



Please Contact: Mrs Lynda
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2 February 2011

POLICY AND RESOURCES COMMITTEE

Thursday 10 February 2011 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 a Meeting of the Policy & Resources Committee held on 9 December 2010** (Pages 1 - 6)
To approve the above minutes as a correct record.
- 4 Minutes of a Meeting of the Resources Working Party held on 11 January 2011** (Pages 7 - 12)
- 5 Urgent Business**
To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.
- 6 Declarations of Interest**
Members to indicate whether they will be declaring any interests under the Code of Conduct.

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

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

POWERS OR MATTERS DETERMINED BY COMMITTEE

- 7 **Delivering the Council Plan** (Pages 13 - 20)
- 8 **Harrison Collection** (Pages 21 - 30)
- 9 **Revenue Budget Monitoring** (Pages 31 - 34)
- 10 **Treasury Management Monitoring Report** (Pages 35 - 38)

PART 'B' ITEMS - MATTERS REFERRED TO COUNCIL

- 11 **Safeguarding Policy & Procedures** (Pages 39 - 94)
- 12 **Flexible Retirement Policy** (Pages 95 - 106)
- 13 **Community Governance Review** (Pages 107 - 126)
- 14 **Fees and Charges** (Pages 127 - 134)
- 15 **Relocation of Malton Scouts** (Pages 135 - 138)
- 16 **Ryedale Plan Policy Approach to Conservation Deficit** (Pages 139 - 152)
- 17 **Any other business that the Chairman decides is urgent.**

Policy and Resources Committee

Held at Council Chamber, Ryedale House, Malton
on Thursday 9 December 2010

Present

Councillors Wainwright (Chairman), Acomb, Arnold, Bailey, Knaggs and Woodward

Substitutes: Councillor Mrs L Cowling

By Invitation of the Chairman: Councillor Andrews

In Attendance

Paul Cresswell, Gary Housden, Julian Rudd, Clare Slater, Jill Thompson, Anthony Winship and Fiona Farnell

Minutes

33 **Apologies for absence**

Apologies for absence were received from Councillors Legard, Mrs Hodgson and Keal.

Substitute – Councillor Mrs Cowling (for Cllr Legard).

34 **Minutes of the Meeting Held on 30 September 2010**

The minutes of the meeting held on the 30 September 2010 were presented.

Resolved

That the minutes of the meeting held on the 30 September 2010 be approved and signed by the Chairman as a correct record.

35 **Urgent Business**

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

36 **Declarations of Interest**

In accordance with the Member's Code of Conduct Councillor Mrs Cowling declared a prejudicial interest in Item 12 as the owner of a property that would be eligible for the grant scheme.

Councillor Andrews declared a personal interest in Item 7 as a Member of Malton Town Council.

37 **Minutes of a Meeting of the Resources Working Party held on 23 November 2010**

The minutes of the meeting held on the 23 November 2010 were presented.

A typographical error was noted at Minute 27 paragraph 3. The paragraph should read 'Councillors noted that:'.

Resolved

That the minutes and the recommendation therein of the meeting held on the 23 November 2010 be approved with an amendment to Minute 27 paragraph 3 Councillors noted that, be approved.

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

38 **The Development Plan and the Decision Making Process**

The Chair read out a statement setting out the reason for the report.

Councillor Andrews was invited by the Chair to ask questions and speak on the matter.

The Forward Planning Manager presented the report.

The Officer recommendation was moved as a motion by Councillor Wainwright and seconded by Councillor Mrs Cowling.

An amendment was moved by Councillor Knaggs and seconded by Councillor Mrs Cowling that the following words be added to replace the words of the motion:

That Committee reaffirms that development limits remain a material planning consideration.

Upon being put to the vote the amendment was carried.

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

Resolved

That Committee reaffirms that development limits remain a material planning consideration.

39 **Delivering the Council Plan**

The Head of Transformation presented the Plan to Councillors.

Councillors noted the document and confirmed that they were happy with the level of detail given.

Resolved

That report was accepted.

40 Future Internal Audit Provision

The Corporate Director (s151) presented the report to Members.

It was moved by Councillor Wainwright and seconded by Councillor Mrs Cowling that the recommendation in the report be approved.

Resolved

That Members noted the progress and supported in principle the merger of NYAP with Veritau effective from the 1 April 2012 subject to a satisfactory business case.

41 Revenue Budget Monitoring

The Corporate Director (s151) presented the report.

It was moved by Councillor Wainwright and seconded by Councillor Mrs Cowling that the recommendation in the report be approved.

Resolved

That Members noted the content of the report.

42 Sale of Land at Ampleforth

The Head of Economy and Housing presented the report to Members. A plan of the site was circulated at the Meeting. Officers confirmed that local people would be given preference in the selection of occupants for the affordable units.

It was moved by Councillor Wainwright and seconded by Councillor Bailey that the recommendation in the report be approved.

Resolved

That the Committee approve the sale of Council owned land at Ampleforth to Yorkshire Housing for £20,000 to enable the construction of four affordable dwellings.

PART 'B' ITEMS - MATTERS REFERRED TO COUNCIL

43 Householder Flood Resistance Grant Scheme

The Corporate Director (s151) Officer presented the report to Members.

Councillor Mrs Cowling declared a prejudicial interest in this item as the owner of a property that would be eligible for the grant scheme and did not take part in the discussion.

Councillor Knaggs asked that an appeal procedure be put in place if a grant application was turned down.

It was moved by Councillor Bailey and seconded by Councillor Arnold that the recommendation in the report be approved.

Resolved

That Council is recommended to approve:

- i. The establishment of a householder Flood Resistance Grants Scheme which:
 - a. Is eligible to all Domestic Properties within the District which have previously suffered flooding from rivers or surface water and continue to be classified as “at risk within the defended situation” by the Environment Agency;
 - b. Provides 50% of eligible expenditure up to a maximum grant of £2,500 per property;
 - c. Provides grants towards flood resistance works;
 - d. is administered by the North Yorkshire Building Control Partnership; and
 - e. ensures all products must be in accordance with BSI Kitemark or equivalent.
- ii. An initial £50k be allocated from unapplied capital resources in 2011/12; and
- iii. An evaluation report be brought back on the scheme to members once the majority of funding is committed.

44 Items Referred from the Commissioning Board

The Head of Economy and Housing presented the report on Malton Museum.

The recommendation was circulated to Members at the Meeting as follows:

- (a) Malton Museum Future Options

Resolved:

- (ii) that Policy & Resources Committee is requested to consider including the Malton Museum Relocation Project in the Council's Capital Programme, with an allocation of £60,000, subject to an appropriate investment contract with the Foundation.

It was moved by Councillor Wainwright and seconded by Councillor Mrs Cowling that the circulated recommendation be approved.

Resolved:

- (ii) that Policy & Resources Committee is requested to consider including the Malton Museum Relocation Project in the Council's Capital Programme, with an allocation of £60,000, subject to an appropriate investment contract with the Foundation.

The Corporate Director (s151) presented the replacement recycling vehicles and kerbside recycling options.

The recommendation was circulated to Members at the Meeting as follows:

(b) Replacement Recycling Vehicles and Kerbside Recycling Options

Resolved:

That Policy & Resources Committee is recommended to approve:

- a) the introduction of the collection of plastic bottles and cardboard from the kerbside of every domestic property in the District as part of their multi-material recycling collection service, utilising a three box/bag system at an estimated additional net ongoing full year annual revenue cost ranging from £64k to £88k;
- b) the Revenue cost implication above be managed through the budget strategy process for 2011/2012 and 2012/2013;
- c) to approve inclusion of £135k in the Council's Capital Programme for 2011/12 for additional recycling equipment;
- d) that the policy be revised for extra residual refuse capacity only be provided for a family of over seven plus all replacement bins for residual refuse would be changed to a smaller bin; and
- e) further consultation is carried out on the possibility of applying an annual charge for the kerbside collection of garden waste from domestic properties and a report be brought back to members following that consultation.

It was moved by Councillor Cowling and seconded by Councillor Bailey that the circulated recommendation be approved.

(b) Replacement Recycling Vehicles and Kerbside Recycling Options

Resolved:

That Policy & Resources Committee is recommended to approve:

- a. the introduction of the collection of plastic bottles and cardboard from the kerbside of every domestic property in the District as part of their multi-material recycling collection service, utilising a three box/bag system at an estimated additional net ongoing full year annual revenue cost ranging from £64k to £88k;
- b. the Revenue cost implication above be managed through the budget strategy process for 2011/2012 and 2012/2013;
- c. to approve inclusion of £135k in the Council's Capital Programme for 2011/12 for additional recycling equipment;
- d. that the policy be revised for extra residual refuse capacity only be provided for a family of over seven plus all replacement bins for residual refuse would be changed to a smaller bin; and
- e. further consultation is carried out on the possibility of applying an annual charge for the kerbside collection of garden waste from domestic properties and a report be brought back to members following that consultation.

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

The Chairman noted that there was no other business.

The meeting closed at 7.55pm

Resources Working Party

Members' Lounge, Ryedale House, Malton
Tuesday 11 January 2011

Present

Councillors Mrs Cowling, Hope, Keal, Knaggs, Wainwright and Clark

In Attendance

Paul Cresswell, Marie-Ann Jackson, Janet Waggott, Trevor Anderson, Julian Rudd, Clare Slater, Howard Wallis and Nicki Lishman.

Minutes

32 **Apologies for absence**

No apologies for absence were received.

33 **Minutes**

The minutes of the last meeting of the Resources Working Party held on 23 November 2010 were presented.

Resolved

That the minutes of the meeting of the Resources Working Party held on 23 November 2010 be approved and signed by the Chairman as a correct record subject to an amendment to minute 25 (Relocation of Wentworth Street Car Park Tenants (verbal)) read;

“Councillors had mixed views with regards to assisting the relocation of Malton Rifle and Gun Club due to the fact that their lease would soon be expiring and the club had to date made no attempt to find alternative arrangements and that there were several other clubs at York, Scarborough and Easingwold.”

34 **Urgent Business**

There were no items of urgent business.

35 **Declarations of Interest**

In accordance with the Members' Code of Conduct Councillor Clark declared a personal interest in Item 5 as a member of North Yorkshire County Council.

Councillor Keal declared a personal interest in Item 7 as a Director of the YMCA.

36

Relocation of Wentworth Street Car Park Tenants

The Corporate Director gave a verbal report at the meeting updating Members on the relocation of Wentworth Street Car Park tenants.

- Malton Rifle and Gun Club – The Club held their annual general meeting and resolved that they would prefer to stay in the existing range and asked the Council for assistance to negotiate with the developer. Members were advised that their current site was split across the retained car park and the land to be disposed of and it could compromise the site and the successful bidders own proposals if the relocation did not take place. It was confirmed that the lease on the building was due to expire at the end of September 2011. Members suggested that the Air Cadets be approached to investigate the potential sharing of their facilities at Brooklyn in Norton. In addition, Members suggested that there were clubs at Scarborough, Easingwold and York should alternative arrangements be required.
- Malton Scouts – Members were advised that the negotiations with Malton School were progressing well and both the Scouts and the School were looking at available funding to facilitate the move to the school.
- RVA and CAB – Members were advised that a report was being prepared for Full Council, requesting permission to negotiate the purchase of a property in Norton to relocate the RVA and CAB.

The recommendation tabled at the meeting was as follows:

It was recommended that Members

- i. Note the position in relation to the relocation of the tenants on Wentworth Street Car Park; and
- ii. Instruct Officers to approach the Air Cadets on behalf of Malton Gun and Rifle Club with regard to the potential location of the club to facilities at Brooklyn.

Resolved

That Members

- i. Noted the position in relation to the relocation of the tenants on Wentworth Street Car Park; and
- ii. Instruct Officers to approach the Air Cadets on behalf of Malton Gun and Rifle Club with regard to the potential location of the club to facilities at Brooklyn.

Budget Simulator Results

The Head of Transformation gave a verbal report at the meeting updating Members on the results of the Budget Simulator.

This year the Council consulted the public by use of the Delib on-line budget simulator. Members may recall the Council used this method previously in 2006.

An online version was made available to all residents, with a distinct online version and a paper version for citizens panel members and a paper version made available in area offices and libraries for residents. In addition, a workshop with tourism operators was run as part of the engagement for the commissioning project.

The outcomes of the budget simulator were as follows:

The Service areas featuring in the top 5 rankings for receiving the lowest levels of cuts were:

- 1= Tackling Crime and Anti-social Behaviour
- 1= Waste Collection and Recycling
- 2= Street Cleaning
- 2= Public Conveniences
- 3= Supporting Voluntary and Community Sector
- 3= Homelessness and Housing Options
- 3= Playgrounds and open spaces

The areas chosen to receive the highest levels of cuts were:

- Supporting democracy
- Communications and information

The service area most frequently chosen for:

- An increase in funding was Tackling Crime and Anti Social Behaviour
- A decrease in funding were Communication and Information (on line) and Supporting Democracy (off line)
- No change to current level of funding was Playgrounds and Open Spaces

Capital Programme Progress Report

The Corporate Director (s151) outlined the report.

Councillors discussed both the Capital Programme Progress Report and the Capital Programme Financial Schedule together.

Councillors noted that:

- The management of the new sports hall at Malton School needed clarification to ensure appropriate arrangements for the Council revenue funding for the public use on evenings and weekends were in place.
- No capital money had been used in the provision of a Mortgage Rescue Scheme, as both national and regional Schemes had been utilised. The capital funding allocated to the Mortgage Rescue Scheme would be reviewed.
- Work was underway with Partners to consider the relocation of Bridge House and a contribution of £100k from RDC may be brought before Members for consideration at a future date to enable the scheme to progress.

Resolved

That the report be noted.

39 **Capital Programme**

The Corporate Director (s151) outlined the report.

Resolved

That the report be noted.

40 **Harrison Collection Report**

The Head of Economy and Housing presented a report (previously circulated) to update Members of revised phasing arrangements and to confirm members support of the Harrison Collection project at Ryedale Folk Museum.

Following difficulties with two of the major funding sources, rather than delaying the project entirely and risk losing other funding, the Museum had worked with its architects to develop an effective phased approach to the development project.

Members expressed support for the revised approach and requested that the recommendation be amended to read:

“It is recommended that members support the revised phasing arrangements and confirm their support for the Harrison Collection project at Ryedale Folk Museum, based on the approach and funding package outlined in the report.”

Resolved

That members supported the revised phasing arrangements and confirmed their support for the Harrison Collection project at Ryedale Folk Museum, based on the approach and funding package outlined in the report.

41 **Budget Strategy 2011/2012**

The Corporate Director (s151) gave a presentation to Members on the Budget Strategy 2011/2012.

The presentation outlined the recent Comprehensive Spending Review announcement and the possible effects on Council budgets for 2011/2012 and 2012/13.

Resolved

That the report be noted.

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

There were no items of urgent business.

The meeting ended at 5.35 p.m.

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

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Performance Narrative:

Housing

In difficult housing market conditions the Council still expects to deliver over 60 new affordable homes during 2010/11, with an additional 22 homes to be delivered in April/May 2011. A specialist post of Housing Delivery Officer is being created to help maximise provision of affordable housing in Ryedale, the post will be based in the Housing Unit but will liaise closely with the Planning team. This post is being funded through use of developer contributions, to assist in meeting housing needs in Ryedale by boosting the provision of affordable housing and reflects the conclusions of the recent housing services review. The Council currently can demonstrate a 4.65 years supply of available housing sites. It is worth noting that developers are still looking to bring forward housing in Ryedale despite the wider economic conditions. Planning permission has recently been granted for 186 dwellings in Norton just off Scarborough Road (65 of these are affordable on site with a further affordable housing commuted sum of £194k to support affordable housing initiatives). Planning permission has been authorised for 89 dwellings at Cheesecake Farm in Norton (27 of which are affordable). Other major applications remain under consideration at Malton (Broughton Rd circa 300 dwellings) and Pickering (Whitby Rd and Thornton Rd, 87 and 110 dwellings respectively).

Economy

The Ryedale Business Forum has met twice involving business leaders in Ryedale with the aim of improving the way the Council and local businesses work

together. The Forum meets quarterly. The Council's Commissioning Board has been working with local tourism businesses and other partners to redesign the way the Council invests in tourism support and changes have been agreed which will deliver the best value for money for the Council and the community. Nynet have launched a Community Broadband Initiative and have established two pilots in North Yorkshire at Newton upon Rawcliffe and Gillamoor. These have been undertaken to demonstrate that with a small amount of capital funding broadband can help to transform the lives of residents in remote rural locations.

Both North Yorkshire County Council and Ryedale District Council have agreed to increase funding contributions to the Brambling Fields A64 junction improvements following the design process. This project will support new development and economic activity at Malton and Norton. A public consultation on the scheme and improvements to Malton town centre to encourage investment and attract visitors is expected in March/April 2011.

Environment

The Council aspires to improve its performance in the area of waste reuse, recycling and composting and in order to achieve this proposes to increase the range of materials included in its recycling service. This should help to address the low levels of satisfaction with this service which are due to the lack of availability of kerbside plastic and cardboard recycling. Officers are in the final stages of a procurement exercise regarding sale of recycling materials and fees for composting of garden waste, early indications are positive regarding the potential for generating additional savings for the Council. In addition officers have been successful in attracting £25K grant funding which will be used to support a range of initiatives designed to improve efficiency, these include the trial of route optimisation software, Trackers and EDA systems (which promote greater fuel efficiency). The work is the result of a rural waste partnership initiative between Ryedale, Craven, Hambleton and Richmondshire District Councils.

Safe Active Communities

The Councils recent budget consultation has once again indicated the importance Ryedale's residents place on maintaining the low levels of crime in our communities. Ryedale is still the safest district in North Yorkshire, one of the safest counties in England.

The figures for year 2009 - 2010 for Ryedale showed crime has dropped by over 16%, which equates to 340 fewer victims of crime.

Safer Ryedale are currently revising the Community Safety Plan for 2011 and Safer Ryedale is on target to deliver all of the objectives by the end of the current three year plan. Cases of theft and violence in Ryedale have risen in the past year, with the number of theft cases reported rising from 442 to 483, while violence incidents rose from 255 to 303. The overall number of all crimes increased from 1,264 to 1,299 in the year.

Research is currently being undertaken by the Commissioning Board into active living in Ryedale, with a view towards the production of a strategy to encourage more active lifestyles amongst residents in Ryedale. The new sports centre at Malton is due to be opened in early February 2011.

Transformation

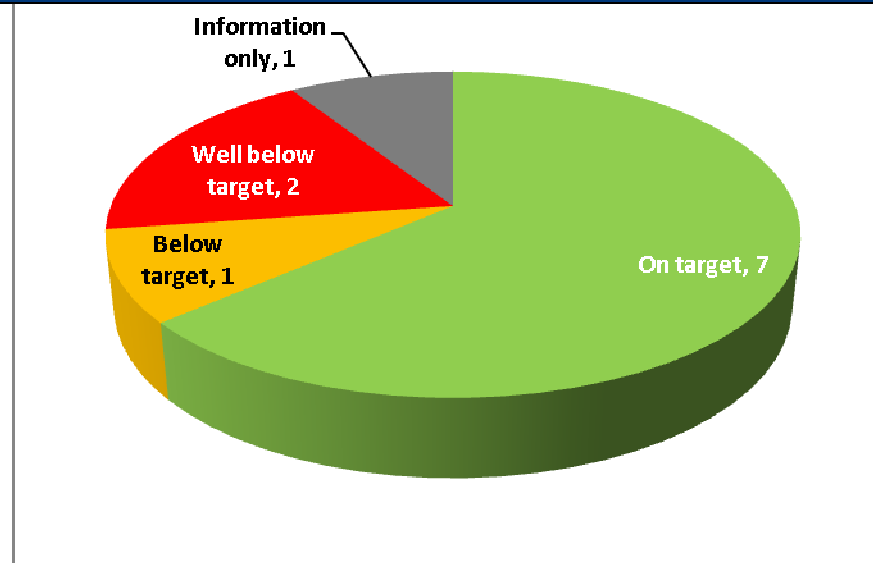
The council has undertaken the budget consultation using an online budget simulator. The results have been used to inform the development of the financial strategy and the preparation of the Budget for 2010/11. The one-11 programme is on schedule and almost fully delivered with efficiency savings achieved so far of £950k towards the target of one million pounds. Proposal for a balanced budget with zero increase in council tax will be put to Council, largely due to the achievements in delivering efficiencies under the One-11 programme and through the efforts of the whole Council. The Financial Strategy, including revenue and capital programmes, will be presented to the meeting of Council on 21 February.

Delivery of the Councils IT programme is on schedule with the new Revenues and Benefits system due to go live in February. The Electronic Document Management System is going live in February and will increase the Councils capacity to maintain front line services by streamlining administration processes and allowing for more effective use of the Councils administrative resource. Other IT developments include the public access to land charges and to online consultations for planning applications.

The Council has been successful in maintaining its Investors in people accreditation and also featured well in the Best Councils survey as 'one to watch' for the future.

Aim 1. Housing Need – Performance Indicators

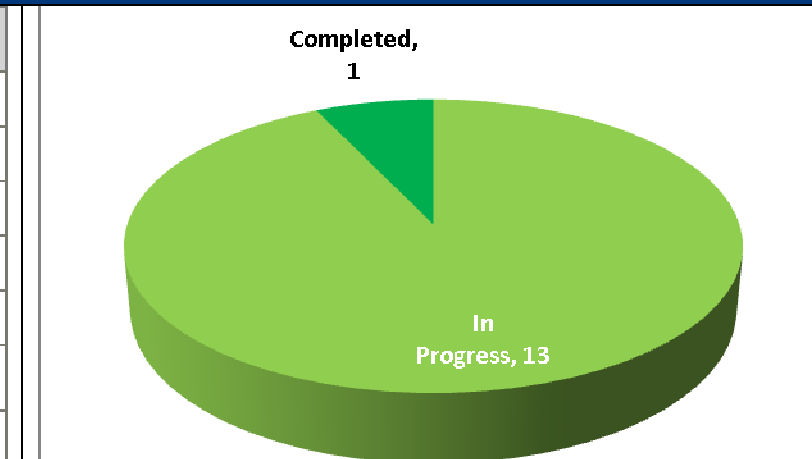
Status	Performance Indicator
🛑	Net additional homes provided
🛑	Supply of ready to develop housing sites
⚠️	Tackling fuel poverty – % of people receiving income based benefits living in homes with a low energy efficiency rating: (i) Low energy efficiency
✅	Additional extra care units occupied



Status	Performance Indicator
✅	Homeless applications on which RDC makes decision and issues notification to the applicant within 33 working days
✅	Time taken to process Housing Benefit/Council Tax Benefit new claims and change events
✅	Tackling fuel poverty – % of people receiving income based benefits living in homes with a low energy efficiency rating: (ii) High energy efficiency
✅	Percentage of vulnerable people achieving independent living
✅	Number of affordable homes delivered (gross)
✅	The extent to which older people receive the support they need to live independently at home
✅	Prevention of Homelessness through Advice and Proactive Intervention

Aim 1. Housing Need - Actions

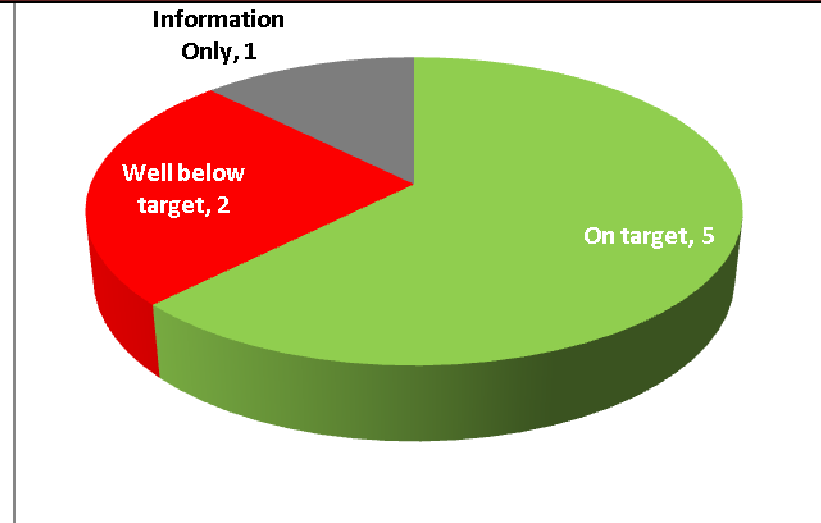
On Target	Title
▶️	Private Sector Energy Efficiency Grants
▶️	Exception Sites Land Purchase
▶️	Planning Gain
▶️	Registered Social Landlord/Other Funded
▶️	Homelessness applications & acceptances
▶️	Provision of a Mortgage rescue scheme in partnership
▶️	Temporary Accommodation & Bridge House



On Target	Title
▶️	Homelessness - Projects & Initiatives
▶️	Homelessness Strategy Action Plan
▶️	Empty Homes Strategy
▶️	Home Repair Loans 2010-11
▶️	Decent Home Loans 2010-11
▶️	To deliver an LDF for Ryedale
✅	Empty Property Grants 2010-11

Aim 2. Economic Success – Performance Indicators

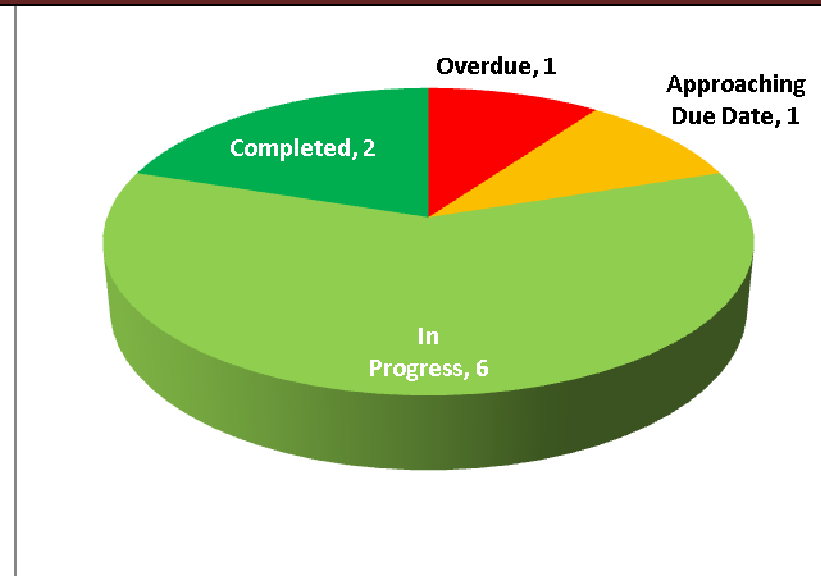
Status	Performance Indicator
🔴	Average household earnings in Ryedale
🔴	Gross weekly earnings by workplace
✅	Total Job Seeker Allowance Claimants
✅	% Ryedale population qualified - NVQ1



Status	Performance Indicator
✅	% Ryedale population qualified - NVQ2
✅	% Ryedale population qualified - NVQ3
✅	% Ryedale population qualified - NVQ4
⚠️	Number of new business start ups

Aim 2. Economic Success - Actions

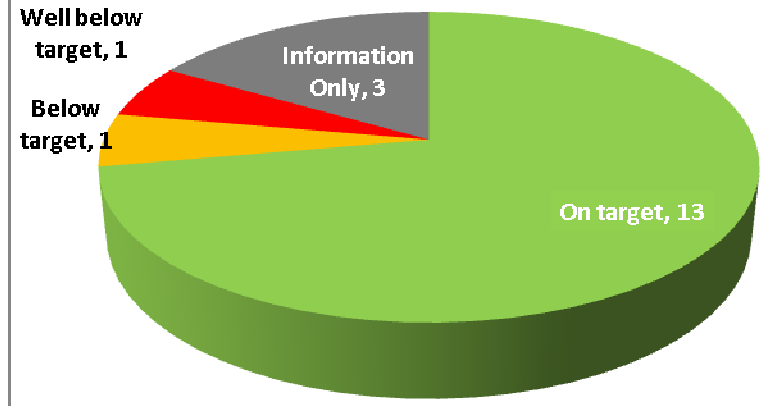
Target	Title
🔴	Adopt Benefits KLOE self assessment improvement plan
⚠️	Improve Skills and Knowledge of the workforce
▶️	Northgate Project Implementation
▶️	Enable economic activity through supporting projects
▶️	Provision in Capital Programme for an Economic Development Scheme



On Target	Title
▶️	Support local businesses
▶️	A64 Brambling Fields Junction Upgrade
▶️	To deliver an LDF for Ryedale
✅	Review benefits system & where feasible implement new system
✅	Review & develop effective fraud partnership with Scarborough

Aim 3. High Quality Environment – Performance Indicators

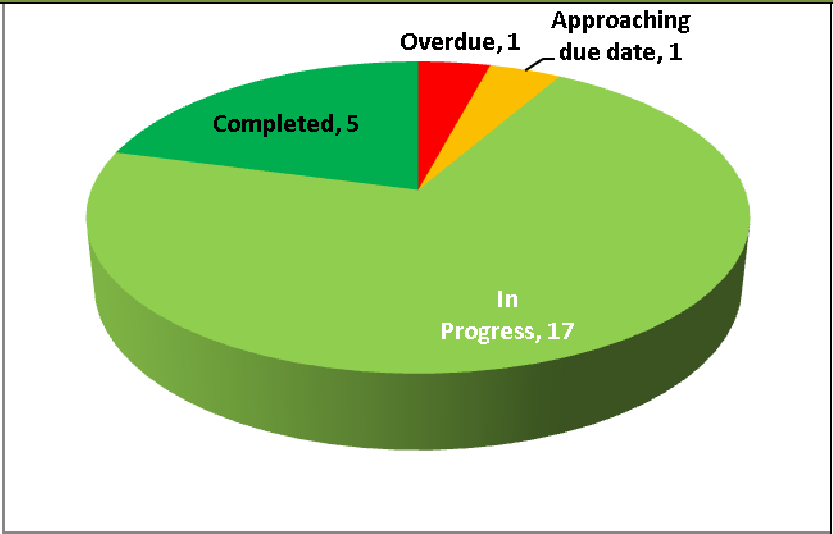
Status	Performance Indicator
🛑	Improved street and environmental cleanliness: Detritus
⚠️	Residual household waste - kg per household
✅	New homes built on previously developed land
✅	Improved street and environmental cleanliness: Fly tipping
✅	CO2 reduction from LA operations
✅	Planning to Adapt to Climate Change
✅	Flood and coastal erosion risk management
✅	Percentage of municipal waste land filled
✅	% of household waste sent for reuse, recycling and composting



Status	Performance Indicator
✅	Improved street and environmental cleanliness: Litter
✅	Overall/general satisfaction with local area
✅	Awareness of civil protection arrangements in the local area
✅	Satisfaction of people over 65 with both home and neighbourhood
✅	Improved street and environmental cleanliness: Graffiti
✅	Improved street and environmental cleanliness: Fly-posting
🛑	Per capita reduction in CO2 emissions in the LA area
🛑	Air quality – % reduction in NOx & primary PM10 emissions through LA's estate & operations
✅	Improved Local Biodiversity

Aim 3. High Quality Environment – Actions

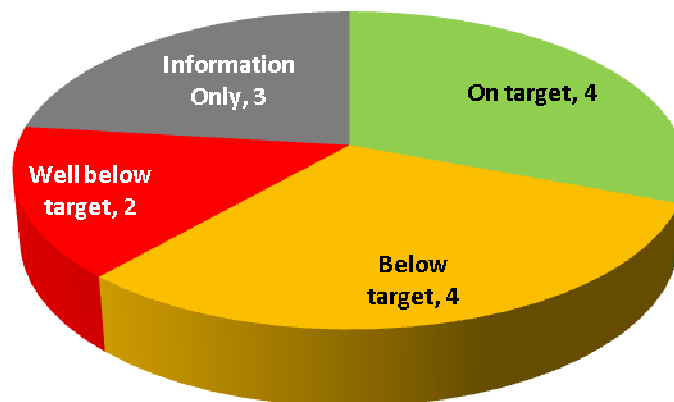
On Target	Title
	Implement Biodiversity Action Plan
	Increased recycling of road cleansings/leafall for composting during off season Oct-March
	Deliver capital schemes contained in Capital Programme
	Vale of Pickering Channel Management Pilot
	Set up group to develop an Air Quality Action Plan.
	To deliver an LDF for Ryedale
	Increased capture of additional recyclate when vehicle fleet falls out 2010/2011
	Enhanced monitoring of crews regarding side waste
	Review of the waste collection service with the partnership
	Consideration of commercial viability/cheaper service provision for customers
	Consideration of enhanced recycling service
	Increased monitoring of performance - street & environmental cleanliness



On Target	Title
	Increased cleansing utilizing a second sweeper
	Enhance stakeholder participation re volunteer groups
	Greening fleet with consideration of expanding bio diesel trial
	Introduction of energy efficient boilers in RDH and also Ryedale pool
	Develop Travel plan for RDC
	Round review re waste management to ensure optimum efficiency
	Work with local groups through Britain in Bloom, Parish Councils, Tidy Britain
	Strategic Flood Risk Assessment
	Prioritize flood risk areas and implement local catchment's of sandbags for immediate self help
	Air Quality Progress report to be submitted to Defra
	Consideration of selling off the service with trade recycling to be provided by private company
	Air Quality Assessment of AQMA

Aim 4. Active Safe Communities – Performance Indicators

On Target	Title
	Residents satisfied with sports/leisure facilities
	Repeat incidents of domestic violence
	Perceptions that people in the area treat one another with respect and consideration
	% of people who believe people from different backgrounds get on well together in their local area
	Self-reported measure of people's overall health and wellbeing
	Adult participation in sport and active recreation

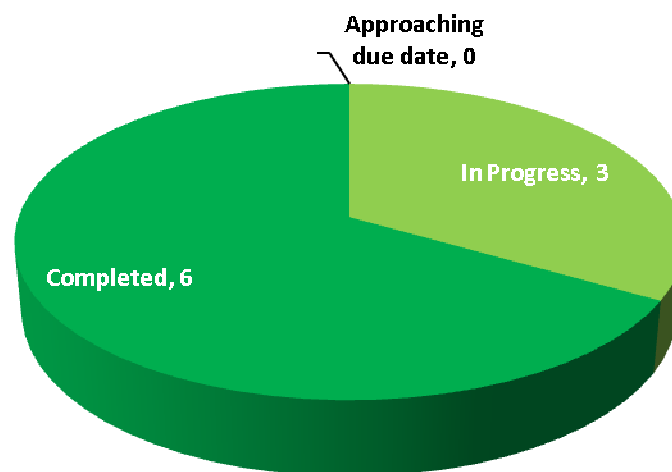


On Target	Title
	% of people who feel that they belong to their neighbourhood
	Perceptions of anti-social behaviour
	Perceptions of drunk or rowdy behaviour as a problem
	Children & Young People's Participation in high quality sport
	Obesity in primary school age children in Year 6
	Children and young people's satisfaction with parks and play areas
	People killed or seriously injured in road traffic accidents

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Aim 4. Active Safe Communities – Actions

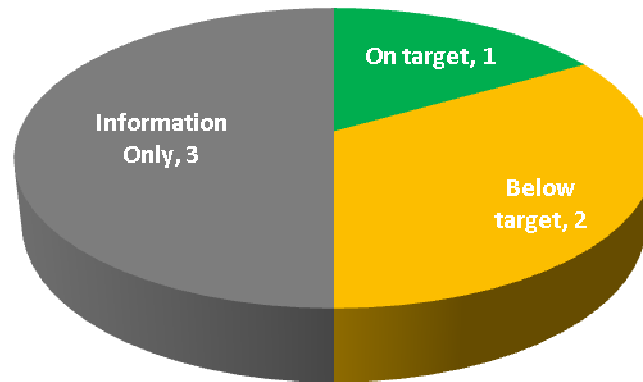
On Target	Title
	Review the Sports Strategy with a vision towards 2012 Olympics
	Grant to Malton School for dry sports centre
	Grant for the redevelopment of existing sports facilities in Helmsley
	Continue to provide Multi Agency intervention to incidents of domestic abuse through the provision of Making Safe
	Identify main groups for targeted education initiatives ie Drive Alive, Drive Wise. Learner Drivers, Youth Groups, Elderly, Migrant workers, local business






On Target	Title
	Deliver 8 Operation Siren events at venues informed by intelligence gained from ATC deployments/community feedback
	Address the issue of dog fouling already identified by street surveys, through a system of education and rigorous enforcement. Monitor success by public reaction
	Maintain proven diversionary activities for young people in Ryedale ie Dry Bars, YCV, LIFE, Skate Park
	Produce a continuation strategy for the Alcohol Respect Campaign to maintain its momentum







Aim 5. To Transform the Council – Performance Indicators

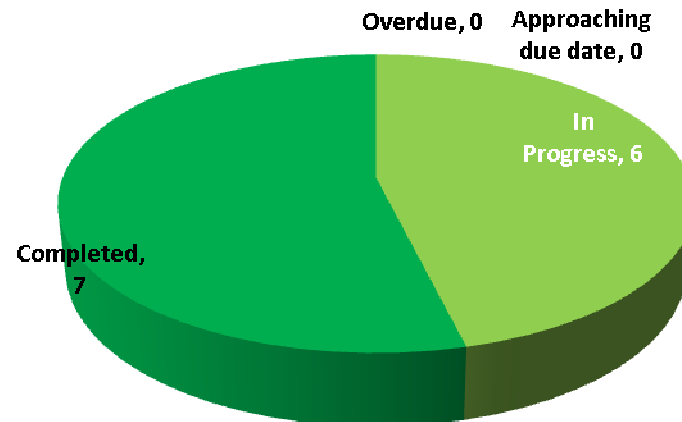
Status	Performance Indicator
	Equality Standard for Local Government
	% of adults surveyed who feel they can influence decisions affecting their local area
	Civic participation in the local area



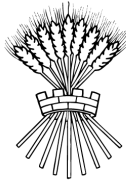
On Target	Title
	% of population within 5 miles of a Joint Access Centre
	Top priorities for local people
	Avoidable contact: the proportion of customer contact that is of low or no value to the customer

Aim 5. To Transform the Council – Actions

Target	Title
	One-11 Programme Plan
	A Plan for Every Parish
	Deliver the Corporate efficiency programme
	Value for Money
	Shared Services
	Engage our communities through the Ryedale Citizen's Panel



On Target	Title
	Formulate an action plan for maintaining IIP accreditation
	Deliver European and County Council election 2009
	Deliver General Election 2010
	Single Equalities Scheme
	CAA self assessment - area and organisational
	Partnership Protocol
	Service Equality Monitoring



PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	10 FEBRUARY 2011
REPORT OF THE:	HEAD OF ECONOMY AND HOUSING JULIAN RUDD
TITLE OF REPORT:	THE HARRISON COLLECTION AT RYEDALE FOLK MUSEUM
WARDS AFFECTED:	DALES (DIRECTLY), ALL (INDIRECTLY)

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To seek confirmation of Members' support for the project, having considered the revised phasing arrangements now proposed.

2.0 RECOMMENDATION

- 2.1 It is recommended that Members note the revised phasing arrangements and confirm their continued financial support for the Harrison Collection project at Ryedale Folk Museum, based on a £194K contribution to Phase 1a of the High Barn scheme and £36K to Phase 1b.

3.0 REASON FOR RECOMMENDATION

- 3.1 No additional funding is being requested but the approach to delivering the proposed scheme has changed. Members are therefore being requested to support the revised approach as outlined in this report.

4.0 SIGNIFICANT RISKS

- 4.1 The significant risk is that the Museum is not ultimately able to deliver the full scheme towards which the Council has approved a capital contribution. It is, however, considered that this risk is outweighed by the potential risk of losing the funding that is already approved from other sources, should the Museum wait to commence works until the full funding package is secured, with the consequent risk of losing the opportunity to secure the Harrison Collection for the Museum and for Ryedale as a whole. The detailed risk matrix is at annex A.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 Policy and Resources, at its meeting on 2 October 2008 (Minute 277), approved a capital allocation of £250k to support the project to house the Harrison Collection at the Ryedale Folk Museum ('the Museum'). Some of the background to this meeting is repeated below to remind Members of the national significance of this collection.
- 5.2 £20k of the Council's contribution has been spent on development of the project in 2009/10, matched to a £99k grant from HLF, leaving £230k of the Council's contribution going forward.
- 5.3 The Museum was offered a bequest of over 10,000 artefacts worth in excess of £1m, although of irreplaceable value in social terms. This collection, amassed over 50 years by two Ryedale residents, Edward and Richard Harrison, was the subject of "Inside Out" on BBC1 where Eric Knowles (Antiques Roadshow) described it as a "breathtaking collection" and "jaw-dropping stuff". It is currently uncatalogued and inappropriately stored, leaving it vulnerable to deterioration and damage, and requires a large space for storage and display which is currently unavailable at the museum.
- 5.4 The Harrison Collection has been assessed by heritage professionals who concluded that "There are around 800 or 900 objects that are of major national significance, many unique, and the rest one of only a handful of known examples...The collection compares with and can stand alongside any major national museum collection." The Harrisons want the collection to stay in Ryedale for public benefit, and work is continuing to transfer the ownership of the collection to the Folk Museum. It is a truly eclectic, eccentric collection and very much in the spirit and tradition of the early collectors whose work is the basis of our major museums today.
- 5.5 It is imperative that the collection is kept intact and in Ryedale – Eric Knowles expressed his surprise that the collection had not been offered to a national museum. This will only be possible if the Museum is able to raise the required funds within an acceptable timescale and the Museum is asking for help from a variety of sources.
- 5.6 Since the Policy and Resources Committee in October 2008 the Ryedale Folk Museum have been working to secure the remainder of the funding that would enable the scheme to go ahead as previously reported.

6.0 POLICY CONTEXT

- 6.1 The project contributes directly towards the priority activity 'Improving the cultural offer in Ryedale' as identified in the Council Plan 2009-13, under Aim 4 'To have active communities where everyone feels welcome and safe'
- 6.2 It also contributes to:
- i. the two over-arching aims of the York and North Yorkshire Cultural Partnership 2009 – 2014 Strategy - "raise participation in regular volunteering" and "increase visitor spend by 5%" but significantly to the following 2 priorities:
 - Priority 1 : celebrating the culture of York and North Yorkshire and
 - Priority 4: Experiencing culture in communities

- ii. Yorkshire Forward – a Strategic Framework for the Visitor Economy (Yorkshire Forward 2005): Increase the value of tourism earnings by 5% per-annum; achieve growth in the visitor economy consistent with the principles of sustainable development; achieve increases in visitor satisfaction by improving quality of place and quality of product
- iii. Yorkshire and Humberside Regional Economic Strategy 2006 – 2015: The region will deliver high quality physical development that supports urban and rural renaissance, helps our environmental goals, and builds on the distinctive assets of our cities and towns

7.0 REPORT DETAILS

- 7.1 The Museum has been successful, despite the difficult economic climate, in securing a significant level of funding towards the project from a range of sources, including the Council, various charitable trusts, and the North York Moors Coast and Hills LEADER programme. The current level of funding secured is £560k of which £72k is earmarked for the educational facility aspect of the build. The total cost of the project as originally proposed is £2.4m.
- 7.2 In addition, funding has been obtained from the Pilgrim Trust for a Harrison Collection Curator. David Stockdale is now in post and is working full time on the project.
- 7.3 During this period the museum has been named as one of 4 *national* “Engagement at the Heart” museums after a rigorous research process on behalf of the Paul Hamlyn Foundation. PHF has made a commitment for significant ongoing financial support for these museums. The Foundation is giving the Museum an annual grant from 2011 for 3 years to support its work and develop its practice further, including acting as a centre to teach best practice to other organisations in the sector.
- 7.4 Two of the major funding sources that the Museum had hoped would be able to contribute significant amounts towards the Harrison project have unfortunately proved difficult to access. The Museum had hoped to secure approximately £1m from the Heritage Lottery Fund (HLF) and a further £370k from the Rural Development Programme for England (RDPE) administered by Yorkshire Forward.
- 7.5 The application process and communication with HLF has not proved at all straightforward and it has been mutually agreed that the 2008-10 application (based on initial plans to buy the Barn Hotel to house the collection, but now superseded by plans to convert and extend the High Barn) should be ‘timed out’ to allow a new application to be submitted. A plan of the site is located in Annex B.
- 7.6 The availability of RDPE funding has been significantly reduced following recent Government budget cuts and indications from Yorkshire Forward are that it will not be possible to fund the scheme to the level originally indicated.
- 7.7 The Museum intend to submit a new application to HLF based on the current project proposals and also to apply for as much RDPE funding as possible, however, this will take time. In both cases the funders have indicated that funds would not be available until well into 2011-2012 at the earliest. This means that the Museum might lose other earmarked funding while these applications are in process. The Museum is therefore keen to ensure that the funding that has already been secured is not placed at risk by continuing to delay project commencement unnecessarily. There is also the power of having the collection on site and accessible to the public which will make it easier to augment the already immensely successful local fund-raising drive.

- 7.8 As such the Museum has worked with its architects, Purcell Miller Tritton, to develop an effective phased approach to the project (as shown on the plan attached at Annex B). This approach splits the project up into the following phases:

Phase 1a

- Convert the existing High Barn to become the planned, high-quality exhibition space for the Harrison Collection (offering immediate access to 50% of the exhibition space specified in the original plan and allowing volunteers to begin cataloguing work straight away)
- Small extension to High Barn to become a Community Archive / Library
- Convert the existing tractor store as storage for the Harrison Collection utilising plans which allow the public to view items in the store
- Construct the boiler house and install services for the entire build

Phase 1b

- New-build extension to the High Barn to provide a larger exhibition space (delivering the remaining 50% of the exhibition space), including changing exhibitions, allowing significantly more of the Harrison Collection to be on show

Phase 2

- Major new-build Learning Space

- 7.9 Phase 1a and 1b are considered to be two phases of a single coherent project which ideally would be delivered as a single phase, but which, given funding considerations, can be split into two phases and delivered separately. Phase 2 is effectively considered a 'stand alone' phase that can be delivered as and when the required funding becomes available.
- 7.10 The cost of Phase 1a is estimated as being approximately £640k although a firm price will not be known until tenders have been received and evaluated. The Museum has now secured £488k of immediately useable funding (including £194k of the Council's contribution), which together with £152k that the Museum plan to raise through a short-term fundraising programme, should be sufficient to complete Phase 1a. Subject to Member approval of this approach, the Museum proposes to start construction of this phase in Spring 2011.
- 7.11 In order to deliver Phase 1a, the Museum will require £194k (or 78%) of the Council's overall contribution to be committed to this phase (together with funding from charitable trusts and LEADER). This approach carries with it the risk to the Council that Phase 1b does not ultimately get built, which would result in smaller and significantly less flexible exhibition space. However, the Museum propose to hold back spending the remaining £36k of the Council's overall contribution to match against funds currently applied for later phases of the Project, thus partially mitigating this risk.
- 7.12 The proposed approach, critically, avoids the greater risk of losing the funding that has already been secured towards the project, which could be a real risk if the Museum continues to wait until the whole funding package is in place. It enables the Museum to make a start on implementing their plans and to have a significant amount of the collection on display, whilst retaining enough of an incentive and business justification for funders (e.g. HLF and RDPE) to be willing to support implementation of Phase 1b. Most significantly it will enable the Museum to secure possession of the Harrison Collection and avoid the risk of this being lost out of the District.

Julian Rudd
Head of Economy and Housing

Author: Howard Wallis, Project Delivery Manager
Telephone No: 01653 600666 ext: 274
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Background Papers:

'The Harrison Collection at Ryedale Museum' report and minutes, 2 October 2008 P&R Committee

Background Papers are available for inspection at:

<http://democracy.ryedale.gov.uk/uuCoverPage.aspx?bcr=1>

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RISK MATRIX

Issue/Risk	Consequences if allowed to happen	Likelihood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
The risk of delivering the project as originally proposed (ie as a single phase) is that it takes too long to secure the full funding package, some of the already secured funding is withdrawn, with the result that the scheme does not proceed at all	If the scheme does not proceed in a reasonable timescale (or at all) the Museum would not be able to secure the Harrison collection – meaning it could be lost out of Ryedale, potentially to one of the national museums	4	E	Propose splitting the project into phases to allow the Harrison Collection to be secured and work to commence on the first phase	1	B
The risk of splitting the project into phases and delivering only the phase for which money is currently available (ie Phase 1a) is that remaining the phase/s may not ultimately be delivered	A smaller exhibition area in which to house and display the Harrison collection.	3	C	i) It is proposed that £36k of the Council's contribution is held back to assist with match funding Phase 1b, ii) delivering phase 1a and securing the Harrison Collection on site will lift the profile of the Museum still further and provide enhanced opportunities for fundraising towards the remaining phase/s	2	C

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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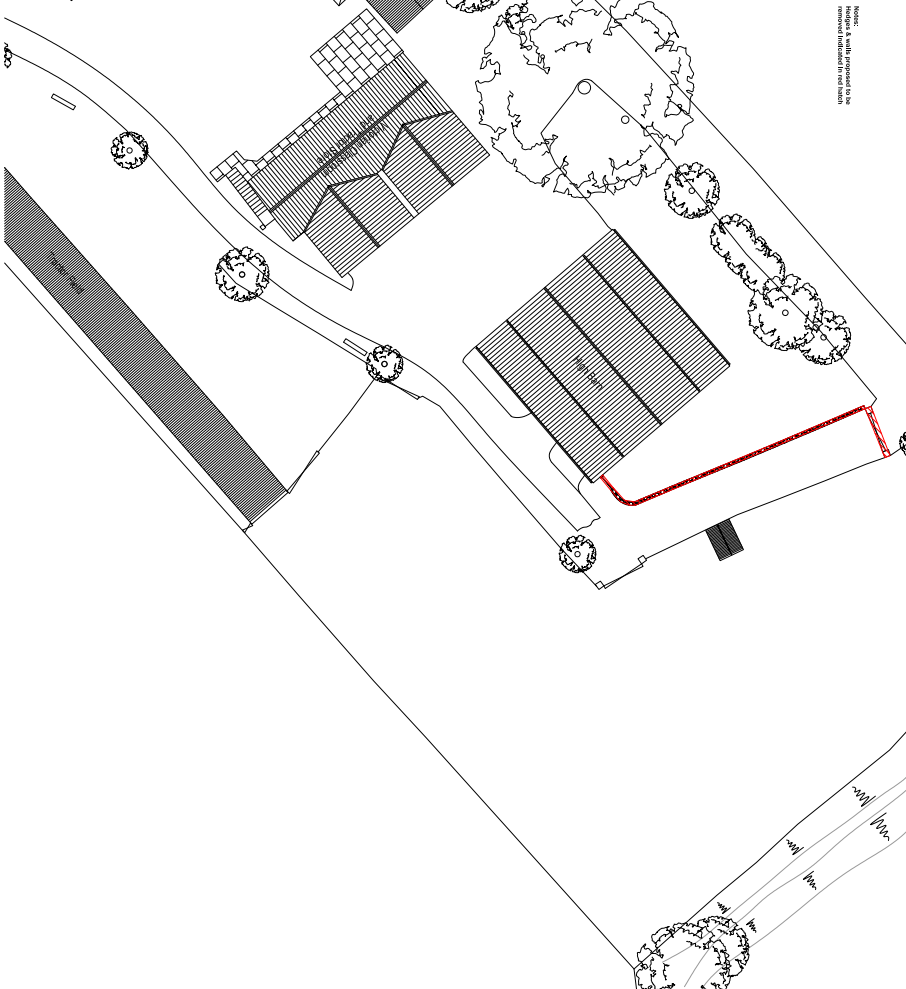
Agenda Item 8

Site Location Plan
Scale 1:2000 @ A1

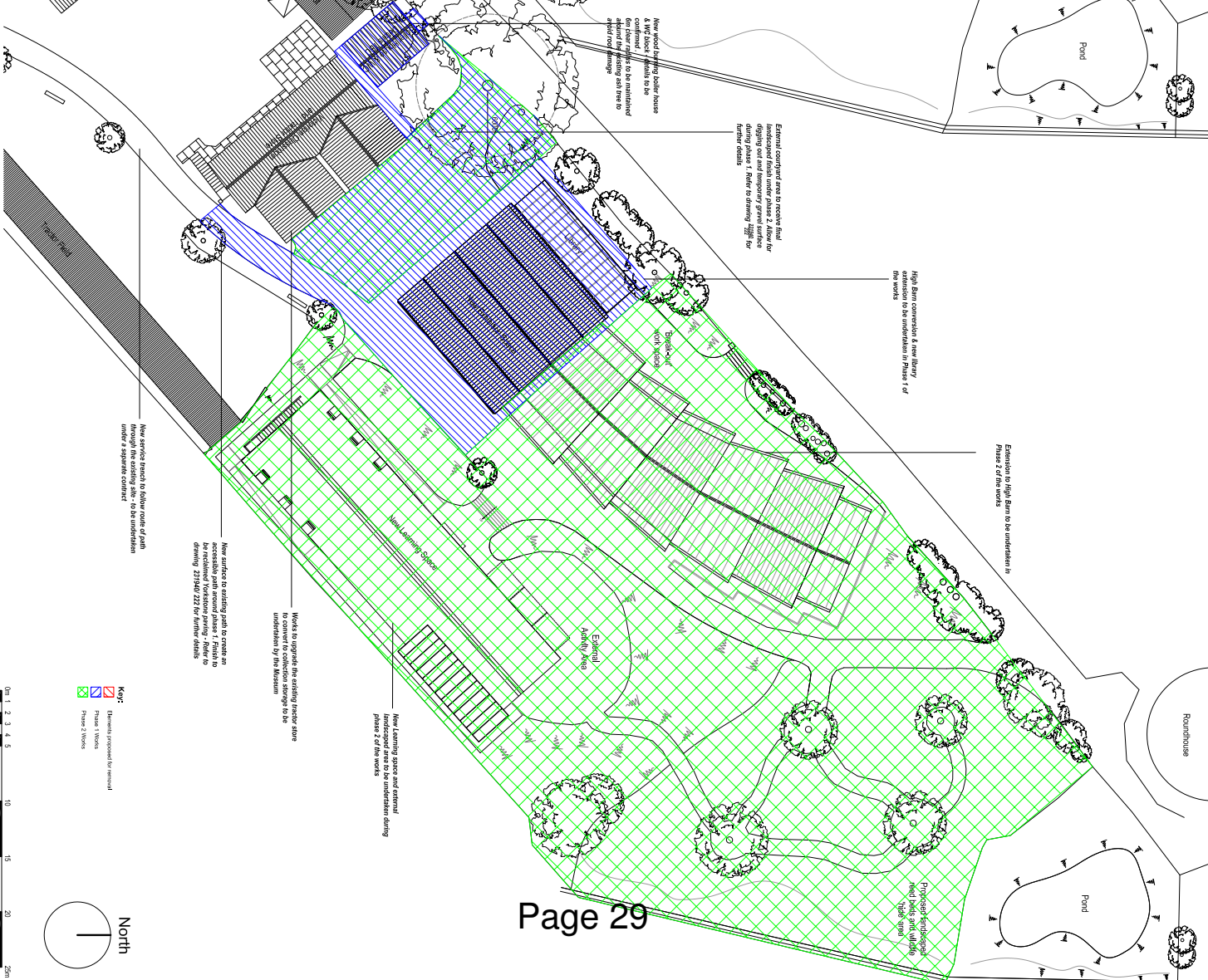
Notes:
1. Areas & walls proposed to be removed (indicated in red block)



Existing Site Plan

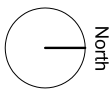


Proposed Site Plan



PURCELL MILLER RICHIE
RYDALE FOLK MUSEUM - NEW EXHIBITION SPACE AND NEW LEARNING SPACE
Phase 1 - October 2010
SITE PLANS - AS EXISTING AND PROPOSED
Scale 1:200 @ A1
231940 - 220

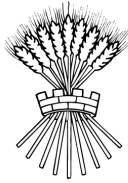
- Key:
- Existing proposed for removal
 - Phase 1 Works
 - Phase 2 Works
 - Phase 3 Works



Notes on Proposed Site Plan:

- High Barn conversion & new library extension to be undertaken in Phase 1 of the works
- Extension to High Barn to be undertaken in Phase 2 of the works
- Proposed extension of new library building
- Expanded courtyard area to provide final landscaped finish under phase 2. Allow for digging out and temporary grass surface during phase 1. Refer to drawing 231940-220 for further details
- New wood building fabric raises combined with new roof to be maintained against the existing wall to the rear of the building
- Break-out area
- External seating area
- Works to upgrade the existing tractor store to convert to collection storage to be undertaken by the Museum
- New learning space and external landscaped area to be undertaken during phase 2 of the works
- New service roads to allow route of path under a separate contract
- New outdoor seating area to be undertaken under a separate contract
- New outdoor seating area to be undertaken under a separate contract
- Works to upgrade the existing tractor store to convert to collection storage to be undertaken by the Museum
- New learning space and external landscaped area to be undertaken during phase 2 of the works

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PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	10 FEBRUARY 2011
REPORT OF THE:	CORPORATE DIRECTOR (s151) PAUL CRESSWELL
TITLE OF REPORT:	REVENUE BUDGET MONITORING
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 To present to members a revenue budget monitoring report for 2010/2011.

2.0 RECOMMENDATION

2.1 It is recommended that members note the content of the report.

3.0 REASON FOR RECOMMENDATION

3.1 To ensure Members are kept regularly informed of the Council's financial position (in year).

4.0 SIGNIFICANT RISKS

4.1 There are no significant risks in receiving this report.

REPORT

5.0 BACKGROUND AND INTRODUCTION

5.1 Members regularly receive in year monitoring of part of the council's financial position. This is important as part of the budget monitoring process and also allows member to be aware of potential issues in setting subsequent budgets. This report provides an in year position as at the 31 December 2010.

6.0 POLICY CONTEXT

6.1 This report is in line with existing policies.

7.0 CONSULTATION

7.1 No further consultation has taken place on the content of this report.

8.0 REPORT DETAILS

8.1 Attached at Annex A is a summary of the significant variances within the Council's revenue accounts in the current year, 2010/2011. This report is derived from the information contained within the EMIS reports plus additional significant budgets within the Authority. EMIS reports are considered at the Resources Working Party.

8.2 Members will see that overall to date there is a net increase in costs of £81k with a projection for the full year of £59k.

8.3 The following are additional comments on the Annex:

- (i) The salary savings are significant, however must be reviewed in conjunction with the additional costs relating to the voluntary redundancy programme. This programme will be broadly self financing in year, with significant base budget savings incorporated into the 2011/2012 budget;
- (ii) There are pressures on some income budgets and some realignment of income estimates has been proposed as part of the 2011/2012 budget, it is of note that fee income from Development Control offsets some of this shortfall;
- (iii) In year Government cuts has resulted in projected income from the Local Authority Business Grants Incentive Scheme (LABGI) not now being received. An adjustment to the base is in the 2011/2012 budget proposals.

8.4 Other significant budgets including Concessionary Fares and vehicle lease costs are all expected to be within budget.

9.0 IMPLICATIONS

9.1 The following implications have been identified:

- a) Financial
There are no financial implications arising out of this report.
- b) Legal
There are no new legal issues arising out of this report.
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
There are no significant issues arising out of this report.

Paul Cresswell Corporate Director (s151)

Author: Paul Cresswell, Corporate Director (s151)
Telephone No: 01653 600666 ext: 214
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Background Papers:

None

Background Papers are available for inspection at:

N/a

SUMMARY OF REVENUE BUDGET MOVEMENTS 2010-11

Service Area	Over / Under (-) Spend		Details
	Actual for Period Ended 31-Dec-2010 £'000	Forecast for Full Year £'000	
Additional Costs			
Planned Expenditure with Earmarked Funding			
Various Services - Voluntary Redundancies	207	243	One -11 programme - funding through salary savings
Various Services - Early Retirement	109	130	One -11 programme - funding through salary savings
Economic Development Support	18	27	Business grants scheme - funding by ICE Fund
	334	400	
Unplanned Additional Expenditure			
Economic Development Properties	32	46	Loss of Income from rent on industrial units and business rates
Car Parks	47	42	Loss of Income from ticket sales and permits
Refuse Collection	19	19	Reduction in number of trade waste contracts
Land Charges	15	18	Loss of Income
	113	125	
Total Additional Costs	447	525	
Additional Savings			
Salary Savings in Various Service Areas	-379	-562	Savings from One-11 programme and zero pay award
Less Budgeted Savings Target	100	133	Provision for 3-month moratoria and revenues & benefits system
Net Salary Savings	-279	-429	
Various Services incl. Car Parks and Public Offices	-74	-74	Business rates refund for council property
Planning Policy	-48	-66	Delay to LDF inspection process - adj. to funding from LDF Reserve
Development Control	-38	-30	Increase in fee income
Various RDC Properties	-39	0	Repairs & maintenance budgets for council property
Total Additional Savings	-478	-599	
Other Movements in Costs and Savings	26	35	Minor movements to cost of services
Net Increase/(Reduction) in Cost of Services	-5	-39	
Other Financial Costs and Savings			
Investment Interest	82	100	Low rate of return will reduce the availability of funds for capital
Interest payments	-7	-10	No temporary borrowing
General Government Grant - LABGI	20	20	Withdrawal of grant scheme
General Government Grant - Area Based Grant	-9	-12	Extra grant to cover new burdens
	86	98	
Net Increase in Cost on Revenue Budget	81	59	
SUMMARY OF MOVEMENT ON FUNDS			
Increase (-) / Decrease to Revenue Reserves	6	-31	Reduction in contribution to cover the net cost of services
Decrease in Capital Fund	75	90	Reduction in contribution to Capital Fund due to interest shortfall
Net Decrease in Reserves	81	59	

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PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	10 FEBRUARY 2011
REPORT OF THE:	CORPORATE DIRECTOR (s151) PAUL CRESSWELL
TITLE OF REPORT:	TREASURY MANAGEMENT MONITORING REPORT
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To report on treasury management activities to date for 2010/11 and to update Members on current investments in accordance with the Chartered Institute of Public Finance (CIPFA) Code of Practice on Treasury Management (the Code).

2.0 RECOMMENDATIONS

- 2.1 It is recommended that:

- (i) Members receive this report; and
- (ii) The current investments and performance in 2010/2011 be noted.

3.0 REASON FOR RECOMMENDATIONS

- 3.1 The Council has adopted the Code. A provision of the Code is that the Policy and Resources Committee will receive and review regular monitoring reports relating to the treasury management activities of the current year.

4.0 SIGNIFICANT RISKS

- 4.1 There are no significant risks in considering this report. There are significant risks when investing public funds especially with unknown institutions. However, by the adoption of the CIPFA Code and a prudent investment policy these are minimised. The employment of Treasury Advisors also helps reduce the risk.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 The CIPFA Code states that Members will receive reports on the Council's Treasury

Management policies, practices, and activities at regular intervals including an annual strategy, a mid-year review of the strategy and performance, an annual outturn report and monitoring reports.

- 5.2 In compliance with the Treasury Management scheme of delegation a mid-year review report was submitted to the December meeting of the Overview and Scrutiny Committee for scrutiny, prior to the submission to Full Council.

6.0 POLICY CONTEXT

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

7.0 CONSULTATION

- 7.1 The Council use the services of Sector Treasury Services Limited (Sector) to provide treasury management information and advice.

8.0 REPORT DETAILS

- 8.1 The Council aims to achieve the optimum return on investments commensurate with the proper levels of security and liquidity. In the current economic climate it is considered appropriate to keep investments short-term and only invest with highly credit rated financial institutions.

- 8.2 As at 31 December 2010 managed investments totalled £14,870,000 which were lent out as follows:

	Internally Managed (£)	Externally Managed (£)	Total (£)
Temporary Investments	4,870,000	0	4,870,000
Fixed Term Deposits:			
Repayable within 1 month	0	0	0
Repayable 1 month to 3 months	2,500,000	1,500,000	4,000,000
Repayable 3 months to 6 months	2,500,000	2,000,000	4,500,000
Repayable 6 months to 12 months	0	1,500,000	1,500,000
Repayable 12 months to 24 months	0	0	0
Total	9,870,000	5,000,000	14,870,000

- 8.3 The above investments were held with the following types of institutions:

Type of Institution	Internally Managed (£)	Externally Managed (£)	Total (£)
UK Clearing Banks	7,370,000	2,500,000	9,870,000
Foreign Banks	2,500,000	1,000,000	3,500,000
Building Societies	0	1,500,000	1,500,000
Total	9,870,000	5,000,000	14,870,000

8.4 Listed below are the current investments with foreign banks:

Foreign Bank	Investment (£)	Latest Credit Rating Position
DBS Bank Ltd	2,000,000	Credit rating of up to 12 months
CIC Group	1,500,000	Credit rating of up to 6 months

8.5 This Council uses the creditworthiness service provided by Sector Treasury Services as specified in the Council's Investment Strategy approved by Full Council 22 February 2010. The service uses a sophisticated modelling approach with credit ratings from all three agencies – Fitch, Moodys and Standard & Poors, forming the core element. The modelling approach combines credit ratings, credit watches, credit outlooks and credit default swap spreads in a weighted scoring system, which indicates the relative creditworthiness of counterparties. All the above borrowers met the required credit rating at the time of investment and continue to do so.

8.6 The following table shows the relative performance of the external and internally managed funds with the 7-day benchmark for the period ended 31 December 2010:

	Average Investment (£)	Gross Rate of Return	Net Rate of Return	Benchmark Return
Internally Managed:				
Temporary Investments	1,350,257	0.58%	n/a	n/a
Fixed Term Deposits	1,250,000	1.05%	n/a	n/a
Externally Managed	1,250,000	1.05%	0.99%	0.43%

8.7 As illustrated above the authority has to date outperformed the benchmark. The Council's budgeted investment return for 2010/11 is £230k. The interest received from investments and loans for the nine-month period to 31 December 2010 total £98k. The return on investments therefore continues to be significantly below the profiled budget and a shortfall of £100k is anticipated for the financial year.

8.8 In December the policymakers at the Bank of England held interest rates at 0.5% for the 20th month in a row. Sector's latest economic forecast predicts that the first Bank Rate increase will be in the third quarter of 2011/12 to 0.75%, with continuing increases to eventually reach 3% in September 2013.

8.9 Officers can confirm that the approved limits within the Annual Investment Strategy were not breached during the period 1 April 2010 to 31 December 2010.

9.0 IMPLICATIONS

9.1 The following implications have been identified:

- a) Financial
The results of the investment strategy affect the funding of the Capital Programme.
- b) Legal
There are no legal implications regarding this report.
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)

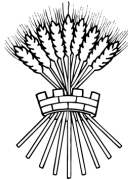
None to report.

Paul Cresswell
Corporate Director (s151)

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Background Papers:
None.

Background Papers are available for inspection at:
None.



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	10 FEBRUARY 2011
REPORT OF THE:	CORPORATE DIRECTOR MARIE-ANN JACKSON
TITLE OF REPORT:	SAFEGUARDING CHILDREN AND VULNERABLE ADULTS POLICY AND PROCEDURES
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to recommend for approval the new Council policy for safeguarding children and vulnerable adults.

2.0 RECOMMENDATION

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

3.0 REASON FOR RECOMMENDATION

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

- (i) Section 11 of the Children Act 2004 and Working Together to Safeguard Children, 2006 and 2010.
- (ii) Ryedale District Council is a statutory partner of the North Yorkshire Local Safeguarding Children's Board and the policy has been developed in line with the agreed multi-agency procedures.
- (iii) The guidelines on adult safeguarding produced by the Department of Health 'No Secrets' 2000.
- (iv) North Yorkshire Safeguarding Adults Multi-agency Policy and Procedures.

4.0 SIGNIFICANT RISKS

- 4.1 There are no significant risks in adopting the policy. The Council would be exposed to risk if it did not have up to date, compliant safeguarding policies and procedures.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 The Council adopted a Child Protection and Safeguarding Children Policy in 2007. Since that time further statutory guidance has been published¹ which has prompted the need to revise the Council's existing policy and related procedures. The North Yorkshire Safeguarding Adults Board has also produced multi-agency procedures for all partner agencies and therefore the proposed new policy has been produced to encompass adult safeguarding. There remain separate reporting procedures for children and adults to reflect the differing requirements.

6.0 POLICY CONTEXT

- 6.1 This policy is in accordance with the Council's policy framework.

7.0 CONSULTATION

- 7.1 The policy and procedures have been developed in consultation with North Yorkshire County Council, the sub-regional lead officers group, Unison and the Ryedale Safeguarding Panel which includes the Member Champions for Adults and Children.

8.0 REPORT DETAILS

- 8.1 The Council has a legal duty to have in place policies and procedures that ensure that its functions are discharged with regard to the need to safeguard and promote the welfare of children and there is an expectation and guidance in regard to the same obligations for the safeguarding of vulnerable adults. It is anticipated that this will become a duty in due course.
- 8.2 The Council has had in place a Safeguarding Children and Child Protection Policy since 2007. In 2010, following the publication of additional statutory guidance in relation to inter-agency working, officers have reviewed the policy and procedures and in addition have prepared a policy and procedure for the safeguarding of vulnerable adults in anticipation of a new duty and in line with agreed North Yorkshire Safeguarding Adults multi-agency procedures.
- 8.3 The new policy and procedures are attached at Annex A. The policy is combined for both Children and Adults however there are separate reporting procedures. Although very similar, the procedures have been kept separate in order to comply with the separate county wide multi-agency procedures.
- 8.4 The policy and procedures include the following sections:
- Understanding Abuse
 - Safeguarding Policy - including roles and responsibilities
 - Procedure for Vulnerable Adults

¹ Working Together to Safeguard Children – A guide to inter-agency working to safeguard and promote the welfare of children – DCSF - March 2010

- Procedure for Children
- Procedure for Managing Allegations against Staff

8.5 The policy and procedures are supported by a range of Appendices including Codes of Conduct, referral forms and definitions.

8.6 The code of conduct has been amended to include references to the use of social media such as Facebook, SMS (texting) and MySpace.

8.7 The revised policy proposes that the Named Senior Officer for Safeguarding is amended from the Corporate Director to the Head of Organisational Development. The Designated Safeguarding Officer is the Housing Services Manager.

9.0 IMPLICATIONS

9.1 The following implications have been identified:

- a) Financial
None identified.
- b) Legal
The policy and procedure is compliant with current legislation.
- c) Other
There are no significant other implications arising from this report.

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Corporate Director

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Background Papers:
Ryedale Safeguarding Children and Child Protection Policies (2007)

Background Papers are available for inspection at:
Ryedale Intranet

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RYEDALE
DISTRICT
COUNCIL



Safeguarding Children and Vulnerable Adults

Policy and Procedures

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Version History			
Version	Revision	Reviewer	Date
1.0	New Policy and Procedure	Marie-Ann Jackson	23 October 2010
1.1	Nominated Named Senior Officer changed Codes of Conduct added	Marie-Ann Jackson	3 December 2010
1.2	Photography Consent Form	Marie-Ann Jackson	6 December 2010
1.3	Taxi Drivers Code of Conduct	Beckie Bennett	25 January 2011

Section One: Understanding Abuse

1. What is abuse?

Abuse is the violation of an individual's human or civil rights by another person or persons¹. It can be a single act or repeated acts. It can be physical, psychological, sexual or emotional. It also includes acts of neglect or an omission to act. In all forms of abuse there are elements of emotional abuse. Vulnerable adults may also suffer additional types of abuse such as being manipulated financially or being discriminated against. Other examples of abuse include inflicting physical harm such as hitting or misuse of medication, rape and sexual assault or exposure to sexual acts without informed consent, emotional abuse such as threats, humiliation and harassment, exploitation, ignoring medical or physical needs, withholding of necessities of life such as food or heating. This list is not definitive.

Abuse may take place in a family or in an institutional or community setting, by those known to the victim or, more rarely, by a stranger.

The abuser may be an adult or adults, or a child or children. People who behave abusively come from all backgrounds and walks of life. They may be doctors, nurses, social workers, advocates, staff members, volunteers or others in a position of trust. They may also be relatives, friends, neighbours or people who use the same services as the person experiencing abuse.

Definitions of each category of abuse are detailed at Appendix 1.

2. Definition of child and vulnerable adult

Child

A child is legally defined as anyone under the age of 18.

Vulnerable Adult

A vulnerable adult is a person aged 18 years or over who may be unable to take care of themselves, or protect themselves from harm or from being exploited. Everyone has the right to live without fear of being abused and with their rights and choices respected.

Some people are more vulnerable than others because they are old and frail, or have a sensory impairment, a disability, a mental health problem, or have some form of illness. This means they may have difficulty in making their wishes and feelings known and this may make them vulnerable to abuse. It may also mean that they are not able to make their own decisions or choices. A person may also be vulnerable because of a temporary illness or difficulty.

A vulnerable adult may be:

- living in residential accommodation, such as a care home or a residential special school
- living in sheltered housing
- receiving domiciliary care in their own home
- receiving any form of healthcare
- detained in lawful custody (in a prison, remand centre, young offender institution, secure training or attendance centre, or under the powers of the Immigration and Asylum Act 1999)

¹ No Secrets - 2000

- under the supervision of the probation services
- receiving a specified welfare service, namely the provision of support, assistance or advice by any person, the purpose of which is to develop an individual's capacity to live independently in accommodation or support their capacity to do so
- is receiving a service or participating in an activity for people who have particular needs because of their age or who have any form of disability
- an expectant or nursing mother living in residential care
- receiving direct payments from a local authority or health and social care trust in lieu of social care services, or
- require assistance in the conduct of their own affairs.

If you are worried about a child or vulnerable adult ...

Please report your concerns or talk as soon as possible to the:

Designated Safeguarding Officer

Kim Robertshaw, Tel: 01653 600666 ext 355 or the

Deputy Designated Safeguarding Officers

Rachael Fox-Evans Tel: 01653 600666 ext 262

Beckie Bennett, Tel 01653 600666 ext 483

These Officers are nominated to act on the Council's behalf in referring allegations or suspicions to the statutory authorities.

You may also contact:

North Yorkshire County Council Social Care Customer Relations Unit: 0845 034 9410

Email: social.care@northyorks.gov.uk

or the Out of Hours Duty team: 0845 034 9417

Email: edt@northyorks.gov.uk

If you consider it to be an **emergency** then contact the **Police** directly by **calling 999** or **0845 60 60 247**.

If the suspicions relate to any member of staff, contact the Council's nominated Named Senior Officer: **Louise Sandall, Head of Organisational Development, Tel 01653 600666 ext 392**.

Important

Remember it is not up to you to decide if abuse has taken place, that is the role of North Yorkshire's Social Care Services, **BUT** it is up to you to report **ANY** concerns to your Designated Safeguarding Officer.

We have a legal responsibility to respond to any issues that may concern us even if they don't involve our staff or services.

Section Two: Safeguarding Policy

1. General Principles

Ryedale District Council delivers a range of services which help to improve outcomes for children and vulnerable adults. Services can be delivered in a variety of ways and a variety of settings. This policy applies to all our service delivery vehicles and any setting where we deliver services whether it is from our operational buildings or out in the community.

The Council recognises that all children and vulnerable adults have a right to protection from abuse, and acknowledges our responsibility to safeguard and promote the welfare of children and vulnerable adults. The legislative framework within which this policy operated is at Appendix 2.

The Council is committed to the following principles:

- promoting good practice and enhance safeguarding of children and vulnerable adults, irrespective of age, class, religion, culture, disability, gender, ethnicity, sexual orientation, nationality, family, dependency, marital or economic status;
- contributing positively to improving outcomes for these groups through the development and delivery of services;
- recognises its duty, under Section 11 of the Children Act 2004, to ensure that functions, and services provided have regard to the need to safeguard and promote the welfare of children;
- working with partners within inter-agency frameworks to ensure that children and vulnerable adults at risk of abuse receive protection and support;
- acting in a way that supports the right of the individual to lead an independent life based on self-determination and personal choice, recognising that this can involve risks which need to be managed;
- acknowledges that the identification of abuse is the responsibility of all members of the community. It is the particular responsibility of Council staff to raise awareness, provide support and take appropriate action.

The Council has in place a range of policies and procedures, which contribute to safeguard and promote the welfare of children and vulnerable adults. These reflect legislative requirements, professional and governing body standards and requirements, and good practice. A list of relevant policies is shown in Appendix 3.

2. General Statement of Intent

The Council will:

- adopt a zero tolerance approach to abuse and will work to ensure that policies and practices are consistent with local multi-agency procedures and meet all our legal obligations
- contribute to partnership arrangements through the:
 - North Yorkshire Local Safeguarding Children Board,
 - Scarborough Whitby & Ryedale Local Children Safeguarding Forum,
 - North Yorkshire Safeguarding Adults Board,
 - Local Safeguarding Adults Group
 - Multi-Agency Public Protection Arrangements

- meet the requirements of the North Yorkshire Multi-Agency Safeguarding Adults and the North Yorkshire Safeguarding Children Board Policies & Procedures
- ensure that all allegations, disclosures or suspicions of abuse are dealt with appropriately, and that where possible the person being abused is supported
- apply safe recruitment and selection practices that comply with Working Together 2010²
- ensure that individuals working for the Council with access to children or vulnerable adults undertake approved safeguarding training specific to the needs of their service
- ensure that all people delivering a service on behalf of the Council understand and accept their responsibility with regard to safeguarding and promoting the welfare of children and vulnerable adults
- ensure that all employees, Elected Members and others associated with the delivery of Council services are aware of the Safeguarding Policy and Procedure and their responsibilities for safeguarding and promoting the welfare of children and vulnerable adults
- will provide appropriate awareness and training opportunities for staff, volunteers and Members to equip them to carry out their responsibilities effectively. This will include general awareness, service-specific and specialist training as appropriate, and will link into the training framework developed through the North Yorkshire Safeguarding Boards
- co-operate with Child Death and Serious Case Reviews where these are linked to any area of the Council's responsibility, in accordance with locally agreed arrangements.

3. Roles and Responsibilities

To safeguard and promote the welfare of children and vulnerable adults in Ryedale, the following roles and responsibilities are identified:

The **Chief Executive** is the **Deputy Named Senior Officer** and will ensure the Council fulfils its statutory duties, in accordance with the Council's policy and procedures.

The **Head of Organisational Development** is the **Named Senior Officer** and will take corporate responsibility to ensure the Council's Safeguarding arrangements are implemented.

The **Head of Organisational Development** will ensure that all allegations against staff are fully investigated and that the appropriate action is taken. The **Chief Executive** will deputise for this role.

The **Head of Organisational Development** will Chair a **Safeguarding Panel** to ensure policy and procedures are effective and to monitor action to safeguard and promote the welfare of children and vulnerable adults across the council.

Corporate Management Team will endorse and implement the Safeguarding Policy and Procedures and the Safeguarding Panels' priorities and actions.

² Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children

The **Head of Organisational Development** will ensure that safe recruitment procedures are in line with this policy and that appropriate training for staff and Members is provided.

The Council will nominate a manager as a **Designated Safeguarding Officer** and designated **Deputy Safeguarding Officers**, responsible for safeguarding and promoting the welfare of children and vulnerable adults across all council services.

The **Housing Services Manager** is the designated lead officer to comply with the duty to cooperate with **Multi-Agency Public Protection Arrangements** for managing those identified as presenting a risk, or potential risk, of harm to others.

Heads of Service and Senior Managers will monitor action to safeguard and promote the welfare of children and vulnerable adults within their service and ensure that **ANY** safeguarding issues (or referrals/actions) are reported to the Designated Safeguarding Officer and/or their deputy.

Case Officers are those staff in the Council who work with individuals or families and already refer to Social Care or the Police as a normal part of their job. Where these members of staff make referrals, (or have concerns about safeguarding) they still must inform the Designated Safeguarding Officer or their Deputy.

All members of staff, volunteers and Members will carry out their duties in a way that safeguards and promotes the welfare of children and vulnerable adults in line with this policy and their Codes of Conduct (Appendix 4). They must also act in a way that protects them from wrongful allegations of abuse and bring matters of concern to the attention of the Designated Safeguarding Officer.

A table illustrating the roles and responsibilities for safeguarding is at Appendix 5.

A full description of the Roles and Responsibilities of the Designated Safeguarding Officer is at Appendix 6.

4. Commissioned or Contracted Services and Facility Letting

Any contractor or sub-contractor, engaged by the Council in areas where workers are likely to come into contact with children, young people or vulnerable adults should have their own Safeguarding Children, Young People and Vulnerable Adults Policy or, failing this, must comply with the terms of this policy. This includes responsibility to ensure that workers with the potential to come into contact with children, young people or vulnerable adults are subject to the necessary CRB checks. This applies to all contracts even those not requiring a formal tender.

Where facilities are let to external groups for use with children, young people or vulnerable adults and when parents/carers are not present, the hirer will need to:

- Ensure that public liability insurance is in place;
- Have a suitable safeguarding children, young people and vulnerable adults policy or agree to operate within the provisions of the Council's policy;
- Keep a register detailing medical information and any special needs of participants;
- Ensure lead staff have valid criminal records bureau checks;
- Carry out risk assessments for individual activities.

5. Taxi Licensing

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

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

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

These provisions provide that:

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

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

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

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

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

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

6. Photography, Film and Media

Photographs can be used as a means of identifying children and young people especially when they are accompanied with personal information. This information can make children vulnerable e.g. to an individual who may wish to groom that child for abuse. The content of an image can be adapted for inappropriate use and there is evidence of adapted material finding its way on to child pornography sites.

The Council, in the delivery of its services, will ensure that all necessary steps are taken to protect children and young people from the inappropriate use of photographic images.

At any event run by the Council to which children or young people are invited or involved:

- Consent must be sought from parents/carers to photograph/video children and young people. A consent form is available in Appendix 8.
- Staff, Members and volunteers should be vigilant at all times regarding the use of cameras, camera phones or videos at events, which involve children and young people.
- Event organisers will be responsible for ensuring that children and young people are informed that photographers may be in attendance at an event and ensure they get the necessary consent and registration forms.
- Where possible in publicising an event the Council will not use a child's image in conjunction with the name or personal details of the child. We will never publish personal details of a child or young person. We will only publish images of young people where we have prior permission.
- Council Officers will ensure that consent/registration forms and images are stored safely.
- Council Officers will act on all concerns of any child, young person or carer regarding inappropriate use of photographic equipment/images.

7. Monitoring & Review

We will continually monitor Safeguarding in the Council through the quarterly meetings of the Council's Safeguarding Panel and review our Safeguarding Policy and Procedures every three years to ensure they are effective and remain consistent with locally agreed inter-agency procedures.

Section Three: Procedure for Vulnerable Adults

1. How to report suspected abuse

Every individual to whom this policy applies has a responsibility to **Alert** the Designated Safeguarding Officer, or their Deputy, of any concerns they have or actions they have taken (including **Referrals** to social care or the police) relating to safeguarding following an agreed multi-agency procedure. This can be found at Appendix 9. The Designated Safeguarding Officer, or their Deputy, has a responsibility to **Refer** any concerns to the appropriate referral agency, following an agreed multi-agency procedure. This can be found at Appendix 10.

In the majority of cases the District Council’s involvement in the procedure ends once a referral has been made.

Remember... it is not up to Ryedale’s Officers to decide if abuse has taken place, that is the role of North Yorkshire’s Adult Social Care Services, **BUT** it is up to us to report **ANY** concerns to the Designated Safeguarding Officer.

We have a legal responsibility to respond to any issues that may concern us even if they don’t involve our staff or services.

2. Alerting & Referring – Officer Roles

Alerter	<p>Anyone who has contact with vulnerable adults and hears disclosures or allegations, or has concerns about potential abuse or neglect, has a duty to pass their concerns on appropriately. Any Council Officer can be an Alerter. The Alerter may also be a service user or a member of the public. The Alerter also has a role in taking the necessary steps to address any immediate safety or protection needs.</p>
Referrer	<p>The Designated Safeguarding Officer, their Deputy - or an individual Case Officer where appropriate - are responsible for Referring concerns to the referral agencies (Police or Social Care). These Officers are the Council’s Referrers.</p> <p>Referrals made by a Case Officer must still be reported to the Designated Safeguarding Officer.</p> <p>Referrals may also be made directly by the service user, family or friends, or by a member of the public.</p>

3. Alerting Procedure - What steps should you take?

Alerting is telling someone that you are aware or suspect that abuse has taken place, or that it may in the future. Everyone who works with vulnerable adults has a duty to share their concerns, even if the vulnerable adult asks them not to. It is always good practice to inform vulnerable adults of this duty. **Any member of staff** can be the alerter.

A simple flow-chart outlining the Alert procedure is at Appendix 9.

What should you do if you witness abuse?

If you witness abuse or abuse has just taken place the priorities will be to:

Ensure Safety:

The first priority is to ensure the safety and protection of vulnerable adults. In making the person (and others potentially at risk) safe it may be necessary to inform emergency services, call an ambulance if required. Also, take steps to ensure yourself, staff and other service users safe.

Preserve Evidence:

Where there are suspicions that a crime may have taken place the Police should be contacted immediately and all physical, forensic and other evidence should not be contaminated.

Good Practice: Preserving forensic evidence:

- Disturbing a scene as little as possible, sealing off areas if possible
- Not removing the victim's clothing
- Discouraging washing/bathing
- Not handling items which may hold DNA evidence
- Putting any bedding, clothing which has been removed or any significant items given to you (may include weapons) in a safe dry place
- Not interviewing the victim or potential witnesses
- Not alerting the alleged perpetrator
- Making a note of your observations in relation to the condition and attitude of the people involved and any actions you have taken.

Record the Incident:

It is important that you write down everything you can recall about the incident as soon as possible.

You should make detailed notes regarding what actually took place, noting names, descriptions, location, dates/times and any other relevant details you can remember. You should be careful to separate fact from opinion. You should date and sign your notes. To help you ensure you have recorded comprehensive information, you may wish to use the Inter-Agency Safeguarding Adults Alert/Referral Form – Appendix 11 - as a guide.

Be aware that your record of the alert could be used as evidence in a range of procedures; disciplinary, criminal or at a Safeguarding Case Conference.

Good Practice - Recording:

- Any information given directly by the adult concerned should be listened to and recorded carefully, using the person's own words
- Clarify the bare facts of the reported abuse or grounds for suspicion; do not ask leading questions eg. suggesting names of who may have perpetrated abuse if the person does not disclose it
- If a vulnerable adult makes an allegation to you asking that you keep it confidential, you should inform the person that you will respect their right to confidentiality as far as you are able to, but, that you are not able to keep the matter secret
- Record all factual evidence accurately
- Never prevent or persuade another person from raising concerns, suspicions or presenting evidence.
- Don't share any information about the incident without agreeing this with the Designated Safeguarding Officer and/or your line manager.

Alert the Appropriate Person

Alerters have a **duty** to share the information with the Designated Safeguarding Officer (or their deputy). You are not at liberty to keep concerns to yourself and you should never promise to keep secrets.

You should inform the Designated Safeguarding Officer (or a Deputy) as soon as possible on the same day about the incident.

If you do not feel able to share the information with any of the Designated Officers, or another manager in the Council because you believe they are implicated or colluding with the alleged abuse, you should follow the Council's "Whistle-blowing Policy".

What Happens Next?

The referring officer may need you to help them complete the Inter-Agency Safeguarding Adults Alert/Referral Form – Appendix 11. Depending on the seriousness of the allegation, you may be invited to the initial Assessment meeting which will be convened by NYCC's Adult Social Care Department. In the event that you are required to attend you will receive support from the Designated Safeguarding Officer.

3. Referring Procedure

Referring is the responsibility of any of the nominated Officers who have either received information from an Alerter, or who have their own safeguarding concerns.

Ryedale District Council has nominated the following Officers to make referrals: the **Designated Safeguarding Officer**, their **Deputies** and any **Case Officer** directly involved with a client. **Case Officers include Housing Officers, Community Safety staff and Taxi-Licensing staff.**

**All referrals must be made within 24 hours
of an Alert being received.**

The referral agency (police or social care) will record relevant information from the **Referrer** about the alleged incident and its context.

If the alleged victim is already receiving care services this should not preclude a Safeguarding Adults referral where concerns are raised or abuse is disclosed.

Where a vulnerable adult is alleged to be a perpetrator of abuse, a referral should also be made.

Where the alleged incident identifies a worker(s) as the alleged perpetrator of the abuse, information that can confirm that the alleged abuse could have taken place should be gathered by the Referrer and shared with the referral agency. This could include checking staff rotas and incident reports, providing information about past incidents or concerns from internal records, and recording injuries on body charts. This is primarily a paper exercise and **should not** involve conducting interviews. See the “Allegations Against Staff Procedure”.

A simple flow-chart outlining the Referral procedure is at Appendix 10.

Making a Referral to Adult Social Care

Once the Designated Safeguarding Officer (or their Deputy or Case Officer) has gathered the relevant information and established an allegation of abuse, they have a **duty** to make a referral to the relevant Adult Social Care Department.

Prior to making a referral, the referrer should gather as much information as possible about the allegation by completing the Inter-Agency Safeguarding Adults Alert/Referral Form – Appendix 11.

If, in completing the form, the Referrer does not have access to all the required information this should **NOT** delay making the referral.

Referral Point

Referrals should be made to North Yorkshire Adult Social Care by contacting:

North Yorkshire County Council Social Care Customer Relations Unit

Tel: **0845 034 9410**

Fax: 01609 532009

Email: cru.customer.services@northyorks.gov.uk

For Out of Hours Emergencies call **0845 034 9417**

For any Safeguarding Adults concerns which may involve a **Crime**, contact should be made with the **Police** by calling **0845 60 60 247** or in an **Emergency 999**.

Explain to the call taker that you wish to make a “**Safeguarding Adults Referral**”.

The Safeguarding Manager at NYCC Social Care is responsible for deciding the way forward with the referral made. The Alerter, or Referrer, or Case Officer may be required to attend an assessment meeting and will be supported by their manager in doing so.

Section Four: Procedure for Children

1. How to report suspected abuse

Every individual to whom this Policy applies has a responsibility to **Alert** the Designated Safeguarding Officer, or their Deputy of any concerns they have or actions they have taken (including **Referrals** to social care or the police) relating to children’s safeguarding. The Designated Safeguarding Officer, or their Deputy, has a responsibility to **Refer** any concerns to the appropriate referral agency.

Where staff are unable (or reluctant) to refer directly, the Designated Safeguarding Officer must decide how the concerns should be communicated to Children’s Social Care or the Police.

In the majority of cases the District Council’s involvement in the procedure ends once a referral has been made.

Remember... it is not up to Ryedale’s Officers to decide if abuse has taken place, that is the role of North Yorkshire’s Children’s Services, **BUT** it is up to us to report **ANY** concerns to the Designated Safeguarding Officer.

We have a legal responsibility to respond to any issues that may concern us even if they don’t involve our staff or services.

2. Alerting & Referring – Officer Roles

Alerter	<p><i>Anyone</i> who has contact with children and young people and hears disclosures or allegations, or has concerns about potential abuse or neglect, has a duty to pass their concerns on appropriately. Any Council Officer can be an Alerter. The Alerter may also be a service user or a member of the public. The Alerter also has a role in taking the necessary steps to address any immediate safety or protection needs.</p>
Referrer	<p>The Designated Safeguarding Officer, their Deputy - or an individual Case Officer where appropriate - are responsible for Referring concerns to the referral agencies (Police or Social Care). These Officers are the Council’s Referrers.</p> <p>Referrals made by a Case Officer must still be reported to the Designated Safeguarding Officer.</p> <p>Referrals may also be made directly by the service user, family or friends, or by a member of the public.</p>

3. Alerting Procedure - What steps should you take?

Alerting is telling someone that you are aware or suspect that abuse has taken place, or that it may in the future. Everyone who works with children and young people has a duty to share their concerns, even if the child asks them not to. It is always good practice to inform the child or young person of this duty. **Any member of staff or the public** can be the **Alerter**.

A simple flow-chart outlining the Alert procedure is at Appendix 9.

What should you do if a Child has talked to you about abuse?

Make a note immediately of exactly what the child has said, what you said in reply, when the child spoke to you and what was happening immediately beforehand. Record names, places, dates and times of the events and when the record was made. For further guidance see Appendix 12.

Alert the Designated Safeguarding Officer or their Deputy about your discussion **immediately** and give them your notes in an envelope marked **Private and Confidential – Addressee Only**.

Advice must be sought from Children’s Social Care where there are concerns about a child going home to a potentially abusive or harmful situation. On a rare occasion it might be necessary for Children’s Social Care and/or the Police to discuss putting into effect safety measures for the child so that they do not return home.

What should you do if you witness abuse?

If you witness abuse or abuse has just taken place the priorities will be to:

Ensure Safety:

The first priority is to ensure the safety and protection of the child or young person. In making the child (and others potentially at risk) safe it may be necessary to inform emergency services, call an ambulance if required. Also, take steps to ensure yourself, staff and other service users are safe.

Preserve Evidence:

Where there are suspicions that a crime may have taken place the Police should be contacted immediately and all physical, forensic and other evidence should not be contaminated.

Good Practice: Preserving forensic evidence:

- Disturbing a scene as little as possible, sealing off areas if possible
- Not removing the victim’s clothing
- Discouraging washing/bathing
- Not handling items which may hold DNA evidence
- Putting any bedding, clothing which has been removed or any significant items given to you (may include weapons) in a safe dry place
- Not interviewing the victim or potential witnesses
- Not alerting the alleged perpetrator
- Making a note of your observations in relation to the condition and attitude of the people involved and any actions you have taken.

Record the Incident:

It is important that you write down everything you can recall about the incident as soon as possible. You should make detailed notes regarding what actually took place, noting names, descriptions, location, dates/times and any other relevant details you can remember. You should be careful to

separate fact from opinion. You should date and sign your notes. To help you ensure you have recorded comprehensive information, you may wish to use the **Child Protection Report Form – Appendix 13** as a guide.

Be aware that your record of the alert could be used as evidence in a range of procedures; disciplinary, criminal or at a Safeguarding Case Conference.

Good Practice - Recording:

- Any information given directly by the child or young person concerned should be listened to and recorded carefully, using the person's own words
- Clarify the bare facts of the reported abuse or grounds for suspicion; do not ask leading questions eg. suggesting names of who may have perpetrated abuse if the person does not disclose it
- If a child or young person makes an allegation to you asking that you keep it a secret, you should tell them that you will only tell the people who need to know but, that you are not able to keep the matter secret
- Record all factual evidence accurately
- Never prevent or persuade another person from raising concerns, suspicions or presenting evidence.
- Don't share any information about the incident without agreeing this with the Designated Safeguarding Officer and/or your line manager.

Good Practice - Unclear situations:

If you are unsure as to whether a child has, is or is likely to suffer significant harm and/or an allegation has been made, you should:

- discuss your concerns with the **Designated Safeguarding Officer** or their Deputy who will seek advice from the Children's Social Care Manager.
- If your Designated Safeguarding Officer is unavailable, contact Social Care directly on **Customer Relations Unit: 0845 0349410** or their **Out of Hours number 0845 0349417**

Remember... Suspicions should not be discussed with anyone other than those named above.

Good Practice - Talking to Parents/Carers:

In most cases...

- Be open and honest at the outset with parents/carers about child protection concerns and any action which the Council intends to take.
- Where a referral is to be made, all reasonable efforts should be made to inform parents/carers. However, an inability to inform parents/carers should not prevent a referral from being made.
- Don't think "what might happen if I make a referral?" – think "what might happen if I don't?"
- Consideration should be given to not informing them when a child expresses a wish that their parents are not informed at this stage.

There are cases where it would not usually be good practice for a Case Officer or designated Safeguarding Officer to discuss concerns with parents/carers before referral.

- In these cases arrangements for discussing the concerns with the parents/carers should be agreed with and by Children’s Social Care and/or the Police.
- A reasoned judgement must be made in each case.
- Concerns must not be discussed with parents/carers before referral where:
 - *discussion would put a child at risk of significant harm*
 - *discussion would impede a Police investigation or social work enquiry*
 - *sexual abuse is suspected*
 - *organised or multiple abuse is suspected*
 - *the fabrication of an illness is suspected*
 - *to contact parents/carers would place you or others at risk.*

Alert the Appropriate Person

Alerters have a **duty** to share the information with the Designated Safeguarding Officer (or their deputy). You are not at liberty to keep concerns to yourself and you should never promise to keep secrets.

You should inform the Designated Safeguarding Officer (or a Deputy) as soon as possible on the same day about the incident. If you do not feel able to share the information with any of the Designated Officers, or another manager in the Council because you believe they are implicated or colluding with the alleged abuse, you should follow the Council’s “Whistle-blowing Policy”.

NB The welfare of the child is paramount and **anyone** can make a **referral** direct to North Yorkshire County Council Social Care if necessary – see section 3 below.

What Happens Next?

The referring officer may need you to help them complete the Child Protection Report Form – Appendix 13. Depending on the seriousness of the allegation, you may be invited to the initial Assessment meeting which will be convened by NYCC’s Children’s Social Care. In the event that you are required to attend you will receive support from your line manager and the Designated Safeguarding Officer.

3. Referring Procedure

Referring is the responsibility of any of the nominated officers who have either received information from an Alerter, or who have their own safeguarding concerns.

Ryedale District Council has nominated the following officers to make referrals: the Designated Safeguarding Officer, their Deputies and any Case Officer directly involved with a client. Case Officers include Housing Officers, Community Safety staff and Taxi-Licensing staff.

**All referrals must be made within 24 hours
of an Alert being received.**

The referral agency (police or social care) will record relevant information from the **Referrer** about the alleged incident and its context.

If the alleged victim is already receiving care services this should not preclude a Child Protection Referral where concerns are raised or abuse is disclosed.

Where the alleged incident identifies a worker(s) as the alleged perpetrator of the abuse, information that can confirm that the alleged abuse could have taken place should be gathered by the Referrer and shared with the referral agency. This could include checking staff rotas and incident reports, providing information about past incidents or concerns from internal records, and recording injuries on body charts. This is primarily a paper exercise and **should not** involve conducting interviews. See the “Allegations Against Staff Procedure”.

A simple flow-chart outlining the Referral Procedure is at Appendix 10.

Making a Referral to Children’s Social Care

Once the Designated Safeguarding Officer (or their Deputy or Case Officer) has gathered the relevant information from the **alerter**, they have a **duty** to make a referral to the relevant Children’s Social Care Department.

Where concerns that a child is suffering, or likely to suffer, significant harm are received by the Designated Safeguarding Officer a **referral** should be made **immediately**. Urgent referrals should be made by telephone, supported by a written referral completed and submitted within 24 hours.

The Designated Safeguarding Officer (or Case Officer where appropriate) should contact Children’s Social Care through the NYCC Customer Relations Unit or the Emergency Duty Team.

When anyone is making a referral they should:

- Clearly identify themselves as acting on behalf of Ryedale District Council and provide contact details
- Explain to the call taker that you wish to make a “Safeguarding Children or Child Protection Referral”
- Provide as much basic family information as possible, clearly stating the name of the child, the parents/carers and any other children known to be in the household, the dates of birth and addresses and any previous addresses known
- Give details of any special needs or communication needs of either the child or any family member
- State why they feel the child is suffering, or is likely to suffer, significant harm
- Share their knowledge and involvement of the child(ren) and family
- Share their knowledge of any other agency involved
- Indicate the child’s parent/carer’s knowledge of the referral and their expectations
- Follow the referral up in writing within 24 hours.

Prior to making a referral, the referrer and alerter should gather as much information as possible about the allegation by completing the Child Protection Report Form – Appendix 13.

If, in completing the form, the referrer does not have access to all the required information this should **NOT** delay making the referral.

A simple flow-chart outlining the Referral Procedure is at Appendix 10.

Referral Point

Referrals should be made to North Yorkshire Children's Social Care by contacting:

North Yorkshire County Council Social Care Customer Service Unit

Tel: **0845 034 9410**

Fax: 01609 532009

Email: cru.customer.services@northyorks.gov.uk

For Out of Hours Emergencies call **0845 034 9417**

For any Child Protection concerns which may involve a **Crime**, contact should be made with the **Police** by calling **0845 60 60 247** or in an **Emergency 999**.

Explain to the call taker that you wish to make a **"Child Protection Referral"**.

The Safeguarding Manager at NYCC Social Care is responsible for deciding the way forward with the referral made. The Alerter, or Referrer, or Case Officer may be required to attend an assessment meeting and will be supported by their manager in doing so.

What happens next?

The Referrer is entitled to receive an understanding from the Children's Social Care representative of what will happen next, be given the name of a contact person within Children's Social Care who will be dealing with the referral and to receive information on the outcome of the referral within 7 days.

Sometimes, following a referral, Council staff may be involved in an assessment meeting and management process led by Children's Social Care, in line with North Yorkshire Safeguarding Children's Board procedures where other agencies will be present. In addition where there is a criminal investigation staff may be required to co-operate with the Police. In all circumstances staff will receive appropriate support from their manager and the Designated Safeguarding Officer will provide support and guidance where required/appropriate.

Good Practice - Referrals

- If there has been a deliberate injury or where there are concerns about the child's safety the parent/carer should not be contacted before first consulting with Children's Social Care.
- Where emergency medical attention is required it should be sought immediately. The Referrer should inform the doctor of any suspicion of abuse.
- If a referral is made without the parent's knowledge and non-urgent medical treatment is required, Children's Social Care should be informed.
- If appropriate the parent/carer should be encouraged to seek help from Children's Social Care prior to a referral being made. If they fail to do so in situations of real concern the Designated Safeguarding Officer or Case Officer will contact Children's Social Care directly for advice.
- In the event of allegations of sexual abuse the designated Safeguarding Officer will contact Children's Social Care or the Police Child Abuse Investigation Team directly. The Referrer should NOT speak to the parents.

- Under no circumstances should the Designated Safeguarding Officer, or anyone else acting for the Council, attempt to carry out any investigation into allegations or suspicions of abuse including sexual abuse.
- The role of the Designated Safeguarding Officer is to collate the exact details of the allegations or suspicion and to provide this information to the child protection agencies who will investigate the matter.

Good Practice - Confidentiality

- The identity, information and/or suspicions about the welfare of a child should be treated in strictest confidence and discussed only with the Council's nominated officers, appropriate Children's Social Care Officers or the Police. In sharing information with Children's Social Care or the Police the welfare of the child is paramount and overrides all other considerations regarding the sharing of information.
- Any confidential notes, records, written complaints or allegations, should be forwarded as soon as possible to the Designated Safeguarding Officer in a sealed envelope marked "***Private and Confidential (Addressee Only)***".
- The Designated Safeguarding Officer is responsible for maintaining accurate secure written records of all concerns received, and action taken in response.
- The Named Senior Officer is responsible for keeping secure written records of all allegations of abuse made against staff, Members, volunteers, contractors and licensees, and details of management action taken.

Section Five: Managing Allegations against Staff

1. Introduction

Where an allegation of abuse is made against a member of staff, the relevant disciplinary procedures may be invoked as well as reporting the case to the appropriate authorities. Any investigation taken under Local Safeguarding Children and Vulnerable Adults Policies & Procedures will take precedence over the Council's internal disciplinary procedures.

2. Who do these procedures apply to?

These procedures apply to staff, volunteers and Members of Ryedale District Council as well as others that may not have a direct employment relationship with us but where we will need to consider whether to continue to use the person's services, or to approve or licence them as suitable to work with children and vulnerable adults.

3. Scope of Allegations to which these Procedures Apply

These procedures apply to a wide range of allegations, including those that indicate a person may be unsuitable to work with children in their present position, or in any capacity. They are therefore to be followed in respect of any allegation that a person who works with children has:

- Behaved in a way that has harmed, or may have harmed, a child;
- Possibly committed a criminal offence against, or related to, a child;
- Behaved towards a child or children in a way that indicates they are unsuitable to work with children.

4. What to do if you have concerns about a colleague

Where you have concerns about a colleague, you should report these concerns to the Council's **Named Senior Officer** (or their Deputy) – see Appendix 5 for the current contact information – who will manage the allegation in line with the agreed multi-agency procedures.

All allegations against staff should be reported to the Senior Named Officer for Safeguarding. This person is the Council's designated officer for the management of allegations against staff and it is they who will liaise directly with the appropriate agencies.

Allegations against Councillors

Where an allegation is made against an Councillor this should be referred in the first instance to the Named Senior Officer who will then engage the Council's Monitoring Officer who has responsibility to address Member code of conduct related issues.

5. What happens if an allegation is made?

Where there are allegations of abuse or concerns about poor practice of an employee or member the Council's Named Senior Officer will refer the allegation to the appropriate Local Authority

Designated Officer (LADO) for discussion.

The purpose of this discussion is to consider the nature, content and context of the allegation and to agree a course of action, including sharing additional information which may be relevant, such as previous history, whether the child/family has made similar allegations in the past.

The discussion will lead to a decision about what further action, if any, is necessary.

This may include one or more of the following:

1. Child/Vulnerable Adult Safeguarding Investigation – this will assess whether the child/adult is in need of protection or in need of services (externally led by NYCC Social Care Services)
2. Criminal Investigation (externally led by the North Yorkshire Police)
3. A disciplinary investigation (using the this Council’s disciplinary procedures)
4. No further action.

In the first two instances, the Council will not be involved in any form of investigation unless requested to do so by the Social Care Services or the Police.

Where the LADO considers that a criminal offence may have been committed they will refer the matter to the Police for investigation. Where it is decided that a criminal offence has NOT been committed the matter will be dealt with through the Council’s disciplinary procedures.

6. Internal Procedure

The Council’s standard procedure for disciplinary investigations will be used. Consideration will be given to suspension on full pay pending the outcome of the investigation. The Council will assess each individual allegation on its own, taking into account the findings of any criminal investigation and respond to the outcome of the investigation in line with Council policy and procedures.

Interviewing the alleged victim of abuse as part of the disciplinary process should be avoided as far as possible and should never be undertaken without the agreement of the Safeguarding Manager in Social Care. The reports written and facts established should be made available to those carrying out the disciplinary process, in line with the North Yorkshire Information Sharing Protocol.

Suspension from Duties

The Named Senior Officer should consider suspension of the employee pending the outcome of the investigation. Decisions not to suspend an employee following an allegation of abuse must be fully documented and endorsed separately by an independent senior officer from within the **employing agency** in consultation with the LADO or Safeguarding Manager (NYCC Social Care).

Depending on the outcome of the investigation, the Council will assess the appropriateness of the staff member returning to work in their previous environment. A decision to withdraw permission for the employee to work with vulnerable groups may lead to the Council having a legal duty to report the person to the Independent Safeguarding Authority. The LADO will be informed of the outcome of any investigation.

7. Support for Staff

It can be very worrying to have concerns about a person’s safety or welfare that relate to the

conduct of a colleague. The Council recognises that this can involve additional stress for those reporting concerns. The Council will ensure that support mechanisms are in place and offered to anyone who raises a concern in order to ensure that they are confident that these concerns will be dealt with appropriately. These include confidentiality guidelines and access to counselling services.

If an allegation is made towards another member of staff, full support will be given in line with the Council's Whistle-blowing policy.

Equally, support will be given to a member of staff who is the subject of an allegation. The member of staff will be informed about the concerns or allegations as soon as possible and give an explanation of the likely course of action – unless there is an objection to this from the Police or Social Care.

All members of staff involved in a disclosure will be offered support through the Council's Occupational Health programme and will be offered access to counselling services.

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Appendices and Guidance Papers

Definitions and Indicators of Abuse

Physical abuse

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

Possible Indicators of physical abuse:

- History of unexplained falls or minor injuries
- Unexplained bruising
- Unexplained burns in unusual locations or unusual type
- Unexplained fractures to any part of the body
- Unexplained lacerations or abrasions
- Slap, kick, pinch or finger marks
- Injuries/bruises similar shape to an object
- Untreated medical problems
- Weight loss – due to malnutrition or dehydration; complaints of hunger
- Appearing over medicated.

Psychological or Emotional abuse

Psychological or emotional abuse is the persistent emotional maltreatment of a child or vulnerable adult such as to cause severe and persistent effects on emotional development or health. It could include threats of harm or abandonment, forced marriage, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.

Possible Indicators of psychological or physical abuse:

- Ambivalence about the parent or carer
- Fearfulness expressed in the eyes; avoids eye contact with the parent or carer, flinching when approached
- Deference
- Overtly affectionate behaviour toward the alleged perpetrator
- Insomnia or need for excessive sleep
- Change in appetite
- Unusual weight gain/loss
- Tearfulness
- Unexplained paranoia
- Low self-esteem
- Excessive fears
- Confusion
- Agitation.

Sexual abuse

Sexual abuse involves forcing or enticing a child, young person or vulnerable adult to take part in sexual activities, including prostitution, whether or not they are aware of what is happening. The activities may involve physical contact, including penetrative (e.g. rape, buggery or oral sex) or non-

penetrative acts. Non contact sexual abuse includes abuse through sexual exploitation, looking, pornographic photography, indecent exposure, harassment, unwanted teasing or innuendo.

Penetrative sex where one of the partners is under the age of 16 is illegal, although prosecution of similar age, consenting partners is not usual. However, where a child is under the age of 13 it is classified as rape under s5 Sexual Offences Act 2003.

Possible Indicators of sexual abuse:

- A sudden change in usual behaviour for no obvious reason
- Sudden onset of confusion, wetting or soiling
- Withdrawal, choosing to spend the majority of time alone
- Unusually overt sexual behaviour/language by child or vulnerable adult
- Self-inflicted injury
- Disturbed sleep pattern and poor concentration
- Difficulty in walking/sitting
- Torn, stained, bloody underclothes
- Love bites
- Pain or itching, bruising or bleeding in the genital area
- Sexually transmitted urinary tract/vaginal infections
- Bruising to thighs and upper arms
- Frequent infections
- Severe upset or agitation when being bathed/dressed/undressed/medically examined
- Pregnancy in person not able to consent.

Neglect

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

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

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

Neglect or "acts of omission" include ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.

Possible Indicators of neglect:

- Poor condition of accommodation
- Inadequate heating/lighting
- Physical condition of person is poor, e.g. ulcers, sores, dirty, untreated lice infestations
- Clothing in poor condition, e.g. dirty, wet, torn
- Malnutrition
- Failure to give prescribed medication or medical care
- Failure to ensure privacy and dignity.

Financial or material abuse – Vulnerable Adults

Financial abuse includes theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property.

Possible Indicators of financial abuse:

- Unexplained or sudden inability to pay bills
- Unexplained or sudden withdrawal of money from accounts
- Person lacks belongings
- Lack or receptiveness to assistance requiring expenditure
- Extraordinary interest by family members or the carers in the persons assets or finances
- Power of attorney obtained when a vulnerable adult is not able to understand the purpose of the document
- Recent changes in deeds or title of property
- High levels of expenditure with no evidence of benefit
- Personal items going missing.

Discriminatory abuse

Abuse may be targeted at a perceived vulnerability or on the basis of prejudice including racism, sexism, or that based on a person's disability or sexuality. It can take other forms of abuse such as harassment, slurs or similar treatment.

Possible Indicators of discriminatory abuse:

- Hate mail
- Verbal or physical abuse
- Criminal damage to property.

Institutional abuse

Institutional abuse can be different from other forms because it is about who abuses and how that abuse comes about. Institutional abuse can take any of the other forms.

Possible Indicators of institutional abuse:

- May be reflected in enforced schedule of activities, the limiting of personal freedom, the control of finances, lack of adequate clothing or food, poor personal hygiene, lack of stimulating activities, low quality diet
- Institutions may include residential or nursing homes, schools, boarding schools, hospitals, day centres, children's homes.

LEGISLATIVE FRAMEWORK

Children Act 1989

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

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

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

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

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

Children Act 2004

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

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

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

Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children – 2010

No Secrets 2000

Standards in Safeguarding Adults 2005

POLICIES LINKED TO SAFEGUARDING

Human Resources Policies, Procedures and Regulations including:

- Capability Procedure
- Collective Disputes Procedure
- Core Competencies
- Disciplinary & Grievance Procedures
- Single Equality Scheme
- Harassment Policy (Sexual, Racial and Personal Harassment Policy)
- Member & Officer Codes of Conduct
- Recruitment and Selection Procedures (CRB Policy)
- Relationships at Work Policy
- Staff Handbook
- Whistle-blowing Procedure

Health & Safety Policies, Procedures and Regulations including:

- Accident Report Guidance
- AIDS and HIV Policy
- Council Policy - Risk Assessment
- Driving - Council Vehicles Policy
- Managing Health and Safety
- RIDDOR 1995
- Smoking Policy
- Violence to Staff Guidelines
- Visiting Sites or Premises
- Working on RDC Premises

ICT Policies, Procedures and Regulations including:

- Communications Operations Management Policy
- Computer Telephone and Desk Use Policy
- Email Policy
- Freedom of Information Policy
- Government Connects Secure Extranet (GCSx) Acceptable Usage Policy and Personal Commitment Statement
- Human Resources Information Security Policy
- Information Protection Policy
- Information Security Incident Management Policy
- Information Security Policy Overview
- Internet Acceptable Usage Policy
- IT Access Policy
- IT Infrastructure Security Policy
- Legal Responsibilities Policy
- Ryedale Data Protection Guidance
- Ryedale Records Management Policy

Council Complaints Procedure

Procurement Policies

Licensing Policy

Service-specific policies and procedures

CODES OF CONDUCT

These provisions apply to all Members and Officers acting in their professional capacity on behalf of Ryedale District Council.

DO

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

DO NOT

- Spend time alone with children or vulnerable adults, away from others. Meetings with individuals should be avoided or take place within sight of others. If privacy is needed, the door should remain open and other staff or volunteers should be aware of the meeting.
- Take children or vulnerable adults alone in a car, however short the journey. Where this is unavoidable it should be with full knowledge and consent of the parents/carer and the manager responsible for the service/activity.
- Engage with children, young people or vulnerable adults via internet chatrooms; instant messaging services e.g. MSN messenger; social networking sites such as Facebook or MMS/SMS services (mobile phone texting).
- Meet children or vulnerable adults outside of organised activities, unless it is with the knowledge and written consent of the parents/carer and the manager responsible for the service/activity.
- Start an investigation or question anyone after an allegation or concern regarding abuse has been raised. You should just record the facts and report these to the Designated or Deputy Safeguarding Officer.
- Allow any allegations made to go without being reported and addressed, or either trivialise or exaggerate abuse issues.
- Make promises to keep any disclosure confidential from relevant authorities.

- Show favouritism to any one, or threaten/carry out any form of physical punishment.
- Never:
 - Initiate or engage in sexually provocative conversations or activity
 - Allow the use of inappropriate language to go unchallenged
 - Do things of a personal and intimate nature that individuals can do for themselves.

Safeguarding Roles

Chief Executive

Strategic responsibility to ensure the Council fulfils its statutory duties.

To deal with allegations against staff/Members or volunteers in the absence of the Head of Organisational Development.

Head of Organisational Development Named Senior Officer

Responsible for ensuring safeguarding arrangements are implemented in line with policy.

To deal with allegations of abuse against staff, Members or volunteers in line with agreed Council and inter-agency procedures.

Chairs Safeguarding Panel.

To provide support to Corporate Director/Chief Executive when handling any allegations of abuse made against Members, staff or volunteers.

To ensure appropriate checks and procedures are in place for recruitment of staff/volunteers.

Ensure all staff and Members undertake appropriate training and are aware of safeguarding arrangements.

Designated Safeguarding Officer & Deputies

Responsible for safe-guarding and promoting the welfare of children and vulnerable adults throughout the Council.

Ensure Council handles concerns about safeguarding children or vulnerable adults in line with agreed Council and inter-agency procedures.

Liaise with lead authority (NYCC), North Yorkshire Safeguarding Children's Board, North Yorkshire Adult Safeguarding Board and other agencies where required.

To make Referrals to NYCC Social Care/Police and to keep secure records.

Support other staff in process of bringing concerns and making referrals.

Case Officer

To make referrals to NYCC Social Care/Police.

To report any referrals or actions they have made regarding safeguarding to the Designated Safeguarding Officer.

Corporate Management Team

To endorse and implement the Council's Safeguarding arrangements through feedback from the Councils' Safeguarding Panel.

Heads of Service and Senior Managers

Responsible for monitoring action to safeguard and promote the welfare of children within their area of service.

Ensure all staff undertake appropriate training and are aware of safeguarding arrangements.

All staff, Members and volunteers

Must carry out their duties in a way that safeguards the welfare of children and vulnerable adults

To bring matters of concern or abuse to the attention of the Designated Safeguarding Officer.

Safeguarding Panel

To develop, monitor and keep under review the Council's Safeguarding policies and procedures.

Ensure corporate procedures and training are appropriate, compliant and effective.

Report to Corporate Management Team.

Safeguarding Panel Membership is:

Head of Organisational Development – Named Senior Officer (Chair)

Head of Organisational Development

Housing Services Manager - Designated Safeguarding Officer

Deputy Safeguarding Officers

Legal Services Representative

Member Champions for Children and Adults

Current Designated Officers

Designated Safeguarding Officer

Kim Robertshaw

Housing Services

Tel: 01653 600666 ext 355

kim.robertshaw@ryedale.gov.uk

Deputy Designated Safeguarding Officers

Rachael Fox-Evans

Housing Services

Tel: 01653 600666 ext 262

rachael.foxevans@ryedale.gov.uk

Beckie Bennett

Streetscene

Tel: 01653 600666 ext 483

beckie.bennett@ryedale.gov.uk

Named Senior Officer

Louise Sandall

Head of Organisational Development

Tel: 01653 600666 ext 392

louise.sandall@ryedale.gov.uk

Deputy Senior Officer

Janet Waggott

Chief Executive

Tel: 01653 600666 ext 201

janet.waggott@ryedale.gov.uk

ROLE AND RESPONSIBILITIES OF DESIGNATED SAFEGUARDING OFFICER (AND DEPUTIES)

The role of the Designated Safeguarding Officer in safeguarding children or vulnerable adults is to:

1. Be the main (but not the only) point of contact within Ryedale District Council for referring concerns to Social Care and/or appropriate agencies.
2. Ensure details of all allegations, suspicions or concerns are collected and passed on or to be informed about any referrals made.
3. Ensure that appropriate action is taken in response to concerns raised, and that lines of responsibility are clear.
4. Seek advice from, and liaise with, agencies where required.
5. Make appropriate referral to agencies and ensure referrals are followed up.
6. Ensure the Council's Safeguarding Policy is followed in managing all safeguarding concerns, allegations or suspicions.
7. Refer any allegations of abuse against staff, Members and volunteers to the Head of Organisational Development or in their absence the Chief Executive [where this has not already happened].
8. Ensure that accurate and secure records are kept of all safeguarding concerns, allegations or suspicions, including completion and/or collation of all forms and paperwork.
9. Provide support and guidance to staff and volunteers where required.
10. To attend the Council's Safeguarding Panel on a regular basis.

Code of Conduct for Hackney Carriage and Taxi Drivers

CODE OF CONDUCT FOR LICENSED DRIVERS

This Code of Conduct should be read in conjunction with the other statutory and policy requirements set out in this document. Licence holders shall endeavour to promote the image of the hackney carriage and private hire trade by:

RESPONSIBILITY TO THE TRADE:

- Complying with this Code of Good Conduct and signing to say they have understood it.
- Complying with all the Conditions of their Licence and the Council's Hackney Carriage and Private Hire Licensing Policy.
- Behaving in a civil, orderly and responsible manner at all times.

RESPONSIBILITY TO CHILDREN & VULNERABLE ADULTS:

- **All complaints, information or any other concern brought to the Councils attention regarding a child or vulnerable adult will result in the immediate investigation of any licensed driver or operator and this may lead to suspension of licence pending the outcome.**
- **Ryedale District Council shall follow its Safeguarding Children & Vulnerable Adults Policy when responding to any complaints/concerns.**

DO...

- Treat all children and vulnerable adults with respect.
- Be aware that verbal interaction with children or vulnerable adults may be interpreted by them as offensive or harassment, even if this was not your intention.
- Report to Ryedale District Council any unacceptable behaviour from a child or vulnerable adult.
- Report to Ryedale District Council any safeguarding concerns including allegations of abuse or suspicion of abuse.
- Be aware that contact made outside of a school environment or any other care institute, as a result of you coming into contact with a child/vulnerable adult whilst you are working, is considered inappropriate and is discouraged and may have an impact on your future employment as a licensed driver.

DO NOT...

- Instigate any verbal or physical contact with children/vulnerable adults that is not part of the normal customer and client relationship (this applies both at work and whilst not at work.)
- Respond to any verbal or physical contact from children or vulnerable adults that is not part of the normal customer and client relationship (this applies both at work and whilst not at work). If you are approached or contacted, or you have any other concerns about the person's behaviour then you should report it immediately to your employer or to another responsible body. If you are unsure who to report it to please contact the Taxi Licensing Officer.
- Give any personal information to any child or vulnerable adult, for example your name, address, telephone or mobile number or email address.

- Accept or respond to a child or vulnerable adult attempting to give you personal information, for example their name, address, telephone or mobile number or email address.
- Engage with children or vulnerable adults via internet chatrooms, instant messaging services e.g. MSN Messenger, or social networking sites e.g. Facebook, Bebo or MySpace.
- Accept physical or verbal abuse from a child or vulnerable adult. DO NOT respond yourself, but report it immediately to someone in the school office or to Ryedale District Council.
- Make promises to keep any disclosure confidential from relevant authorities.
- Allow any allegations go unreported or trivialise any abuse issues.
- Start any investigation after an allegation or concern has been raised. You just need to record the facts and report these to Ryedale District Council.
- Show favouritism to anyone or threaten to carry out any form of physical punishment.

NEVER:

- **Initiate or engage in sexually provocative conversation or activity or allow the use of inappropriate language to go unchallenged. Never do things of a personal/intimate nature that individuals can do for themselves.**

RESPONSIBILITY TO ALL CLIENTS:

- Maintain their vehicles in a safe and satisfactory condition at all times.
- Keep their vehicles clean and suitable for hire to the public at all times.
- Attend punctually when undertaking pre-booked hiring.
- Assist, where necessary, passengers into and out of vehicles.
- Offer passengers reasonable assistance with luggage.
- All hackney and private hire vehicles will be smoke-free areas at all times. This includes whether the vehicle is working or not.
- Obey all traffic regulations.
- Not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle.
- Not drive while having misused legal or illegal drugs.
- Fulfil their responsibility to ensure compliance with legislation regarding the length of working hours.
- Not eat or drink in the vehicle in the presence of customers.

RESPONSIBILITY TO RESIDENTS:

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- Not sound the vehicle's horn illegally.
- Keep the volume of radio/cassette/CD/MP3 players and VHF radios to a minimum.
- Switch off the engine if required to wait.
- Take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

At taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

- Rank in an orderly manner and proceed along the rank in order and promptly.
- Remain in the vehicle.

At private hire offices a licence holder shall:

- Not undertake servicing or repairs of vehicles.

- Not allow their radio/cassette/CD/MP3 players or VHF radios to cause disturbance to residents of the neighbourhood.
- Take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business.

DRESS CODE FOR LICENSED DRIVERS

The Council is committed to encouraging the professional image of the trade. The Council considers that drivers should conform to a smart standard of dress to raise and maintain the profile of the licensed trade. The Council does not impose such standards by way of conditions to any licence. It is expected, however, that such standards will be maintained at all times. Examples are set out below:

Acceptable Standards of Dress within this code:

- Tops, Shirts, blouses, T-shirts, or sweat tops should cover the shoulders and be capable of being worn inside trousers or shorts.
- Shirts or blouses can be worn with a tie or open-necked.
- Trousers/Shorts/Skirts - Shorts should be tailored.
- It is recommended that female drivers do not wear short skirts for personal safety reasons.
- Footwear should fit around the heel of the foot. (Safety shoes with protected toecaps are recommended.)

Unacceptable Standards of Dress within this Code:

- Bare chests.
- Clothing or footwear which is unclean or damaged.
- Clothing printed with words, logos or graphics, which might offend.
- Sports shirts or shorts e.g. football, rugby or cricket tops or track suits.
- Studs or sharp-edged clothing.
- Beach-type footwear (e.g. flip-flops or mules).
- Footwear with pronounced heels.
- Baseball caps.

Photography Consent Form

Dear Parent or Guardian

We take the issue of child safety very seriously and would never knowingly use an image of your child/children without your prior consent. We would therefore ask you to read through the information below and then complete, sign and return the form to us.

Name of child (Block Capitals):		
Name of parent or guardian (Block Capitals):		
<p>I understand that any photographic or video images taken will only be used for the following purposes:</p> <ul style="list-style-type: none"> • Electronic (including website) and printed information, displays and exhibitions relating to the activity shown in the picture by <i>(insert name of organisation/event here)</i>. • Any related <i>(insert name of organisation/event here)</i> publicity. <p>I understand that any photographic or video images will NOT be used for:</p> <ul style="list-style-type: none"> • Anything that may cause offence, embarrassment or distress for the child or their parent or guardian, e.g. drug/alcohol abuse etc. <p>I understand that any photographic or video images may continue to be used until I advise otherwise.</p>		
Having read the statements above, do you give your consent for images to be taken and for those images to be used for publicity materials? (Please put a tick in appropriate boxes)	<input type="checkbox"/>	YES - I give my consent for photographic and/or video images of my child to be taken.
	<input type="checkbox"/>	NO - I do NOT give my consent for photographic and/or video images of my child to be taken.
	<input type="checkbox"/>	YES - I give my consent for any photographic and/or video images of my child to be used in publicity.
	<input type="checkbox"/>	NO - I do NOT give my consent for any photographic and/or video images of my child to be used in publicity.
Signature of parent or guardian:		
Your contact telephone number:		
Relationship to the child:		
Date (Day/Month/Year):		
Once completed this form needs to be returned to: <i>(Insert Name of Event Organiser)</i> , Ryedale District Council, Ryedale House, Malton, YO17 7HH		

Please note: Some photographs and images may be retained as part of the Council's historical record. If you wish to have any photograph or image of your child destroyed, you should inform **(insert name of Event organiser)** writing at Ryedale District Council, Ryedale House, Malton YO17 7HH. Official Use Only:

Subject of photograph.....

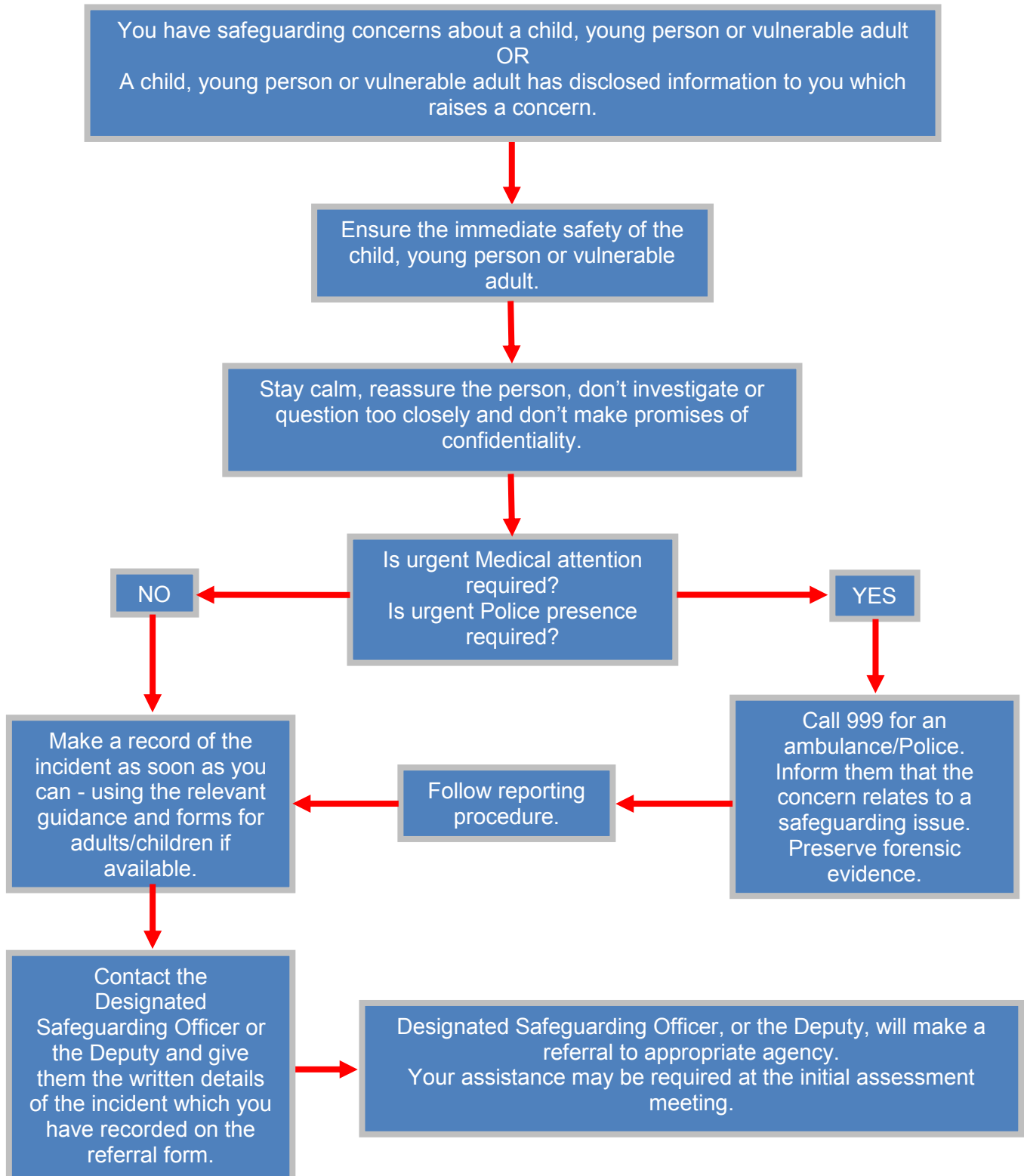
Photograph Ref Number(s).....

Date taken.....

Process for the Role of Alerter

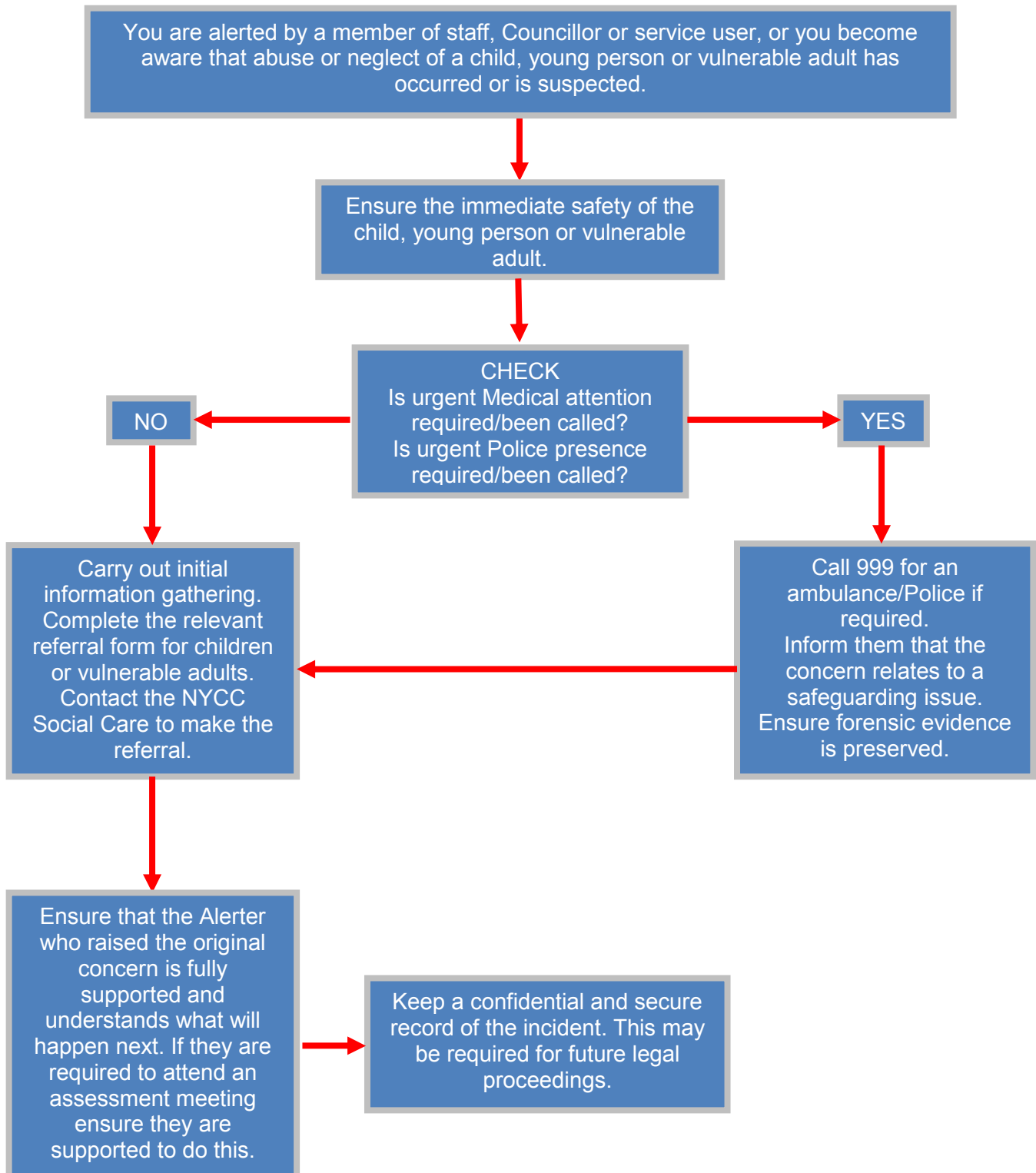
The timescale for alerting is

Immediately!



Process for the role of Referrer

The timescale for Referring is within **24 hours** of the Alert.



SAFEGUARDING ADULTS ALERT/REFERRAL FORM

North Yorkshire Safeguarding Adults Board

Inter-agency Safeguarding Adults Alerter/Referral

SAFEGUARDING CONCERNS: Please contact Customer Services Centre on 0845 034 9410

If you have Safeguarding Concerns you will be asked the following information. Completion of this form must not delay immediate action being taken where necessary to ensure the safety of the vulnerable person.

Date of the Alert:	Time of the Alert:
---------------------------	---------------------------

1 Tell us who the vulnerable person is you are concerned about:
(please complete as much of this as is known – if not known put N/K)

Name:

Gender:

Home address:

Contact address:

Telephone No:

Age:

Date of Birth:

Ethnic Origin/Nationality:

Religion:

Client Group:

Communication and access needs:

Is the vulnerable person aware of the referral? Yes No

If No, why?

In your opinion, does the vulnerable person have capacity? Yes No Not Known

Are you aware if a Safeguarding referral about this vulnerable person has been made before? Yes No Not Known

Is the vulnerable person involved with any other agencies? Yes No Not Known

If Yes, please provide details:

Brief factual details of the incident:

This should include a clear factual outline of the concern being raised with details of times, dates, people and places where appropriate. (Please continue on a separate sheet if required).

4b Current situation

Where is the vulnerable person now in relation to the alleged perpetrator?

Are there other people who may be at risk or harm? Yes No Not Known

If Yes, please describe the risk that remains and names of others potentially at risk (please only refer to identified risk that relates directly to the concern)

If you are concerned about the vulnerable person's welfare have you contacted their GP or the ambulance service? Yes No

If criminal activity is suspected have police been contacted? Yes No

If Yes, what was the outcome?

Police Crime/Ref No:

Who else has been informed of this concern?

5 Details of alleged perpetrator(s) involved (if known)
(please complete as much of this as is known)

Name:	
Gender:	
Address:	
Occupation/Position/Title/Organisation:	
Date of Birth:	
What is the relationship of the alleged perpetrator to the vulnerable person?	
Does alleged perpetrator live with vulnerable person? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Is this alleged perpetrator considered a vulnerable person? Yes <input type="checkbox"/> No <input type="checkbox"/> Not Known <input type="checkbox"/>	
Are they aware of this alert? Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, what is their response, and are there any hazards to be aware of?</i>	

6 Details of person completing this form

Name:	
Date completed:	
Address:	Telephone No: Mobile: Email:

FOR LOCAL AUTHORITY USE:

Decision Made:	
Safeguarding Manager:	Team:
Alert allocated to:	SWIFT No:
Have you advised the Alerter/Referrer of the Decision? Yes/No	Date:

Completed forms should be sent to: North Yorkshire County Council, Customer Services Centre, County Hall, Racecourse Lane, Northallerton, North Yorkshire DL7 8AD. Fax number: 01609 532009

What to do if a child talks to you about abuse

It is important that you respond effectively when dealing with concerns about a child or young person. Concerns may be raised or come to your attention in different ways. These include:

- A child may tell you about their own or another child's abuse.
- Someone else might report that a child has told them about abuse or that they strongly believe that a child is being abused.
- A child may show signs of physical injury for which there appears no satisfactory explanation.
- A child's behaviour may indicate that it is possible they are being abused.
- Observed or reported unusual behaviour of a member of staff or volunteer, or the way in which they relate to a child or young person.
- Observed or reported unusual behaviour of a member of the public, on Council property or land, or associated with the delivery of Council services.

All concerns should be reported to the designated Safeguarding Officer (or Deputy) in line with the Council's Child or Vulnerable Adult Safeguarding Policy.

In an emergency situation, if the designated persons are unavailable, contact Children's Social Care or the Police.

If a child is telling you something themselves:

DO

- Stay calm.
- Listen carefully to what is said.
- Find an appropriate early opportunity to explain that it is likely that the information will need to be shared. Do not promise to keep secrets.
- Allow the child to continue at their own pace.
- Ask questions for clarification only and at all times avoid asking questions that suggest a particular answer.
- Reassure the child that they have done nothing wrong in telling you.
- Tell them what you will do next and with whom the information will be shared.
- Record in writing what was said using the child's words as soon as possible. Note the date and time, any names mentioned and to whom the information was given. Ensure the record is signed off and dated.
- Contact the Safeguarding Officer or their Deputy and forward all information to them as soon as possible.

DO NOT

- Dismiss the concern.
- Panic.
- Allow your shock or distaste to show.

- Probe for more information than is offered.
- Make promises you cannot keep, such as agreeing not to tell anyone else.
- Speculate or make assumptions.
- Approach the alleged abuser.
- Make negative comments about the accused person.
- Attempt to investigate the concern.
- Discuss with anyone other than the designated Safeguarding Children Officer (or Deputy) or appropriate Officers from Children's Social Care or the Police.

Child Protection Alert/Refer Form

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

(Please turn over to complete the form)

Details of Incident / Disclosure / Observation

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

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

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

Date of Incident/Disclosure/Observation:

Time:

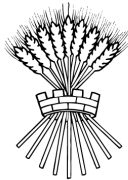
Details of what took place: (please continue on a separate sheet if required)

Signed:

Date:

This Report is confidential and should only be discussed with the Designated Safeguarding Officer, Deputy, or Case Officer) and Officers from NYCC Children Services

When the form is complete check all details then seal in an envelope and send immediately to the Designated Safeguarding Officer and NYCC Social Care marked “Private and Confidential – Address Only”.



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	10 FEBRUARY 2011
REPORT OF THE:	HEAD OF ORGANISATIONAL DEVELOPMENT LOUISE SANDALL
TITLE OF REPORT:	FLEXIBLE RETIREMENT POLICY AND PROCEDURE
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to recommend for approval the new Council policy for Flexible Retirement.

2.0 RECOMMENDATION

2.1 That Council is recommended to approve the adoption of the Flexible Retirement Policy.

3.0 REASON FOR RECOMMENDATION

3.1 With the requirement of ongoing efficiency savings it is important that there is a framework for managers and employees to access when considering any exit strategy in relation to Flexible Retirement from the working environment.

3.2 Ryedale District Council values the knowledge, experience and skills of all its employees and is committed to having a flexible approach to retirement.

3.3 To ensure that Ryedale District Council is compliant and consistent when applications for flexible and / or early retirement are being considered.

4.0 SIGNIFICANT RISKS

4.1 There are no significant risks in adopting the policy.

REPORT

5.0 BACKGROUND AND INTRODUCTION

5.1 The Flexible Retirement Policy applies to all employees who are members of the

Local Government Pension Scheme (LGPS).

- 5.2 The LGPS is a nationwide scheme and requires consistency in the interpretation of its rules, regulations and guidelines wherever possible.
- 5.3 Under the local Government Pension Scheme (LGPS) Regulations the Council has the discretion to allow an employee to reduce their working hours and/or undertake a lower graded post whilst being able to be in receipt of some or all of their LGPS benefits early. This is known as flexible retirement.
- 5.4 For employees who are not members of the LGPS, they may request flexible working through the Council's Flexible Working Request Policy.

6.0 POLICY CONTEXT

- 6.1 This policy is in accordance with the Council's policy framework.

7.0 CONSULTATION

- 7.1 The policy and procedures have been developed in consultation with North Yorkshire County Council as custodian of the LGPS, Staff Focus Group, UNISON and Management Team.

8.0 REPORT DETAILS

- 8.1 There are significant benefits for both employees and the Council as a whole by enabling employees to take advantage of the flexible retirement provisions. For example:
- It enables a person to ease his or her way into retirement;
 - It enables the Council to retain the skills and expertise of an individual which may otherwise be lost thereby protecting the quality of the Council services through the retention of skilled and experienced employees;
 - It provides greater flexibility and choice for employees;
 - It takes account of demographic changes in the population as a whole and in the working population in particular;
 - It provides equality of opportunity and fairness for employees;
 - It enables employees to strike an effective work/life balance and complements the Council's existing work life balance policies and its aim of being an employer of choice.
- 8.2 Rather than continuing in employment with Ryedale District Council to 65 or beyond it is possible to consider Flexible Retirement from age 55, if an employee reduces their hours or moves to a less senior position. Provided the Council agrees, the employee can draw some or all of the pension benefits they have built up so helping ease them into retirement.
- 8.3 The Procedure details the process for employees to follow should they wish to express an interest in flexible retirement and also what the line manager needs to consider. This can be found at Annex A.
- 8.4 In all cases, employees must receive advice as to how flexible retirement will affect their net pay and pension entitlement, as an employee's pension will normally be actuarially reduced if paid before age 65. In addition, any job held while in receipt of

pension benefits may attract a higher rate of tax. While the Council will provide necessary pay and pension figures, the employee will be encouraged to seek independent financial advice prior to pursuing flexible retirement.

- 8.5 A full appraisal will be carried out to establish both the financial and service delivery implications on the Authority of any application.
- 8.6 There is no guarantee that an application for Flexible Retirement will be approved, the final decision is with the Head of Service and Corporate Director
- 8.7 The Policy and Procedure will be reviewed annually in line with any legislative changes as informed by the LGPS.

9.0 IMPLICATIONS

- 9.1 The following implications have been identified:
 - a) Financial
Officer delegation on this matter is limited to working within the existing budgetary framework, there are therefore no new financial implications in approving the policy.
 - b) Legal
The policy and procedure is compliant with current legislation.
 - c) Other
There are no significant other implications in considering this recommendation.

Louise Sandall
Head of Organisational Development

Author: Denise Hewitt, HR Manager
Telephone No: 01653 600666
E-Mail Address: Denise.Hewitt@ryedale.gov.uk

Background Papers:
None.

Background Papers are available for inspection at:
N/a

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RYEDALE
DISTRICT
COUNCIL



Flexible Retirement Policy and Procedures

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1. INTRODUCTION

Under the Local Government Pension Scheme (LGPS) Regulations, the Council has the discretion to allow an employee to reduce their hours of working, or take a lower graded post, and also receive payment of their LGPS benefits early, although there maybe a reduction to their benefits. This is known as flexible retirement.

2. PRINCIPLES OF THE POLICY

Flexible Retirement allows employees aged 55+ to continue to work for Ryedale District Council whilst in receipt of a Local Government Pension providing the Council consents and there has either been a reduction in hours or a reduction in grade.

Pension benefits taken on flexible retirement may be subject to a reduction if they are being drawn earlier than 'earliest retirement date'. The amount of reduction to the pension and lump sum is determined by an actuarial calculation based on a formula determined by the Government Actuary's Department. In very exceptional circumstances and where there is a justifiable business case, all or part of the reduction can be waived [\[see paragraphs on Approval/Refusal\]](#).

3. PROCEDURE

Each application will be considered on its own merits and account taken of individual circumstances within the overall framework of this policy. No application is guaranteed to be successful, but in considering any request, account will be taken of:-

- The cost to the service (for example, the additional cost of recruitment and training);
- Any effect on the ability of the service to meet service demands (e.g. customer requirements);
- The ability to re-organise work amongst existing staff;
- The ability to recruit suitable new/additional staff;
- The overall impact on quality of service;
- The overall impact on performance;
- The sufficiency of work during the periods the employee proposes to work;
- Planned structural changes.

Flexible Retirement in these circumstances is voluntary and no employee will be required to accept flexible retirement against their wishes.

If you wish to consider applying to draw your pension benefits, you are advised to seek an estimate of benefits from the [North Yorkshire Pension Fund](#).

All applications for flexible retirement with employer's consent must be submitted in writing to the employee's line manager, indicating whether the request is on the basis of:

- a reduction in hours;
- a reduction in grade; or
- a combination of both

An application must also include an explanation of what impact, if any, you think agreeing to the request will have on the service and how, in your opinion, any such impact might be accommodated. You must also specify the revised grade and/or working pattern desired.

It should be noted that:

- 'Reduction in hours' must be permanent and significant e.g. from 5 days per week to 3 days but a minimum of 40% reduction for both full and existing part time staff (this is the equivalent of reducing by 2 days per week).
- Lower grade must be permanent and at least one full grade, e.g. from Grade 4 to Grade 3. (A suitable properly job evaluated vacancy at the lower grade must be available and should be filled by the normal recruitment and selection process unless in exceptional circumstances and in the exigencies of the service). The employee should normally identify a suitable lower graded post to which they are appointed on merit – unless there is a clear business case for an internal transfer within their own service area.
- Apart from in exceptional circumstances, employees may only re-apply for flexible retirement after a period of twelve months has elapsed since the date of the last application.

4. APPROVAL/REFUSAL OF AN APPLICATION

Before approving any application for Flexible Retirement the line manager, via HR, must obtain an estimate of pension benefits and costs to the Pension Fund from the Pensions Service.

If there is no cost (no strain) to the Pension Fund of approving a request, the Service Unit Manager or equivalent manager can accommodate the revised working pattern/grade without impacting on service delivery and wishes to approve the application, then the Head of Service or equivalent manager may approve the application. The line manager must provide the details of any agreed variation to grade and/or hours of work to HR. HR will issue revised terms and conditions of employment and make any necessary arrangements for the payment of agreed benefits. The Line Manager will complete the form as required.

If the benefits estimate indicates a 'strain' to the Pension Fund, but is otherwise supported by the Service Unit Manager or equivalent manager, the application must be considered by the Head of Service and Corporate Director. The line manager must provide a detailed written statement incorporating the reasons for the proposal as part of a justifiable business case. A statement of the cost to the Pension Fund, as provided by the Pension Service, must also be made available.

If the application is refused at any stage, the line manager must inform the employee of this decision in writing. Any right of appeal will be to a senior designated officer and should be submitted in writing within 5 working days of written receipt of the decision. A copy of any application will also be held on their personal file.

5. BENEFITS

Flexible retirement policies can help the Authority:-

- Retain valuable employees who would otherwise leave their job
- Re-organise service delivery methods
- Succession plan
- Deliver financial savings

Benefits for the employee:-

- Employee is able to draw full pension benefits
- Employee is able to continue working within local government
- Employee is able to gain better work-life balance
- Can continue to pay into the Pension scheme on different grade/pay
- To enable employee to retire on a gradual basis

6. NON MEMBERS OF THE LOCAL GOVERNMENT PENSION SCHEME

Employees who are not members of the Local Government Pension Scheme may request flexible working through the Council's [Flexible Working Request Policy](#).

7. COSTS OF FLEXIBLE RETIREMENT

Allowing staff to retire on flexible terms has the following consequences:-

- There is a loss to the Pension Fund, firstly through the non-collection of anticipated pension contributions, and secondly because the pension is paid out earlier and for a longer period. The cost of the payment of pension would normally be recovered from the Council and not the Pension Fund. This is known as 'strain' cost.
- If the flexible retirement of staff is not carefully managed, it could lead to a loss of much needed expertise and knowledge from the authority and this may be addressed through flexible retirement.

8. CONSIDERATIONS

Where an employee's combined age and membership, in complete years, total 85 or more – known as the 85 year rule - benefits cannot be actuarially reduced often resulting in a significant cost to the Pension Fund if an application for flexible retirement is consented to by the employer. (See Point 9 for further information on the 85 year rule and actuarial reduction).

HR will ensure that an estimate of pension benefits and any costs to the Pension Fund is obtained prior to the submission of a formal application.

Applications for flexible retirement should not be unreasonably refused but consideration of applications should take account of the issues identified in the Flexible Retirement policy, the benefits gained, the way in which the early retirement is to be funded, as well as whether there will be any additional consequential savings to the Authority.

Consideration should be given to whether the flexible retirement will facilitate an increase in the efficiency of the service in question, e.g. through the introduction of more effective working methods or the provision of an opportunity to introduce new skills into service delivery or the reorganisation of staffing. Additionally, consideration should be given to whether there are compassionate grounds for the early payment of benefits or any other circumstances which may be relevant to the decision and which may contribute to the more efficient exercise of the Council's business.

Consideration should also be given to circumstances that clearly allow capacity for some degree of progressive succession planning and/or the development of leadership capacity and should be viewed in a positive light.

The criteria applied must constitute a proportionate means of achieving a legitimate aim, for example in terms of service delivery/efficiency. Under Age Discrimination legislation, it is not possible to determine an application for flexible retirement on the grounds of age and/or length of service (or related costs).

Any request for a reduction in grade and/or hours must be accommodated within the Service Unit. If this is not possible, the employee may seek outline approval from his/her existing line manager (provided that there is no cost impact upon the Pension Fund) subject to the employee applying for and being offered a post at a lower grade elsewhere within the Council.

Any business case submitted for consideration by the Head of Service should detail how any capitalised cost of early release of pension can be funded by the service unit.

9. 85 YEAR RULE

Actuarial Reduction for early payment of pension

If you take flexible retirement before age 65 your benefits may be reduced to take account of being paid for longer. How much your benefits are reduced depends on how early you draw your benefits.

If an employee joined the LGPS after 30 September 2006 and takes flexible retirement before age 65, the benefits will be reduced. If they are paying into the LGPS on 30 September 2006 some or all of the benefits paid early could be protected from the reduction.

Protected Member

If an employee was contributing to the LGPS on 30 September 2006 they may have protected rights regarding early payment of their benefits.

- If an employee will be age 60 or over by 31 March 2016 and chooses to retire before age 65, then, provided they satisfy the [85-year rule](#) when they start to draw their pension, the benefits they build up to 31 March 2016 will not be reduced.

- If an employee will be under age 60 by 31 March 2016 and chooses to retire before age 65, then, provided they satisfy the [85 year rule](#) when they start to draw their pension, the benefits they build up to 31 March 2008 will not be reduced.
- If an employee will be aged 60 between 1 April 2016 and 31 March 2020 and meet the [85 year rule](#) by 31 March 2020, some or all of the benefits they build up from 1 April 2008 will not have a full reduction.

The Rule of 85 is satisfied if the age of the employee at the date they draw their benefits and the employees scheme membership add up to 85 or more (part years are ignored). If the employee is part-time, their membership counts towards the rule of 85 at its full calendar length.

If the employees benefits are deferred the rule is satisfied if the employees age at the time they draw your benefits and the membership they would have had in the LGPS add up to 85 or more (part years are ignored).

10. FORM FOR REQUESTING FLEXIBLE RETIREMENT

See attached form.

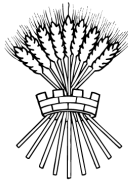
Application for Flexible Retirement



Name:		
Date of Request:		
Service Unit:		
Line Manager:		
Please indicate the basis for the request for flexible retirement:	Reduction in Hours	
	Reduction in Grade	
	Reduction in Hours and Grade	
If reduction in hours, please indicate the number of hours requested and the working pattern desired:		
If reduction in grade, please indicate the grade requested and the role identified:		
Please consider how your request will impact on your workload/responsibility (please complete what you consider the options/impact on the role/workload):		
Date you propose the flexible retirement to apply from:		
Signature of employee requesting flexible retirement:		
Date of Application:		

Employer use only:

Strain on Pension Fund Cost:	
<i>If a cost is identified above, the line manager must provide a detailed written statement incorporating the reasons for the proposal as part of a justifiable business case.</i>	
Line Manager/Service Unit Manager comments on application:	
*Approved / Refused: *delete	Reason:
Name and Job Title:	
Date:	



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	10 FEBRUARY 2011
REPORT OF THE:	COUNCIL SOLICITOR AND MONITORING OFFICER ANTHONY WINSHIP
TITLE OF REPORT:	COMMUNITY GOVERNANCE REVIEW – MALTON AND NORTON ON DERWENT
WARDS AFFECTED:	MALTON AND NORTON ON DERWENT

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 To consider and respond to a community governance petition which has been submitted under the provisions of Section 80 of the Local Government and Public Involvement in Health Act 2007 (The 2007 Act) requesting the District Council to conduct a community governance review to consider:

- Amalgamating the two existing Town Councils of Malton and Norton on Derwent to constitute and create a single Town Council;
- Constitute a new single Parish from the existing two Parishes;
- Making recommendations as to the name of the new Parish

1.2 Ryedale District Council has a duty under section 83 of the 2007 Act to respond to the petition using its powers to undertake a Community Governance Review under section 82 of the 2007 Act.

2.0 RECOMMENDATIONS

2.1 Council is recommended to approve that:

- (a) A Community Governance Review of the areas of Malton Town Council and Norton on Derwent Town Council be undertaken;
- (b) The terms of reference for the review, as attached to this report, be agreed; and
- (c) Either

OPTION A

A local poll be conducted to ascertain the views of the local government

electors of the areas of Malton and Norton on Derwent on the proposed amalgamation of the two existing Town Councils of Malton and Norton on Derwent and the name of the single Town Council such a poll to be conducted on a date to be determined after the local government elections on 5 May 2011.

OPTION B

Consultation of local government electors be conducted by means of a questionnaire by post.

- (d) Other persons or bodies be consulted by mailing the questionnaire. Such persons or bodies to include:
- Malton Town Council
 - Norton Town Council
 - Malton and Norton Area Partnership
 - The Fitzwilliam (Malton) Estate

and any other groups brought to the attention of the Council Solicitor that he considers appropriate.

3.0 REASONS FOR RECOMMENDATIONS

- 3.1 To comply with the statutory duty under section 83 of the 2007 Act to respond to a community governance petition.

4.0 SIGNIFICANT RISKS

- 4.1 No significant risks have been identified in preparing this report. – see Risk Matrix (Annex A).

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 Malton and Norton-on-Derwent both have a long history and whilst they are in close proximity they have often been separate and distinct for centuries for a number of reasons including separation by the River Derwent, being located in a different county prior to 1974 and a different pattern of land ownership. A brief summary of the historical background is included in the attached Annex B. In recent years there has been a call for the amalgamation of the two town councils to form one town council for Malton and Norton and this has culminated in a community governance petition.
- 5.2 A petition has been submitted under the provisions of Section 80 of the Local Government and Public Involvement in Health Act 2007. The petition requests the Council to conduct a community governance review to consider:
- Amalgamating the two existing Town Councils of Malton and Norton on Derwent to constitute and create a single Town Council;
 - Constitute a new single Parish from the existing two Parishes;
 - Making recommendations as to the name of the new Parish
- 5.3 To be valid a petition requesting a Community Governance Review must contain the signatures of at least 10% of the electors for the area subject to the review whose names appear on the Register of Electors which is in force for the area the subject of

the review at the time the petition is submitted. The petition must also define the area to which it relates and specify one or more proposals for consideration. The petition meets all of these criteria and is therefore valid.

- 5.4 Ryedale District Council has a duty under section 83 of the 2007 Act to respond to the petition using its powers to undertake a Community Governance Review under section 82 of the 2007 Act. In doing so, the Council is required to have regard to Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government.
- 5.5 In relation to the stages of a community governance review a flowchart is attached at Annex C which gives an outline only of the procedure since it is not directly applicable to reviews relating to town and parish council areas.
- 5.6 The review begins when the District Council publishes its terms of reference and ends when it publishes its recommendations – it has a maximum of 12 months to complete the process (section 102(3) and (4) of the 2007 Act).
- 5.7 Section 93 of the 2007 Act sets out the duties the Council must comply with when undertaking a review. These include consulting with local government electors and those who might have an interest in the review, taking account of any representations received and the community identity and effective local government criteria.
- 5.8 However, subject to complying with these duties, section 93 of the 2007 Act confers on principal councils a wide discretion as to how they carry out the review. The District Council can carry out a further consultation exercise during the review period if it so wishes and in any such way that would assist with deciding what recommendations it should make. Once its recommendations are published, this concludes the community governance review.
- 5.9 Following publication of the recommendations, it is then for the District Council to decide to what extent it will give effect to the recommendations. Once it has made that decision the District Council must publish that decision and its reasons for making the decision (see section 96(2) of the 2007 Act).
- 5.10 Finally, the District Council gives effect to the recommendations by approving the making of a reorganisation order.
- 5.11 The order would deal with the following matters:-
 - (i) Amalgamation of existing parishes and the constitution of a new parish;
 - (ii) Establishing and naming a new parish council
 - (iii) Elections for new parish
 - (iv) Numbers of Town Councillors
 - (v) Warding of parishes (if relevant)
 - (vi) Dissolution of Town Councils
 - (vii) Transfer of property rights and liabilities

6.0 POLICY CONTEXT

6.1 The Council has a legal duty to respond to the petition.

7.0 CONSULTATION

7.1 Section 93(3) of the 2007 Act requires the District Council to conduct a consultation exercise of local government electors and other persons or bodies which appears to the principal council to be appropriate. It is proposed that consultation is undertaken after the terms of reference have been approved by Council and the means of consultation has been approved.

8.0 REPORT DETAILS

8.1 A Community Governance Review (CGR) is a review of the whole part of a local authority's area. In this instance the review will be limited to the areas of Malton Town Council and Norton on Derwent Town Council.

8.2 The Council is required to publish the terms on which the review is to be undertaken and the draft Terms of Reference (TOR) is attached as **Annex D**.

8.3 Members are advised that the District Council has a statutory duty under section 93 of the 2007 Act to consult and take into account any representations received in connection with the review.

8.4 Section 93(3) of the 2007 Act provides as follows:-

“(3) The principal council must consult the following:-

- (a) Local Government electors for the area under review;*
- (b) Any other person or body (including a local authority) which appears to the principal council to have an interest in the review.”*

8.5 Local government electors for the area under review must be consulted as well as any other person or body which appears to have an interest in the review. It is considered that there are the following two ways of consulting local government electors:-

- (i) Conducting a local poll in the areas of Malton and Norton on Derwent pursuant to section 116 of the Local Government Act 2003
- (ii) Write to each eligible elector in the review area with a copy of the TOR and a questionnaire seeking their views on their preferred option for community governance arrangements in Malton and Norton on Derwent.

8.6 Council has to consult with others who appear to have an interest in the review which might include local businesses and local public and voluntary organisations.

8.7 It is recommended that a public notice be published in the Gazette & Herald and the Malton and Pickering Mercury and appropriate press releases will be issued to invite any other interested persons or bodies to put forward their views. The TOR and questionnaire will also be available on the Council's website.

8.8 The Council also has to inform North Yorkshire County Council that a review will be undertaken and of the terms of reference of the review and to consult them.

8.9 Any representations received in connection with the review must be taken into

account and the review must be concluded within the period of 12 months starting with the day on which the review begins.

- 8.10 Subject to the duties set out in the Act, it is for Ryedale District Council to decide how to undertake the review.
- 8.11 It is recommended starting the consultation by 5 May 2011 and asking that responses be submitted by 6 June 2011. The TOR includes a timetable for the remainder of the process.
- 8.12 Undertaking a poll is considered to satisfy the wellbeing test since it is important to have the optimum community governance arrangements for Malton and Norton on Derwent.
- 8.13 However guidance from the Electoral Commission indicates that it is impractical to hold a local poll on the same day as the local government elections on 5 May 2011 for the following reasons:
- It would not be possible to run the local poll in combination with the local government elections in May 2011 as this is not a combination which is recognised in law.
 - Election law is very prescriptive about what is legally permissible to happen at a polling station during the period of an election to ensure that the conduct of an election is entirely proper and without the appearance of improper procedures.
 - Rule 30 of the Local Elections (Principal Areas) (England and Wales) Rules 2006 is quite clear about who may attend at the polling station and this excludes anyone conducting a local poll because it is not authorised.
 - Accordingly against this background, Electoral Commission advice is that a second, separate room would have to be used at polling stations.
 - Two polling stations in Malton and Norton do not have a second room.
 - There would be additional costs associated with hiring additional rooms and staffing them.
 - There may be problems with staff availability.
 - The Council's printers may not have capacity to pick up the additional work, which would include preparatory set up work.

9.0 IMPLICATIONS

9.1 The following implications have been identified:

a) Financial

The advice received is that local polls and elections cannot be combined. It is possible to hold a local poll under section 116 of the Local Government Act 2003 on the same day as the local government elections. It will need to be a standalone poll although it is possible to use the same polling venues. The estimated cost of the poll will be £1,000. It is estimated that the cost of printing and distribution of the consultation documents will be in the region of £1,500. That does not include the cost of prepaid envelopes or staff time. It also does not include the cost of any advertising. There is no means for the District Council to recovering the costs of a community governance review and accordingly the District Council bears these costs. Council has a duty to undertake a Community Governance Review and those duties are set out in the Local Government and

Public Involvement in Health Act 2007.

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

The report has no other significant implications.

**Anthony Winship
Council Solicitor**

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Background Papers:

Local Government and Public Involvement in Health Act 2007

Guidance on Community Governance Reviews published by DCLG and the Electoral Commission in April 2008

Parish and Town Councils in England (HMSO 1992) Research by the Aston Business School

Circular 1126/1988 – Council Size published by the National Association of Local Councils.

Background Papers are available for inspection at:
Ryedale House, Legal Services

COMMUNITY GOVERNANCE REVIEW – RISK MATRIX

Issue/Risk	Consequences if allowed to happen	Likelihood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
The District Council fails to comply with the statutory requirements relating to Community Governance Reviews in the 2007 Act.	Complaint and potentially a court order or mandamus.	2	B	There is no mitigation in this case	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

BRIEF HISTORY OF MALTON AND NORTON-ON-DERWENT

Malton consists of two parts which are still quite independent of each other. There is Old Malton which was originally the village which grew up along the Scarborough road which passed the priory and New Malton which has the principal commercial retail area for the locality.

Pevsner's guide for Yorkshire: York and East Riding published in 1995 describes the history and development of Norton-on-Derwent as being inseparable from that of Malton across the River Derwent and as long playing the role as a residential and industrial suburb of Malton. The guide continues:-

"Between 1841 and 1871 Norton's population rose from 1,644 to 3,170, almost doubling, while that of Malton fell from 5,317 to 4,998. The rise of Norton and the decline of Malton continued up to the mid C20 and by the Second World War the former was the most populous settlement of the two. In 1991 the population of Norton was 6,230, and that of Malton 4,220. Norton's rapid expansion was due to the fact that it was an open community free of the control exercised by the Fitzwilliam family at Malton."

The background to this quote is that the Fitzwilliam (Malton) Estate Company is the principal land owner in Malton and the largest landlord of commercial property. The pattern of land ownership in Norton-on-Derwent has been more diverse and has been predominantly freehold.

Some of the key dates in the history of local government in Malton and Norton are summarised below:-

1888 - Local Government Act 1888 created County Councils.

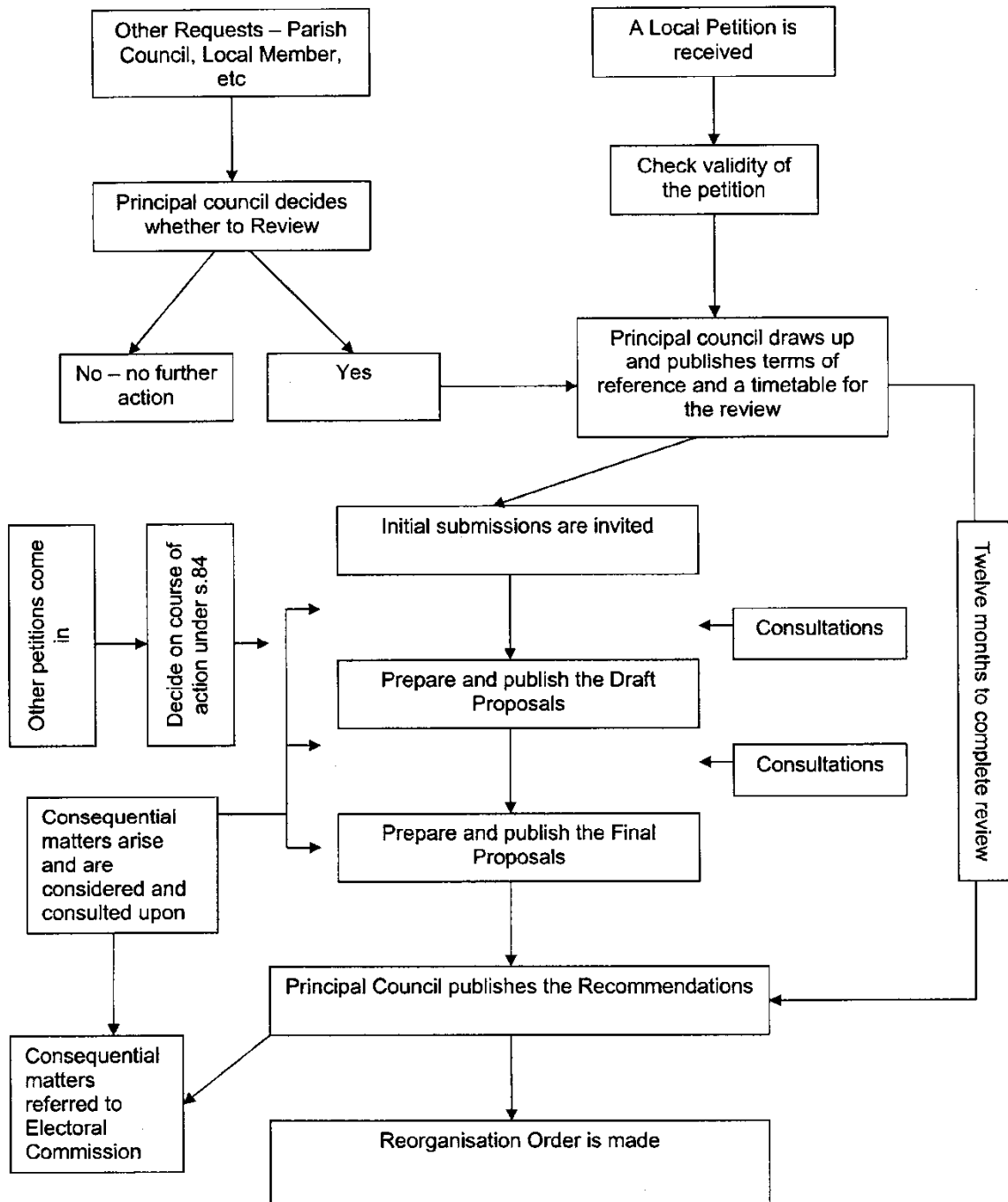
Malton was located in the North Riding of Yorkshire with County Hall at Northallerton. Norton-on-Derwent was located in the East Riding of Yorkshire with County Hall at Beverley.

1894 - Local Government Act 1894 created urban and district councils and established parish councils.

1972/4 - Local Government Act 1972 abolished urban and rural district councils and each county was divided into counties and districts.

Ryedale District Council was formed by the amalgamation of nine Councils including Malton Urban District Council and Norton Urban District Council.

COMMUNITY GOVERNANCE REVIEWS - FLOWCHART



Ryedale District Council

Terms of Reference

For a Community Governance Review in response to a petition submitted under Section 80 of the Local Government and Public Involvement in Health Act, 2007.

Introduction

1. A petition has been submitted under the provisions of Section 80 of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act). The petition requests the Council to:
 - Amalgamate the two existing Town Councils of Malton and Norton-on-Derwent to constitute and create a single town council
 - Constitute a new single Parish from the existing Parishes
 - Make recommendations as to the name of the new parish.
2. To be valid a petition requesting a Community Governance Review must contain the signatures of at least 10% of the electors for the area subject to the review whose names appear on the Register of Electors which is in force for the areas of Malton and Norton-on-Derwent at the time the petition is submitted. The petition which has been submitted contains the required number of valid signatures.
3. The petition must also define the area to which it relates and specify one or more proposals for consideration. The petition meets all of these criteria and is therefore valid.
4. Ryedale District Council has a duty under section 83 of the 2007 Act to respond to the petition using its powers to undertake a Community Governance Review under section 82 of the 2007 Act. In doing so, the Council is required to have regard to Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government.
5. The Council has the power to decide whether or not to amalgamate the parishes of Malton and Norton-on-Derwent. There is currently no provision for any appeal against any decision on a Community Governance Review made by the Council.

What is a Community Governance Review?

6. A Community Governance Review (CGR) is a review of the whole or part of a local authority's area to consider one or more of the following –
 - a. The creation, merger, alteration or abolition of parishes
 - b. The naming of parishes and the style of new parishes
 - c. The electoral arrangements for parishes including -

- The ordinary year of election
 - The number of councillors to be elected
 - The warding (if any) of the parish
7. A CGR should according to the last Government's White Paper *Strong and Prosperous Communities* published in October 2006 -
- a. improve community engagement
 - b. provide for more cohesive communities
 - c. provide better local democracy
 - d. result in more effective and convenient delivery of local services

Parish Governance in Ryedale

8. In the District of Ryedale, there are 116 parishes. 86 have parish or town councils and the other 30 have parish meetings. The size of parish councils ranges from 5 to 12 Councillors. All parish councils are elected together in a four yearly cycle. The next elections are in May 2011.

Who will undertake the Community Governance Review

9. As the principal authority, the District Council is responsible for undertaking any community governance review. The Council Solicitor will lead the review at officer level and the Policy and Resources Committee will make recommendations to Council for final adoption.

How the Council proposes to conduct consultations during the review

10. Under Section 93, the Council has a duty to consult –
- a. Local government electors for the area under review
 - b. Any other person or body (including another local authority) which appears to have an interest in the review
11. The Council proposes to consult with local government electors for the area by EITHER
- OPTION A conducting a poll in the areas of Malton and Norton-on-Derwent pursuant to section 116 of the Local Government Act 2003 to ascertain the views of the local government electors of the areas of Malton and Norton on Derwent on the proposed amalgamation of the two existing Town Councils of Malton and Norton on Derwent and the name of the single Town Council such a poll to be conducted on a date to be determined after the local government elections on 5 May 2011.
- OPTION B conduction a consultation of local government electors by means of a questionnaire by post.

12. The Council also has to consult with others who appear to have an interest in the review which might include local businesses and local public and voluntary organisations. It is recommended that a public notice be published in the Gazette & Herald and Malton & Pickering Mercury and appropriate press releases will be issued to invite any other interested persons or bodies to put forward their views. The Terms of Reference and questionnaire (**Appendix 3**) will also be made available on the Council's website.
13. The Council has a duty under section 79 of the 2007 Act to inform North Yorkshire County Council that the review is to be undertaken and of the terms of the review. The Council will also consult with them on the options contained in the terms of reference and any proposals that are made as a result of the conduct of the review.
14. The Council will also publish the terms of reference of the review, the questionnaire, the options contained in the terms of reference and any proposals that are made as a result of the conduct of the review on its website – www.ryedale.gov.uk
15. The timetable for the conduct of the review including the consultation process is attached as **Appendix 1** to these terms of reference.

Electorate forecast to be used during the review

16. Section 95 of the 2007 Act requires the Council to make electoral recommendations when considering the establishment of any new parish council. It must take into consideration the number of local government electors on the register of electors at the time of the commencement of the review and the projected change to the number of electors in the five years beginning on the day the review starts. The following figures will be used throughout this review. The Council has used the Register of Electors of 2010 to provide the electorate figures. The population projection for the Ryedale District area in 2011 is 54,000 and is expected to increase to 56,500 by 2018. This is approximately a 1% increase. There are no official projected population figures for Malton and Norton on Derwent in five years time. The projected population figures for 2018 bellow are the populations of Malton and Norton on Derwent increased by 1% from the 2009 figures. These figures are estimates only.

Ward	2009 Population (Estimate)	2010 Electorate	Ratio of Electorate to Population	2018 Population (Estimate)	2018 Electorate (Estimate)
Malton	5050	3888	77%	5100	3927
Norton on Derwent	7440	5648	76%	7514	5710
TOTALS	12490	9536		12614	9637

The statistics for the number of local government electors on the register of electors for 2010 are as follows:-

Town Council/Town Ward	No. of Seats	Eligible Electorate	Electors per Seat
Malton	10	3,888	388
Norton-on-Derwent (Norton-on-Derwent East Ward)	6	2,961	493
Norton-on-Derwent (Norton-on-Derwent West Ward)	6	2,687	447

The population statistics for Malton and Norton-on-Derwent based on the 2001 census published by the Office of National Statistics are as follows:-

Malton - 5,023
Norton - 6,943

The 2009 population estimate published by North Yorkshire County Council are as follows:-

Malton - 5,050
Norton - 7,440

Guidance on the optimum number of Town Councillors on Parish/Town Councils'

17. In Guidance on Community Governance Reviews, the Electoral Commission advises that:

"In considering the issue of council size, the Commission is of the view that each area should be considered on its merits, having regard to its population, geography and the pattern of communities"

18. The Aston Business School have published recommendations on the levels of parish council representation. For an area with an electorate up to 10,000 they recommend that the number of councillors should be in a range of between 9 and 16. The figures for an electorate of 10,000–20,000 are 13-27. The National Association of Local Councils recommends that the maximum number of councillors should be 17.
19. There are no statutory guidelines relating to the number of parish councillors that should make up a parish council. There is no maximum number specified but the minimum statutory number is one. The Government's advice is that each person's vote should be of equal weight so far as possible having regard to other legitimate competing factors when it comes to the election of councillors. If this principle were applied, there would be more Town Councillors representing Norton-on-Derwent than Malton.

20. Bearing in mind the recommendations of the National Association of Parish Councils, the likely number of parish councillors for the area of Malton and Norton-on-Derwent if a parish council were to be established is probably 17. This would result in each parish councillor representing an average of 560 electors. For election administration purposes it would be best to divide any parish of this size into parish wards and three would be a sensible number. Match the existing town wards from Malton and Norton-on-Derwent with seven councillors for Malton, five councillors for Norton East and five councillors for Norton West.

Options for consideration

Establishing a single Town Council for Malton and Norton-on-Derwent

21. The petition asks the Council to set up a single town council for Malton and Norton-on-Derwent and the Council must consider this option. There is no difference between a parish council and a town council except in name. The Council has a duty to consider the request because of the submission of a valid petition.
22. To assist you in coming to a view the Council has drafted arguments for and against the establishment of a single parish or town council for Malton and Norton on Derwent and these are set out in **Appendix 2**.
23. **Appendix 4** lists what parish councils can do if they wish to. It is a brief summary of the discretionary powers and duties of a parish council.

Consequential matters

24. When all the required community consultation has been undertaken and the review completed the Council may make a Community Governance Order to bring into effect any decision that it may make. If the Council decide to take no action then it will not be necessary to make such an order.
25. If such an order is made it may be necessary to cover certain consequential matters in that order. These may include –
 - a. the transfer and management or custody of property
 - b. the setting of a precept (council tax levy) for any new parish or parishes
 - c. provision with respect to the transfer of any functions, property, rights and liabilities
 - d. provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.
26. In considering these matters the Council will be guided by the Local Government (Parishes and Parish Councils) (England) Regulations 2008.
27. The Council will also take into account the requirements of regulation 3 of the Local Government Finance (New Parishes) Regulations 2008 when calculating

the budget requirement of any new parish councils when setting the council tax levy to be charged.

28. Elections for any council that may be established would be held in the ordinary year of elections which in this case is 2015. However, as those elections are some four years after any order could be made the District Council could, under the provisions of Sections 16(3) and 90 of the LGA 1972, resolve to hold the elections earlier with any councillors elected at those elections serving a shortened term to allow the parish electoral cycle to return to that of the District Council.

Adoption and Publication of Terms of Reference

29. The terms of reference were approved, adopted and published by Ryedale District Council at a meeting of the Council held on 10 March 2011.

Process Timetable

Action	When
Petition received	7 April 2010
Petition Validated	June 2010
Terms of reference drafted	By 2 February 2011
Terms of reference agreed by Policy and Resources Committee	10 February 2011
Terms of reference agreed by Council and published	10 March 2011
First consultation period commences	TBC
First consultation Period closes	TBC
Draft proposals prepared	TBC
Draft proposals are agreed by Policy and Resources Committee and recommended to Council.	TBC
Council to agree proposals for publication	TBC
Second consultation period commences	TBC
Second consultation Period closes	TBC
Final proposals prepared	TBC
Final Proposals are recommended by Cabinet	TBC
Council to agree Final Proposals	TBC
Final recommendations are published	TBC
Electoral matters are referred to Electoral Commission if required	TBC
Electoral Commission response	TBC
Review Order made	TBC

**THE CASE FOR AND AGAINST THE AMALGAMATION OF THE TWO EXISTING TOWN COUNCILS OF MALTON
AND NORTON-ON-DERWENT TO CONSTITUTE AND CREATE A SINGLE TOWN COUNCIL**

FOR

AGAINST

1: COSTS

The cost of a single Town Council for Malton and Norton could be minimal, made up of some of the costs which the District Council spends on Malton and Norton. To this will be added employee costs, democratic costs and the usual expenses of being a local authority.

No parish or town council in the District of Ryedale pays its councillors allowances. If they were minded to do so, they would still have to ask the Ryedale District Council's Independent Remuneration Panel for their views.

For the financial year 2010-2011 the council tax levy on a band D property in Malton was £1,855.42 and for Norton-on-Derwent was £2,445.15. It is not possible to estimate what the costs of a single Town Council for Malton and Norton will be as they will be determined by the functions that it performs and its administrative structure.

Ryedale District Council's council tax is currently 'capped' by the Government each year; no such 'cap' is currently in place for parish or town councils.

Town Councillors are able to vote in a scheme of allowances for themselves and if adopted would increase the cost of democracy.

2: INFLUENCE AND RESPONSIBILITIES

A single Town Council for Malton and Norton-on-Derwent could potentially have greater influence on the district and county councils and other government agencies on a range of matters. One particular area would be on planning and development issues where the town council would be consulted on the same basis as all other parish and town councils in the district.

Parish councils provide a useful sounding board of public opinion for district and county councillors because they are closer to the individual communities they represent.

Town/parish Councils have a number of statutory powers although these are mostly minor. It could take over the administration of public toilets and some other functions from the District Council through negotiation.

A single Town Council for Malton and Norton-on-Derwent could give rise to a competitive relationship between the Town Council and the District Council in relation to competing priorities which could cause delay and increase costs.

A single Town Council for Malton and Norton-on-Derwent could be more efficient in many areas of service delivery such as public toilets.	
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3: REPRESENTATION & ACCOUNTABILITY

<p>If a single Town Council was created for Malton and Norton-on-Derwent it would potentially:-</p> <ul style="list-style-type: none"> a. Be accountable to electors and under local control b. Be a local authority in its own right giving representation at grass roots level c. Raise funds and provide local services and facilities d. Encourage a greater sense of community identity and civic pride 	<p>If a single Town Council is created for Malton and Norton it would potentially:-</p> <ul style="list-style-type: none"> a. Add little extra accountability and democratic representation b. Duplicate and increase the costs of the provision of some services c. Levy additional council tax and incur additional costs
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4: OTHER ISSUES

<p>Roles of the existing town, district and county councils are clearly defined and each represents their residents at the different levels. The legal "power of well-being" means that parish councils can now raise and spend money on whatever are their priorities, including businesses, individuals and other areas where they were not previously able to do so.</p> <p>The combined number of Town Councillors for the two separate town councils of Malton and Norton-on-Derwent is 22 (10 seats for Malton and 12 seats for Norton). The recommended number of seats for a single town council for an electorate the size of Malton and Norton is 17. Accordingly the numbers of Town Councillors would be reduced for Malton and Norton if the guidance was followed.</p>	<p>A single town council in Malton and Norton could cause confusion to residents as to which local authority or councillor to approach.</p> <p>Some of Ryedale's current district councillors are parish/town councillors in other areas leading to a possible confusion of roles.</p> <p>A parish council for Malton and Norton could resolve that it takes the style of town council and that its Chairman could take the title of Town Mayor. This could add confusion to the role and responsibilities of the Chairman of the District of Ryedale as the first citizen within the district.</p> <p>The District Council already has a legal power of "well-being" and it does not require an extra layer of bureaucracy to address the needs of the community.</p> <p>Given that the population of Norton-on-Derwent is greater than Malton, Norton-on-Derwent would be entitled to more Town Councillors than Malton. Indications from guidance are that Malton would have seven seats and Norton-on-Derwent would have ten seats on a single town council.</p>
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Community Governance Review

You are strongly advised to read the Terms of Reference for the review, or, at the very least, the summary as set out in the accompanying letter, before answering any of the following questions:

Please put X in either the 'Yes' or 'No' column against each question to indicate your response.

		YES	NO
1	Do you support the setting up of a single town council for Malton and Norton-on-Derwent?		
2	Do you support the name of Malton and Norton Town Council for a single Town Council?		

Any comments you would like to make? Please continue on back if necessary

What can a Parish Council do?

A parish council can, if it decides to do so, provide a number of services. These are summarised in the table below:

Service or Function	What can a Parish Council do?
Allotments	Provide allotments
Baths and Washhouses	Provide public baths and washhouses
Burial grounds, cemeteries and crematoria	Acquire, maintain and provide burial grounds, cemeteries and crematoria. Maintain monuments and memorials and contribute towards the expenses of cemeteries
Bus Shelters	Provide and maintain bus shelters
Bye Laws	Make bye-laws for pleasure grounds, cycle parks, baths and washhouses, open spaces, burial grounds, mortuaries and post-mortem rooms
Charities	Receive accounts of parochial charities
Clocks	Provide public clocks
Commons and common pastures	Enclose, regulate and manage commons and provide common pasture
Conference facilities	Provide and encourage the use of conference facilities
Community centres	Provide and equip buildings for use by athletic, social or educational clubs
Crime Prevention	Spend money on various crime prevention measures
Drainage	Deal with ponds and ditches
Education	Appoint school governors
Entertainment and the arts	Provide entertainment and support for the arts
Gifts	Accept gifts
Highways	Repair and maintain public footpaths and bridle-ways. Light roads and public places. Provide litter bins, parking places for vehicles, bicycles and motor-cycles, roadside seats and shelters, bus shelters, traffic signs and other notices. Plant trees and maintain roadside verges.
Investments	Participate in collective investment schemes
Land	Acquire, appropriate, dispose of and accept gifts of land
Litter	Provide litter bins
Lotteries	Promote lotteries
Mortuaries and post mortem rooms	Provide mortuaries and post mortem rooms
Nuisances	Deal with offensive ditches
Open spaces	Acquire and maintain land used for open spaces
Parish property and documents	Make decisions on the custody of parish property and documents
Public Conveniences	Provide public conveniences
Recreation	Acquire land for and provide recreation grounds, public walks, pleasure grounds and manage and control them. Provide gymnasiums, playing fields, holiday camps and boating pools.
Town and Country Planning	Be notified of planning applications in the parish and submit comments on them to the district council
Tourism	Contribute to organisations encouraging tourism
Traffic Calming	Contribute financially to traffic calming schemes
Transport	Spend money on community transport schemes
War memorials	Maintain, repair, protect and adapt war memorials
Water supply	Provide facilities for obtaining and utilising water from wells, springs or streams.



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	10 FEBRUARY 2011
REPORT OF THE:	HEAD OF PLANNING GARY HOUSDEN
TITLE OF REPORT:	FEES AND CHARGES - PRE APPLICATION ADVICE
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 This report sets out the proposed fees and charges for 2011/12 for pre-application advice which are under the remit of this Committee. The proposals introduce an alternate fee structure.

2.0 RECOMMENDATION

- 2.1 That Council is recommended to approve the Development Management Pre-Application Advice Fees and Charges (Annex B).

3.0 REASON FOR RECOMMENDATIONS

- 3.1 Fees and charges are an important part of the Council's Budget Strategy. Officers have reviewed potential areas for further income generation to assist in the preparation of the Council's budget. Other neighbouring Authorities already charge for this service and others within North Yorkshire are planning to do so for 2011/12.

4.0 SIGNIFICANT RISKS

- 4.1 There are no significant risks associated with the charges proposed. The proposed fees will be monitored over the year in order to assess their impact on demand for the service and the need for further adjustment.
- 4.2 The risk matrix is attached at Annex A.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 The Council currently charges for pre-application advice, albeit at a flat rate which is

applicable at the same rate to all types of development proposals. These were approved by Council in January 2010 for 2010/2011 and set at a rate of £50 or £70 including site inspection. Officers are aware, however, that other Councils charge on a differential basis dependant upon the scale of the development proposed. It is considered that there is merit in applying a fee scale that better reflects the extent and complexity of advice being sought. The Council also charges £25 for Development Enquiry forms in respect of householder developments.

5.2 Members are advised that the discretionary fees for charging for Development Enquiry forms and pre-application advice to householders are recommended not to exceed those set in 2010/11. This is to encourage potential applicants to continue to engage with the Council and to mitigate the risk of householders proceeding with alterations to their properties without obtaining the appropriate written advice.

5.3 The fee income projected in respect of pre-application advice for 2010/2011 is estimated to be below estimated income target at approximately £5k. Officers consider that the graded charging scheme proposed will assist in meeting the budget targets for 2011/2012.

6.0 POLICY CONTEXT

6.1 Council policy is currently to operate a flat rate charge for all types of pre-application advice. This report proposes the introduction of a variable fee scale dependant upon the nature of the development.

7.0 REPORT DETAILS

7.1 It is noted that two adjacent authorities, Scarborough and Selby, operate an alternative system of differential charges which vary dependant upon the nature and scale of the development proposed. This approach reflects the general levels of increased complexity associated with larger developments and it is an approach that is recommended by officers. The thresholds of each different fee category are recommended below in Table 1.

	No. of dwellings	Floor Area (non-residential or mixed)	Site Area
Category 1	1 – 9	100 - 999 sq. m	Below 0.5 hectare
Category 2	10 – 49	1,000 - 1,999 sq. m	0.5 - 1.0 hectare
Category 3	50+	2,000 sq. m +	1 hectare +

7.2 The level of charges recommended are based on a choice of two options. These are offered as written advice only or additionally as written advice with a package of up to 3 meetings. The charges all include VAT at 20% and are recommended below.

Category 1		Category 2		Category 3	
Written Advice Only					
£100 + £20 VAT = £120 total		£200 + £40 VAT = £240 total		£400 + £80 VAT = £480	
Package of Meetings and Written Advice					
Package of 1 meeting, plus written advice	£200 + VAT = £240 total	Package of up to 3 meetings, plus written advice	£400 + £80 VAT = £480 total	Package of up to 3 meetings, plus written advice	£800 + £160 VAT = £960 total

7.3 The proposed fees are not envisaged to impact on the developments being brought forward for development. In the scale of the developments shown in Table 1 above, the proposed charges set out in Table 2 are considered to be an incidental cost.

7.4 There are no additional costs from the revised charging proposals.

8.0 IMPLICATIONS

8.1 The following implications have been identified:

a) Financial

The proposals will assist in meeting the income targets in the 2011/2012 budget.

b) Legal

There are no legal implications regarding this report.

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

There are no significant additional implications of the proposals.

Gary Housden
Head of Planning

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Background Papers:

None

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Fees & Charges- RISK MATRIX – ANNEX A

Issue/Risk	Consequences if allowed to happen	Likelihood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
That the proposed charges could be counter productive as demand falls in excess of fee income	Failure to achieve budget targets will require additional savings to be identified.	3	D	Demand and competition factors are reviewed in setting charges and where evidence shows that a negative impact could occur alternatives are recommended to members	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

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DEVELOPMENT MANANGEMENT

DISCRETIONARY CHARGES

Development Enquiry Forms

Fee Charged	£25
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Pre-Application Advice

Fees Charges

- | | | |
|------|---|----------------|
| 1. | Householder request requiring: | £50 (inc VAT) |
| | • history, investigation and opinion | |
| 2. | Householder request as above, but also requesting site inspection | £70 (inc VAT) |
| 3. | Additional Fee Categories | |
| i) | <u>Category 1</u> | |
| | Written Advice only | £120 (inc VAT) |
| | Written Advice and 1 meeting | £240 (inc VAT) |
| ii) | <u>Category 2</u> | |
| | Written Advice only | £240 (inc VAT) |
| | Written Advice and up to 3 meetings | £480 (inc VAT) |
| iii) | <u>Category 3</u> | |
| | Written Advice only | £480 (inc VAT) |
| | Written Advice and up to 3 meetings | £960 (inc VAT) |

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PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	10 FEBRUARY 2011
REPORT OF THE:	CORPORATE DIRECTOR (s151) PAUL CRESSWELL
TITLE OF REPORT:	RELOCATION OF MALTON SCOUTS
WARDS AFFECTED:	MALTON DIRECTLY, ALL INDIRECTLY

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 This report considers financial support to aid the relocation of the Malton Scout group.

2.0 RECOMMENDATION

- 2.1 That Council is recommended to support the relocation proposals for Malton Scouts with a contribution of up to £40k from unallocated capital resources.

3.0 REASON FOR RECOMMENDATION

- 3.1 This report considers the relocation of the Malton Scout Group in light of the expiry of their lease on 31 March 2011 and the Council decision to sell Wentworth Street Car Park (WSCP) in November 2010. This support demonstrates the Council's commitment to the Scouts and facilitates a development at Malton School for the benefits of the scouts, the school and the wider community. This early support will assist in attracting other grant funding.

4.0 SIGNIFICANT RISKS

- 4.1 The significant risk is that the project fails to attract outside grant funding to make the project viable. This is mitigated through the support offered which should assist in attracting the required external support.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 The Malton Scouts are currently located on the Wentworth Street Car Park (WSCP) site under a lease. This lease expires on the 31 March 2011.

5.2 Council's decision to sell WSCP on the 17 November 2010 means that alternative accommodation will be needed to accommodate the existing tenants including Malton Scouts.

6.0 POLICY CONTEXT

6.1 The recommendations are in line with existing policy.

7.0 CONSULTATION

7.1 Both Malton School and Malton Scouts have been involved in the discussions around relocation.

8.0 REPORT DETAILS

8.1 Prior to and subsequent to the Council decision to sell WSCP, the Council has been in discussions with the Malton Scout Group to find suitable alternative accommodation.

8.2 Early in this process Malton School were involved to investigate the possibility of relocating the Scouts to some part of the school site, either through a new building or conversion of existing premises. A proposal has been developed and initially costed to convert an existing on site small underused gym.

8.3 The conversion will split the room and provide the scouts with a dedicated space, storage, use of school toilets as well as use of the school grounds. An agreement between the school and scouts would set out the terms of occupancy and resolve the logistics around weekend use etc.

8.4 The conversion would provide the school with a performing/staged space. Within this space retractable seating (for up to 150) would be provided. Aside from enabling the schools curriculum to be expanded it would provide a bookable space for local events out of school hours. Discussions have also included the Council having use of this space for a small number of evenings per year as part of any financial contribution.

8.5 In evaluating the costs the school has engaged a funding expert to identify any grants/charitable trusts who would assist in the project. Such applications are assisted by committed support from partner organisations.

8.6 The total cost of the conversion work including retractable seating and necessary alterations to the scout space to provide an office etc. are likely to be £150k - £160k.

8.7 The current estimates are that the School, Scouts and external grant may be able to deliver three quarters of this and the Council is requested to consider a contribution of up to £40k.

9.0 IMPLICATIONS

9.1 The following implications have been identified:

a) Financial

The proposed contribution can be met from existing unallocated capital resources.

b) Legal

This funding would be accompanied by formal legal agreement.

- c) Other
There are no other implications arising from this decision.

**Paul Cresswell
Corporate Director (s151)**

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Background Papers:
None.

Background Papers are available for inspection at:
n/a

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PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	10 FEBRUARY 2011
REPORT OF THE:	HEAD OF PLANNING GARY HOUSDEN
TITLE OF REPORT:	RYEDALE PLAN – POLICY APPROACH TO CONSERVATION DEFICIT
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 For Members to consider comments submitted in response to consultation on this issue and to agree the approach to conservation deficit in the Ryedale Plan.

2.0 RECOMMENDATIONS

2.1 That Council is recommended:

- (i) Not to agree to the inclusion of a policy approach in the Ryedale Plan to allocate development to fund conservation deficits of local, national and regional importance;
- (ii) To agree that the Ryedale Plan makes reference to the national enabling development policy as an appropriate mechanism to address the conservation deficits associated with historic assets of national, regional or local significance and that the Plan includes reference to the criteria against which, enabling development proposals will be considered, including any locally relevant criteria;
- (iii) With regard to the Castle Howard Estate, the principle of a detailed criteria-based policy on the basis of that outlined in the report, is agreed for inclusion in the Ryedale Plan subject to the independent verification of income information, further detailed information relating to the estate's wider repair and restoration programme and to confirmation that a mechanism to secure affordable housing contributions can be agreed.

3.0 REASON FOR RECOMMENDATIONS

3.1 National policy (PPS5 – Planning for the Historic Environment) requires Local

Development Frameworks (LDF's) to set out a positive and proactive strategy for the conservation and enjoyment of the historic environment of their area. This report considers how one specific element of such a strategy – the issue of conservation deficit, could be addressed in the LDF.

4.0 SIGNIFICANT RISKS

- 4.1 The report considers policy options and consultation responses. It is considered that there are no significant direct risks associated with the report. Greater procedural risks would be incurred if Members did not fully consider this issue having undertaken specific consultation on this matter.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 At the Extraordinary Meeting of Council on the 9th February 2010, Members agreed to consult on the issue of using a local policy approach in the Ryedale Plan to support the repair and restoration of historic assets which face a 'conservation deficit' and require funds to secure a sustainable future.

- 5.2 The officer recommendation related specifically to consultation being undertaken on the principle of including the Castle Howard Estate villages in the Service Village category in order to assist in addressing the conservation deficit facing the estate. This arose as a specific issue/ option through a combination of the following:

- Resolution of Council on the 15th December 2009 that reconsideration is given to replacing the distinction between Service and other villages by a criteria based policy
- Liaison and consultation with the Castle Howard Estate and involvement in the preparation of the Castle Howard Conservation Management Plan
- Consultation with English Heritage.

- 5.3 At the meeting, the officer recommendation was amended. Council resolved that there should be further consultation on the principle of allocating development to fund conservation deficits of local, national and regional importance. The amendment arose following concerns in the debate that the issue and the officer recommendation were specifically linked to one landowner and one specific historic asset.

- 5.4 On the 2nd August 2010, the reconvened extraordinary meeting of (the 29th July) Council agreed the consultation draft of the Ryedale Plan. This included specific questions relating to the principles of releasing development land to support the maintenance and repair of historic assets.

6.0 POLICY CONTEXT

- 6.1 As part of a strategy for the conservation and enjoyment of the historic environment required by PPS5, national policy also requires that in preparing Development Plans consideration is given as to how best conserve individual, groups or types of heritage assets that are at most risk of loss.

- 6.2 The concept of Enabling Development has been a long standing planning tool which has been used to help generate funds for the repair of significant heritage assets. Enabling Development is defined as 'Development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it

being carried out and which could not otherwise be achieved' (Enabling Development and the Conservation of Significant Places, English Heritage, 2008). Enabling Development was included as national policy when it was embodied in PPS5 which was issued in 2010.

6.3 A number of tests are included in the national policy and supporting guidance to help assess enabling development proposals. They include for example, confirmation that there is no alternative source of funding available, that work is necessary to secure the future of a heritage asset and mechanisms are in place to ensure that benefits/funds are secured for use as intended.

6.4 By definition, enabling development is development which is contrary to the Development Plan. The recent consultation aimed to explore whether, in addition, it would be appropriate to include within the LDF, a local plan-led policy to address conservation deficit.

7.0 CONSULTATION

7.1 As part of the consultation, views were sought on the principle of releasing land to support the maintenance and repair of heritage assets of national, regional or local importance. The consultation suggested policy options/mechanisms which included:

- A general criteria-based policy which could list the various factors that could be used to determine proposals for development. This would in effect, be a policy that would support the release of land under certain specific circumstances, across Ryedale.
- The explicit identification of locations or settlements where new development sites could be released. This could be through the specific allocation of sites or through a criterion- based policy applicable to specific areas.

In addition, the consultation made it clear that rather than a local policy approach, the issue of conservation deficit could still be addressed using the national Enabling Development policy included within PPS 5.

7.2 The consultation provided the opportunity for the owners of historic assets supporting the option of identifying specific locations/ settlements, to provide full details of the conservation deficit which they face.

7.3 It should be noted that the draft Plan consulted on the potential policy options to address the maintenance and repair of heritage assets of national, regional or local significance, as opposed to assets of national, regional and local significance as resolved by Council in February 2010. Although the precise wording of the resolution was not included in the consultation draft plan in error, it is considered that this has not in any way undermined the spirit or purpose of the consultation.

7.4 Similarly, the (February 2010) Council resolution made specific reference to undertaking consultation on the principle of allocating sites as a means of address conservation deficits. The consultation broadened this to include criteria based policy mechanisms. This was appropriate given that the testing of options is an integral element of plan/ policy making.

7.5 Comments received in response to the consultation are summarised in Annex A.

7.6 The majority of responses have been received in relation to suggested policy options or to the scope of any approach – the extent to which any potential policy approach

should relate to assets of varying significance. Indeed, it is interesting to note that only a very limited number of responses disagree with the principle of using development to support the maintenance and repair of historic assets per se.

7.7 The majority of those who have objected have done so in relation to the two options which represent a local policy approach, with particular concerns arising in relation to suggestions of land allocations or the identification of specific locations. Consistent concerns that have been cited include:

- Conflict with/ contrary to national policy (PPS5) and English Heritage guidance on enabling development, particularly in respect of the allocation of sites
- Conflict with/ contrary to national policy aimed at ensuring the sustainable location/ distribution of housing development
- Conflict with the strategy and key objectives of the Core Strategy
- The extent to which the necessary robust evidence of conservation deficit is available to justify a local, plan-led policy position (including evidence of how funding could not be raised by other means)
- The national Enabling Development policy is more robust and appropriate.

7.8 The majority of responses objecting to the suggested approaches are from residents of villages where the Castle Howard Estate own land. As well as the key concerns outlined above, residents have the following concerns:

- The capacity of villages to accommodate new development in terms of their infrastructure
- General opposition to new housing development
- Potential scale of new development required to meaningfully address the Castle Howard conservation deficit resulting in an inappropriate scale of development with implications for the AONB and setting of the Listed Building and establishing a precedent which would become difficult to 'reign in' in the future
- Lack of specific and robust evidence relating to the scale of the Castle Howard conservation deficit.

7.9 In total 58 individuals or organisations have been recorded as having submitted comments which disagree that the District Council should include a local policy in the Ryedale Plan to support the release of sites to help sustain the long term future of historic assets. As well as local residents, 8 Parish Councils; the Howardian Hills AONB and North Yorkshire County have also expressed concerns.

7.10 A limited number of individuals/ organisations have expressed general support for the principle of establishing a local policy response to this issue. The majority of supportive comments are qualified on the basis of specific issues or are in support of one specific policy option. For the most part, these have been submitted by landowners/landed estates. It should be noted that a number people who have supported a particular policy option have simultaneously provided reasons why they disagree with an alternative option. These are grouped within the qualified support section of Annex A. Whilst this does lead to some repetition with those comments recorded as disagreeing with the introduction of any form of local policy, it ensures that these views are clearly distinguished from those of people who disagree entirely with any form of local policy.

8.0 REPORT DETAILS

8.1 The strategy for the distribution and accommodation of development in the emerging

Ryedale Plan looks to accommodate the majority of new development in the most accessible settlements in Ryedale as a key way of delivering sustainable patterns of development. Members are aware that the emerging plan also supports in principle, a number of types of development, in particular employment, land based and tourist development across the wider rural area. This strategy was supported by the Inspector who considered the previous version of the Core Strategy and Members have continued to agree the strategy and settlement hierarchy as the new Core Strategy has evolved. Clearly therefore, any policy mechanism aimed at supporting the release of development sites in locations outside of this framework, would need to be clearly justified on the basis of good planning reasons.

- 8.2 It is perhaps not surprising that most of the support for a criteria based policy, applicable in scope to heritage assets of all levels of significance has generated support from the majority of landowners who have responded to the consultation. However, very little information has been provided to help justify why such an approach is necessary over and above the national enabling development policy. Ryedale has a wealth of heritage assets that range in significance. It is considered that such an approach has the potential to lead to a dispersal of development across the District and as a result, any policy would require a rigorous set of criteria against which proposals would need to be assessed. Officers are of the view that in reality such criteria or policy tests are unlikely to be significantly different to those which are embodied in the national enabling development policy.
- 8.3 In view of the above, it is considered that the national enabling development policy remains the most appropriate mechanism to address instances of conservation deficit and to help to sustain the long term future of heritage assets in Ryedale. However, Members are aware that the current coalition government is committed to replacing the existing national planning policy statements with a single national planning framework. Therefore, in order to 'future proof' the Ryedale Plan, it is considered appropriate that the criteria which will be used to assess proposals coming forward via an enabling development route are included in the Plan. This would also provide the opportunity to include particularly locally specific criteria to help inform the development management process.
- 8.4 Officers are of the view that any local plan-led policy to address this issue could only be justified in particularly exceptional circumstances. It is for this reason that officers are of the view that further consideration needs be given to the use of a local policy to assist in addressing the conservation deficit of the Castle Howard Estate.
- 8.5 English Heritage is of the view that Castle Howard is the most significant of Ryedale's Country houses and estates as well as being of particular national importance. Indeed, officers of English Heritage consider that Castle Howard, alongside Highclere Castle (Downton Abbey in the recent television programme), Blenheim Palace and Chatsworth House represent the most significant examples of Country Houses/ Estates in this country. In addition, Castle Howard provides some of the most iconic images of Ryedale. It is an integral part of the area's tourist economy and is one of Ryedale's key businesses.
- 8.6 The Estate, through the Conservation Management Plan (CMP) has detailed the projects and costs of the maintenance and repair work that is required to secure a long term sustainable future for the key heritage assets. The CMP indicates that there is insufficient income to undertake many of the projects required, resulting in a 'conservation deficit'. It is understood that the disposal of some assets together with the restoration and repair of others is one of the main ways in which the estate can generate additional income.

- 8.7 The release of land for new residential development would contribute to this. However, Slingsby is the only location where this would be supported in principle through the emerging Core Strategy. Other land holdings which are adjacent to settlements are adjacent to settlements that fall outside of the service village category in the Core Strategy such as Welburn, Terrington, Bulmer and Coneysthorpe. To progress residential development schemes in these areas, the Estate would need to rely on the national enabling development policy.
- 8.8 Clearly that is a policy option which is open to them and this is acknowledged in the CMP. Alternatively, officers are of the view that a plan-led policy approach is, in principle, justifiable given the national significance of Castle Howard. The main difference between relying on the national enabling development policy and having a local policy would be that development proposals coming forward as enabling development would be contrary to policy and the Council's position would be reactive. A local policy – a plan-led approach - would establish the principle of the release of sites as policy, in effect, a proactive approach to this issue.
- 8.9 This could take the form of the direct allocation of sites, or alternatively, a criteria-based policy specific to the estate villages. English Heritage are of the view that the former would not represent the most appropriate option on the basis that if circumstances change, sites could remain allocated, resulting in pressure for their release even if the reason or justification for their allocation no longer exists. Whilst it is considered that the plan itself could accompany allocations with policy mechanisms to control their release, clearly, if English Heritage is concerned about the extent to which this could provide the necessary level of control, then this would not be an appropriate option to pursue.
- 8.10 Alternatively, a plan-led policy approach could be in the form of a criteria-based policy which supports in principle the release of development sites at specified villages subject to a range of criteria. In effect, to reflect the levels of control and principles used to justify schemes under the national Enabling Development policy – for example, that the conservation deficit exists at the point an application is made and that mechanisms are in place to secure how funds are spent and the like. It would also be important and relevant for any policy to provide the necessary control to ensure that the scale of development and the individual and cumulative effects of proposals would not have a significant adverse impact of the character and setting of individual settlements or the wider Area of Outstanding Natural Beauty (AONB).
- 8.11 Understandably, one of the greatest concerns raised by local residents is the concern and fear that any local policy approach would, in effect, simply promote unacceptable levels of development in their localities. There is concern that the scale of development required to address the conservation deficit would be so great that this would inevitably be the case. Residents are also concerned that over time, a precedent would be established which would in effect, establish the principle that the conservation deficit becomes the paramount and over riding consideration.
- 8.12 It should be made clear explicitly clear that officers are of the view that it would be entirely inappropriate to introduce any policy which aimed to facilitate a level of development that would lead to significant adverse landscape impact. Whilst Castle Howard is of national significance as a heritage asset, the estate sits within a nationally protected landscape – the AONB. As such, any policy response to the conservation deficit could needs to be balanced with the need to ensure that objectives of the national landscape designation are not undermined.
- 8.13 It is important therefore, that it is understood that it is not the intention of any plan-led

policy to facilitate a level of development which would satisfy the conservation deficit in its entirety. At most any policy could only aim to facilitate a level of development, appropriate to the scale and character of settlements and the wider landscape, which would help generate funds to contribute to a reduction in the conservation deficit and to target priority projects with extrapolating repair costs. For the reasons outlined, it is considered that on balance, this approach is one which would be suitable for inclusion in the Plan.

- 8.14 Officers are aware that this is a sensitive and contentious issue. The approach suggested and outlined above would provide the necessary control and implementation criteria that would be as robust as those embodied within the national enabling development policy. The main advantage of a plan led policy is that it would provide developers working with the estate with a degree of confidence to bring schemes forward. It would also provide a clear message that as a Local Planning Authority, the Council is committed, in principle to assisting in securing the long term future for this important business and unique asset.
- 8.15 If Members were minded to agree to the inclusion of such a policy, it is recommended that at this stage this would be in principle. Financial information provided by the estate would need to be subject to independent verification. Officers are also keen to see further detailed evidence of the repair and restoration programme for existing building within the estates ownership. In addition, officers are keen to ensure that options for affordable housing contributions are fully explored with the estate before final decision are taken on this matter.

9.0 IMPLICATIONS

- 9.1 The following implications have been identified:
- a) Financial
No direct financial implications
 - b) Legal
No direct legal implications
 - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
Non Identified.

Gary Housden
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Background Papers:

Ryedale Plan – 2010 Consultation comments
Extraordinary Meeting of Council : 9 February 2010
Extraordinary Meeting of Council : 29 July 2010
PPS 5 Planning for the Historic Environment
Enabling Development and the Conservation of Significant Places: English Heritage, 2008
Castle Howard Conservation Management Plan. December 2008

Background Papers are available for inspection at:
Ryedale House

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ANNEX A CONSULTATION COMMENT SUMMARIES

Release of Land to address Conservation Deficit – General Comments

Issues raised

- Appropriate for the LDF to consider how the development strategy address the issue of conservation deficit
- Highlighted the importance of Castle Howard to the District
- Disappointed specific reference to Castle Howard was removed but encouraging that its importance has been recognised
- Castle Howard is committed to carrying out thorough consultation to ensure proposals address concerns of residents of estate villages
- Has the potential to lead to uncertainty in relation to planning housing provision within the settlement hierarchy
- The Castle Howard Estate and the Council held discussions prior to the 2009 consultation although no formal submissions (in relation to this issue) were made or consulted on.
- The Council were a consultee on the preparation of the Castle Howard Management Plan. Residents of the estate villages were not consulted on the document
- Would require close control otherwise any development might detract from the amenity value of the asset itself.

Provided by: English Heritage; Castle Howard Estate; Cllr P Andrews; MV and D Roberts; Mr F Ellis;

General Support

- Ryedale has many historic assets. This should be part of the Core Strategy so that owners do not have to rely on national policy.
- Encouraging that the release of land would enable the repair and restoration of the (Castle Howard) Estate
- Castle Howard Management Plan identifies the areas requiring significant capital expenditure to ensure the long term conservation of important buildings . Costs will quadruple in 50 years if work is not undertaken
- There are mechanisms which would ensure any development was of a standard befitting the area
- Birdsall Estates are in need of enabling development with an estimated conservation deficit of 10 million
- Strongly support the principle to support the repair/ restoration of assets of national, regional or local importance
- Cannot be left to national policy as this is too vague to respond to assets of local significance

• Provided by; Mr Tatham; Castle Howard Estate; Birdsall Estate; Ms D Baines

Qualified Support

General Issues

- Concept is sensible
- Conservation deficit must be demonstrable
- Would need to be supported by robust evidence
- Only where other funding sources have been explored
- Should only apply where the deficit can be realistically met by the release of land
- Should not be restricted to a specific landowner or Estate
- Should be part of the Core Strategy so owners do not have to rely on national policy
- A formal Conservation Management Plan should be a requirement
- Consistent with the need for Local Planning Authorities to express housing targets as floor targets

- Providing principles of the Core Strategy are adhered to
- Providing gain is directed to purpose intended
- Should just be for buildings of national significance
- Applicants will have to justify need and the Council should have absolute discretion in deciding whether a case has merit
- The Council should invite landowners to list worthy cases
- Should be supported in more sustainable/ accessible locations
- Should not be restricted to designated assets when many traditional buildings contribute to the character of the area
- Conforms with/ provides a local context for PPS5 Policy HE11
- No objections provided development is for local needs/ affordable housing only otherwise this would be selling planning permission
- Merits of the site should be the key consideration not the needs of the owner
- Should not be applied to local sites as there are too many of this level of significance. Should be consistent with CS11 of the Core Strategy
- Should not be at the expense of other environmental interests (eg the AONB; Landscape character, biodiversity, accessibility, green infrastructure)
- Applicable to other estates, not just Castle Howard

Raised by; Oswaldkirk PC; Fitzwilliam (Malton Estate; Thorpe Basset Estate; Castle Howard Estate; P Beanland; Ms Knott; Mt Tatham; P Hayward; Mr M Fletcher; Dr R Wheeler; Chomley Estate; CMDR James Life Interest Trust; Hovingham Estate; Ryedale Liberal Party; Natural England; Thorpe Bassett Estate; Dr R Wheeler; Chomley Estate; CMDR James Life Interest Trust; Hovingham Estate

Criteria – Based Approach

- Most appropriate option
- Provides flexibility for future
- Needs to be tight enough to justify excessive development
- Include criteria ensuring other sources of funding have been fully explored
- Should comply with the criteria of the Core Strategy and provide affordable and other developer contributions/ be of benefit to the District as well as the asset
- Could be a policy which amplifies or provides a local context to the implementation of national enabling development policy
- Support subject to any policy amplifying national policy
- Support when this is to meet any conservation deficit
- Should be in addition to stated levels of housing development
- Would allow other landowners to seek additional development if a conservation argument became relevant

Raised By; Mr M Gwilliam; K Storey; Oswaldkirk PC; Mr Tatham; Thorpe Basset Estate; P Hayward; Ms D Baines; Natural England; Dr R Wheeler; Chomley Estate; CMDR James Life Interest Trust; Hovingham Estate; M Gwilliam; K Storey; English Heritage

Identify Settlements/ Locations /Sites- Agree

- Most appropriate option/ support this option
- This option coupled with a Conservation Management Plan to demonstrate how and where value gained will be utilised
- Beneficial as it would prevent owners making applications that are contrary to policy
- Could select sites that would not mar the landscape
- Should be in addition to RSS housing figures and outwith distribution requirements
- Concerned that this would require a robust mechanism for enforceability, linking the development/ allocation of sites to conservation works as this would be beyond the definition of enabling development
- Level of information required to support such an approach would not be far short of that required by an enabling development approach
- Allows a public airing of the issues and may be essential to give some owners the confidence to progress more expensive planning applications but there will be many practical problems to

overcome

- Sites should be allocated without changing the status of the settlement in the settlement hierarchy – this would provide more specific benefit to the Estate

Raised by; Pickering Town Council; Castle Howard Estate; M Taylor; English Heritage;

Identify Settlements/ Locations/ Sites – Disagree/ Concern

- Some concerns over the practical mechanisms used to establish the quantum of development and the robustness of the identification of location
- Settlements which do not correspond with the settlement hierarchy/ development strategy would undermine the integrity of the Core Strategy and make the document unsound
- Sites allocated on this basis would not be defined as enabling development and could not be securely linked to the benefit of the asset
- Identification of settlements/ locations which do not correspond with the settlement hierarchy would inhibit the capacity of Local Service Centres to fulfil their role/ not appropriate to allocate land to benefit one landowner at the expense of the other
- Need for and quantum of enabling development will change over time. Only allocating land will not respond to this.
- Would require a robust mechanism for enforceability to link the development of a site to the restoration/ repair of an asset
- Requires a detailed level of information to support such an approach which is not far short from the information owners would need to provide through an enabling development route. May reduce uncertainty for owners but is not a less involved/ cheaper process
- Specific policy would become out of date and would not respond to new assets

Raised by ;Thorpe Bassett Estate; Dr R Wheeler; Chomley Estate; CMDR James life Interest Trust; Hovingham Estate; English Heritage; D Baines. (Note – many of the objectors/ comments recorded in the general disagree section reiterate the concerns outlined above)

Disagree

Issues raised

- Generally disagree
 - Conflicts with good planning/ contrary to planning law/ subverts the process
 - Sets a precedent
 - Undemocratic
 - Has hallmarks of bribery
 - Conflict of interest with English Heritage
 - Historic assets should not be a determining factor in determining housing allocations
 - National problem which should be dealt with nationally
 - One individual/ organisations should not be favoured
 - Estates should stand on their own
 - Should not allocate land to the detriment of other Landowners/ Estates who have similar difficulties
 - No details as to how this would work in practice
 - Leads to more development pressure as it would be in addition to the 3000 homes planned
 - An explicit policy would become out of date
 - Development should be for the needs of residents
 - If the principle is taken forward it should apply to all assets that contribute to the well being of the District
- Development Land must not be released to fund privately owned assets/ upkeep of private possessions
- Would take a more conciliatory view if they were for publically owned assets
- Funding should be raised by other means (examples given - reviewing expenditure; sale / reuse of other assets, including empty properties; Renewable sources of income)
- Existing enabling development policy should be used/ will suffice

- Is more rigorous/ appropriate
- Ensures funds are used appropriately
- No need for a local policy to support the release of or identify sites as national policy (PPS5) and English Heritage guidance (on enabling development) embed necessary criteria / guidelines/ level of scrutiny
- Approach would be contrary to Government policy (PPS5) and English Heritage Guidance
 - National Policy and Guidance states that plans should not identify land for such sites/ enabling development as the case for enabling development can only be properly considered in the context of a planning application
 - Site specific provisions run the risk of becoming development in accordance with the Plan, which would by definition not be enabling development and could not be securely and enforceably linked to the benefit of the place
 - Has been suggested by some that this issue is not enabling development (development which is unacceptable in planning terms) and the English Heritage guidance is therefore not relevant. This is not the case as under this plan development at non service villages would be considered unacceptable in planning terms
- Contrary to national policy on sustainability – PPS3
- Conflicts with the criteria, objectives and strategy of the Core Strategy
 - Would lead to development in less sustainable/ accessible locations
 - Contrary to objectives to protect the AONB
 - Scale of development would be contrary to objectives aimed at safeguarding the historic built environment
 - Contrary to objectives 3 and 10 and policies CS11, CS12, CS16 and CS19 of the draft Core Strategy
 - CS would be unsound/ its integrity undermined
 - New development sites should be linked to good access to jobs, services and transport
 - Housing development should recognise the requirements and interests of the local community
- Would inhibit the ability of local service centres to fulfil their role in the settlement hierarchy/ would reduce the need for housing land in more sustainable locations
- The allocation of land for this purpose is not appropriate
- Concern over mechanism to establish a suitable quantum of development and robustness of identification of location
- The allocation of land will not respond to changing circumstances - the need and quantum of 'enabling development ' will change
- Concern over the inappropriate scale of development required to address some conservation deficits (which may - examples given - demand year on year development to provide funds; result in development of a scale out of character with the area; place a strain on infrastructure and services, traffic and parking problems in villages; Landscape implications in AONB and settings of Listed Buildings; negate the purpose of conserving buildings and their settings
- Preservation of historic buildings should not be at the expense of an AONB
- Concern it would lead to a repeated commitment to release land to the detriment of character
- Concern over how it could be guaranteed/ policed to ensure funds are used as intended, for conservation
- Concerns over how it would be properly established that funds are required
 - There are no proven / verifiable records of Castle Howard's Conservation deficit. Uncertainty over how this is calculated. Should be independently audited
 - Castle Howard Management Plan is insufficient to justify including sites
 - Only 4.5 million of Castle Howard's own money has been spent on conservation since the 1940's
 - No urgent repair notices have been served by RDC in the case of Castle Howard
- Concern over implications of applying approach to all historic assets which would lead to unlimited housing development across the District
- Concerned that Castle Howard approached the Council before the previous consultation but that this was not mentioned in it

- Against major development in Welburn to help Castle Howard
- Over 80% of Welburn's residents are opposed to the development of more than 10 houses over the life of the LDF
- Would be contrary to Welburn's Parish Plan and those of Crambeck and Slingsby
- Welburn already has a high proportion of rented and social housing
- Development at Welburn would not comply with national sustainable development policy
- Welburn lacks the services to meet the criteria of a service village/ is not a service village
- Welburn is in a AONB. Would alter the character of the village/ area
- Should not be large scale development at Welburn
- Use smaller sites in boundaries
- Access to A64 is already dangerous
- Where would people work?
- Castle Howard has not consulted with Welburn village
- Castle Howard has failed to maintain property for decades
- Villages wish to govern their own affairs via a Parish Council and not a feudalistic way
- Could distort the local tourist economy
- Concerned about Church Lane (Welburn) being an access route
- Welburn had few amenities which is what those you feel would wish to live here will require
- Use sites at Coneysthorpe
- Terrington is very over developed
- Liberal allocation of development sites have the risk of being unsaleable ghost communities

- Majority of residents of Howardian Villages are opposed to this
- Infill is more appropriate

Provided by; CPRE; Slingsby, Fryton and South Holme PC; Scampston PC; Hambleton District Council; Ampleforth PC; Terrington PC; Mrs M Mackinder; Howardian Hills AONB; Helmsley TC; Mr N Symington; Welburn PC; Mr S Danbury; Ryedale Liberal Party; Mr and Mrs T Scott; Mrs E Gathercole; Mr and Mrs A Hewitt; Mr A and Mrs M Bell; MV and D Roberts; Ms E Freer; Mr P Hill; Dr Cox; E Banks; Mr P Benham; K and J Warner; Mr M Southerton; Mr M Fox; P Brown; Mr A Robinson; A Johnson; Mr T Strickland; J Hopkins; A and E Johnson; Mr C Ward; Mr J Magrath; Mrs J Gibson; Mr M Stenning; Mr P Fenby; Mrs Cox; Mrs S Hill; Mr J Lewis; Ms S Symington; Mr E Gathercole; Mr and Mrs Manging; North Yorkshire County Council; Mrs A Barnett; Mr P Pickersgill; P Goodwill; M Southerton (on behalf of client in Wombleton); Mr B Graham; Flaxton PC; Amotherby PC

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