to a future meeting of this Committee, when appropriate amendments will be made and the appraisal will be recommended for adoption as a Supplementary Planning Document (SPD).

2.0 RECOMMENDATION

- 2.1 It is recommended that Members Approve the Document for Formal Consultation.

3.0 REASON FOR RECOMMENDATIONS

- 3.1 The draft SPD is intended to provide detailed background information about the existing character of the Oswaldkirk Conservation Area and to advise on new development, management and enhancement proposals.
- 3.2 The draft appraisal amplifies the policies and statements contained within PPS 5 – Planning for the Historic Environment. The production of this appraisal emphasises the importance placed upon retaining the historic built environment in Ryedale and on enhancing our villages with good quality new design, as prioritised in the Ryedale Community Plan ('Landscape and Environment' Theme).

4.0 SIGNIFICANT RISKS

- 4.1 There is no significant risk in following the recommendation. The document has been produced in accordance with the regulations governing the production of SPD's. It is

considered that the production of this guidance will reduce the possibility of risk of harmful effects on the environment as a consequence of development, through increasing awareness of the value of the historic character of Oswaldkirk and ensuring that development is of a high quality.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 Oswaldkirk Conservation Area was designated in 1984 as 'an area of special architectural or historic interest which is desirable to preserve or enhance'. At the time of designation, following common practice at that time, a formal character appraisal was not produced for the Conservation Area. Local Authorities are now advised to support existing Conservation Area designations with up to date character assessments which define the special architectural or historic character of the area highlighting those elements that both contribute and detract from, the character of the area.
- 5.2 There are 34 Conservation Areas in Ryedale and currently 4 adopted Conservation Area Character Appraisals (CACA's). The production of this document is part of a long term work plan to increase the coverage of Conservation Area Character Appraisals in Ryedale. This document forms part of a suite of 3 character appraisals which are being produced jointly between the North York Moors National Park Authority and Ryedale District Council. The Helmsley CACA was adopted in 2005, Ampleforth CACA was adopted on 20 May 2010. The North York Moors National Park Authority has taken the lead in the production of the draft Oswaldkirk Conservation Area Appraisal and Management Plan (CAAMP) on behalf of both Local Planning Authorities.

6.0 POLICY CONTEXT

- 6.1 Conservation Area Character Appraisals can be stand alone documents and not adopted as SPD. However, Government Office and English Heritage advice is that if a document contains more than a descriptive narrative and includes policies for the management of the conservation area, the document should be adopted as SPD provided it is produced in accordance with prescribed regulations.
- 6.2 SPD's are intended to supplement Development Plan policies and are material considerations to take account of when determining individual applications. Procedures for the production of SPD places strong emphasis on rigorous public consultation and a requirement to accord with European legislation on sustainability appraisal/strategic environmental assessment. The Sustainability Appraisal used to inform the document and a summary of 'pre-production' consultation are available in the Members Room. The Oswaldkirk Conservation Area Character Appraisal SPD complies with the Regional Spatial Strategy, supports 'saved policies' in the Ryedale Local Plan and will once adopted, form part of the Local Development Framework. A Sustainability Statement will be produced and made available with the adopted document. The attached appraisal and management plan is based on guidelines issued by English Heritage, the government's advisor on the historic built environment, and satisfies the criteria laid out in PPS 5.
- 6.3 The production of SPD's is recognised in government planning guidance as a way of covering detailed issues that support and supplement the policies within the Council's Development Plan. SPD's are intended to be a useful tool for both developers and

the Council alike and should increase the quality of submissions for planning approval.

7.0 CONSULTATION

- 7.1 The draft CAAMP has been written following a public consultation event which was held on the morning of Saturday 3 November 2007 in Oswaldkirk Village Hall. The event consisted of a presentation introducing the purpose and format of CAAMP's and a display of map-based information held by the Authority relating to Oswaldkirk along with 'Post-it' notes and comments forms designed to elicit further information and comments from residents that should be taken into account in drafting the CAAMP. A Pre-Production Consultation statement including a table outlining the public comments received at that event and how the document has taken account of those comments is available for Members to view on request from the report author. In order to enable the document to be adopted as an SPD a further formal period of consultation of six weeks will be held.

8.0 REPORT DETAILS

- 8.1 The Oswaldkirk Conservation Area Character Appraisal sets out the special qualities of Oswaldkirk Conservation Area that are desirable to preserve or enhance. It is not recommending that the boundary (drawn in 1984) is changed as it is considered that the existing boundary is appropriate and encompasses the areas of special architectural and historic importance. The document describes the character of the historic settlement as being predominantly linear in form, enjoying a prominent position towards the foot of the densely wooded escarpment that rises from the plain of the Coxwold-Gilling Gap. This situation means that views towards and from the village are especially important to sustaining its character, with issues such as the management of trees and the height of buildings being highly relevant. Architecturally, the conservation area encompasses a wide variation in styles and ages of building. There is a particularly distinctive array of buildings of quality that date from the first half of the twentieth century as well as surviving vernacular buildings and Victorian paired and terraced cottages. Currently an Article 4 Direction exists in that part of the conservation area covered by the North York Moors National Park Authority and the appraisal suggests that this is extended to that part of the conservation area in Ryedale. This would however, be subject to a separate consultation and process. Policies for the management of the conservation area are included and are intended to improve the design of any new development in the conservation area and provide advice to owners and those responsible for the conservation area on the maintenance and management of their properties and village environment.
- 8.2 A corresponding report to this, was taken to the 20 May 2010 Planning Committee of the NYMNPA and was approved for formal consultation.

9.0 IMPLICATIONS

- 9.1 The following implications have been identified:
- a) Financial
The primary costs of producing this guidance are covered within the 'Local Plan' and can be met from existing budgets.
 - b) Legal

The statutory requirements for consultation in producing the draft CAAMP have been met.

- c) Other
There are no other implications arising out of the recommendation.

10.0 NEXT STEPS

- 10.1 The draft Oswaldkirk CAAMP consultation will be undertaken by the NYMNPA. It will be advertised in accordance with this Authority's Statement of Community Involvement and copies sent to statutory consultees and made available in Oswaldkirk's Village Hall, as well as being made available on this Authorities website. Comments received will be brought to a future meeting of this committee together with any suggested amendments to the CAAMP.

Gary Housden Head of Planning

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E-Mail Address: emma.woodland@ryedale.gov.uk

Background Papers:

Planning Policy Statement 5- Planning for the Historic Environment
English Heritage- Guidance on Conservation Area Appraisal 2006
English Heritage- guidance on the Management of Conservation Areas 2006

Background Papers are available for inspection at:
Ryedale District Council Planning Unit

Oswaldkirk CACA RISK MATRIX – ANNEX A

Issue/Risk	Consequences if allowed to happen	Likelihood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
That the draft Conservation Area Appraisal and Management Plan SPD is not approved for public consultation purposes.	Although it is not a legal requirement to consult the public on all conservation area appraisals, it is a legal requirement to consult the public on Supplementary Planning Documents. It is intended that this appraisal is a Supplementary Planning Document. Not approving this document for public consultation purposes will result in a potential re-draft of the document. This would cause delays and prevent dovetailing this joint document with the North York Moors National Park and potentially have an adverse impact on the Council's reputation.	2	B	Seek to re-draft the document to the approval of Members and the North York Moors National Park Authority.	1	A

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

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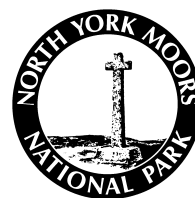
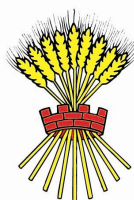
Oswaldkirk

Draft Conservation Area Assessment and Management Plan

May 2010



RYEDALE
DISTRICT
COUNCIL



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 - 4.1 Scope of the Assessment
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Appendix 1: Map A (Development Chronology and Listed Buildings), **Map B** (Historic O/S Maps), **Map C** (Important Green Spaces and Important Views)

Appendix 2: Planning Policies



1 Main Street from Oswaldkirk Bank (photograph: David Lee)

Part 1: Conservation Area Assessment

1.0 Introduction

Part 1 of this document is a character assessment of the Oswaldkirk Conservation Area, which was designated in September 1984. It is based on guidelines issued by English Heritage¹, the Government's adviser on the historic environment, and has been prepared by the North York Moors National Park Authority and Ryedale District Council. The aim of the assessment is to help inform decisions made by the respective local planning authorities, the Parish Meeting and local residents and the Highways Authority. The assessment is accompanied by a management plan which is Part 2 of this document.

2.0 What is a Conservation Area?

Under the Planning (Listed Buildings and Conservation Areas) Act 1990, a Conservation Area is defined as an area of 'special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. Each Conservation Area has a unique character shaped by a combination of elements including layout, historical development, building materials, architectural and vernacular styles, open spaces and trees, all of which combine to create a distinctive character.

3.0 Planning Constraints in a Conservation Area

Designation brings some additional planning controls over changes to buildings within a Conservation Area to ensure that development preserves the special character of the area. The demolition of some buildings, including boundary walls; the pruning or felling of trees; and certain types of development such as the cladding of buildings and the installation of dormer windows will require permission from the local planning authority. Other development such as the installation of satellite dishes, installation of micro-generation equipment and the erection of ancillary buildings may require permission depending on their siting.

In 2006 the North York Moors National Park Authority made an Article 4(2) Direction affecting the part of the Oswaldkirk Conservation Area within the National Park. This means that planning permission is required for some forms of development that would otherwise be permitted under the General Permitted Development Order. Works that require permission under the Direction include changes to doors, windows, roofing materials, rainwater goods and walls on elevations fronting the highway, a footpath or an important open space.

It is strongly recommended that if your property falls within a Conservation Area you should seek advice from the local planning authority prior to carrying out any works to clarify whether permission is required.

4.0 What is a Conservation Area Assessment?

A Conservation Area Assessment aims to provide a comprehensive assessment of the physical character and appearance of a Conservation Area and defines the elements of the place that are distinctive, the current issues with regard to the conservation of character and appearance within the Area, the opportunities that exist for conservation and enhancement and the elements or factors that detract from the Conservation Area.

Local planning authorities have a duty to carry out written assessments of the Conservation Areas they manage in order to identify the special qualities that make the place worthy of designation. English Heritage's "Guidance on Conservation Area Appraisals" [2006] forms the

¹ *Guidance on Conservation Area Appraisals*, 2006

basis of the Authority's assessments. A Conservation Area Assessment also provides the evidence base for the preparation of a management scheme for managing change in the Conservation Area.

The Management Plan should set out objectives for addressing the issues and recommendations arising from the Assessment and provide for the preservation and enhancement of the Conservation Area, identifying any further more detailed work needed for their implementation. The Management Plan has been produced as a separate document to facilitate future review and updating.

4.1 Scope of the Assessment

The production of a comprehensive assessment of a Conservation Area's character provides a sound basis for development control as well as for developing initiatives to improve the Area. A clear definition of those elements which contribute to the special architectural or historic interest of a place enables development of a robust policy framework for the future management of the Area. Beyond their function as a planning authority document, assessments can have a wider function by providing information, guidance and clarity in decision-making for the local community.

4.2 Purpose of the Assessment

This document provides additional detailed guidance to the related policies contained within the North York Moors Core Strategy and Development Policies Document, and the Ryedale Local Plan.

The purpose of the Assessment is:

- To provide a brief résumé of the settlement, its history and its evolution in order to make informed judgements on its future.
- To provide an overview of the state of the Oswaldkirk Conservation Area by evaluating and recording its special interest and defining the significance of individual elements.
- To define the threats to character and opportunities for enhancement within the Area and assess how these impact on both the significance of the individual elements and of the Conservation Area as a whole.

The purpose of the Management Plan is:

- To identify the opportunities that exist to enhance the character and appearance of the Conservation Area and what actions are required to realise them.
- To provide policy guidance to ensure that the character and appearance of the Conservation Area will be maintained through the effective management of change and that opportunities to enhance character and appearance are maximised.

4.3 Production of the Document

Residents of Oswaldkirk were initially consulted during a consultation event held at the Village Hall on the 3 November 2007, which outlined the purpose and contents of the Assessment and sought information and views from residents about the Oswaldkirk Conservation Area. The information gathered at that event has been used in the preparation of the draft document.

4.4 Status of the Document

The final Conservation Area Assessment and Management Plan (CAAMP) will have the status of a Supplementary Planning Document (SPD) within the Local Development Framework of each local planning authority. The CAAMP will be a material consideration in the assessment and determination of planning applications.

5.0 Planning Policy Context

This document reflects Government guidance set out in Planning Policy Statement 5 “Planning for the Historic Environment”. This advises local planning authorities to define and record the special architectural or historic interest of Conservation Areas and to develop proposals for their preservation and enhancement. It also reflects the policies contained in the Regional Spatial Strategy Yorkshire and Humber Plan (May 2008), Ryedale Local Plan (2002), and North York Moors Core Strategy and Development Policies document (November 2008). Further details of the policy context are contained in Appendix 2 of this document.

6.0 Location and Population

Oswaldkirk is a small rural village situated in North Yorkshire, approximately 21 miles north of the city of York, 13 miles north-west of the market town of Malton and 4 miles south of the market town of Helmsley.

The village enjoys a sheltered but prominent position towards the foot of a south facing densely wooded escarpment rising out of the undulating limestone and sandstone hills. The elevated linear form of the village allows Oswaldkirk to enjoy extensive long distance views over the Coxwold - Gilling Gap, Stonegrave and beyond to the Howardian Hills, as well as allowing the village to be viewed across long distances over the open countryside to the south. The quality of the landscape surrounding Oswaldkirk has warranted the landscape designations of the North York Moors National Park and the Howardian Hills Area of Outstanding Natural Beauty (AONB).

The Conservation Area covers an area of 19.1 hectares (47.1 acres) and contains around one hundred buildings within its boundary.

Oswaldkirk has remained a small community of between 180-230 people since at least the early 1800s. In the 1834 census the population was about 180 adults and this had only risen to 231 in the 2001 census.

7.0 Geological Landscape

The village of Oswaldkirk is situated on the north side of the Gilling Gap Rift Valley with rocks of the Late Jurassic Corallian Formation to the north of the North Gilling Fault. To the south of the village the Late Jurassic Kimmeridge Clay/Amphill Clay Formations are faulted down against the Corallian. There is therefore a contrast in landscape features between the Gilling Gap (underlain by the Kimmeridge/Amphill Clays overlain by Glacial deposits giving it an undulating profile), and north of the village with Corallian Formation consisting of alternating Calcareous Sandstones (Birdsall Calcareous Grit, Middle Calcareous Grit and Upper Calcareous Grit) and Limestones (Malton Oolite and Coral Rag). These form an East – West ridge with steep slopes running parallel with local fault(s).

The steep fault bounded slope is unstable and prone to fracturing and block slides along the line of the fault giving rise to Windypit topography (Windypits are fissures in the rock which emit gusts of air and steam, e.g. Ampleforth Windypit) and failure of the road from Stonegrave to Ampleforth. A dominant spring line is present along the base of the slope at the junction of the Corallian and underlying Late Jurassic Oxford Clay.²

8.0 Origins and Development of the Settlement

The earliest surviving evidence for settlement in the area is early Bronze Age round barrows and a Bronze Age ring ditch at Dropping Gill Plantation, north of Ampleforth Abbey. Later medieval field systems can be seen to the south of Oswaldkirk Hall, and the medieval parish boundary-bank on the Oswaldkirk-Gilling border. Although the present St Oswald’s Church appears to

² With thanks to Richard Myerscough for geological analysis

date from the twelfth century (restored in 1886) the fabric of the building includes part of a probable Anglo-Saxon cross shaft re-used as a quoin. Additionally, a fragment of Anglo-Scandinavian hogback gravestone (suggested to date from the tenth century³) together imply that a church and graveyard existed on or near the site prior to Domesday.

The first recorded reference to the village of Oswaldkirk is in 1086 in the Domesday Book, in which it is referred to as 'Oswaldecherca' or 'Oswaldecherce'. It was recorded as a manor of one carucate owned by the Count of Mortain, one of hundreds of manors granted to him by his half brother William the Conqueror. It later passed into the ownership of the Barony of Roos of Helmsley. A succession of tenants and then owners held the manor, the longest period of ownership being by the distinguished Pickering family from the early fourteenth century until the late seventeenth century.⁴ They were probably responsible for building a manor house in the early fifteenth century as Rushton (1986)⁵ reports that 'fragments of a 15th century building have been found there, with Pickering family coats-of-arms from an early hall'.

³ Collingwood, W. (1907) *Yorkshire Archaeological Journal* 19 p.380 (Illus.)

⁴ Page, W. (Ed.) (1914) 'Parishes: Oswaldkirk', *A History of the County of York North Riding: Volume 1* <http://www.british-history.ac.uk/report.aspx?compid=64801> accessed 18/1/10

Rushton, J. (1986) *The Ryedale Story. A Yorkshire Countryside Handbook*. 2nd. Edition, Ryedale District Council: N.Yorks, quoted in *Oswaldkirk: A Living Village* <http://oswaldkirkhistory.oswaldkirk.org/> accessed 18/1/10

There are still three shields of the Pickering family visible on the retaining wall beside the road opposite the church. In 1674 the manor was sold to William Moore who was responsible for demolishing the old manor house and building (as successive manor houses) the present Malt Shovel Inn and the Hall. Only St Oswald's Church survives from before the seventeenth century.



manor was fairly extensive by the mid-sixteenth century. Written deeds available from 1566

The three shields of the Pickering family from the former manor house

veal that the manor covered approximately 700 acres. This consisted of 100 acres of land (unspecified usage, presumed to be arable as meadows and pasture are listed separately), 50 acres of meadows, 150 acres of pasture, 200 acres of wood and 200 acres of heather. Plus 10 messuages (*'messuage' is defined as a dwelling-house and its adjacent land and buildings*), 20 cottages, 10 barns, 34 gardens, 10 orchards and an unspecified acreage of common.⁶

During the eighteenth century the manor doubled in size. The deeds to the manor of Oswaldkirk in 1811 describe it as consisting of 20 messuages, 15 cottages, 35 gardens, 35 orchards and around 1900 acres of land. The land is described as: 800 acres of land, 500 acres of meadows, 500 acres of pasture, 100 acres of wood along with unspecified acreage of common.⁴ However, in terms of the village itself as opposed to the wider manor, it is unclear whether its boundaries expanded or the number of buildings within it increased significantly. The new building implied by the increase in the number of farms ("messuages") in the manor generally is apparent in the village today in the farmsteads such as Manor Farm that now characterise the centre of the village that were mostly built during the eighteenth century. It also appears that development spread onto the northern side of the main street during this period as there is no evidence of earlier structures surviving except the possible fifteenth-century manor house.

The increase in building and settlement may have been partly a consequence of the achievements of the York-Oswaldkirk Turnpike Trust, created in 1768 to improve that route, which over the subsequent decades constructed and upgraded the mostly new turnpike road between Gilling, Oswaldkirk and Helmsley, enhancing accessibility and communications between those places.⁷

Building during the nineteenth and twentieth centuries changed the layout and parameters of the village considerably, as development extended along the Terrace and along and up the slope of the bank. This development marked a clear separation between the clusters of properties around the Hall to the west, and the majority of properties laying to the east.

⁶ Sumner Marriner, J. (undated belonging to Col. J. M. Benson) *The Manor of Oswaldkirk and Adjoining Properties*, unpublished report (Leeds). Quoted in *Oswaldkirk: A Living Village* <http://oswaldkirkhistory.oswaldkirk.org/> accessed 18/1/10

⁷ Perry, J. (1977) *Oswaldkirk Turnpike Trust 1768 – 1881* quoted in *Oswaldkirk: A Living Village* <http://oswaldkirkhistory.oswaldkirk.org/> accessed 18/1/10

The twentieth century and post-war development saw this separation in-filled through the development of the Manor View and St Oswald's Close dwellings which doubled the number of houses in the village within a short space of time, whilst larger gaps within the streetscape were developed in a piecemeal fashion.

Map A (Appendix 1) illustrates the age of the buildings we see today, revealing historical development of the village.

9.0 General Character and Settlement Form

The Oswaldkirk Conservation Area encompasses the extent of the built form of the village prior to the mid-twentieth century. Two roads form the principal linear plan: Main Street and The Terrace, with the B1363 from Gilling bisecting them and continuing up Oswaldkirk Bank. Post-war development has extended the village southwards into Manor View and St Oswald's Close. This more recent development remains outside the Conservation Area but has a significant impact on its setting and on views into and out of the Area.

Views of the settlement from the south present a layered prospect of the village as a consequence of its hillside location and the recent development to the south of Main Street, but Oswaldkirk's linear form along the length of the hillside remains the dominant impression (see cover photograph).

9.1 Main Street has a strong built form towards its eastern and western ends, with the central part of the street in-filled by later development which has little relation to the historical built character of the village. To the eastern and western ends, the often densely built frontages of attached buildings, the close positioning of buildings to the highway and the elevated plots and high retaining walls to the north side, a consequence of the rising hillside, together create a dense streetscape form. Development to the northern side is more sporadic than on the south side due probably to the rising ground and buildings are generally detached and occupy more substantial plots, providing large open gaps in the streetscene which are well planted and allow a close visual connection with the wooded hillside.



Western end of Main Street

views are glimpsed between buildings (illustrated on Map C, Appendix 1) especially to the south of Main Street, or where wider views are afforded, for example over the rooftops of the Manor View/St Oswald's Close estate, they provide an important sense of relief and a connection with the surrounding landscape from within the village.

The Terrace occupies a quiet 'no-through' road on the east of the village. It principally comprises slightly elevated terraced properties to the north side of the road and immediately pre and post-war semi-detached properties set in large garden plots on the lower (south) side of the road. Large gaps between the twentieth-century properties where the fields come up to the road give The Terrace a more rural character than the rest of the village.



Oswaldkirk Bank is characterised by its steeply wooded topography and grouping of distinctive early twentieth-century houses, built into the Bank above the road. Due to their siting on the hillside above the historic building level they feature prominently in distant views. Overhanging trees, grassy banks and native hedges edge the road as it descends into the village.

The crossroad between Main Street, The Terrace and Oswaldkirk Bank is bounded by an attractive junction of gardens abutting the road, with views into and over gardens to Laurel Cottage, Crag Cottage and The Bungalow, Ledbrooke House and The Red House.



9.2 Site

Layout

Oswaldkirk Bank

Across the village the site layouts vary, but certain themes can be identified:

- The orientation of buildings is generally parallel with the road rather than at right angles to the road.
- The majority of historic buildings on Main Street have been constructed to the rear of the pavement area where levels allow.
- Larger historic buildings on Main Street have been constructed set back from the road behind boundary walls.
- Historic buildings to the north side of The Terrace are positioned along a regular building line, and are elevated with small walled or hedged front gardens.
- Twentieth century development throughout the village has ignored prevailing historic layouts, generally incorporating larger front gardens and driveways with weaker boundary delineation, often to the detriment of the character and appearance of the Conservation Area.

10.0 Detailed Architectural Assessment

The Conservation Area contains approximately one hundred buildings within its boundary of which around one third have been erected since the Second World War.

10.1 Listed Buildings

Listed Buildings are identified and illustrated on Map A (Appendix 1), and consist of:

- Oswaldkirk Hall (Grade II *)

- stable block (Grade II)
- pigeon cote (Grade II)
- Church of Saint Oswald (Grade II *)
- The Malt Shovel (Grade II)
- The Old Rectory (Grade II)

List descriptions for these buildings can be viewed online at <http://bonline.english-heritage.org.uk> or by contacting the local planning authorities. It should be noted that list descriptions are principally for identification purposes and are not exhaustive lists of the parts of the building that are of architectural or historic importance. Any works to a Listed Building that affect its special architectural and historic interest require Listed Building Consent. Such works would include alterations, additions or significant replacement of historic fabric to the interior or exterior of the building or any buildings or walls within the curtilage of the Listed Building that were constructed prior to 1948. It is important to consult your local planning authority before carrying out any works which may require Consent.

10.2 Positive Buildings

The majority of the historic buildings in the Conservation Area are not listed but many nevertheless contribute positively to the architectural and historic character of the settlement, and testify to the developmental and social history of the village. Although neither the North York Moors National Park Authority nor Ryedale District Council currently maintains a “local list” of important buildings, the majority of buildings constructed prior to 1960 make a positive contribution to the architectural and historic character of the Conservation Area. Map A (Appendix 1) identifies the age of buildings across the Conservation Area.

10.3 Architectural Character in the Conservation Area

Buildings of varied periods occupy Main Street, The Terrace and Oswaldkirk Bank, but these areas nevertheless each have distinctive architectural characters:

10.4 Main Street forms the historic core of the village with historic buildings dating largely from the first half of the nineteenth century and earlier. It contains the most architecturally distinguished buildings in the village – St Oswald’s Church; Oswaldkirk Hall and outbuildings; the Malt Shovel Inn; and The Old Rectory – as well as humbler, more vernacular eighteenth-century buildings including Abbey House, Ivy Cottage and Manor Farm. A number of former farm buildings, some converted to other uses, survive along the length and to the south of Main Street that are important reminders of the village’s agricultural past, notably buildings adjacent to Manor Farm, the Malt Shovel, Albro House (garage), and



Ivy Cottage, Main Street



Malt Shovel barns

Oswaldkirk Hall/Hall Farm. The ancillary buildings are characterised by generally being sited at right angles to Main Street, in contrast to houses which generally present their principal elevation to the road. Smaller historic structures visible from public vantage points also add character to the Area, such as those at Bank Cottage, The White House and Abbey House, as well as the K6 model public telephone box, designed by Sir Giles Gilbert Scott in 1935 to commemorate the Silver Jubilee of King George



K6 model telephone box



V (this example dates from between 1935 and 1955).

Development of the twentieth century has not generally replicated the styles and designs of the historic buildings, but instead reflected the prevailing styles of their time. Some of these more recent buildings contribute positively to the continuing architectural narrative of the village by virtue of the quality of their design, materials and/or setting – for example The White House (1937) and The Old Post Office (1910) – whilst others are of more utilitarian design and construction. Large parking areas are generally negative features, particularly where extensive hard surfacing exists and boundary treatments have been removed.

The majority of post-1945 buildings fail either to accurately replicate traditional buildings or to continue the architectural narrative by displaying good quality contemporary style, and therefore they tend not to contribute positively to the architectural and historic character and appearance of the Conservation Area.

10.5 The Terrace, which forms the eastern third of the village, has a more cohesive architectural and historic character that can be attributed to the fact that most of the buildings on the northern side date from the second half of the nineteenth century. The principal building type is short terraces and semi-detached properties (several now amalgamated to form single dwellings). Each block is individual in detail but the regular building line, related height and scale and generally harmonious palate of materials give the north side of the Terrace a consistency that contrasts with the more organic development of the rest of the village. Especially notable in terms of quality of design and construction are the three cottages at the start of The Terrace – Laurel Cottage, Southlands and School House – which occupy the building originally built in 1854 as the village school and schoolmaster’s house. The building is likely to have been designed by an architect although his identity has not been established. The dormer windows may have been inserted when the school was converted to residential use following closure in 1908. As on Main Street, a small number of historic ancillary buildings add to the built character of the area, such as the original outbuilding to Pavilion House.



Former village school, now Southlands

On the south side a variety of houses developed during the mid-twentieth century occupy more generous plots. Set back from and at a lower level to the road, with established mature planting and boundary walls, these buildings appear subservient to the nineteenth-century development on the northern side. Wide undeveloped gaps between Sunny Holme and 4 Council Houses, and between 1 Council Houses and Broad Farm, in addition to views across the gardens and between houses, help to preserve the subservient character of the southern side. They also, importantly, provide open, far-reaching views across the Coxwold – Gilling Gap that characterise The Terrace, making it a valued place to walk and emphasising the landscape setting of the Conservation Area.

Hedges of native species and stone boundary walls along the perimeters of the road are important features that provide definition, and where these have been removed, for example to create parking areas or widen accesses, or supplemented with timber fencing this has contributed to the erosion of the attractive rural appearance of the lane.



The Terrace: elevated terraces to the north face wide gaps between twentieth century buildings to the south. In places, boundaries have been eroded.

10.6 Oswaldkirk Bank was mostly developed in the early twentieth century, with the building of Crag Cottage, Cliff House (1919) and The Bungalow (1920s), buildings that exemplify a change in the way of life from that of an exclusively agricultural community that inhabited farms and cottages to a community that attracted richer ‘incomers’ who introduced fashionable, non-vernacular building styles and constructed houses that were elevated to take advantage of views and light.

This trend continued and spread through the 1930s with the construction of The White House, and, moving down the hillside, large houses in generous plots such as Ledbrooke House, Sunny Holme and Greycot. Mid-century building had reverted to a “cottage” style, with the use of rubble stonework and small-pane windows, traditional stone dressings and chimney stacks that blended with the vernacular styles. However, from the 1960s cruder building forms were employed using generic house-building designs and poorer quality materials that do not relate to the locally distinctive context. The shortcomings in design and build include: inappropriate layout on plots; inappropriate scale for the context, for example a modern bungalow between two-storey houses; use of poorly-detailed, mass-produced fixtures such as windows, doors and fascias; use of stone that is not a geological match for the area; use of stone that is not cut, dressed and laid in the vernacular tradition; and the omission or poor design of chimney stacks.

11.0 Local Materials and Detailing

The mixture and variety of building styles, materials and detailing contributes to the unique character of the Conservation Area. This section seeks to identify the materials and styles evident in the village in order to inform the positive management of future development.

11.1 Walling Materials and Details

Buildings constructed prior to the early nineteenth century are commonly built using limestone rubble dug from the Corallian limestone hills immediately surrounding the village. Rubble stone is laid either more or less to course, as



Random rubble stone gable to vernacular building

on Manor Farm where it is laid in courses of varying depth; or laid randomly, as to the gable of Ivy Cottage.

The majority of later-nineteenth and twentieth-century buildings are constructed from more formal squared locally-quarried sandstone blocks. Dressings (for example cills, lintels and quoins) are most commonly of sandstone due to its workability and availability in large blocks. Historically, squared stone is always laid to course, usually employing a range of course heights to make the best use of the stone available. Common practice was to use squared stone to the front elevation and rubble to the gables and rear elevations, as at Swiss Cottages or Abbey House.

The mid-twentieth century saw a reversion to the use of limestone rubble in Oswaldkirk, making



buildings such as Council Houses and The Steps fit harmoniously into the historic streetscene. More recently the use of stonework has been less successful where stone has not been laid to regular courses; where it incorporates “jumping” square stones that occupy multiple courses; or where hard limestones have been used that are not a geological match to the local stone, and laid to overly-regular courses.



Stone/dressing that does not match the vernacular: (clockwise from top left) jumping stones; rock faced; white limestone; un-coursed random rubble

The presence of render in the village is generally a characteristic of houses of the first half of the twentieth century, where it exemplifies the period style of that time. Where render has been introduced to traditional buildings at a later date it can be a discordant feature. The use of exposed brick in the village is limited to the Victorian Red House and the late 1930s bungalows Nun Bank and South View, and although good quality handmade brick harmonises attractively with stone it is a peripheral aspect of Oswaldkirk’s architectural character.

The type of lintel employed is indicative of the age and status of the building. Timber lintels

are generally used in outbuildings and often on side and rear elevations of houses. Georgian buildings in the vernacular tradition often use voussoirs, or soldier courses, (stone cut to sit vertically to form a lintel that gives strength to a seemingly delicate arrangement). Nineteenth-century lintels are generally substantial single lengths of stone that give a solid appearance to the building.

The dressed finish of all stone requires careful consideration if it is to blend with earlier stonework. Stone was either given a formal tooled finish (forming a pattern on the stone face), or dressed to a level, but not always smooth, surface. The use during the twentieth century of untooled, rock-faced stone blocks has introduced a rugged/rustic quality to some buildings that is out of character with the traditional stone masonry in the village.

11.2 Roofing Materials

Pantiles are the predominant roof covering within the Conservation Area, but the use of slate is evident on higher status buildings such as Oswaldkirk Hall, The Old Rectory, the Malt Shovel Inn and the former village school. During the eighteenth and first half of the nineteenth centuries, slate would have been used on higher status buildings as the favoured roofing material for “polite” architectural styles that were replicated across the country, in contrast to the vernacular pantiles that were made locally and would have been comparatively cheap. The Red House illustrates this contrast by the use of pantiles on the rear service wing and the use of slate on the grander principal block. Natural, hand made clay pantiles survive on most of the earlier buildings, giving the roofs an attractive patina of age. Following the coming of the railways Welsh slate became cheaper than pantiles and as a result some buildings were built and re-roofed in the later-nineteenth century using slate. Twentieth-century buildings have mostly utilised clay tiles for roofing, in styles characteristic of their age: plain clay tiles on the Edwardian Cliff House and Crag Cottage; roman pantiles on the 1920s Old Post Office and the 1930s bungalows. These clay tiles have weathered attractively to harmonise with the older weathered pantiles, and the distinctions in style of tile should be maintained where of quality to reflect the age and style of building and roof form. Modern roof coverings such as tiles of composite materials, tiles with artificial colouring or imported slates that are not a geological match for the original versions detract from the historic character of the Area.



The Red House: Welsh slate and pantile

11.3 Roof Forms and Dormers

Vernacular roof forms are generally of simple dual pitch construction, with only the grandest



Swiss Cottages, Main Street: gabled half dormers typical of Oswaldkirk's paired Victorian cottages

buildings having hipped roofs. In the first half of the twentieth century, hipped roofs became common, but most development since then has reverted to the simpler form. Half-dormer windows and small gables are a characteristic feature within the Conservation Area where they are original to the houses. Several paired Victorian and Edwardian cottages in Main Street and The Terrace display gabled half-dormers, and the early twentieth-century houses on Oswaldkirk Bank employ small gables for stylistic effect. Earlier vernacular buildings do not have dormers, which would interrupt their simple roof-forms. Half-dormers (where the window sits partly in the roof and partly below the eaves in the front wall of the house) tend to have barge boards and overhanging eaves and the main roofing material continues over the dormer roof.

11.4 Verge and Eaves Detailing

Traditional and vernacular buildings are characterised by stone coping at the gable often with kneelers terminating at the eaves. Half-round guttering is supported by metal brackets or spikes fixed directly to the stonework without fascia boards. Victorian cottage developments and later buildings omit stone copings in favour of simple barge boarding. The rafter ends may be left exposed under overhanging eaves. Original rainwater goods are always of robust cast iron. The original style of detailing should always be respected.



Stone water-tabling, kneelers and cast iron rainwater goods

11.5 Chimneys



Crag Cottage, Main Street: central chimney stack

Chimney stacks make an important contribution to the roofscape when viewed from within and outside the Conservation Area and provide definition to the varied building forms. Their size, material, design or absence helps to delineate the function and status of the building, and they can be impressive architectural features in their own right for example in the cases of Crag Cottage and The White House, where the chimney designs are integral to their respective architectural characters. Often overlooked in modern developments, where chimneys are absent

or diminutive in height and scale, the provision of stacks can help to integrate development providing close attention is paid to the detail of the design. Chimney stacks are typically of handmade brick or stone.

11.6 Windows & Doors

No single style of joinery is prevalent within the Conservation Area, but windows and doors that maintain the architectural style of the host building also strengthen the architectural and historic character and appearance of the wider Area.

Ivy Cottage, with local vernacular Yorkshire sliding sash windows; the former school, with Victorian metal-framed casements; and The Old Post Office, with handsome Edwardian casements are good examples of properties that retain their different but traditional window styles typical of their respective eighteenth, nineteenth and twentieth century origins.

A white painted finish is typical of domestic buildings but where alternative colours have been used, for example at Hall Farm and Swiss Cottages, it provides variety to the appearance of the streetscene, and subtlety in contrast to stark white. Modern stained windows and doors detract from the traditional architectural character of the area as stain is not a traditional finish and represents a discordant feature in the streetscape.



Modern stained windows and doors detract from the traditional architectural character of the area as stain is not a traditional finish and represents a discordant feature in the streetscape.

11.7 Boundary Treatments

Hedges of native species and stone boundary walls bordering the road are important features that provide definition to the village streets. Where these have been removed, for example to create parking areas or widen accesses, or supplemented with timber fencing, this has eroded the character and appearance of the streetscene. Vehicular accesses are most attractively treated by hanging timber gates that are visually permeable in



Impressive privet hedging at The Manor House

order to preserve the line and strength of the boundary whilst allowing views through. High, solidly boarded gates generally detract from the area by having a suburbanising impact, blocking attractive views and appearing unwelcoming.

The use of boundary treatments such as native hedging and cast iron rails, such as those seen at the start of The Terrace, in addition to the traditional stone wall can provide interest and privacy, and where they exist they should be preserved. In particular, the planting of native hedges is desirable in order to strengthen boundaries and help to integrate more recent development. Some retaining walls have been constructed during the twentieth century using inappropriate stone and to an overwhelming height. These have a severe appearance that is not keeping with the Oswaldkirk aesthetic.



Cast iron railings along The Terrace



Post and rail fencing can be alien to the rural character of surrounding fields and should generally be avoided except where supporting the establishment of new hedgerows

Some fields to the east and south of the Conservation Area have been divided up using timber post and rail fences. Such fences represent a non-traditional form of field boundary in this area, and are visually prominent.

Traditional boundaries would include hawthorn

hedgerows, and temporary field delineations can be achieved using post and wire fences with less visual intrusion on old field patterns and parkland-like landscapes.

11.8 Pavements and Verges

Due to the proximity of development to the road, grass verges tend to be narrow or have been replaced by paving or tarmac. The northern side of Main Street has retained a small strip of grass bank that often narrows to as little as a metre, but nevertheless it contributes to the rural character and visual cohesion of the streetscene. To the south side is a mixture of wider verges and hard surfacing, sometimes for parking. Hard surfacing and kerbing has a suburbanising impact on the rural appearance of the village.

12.0 Key Views and Vistas

Due to its linear layout much of the village is easily viewable from Main Street and The Terrace.

From within Main Street there are several glimpsed views to the south down driveways and tracks that are important visual links to the wider landscape, as well as glimpses of important buildings behind high stone walls such as Oswaldkirk Hall and The Old Rectory. Wider views exist from The Terrace which are valued by those living and walking there, and the relative openness of the south side, with more extensive development, gives the road a more rural feel to Main Street and a more direct relationship with the countryside. The middle section of Main

Street, which is principally of twentieth century build, opens out to provide extensive views over the rooftops to the south as development, has taken place following the fall of the land.



Oswaldkirk Bank the views of Main Street are framed by overhanging tree branches and the dominant impression of the village is one of verdant foliage, hedgerows and trees, a theme continued as the B1363 continues towards Gilling between magnificent tall beech hedges forming the boundaries of The Red House, Holly Tree House, Ledbrooke House and Havoc Hall (Martins).

A public right of way, the Millennium footpath, runs along the northern periphery of the Conservation Area through the Hag towards Ampleforth, allowing views through the trees, over the rooftops of the village and into the countryside beyond. A stretch of this footpath allows almost full 360° views: to the south, distant views of the Howardian Hills; to the north, the heather moorland of the North York Moors.

Views of the wooded Hag are key to the setting and feel of Oswaldkirk both from within the village and in views towards it from the south. Views of the distinctive houses of Oswaldkirk Bank, which appear to cling to its steep gradient, are a defining landmark in the village for many travellers en-route to Helmsley.

Particularly important views are illustrated on Map C (Appendix 1).

13.0 Green Spaces & Trees

13.1 Green Spaces

As there is little formal public open space, the majority of green spaces that contribute to the character of the Conservation Area are private gardens, fields or woodland. Green spaces may be valued for a range of reasons including preserving the setting of Listed Buildings and of buildings that make a positive contribution to the Area; maintaining attractive verdant spaces that provide relief and punctuation within the streetscape; allowing views out of the Area to the wider landscape; or hosting visually and ecologically important trees.



Attractive gardens beneath the Hag

To the north of Main Street, green space consists of private front and side gardens and glimpses of back gardens that rise above the roof tops as they gently follow the contours of the bank north towards the Hag. These domestic gardens are important spaces which contrast dramatically with the rugged and natural form of the Hag.



To the south of Main Street, glimpses of the surrounding countryside are seen between and over the buildings which provide important context to the village and accentuate its relationship with the countryside beyond the built up area.

The gardens to Laurel Cottage, Crag Cottage and The Bungalow, Ledbrooke House and The Red House that border the crossroad between Main Street, The Terrace and Oswaldkirk Bank form an attractive centre to the village, characterised by cottage garden plants and ornamental shrubs and trees. It is important that any development in this area is of a scale and height that preserves the open, gardened character and attractive trees.

Chestnut Bank, the Hag, the churchyard and the playground are the only publicly accessible open spaces within the Conservation Area and these are important areas for leisure, recreation and peaceful relaxation. Popular walking routes are the Hag and The Terrace, both of which enjoy elevated positions that allow long views over the surrounding countryside.

Particularly important green spaces are illustrated on Map C (Appendix 1).

13.2 Trees

Most trees within the Conservation Area have statutory protection. With certain exceptions, anyone proposing to fell or cut back a tree in a Conservation Area is required to give six weeks notice in writing to the local planning authority. In general all works to trees where the trunk exceeds 75mm diameter (when measured 1.5 metres above ground level) are subject to the six week notification period. This gives the local planning authority the opportunity to serve a Tree Preservation Order (TPO) if it is considered that the proposed works will be detrimental to the visual amenity of the area.

Trees make a highly important contribution to the character of the Conservation Area and its setting. The Hag is defined as Section 3 Woodland and Ancient Woodland. Section 3 Woodland is defined in accordance with Section 3 of the Amendment to the Wildlife and Countryside Act of 1985 which required National Park Authorities to prepare a map showing areas of woodland (and other landscapes) whose natural beauty is particularly important to conserve. Ancient woodland is defined as one that has been in existence for at least 400 years.

Trees feature not only on the periphery of the village but also within private gardens, Chestnut Bank and the churchyards. These vary in species, but are mainly deciduous varieties. These woodland areas and the trees within the village are very prominent and valued elements of the landscape that change with the seasons and bring form, colour and movement to the Conservation Area. They are important in softening the presence of the village when viewed from the south against the wooded bank, and should therefore continue to be interwoven within the street and garden landscapes.

Apple trees can be seen in many of the gardens to the north of the Conservation Area, taking advantage of the south facing aspect of the village. Historic maps (Map B, Appendix 1) show that orchards were once a common feature in the gardens of the larger properties in Oswaldkirk, and are a characteristic of the area more widely which should be perpetuated where possible.



Magnificent copper beech tree provides visual punctuation in the street scene

Outside of the Conservation Area to the east, south and west, a number of mature trees in the fields of the Gilling Gap also make a positive contribution to the wider setting of the Area, fostering a parkland landscape character.

14.0 Issues and Pressures

Oswaldkirk occupies a highly attractive rural setting at the junction of two nationally-designated landscapes that mitigate against a likelihood of substantial change in the built and natural environment. However, incremental changes could erode the quality of the environment if they take place without a broad understanding of the special character of the Area. A wide range of issues that may threaten the special character of the Conservation Area emerged as a result of informal consultation with residents at the Conservation Area Open Day held on the 3rd November 2007. The following sub-headings are summaries of the main issues.

14.1 New Development

Oswaldkirk is positively characterised by vernacular buildings and more singular designs of quality from the pre-war period, usually sharing a palate of local stone and Welsh slate or handmade clay tiles. This character is easily eroded by poorly designed alterations and extensions and by the construction of undistinguished pattern-book house-types, using inappropriate stone. However Oswaldkirk has assimilated the architecture of different ages in a way that has added to its character and interest, and quality of design, material and construction in new development is more important than the perpetuation of a particular style.

The Conservation Area has already been subject to a considerable amount of infill development. Further development should seek to respect the character and setting of the Conservation Area by preserving remaining open spaces of aesthetic or historic value, attractive views in and out of the Area and the historic form and layout of the village.

14.2 Rural Character in the Conservation Area

The village once sustained several working farms, none of which are now operating. Nevertheless the agricultural heritage of the village is evident throughout, in the survival of farmhouses, workers' cottages and farm buildings. It is important that the distinct characters of these buildings are retained in terms of scale and treatment, rather than being excessively aggrandised or enlarged beyond recognition. Careful detailing of conversion or re-use schemes for former farm buildings can preserve their non-domestic character, with consideration given to choices such as paint colour, joinery details, landscaping and surfacing so that a functional, rustic appearance is preserved.

Suburbanising tendencies such as large parking areas, close boarded fencing and gates, and excessive external lighting detract from the rural character, whereas low-key treatments such as native hedging and discreet shielded lighting preserve it.

14.3 Trees and Landscaping

The trees and hedges within and surrounding the Conservation Area enhance the Area's attraction, setting and relationship to the wider landscape. It is important that they are maintained and managed in order to perpetuate them and that new trees are planted to replace those which reach the end of their lives. The National Park Authority, Area of Outstanding Natural Beauty and Ryedale District Council have tree and landscape officers who can provide advice on tree management.

14.4 Views and Vistas

Of recurring concern to residents of Oswaldkirk's Conservation Area is an appreciation of the views and vistas that can be enjoyed from nearly all properties within the boundary. Residents

should be aware of overgrown foliage and inappropriately placed garages or sheds that might impinge on the visual amenity enjoyed by others.

14.5 Protection of Green Spaces within the Conservation Area

Chestnut Bank and the Hag are popular public spaces and need to be managed to ensure their continued attractiveness and amenity.

Many sites - gardens, woodland and field - will be important to the setting of the Conservation Area and to character and appearance within the Area (see section 13 above and Map C). It is likely that development of these sites would not preserve the special characteristics of the Area and hence would be inappropriate. Other sites may still have positive characteristics that should be retained in the event of development, but it may be possible to achieve development whilst retaining those positive elements, particularly if preconceived expectations of density, height and site layout are put aside in favour of a sensitively considered site-specific proposal.

14.6 Traffic Management, Car Parking and the Public Realm

The volume and speed of traffic travelling through the Conservation Area is an issue of particular local concern. Large vehicles can cause particular disruption on Oswaldkirk Bank. On-street parking along The Terrace and Main Street was also raised as a potential hazard; however the creation of further off-street parking has the attendant risk of eroding built and environmental character and would need consideration on a case by case basis.

14.7 Article 4 Direction

An Article 4(2) Direction was confirmed in 2006 by the North York Moors National Park Authority, covering all of the properties on the National Park side of the Conservation Area. The majority of residents felt that the Direction has had a positive affect on the Area, and some buildings outside the Article 4 coverage retain historic features that are vulnerable to unsympathetic alteration.

15.0 Conservation Area Boundary Review

Several respondents believe that the boundary should be extended to incorporate the whole of the village in order to protect views into and out of the Conservation Area and to have parity in planning controls. However, properties within St Oswald's Close are relatively new and cannot be said to have the 'special architectural or historic interest' that is necessary for designation or inclusion in a Conservation Area. As a consequence, including houses at St Oswald's Close and Bank Top would dilute the special interest that justifies designation. Nevertheless, this document recognises the positive and negative attributes of these developments on the Conservation Area and the impact of any application for development of properties around the periphery of the Area should be given proper consideration by the Village Meeting and the Local Planning Authority, as the effect on the setting of the Conservation Area is a material consideration when assessing planning applications irrespective of which side of the boundary the property sits. This special consideration is especially important when assessing applications that involve the raising or alteration of the roofs of properties in St Oswald's Close and Manor View. At this stage it is proposed that there will be no change to the boundary of the Conservation Area.

Part 2: Management Plan

16.0 Introduction

16.1 Purpose of a Management Plan

Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to formulate and publish proposals for the preservation and enhancement of their Conservation Areas and to submit these proposals for public consideration. The purpose of preparing a Management Plan is to set out objectives for addressing the issues and recommendations for action arising from the Assessment and to provide guidance on future development for owners and their agents. The Management Plan is not intended to prevent development or change within Oswaldkirk's Conservation Area; it is produced to facilitate careful management of change so that it enhances Oswaldkirk's special architectural and historic interest. The Management Plan is based on guidance produced by English Heritage⁸

16.2 Aims of Management Plan

The Management Plan is based on the Oswaldkirk Conservation Area Assessment. It has three aims:

1. To summarise the significance of the Conservation Area as a whole and of the individual elements which contribute to that significance, distilling the Conservation Area Assessment.
2. To identify the opportunities that exist to enhance the character and appearance of the Conservation Area and what actions are required to realise them.
3. To provide policy guidance to ensure that the character and appearance of the Conservation Area will be maintained through the effective management of change and that opportunities to enhance the character and appearance are maximised.

16.3 Policy Context of the Management Plan

The national, regional and local policy context for this document may be found in Appendix 2.

⁸ *Guidance on the Management of Conservation Areas*, 2005

17.0 Summary of the Conservation Area

17.1 Key Characteristics

The special character of Oswaldkirk Conservation Area derives from the following features:

- Medieval linear form of the village remains strong.
- Mix of building styles representing good examples of architectural design between the late seventeenth and first half of the twentieth centuries.
- Diverse range of quality twentieth century buildings.
- Many large, domestic, detached properties in sizable plots.
- Gardens, trees and hedges prominently woven through the settlement.
- Strong landscape character to settlement and interplay with surrounding countryside as a consequence of linear form occupying hillside.
- Outstanding landscape setting on the boundary between the North York Moors National Park and the Howardian Hills Area of Outstanding Natural Beauty (AONB).
- Densely wooded escarpment provides a strong visual backdrop.
- Elevated situation providing stunning views.
- Thriving community based on a strong sense of identity and long-term residency both now and historically.

17.2 Buildings

The majority of buildings within the Conservation Area that date from before 1960 make a positive contribution to its architectural character (see Map C, Appendix 1 in the Conservation Area Assessment). Surviving vernacular buildings are particularly important as standing reminders of Oswaldkirk's agricultural past, but paired Victorian cottages have formed a characteristic 'Oswaldkirk' house-type and buildings of the first half of the twentieth century are now a distinctive part of the village's unique character. Buildings of the second half of the twentieth century are not generally distinctively 'Oswaldkirk'.

18.0 SWOT Analysis

The following strengths, weaknesses, opportunities and threats are a distillation of the findings of the Conservation Area Assessment.

1. Strengths

- The Hag and Bank as prominent features of the wider landscape
- The open views to the south across the Coxwold–Gilling Gap
- The village's linear layout along the Main Street and The Terrace and layered appearance when viewed from the south
- Mature trees and gardens
- The historic buildings dating from before 1960
- Variation in housing designs with high quality detailing which represent discrete architectural styles
- Mixture of stone walling and mature hedges to boundaries
- Spaces between buildings

2. Weaknesses

- Some twentieth-century development lacks identity or has entailed unsympathetic alteration to buildings of quality
- Traffic
- Signage at the foot of the Bank
- Removal of traditional boundary treatments and weak modern boundary treatments
- Creation of off-street parking spaces has diluted the highway/street boundaries

3. Opportunities

- Improvements to fenestration, doors, boundaries and roofing materials through the National Park's Conservation Area Enhancement grant scheme
- Funding opportunities for implementing hedge planting, tree planting and other public realm enhancements recommended in the Management Plan should be investigated (for example through the current LEADER project).
- Opportunity for the inclusion of high quality modern design due to the existing varied streetscene

4. Threats

- Variable quality of new development within the Conservation Area
- New development outside of the Conservation Area which could have a negative impact on the Conservation Area
- Uncontrolled and incremental erosion of character as a result of detrimental alterations.
- Highways schemes
- Use of poor quality or inappropriate materials or design details
- Gradual loss of mature trees if not replaced
- Loss or insensitive conversion of characterful historic outbuildings and structures

19.0 Management Guidelines

19.1 Development within the Conservation Area

Design Approach to Potential Development Sites: Proposals for new buildings should be sensitively designed to enhance the Conservation Area. New buildings should not necessarily imitate earlier styles but if that design approach is preferred designs should replicate existing scale, massing and detailing with sensitivity. Contemporary design should respect the site context whilst demonstrating an integrity and character of its own. Oswaldkirk's character is derived from individual styles combining to create a cohesive but architecturally diverse place. This character could be perpetuated through the use of local materials or detailing used in a contemporary way.

Development within the Conservation Area: Proposals for new development should be assessed for their impact on the wider setting and views into the Area as well as the relationship with the immediate context. Existing gardens and green spaces should be retained where they make a positive contribution to the character of the Conservation Area, and new development, including alterations and extensions to existing buildings, should not detract from the important views and vistas identified in the CAAMP.

Applicants within the National Park are advised to consult the North York Moors Design Guide SPD when formulating their proposals.

19.2 Building Materials

It is likely that most new development will use of the vernacular palette of materials (local stone, clay tiles and slate) in order to harmonise with the rural character of the Conservation Area. However, other materials of quality may be considered depending on context and design in order to perpetuate the diverse architectural character of the village. All pointing to stonework should be carried out in a traditional lime mortar with a bagged/stippled or flush finish to preserve the stone and replicate the original. Pointing with hard cement can be unattractive and, over time, erode the softer building stone to the detriment of both the building and the Conservation Area. Further guidance can be found in Part 2 of the North York Moors Design Guide SPD.

Where original materials on traditional buildings have been replaced, for example with inappropriate roof tiles or rainwater goods, the original style and material should be restored when the opportunity arises (grant assistance may be available from the Local Planning Authority to support this work).

19.3 Traditional Outbuildings

Owners are encouraged to retain and maintain all historic structures within the Conservation Area. The demolition or unsympathetic alteration of traditional historic outbuildings will not be permitted where Planning Permission is required. Repairs should be carried out in a low key manner that preserves typical characteristics such as wide boarded and battened doors rather than replacements to modern domestic designs.



19.4 Windows and Doors



Quality traditional joinery

Where historic joinery survives, every effort should be made to repair rather than replace it, particularly with modern fittings of a different design to the original. The Building Conservation Officer may be able to suggest contractors who specialise in the restoration of traditional features such as windows and doors, as well as sources of specialist advice on more unusual fittings such as metal framed or leaded windows. The use of uPVC on buildings that make a positive contribution to the character of the Area is not appropriate due to its unsympathetic stark appearance and failure to replicate traditional joinery details.

Where features of traditional buildings have been replaced, for example with uPVC, the original style and material should be restored when the opportunity arises.

Paint colours or other finish should be chosen with care to be appropriate to the age and style of property and the material of the fixture. An off-white is often more flattering to a building than brilliant white, but where more unusual quality fixtures survive, for example oak windows or metal-framed and leaded casements, they should be retained and treated as originally intended. The replacement of painted joinery with stained should be avoided as stain is not a traditional finish. In some circumstances, for example on outbuildings, it may be appropriate to leave joinery untreated to weather naturally to a mellow appearance.



Original leaded lights in metal frames

19.5 Boundaries



Verdant hedging boundaries characterise the Conservation Area

Boundary treatments should be carefully selected to maintain the rural appearance of the village. Native species hedging (such as beech) and stone walls (using local stone bedded dry or in lime mortar) are the most visually important boundary forms in the village, but additional suitable treatments include low timber picket gates and fences; cast iron fencing to match that seen on The Terrace; or simple painted steel 'estate' type fencing. Designs should generally be plain and low to ensure that the fencing does not overpower the host property, impair visual permeability or detract from the rural setting of the village. Further hedge planting could help to strengthen boundaries within the street scene. The further erosion of characteristic boundary treatments will be resisted.

The demolition or alteration of existing boundary treatments may require Planning Permission and/or Conservation Area Consent. Further advice should be sought from the relevant local planning authority.

19.6 Trees and Landscape

Trees and hedges have been identified as a key contributor to the internal and wider landscape character of the Conservation Area and its setting. The preservation of these features and their potential for enhancement should be considered in the preparation of all development schemes.



Trees contribute to parkland-style setting

The National Park Authority's *Design Guide Part 3: Trees and Landscape* SPD contains detailed guidance and advice on the retention and protection of good quality trees and trees of amenity value, planting additional trees where appropriate and providing well-designed, sustainable landscape schemes. It provides lists of suitable native shrub, tree and woodland planting by character area, and guidance on hedgerow planting.

It would be highly desirable to develop a management plan for trees and hedgerows within and surrounding the Conservation Area so that a strategic approach to tree and woodland management, new planting and replanting can be developed perhaps supported by a grant scheme. Issues that should be considered by a management plan would include: whether there are old broadleaved trees coming to the end of their lives leading to a change in local and wider landscape character; whether there are areas where new trees can be established with room to develop into large trees with some of the existing landscape and amenity value; whether power lines and trees represent a conflict of management; whether there are trees in need of management which require work to maintain health. Funding and specialists would be required for this work.

19.7 Important Green Spaces

Green spaces that are important to the character and appearance of the Conservation Area have been identified on Map C (Appendix 1). These spaces should not be developed in any way that would reduce their positive contribution to the Area.

19.8 Views & Vistas

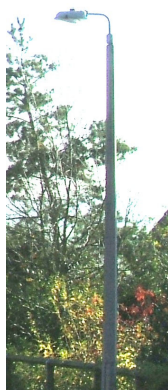
A particular attraction of the Oswaldkirk Conservation Area are the views south over the agricultural fields and beyond to the Howardian Hills. The twentieth century development of Manor View and St Oswald's Close has created a tiered effect to the roofs as buildings descend the bank, which both preserves views out of the village and preserves the dominant linear form of the village in views from south. Several key views have been identified looking over the rooftops of these developments, as well as other glimpsed views within the Conservation Area, which are identified on Map C (Appendix 1). Any development within these areas should not compromise these important views out of the village or the tiered pattern of development which keeps the modern estate visually subservient to the historic village. Small scale development such as the erection of high solid gates or of new outbuildings should not be allowed to block valued glimpses of landscape or important buildings behind high stone walls.

19.9 Surfacing & Footpaths

A footpath runs the length of Main Street to the southern side and continues along the western side of the Gilling road providing pedestrian access to the play area. The use of standard materials, black tarmac and concrete kerbs without a softening verge strip creates an engineered, urban appearance which contrasts with the natural edging to the north of Main Street. The extension or widening of tarmac surfaces, particularly at the expense of areas of grass verge, would be detrimental to the appearance of the Area. Additional concrete kerbing should be avoided in favour of a verge or, if essential, more rustic natural stone kerbs.



19.10 Street and Exterior Lighting



Concrete street light in Manor Close

The absence of street lighting in most of the Conservation Area adds to the rural character of the village and minimises street clutter. The provision of further street lighting on lighting columns should be avoided in order to maintain the rural character of the Conservation Area. Any future proposals for street lighting should consider mounting lights on the existing electricity poles, which are the original metal poles donated by Colonel Benson (see 4.12); on the telephone poles; or on walls and buildings to avoid further street clutter. Lighting on new developments should be used discreetly where required to avoid lighting an unnecessarily large area. Fittings should be carefully chosen to provide the minimum light required for safe access. The use of floodlights for extensive illumination, particularly where this extends beyond property boundaries, is inappropriate and detrimental to people's enjoyment of the wider area. Consideration should be given to ensuring that lighting schemes on new development do not contribute to light pollution. Further guidance can be found in Part 3 of the North York Moors Design Guide SPD. The use of yellow sodium lighting is sometimes considered more obtrusive than a softer white light.

Concrete kerbing and tarmac footpaths erode rural character

19.11 Signage



Original cast iron road signs within the Conservation Area have now been replaced by modern signs. The proliferation of directional signs at the foot of the Bank is unattractive. The possibility of combining signs onto single poles in order to minimise their impact on the area should be explored in collaboration with the Highways Authority by carrying out a signage audit. Following an audit, it may be possible to consolidate existing signage onto reproduction black and white cast iron 'fingerposts', particularly if photographs of the originals can be found. Street name signs should be fixed onto existing walls rather than mounted on low poles which are more akin to suburban cul-de-sacs.

There are few other advertisement signs as the village has few services. Where there are signs, for example at The Malt Shovel, they are of simple painted timber design using subtle colour schemes that blend in with the traditional street scene.



Incremental addition of signage creates visual clutter

19.12 Overhead Wires and Poles

The existing steel electricity poles were installed by Colonel Benson in the 1920s as being superior to timber, and thereby testify to the benevolence of the last Lord of the Manor. As such, they have some historic interest. The under-grounding of overhead wires may not be desirable given the interest of the poles, but their general maintenance and painting should be carried out on a regular basis. Other factors to consider are that the telephone wires and poles would remain in situ as British Telecom do not undertake under-grounding works, and every property would require an unsightly new junction box to its front elevation.



19.13 Traffic, Highways and Parking

Oswaldkirk has avoided the road markings and highways structures associated with traffic restrictions, however parking and traffic is a concern to some village residents. Any future proposals for traffic restrictions should be sensitively designed to avoid markings, signage, barriers or lighting that would be detrimental to the rural character of the Area, and the local planning authorities would wish to be involved in discussions between parties at an early stage to seek to mitigate any negative impacts of such installations. The creation of additional off-street parking should preserve traditional boundary treatments, and appropriate screening should be provided to preserve the attractive street scene.



Loss of traditional boundaries and areas of hard standing can be detrimental to the street scene

19.14 Energy Efficiency and Renewable Energy

There are many energy efficiency measures and methods of small scale energy generation that can be achieved without any impact on the Conservation Area. These include increasing internal

insulation levels; upgrading inefficient boilers; draught-proofing windows or fitting secondary glazing; installing ground source or air source heat pumps; installing solar panels where they can be discreetly located on roofs or free-standing. Other measures involving external works can often also be achieved in ways that preserve the appearance of the Area subject to careful detailing, such as installing double glazing which can often be detailed to replicate the construction, material and dimensions of historic windows (the retention and overhaul of historic windows that make a contribution to the character of the Conservation Area is however encouraged, particularly where irreplaceable handmade glass survives). Other measures such as the installation of solar panels on prominent roof slopes or the installations of wind turbines may have a more detrimental impact and be inappropriate in some circumstances. If proposals involve external works residents should always check first with the local planning authority whether Planning Permission or Listed Building Consent is required. The Building Conservation Officer may be able to advise on how individual proposals can best be achieved.

20.0 Planning Procedures

The local planning authority has a duty to ensure that development in a Conservation Area preserves or enhances its character or appearance. Demolitions, alterations, extensions, and

other works affecting the character or appearance of properties in a Conservation Area will usually require Planning Permission and/or Listed Building or Conservation Area Consents.

Applicants may be required to submit more detail with applications for development within a Conservation Area, such as plans that show the context of the development in order to show the wider impact of new building on the streetscape. In Oswaldkirk, it is especially important that, where relevant, applications contain accurate contextual drawings or photomontages so that the impact of proposals on more distant views of the settlement from the south can be assessed. Written guidelines as to the extent of detailed information required when submitting an application are available from the respective local planning authority's website, or alternatively by contacting the relevant planning department. It is always advisable to discuss any proposals within the Conservation Area with the local planning authority at the earliest opportunity. Applications for Planning Permission, Listed Building Consent, and Conservation Area Consent will be advertised in accordance with statutory requirements and comments may be made during a 21 day period as specified in the advert and site notice. Relevant planning policies can be found in Appendix 2 of the Assessment.

20.1 Householder Development

Conservation Area designation brings with it some legislative controls over and above the normal permitted development allowances to ensure that any changes respect the special character of the Area. This requirement extends to all buildings within the Conservation Area, not just the historic buildings. The demolition of some structures, including buildings and boundary walls, the lopping or felling of trees and certain types of development such as the cladding of buildings and the installation of dormer windows will require permission from the local planning authority. Other development such as the installation of satellite dishes, installation of micro-generation equipment and the erection of ancillary buildings may require permission depending on their siting.

Additionally, within the National Park an **Article 4(2) Direction** was served in 2006 which removes certain 'permitted development' rights on elevations that front a highway, important open space or waterway, and therefore planning permission is required for development such as alterations to windows and doors, roofing materials and the erection of porches or other extensions on relevant elevations. Replacement of existing fabric on a strictly "like for like" basis does not require planning permission. Further details of the additional planning restrictions may be obtained from the National Park Authority.

Consideration will be given to investigate extending the Article 4(2) Direction to cover the wider Conservation Area in order to control changes to features such as windows, doors, roofs and walls in line with the management guidelines outlined in section 19 above.

It is strongly advised that if your property falls within the Conservation Area that clarification and advice is sought from the local planning authority prior to carrying out of any works.

20.2 Works to Listed Buildings

Buildings are listed to protect them from demolition or unsympathetic alterations. The protection afforded by this legislation always applies to the whole of the interior and exterior of the Listed Building.

It is a criminal offence to carry out works to a Listed Building that affect their special architectural and historic importance without first obtaining Consent. This would include works of alteration or significant replacement of historic fabric to the interior or exterior of the building or any buildings or walls within the curtilage of the Listed Building that were constructed prior to 1948. To do so without Consent could lead to prosecution, a period of imprisonment and/or a heavy fine. The Local Planning Authority may also serve a Listed Building enforcement notice

requiring the building to be restored to its former state. For advice on whether Listed Building Consent is required please contact the Building Conservation Officer.

Leaflets are available from the National Park Authority and Ryedale District Council for owners of Listed Buildings which contain further advice and information.

20.3 Works to Trees

All tree owners have a duty to ensure that their trees are safe and do not put others at risk. Tree surgery can sometimes be necessary to maintain trees in a safe condition, or sometimes to simply maintain healthy growth so that trees can reach their full potential. However it is important that work is carried out sensitively and to the correct standard so it does not cause damage to the tree or spoil its amenity value. Advice and information can be given by the Authorities but most trees in the Conservation Area with a stem diameter of 75mm or over measured 1.5m above ground level will be protected by law. Anyone wishing to fell or carry out work on such trees must give six weeks notice to the local planning authority. This period allows the Authority to decide whether or not the tree should be protected with a Tree Preservation Order, as trees can often be valuable features in their own right or contribute to the appearance or setting of the Conservation Area.

In giving notice it is necessary to specify precisely what works need to be carried out. However discussion with the local authority's Tree Officer prior to this can be helpful in agreeing what work is needed.

The Local Planning Authority has a statutory duty to protect important trees under the Town and Country Planning Act 1990. Carrying out works to trees in the Conservation Area without giving the proper notification to the local planning authority can be a criminal offence and may result in prosecution and the imposition of a heavy fine.

20.4 Advertisements

Additional planning procedures apply to the display of advertisements within a Conservation Area. Residents should contact the Local Planning Authority for more information.

20.5 Monitoring and Effectiveness

In order to assess the relevance of the Conservation Area Assessment and the usefulness of the Management Plan on the preservation and enhancement of the Conservation Area, residents, the Village Meeting and the local planning authorities should aim to use the documents whenever development is being considered and bring to the attention of the Conservation Officer any additional issues that need to be included when the documents are reviewed and any instances of decisions being taken that do not preserve and enhance the character of the Conservation Area. Monitoring by the Local Planning Authorities may include periodic photographic surveys for recording and enforcement purposes. The Conservation Area Assessment should be reviewed every five years, but the Management Plan may be reviewed more frequently if necessary.

20.6 Enforcement

Work that is carried out without any necessary planning approvals could be subject to enforcement action by the Local Planning Authority. It is therefore strongly advisable to consult the relevant authority before proceeding with any work which might affect the character or appearance of the Conservation Area.

Appendix 2: Planning Policies

1.0 National Policy

Government policy for the assessment and management of Conservation Areas is contained within Planning Policy Statement 5 - "Planning for the Historic Environment" and the accompanying "Historic Environment Planning Practice Guide".

PPS5 stresses the need for local planning authorities to appraise Conservation Areas to contribute to a better understanding of the significance of the historic asset and its wider context, and to consider how the character and appearance of the Conservation Areas in their districts can be sustained and enhanced. The conservation of the historic environment helps to sustain the sense of local distinctiveness which is such an important aspect of the character and appearance of our towns, villages and countryside.

National Planning Policy Statements with a direct relevance to the Oswaldkirk CAAMP include:

- Planning Policy Statement 1 – Delivering Sustainable Development
- Planning Policy Statement 5 – Planning for the Historic Environment
- Planning Policy Guidance 17 – Open Space, Sport and Recreation

2.0 Regional Spatial Strategy

Regional planning guidance is set out in the '*Yorkshire and Humber Plan*', which is the Regional Spatial Strategy for Yorkshire and the Humber (RSS). This was published in May 2008 and provides policies to guide development up to year 2026. Policy ENV9 – Historic Environment within the RSS recognises the importance of safeguarding and enhancing the historic environment and maintaining local distinctiveness by promoting local styles and features.

3.0 Local Policy

Oswaldkirk lies on the boundary between Ryedale District Council and the North York Moors National Park Authority. The area to the north of the main street lies within the National Park and this area is subject to the policies of the North York Moors Local Development Framework, adopted in November 2008. The southern area of the village lies within the Ryedale District Council boundary and is subject to the policies of the Ryedale Local Plan, adopted in March 2002. (The Ryedale Local Plan will be replaced by the Local Development Framework in due course.)

North York Moors Local Development Framework - Core Strategy and Development Policies Document (2008)

Oswaldkirk is identified as an "Other Village" in the North York Moors Core Strategy and Development Policies Document as the settlement has limited services and facilities. Development is therefore restricted in order to maintain the character and scale of the rural community. Any acceptable development is to be focussed on providing opportunities for new housing to meet an identified local need for persons needing to live in the parish. Permitting housing for local needs ensures that the limited opportunities for new housing meet the needs of the local community rather than external demand.

The Core Strategy and Development Policies Document sets out the planning policies against which proposals for new development within the National Park are assessed. The document is the 'Development Plan' for the Park (along with national policy and the Regional Spatial Strategy). Of most significance to this SPD are:

Core Policy G: Landscape, Design and Historic Assets

The landscape, historic assets and cultural heritage of the North York Moors will be conserved and enhanced. High quality sustainable design will be sought which conserves or enhances the landscape setting, settlement layout and building characteristics of the landscape character areas identified in the North York Moors Landscape Character Assessment. Particular protection will be given to those elements which contribute to the character and setting of:

Conservation Areas

Listed Buildings

Historic Parks and Gardens

Scheduled Monuments and other sites of archaeological importance

The re-use of buildings of architectural and historic importance which make a positive contribution to the landscape and character of the National Park will be encouraged.

Development Policy 4: Conservation Areas

Proposals for development within or immediately adjacent to a Conservation Area will only be permitted where they preserve or enhance the character and appearance or setting of the area and where:

1. Buildings and features, including open spaces, watercourses, trees, hedges, walls and railings that make a significant contribution to the character and appearance of the Conservation Area are retained and respected.
2. The scale, proportions, design detailing and materials of the development respect the existing architectural and historic context with reference to:
 - a. The form, scale, proportions, design detailing and materials of traditional buildings.
 - b. Historic plot boundaries and layouts.
 - c. Traditional street patterns.
 - d. The relationship between buildings and spaces.
 - e. Views into and out of the area.
3. In cases where the demolition of a feature or building that makes a positive contribution to the character and appearance of the Conservation Area is proposed, there is an overriding justification for the proposal.

Other Core Strategy and Development Policies with a direct relevance to the Oswaldkirk CAAMP include:

Core Policy	A – Delivering National Park Purposes and Sustainable Development
Core Policy	B – Spatial Strategy
Core Policy	J – Housing
Development Policy	3 – Design
Development Policy	5 – Listed Buildings
Development Policy	7 – Archaeological Assets
Development Policy	19 – Householder Development
Development Policy	20 – Extensions to Residential Curtilages
Development Policy	21 – Replacement Dwellings
Development Policy	23 – New Development & Transport

Design Guide Supplementary Planning Document

North York Moors National Park Management Plan

The role of the Management Plan as a Supplementary Planning Document is to provide further detail and guidance to supplement the policies contained in the Core Strategy and Development Policies Document [2008]

The North York Moors was designated as a National Park in 1952. The 1995 Environment Act sets out two purposes for National Park Authorities:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and
- To promote opportunities for the understanding and enjoyment of the special qualities of the Parks by the public.

The Act goes on to place a duty on National Park Authorities in pursuing the two purposes, *'to seek and foster the economic and social well being of local communities*. Section 62 of the 1995 Act also requires all relevant authorities to *'have regard to the statutory purposes in exercising or performing any functions in the National Park and; if it appears that there is a conflict between those two purposes, to attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area.'*

The North York Moors Management Plan recognises that the cultural heritage plays a significant part in creating the beauty and character of the National Park through its exceptionally rich archaeological and historical landscape. To this extent, all proposals for development must be consistent with, and help to achieve, the objectives set out in the Management Plan.

Ryedale Local Plan

The Ryedale Local Plan was adopted in March 2002 and contains a range of planning policies that are used to make decisions on all planning applications submitted to the Council. The current Local Plan is the Development Plan for Ryedale (along with national policy and the RSS) until it is ultimately replaced by the emerging Local Development Framework. On 27 September 2007 the Secretary of State issued a direction identifying which of the Local Plan policies should remain in force (saved) for the next three years. As Ryedale District Council has not saved its policies that specifically relate to Conservation Areas it is also necessary to refer to National and Regional guidance on the historic environment.

The saved policies of most significance to this particular SPD are Ryedale Local Plan Policies:

C4: Trees in Conservation Areas

Within Conservation Areas, the District Council will not permit new development which would result in the loss of trees of high amenity value or the felling or other works to a tree which makes an important contribution to the character of the area.

The District Council will consider making Tree Preservation Orders to protect trees of high amenity value within Conservation Areas.

C5: Advertisements within Conservation Area

Within Conservation Areas, the District Council will require the design of advertisement signs to be of a high standard, therefore:

- (i) Consent will be granted only where the proposal is in scale and character with the building on which it is located and with that of surrounding buildings;
- (ii) Illuminated signs will only be permitted where the scale, colour, design and intensity of illumination would not detract from the appearance or character of the Conservation Area; and
- (iii) Where unacceptable advertisements already exist, the District Council will, where appropriate, take discontinuance action to secure their removal.



North York Moors National Park Authority

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP

Tel: 01439 770657 Fax: 01439 770691

Email: general@northyorkmoors-mpa.gov.uk

www.moors.uk.net

Ryedale District Council

Ryedale House, Old Malton Road, Malton, YO17 7HH

Tel: 01653 600666 Fax: 01653 696801

Email: info@ryedale.gov.uk

www.ryedale.gov.uk

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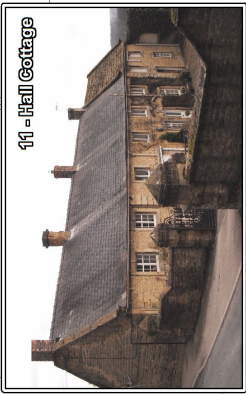
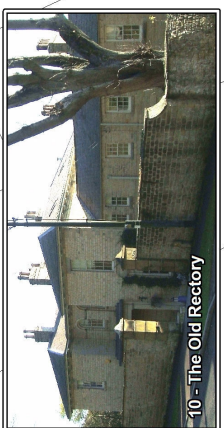
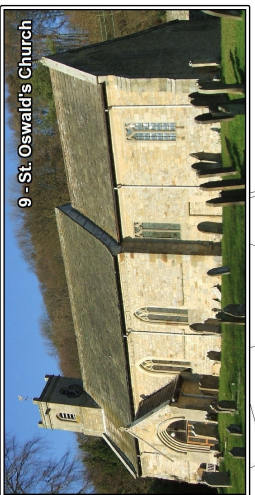
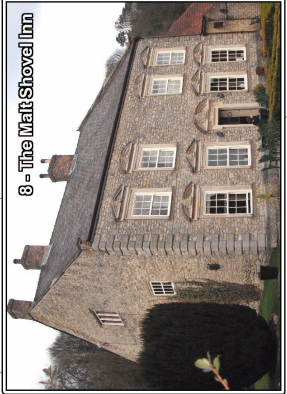
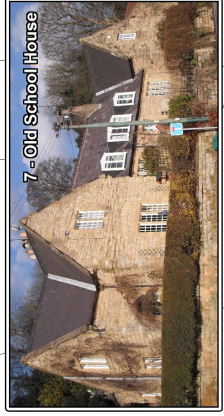
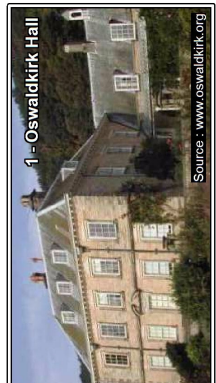
Oswaldkirk - Map A

Development Chronology and Listed Buildings

	Pre 1700
	1700 - 1840
	1840 - 1900
	1900 - 1945
	1945 - 2007
	Listed Building
	Conservation Area Boundary
	National Park Boundary

Scale 1:2,750

Source: www.oswaldkirk.org



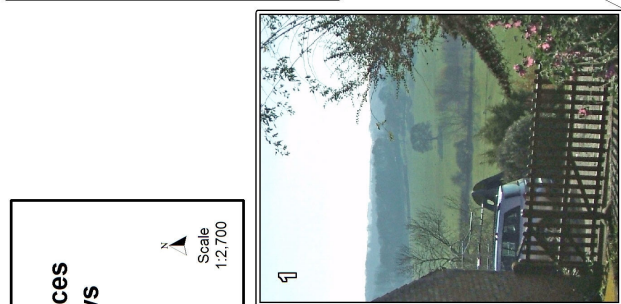
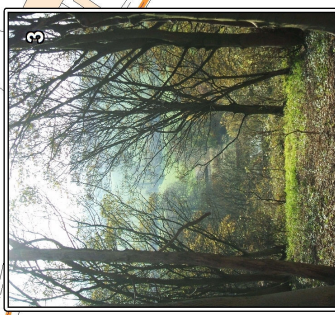
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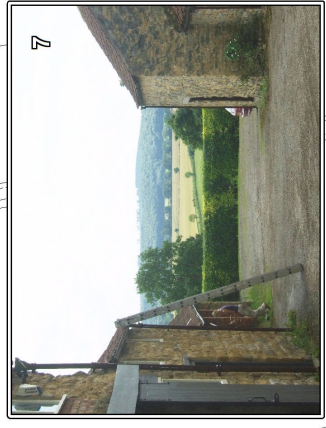
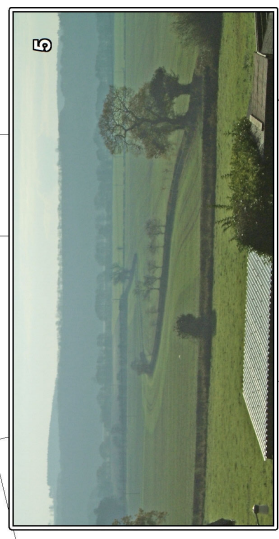
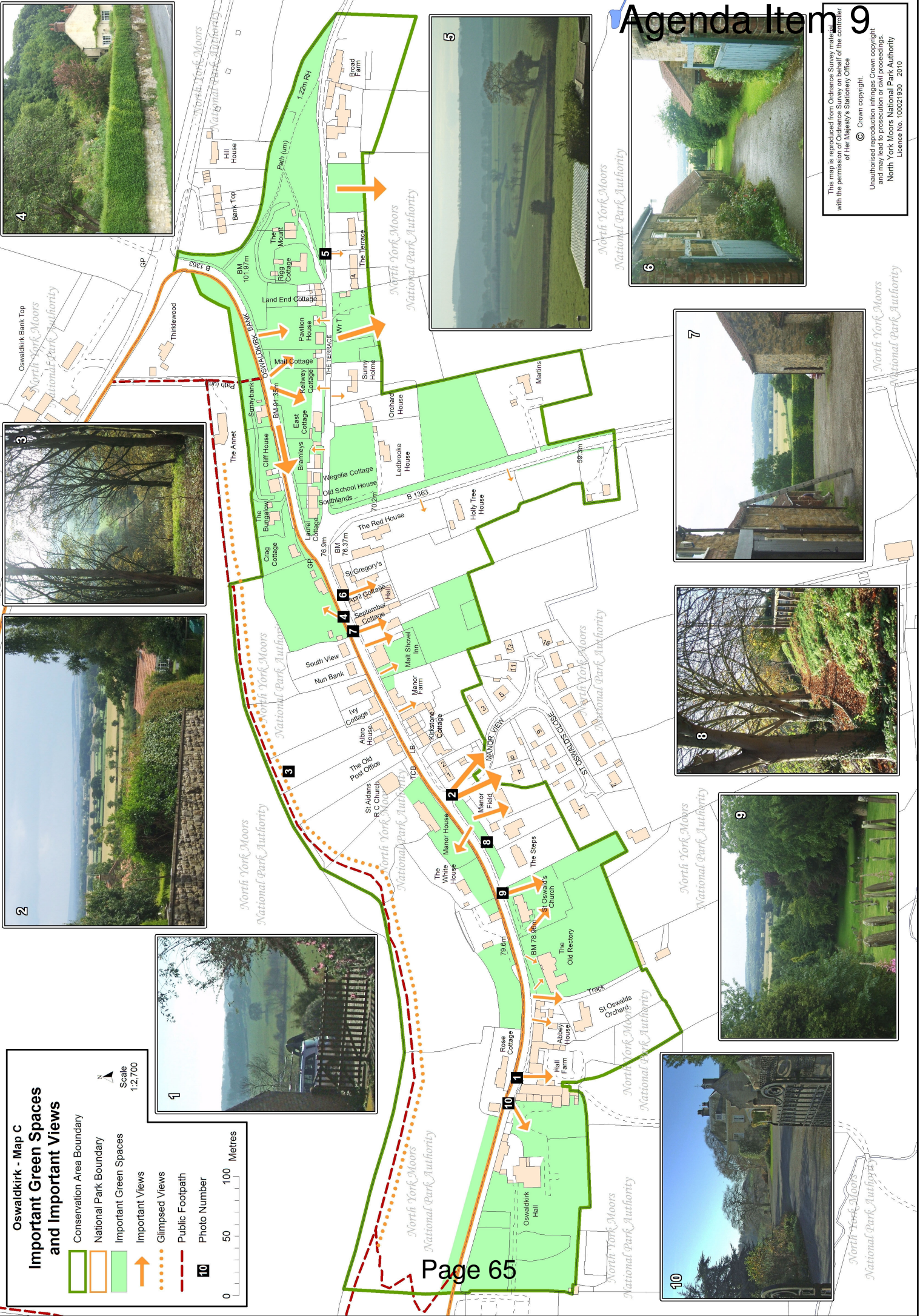


Oswaldkirk - Map C
Important Green Spaces and Important Views

- Conservation Area Boundary
- National Park Boundary
- Important Green Spaces
- Important Views
- Glimpsed Views
- Public Footpath
- Photo Number

Scale 1:2,700

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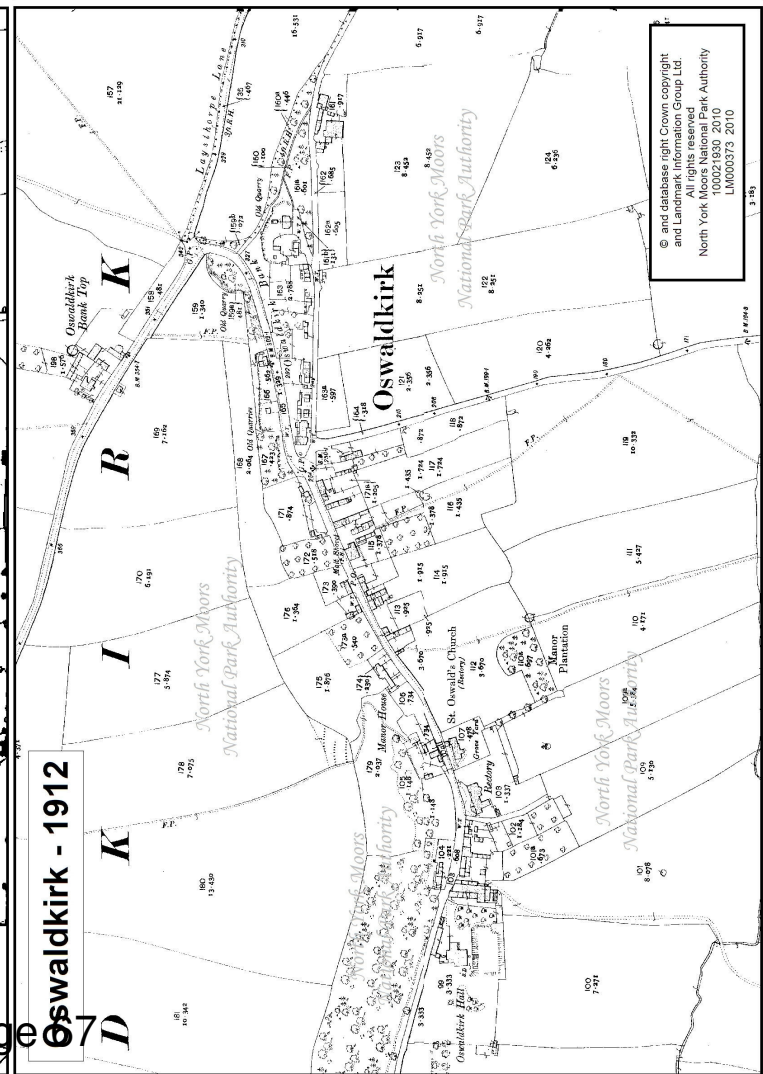
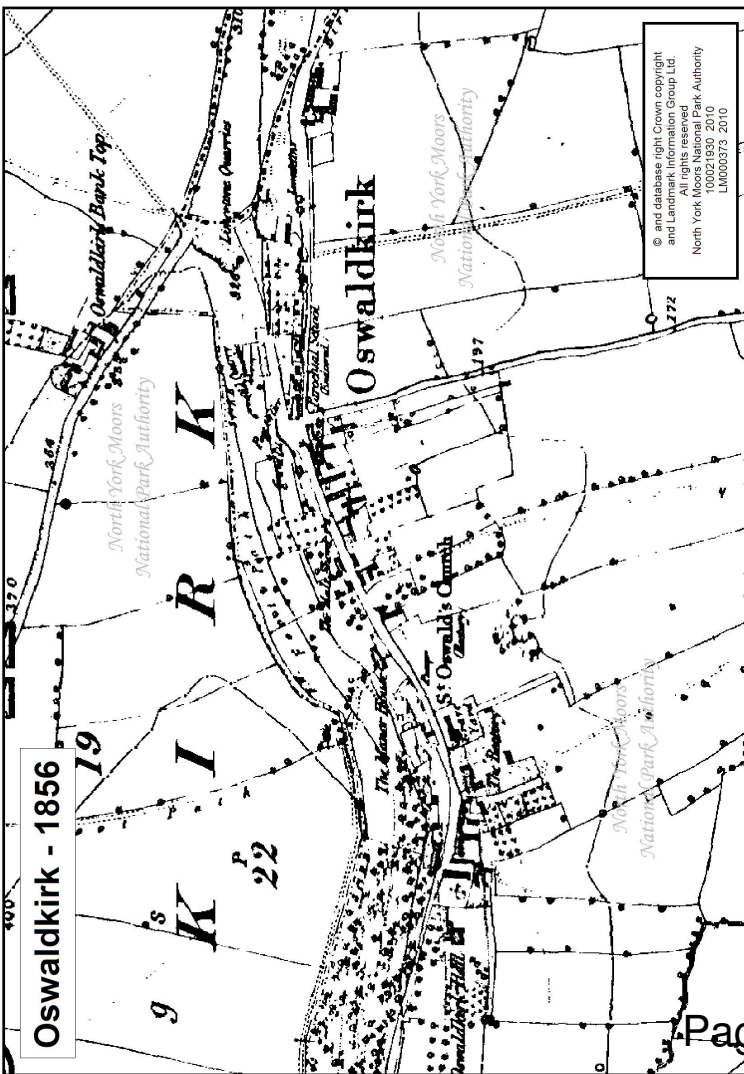
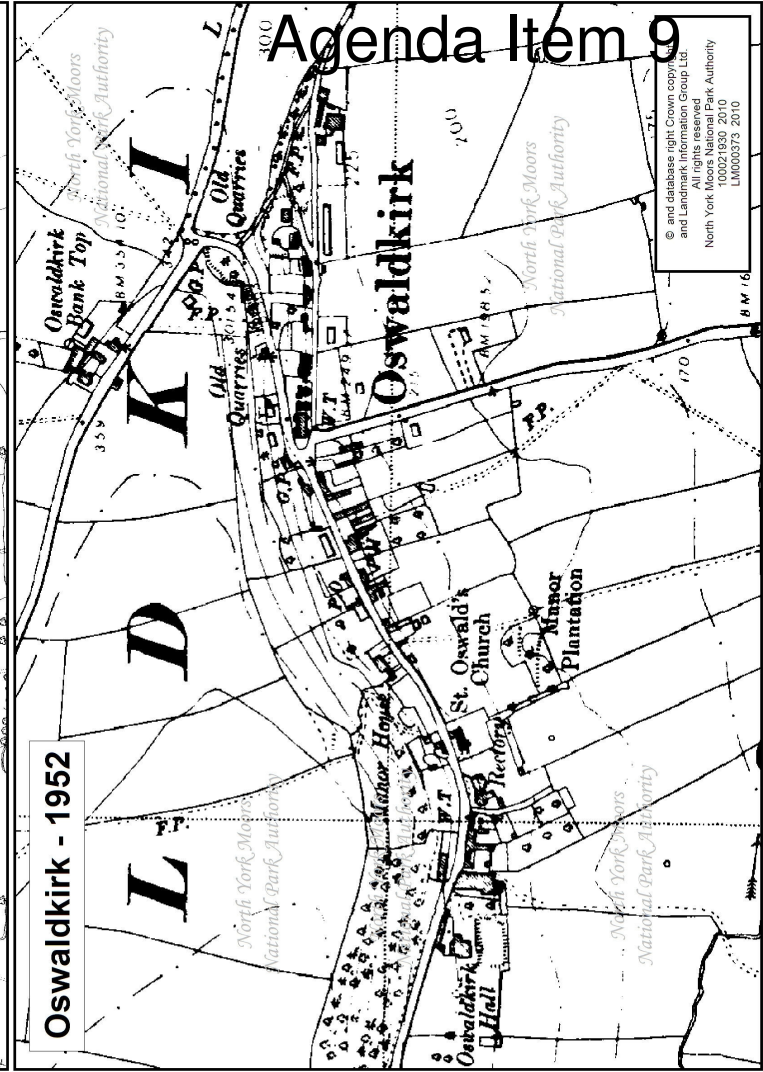
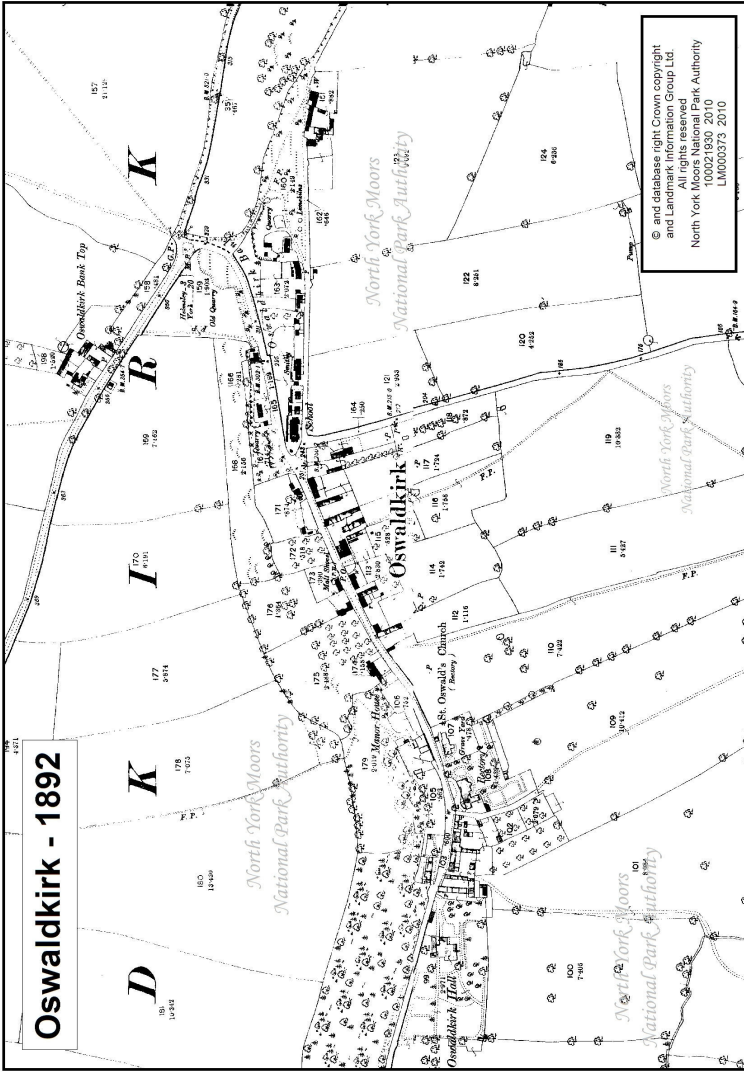


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PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	24 JUNE 2010
REPORT OF THE:	HEAD OF TRANSFORMATION CLARE SLATER
TITLE OF REPORT:	PRINTER RATIONALISATION PROJECT
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to seek member approval to procure a managed network printer service for Ryedale District Council. This has been approved by the Council's ICT Programme Board, however the total contract value of the solution approved by the ICT Programme Board is beyond the level of officer delegation.

2.0 RECOMMENDATIONS

2.1 It is recommended that:

- (i) Members approve a 5 year managed print service with Alto Digital. The cost will be £23,263 a year. Total contract value of £116,316.
- (ii) Members approve of the contract being called-off the national Buying Solutions framework contract for multifunction printing, subject to approval by the Council's Section 151 Officer and Solicitor as per the Council's Standing Orders.
- (iii) Members note that this project will produce cashable savings £22,467 per year, £112,332 over the 5 years of the contract.

3.0 REASON FOR RECOMMENDATIONS

3.1 The attached Business Case has been approved by the Council's ICT Programme Board and recommended for member approval to continue delivery of the Council's ICT strategy.

4.0 SIGNIFICANT RISKS

4.1 Failing to move forward with this proposal risks the Council continuing to spend an unnecessarily large amount on network printing through the current arrangement. The Council is currently spending £11,432 a quarter on printing (this is desk top printing alone, this does not include copying). This solution will dramatically reduce

this to £5,815 a quarter.

- 4.2 Implementation risks are summarised in the attached Business Case.
- 4.3 There is a risk that cash savings generated across such a wide array of cost centres will be lost in operational budgets. This will be prevented by using data on our current costs for each existing printer, provided by the proposed suppliers, to make appropriate adjustments to each departmental printing and stationary budget. This will ensure the maximum saving is realised.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 The Council's ICT Programme Board reviewed the Council's ICT applications in the light of the ICT Strategy drawn up by a Socitm consultant in September 2008 and developed an ICT Programme Plan.
- 5.2 The ICT Programme Plan has been further developed into a workstream schedule, drawing upon Council priorities and from this a number of projects requiring approval by Members, being of a value greater than delegated limits, are presented for Member approval.

6.0 POLICY CONTEXT

- 6.1 Rationalising the current fleet of printers is a core project of the Council's ICT Programme.

7.0 CONSULTATION

- 7.1 This Project does not involve any customer consultation.

8.0 REPORT DETAILS

- 8.1 Currently the vast majority of the printing needs of the Council's ICT users are met through a fleet of 63 network printers located in Ryedale House. These printers have been purchased outright by the Council and as such the Council is responsible for their consumables and maintenance. They are supported by the Council's ICT department.
- 8.2 Some of these devices are almost 10 years old and very few devices use the same consumables. This has led to very expensive desktop printing which currently costs the Council £45,728 a year to print nearly 2 million sheets of paper annually (2.3p per black and white, 11.87p per colour sheet). The current printer fleet is costing approximately £1,800 a year in electricity used, which also has a knock-on effect on RDC's CO₂ emissions.
- 8.3 The ICT Programme Board considered several alternative options for delivering network printing, as outlined in the attached business case, and recommended implementing a corporate Print Management System along with an Alto Digital Printer Managed Service over 5 Years.
- 8.4 The corporate print management software can be purchased within the scheme of officer delegation and gives the Council the ability to accurately account for print

costs and control usage and ensure that the most appropriate printer and type of printing (double versus single sided) is used automatically.

- 8.5 Moving to a managed service printing solution will mean the replacement of the current 63 printers of various age and type with 21 new Kyocera printers strategically located within Ryedale House.
- 8.6 The new print fleet will be paid for by all inclusive cost per page which will include all the printer hardware, associated software for monitoring the devices, all toner, all parts and all labour as well as all Alto Digital support services. This means that Alto Digital, the proposed supplier, retains ownership and responsibility of the printers and their support. This will provide the added benefit of reduced demands on the Council's ICT section enabling capacity to be diverted to the other projects within the ICT Programme Plan.
- 8.7 A suitable support package has been agreed with Alto Digital which will ensure minimum downtime for the printers.
- 8.8 It is anticipated that further savings can be achieved through reduced printing. This will be assisted by other projects such as the Electronic Document extension and implementation of Northgate Revenues and Benefits. Internal communications and publicity will also be used to ensure all users consider the cost, financial and environmental, of printing.

9.0 IMPLICATIONS

9.1 The following implications have been identified:

a) Financial

There will be a capital spend of approximately £800 from the ICT capital programme to procure the Papercut print management solution. This is within officer delegation levels.

The managed print service proposed to be procured from Alto Digital will be revenue spend. This proposed arrangement is pay-per-page printing.

The cost per page, inclusive of all toner, servicing and support, for this proposal will be:

- 1.19p per monochrome print
- 5.9p per colour print

Based on the volumes of monochrome and colour print produced by the Council, the managed service will cost £23,263 a year. The total contract value over 5 years is £116,316. This would be payable monthly and the amount charged would be for the actual number of prints produced, so the cost can fall further as users printing habits change.

There will be some savings in 2010/2011, which were not budgeted for and a full year impact in 2011/2012 which will assist in balancing the budget. With the uncertainties over future funding levels such efficiency savings are important in protecting services.

b) Legal

As the proposed agreement would be called-off the national Buying Solutions OGC framework contract it will need agreement from the Councils Chief Financial Officer (Section 151 Officer) and Council Solicitor to forego the traditional tender approach as per section 13.10 of the Council standing financial orders. This procurement approach has been recommended following

consultation with the Council's Procurement Partnership.

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

Some of the current fleet of printers are approaching 10 years old and printers of this generation do not have modern power management features. The Kyocera machines that are proposed to replace the existing fleet are popular for their low environmental impact. Replacing the current fleet with the proposed solution, will generate a significant power saving. This will reduce the Council's annual electricity cost by £1,800. This will also reduce the annual cO2 output of the Council by 9.4 tonnes.

The proposed supplier will undertake to provide operational training on each of the new devices to staff in each Council department.

10.0 NEXT STEPS

- 10.1 Following member approval, a project plan will commence to deliver the solution, with implementation through July and August 2010.

Clare Slater
Head of Organisational Development

Author: Joe McGill, Project Manager - Transformation
Telephone No: 01653 600666
E-Mail Address: joseph.mcgill@ryedale.gov.uk

Background Papers:

None.

Background Papers are available for inspection at:

N/a.

BUSINESS CASE

Name of the Project
Printer Rationalisation INF – 4
Reasons for undertaking the Project
<p>Currently Ryedale District Council (RDC) has a lease agreement which provides corporate photocopying functionality through the print room and 2 other locations through Ryedale House. This contract also provides a networked print facility, however this is not currently widely used due to a lack of end user knowledge and difficulties accounting to departments.</p> <p>Currently the bulk of RDCs printing need is met through a fleet of 63 desktop printers of varying specifications and sourced from various manufacturers. Some of these devices are almost 10 years old and very few devices use the same consumables. This has lead to very expensive desktop printing which currently costs RDC £45,728 a year (2.3p per b/w sheet, 11.87p per colour sheet)</p> <p>Currently ink/toner and paper for printers are all ordered within departments from various suppliers resulting in various prices and an expensive process using large amounts of staff time.</p> <p>The support of printers is currently down to RDC's IT department which is already at capacity.</p> <p>Due to such a large feet of aging printers RDCs stock is quite energy inefficient, some older machines do not even utilise a low power mode. The current printer fleet is costing approximately £1,800 a year in electricity used, which also has a knock-on effect on RDC's cO2 emissions.</p>
Options which have been considered
<p>Option 1 - Preferred Option – Implement Papercut Print Management Software along with Alto Digital Printer Managed Service over 5 Years.</p> <p>This would mean replacing all of RDCs current network printer fleet (with the exception of some legacy devices supporting systems in the process of being removed) of 63 printers with 21 modern devices strategically placed throughout Ryedale House, with the option to add the depot and area offices. These devices would sit along-side the existing Ricoh devices, which would still provide copy functionality.</p>

The 21 new devices would all be leased and RDC would pay per print. All support and maintenance of the device would be included.

By implementing a Papercut , which is a device independent Print job management and accounting solution, RDC will be able to get the best of both worlds, printing seamlessly between the corporate Ricoh copiers and the 21 new devices. The software can be set up to automatically route jobs for cost effectiveness. i.e all jobs over 50 sheets get routed automatically to the print room. By using papercut to track usage each department can be accountable for their costs making recharging simpler.

Option 2 - Implement Papercut Print Management Software along with Alto Digital Printer Managed Service over 3 Years.

Implementing a managed service over 3 years would not generate the same level of saving, however it would give us a lease that along with our existing copier lease expired around the time Scarborough's agreement with Danwood expired, allowing for a joint procurement.

Option 3 – It would be possible to use Danwood, another print supplier, to provide all print and copy functionality, though this would not generate the same level of savings.

Option 4 – It would also be possible to purely use Papercut to redirect print to the Print Room, replacing the most expensive network devices internally. This would not generate significant savings and would be a burden on IT support.

Expected Benefits

- Implementing the Papercut Print Management Software along with and Alto Digital Printer Managed Service over 5 Years will save £22,467 per year, £112,332 over 5 years.
- Moving to a managed service will remove the current printer support drain on internal IT resources at a time of much ICT change.
- The reduced power consumption, as well as saving £620 per year in energy, will also reduce cO2 emissions.

Summary of key risks

There is a risk that service are disrupted through a lack of print through transition, however this is mitigated against by having the back up of the Ricoh copiers.

There is a risk that through proving new printers RDC is seen to endorse a 'print what you like' culture. However this will be challenged through the change of printer locations, the removal of personal devices and the use of system policies to make most effective use of hardware. The introduction of a Document Management system will also support the change in culture.

Estimated Costs

There is a one-off Capital Cost in procuring Papercut of £600, this is well within Officer delegation limits.

The revenue cost of moving to a 5 year managed service with Alto Digital will be £23,263 a year. Total contract value of £116,316.

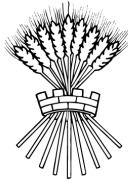
Estimated timescales

As the supplier and prices are part of an OGC framework contract. They can be procured without committee approval, if approved by the Authorities Section 151 Officer and Solicitor. This enables a July implementation to maximise savings.

Author/Date

J. McGill Jun 2010

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PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	24 JUNE 2010
REPORT OF THE:	CORPORATE DIRECTOR (s151) PAUL CRESSWELL
TITLE OF REPORT:	ICT PROGRAMME - APPROVALS
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To seek Member approval of the recommendations from the ICT Programme Board for projects outside the scheme of officer delegation.

2.0 RECOMMENDATION

- 2.1 It is recommended that the following projects are procured in line with the Council's Standing Orders:
- Cash Receipting and E-payment
 - Financial Management System Replacement

3.0 REASON FOR RECOMMENDATION

- 3.1 The ICT Programme Board has examined the attached business cases and has recommended them for approval as appropriate to the progression of the Council's ICT Strategy.

4.0 SIGNIFICANT RISKS

- 4.1 Failing to implement the upgrades would leave the Council at risk of financial loss and unable to ensure efficient delivery of services.
- 4.2 The risk matrix is attached at Annex A.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 The Council's ICT Programme Board reviewed the Council's ICT applications in the

light of the ICT Strategy drawn up by a Socitm consultant in September 2008 and developed an ICT Programme Plan.

5.2 The Council agreed a provisional expenditure in the capital programme 2009/2012 to upgrade key infrastructure and systems to provide longer-term efficiency savings.

5.3 The ICT Programme Plan has been further developed into a workstream schedule, drawing upon Council priorities and from this a number of projects requiring approval by Members, being of a value greater than delegated limits, are presented for Member approval.

6.0 POLICY CONTEXT

6.1 The ICT Programme is an essential foundation for the delivery of the Corporate Efficiency Programme within the Council Plan; being needed to facilitate services and partners in the delivery.

7.0 CONSULTATION

7.1 None.

8.0 REPORT DETAILS

8.1 The ICT Programme Board has considered a number of business cases for projects identified as priorities in the Programme Plan.

8.2 Although each project is identified here independently, there are, of course, interdependencies that have to be considered in the sequencing of projects.

8.3 The business case for each project is attached as Annex B to this report.

9.0 IMPLICATIONS

9.1 The following implications have been identified:

a) Financial

The cost of the projects will be met from the capital programme 2009/12. The implementation will deliver revenue savings to the Council.

b) Legal

The procurements for the projects will take place within Council Standing Orders.

c) Other

There are no other implications.

Paul Cresswell
Corporate Director (s151)

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Background Papers: Ryedale District Council ICT Strategy September 2008

Background Papers are available for inspection at: Ryedale House – ICT Services

ICT PROGRAMME PLAN RISK MATRIX

Issue/Risk	Consequences if allowed to happen	Likelihood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
Risk of charge against Council through lack of PCI-DSS compliance	Financial cost to the Council.	4	D	Implement cash receipting system replacement.	1	A
Council unable to deliver proper financial management due to unsupported system	Financial cost to the Council, poor accountability and adverse external inspection	4	D	Implement upgrade to Council financial management system.	2	B
Council unable to maximise value for money due to inefficiencies in financial management	Financial waste and adverse external inspection.	4	C	Implement upgrade to Council financial management system.	2	B

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

BUSINESS CASE

Name of the Project
Cash Receipting & E-payments
Reasons for undertaking the Project
<p>Cash Receipting - Existing Capita system hardware and software installed July 2003 and does not comply with PCI/DSS security standard (for credit/debit card payments) which, along with its REMIT exchequer system, may result in surcharges by bank. The preferred solution would also include Internet payments and 24/7 telephone payments (Voice recognition/touch tone). The exchequer system is the remaining application running on an elderly Unix server.</p> <p>Internet Payments - The following Internet payment options are being used: Worldpay (for Planning Portal and ELMS), Government Gateway and Alliance & Leicester's BillPay (debit cards only). As part of the cash receipting system upgrade it may be possible to rationalise the three Internet payment systems into a single one through the new system.</p>
Options which have been considered
<p>A consultant was employed for five weeks during April/May 2010 to examine the available options for cash receipting, e-payments and the financial management system in the light of changing national financial controls, along with local system changes.</p> <p>An ideal solution would also involve Internet payments and 24/7 telephone payments (Voice recognition/touch tone)</p> <p>The following options were identified:</p> <ol style="list-style-type: none"> 1. Upgrade to current Capita with upgraded REMIT (AIM) on-site – this would require major security upgrades to Council network infrastructure to gain compliance. 2. Upgrade to current Capita (hosted by Capita) with AIM and 24/7 telephone payments (Voice recognition/touch tone) – risk transferred to hosting authority. 3. Go to market – consultant researched available solutions on market.
Expected Benefits
<ol style="list-style-type: none"> 1. Council is currently not PCI/DSS compliant and could be seriously charged by bank. 2. Part of cash receipting hardware is seven years old
Summary of key risks
Solution needs to cater for PCI/DSS controls (now & future) – Council currently not PCI/DSS compliant – there is the potential for Bank surcharging as a result of risk.
Estimated Costs
<p>Phase 1</p> <p>Capital cost & implementation to hosted cash receipting solution - £44,828 Annual maintenance - £7,152</p> <p><i>Existing costs (potential savings)–</i> Capita annual maintenance £9,090 (Licence expires November 2012) Annual maintenance on Sun Server for REMIT £5,000/annum – server near obsolete</p>

Phase 2

Internet & automated telephone payments

Capital cost £16,950, Annual maintenance £3,500

Existing costs(potential savings) - Software AG annual support (E-payments, ISF and BC) £17,522 + £4,961 (DIS box annual maintenance) + £5,250 (Government Gateway annual charge) plus transaction costs. Total £27,733/annum

Financial Summary

Capital Cost c. £70k

Revenue savings possible c. £30k p.a.

Estimated timescales

Three/four months implementation to be scheduled around interdependent ICT investment.

Author/Date

Paul Cresswell

BUSINESS CASE

Name of the Project
Financial Management System Replacement
Reasons for undertaking the Project
<p>The current financial system is Radius Powersolve, which runs on a Unix server. This was originally installed in 1997. Powersolve, as an application, was replaced by Civica Financials, operating on the Microsoft platform, some years ago and hence, although currently supported, Powersolve is obsolete and the hardware is obsolescent. It is likely that the support for this system will not last indefinitely.</p>
Options which have been considered
<p>Consultant investigated options:</p> <ol style="list-style-type: none"> 1. Upgrade existing platform with Civica. 2. Move to another supplier – choices in market include <ul style="list-style-type: none"> • COA Solutions (as used by Hambleton, Richmondshire, Selby partnership) • Agresso • TechnologyOne (Scarborough BC) <p>The preferred option was 1. due to cost and time implications of changing supplier. Moving to another supplier would require a full EU tender process as the expected cost would be above £150k, the cost to Scarborough of their installation is c. £200k. Should an alternate supplier be chosen significant additional project management costs would also be incurred.</p>
Expected Benefits
<p>Improved linkage with Civica e-procurement module</p> <p>Improved links with new/existing applications e.g. cash receipting, Northgate revenues & benefits</p>
Summary of key risks
<ol style="list-style-type: none"> 1. Existing hardware has maintenance but is old. Software supported by supplier but uncertainty over sustainability of this support. 2. Not fully compatible with e-procurement module but upgrade will be. 3. Interfacing of elderly software to newer applications can lead to cost implications and inefficiencies.
Estimated Costs
<p>The capital cost of the upgrade including project Management would be c. £90k</p> <p>The system would be broadly revenue neutral, however installation could enable further efficiencies in operations to be identified leading to cashable savings.</p>
Estimated timescales
<p>Upgrade to the system would take approximately 3/4 months. The timing would need to take into account other ongoing projects together with the budget and financial reporting timescale the Council works to.</p>
Author/Date
Paul Cresswell – June 2010



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	24 JUNE 2010
REPORT OF THE:	HEAD OF ECONOMY AND HOUSING JULIAN RUDD
TITLE OF REPORT:	WENTWORTH STREET CAR PARK, MALTON
WARDS AFFECTED:	MALTON DIRECTLY, ADJACENT WARDS INDIRECTLY

EXEMPT INFORMATION

Exemption Category: Certain information in Annex B of this report is considered to be exempt as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

Reason for Exemption: The information relates to the financial or business affairs of a particular person.

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.

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 To consider outcomes of market testing into prospective sale for redevelopment of Wentworth Street Car Park, Malton, and to approve the disposal of the land through the tendering process as detailed in the report.

2.0 RECOMMENDATIONS

2.1 That Council be recommended to approve:

- (i) invitation to a restricted list of the 7 parties set out in Annex B of this report who have expressed interest in purchase and development of Wentworth Street Car Park and adjoining land to submit informal tenders for a purchase of Wentworth Street Car Park and adjoining land (as shown at Annex C) on the following basis:
 - a) a 250 year leasehold interest will be offered;
 - b) the timetable detailed in this report will be adopted for the process;

- c) the overarching criteria against which the tenders will be judged will be as detailed in this report;
 - d) the Head of Economy and Housing be given delegated authority to draw up the detailed Invitation to Tender document based on the terms outlined in this report.
- (ii) submission of a further report to a Special meeting of Council, following receipt and appraisal of the tenders by an officer panel, recommending a preferred tender and seeking final authority to proceed to sale.

3.0 REASON FOR RECOMMENDATIONS

- 3.1 The market testing exercise that was approved by Council on 9 July 2009 has shown that there is healthy market interest in purchase of the Wentworth Street Car Park and adjoining District Council-owned land for redevelopment, in tandem with provision of a sizable car park to serve both the development and the wider town centre. The sale would lead to a significant capital receipt. This could be used by this Authority to fund capital projects, including regeneration and community projects in Malton and Norton and across Ryedale. This approach is consistent with the efficient use of Council assets and is in line with asset management good practise. The expressions of interest received suggest that the site could accommodate forms of development that would strengthen Malton's role as the rural capital of Ryedale, however these and other planning issues would be assessed through an entirely separate planning analysis of any application submitted for this site.

4.0 PROCUREMENT VS LAND SALE

- 4.1 In deciding what process to follow the Council must first consider the outcome it requires to achieve in the sale of this site and the level of control that the Council wants to exercise over what may happen to the land in the future. It is understood that the Council essentially requires a good return for the disposal of this land to fund other projects but also requires the land to be utilised in ways that are supportive of the objectives of emerging planning policy. Any development of this land must first obtain planning permission and will thus be subject to the full scrutiny of the planning committee. Under the proposals set out below the Council can further provide that if the land is not developed it must be returned to the Council.
- 4.2 On that basis it is considered that a land sale is the most appropriate process to follow. However, in order that the Committee has an understanding of the broader issues, this report indicates how different rules apply to procurement and land use in general terms.
- 4.3 The Council is bound by the Public Contract Regulations 2006 ("the Regulations") that apply where a contracting authority wishes to procure works or services above a minimum threshold value. In those situations the authority must comply with detailed rules set out in the Regulations designed to open up such opportunities to interested parties from across the European Community and to ensure fair competition. Those Regulations include a requirement for the opportunity to be advertised in the official European Journal and there are very clearly prescribed steps to be taken at every stage of the process through to final award.
- 4.4 Further, in December 2009 the Public Contracts (Amendments) Regulations 2009 came into force introducing important new remedies which the UK Government and courts can impose on authorities that are deemed to have infringed the Regulations.

These include a power for a court to declare a contract entered into with a bidder in good faith but without fully complying with the Regulations as “ineffective” or void. Such a declaration could have a significant adverse financial consequence for an authority and accordingly these new regulations taken together with EU court decisions mean that authorities need to take particular care in managing procurement competitions strictly in accordance with the letter of the Regulations.

- 4.5 Where, however, all an authority wishes to do is to sell land to a bidder without prescribing any form of development such a transaction (“a Land Sale”) generally falls outside the detailed Procurement Regulations.
- 4.6 The Council at this stage has the option of either seeking to proceed down the route of a Works Procurement or a Land Sale.
- 4.7 With a Works Procurement it could spell out what it wants a tendering party to provide on the site and can seek to retain control over the timing and manner of development. But to go down this route the Council would need to follow the Regulations strictly. Generally speaking following these rules may be expected to delay the process and significantly increase the cost of the process for both the Council and the bidders who are willing to participate in the process. Experience in other cities and regions show that many bidders simply decide not to enter competitions run under the Procurement Regulations because of the time and financial costs involved and there is thus a real danger that going down this route would involve significant delay and may also reduce significantly the number of bidders who would come forward with proposals for the Council’s consideration.
- 4.8 In the light of the nature of the Council’s requirement a land sale is considered the appropriate approach where bidders are invited to come forward with their own proposals for what they intend to build on the land. Proceeding down this route the Council can still consider in assessing the bids the nature of the proposals each bidder would like to provide and the prospects those proposals have of getting planning permission as those are perfectly proper criteria for deciding which bidder the Council would like to sell its land to.
- 4.9 The Council would then be entitled to rely on exercising its separate planning powers to ensure that the scheme presented by the winning bidder can only proceed if it meets fully the standards that the planning authority would require for the development of this important site.
- 4.10 The Committee is therefore recommended to follow the Land Sale route. Your officers believe that this will deliver the best result for the Council ensuring the most effective competition and ensuring a more timely and less expensive route to deliver the outcome the Council wishes to achieve.

5.0 SIGNIFICANT RISKS

5.1 Procurement Risk

Over the last three years not only have the new 2009 Regulations been introduced but there have also been a spate of legal decisions in the European courts where authorities have been challenged for not following the Procurement Regulations in circumstances where they should have done. It is therefore important that if the Council determines to take the Land Sale route outlined in paragraph 4 then the decisions it takes and the way it runs the tender which is intended to lead up to the Land Sale must be structured as a Land Sale and the Council needs to avoid the

risk of straying into territory where it could be challenged for “dressing up” what is really a Works Procurement as a Land Sale.

5.2 Mixed Messages

There has been much debate both by the public and Members about the advantages and disadvantages of redevelopment of this area of land. There is a risk that the Council’s reputation would suffer if its considerations are not comprehensive or its decisions not fully explained. In addition serious expressions of opposition by Members could concern prospective developers and adversely affect land value and timings.

5.3 Fair Competition

Irrespective of whether the Council goes down the Works Procurement or Land Sale route the Council is obliged to act in a fair and transparent manner in its dealings with third parties. This means that if it is to run a tender competition for the sale of this land whether formal or informal it must be transparent in spelling out the rules for the competition and then abide by those rules when it comes to judging the competition. If in judging the competition other considerations not set out at the outset were taken into account an aggrieved bidder could properly challenge the Council for acting in an unfair manner which has prejudiced that bidder’s chances in the competition.

5.4 Best Consideration

In disposal of most of their property assets local authorities are required to seek “the best consideration that can reasonably be obtained”. In deciding what is the best consideration for land the Council is entitled to consider not only the price being offered but what the land will be used for so that the overall benefit to the Town and its residents is taken into account and not just the price. Further the disposal may proceed at less than best consideration if the difference between the “unrestricted” and “restricted” value is not more than £2m. Otherwise the consent of the Secretary of State is required. The risk for the Council is non-compliance with these requirements unless due care is taken in the exercise.

5.5 Mitigation measures proposed to be adopted are (see Annex A):

- to seek legal opinion of the proposals in the report to ensure that EU regulations are not breached;
- the tender evaluation and appraisal process will take account of the need to satisfy “best consideration” requirements;
- rules for the tender, the criteria to be applied in assessing bids and the weighting to be given to those criteria should all be specified in the Invitation to Tender document and fairly used in assessing bids once received;
- Council consideration is conducted in public, any final decisions will be subject to public scrutiny in the usual way and, as no development can be undertaken without planning consent being granted, the public consultation exercises which form an important part of the entirely separate planning process will ensure full public awareness and participation.

6.0 BACKGROUND AND INTRODUCTION

6.1 Following consideration of a report by Policy and Resources Committee on 25 June 2009 and a recommendation to Council (Minute 17), Full Council resolved (Minute 22d) on 9 July 2009 ‘*That expressions of interest be invited for the purchase and redevelopment of either the whole or part of the Wentworth Street Car Park Site (as shown on the plan at Annex A to the report) for future use, and that following the*

receipt of such expressions, the matter be referred back for consideration.' The report considered by Members proposed that *“developers are advised that the Council’s consideration, as landowner, of submitted proposals will include reference to the following factors, in addition to the value that would be raised through the land asset:*

- *The amount and type of parking to be provided, including during construction – proposals should support the vitality of the wider town centre and encourage linked trips to retailers and services in Malton and Norton;*
- *The wider regeneration benefits for Malton town centre;*
- *The integration of the scheme with the town centre and the urban design and transport impacts;*
- *The extent to which the proposals can help achieve benefits for the local economy and community.*

6.2 All these factors can be taken into account in assessing the bid that the Council wishes to accept in a tender run to secure a Land Sale. However, the Council will independently assess them in its capacity as planning authority when the successful bidder makes its planning application.

6.3 On 15 December 2009 Council considered a report upon the Local Development Framework (LDF) that included various references to food and non-food development in Malton and approved preferred options for the Core Strategy for consultation.

6.4 This report advises Members of the actions that have since been taken and sets out the next steps.

7.0 POLICY CONTEXT

7.1 To create the conditions for economic success is one of the five priority aims of this Council, and this aim includes objectives of creating opportunities for people and for economic activity and infrastructure. The Service Aims for Economy and Housing include ‘Enable economic activity and support transformational projects’, under which are a range of projects to enhance economic activity and service provision at Malton and Norton and the other market towns. These include currently unfunded projects. Any capital receipt obtained from this site has the potential to support projects that deliver each of the Council’s priorities, including meeting housing needs and a maintaining a high quality sustainable environment.

7.2 The Council also has responsibilities as a local authority landowner to ensure best utilisation of its assets. Government guidance to local authorities on asset management advises local authorities to “ensure that they secure better value for money whilst making more effective use of their asset base as the foundation for delivering high performing public services” (Building on Strong Foundations - A Framework for Local Authority Asset Management - DCLG - Feb 08). The Framework also makes clear that “Effective asset management plays a major role in delivering better outcomes for citizens, creating a sense of place and generating efficiency gains. Asset management should underpin, and contribute to, delivery of the local vision and priorities as set out in the Sustainable Community Strategy, the Local Area Agreement and the Local Development Framework.” Furthermore, “Not only are local authorities expected to achieve sustainable communities, but they must do so in the most efficient way possible. Local authorities are encouraged to rethink the mechanisms by which services are delivered and release inefficiently used capital and revenue, which can then be reinvested in public services” (Local

Authority Asset Management Best Practise, RICS 2009). The Audit Commission (Room for Improvement, 2009) warns that, in the current economic climate, councils will need to do far better in managing their assets, if they are to achieve expected savings and maintain services in the coming years.

- 7.3 Whilst the planning assessment of any application or LDF submission for the Wentworth Street site is an entirely separate process to the sale of Council owned land, that process will take into account decisions made regarding the emerging Ryedale LDF at Full Council on 15 December 2009. These include that Malton and Norton should be the district's principal town and first in the hierarchy for housing, employment and retail development. Consultation on the LDF will take place on the basis of Malton and Norton accommodating at least 50% of housing development in the LDF period, plus 80% of Ryedale's employment development and 70% of retail development.

8.0 CONSULTATION

- 8.1 The entirely separate process of assessing any planning application and / or LDF submission regarding this site will take account of consultation previously undertaken regarding Malton town centre, including the extensive consultation regarding the Malton Town Centre Strategy and the Ryedale Retail Capacity Study. Any planning application that followed acceptance of a tender for this site would require a pre-application consultation by the applicant and additional consultation as part of the application consideration. Similarly, any LDF proposals for this site would require public consultation and offer the potential for consideration at a Public Examination.

9.0 REPORT DETAILS

- 9.1 An advertisement was placed in The Estates Gazette inviting interest from potential developers in the opportunity which the site provides. A healthy response to this advertisement was received and this enabled discussions to be held with a number of experienced developers, who acted for a variety of potential clients with a requirement for Malton. These discussions showed that developers were interested both in the Car Park and in a smaller area of adjoining land owned by the District Council on the north-western edge of the Car Park. The subsequent expressions of interest received reflect this and this area is proposed to be included within the area for which tenders are now invited. The Council is working with existing tenants to ensure their satisfactory relocation.
- 9.2 All the expressions of interest received included proposals for supermarkets of different scale, design and quality, mostly in conjunction with other forms of development. As required each has included an initial assessment of the car parking numbers. The schedule attached (marked as EXEMPT) at Annex B provides an overview of the various indicative proposals, including proposed car parking. Although these proposals are only indicative and the levels of parking vary this shows that the majority of bids actually involve an increase in car parking numbers currently available at the site - providing a good degree of confidence that car parking numbers can be maintained or increased through disposal and subsequent development of the site.
- 9.3 The interested companies have indicated the likely level of offer they would be able to make and outlined their development proposals if invited to tender for the land. It is consequently possible to expect that sale would achieve a substantial capital

receipt. This could help the Council to deliver a number of desired projects or used for match funding and a development that should help meet the emerging aspirations of the Council as set out in the Ryedale LDF and the Malton Town Centre Strategy.

- 9.4 Now that a detailed market research exercise has been undertaken, Members are in a position to consider with confidence, as owner of the land, that a successful tender exercise could be undertaken that should result in a substantial capital receipt. Further, the likely consequence of such a sale would be a redevelopment which, subject to planning consent, accords with the aspirations of the emerging Ryedale LDF and the Malton Town Centre Strategy.
- 9.5 The components of the tender process would be:
- tenure
 - offer price
 - other considerations:
 - development proposals, including car parking issues
 - deliverability
 - buy back.

Timeframe

- 9.6 The best timeframe that could be envisaged following the Land Sale route is:
- Submission of final tenders by 17 September 2010;
 - Appraisal and evaluation of tenders by officer team;
 - Report to Special meeting of Council (to be held by 30 November 2010) for approval of preferred tender and authority to proceed to sale;
 - Negotiation and exchange of land sale agreement (which is likely to be conditional on the grant of a mutually satisfactory planning consent) by 31 January 2011.
- 9.7 The purchaser would then be able to finalise and submit a detailed planning application for consideration in the usual way by the Council as local planning authority. Provided that planning consent is obtained the disposal would be completed and the sale consideration paid to the Council.
- 9.8 The companies who have expressed an interest have all indicated that they can meet the suggested deadline for submission of tenders, despite the timetable being tight and including the summer holidays.

Tenure

- 9.9 Disposal of land can be undertaken on either a freehold or leasehold basis. There are a number of advantages and disadvantages of each and the particular circumstances of each transaction need to be considered. Where the vendor has no interest in the parcel of land or property once he has disposed of his interest and has achieved the full value, a freehold disposal is usually best. Where, however, the vendor has a continuing interest consideration should be given to a leasehold disposal. In particular where there are conditions imposed by the vendor these are more easily enforced by way of the covenants in a lease than by the enforcement of restrictive covenants in a transfer.
- 9.10 In the present case it is considered that a leasehold disposal should be undertaken so that enforcement of conditions in the disposal (such as the continued use of part

of the site for public car parking pending redevelopment) is easier to achieve. An additional benefit would be the fact that the Council as freehold reversioner could reserve the right to be consulted about any future redevelopment of the site.

- 9.11 As part of the review of the received expressions of interest, each party who expressed an interest has advised that they would be willing to proceed on the basis of a long leasehold. A number of the interested parties have commented that they would be prepared to proceed on a 125 year term basis and others on a 250 year basis. The main issue is the approach that funders might have towards the length of term. As the rationale for a leasehold sale is principally the ability to enforce any long term occupational covenants, the length of term is of secondary importance to the Council. It is consequently suggested that a 250 year term is acceptable.
- 9.12 It is clear that the parties that have expressed an interest in the Site would all be prepared to make a better offer to the Council if their offer is conditional upon them securing an acceptable planning permission for the scheme they have in mind. There is an additional benefit to the Council in agreeing to this. If the purchaser does not get planning permission for their scheme ownership of the Site reverts to the Council. It is recommended therefore that the Site is offered for sale conditional upon planning permission being applied for and granted within a reasonable period.

Offer Price

- 9.13 In consequence of the development risks which a developer faces between the date it commits to buying a site and the date it is finally able to sell the investment created by building and letting a scheme, a developer is often willing to propose a two part consideration for the land made up of a fixed sum payable upon transfer of the site and an overage payment which is usually a percentage of the final development profit. If an overage is offered it is possible that the fixed sum may be less than would be the case without an overage arrangement but, if the scheme is profitable, combining the Land Sale price with overage can lead to a higher return for the Council in the long term. Some developers are however uncomfortable with overage arrangements as they can be complicated and expensive to agree. It is proposed for the tender process that bidders be invited to put forward offers either on the basis of a fixed consideration alone or with an overage. Their tenders will need to describe the mechanics and elements of the overage to enable comparisons to be made in the tender appraisal.

Other Considerations

- 9.14 In order to appraise the tenders there are a number of other factors that will need to be taken into account and the tenderers required to set out in their bids:
- Development Proposals – in assessing the bids the Council will want to form a realistic assessment of the prospects of the bidder's proposals obtaining planning permission. As proposed in the June 2009 report the tenders should set out the nature of their proposals for the site including the extent of car parking provision.
 - Deliverability – whilst the Council will not be prescribing any particular form of development or programme for that development, it is entitled to ask the bidder to spell out its experience, track record and likely source of funding for carrying out the development and its intended programme as these are relevant factors in determining what is likely to be the outcome for the town if that particular developer's offer is accepted.

- 9.15 As indicated above when proceeding down the Land Sale route the Council cannot seek a legal commitment from the bidder to carry out a particular development within a particular timeframe. However there is authority and Government guidance which suggests that an authority can impose a term in a sale contract which would provide that if the parcel of land sold has not been redeveloped within a particular timeframe then the Council should have the right to buy back the site at a future date. It is recommended that such a term should be a condition of this sale. The period of time allowed for the developer to carry out its development should not be too short as there is a risk that this would have a significant adverse impact on the price a developer would be willing to pay for the site. It should be seen only as a long stop measure of protection for the Council.
- 9.16 Eight detailed expressions of interest (from seven parties) were received and have been appraised in accordance with the 25 June resolution. One was based upon a development proposal that is clearly undeliverable due to its floorspace requirement which substantially exceeds the maximum threshold for retail (convenience) floorspace as set out in the Town Centre Strategy and LDF. As there are no over-riding reasons for elimination of any of the other interested parties it is proposed that the developers identified in Exempt Annex B be invited to submit formal tenders.
- 9.17 Before embarking on a Land Sale by way of tender a decision is required whether formal or informal tenders should be invited. A formal tender process is a very tight and rigid exercise with limited opportunity for exploration by discussion with the tenderer of their proposals. Its focus would be the land price and all parties would be committed once the tender has been accepted. It would effectively prevent bidders from coming forward with innovative financial proposals that the Council might find attractive. An informal process is more flexible and would allow more clarification of details and possible improvement to the proposals. Legal commitment to the tender would not occur until an agreement for lease has been completed. It is proposed that the informal tender arrangement is more appropriate in this case and that all eight parties that expressed an interest in response to our original notice should be invited to participate.
- 9.18 In order to ensure that the Council complies with its obligations to run a fair and transparent competitive process, that it receives an equivalent level of information from each bidder which is sufficient to enable it to fully understand the bidder's proposals and to ensure that the timetable suggested above is achieved, the Council needs to explain very clearly in the Invitation to Tender document the criteria being used to assess and measure bids. It will then need to ensure that in considering the bids those criteria, and only those criteria, are used to measure and compare the bids and select the preferred bidder. Many authorities have been successfully challenged where they have embarked on a competition on the basis of one set of rules and then been influenced in judging the competition by other considerations.

- 9.19 It is therefore proposed that the overarching criteria and weighting for the Land Sale tender should be agreed as follows:

Criteria

- Price;
- Development proposals: what is the nature of the proposal and how likely is it to get planning permission? This will also involve a consideration of the effect of the bidder's scheme on the provision of public car parking;
- Deliverability; how confident can the Council be that what the bidder proposes will happen within a reasonable timeframe?

Weighting

It is proposed that scores should be weighted 60:40 (Price to Other Factors) and that the Other Factors should be divided as follows:

- Development proposals 30
- Deliverability 10.

- 9.20 Tenders will be appraised by a panel of officers from: Corporate Management; Economic Development; Finance; Property; and Legal, on the basis of the criteria set out in the Invitation to Tender document. The tenders will go through an initial compliance test prior to being fully appraised. The tenderers which pass that test will be invited to give presentations of their proposals to the panel which will then complete the appraisal exercise and reach a conclusion based on the above criteria and weighting for recommendation to an Special meeting of Council.

10.0 IMPLICATIONS

10.1 Financial

Disposal of Wentworth Street Car Park would generate a significant capital receipt for the Council. This could be reinvested in other capital projects e.g. economic development / regeneration priorities at Malton / Norton and elsewhere in Ryedale. In contrast, disposal of the car park would result in around £40K p.a. of lost net revenue for the Council. The Council is working with tenants of the Site to ensure their satisfactory relocation. This is not anticipated to lead to a material change in Council income.

10.2 Legal

It is important to ensure that the roles of the Council as vendor and planning authority are fully separated in this exercise. The Council as vendor may not influence the planning process in any way.

Procurement issues are another area for caution. It is important to recognise that a simple disposal by way of a Land Sale is being proposed and that the Council's control over the final details of the development scheme are by way of the planning process. If the Council wishes to seek a legal commitment from a buyer to carry out a particular development within a set timeframe then the scheme will be caught by the EU procurement regulations. Advice from the Office of Government Commerce states that "*where a contracting authority invites a developer or developers to submit their own proposals for the use or development of land or buildings, (competitively or otherwise) but without itself specifying the requirement, the public procurement rules may not apply, even if the contracting authority chooses the "winning" proposal (according to broad criteria pre-determined by the authority).*" Note the use of the words "**may not**" rather than "will not". If the Council's actions were challenged on the grounds that this transaction amounted in truth to a procurement of works

dressed up as a Land Sale all the circumstances including minutes of Council meetings could be reviewed to ascertain the real nature of the transaction. In the case of Wentworth Street Car Park it is not intended that the Council specifies the type of development, only the broad criteria against which the informal tenders will be judged, and so officers consider that provided that the recommendations set out in this report are followed the public works procurement rules will not apply.

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

There are some ongoing issues with anti-social behaviour at Wentworth Street Car Park and the Safer Ryedale Partnership works with the District Council and others to manage these. If the result of the sale is the redevelopment of the site then that would have the potential to reduce these problems and crime related aspects of the proposed design would be assessed in relation to any subsequent planning application.

10.4 There are potential implications for the extent of staff support required if there were to be no District Council involvement with the future management of the car park. The implications for parking provision would be assessed as part of analysis of formal bids for the site.

10.5 In considering this report the Committee is not discharging the Council's role as a Local Planning Authority but it is discharging the role of the Council as a landowner of Wentworth Street Car Park. There will be an entirely separate role for the Council as local planning authority in assessing any planning applications and / or LDF submissions that may arise as a result of the proposed property transaction.

Julian Rudd
Head of Economy and Housing

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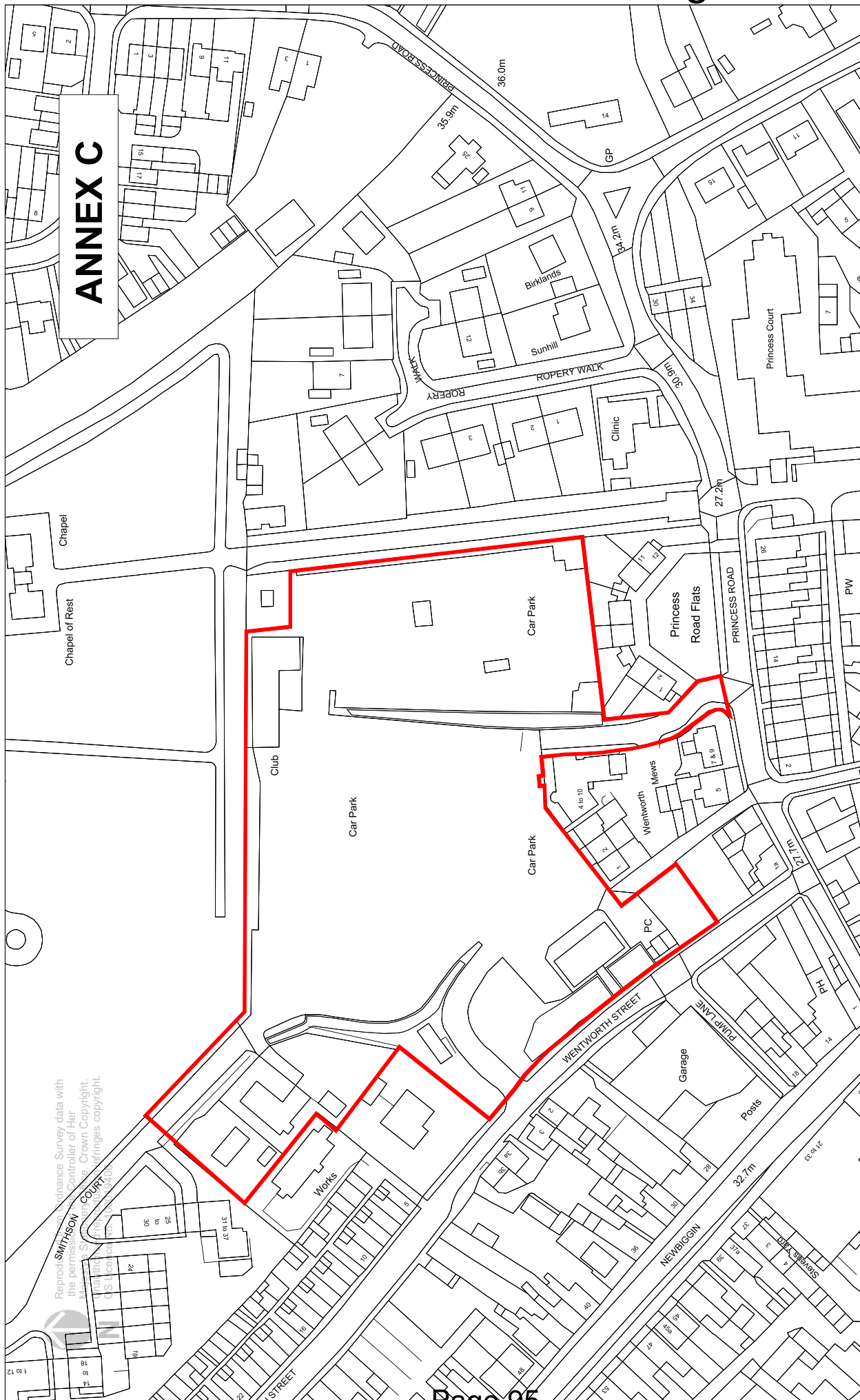
Background Papers:

- 'Wentworth St Car Park' report and minutes, 25 June 2009 P&R Committee 2009 and Full Council 9 July 2009
- 'Malton Town Centre Strategy & Accompanying Development Briefs' report, Policy & Resources Committee, 2 April 2009 (Minute 397 & Minute 10a of Full Council 21 May 2009 refers).
- Building on Strong Foundations - A Framework for Local Authority Asset Management - DCLG - Feb 08.
- Local Authority Asset Management Best Practise, RICS 2009.
- Room for Improvement, Audit Commission, 2009

Background Papers are available for inspection at:
<http://democracy.ryedale.gov.uk/uuCoverPage.aspx?bcr=1>

WENTWORTH STREET CAR PARK - RISK MATRIX – ANNEX A

Issue/Risk	Consequences if allowed to happen	Likelihood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
Failure to comply with EU Procurement regulations	Adverse audit report Delays to project	4	D	Obtain legal opinion and amend process if necessary to avoid breach of regulations	2	A
Failure to satisfy s.123 Local Government Act 1972 “Best Consideration” requirements.	Judicial review Adverse audit report Legal action by dissatisfied parties Payment of compensation Delay to project	3	D	Ensure final decision takes the requirements fully into consideration.	1	A
Fair Competition	Legal challenge with associated potential delay and cost	3	D	The rules for the tender, the criteria to be applied in assessing bids and the weighting to be given to those criteria to be specified in the Invitation to Tender document and fairly used in assessing bids once received;	2	A
Conveyance of mixed messages	Reputation of council suffers	3	C	Ensure considerations and decisions taken in open sessions and subject to scrutiny in the normal way. As no development can be undertaken without planning consent being granted, the public consultation exercises that form an important part of the entirely separate planning process will ensure full public awareness and participation.	2	B



Wentworth Car Park, Scale 1:1,500 (A4) Malton

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PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	24 JUNE 2010
REPORT OF THE:	CORPORATE DIRECTOR (s151) PAUL CRESSWELL
TITLE OF REPORT:	CHANGES TO THE CONSTITUTION – CONTRACT PROCEDURE RULES
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 This report presents revised Contract Procedure Rules for approval. This follows from consideration by the Constitution Review Working Party.

2.0 RECOMMENDATION

2.1 That Council be recommended to approve the revised Contract Procedure Rules and financial limits which form part of the Financial Regulations.

3.0 REASON FOR RECOMMENDATION

3.1 It is important that the Council's procedure rules are up to date with the changes in service delivery and best practice whilst providing the necessary levels of good Governance

4.0 SIGNIFICANT RISKS

4.1 There are no significant risks in approving the revised rules.

REPORT

5.0 BACKGROUND AND INTRODUCTION

5.1 It is a requirement on the Authority that the Council's constitution is kept up to date. In addition national and local changes to contracting practices necessitate changes to the Council's current rules. Each Authority has their own rules, with no national or sub group of Authority standard set in existence. It should however be noted that most are similar in content.

6.0 POLICY CONTEXT

6.1 The CPR support and govern the delivery of all services and as such are fundamental to the achievement of the Council' Corporate plan.

7.0 CONSULTATION

7.1 None.

8.0 REPORT DETAILS

8.1 The Constitution Working Party considered a report with changes to the constitution at its meeting on the 27 January 2010, where it was resolved:

'That the proposed changes to the Constitution, as set out in Annex A to these minutes, be approved as a basis for the preparation of a revised set of Contract Procedure Rules to be presented to the Policy & Resources Committee.'

8.2 The minutes from the Constitution Review Working Party were considered by this committee on the 1 April 2010.

8.3 Attached at Annex A are the Revised Contract Procedure Rules together with the financial limits as part of the financial Procedure Rules as approved by the Constitution Review Working Party.

8.4 The revised rules include a significant simplification to the financial limits in operation at the Authority. Once approved revised officer guidance and training for relevant officers will be undertaken.

9.0 IMPLICATIONS

9.1 The following implications have been identified:

a) Financial

There are no financial implications in approving this report.

b) Legal

There are no legal implications in approving this report.

c) Other

There are no other implications in approving this report.

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Corporate director (s151)

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Background Papers:

None

Background Papers are available for inspection at:

N/a

(6) CONTRACT PROCEDURE RULES

STANDING ORDERS RELATING TO CONTRACTS

1. Introduction

The purpose of Contract Standing Orders is to set clear rules for the procurement of goods, works and services for the Council. This will ensure a system of openness, integrity and accountability with probity and transparency of the process involved in procurement. In turn this will lead to better value for money and give confidence that the Council is fulfilling its fiduciary responsibilities.

Any dispute or difference as to the interpretation of Contract Standing Orders shall be resolved by the Council Solicitor.

2. Compliance with Standing Orders

2.1 Every contract whether made by or on behalf of the Council must comply with these Standing Orders and the Council's Financial Standing Orders and no exception from any of the following provision of these Standing Orders shall be made unless authorised by the appropriate Service Unit Manager acting under delegated powers or the Council's Policy & Resources Committee.

2.2 Where a Service Unit Manager intends to authorise an exception under Contract Standing Order he/she shall, prior to doing so, arrange for a report to be prepared and submit it for consideration by the Council Solicitor and the Chief Financial Officer. The appropriate Service Unit Manager shall not authorise an exception without having obtained comments and a recommendation from the Council Solicitor and the Chief Financial Officer. If the appropriate Service Unit Manager decides, having considered the comments and recommendation made, to authorise an exception, then that Service Unit Manager shall record the reasons for so doing and forward a copy of the decision and reasons to the Council Solicitor. If the recommendation of the Council Solicitor or the Chief Financial Officer is that an exception should not be made and the Service Unit Manager still wishes to

proceed then that Service Unit Manager shall refer the matter to the Council's Policy & Resources Committee for a decision.

2.3 The Council Solicitor shall maintain a register of all such exceptions.

2.4 National or European Union legislation overrides these Standing Orders.

3. **Conduct of Officers and Members**

3.1 Members must conform to the Ryedale District Council Members Code of Conduct.

3.2 Any officer, member or agent of the Council, whilst acting on the Council's behalf in relation to any contractual matter directly or indirectly concerning the Council, shall conduct themselves in such a manner that the independence and integrity of the Council's procedures are at all times maintained and are seen to be maintained. Failure to observe such standards of conduct will be regarded by the Council with the utmost gravity.

4. **Estimates**

4.1 Before entering into a contract for the execution of any work or the provision of any services estimated to exceed an amount to be determined from time to time by the Council an estimate in writing of the probable expense of executing the work in a suitable manner and of the annual expense of maintaining the work shall be obtained.

4.2 On completion of a contract to which this contract standing order applies the Chief Officer or other person shall report the final cost of such work in any case where the total cost exceeds by more than 10% the approved contract sum in the case of contracts of the value or an amount to be determined from time to time by the Council or less and by more than 5% in any other case.

5. **Pre Contract Requirements**

5.1 Before entering into a contract with any firm, the appropriate Service Unit Manager must:-

- 5.1.1 be satisfied that a Specification which will form the basis of the contract/arrangement, has been prepared; and
- 5.1.2 have prepared and documented an estimate of the cost of the contract/arrangement, including where appropriate any maintenance costs;
- 5.1.3 be satisfied about the technical capability of such firm; and
- 5.1.4 ensure that all evaluation criteria have been determined in advance; and
- 5.1.5 ensure that these Standing Orders have been complied with, and that the proposed contract represents value for money

6. E-Commerce

Nothing in the Contract Procedure Rules shall prevent:-

- a) invitations to quote or tender being issued by use of the internet. A Head of Service may publish invitation to tender notices on appropriate internet web sites in substitution or in addition to publication in newspapers or trade journals.
- b) receipt of quotations or tenders by use of the internet provided the Head of Service and Chief Finance Officer have agreed that suitable privacy and security mechanisms are in place for the receipt and opening of such submissions and where an electronic tendering system is available which meets the satisfaction of the Monitoring Officer and Chief Finance Officer and is auditable.

Tenders may be submitted by electronic means provided that:

- a) evidence that the transmission was successfully completed is obtained and recorded;
- b) each tender submitted electronically is deposited in a secure mailbox before the return date, and;
- c) electronic tenders are kept in a separate secure folder until the deadline is passed for receipt of tenders.

67. Selective Tendering Procedure - Approved list of Tenderers

76.1 This Standing Order applies if the Council Solicitor has decided that a list will be kept of the firms to be invited to tender/ quote for contracts.

76.2 Any such list must:-

67.2.1 contain the names of all firms who wish to be included in it, who comply with the criteria set for inclusion, and are approved by the Council Solicitor;

76.2.2 indicate whether each firm is approved for all or only some of the specified values or categories;

67.2.3 be kept, maintained and administered by the Council Solicitor.

67.3 At least four weeks before a list is first compiled, notices inviting applications for inclusion on it must be published in one or more local newspapers circulating in the district, and in one or more publications circulating amongst firms who undertake contracts of the specified values or categories.

76.4 The list must be amended as required (including deletions due to any circumstances affecting any firm's ability to perform certain contracts), and must be reviewed from time to time in accordance with the procedures set out in Standing Order 6.3

76.5 Amendments to any list will be recorded by the Council Solicitor.

76.6 Invitations to tender must be limited to firms whose names are on the list produced under this Standing Order, and must be sent to at least four of those firms selected, or, if there are fewer than four such firms, to all firms. If less than four firms are invited to tender, then the appropriate Service Unit Manager must keep a record of the reasons for this.

76.7 The approved list shall be amended as required from time to time as part of a process of continual review. Overall review of the lists shall take place at intervals of not more than three years.

87. **Restricted Tendering Procedure**

87.1 This Standing Order applies to contracts with an estimated value of a sum to be determined from time to time by the Council, and where no list has been approved under Standing Order 6, or if the Council Solicitor considers that Standing Order 6 is inappropriate.

87.2 Public Notice must be given in one or more local newspapers circulating in the district, and, if the estimated value of the contract exceeds an amount to be determined from time to time by the Council, in one or more newspapers or journals circulating among firms who undertake such contracts. The notice must set out details of the proposed contract, and invite firms interested to apply within such period as may be specified, (being not less than ten days), for permission to tender. All responses to advertisements must include the completion of an application form. Clear instructions shall be given in the advertisement regarding the arrangements for the delivery and receipt of applications with particular reference to a deadline for receipt. The rules for the receipt of applications will be the same as that for tenders as set out in Standing Order 20.

87.3 After the expiry of the period specified in the public notice, invitations to tender stating details of the proposed contract and the last date for receipt of tenders must be sent to at least four of the firms who applied for permission to tender selected by the appropriate Service Unit Manager or, if fewer than four firms have applied and are considered suitable, to all such firms. If less than four firms are invited to tender, the appropriate Service Unit Manager must keep a record of the reasons for this.

98. **Open Tendering**

89.1 This Standing Order applies to contracts with an estimated value of an amount to be determined from time to by the Council or more, if no

appropriate Approved List exists or if the Council Solicitor considers that Standing Order 6 and 7 are inappropriate.

89.2 At least 10 days' public notice shall be given in one or more local newspapers and also, wherever the value or amount of the contract exceeds an amount to be determined from time to time by the Council or wherever the Council intends to bind for the contract in one or more newspapers or journals circulating amongst such persons or bodies as undertake such contracts. The notice shall express the nature and purpose of the contract, state where further details may be obtained, invite tenders for its execution and state the last date and time when tenders will be received.

109. **Negotiated Tendering Procedure**

910.1 This Standing Order applies to contracts with an estimated value of an amount to be determined from time to time by the Council or more, if the Council Solicitor considers that Standing Orders 6, 7, and 8 are inappropriate.

109.2 The appropriate Service Unit Manager acting under delegated powers may invite or authorise the invitation of tenders from firms by way of a negotiated procedure. Prior to using a negotiated procedure under this Contract Standing Order, the appropriate Service Unit Manager shall arrange for a report to be prepared and submit it for consideration to the Council Solicitor and the Chief Financial Officer. The Service Unit Manager concerned shall not proceed without having obtained the comments and a recommendation from the Council Solicitor and the Chief Financial Officer. If the Service Unit Manager concerned decides, having considered the comments and recommendations made, to proceed, then that Service Unit Manager shall record the reasons for so doing and forward a copy of the decision and reasons to the Council Solicitor. If the recommendation of the Council Solicitor or the Chief Financial Officer is that the Service Unit Manager should not proceed as proposed, and the Service Unit Manager concerned still wishes to proceed then that Service Unit Manager shall refer the matter to the Council's Policy and Resources Committee for a decision. The negotiated procedure can only be used where the appropriate Service Unit Manager can show that:

910.2.1 one of the procedures set out in Standing Order 6, 7 or 8 has been used and resulted in unacceptable or irregular tenders or no tenders or no appropriate tenders; or

109.2.2 exceptionally where the nature of the procurement or risks involved does not permit prior overall pricing; or

109.2.3 the nature of the procurement is such that a precise specification cannot be drawn up; or

109.2.4 a design contest is appropriate to the scheme;

10.2.5 when the procurement forms part of a project or service that is being delivered under the Council's General Principles for Commissioning.

910.32.5 the appropriate Service Unit Manager must register the proposed use of this Standing Order with the Council Solicitor in accordance with procedures determined from time to time by him/her.

101. **Single Tendering**

110.1 Where the Service Unit Manager duly authorised in that behalf, have decided in the best interests of the Council that a tender be invited from a contractor selected by them, the Council may enter into a contract with the contractor

110.2 Prior to using the single tender procedure under this Contract Standing Order, the appropriate Service Unit Manager shall arrange for a report to be prepared and submit it for consideration to the Council Solicitor and the Chief Financial Officer. The Service Unit Manager concerned shall not proceed without having obtained the comments and a recommendation from the Council Solicitor and the Chief Financial Officer. If the Service Unit Manager concerned decides, having considered the comments and recommendations made, to proceed, then that Service Unit Manager shall record the reasons for so doing and forward a copy of the decision and reasons to the Council Solicitor. If the recommendation of the Council Solicitor or the Chief Financial Officer is that the Service Unit Manager should not proceed as proposed, and the Service Unit Manager concerned still wishes to proceed then that Service

Unit Manager shall refer the matter to the Council's Policy and Resources Committee for a decision.

142. Serial Tendering

142.1 This Standing Order shall apply where the Service Unit Manager duly authorised in that behalf, have decided that tenders for a contract where that contract forms part of a serial programme, are to be obtained by negotiation with a Contractor.

142.2 The basis of the negotiation shall be the rates and prices contained in an initial contract awarded competitively following an invitation to tender in accordance with Standing Orders 6, 7, 8, 9 or 10 and shall be documented accordingly.

142.3 The Service Unit Manager shall provide copies of the above documentation to the Council Solicitor who shall keep the documentation with the Initial contract documents.

13. Framework Contracts

13.1 The purchase of goods or materials and the procurement of works or supply of services, where a Framework Arrangement or Contract is let through or on behalf of a public body, consortium, association or similar body provided that tenders or quotations are invited and contracts placed in accordance with procedures which are equivalent to these Contract Procedure Rules and also comply with any national or EU legislation, is permitted. A Framework Contract to which more than one contractor is party must provide for competition between the contractors in respect of any Call Off above £50,000.

142. Competition Requirements for Contracts below a Specified Value

124.1 The appropriate Service Unit Manager must invite at least 3 written quotations for a proposed contract within a value range to be determined from time to time by the Council. If 3 quotations cannot be obtained due to lack of suitable firms prepared to quote, or where the appropriate Service Unit Manager feels that this is inappropriate in the interests of the efficient management of the

service, then that Service Unit Manager must keep a record of the reasons for this.

142.2 For contracts valued below an amount to be determined from time to time by the Council, the Service Unit Manager concerned should proceed in a manner most expedient to the efficient management of the service, having kept a record of the reason for so doing.

142.3 Where there is an Approved List of Tenderers in existence then that Approved List must be used as the source of providing the names of contractors from whom quotations are sought.

142.4 Records to be kept under this Standing Order shall be in a format to be determined by the Chief Financial Officer.

135. Exception for Proprietary Articles etc

153.1 Nothing in these contract standing orders shall require tenders to be invited.

153.1.1 in relation to the supply of goods and materials and any necessary ancillary work in relation thereto if effective competition is prevented by government control or

153.1.2 if the goods or materials to be purchased:

153.1.2.1 are proprietary articles or are sold only at a fixed price and no reasonably satisfactory alternative is available;

153.1.2.2 are manufactured by one manufacturer only;

135.2 The prices of the goods or materials are wholly controlled by trade organisations or government order and no reasonably satisfactory alternative is available.

153.3 Obtained by a consortium of which the Council is a member.

153.4 Parts for existing machinery or plant.

135.5 Required as a matter of urgency so as not to permit compliance with the requirements of competition.

153.6 The execution of work where the work to be executed is required as a matter of urgency.

153.7 The execution of work either.

153.8 By professional persons in which the personal skill of those persons is of primary importance.

153.9 Where the work is of a specialist nature in which the skill of the contractor is of primary importance.

153.10 Prior to using an exception under this Contract Standing Order, the appropriate Service Unit Manager shall arrange for a report to be prepared and submit it for consideration to the Council Solicitor and the Chief Financial Officer. The Service Unit Manager concerned shall not authorise the exception without having obtained the comments and a recommendation from the Council Solicitor and the Chief Financial Officer. If the Service Unit Manager concerned decides, having considered the comments and recommendations made, to authorise the exception, then that Service Unit Manager shall record the reasons for so doing and forward a copy of the decision and reasons to the Council Solicitor. If the recommendation of the Council Solicitor and the Chief Financial Officer is that the Service Unit Manager should not authorise the exception as proposed, and the Service Unit Manager concerned still wishes to do so then that Service Unit Manager shall refer the matter to the Council's Policy and Resources Committee for a decision.

164. **Tender in Excess of Estimate**

164.1 Where the tender or quotation exceeds the estimate obtained in accordance with the contract standing order 4 by an amount not exceeding 5% then provided that the increase does not require either:

146.1.1 a supplementary estimate in which case the matter shall first be reported to the Policy and Resources Committee or

146.1.2 a transfer of vote under financial standing order 5 in which case the matter shall first be reported to the appropriate Committee.

146.2 Such tender may nevertheless be accepted provided that any such action under this paragraph shall be reported to the Policy and Resources Committee.

175. Acceptance of Lowest Tender or Highest

~~15.1 All tenders and quotations for items exceeding an amount or value to be determined from time to time by the Council shall normally be submitted to the Council's Policy and Resources Committee for acceptance but where necessary to avoid undue delay the appropriate Service Unit Manager in consultation with the Chairman of that Committee may accept such tenders or quotations subject to these contract standing orders and to this procedure not applying to any case of difficulty or unusual circumstances.~~

~~15.2 Where a proposed contract does not exceed an amount or value to be determined from time to time by the Council the Service Unit Manager concerned may subject to the provisions of contract standing order 24 enter into such for the purpose provided that wherever practicable four competitive quotations shall be invited by the Service Unit Manager before entering into such contract but so that the requirement to obtain four quotations shall not apply in the case of contracts specified in contract standing order 13.~~

17.1 All Tenders may be accepted by the appropriate Head of Service, provided that:

(a) It is within the approved budget;

(b) the Head of Service notifies award of the contract to:

(i) the Chief Finance Officer and relevant Committee Chairman;

or

(ii) in the case of a tender which falls above EU Procurement Levels the relevant Policy committee.

(c) where the contract value exceeds EU Procurement Levels the contract is not awarded until the required time period has elapsed.

(d) the identity of any Tenderer other than the Tenderer submitting the tender accepted shall not be disclosed to any other Tenderer.

186. Acceptance of Other than Lowest or Highest Tender

186.1 A tender except a tender by sample other than the lowest tender if payment is to be made by the Council or other than the highest tender if payment is to be received by the Council shall not be accepted unless:

186.1.1 The appropriate Service Unit Manager arrange for a report to be prepared and submit it for consideration to the Council Solicitor and the Chief Financial Officer. The Service Unit Manager concerned shall not authorise the acceptance of such a tender without having obtained the comments and a recommendation from the Council Solicitor and the Chief Financial Officer. If the Service Unit Manager concerned decides, having considered the comments and recommendations made, to authorise acceptance, then that Service Unit Manager shall record the reasons for so doing and forward a copy of the decision and reasons to the Council Solicitor. If the recommendation of the Council Solicitor and the Chief Financial Officer is that the Service Unit Manager should not authorise acceptance as proposed, and the Service Unit Manager concerned still wishes to do so then that Service Unit Manager shall refer the matter to the Council's Policy and Resources Committee for a decision.

168.2 Where a tender by sample other than the highest or lowest as the case may be is accepted or recommended for acceptance the Policy and Resources Committee accepting or recommending the same shall record the fact in its minutes.

197. Subcontracts and Nominated Suppliers

179.1 Where a subcontractor or supplier is to be nominated to a main contractor then:

179.1.1 where the estimate amount of the subcontract or the estimated value of goods or materials to be supplied by the nominated supplier exceeds an amount to be determined from time to time by the Council then unless the Chief Officer concerned is of the opinion in respect of any particular nomination that it is not reasonably practicable to obtain competitive tenders no fewer than four tenders shall be invited by the Chief Officer concerned for the nomination in accordance with the methods described in contract standing orders 6-10 and shall be dealt with in accordance with the arrangements prescribed in contract standing orders 20 and 21 provided that the Chief Officer concerned may invite a tender from such subcontractor or supplier as may be available when he is satisfied that it is not reasonably practicable to follow any of the above methods;

197.1.2 the terms of the invitations shall require an undertaking by the tenderer that if he is selected he will be willing to enter into a contract with the main contractor on terms which indemnify the main contractor against his own obligations under the main contract in relation to the work or goods or materials included in the subcontract;

197.1.3 such tenders not exceeding an amount to be determined from time to time by the Council shall be obtained by the Chief Officer concerned;

197.1.4 the Chief Officer concerned is authorised to nominate to the main contractor the subcontractor or supplier whose tender obtained in accordance with either of the preceding subparagraphs is in his opinion the most satisfactory provided that where the tender is not the lowest received the circumstances shall be reported to the appropriate Committee.

1820. **The engagement of Consultants**

2048.1 It shall be a condition of the engagement of the services of any architect, engineer, surveyor or other consultant who is to be responsible for the supervision of a contract that in relation to that contract he shall

2048.1.1 comply with the requirements of these contract standing orders subject to the modification that the procedure to be followed in inviting and opening tenders shall be approved in advance by the Council Solicitor

2048.1.2 at any time during the carrying out of the contract produce to the Council Solicitor or other appropriate Service Unit Manager on request the record maintained by him in accordance with the requirements of the appropriate Service Unit Manager

2048.1.3 on completion of a contract transmit such record to the appropriate Service Unit Manager.

2048.1.4 within seven days of the date on which he shall first become aware that the estimated cost of the works is likely to be exceeded by an amount of more than 10% in the case of contracts of the value or an amount to be determined from time to time by the Council or less and more than 5% in any other case notify the appropriate Service Unit Manager.

4820.2 Not except in the case of:

2048.2.1 special proprietary articles or processes or work not open to public tender or

2048.2.2 goods supplied or work carried out through any consortium of local authorities of which the Council is a member

2048.2.3 specify any single one person firm or company as subcontractor for carrying out the work or supplying goods and this subparagraph shall apply as a standing instruction to all officers of the Council.

219. **Post Tender Negotiations**

219.1 This Standing Order relates to negotiations after the receipt of a quotation or tender submitted in accordance with these Standing Orders.

219.2 Negotiations can only be commenced after the Chief Financial Officer and the Council Solicitor, have given the relevant Service Unit Manager written approval of the procedure(s) to be adopted to negotiate. A contract can be entered into only when the Chief Financial Officer and the Council Solicitor have given written approval to the outcome of the negotiations.

220. **Receipt and Custody of Tenders**

202.1 Where tenders are invited every notice of invitation shall state that no tender will be considered except in a plain sealed envelope of a distinctive colour supplied by the Council and securely sealed which shall bear the words "Ryedale District Council Tender for - " followed by the subject to which the tender relates and the closing date and be addressed to the Chief Executive but shall not bear any name or mark indicating the identity of the sender.

220.2 Such envelopes shall as soon as they are received by the Chief Executive be endorsed with the date and time of receipt and remain in the custody of the Chief Executive or other office designated by him until the time appointed for their opening.

234. **Opening Tenders**

243.1 Tenders invited under these contract standing orders shall be opened at one time and only in the presence of:

243.1.1 the Chairman of the appropriate Committee or in his absence such other Member of the Council as may have been designated by him; and

243.1.2 the Chief Executive or the Council Solicitor or an officer designated by either of them and the Chief Executive shall maintain a register of all such tenders received and the Member in whose presence the tenders are opened shall initial the register provided that

the presence of the Chairman or other Member shall not be required where the estimated cost of the work or of the goods or materials to be supplied does not exceed an amount or value to be determined from time to time by the Council.

224. Late Tenders

No tender shall be considered unless received in compliance with the terms of and by the time stipulated in the advertisement or other invitation.

235. Alterations to Tenders

If any person firm or company who having submitted to the Council a tender shall subsequent to the opening of tenders make application to amend such tender other than may be provided for in the tender documents then such application shall disqualify that tender from further consideration by the council provided that arithmetical errors may be corrected except in cases where such tender has been accepted and the alteration would increase the amount thereof in the case of payment by the Council or would decrease the amount thereof in the case of payment to the Council.

246. Standard Form

246.1 The Council's standard form of tender as settled by the Council Solicitor shall be used for the purpose of inviting tenders.

246.2 It should be clearly stated in all documents of tender that the Council reserves the right not to accept any of the tenders or to accept a tender other than the lowest in the case where payment is made by the Council or of the highest in the case where payment is made to the Council.

246.3 A printed copy of these contract standing orders shall be enclosed with each form of tender issued and given to any architect engineer surveyor or other consultant not being an officer of the Council who is to be responsible for the supervision of a contract.

275. Formalities

257.1 The following provisions shall apply to the formalities of the making of contracts:

257.1.1 no Member of the Council shall make orally or in writing any contract on behalf of the Council;

257.1.2 no officer other than the Council Solicitor or the Service Unit Manager or any senior officer of a department authorised by the Service Unit Manager concerned for this purpose shall make orally or in writing any contract on behalf of the Council;

257.1.3 the Council Solicitor or the Service Unit Manager or any such officer authorised under paragraph 24.2 above concerned shall not make orally or in writing and the Council Solicitor shall not make orally any contract on behalf of the Council other than a contract for:

257.1.3.1 the supply of goods or materials for the execution of work of a value not exceeding an amount to be determined from time to time by the Council

257.1.3.2 services to be performed or provided by a person other than an employee of the Council for consideration of or which will not exceed an amount or value to be determined from time to time by the Council

257.1.3.3 the sale of goods or materials of a value not exceeding an amount or value determined by the Council and any oral contract shall be confirmed by written order.

257.1.4 where a contract for the sale or supply of goods or materials or the execution of any works or the provision or performance of otherwise than by an employee of the Council services will exceed an amount or value to be determined from time to time by the Council and a formal written contract is not required under paragraph 25.1.5 hereof the accepted tender or quotation and other relevant documents together with a letter of acceptance under the hand of the Council

Solicitor may constitute the contract for the purpose of this contract standing order provided that a formal written contract may be prepared in any such case if in the opinion of the Council Solicitor it is desirable notwithstanding that it is not required in subparagraph 25.1.5 below;

257.1.5 a formal written contract under the hand of the Council Solicitor shall be required where:

257.1.5.1 Goods or materials of a value exceeding an amount to be determined from time to time by the Council are to be supplied other than at one time

275.1.5.2 Work is to be executed the value of which will exceed an amount to be determined from time to time by the Council

275.1.5.3 Services are to be performed or provided by any person other than an employee of the Council the consideration for which will exceed an amount or value to be determined from time to time by the Council

275.1.5.4 Goods or materials of a value exceeding an amount to be determined from time to time by the Council are to be sold by the Council;

257.1.6 all written contracts exceeding an amount or value to be determined from time to time by the Council in value or amount shall on being signed be entered in a register kept for that purpose;

257.1.7 no contracts for the sale or purchase of land or any interest in land or for the granting or taking of any lease or tenancy or for the granting of any licence in respect of the use of land shall be made by any officer other than the Council Solicitor and any such contract shall be in writing provided that this subparagraph shall not apply to tenancies of residential accommodation pursuant to the Housing Acts or to other tenancies of residential accommodation in respect of which rent cards are issued.

268. Particulars to be included in Contracts

268.1 Every contract made under paragraph 25 of these contract standing orders shall:

268.1.1 specify:

268.1.1.1 the work materials matters or things to be furnished had or done;

268.1.1.2 the price to be paid with a statement of discounts or other deductions; and

268.1.1.3 the time in which the contract is to be performed;

268.1.2 provide for liquidated damages to be determined in respect of each contract by the Council Solicitor in consultation with the appropriate Chief Officer to be paid by the contractor in case the terms of the contract are not duly performed;

268.1.3 provide that should the contractor fail to deliver the goods or materials or any portion thereof or perform any services within the times specified in the contract the Council without prejudice to any other remedy for breach of contract shall be at liberty to determine the contract either wholly or to be extent of such default and to purchase other goods or materials or services as the case may be of the same or similar description to make good such default or in the event of the contract being wholly determined the goods or materials remaining to be delivered;

268.1.4 the clause required by the paragraph 25.3 above shall further secure that the amount by which the cost of so purchasing other goods materials or services exceeds the amount which would have been payable to the contractor in respect of the goods or materials as the case may be replaced by such purchase if they had been delivered in accordance with the contract shall be recoverable from the contractor.

279. Bonds

In the case of contracts for the Execution of any work where the amount or value is estimated to exceed an amount to be determined from time to time by the Council the Management Team where they consider it desirable may require and take a bond or other sufficient security for the due performance of the contract the amount of such bond or security to be determined by the Management Team.

3028. Assignment and Statutes Etc

3028.1 The appropriate Service Unit Manager must ensure that the Contract contains provisions relating to:-

3028.1.1 in the performance of the contract, the Contractor must not discriminate on the grounds of race contrary to statutory requirements;

3028.1.2 the Contractor must provide any information reasonably requested relating to the performance of the contract to ensure that the Council meets its statutory obligations under Section 71 of the Race Relations Act 1976;

3028.1.3 in the performance of the contract, the Contractor must comply with the requirements of the Health and Safety at Work etc Act 1974 and of any other relevant Acts, Regulations, Orders or Rules of Law pertaining to health and safety;

3028.1.4 the contractor must not sub-contract the works or any part of the works, without the prior written consent of the appropriate Service Unit Manager without prejudice, and subject to any other condition of the contract, no sub-letting by the contractor will relieve the contractor of its liability to the Council for the proper performance of the contract;

3028.1.5 the contractor is responsible to the Council for the proper performance and observance by all sub-contractors of all the contractor's obligations under the contract as if references in the contract to "the Contractor" were references to the sub-contractors.

Failure or neglect by a sub-contractor is deemed to be failure or neglect by the contractor;

3028.1.6 the contractor is prohibited from transferring or assigning directly or indirectly to any person or persons whatsoever any part of its contract, without the prior written consent of the appropriate Service Unit Manager (following consultation with the Council Solicitor and the Chief Financial Officer);

3028.1.7 all goods, materials, services or work must comply with any appropriate European Union Specification or Code of Practice or British Standard Specification or British Standard Code of Practice or European Union equivalents in force at the date of tender/quotation.

3129. **Corrupt Gifts**

In every written contract a clause shall be inserted to secure that the Council shall be entitled to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation if the contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or forborne to do any action in relation to obtaining the execution of the contract of any other contract with the Council or for showing or forbearing to show favour or disfavour to any person in relation to the contract or any other contract with the Council or if the like acts shall have been done by any person employed by him or acting on his behalf whether with or without the knowledge of the contractor or any person employed by him or acting on his behalf shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916 or shall have given any fee or reward the receipt of which is an offence under subsection 2 of section 117 of the Local Government Act 1972.

302. **Joint Purchasing Arrangements**

302.1 Nothing in the contract standing orders relating to contracts shall require tenders to be invited and dealt with pursuant to those contract standing orders

if tenders shall have been invited on behalf of any consortium collaborations or similar body (“the consortium”) of which the Council is a member in accordance with any method adopted by the consortium.

302.2 Where tenders are invited as aforesaid by an officer of the Council the delivery opening and acceptance of tenders shall comply with the provisions of contract standing orders and financial regulations except insofar as those provisions are inconsistent with the consortium’s method by which tenders obtained on its behalf are dealt with.

302.3 Where the tenders obtained on behalf of the consortium relate to the components for buildings proposed to be erected by more than one committee or the Council or there is any doubt as to which committee has the power or accepting or agreeing to the acceptance of a tender or of making the contract to which the tenders relate the Finance & Personnel Committee shall be deemed to be the committee having such power.

343. **Contractors from other Member States of EEC**

Nothing in these standing orders shall operate or be construed as operating so as to prevent or hinder on grounds of nationality the participation in any contract offered or awarded by the Council of contractors from other Member States of the European Economic Community whether as main contractors or subcontractors.

~~32.~~ **~~Advertisement in EEC~~**

~~No public works contract of one million European Units of Account or more net of Value Added Tax excluding any nominated sub-contract in estimated value shall be awarded by the Council without first having been advertised in the Official Journal of the European Communities in accordance with Directive EEC71/305.~~

34. Contracts to which EU Procurement Rules apply.

34.1 **Thresholds**

Advice should be sought from the Chief Finance Officer in respect of any procurement with an estimated value greater than EU Procurement thresholds upon whether EU Procurement Rules apply. The threshold values are reviewed on a regular basis, normally every two years. Any changes made to the threshold values made by the EU are deemed to apply within these Contract Procedure rules. Table 1 identifies when EU Procurement Rules are likely to apply (valid from January 2010):

Table 1: EU Procurement Thresholds - Valid from January 2010

	All Procedures	Prior-information Notice
Supplies	£ 156,442	£607,935
Services	£ 156,442	£607,935
Works	£3,927,260	£3,927,260

Procurement exercises with an estimated contract value within 10% of Threshold levels where EU Procurement Rules apply should also be advertised in the OJEU to avoid OJEU advertising requirements being unintentionally breached.

34.2 Standards

If the European Committee for Standardisation (CEN) has issued a relevant standard, all the goods and materials used or supplied, and all the work done under the contract, must be in line with that standard.

34.3 The Euro

A provision should be included in any contractual documentation requiring the contractor to convert prices to sterling from Euro and to submit invoices for payment accordingly once notice is given to the contractor.

34.4 Number of tenderers

If the contract is expected to exceed EU limits, a minimum of five contractors or suppliers must be invited to tender except where the adopted procedure provides otherwise. (In cases where fewer than five contractors or suppliers apply and are shortlisted, all contractors or suppliers must be invited to tender.)

If during the course of a competitive tendering exercise, an officer becomes aware that the value of bids received exceeds the EU Thresholds, but bid

invitations have not been extended through the OJEU notice procedure as it was anticipated that the threshold would not be exceeded, advice must be sought from the Chief Finance Officer upon how to proceed.

Where the Council has an aggregated requirement for specified goods or services with an estimated annual value at or greater than the figures provided in Table 1, a Prior Indicative Notice (PIN) must be placed in the Supplement to the Official Journal of the European Community (OJEU) once annually.

34.5 Buyer's Profile

The Council shall publish and maintain a buyer's profile via the internet incorporating the following information:

- (a) a brief description of future and current tenders within the year 1 April to 31 March
- (b) the date the advert was dispatched to OJEU
- (c) the OJEU reference number
- (d) the closing date for notification of interest in relation to expressions of interest
- (e) the tender dispatch date
- (f) the closing date for tenders
- (g) the award date
- (h) the identity of the successful tenderer
- (i) the award notice reference number
- (j) the date of the award notice

34.6 EU Procedures:

All contracts with a value in excess of EU limits shall be let in accordance with a procurement method which is acceptable within EU law. The acceptable methods are the Restricted, Open and Negotiated Procedures and Competitive Dialogue.

Where the Restricted Procedure, Open Procedure or Competitive dialogue are used the Council is required to place a Contract Notice in the Official Journal of the European Community and the timescale for expressions of interest in response to such notices is prescribed.

Advertisement is subject to the following constraints:

- (a) advice must be sought upon the applicable timescales;
- (b) the accelerated procedure may only be used with the consent of the Chief Finance Officer.

Table 2 sets out the ordinary timescales. The applicable timescales may be reduced further as indicated in Tables 3 and 4 where electronic systems are used to publish the contract notices and provided unrestricted electronic access to documentation:

Table 2: Advertisement in OJEU without use of electronic media

Minimum no. of calendar days after sending the Contract Notice to OJEU	<u>EU Open Procedure</u>	<u>EU Restricted Procedure</u>	<u>EU Accelerated Procedure</u>	<u>EU Negotiated Procedure</u>
(i) to the closing date for receipt of registrations of interest from contract notice	-	37 days	15 days	37 days (if poss.)
(ii) to the closing date for receipt of tenders	52 days	40 days	10 days	21 days
as (ii) above, but where a PIN is published between 52 and 365 days prior to the Contract Notice	36 days	26 days	N/A	21 days (i.e. same as above)
Minimum no. of days to allow following decision on contract award before formalising contract	10 days	10 days	10 days	10 days
Max. no. of days after contract award in which to send Contract Award Notice	48 days	48 days	48 days	48 days

Table 3: Notice of contract compiled and submitted electronically:

Minimum no. of calendar days after sending the Contract Notice to OJEU	<u>EU Open Procedure</u>	<u>EU Restricted Procedure</u>	<u>EU Accelerated Procedure</u>	<u>EU Negotiated Procedure</u>
(i) to the closing date for receipt of registrations of interest from electronic contract notice	-	30 days	10 days	30 days (if poss.)
(ii) to the closing date for receipt of tenders	45 days	35 days	10 days	14 days
as (ii) above, but where a PIN is published between 52 and 365 days prior to the Contract Notice	29 days	19 days	N/A	14 days (i.e. same as above)
Minimum no. of days to allow following decision on contract award before formalising contract	10 days	10 days	10 days	10 days
Max. no. of days after contract award in which to send Contract Award Notice	48 days	48 days	48 days	48 days

Table 4: Notice of contract compiled and submitted electronically and unrestricted electronic access to all contract documentation provided at tender receipt stage

<u>Minimum no. of calendar days after sending the Contract Notice to OJEU</u>	<u>EU Open Procedure</u>	<u>EU Restricted Procedure</u>	<u>EU Accelerated Procedure</u>	<u>EU Negotiated Procedure</u>
<u>(i) to the closing date for receipt of registrations of interest from electronic contract notice</u>	-	<u>30 days</u>	<u>10 days</u>	<u>30 days</u>
<u>(ii) to the closing date for receipt of tenders</u>	<u>40 days</u>	<u>14 days</u>	<u>10 days</u>	<u>21 days</u>
<u>as (ii) above, but where a PIN is published between 52 and 365 days prior to the Contract Notice</u>	<u>29 days</u>	<u>5 days</u>	N/A	<u>21 days (i.e. same as above)</u>
<u>Minimum no. of days to allow following decision on contract award before formalising contract</u>	<u>10 days</u>	<u>10 days</u>	<u>10 days</u>	<u>10 days</u>
<u>Max. no. of days after contract award in which to send Contract Award Notice</u>	<u>48 days</u>	<u>48 days</u>	<u>48 days</u>	<u>48 days</u>

FINANCIAL STANDING ORDERS AND FINANCIAL REGULATIONS

CONTRACT STANDING ORDERS

ESTIMATES

CSO	4.1	£18,000 <u>£50,000</u>
CSO	4.2	£64,800 <u>£50,000</u>

TENDERING

CSO	78 .1	£50,000
CSO	78 .2	£50,000
CSO	89 .1	£50,000
CSO	89 .2	£50,000
CSO	109 .1	£50,000

COMPETITION REQUIREMENTS FOR CONTRACTS BELOW A SPECIFIED VALUE

CSO	124 .1	£2,500 <u>£5,001</u> & £50,000
CSO	124 .2	£2,500 <u>£5,000</u>

~~ACCEPTANCE OF LOWEST TENDER OR HIGHEST~~

CSO	15.1	£50,000
CSO	15.2	£50,000

SUBCONTRACTS AND NOMINATED SUPPLIERS

CSO	179 .1.1	£38,400 <u>£50,000</u>
CSO	179 .1.3	£38,400 <u>£50,000</u>

ENGAGEMENT OF CONSULTANTS

CSO	2018 .1.4	£64,800 <u>£50,000</u>
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OPENING TENDERS

CSO	213 .1.2	£18,000 <u>£50,000</u>
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FORMALITIES

CSO	257 .1.3.1	£18,000 <u>£5,000</u>
CSO	257 .1.3.2	£18,000 <u>£5,000</u>

CSO	257.1.3.3	£18,000 <u>£5,000</u>
CSO	257.1.4	£18,000 <u>£5,000</u>
CSO	257.1.5.1	£54,300 <u>£50,000</u>
CSO	257.1.5.2	£54,300 <u>£50,000</u>
CSO	257.1.5.3	£54,300 <u>£50,000</u>
CSO	257.1.5.4	£54,300 <u>£50,000</u>
CSO	257.1.6	£54,300 <u>£50,000</u>

BONDS

CSO	279	£144,000 <u>£150,000</u>
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FINANCIAL STANDING ORDERS

FINANCIAL ADMINISTRATION

FSO	1.4	£23,500 <u>£50,000</u>
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BUDGETARY CONTROL

FSO	3.3	£50,000 <u>£8,400</u>
FSO	3.4	£23,100 <u>£0</u>

FINANCIAL REGULATIONS

CONTRACTS - VARIATION ORDERS

FR	7	£4,500 <u>£5,000</u>
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INCOME

FR	9.10	£500 <u>£5,000</u>
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ORDERS FOR WORK, GOODS AND SERVICES

FR	13.9	
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- Cost not exceeding ~~£4,500~~£5,000 authorised by Service Unit Managers.
- Cost not exceeding ~~£425,000~~£25,000 authorised by the Chief Executive, Chief Financial Officer or any one Director.
- Cost between ~~£425,000~~£10 and £50,000 authorised by the Chief Executive, Chief Financial Officer or any one Director, with approval of the Chairman of the appropriate Committee.

- d) Cost exceeding £50,000 to be authorised by the appropriate Committee and, if necessary, tenders invited in accordance with Standing Orders relating to Contracts.

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By virtue of paragraph(s) 2, 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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