



Summons and Agenda for the
Council Meeting

to be held on

10 September 2013

at

6.00pm



Mission Statement "To Improve the Quality of Life For Those Who Live and Work in the District"



To: All District Councillors

cc: Chief Officers
Directors

You are hereby summoned to a meeting of the Selby District Council to be held in the Council Chamber, Civic Centre, Doncaster Road, Selby on **TUESDAY 10 September 2013** starting at **6.00pm**. The Agenda for the meeting is set out below.

Chief Executive
2 September 2013

AGENDA

Opening Prayers.

1. Apologies for Absence

To receive apologies for absence.

2. Disclosures of Interest

A copy of the Register of Interest for each Selby District Councillor is available for inspection at www.selby.gov.uk.

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

3. Minutes

To approve as a correct record the Minutes of the meeting of the Council held on 25 June 2013 and 16 July 2013. (pages 1 to 8 attached).

4. Presentation from Andrew Mason – Church Fenton Action Group on HS2

To receive the presentation.

5. Communications

The Chairman, Leader of the Council or the Chief Executive will deal with any communications which need to be reported to the Council.

6. Announcements

To receive any announcements from the Chairman, Leader or Members of the Executive.

7. Petitions

To receive any petitions.

8. Public Questions

To receive and answer questions notice of which has been given in accordance with rule 10.1 of the Constitution.

9. Councillors' Questions

To receive and answer questions submitted by councillors in accordance with rule 11.2 of the Constitution.

10. Reports from the Executive

The Leader of the Council, and other members of the Executive, will report on their work since the last meeting of the Council and will respond to questions from Councillors on that work (pages 9 to 15 attached).

11. Reports from Committees

To receive reports from the Council's committees which need to be brought to the attention of Council. To receive questions and provide answers on any of those reports (pages 16 to 19 attached).

12. Motions

To consider any motions.

13. Access Selby Annual Report

To receive a presentation from the Chair of Access Selby.

14. Traveller Needs Assessment

The Council is asked to endorse the Traveller Needs Assessment (pages 20 to 83).

15. Selby District Council Housing Development Strategy

The Council is asked to approve the Housing Development Strategy (pages 84 to 114 attached).

16. Selby District Council Housing Development Sites

The Council is asked to endorse the approach to prioritise the development of the sites (pages 115 to 122 attached).

17. National Non Domestic Rates – Discretionary Rate Relief Policy

The Council is asked to approve the Policy (pages 123 to 151 attached).

18. Scrap Metal Dealers Act

The Council is asked to approve the report (pages 152 to 154 attached).

19. Urgent Action

The Chief Executive will report on any instances where he has acted in urgent or emergency situations under the functions delegated to him in the Constitution.

20. Sealing of Documents

To authorise the sealing of any documents necessary to action decisions of this Council meeting, or the Executive or any of its Committees for which delegated authority is not already in existence.

21. Private Session

In accordance with Section 100(A)(4) of the Local Government Act 1972, in view of the nature of the business to be transacted, the meeting be not open to the Press and public during discussion of the following item as there will be disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraph 3 of Part 1 of Schedule 12(A) of the Act.

22. Sale of Land at Selby Town

The Council is asked to consider the report (pages 155 to 158 attached).

Council

Venue: Council Chamber
Date: 25 June 2013

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| 13 | Disclosures of Interest |
| 14 | Minutes |
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| 18 | Public Questions |
| 19 | Councillors' Questions |
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| 21 | Reports from the Committees |
| 22 | Motions |
| 23 | The State of the Area Address |
| 24 | Urgent Action |
| 25 | Sealing of Documents |

Present: Councillor M Dyson in the Chair

Mrs E Casling, I Chilvers, M Crane, J Crawford, Mrs D Davies, Mrs M Davis, J Deans, K Ellis, M Hobson, W Inness, Mrs G Ivey, M Jordan, C Lunn, D Mackay, Mrs P Mackay, Mrs C Mackman, J Mackman, J McCartney, Mrs M McCartney, Mrs K McSherry, C Metcalfe, Mrs W Nichols, I Nutt, R Packham, C Pearson, A Pound, R Price, I Reynolds, S Shaw-Wright, Mrs A Spetch and J Thurlow

Apologies for Absence: Councillors J Cattanach, Mrs S Duckett, B Marshall, Mrs E Metcalfe, R Musgrave, D Peart, Mrs S Ryder, R Sayner and R Sweeting.

Also Present: Chief Executive, Deputy Chief Executive, Managing Director of Access Selby, Executive Director (s151), Executive Director and Democratic Services Officer

Press: 2
Public

Before the commencement of the meeting, the Council stood in silence for a minute and paid tribute to County Councillor, and former District Councillor, Margaret Hulme who had recently passed away.

13. Declarations of Interest

There were no declarations of interest.

14. Minutes

The minutes of the annual meeting of the Council held on 14 May 2013 were confirmed as a correct record.

Resolved:

To approve the minutes for signing by the Chairman.

15. Communication

The Chief Executive reported that the Local Government Boundary Commission had published its draft recommendations on the new electoral arrangements for Selby District Council for consultation.

Concern was raised at the errors in the publication with regard to the number of councillors and number of wards in Selby Town. The Chief Executive informed Councillors to let him know of any mistakes and that these would then be fed back to the Commission.

16. Announcements

Councillor J Mackman informed Councillors that on 20 June 2013 the Council had received a report from the Inspector concerning the Core Strategy. With 34 modifications, the Inspector had stated that the Selby District Core Strategy Local Plan did satisfy the legal requirements and met the criteria for soundness in the National Planning Policy Framework. Councillor Mackman explained that the Inspector's report would be published on 27 June 2013 with it also being made available at the Council's premises and libraries.

Council was informed that the Inspector's report was not binding and it was up to Council to formally adopt the Core Strategy. Councillor Mackman explained that since the publication of the report, the Council would give significant weight to the policies in the Core Strategy when assessing planning applications. Council was informed that the Executive would consider the Inspector's report in more detail in late summer or early autumn and then make recommendations to Council to adopt. Councillor Mackman thanked officers involved in the work on the Core Strategy.

17. Petitions

No petitions were received.

18. Public Questions

No questions from members of the public were received.

19. Councillors' Questions

No questions from Councillors were received.

20. Reports from the Executive

The Leader of the Council reported on the work he had recently undertaken. He responded to questions relating to implications of Scottish devolution.

Councillor Mrs G Ivey, Deputy Leader of the Council and Lead Executive Member for External Relations and Partnerships, reported on her latest work. Councillor Mrs Ivey responded to questions concerning the gates leading to the play area on Petre Avenue and agreed to look into the funding for this.

Councillor Lunn, Lead Executive Member for Finance, reported on the work he had undertaken.

Councillor J Mackman, Lead Executive Member for Place Shaping, reported on his latest work. Councillor Mackman responded to queries concerning the Core Strategy and the forthcoming Green Belt review. Concerns were raised regarding the administrative oversight which had led to the Council having to resubmit the planning application for the travellers site on Burn Airfield.

Councillor C Metcalfe, lead Executive Member for Communities, reported on his latest work. Councillor Metcalfe thanked staff for their work on the Tadcaster Central Area Car Park Judicial Review. In response to a query concerning rolling out the 'Tackling the Tough Stuff' project to other areas, Councillor Metcalfe stated that this would be happening in the next few weeks.

Resolved:

To receive and note the reports from the Executive.

21. Reports from Committees

The Chair of Policy Review Committee, Councillor Jordan, reported on work of the Committee since the last Council meeting.

Councillor Crawford, the Chair of Scrutiny Committee, reported on work of the Committee since the last Council meeting.

Councillor Pearson, the Chair of Audit Committee, reported on work of the Committee since the last Council meeting.

Resolved:

To receive and note the reports from the Committees.

22. Motions

Councillor Mrs M Davis proposed the following motion which was seconded by Councillor Shaw Wright:

The national legislation around the “bedroom tax” is causing considerable alarm and concern locally. Many local authorities are joining with members of the public in calling for the repeal of this iniquitous tax. This tax together with the ongoing changes to our Benefits system will cause distress and hardship to many families. We have all been contacted by local supporters of the “Hands off our Homes” movement and it is essential that we respond to the questions they have raised.

How Selby District Council enforces this is extremely important for our communities and how they view us as an authority

Following concerns expressed by the public, the Labour Group wish to ensure that all Councillors are kept informed and therefore would move that:

A six monthly update be given to Full Council on:

- ***the number of people affected by this legislation (the figure of 700 has been used when reporting to NYCC)***
- ***the number of people who have contacted SDC asking for a smaller property after receiving the notification letter from SDC***
- ***the number of smaller properties currently available and their location and further, that the Policy Review Committee be asked to review the current policy and its operation, and in particular***
- ***where individuals find alternative properties in the private or RSL market, what incentives are available to support their move and what might prevent individuals from qualifying for these incentives***

- **areas where SDC will provide exemptions in addition to the national recommendations (e.g. adapted properties, family health needs (children with ADHD who cannot share, elderly couples with health issues)**

As individual appeals are assessed and decided, it will be important to ensure we review our criteria. Many authorities and RSLs are re-classifying some rooms for certain groups to ensure fairness.

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

Resolved:

- i) **To receive a six monthly update to Council on the above issues in December 2013 and June 2014 with the process being reviewed following this.**
- ii) **To ask the Policy Review Committee to review the current policy, its operation and in particular:**
 - **where individuals find alternative properties in the private or RSL market, what incentives are available to support their move and what might prevent individuals from qualifying for these incentives**
 - **areas where SDC will provide exemptions in addition to the national recommendations (e.g. adapted properties, family health needs (children with ADHD who cannot share, elderly couples with health issues)**

23. The State of the Area Address

Councillor Crane, Leader of the Council, submitted the State of the Area Address for 2013.

Resolved:

To receive and note the State of Area Address from the Leader of the Council;

24. Urgent Action

The Chief Executive informed the Council that he had not taken any urgent action in the time since the last Council meeting.

25. Sealing of Documents

To authorise the sealing of any documents necessary to action decisions of this Council Meeting, or any of its Committees and Boards for which delegated authority is not already in existence.

Resolved:

To grant authority for the signing of, or the Common Seal of the Council being affixed to, any documents necessary to give effect to any resolutions hereby approved.

The meeting closed at 7.34pm

Minutes

Extraordinary Council

Venue: Council Chamber
Date: 16 July 2013

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| 26 | Disclosures of Interest |
| 27 | Appointment of a new Chief Executive |

Present: Councillor M Dyson in the Chair

J Cattanach, I Chilvers, M Crane, Mrs D Davies, J Deans, Mrs S Duckett, K Ellis, M Hobson, W Inness, Mrs G Ivey, M Jordan, C Lunn, Mrs P MacKay, Mrs C Mackman, J Mackman, B Marshall, Mrs K McSherry, Mrs E Metcalfe, R Packham, C Pearson, D Peart, I Reynolds, Mrs S Ryder, R Sayner, S Shaw-Wright.

Apologies for Absence: Councillors Mrs E Casling, J Crawford, Mrs M Davis, D Mackay, J McCartney, Mrs M McCartney, C Metcalfe, R Musgrave, Mrs W Nichols, I Nutt, A Pound, R Price, Mrs A Spetch, R Sweeting and J Thurlow.

Also Present: Chief Executive, Deputy Chief Executive, Managing Director of Access Selby, Executive Director (s151), Executive Director Communities Selby, Director of Business Service, Solicitor to the Council, Democratic Services Manager and Mary Weastell.

Press: 0
Public: 0

Before the commencement of the meeting, the Council stood in silence for a minute as a mark of respect to Mrs Melanie Ann Lee, the Vice Chairman's Consort, who had recently passed away.

26. Declarations of Interest

There were no declarations of interest.

27. Appointment of a new Chief Executive

The Leader of the Council set out that, following the decision of the current Chief Executive to retire during 2013, the Council had started the recruitment process to identify a successor.

The Leader of the Council set out the rigorous process undertaken to appoint the new Chief Executive. He reminded councillors that, as part of the Council's innovative project, the new Chief Executive would work two days per week as an Assistant Chief Executive (Customer Services) at North Yorkshire County Council.

The appointment panel had included Councillors M Crane, Mrs G Ivey, S Shaw-Wright and the Chief Executive of North Yorkshire County Council.

Councillor M Crane proposed that Mary Weastell be appointed as Chief Executive of Selby District Council and Assistant Chief Executive (Customer Services) at North Yorkshire County Council. The proposal was seconded by Councillor S Shaw-Wright and unanimously agreed by the Council.

Resolved:

To appointment Mary Weastell as Chief Executive of Selby District Council and Assistant Chief Executive (Customer Services) at North Yorkshire County Council.

Following her appointment Mary Weastell gave a short address to the Council. She outlined her delight at the appointment and stated that she was very much looking forward to working with councillors and officers to build upon the excellent working currently underway.

The meeting closed at 6.13pm

REPORT TO COUNCIL 10 SEPTEMBER 2013 – Cllr Crane

Since the last meeting of Council I do not have a lot to report. There is always a reduction in meetings in August both at Selby and across the region.

I was involved in the selection and appointment of the new Chief Executive and am pleased that we had so many high calibre applicants, in part this was due to the partnering with NYCC which I believe will benefit both organisations.

I have also started the budget process for 2013/14 which again is made more difficult by the government and Mr Pickles. I am disappointed that the Gov't should continue to force Councils into decisions about our finances. This is not localism in my view.

I attended the launch of a working group on Selby town centre and was encouraged by both the number of people present and also the desire to make the town centre a better place, as this group goes ahead I will keep Council informed.

I am happy to answer any questions about the above or any other issue facing this council at the moment.

Mark Crane

Cllr Gillian Ivey.
Executive Member for Partnerships and External Relations

Report to Council on September 10th 2013

Since my report to the last council meeting in June, I have been working with officers on.....

- Plans for the new Leisure Centre.
We held a market stall in July to show plans for the new centre and there was a good deal of interest shown, with lots of positive feedback.
I'd like to particularly thank Jonathan Lund, Karen Iveson and Dave Peart for the effort they put into this exhibition, which was repeated at Selby Town Hall in the evening and again received many positive comments.
Thanks too to WLCT and the architects for their support.

Planning permission has now been granted.
- The draft Affordable Housing SPD has been out to consultation, and the officer / member task group is currently working on the proposed final document, for presentation to the Executive in October.
I did present the draft SPD to the Policy Review Committee in July as part of the consultation, but they declined to give comments at that time.
- The Annual Leisure Review was presented to the Executive in July.
It was pleasing to be able to report that member numbers continue to increase, many classes at Tadcaster are running at maximum attendance, and that classes at Profiles in Selby have been increased from 15 to 35 – again with excellent attendance figures.
The Leisure Review is available on the website for anyone wanting more detail.

The Council in Partnership

The North Yorkshire Housing Forum met here at SDC on September 2nd – further details available by email.

WLCT & SDC joined forces with Selby Cycling Club to organise the first ever Selby Sportive on September 1st, with cycle routes of 25, 60 & 90 miles.
It was an excellent event, well-supported and also raised money for Selby Yorkshire Cancer Research.

I look forward to welcoming the Trans Pennine Trail AGM to Selby on September 24th, when representatives of the 26 Local Authorities which make up the Transpennine Trail, plus Friends of the TPT will meet together to discuss projects, maintenance and any issues.

It is the tradition that after the Annual Meeting, members who attend are invited to go out onto a local stretch of the Trans Pennine Trail, usually either walking or by bicycle.

As this years host, we have arranged a choice of either a circular walk in Selby or a cycle ride along the 'Planets' section of the TPT spur between Selby & York – which I can heartily recommend.

Gillian Ivey

Cliff Lunn - Executive Member for Finance and Resources

Report to Council 10th September 2013

Wednesday, 28th June

I attended North Yorkshire Procurement Partnership Board as representative for SDC.

The Partnership was presented with the trading results for the year to April. SDC has saved over £113K in the last year at a cost of £35K.

I reported this to the Executive on 4th July and it was decided to continue with this membership.

On the same day, I attended a meeting of the board of the local Authority Building Control Partnership. I have been appointed to this board as Cllr John Mackman may have conflicting interests because of his involvement in the Selby Housing Trust.

After a very hard 2 years in the construction industry the Partnership has at last shown a small surplus on trading in the first month of 2013. They have since reported to me that they have made a real profit on the full year's figures.

Thursday, 4th July

At the Executive Meeting I presented the 2012/13 final accounts outturn report.

I proposed that the surplus generated on the core and communities general fund be earmarked for the new policy on general rate relief and the programme for growth.

Access Selby requested that £250K of their general fund surplus be set aside towards the costs of implementation for the NYCC collaboration project.

Most of the surplus generated was the result of additional income.

Also, there has been success on the capital programme, although there has been some slippage. We have spent around £5.5M on improving our assets over last year. This means our tenants have benefitted by improvements such as roof replacements, new heating systems, new kitchens and improved insulation to our Airey homes.

I also reported on the Procurement Partnership as above.

Programme for Growth

I delivered a report on the housing development strategy, setting out the framework for delivering more affordable housing in Selby District. The strategy outlines the need for more affordable housing within SDC, and specifically the need for smaller homes and homes for a growing older population.

The strategy identifies 2 routes to development

1. Via the HRA
2. Using a housing delivery vehicle (Selby and District Housing Trust)

It then identifies the range of options including new build for rent or purchase, redevelopment of other Council owned buildings, buy back of former Council dwellings, and the redevelopment of existing Council dwellings.

Initial work suggests a programme of around 25 homes per year could be achievable following the completion of the pilots planned in Tadcaster.

Councillor John Mackman

Executive Member for Place Shaping

Report to Council on 10 September 2013

This report covers the period from the Council meeting on 25 June 2013. During this period I have attended scheduled Executive/Executive Briefing meetings, Selby Internal Drainage Board, North Yorkshire and York Spatial Planning and Transport Board and Local Parish Council meetings as and when required.

Reporting on key items:

1) The Local Plan Core Strategy (CS)

This brief report updates Council on the progress of the Core Strategy since the close of the Examination in Public (EIP) on 27 February 2013.

The Council received the Inspector's Report on 20 June 2013 and the Council published the Inspector's Core Strategy report on the Council's website on Thursday 27 June 2013.

In brief, the Inspector concludes that with the recommended 34 'Main Modifications' set out in his report (which the Council had previously consulted upon and asked him to consider), the Selby District Core Strategy Local Plan satisfies the legal requirements and meets the criteria for soundness in the National Planning Policy Framework.

It is envisaged that the Executive will receive an officer report on 3 October 2013 to consider the Inspector's report in more detail and make the necessary recommendations to Council to adopt the Core Strategy at an Extraordinary meeting of Council later in October 2013 (date to be announced).

2) The Local Plan (Post Core Strategy)

In the light of new requirements under the new planning system introduced by the Localism Act 2011 and the National Planning Policy Framework (NPPF 2012) and the time delay in progressing the Core Strategy officers are reviewing all the options regarding the next stage of the statutory development plan.

Whilst it is clearly tempting to simply continue the Site Allocations Plan where it left off this is considered to be inadvisable because of the impact of time delays (new planning system, NPPF and modifications to the Core Strategy). The NPPF demands much more emphasis on deliverability and viability and working across boundaries (duty to co-operate in the Localism Act) which means we will in any case require substantive further work to ensure soundness.

Taken together, these reasons mean that the SADPD Preferred Options would be unlikely to pass the tests of soundness at EIP as the background work is no longer sufficient.

The aim is to deliver a robust and sound, fit for purpose plan in a realistic timeframe in order to deliver the homes and growth planned for in the Core Strategy.

This is a complex process with a significant number of factors which need to be considered in determining the most appropriate way forward in terms of format, scope and timetable. Officers are currently collating all the necessary information and will report back to the Executive in due course.

3) Duty to Cooperate

As required by National Planning Policy the authority must demonstrate its understanding of the key strategic cross boundary issues that affect plan making. These have been developed through extensive planning partnership meetings with the Leeds City Region and the North Yorkshire and York Spatial Planning Board in which officers and I participate.

This involvement enables SDC to demonstrate its role in the region's sustainable development, demonstrate compliance with the Duty of Cooperate, and to support colleagues in neighbouring authorities in their own plan making.

Recent consultations have involved responses to the York and North Yorkshire minerals and waste plan and the City of York local plan.

4) Programme for Growth

4.1 Housing Trust

We now have in place 5 trustees out of the 7 required. Work has commenced on registration with the Charity Commission and discussions continue with the HCA on registration as a registered provider. The Council's development strategy has been approved by the Executive and considered by Policy Review Committee.

Work to identify potential development sites for affordable housing has commenced and a member seminar has been held to seek initial views.

A planning decision on the Tadcaster pilot scheme is still awaited prior to commencing work on a detailed business case and the necessary consents for asset transfer (if required).

4.2 Gateways

The key aims of the project are to improve the look and feel of Gateways to our major towns thus providing a welcome appeal and improving the image of the area in the same way that other authorities such as Leeds, York, Harrogate, Craven and Ripon have successfully achieved with their roundabouts.

Following the design workshop held on 16 July involving Groundwork/Chris Campbell (artist)/NYCC Highways and Selby District Councillors initial proposals for heritage sculptures were presented to the project team who selected their preferred iconic design for the initial 2 gateway roundabouts on the Selby Bypass.

The detailed planning for the steel structures is still in the early stages with highway approval and planning permission still needed as well as funding to be secured.

Engagement with the public and Councillors is planned through the CEF's and through displays at the Civic Centre and in Selby Town.

At this stage it is anticipated that designs will be finalised and finance secured in order to commence implementation by the year end.

4.3 Potential site for the Travelling Community

The Executive on the 1 November 2012 and subsequently full Council on 11 December 2012 authorised Access Selby to submit and progress the necessary applications to facilitate the delivery of a 15 pitch Gypsy and Traveller site on part of the former airfield at Burn.

Subsequently Access Selby has submitted a planning application for a minded determination by the Planning Committee. The Secretary of State has indicated that he may call-in the decision at his discretion.

4.4 Bondgate

The Programme for Growth Board as part of the Environmental Site Acquisitions Project have commissioned a programme of site investigations in relation to the potential for development of the land at Bondgate.

The existing access to the site is somewhat restricted and alternative options are being explored.

John Mackman
Executive Member

16th July 2013

The first major item was the Selby Affordable Housing Supplementary Document. Having briefly discussed it, it was suggested that it be deferred until after the public consultation which had started, and then to allow members to comment on those responses and add their own. Agreed to defer.

Cllr Mark Crane then presented the state of area address. Concerns were raised firstly about the backlog of planning applications. Those present were informed that matters had improved. The Selby Leisure facilities were then discussed and the opportunity taken to discuss Sherburn in Elmet. It was agreed that Sherburn could be looked at once the Selby Project was sorted. This was welcomed.

Lastly we considered the Housing Development Strategy which was endorsed and supported.

Work is still ongoing to bring a report from the Renewable Energy Task and Finish Group to the October meeting.

Scrutiny Committee Update

The Scrutiny Committee has met twice since the last report to Council on 25 June 2013.

2 July 2013

The New Selby War Memorial Hospital – Minor Injuries Unit

Gill Brickwood, Vale of York Clinical Commissioning Group and Jo Evans from the Selby Minor Injuries Unit were present to discuss the work of the Minor Injuries Unit.

The Committee were made aware of the services provided by the Unit along with the out of hours services available. Information was also provided on the Clinical Commissioning Group. One of its key aims was to make sure that its five year strategy met the future needs of the population. The Committee were informed that NHS England had requested the establishment of an Urgent Care Board and an A&E recovery and improvement plan. Both had been completed. It was explained that the aim of the Urgent Care Board was to bring together all key organisations who commission or provide urgent care. The Committee were informed that through this group the objective was to create a whole system approach to urgent care.

A contact person from Selby District Council was requested to discuss the work of the Board and to make sure that there was a communication link.

Access Selby Service Provision – Customer Contact Centre

Simon Parkinson – Lead Officer, Community Support Teams and Sarah Thompson – Acting Lead Officer, Community Support presented a report detailing the performance of the customer contact centre.

Details were provided on the average wait time for face to face customer. Services. It was explained that this had increased in 2012/13 compared with 2011/12. The Committee were informed that this was due to receiving more complex calls such as those relating to the recent welfare reform and due to a reduction in staff.

Concern was raised on issues such as members of the public who had been made to wait a considerable time for tasks such as photocopying.

The Committee were invited to the Contact Centre during the working day to see how it performed and worked.

Access Selby Service Provision – Benefits and Local Taxation Service

Chris Smith, Interim Lead Officer, Revenue and Benefits presented the report which outlined the performance of the Benefits and Local Taxation Service.

It was explained that improvements had been made concerning the backlog of new benefit applications. The Committee requested further information concerning the backlog of new benefit applications.

National Non-Domestic Rates (NNDR) – Discretionary Rate Relief Policy Task and Finish Group

The Committee were made aware of the Task and Finish Group's findings and discussions took place on possible topics for further reviews. A suggestion was made to review Access Selby as a whole due to the contract being up for renewal in the near future. Other possible suggestions include the street scene contract with Enterprise and the Enforcement service.

Following discussion, it was agreed that a report be written containing information on the three years of key performance indicators for Access Selby along with the previous three years before that under the previous arrangements. The Committee also agreed that the next topic for the Task and Finish Group should be the street scene contract with Enterprise. It was agreed that Councillors Chilvers, Crawford, Hobson and Mackay would be the Members on the group.

Workshop – 23 July 2013

Scrutiny Development Workshop

The Committee held a Scrutiny Development Workshop to discuss and list ideas on how they could improve in the following areas:

- Achieving Added Value
- Formulating Workable and Specific Recommendations

A range of useful ideas were suggested and work is currently on going on taking this work forward.

Councillor C Pearson - Audit Committee Update

Since the last update to Council on the on the 25th June 2013 there has been one meeting of the Committee on the 26th June 2013 where the committee considered the Internal Audit Annual Report which was presented by Veritau and in their overall opinion was Substantial Assurance in SDC's procedures.

The committee also discussed:-

- Localised Business Rates. The committee noted the details of the new funding regime in respect of the Business Rates Retention scheme which came into effect on the 1st April 2013. The arrangements to deal with the funding risks were also noted.
- Council Tax Rebilling. The calculation for the Council Tax 2013/2014 contained an error and the bills that were sent out were incorrect. As soon as the error became apparent Access Selby mobilised key staff and existing bill were cancelled and new ones sent out. Procedures have now been put in place to prevent a similar event happening in the future. The committee noted the report and its implications.
- Annual review of Audit Vision and Charter. The Audit Vision and Charter was presented to the committee by Veritau which shows the requirement for an internal audit. The report for 2013/14 which was attached to the agenda item was approved by the committee
- External Audit Progress Report. The committee noted the progress to date made on the audit by Mazars. The emerging issues which members and officers will be considering in the coming months are:- A practical guide for local authorities on income generation, National Fraud Initiative , Public Sector Internal Audit Standards. The Local Audit and Accountancy Bill and Audit Quality

In a private session the committee received and noted: - the Review of the Access Selby Risk Register, the Risk Management Annual Report and the Review of the Corporate Risk Register.

The next meeting of the Audit Committee will be at 17:00 on 25th September 2013

Cllr Chris Pearson

Chair Audit Committee



Public Session

Report Reference Number (C/13/2)

Agenda Item No: 14

To: Council
Date: 10 September 2013
Author: Andrew McMillan, Policy Officer
Lead Officer: Mark Steward, Managing Director
Executive Member: Cllr John Mackman, Lead Member for Place Shaping

Title: Traveller Needs Assessment 2013

Summary:

The Council has a statutory duty to undertake a Traveller Needs Assessment (TNA) to inform planning policy and planning decisions. The study has been undertaken by Opinion Research Services to look to 2028 - significantly longer than the previous study which was only a 7-year period. The 2013 report finds a need for 33 Traveller pitches split in to 5 year blocks as 19/7/7. The 2013 report also finds no need for Showmen's quarters. Council is recommended to agree the TNA as its evidence to underpin future planning decisions.

Recommendations:

- i. **Consider and endorse the Traveller Needs Assessment 2013**

Reasons for recommendation

- To establish the evidence base for future planning decisions

1. Introduction and background

- 1.1 The assessment of Gypsy and Traveller accommodation need is a statutory requirement under section 225 of the *Housing Act 2004* that came in to force on 6th April 2006. The requirement for an understanding of traveller needs is reinforced in paragraph 4 of the Government's *Planning Policy For Traveller Sites, 2012* (PFTS).
- 1.2 The previous Gypsy & Traveller Needs Assessment report (2008) undertaken by ARC4 on behalf of all authorities in North Yorkshire expires in 2015. That study had identified a need for 26 pitches gross

(20 net) in the District. There was significant debate over the number being *need* or *desire* for a pitch, and the debate has weakened the credibility of the evidence. The Council's current position is that there is a need for 15 pitches to 2015 based on a pro-rata 5 year evaluation of the ARC4 data. No sites have been delivered since the ARC4 report was published in 2008.

- 1.3 In March 2012 the Government restructured the national planning policy system with the introduction of the PFTS as part of the *National Planning Policy Framework* (NPPF).
- 1.4 The Council has an emerging policy for Travellers in the Core Strategy Policy CP7 which is scheduled for adoption in the Autumn. That policy is considered to be NPPF and PFTS Compliant as it has undergone scrutiny through the Core Strategy EIP, and the Inspector has declared it Sound.
- 1.5 The Council has in recent years attempted to deliver traveller pitches, no less through the Site Allocations Development Plan Document (SADPD) in 2010-2012. More recently, a development of 15 traveller pitches at Burn Airfield has been pursued to address the need set out in the 2008 ARC4 report. At the time of writing the application is pending a decision.

2. The Report

Need figure

- 2.1 For information, attached at Appendix 1 is a schedule of Gypsy/traveller pitch needs for local authorities in the area (as at June 2013).
- 2.2 The previous GTAA undertaken by ARC4 looked to a 7-year window of need assessment (2008-2015) and found that there was a need for 26 pitches gross (20 net). A sister study also undertaken by ARC4 found a need for 10 Showmen's Plots. Internally, the Council challenged the reports and noted a difference between *need* and *desire*. The Council then accepted the findings of the ARC4 study, but amended the need elements to 7 pitches (albeit rounded up to 10 for flexibility), and nil showmen's plots.
- 2.3 Subsequent challenges at planning appeal inquiries rejected the Council's position and established that the ARC4 initial pitch findings should be regarded as correct. The Council revised its assessment of the ARC4 data and concluded that 15 pitches was the correct need figure (see Minutes of Executive 5 July 2012). The Council did not revise its formal position regarding showmen's need.
- 2.4 As a consequence, the Council has granted (or the Planning Inspectorate has granted upon appeal) a number of temporary developments until such time that it can fulfil its duty to provide suitable

alternative sites. At each hearing the level of need has been interrogated.

- 2.5 As the ARC4 report is nearing the end of its life and up to date evidence is required to inform the forthcoming Local Plan (particularly in light of the 2012 Government guidance Planning Policy For Traveller Sites), so the new TNA has been commissioned. The consultancy Opinion Research Services (ORS) together with Peter Brett Associates were awarded the contract.
- 2.6 Traveller needs are not confined to only those with “local connections”, and so the study considered cross boundary needs and traveller in/out migration. Generally the findings show that need from outside the District is already accounted for in other local authorities’ studies, and so the need is essentially locally derived. The TNA sets this out in more detail.
- 2.7 The report of findings and recommendations is attached to this report at Appendix 2. The report finds a need for 33 Traveller pitches, and no need for Showmen’s quarters to 2028. It should be noted that the needs identified in the ARC4 GTAA and Showmen’s reports are captured in this report by updating and reviewing the evidence – it is not 33 new pitches on top of the ARC4 findings.
- 2.8 Of principal note is the new timescale of the TNA. Whereas the GTAA looked to 7 years, this TNA study looks further forward to 15 years. Councillors will note that the findings are very similar in both reports: 26 (gross) to 2015, and 33 to 2028, respectively. One of the main findings is that the need is generally constant, but the lack of pitches being delivered in recent years has created a “backlog”. Thus the need is broken down in to 5-year blocks of 19/7/7 pitches.
- 2.9 A 5-year-supply calculation is required in the same way that the 5-year supply of market housing is required. A stakeholder working group may be set up at the appropriate time to devise the most appropriate methodology to do the annual calculation. The Council’s existing (annual) Authority Monitoring Report (AMR) published each December will be the reporting vehicle for the up-to-date 5-year supply figure. Where a 5-year supply cannot be demonstrated in any reporting year, then the Council must look favourably on stand-alone planning applications. However this may be negated by allocating additional land in the forthcoming Local Plan, as set out later in the report.
- 2.10 The delivery of 15 pitches at Burn Airfield would contribute to the need, and would allow the Council to pursue enforcement action against the unauthorised and temporary sites in the District. Only if the 15 pitches are occupied at the expiry of the temporary permissions will there be a case for permanent permission or another temporary permission (to be assessed at that time).

Providing future sites

- 2.11 PFTS requires an annually-updated 5 year supply of deliverable sites to be established.
- 2.12 The consultants were asked to identify locational criteria to steer planning applications/allocations (in a similar exercise to the Site Allocations DPD work undertaken in 2010-2012). Those locational criteria reflect national considerations such as Green Belt and Flood Zones, and also local considerations such as the location of current sites, to establish where there is a desire from the travellers for pitches. The map at the back of the TNA shows those locations where the consultants consider traveller development should be directed. Essentially the areas of search denote road corridors and existing settlements, as this is where the need itself arises.
- 2.13 The forthcoming Local Plan will need to consider identifying a supply of specific, deliverable sites to meet the future need of anything up to 33 pitches (less 15 should the Burn application be approved). The Local Plan may also consider establishing *broad locations for growth*, for years six to ten and, where possible, for years 11-15. to guide future sites. Safeguarded sites may also be allocated for future years.
- 2.14 The TNA broad areas of search may underpin the selection of sites in the forthcoming Local Plan land allocations, but are not the only consideration. As has been experienced to date, land owner acceptance/land availability is an important factor. However, like the SADPD attempted in 2010, the broad areas of search are a starting point to enable a sequential search to take place.
- 2.15 Such decisions on future sites must be made in due course and not as part of this report.
- 2.16 Members are reminded that the need figure is the minimum number of pitches to be developed in the plan period, and it is not a cap. However, stand-alone applications for additional pitches beyond 33 will not have the “exceptional circumstances of unmet need” argument to support their applications, thus making it easier for the Authority to refuse inappropriate applications for development, such as Green Belt sites.

3 Legal/Financial Controls and other Policy matters

3.1 Legal Issues

- 3.1.1 Having robust, up to date evidence will assist in decision-making and reduce the risk of appeals and Judicial Reviews. By endorsing the TNA the Council will give it credibility and robustness in future decision making.

3.2 Financial Issues

- 3.2.1 The cost of producing the report has been accounted for. It is likely that having robust, up to date evidence will assist in decision-making and reduce the risk of costs associated with planning applications and appeals. By rejecting or altering the findings of the TNA, the Council is at risk of significant costs associated with lost planning appeals, and delays or verdicts of unsoundness in the Local Plan process.

4. Conclusion

- 4.1 The new TNA is a robust and credible report undertaken by a market leading consultancy. It should be given due backing by the Authority in order that it can withstand scrutiny by 3rd parties. The pitch targets will assist in undertaking planning functions including development management decisions, and Local Plan allocations. Additional work will be required in the coming year to enact the findings.

5. Background Documents

Site Allocations Development Plan Document Issues and Options, and Preferred Options, and associated Committee Minutes.

6. Appendices:

1. Gypsy and Traveller pitch requirements in surrounding Authorities (as at June 2013)
2. Selby District Traveller Needs Assessment 2013

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Appendix 1 Gypsy and Traveller pitch requirements in surrounding authorities

| Local Authority | Pitch requirement | Time period |
|--------------------------|------------------------------|--------------------|
| Neighbouring Authorities | | |
| York City | 63 | 2013-2024 |
| Harrogate | 7 | 2013-2028 |
| Doncaster | 56 | 2012- |
| East Riding | 63 | 2012-2029 |
| Leeds | 48 | 2008-2015 |
| Wakefield | 32 (TNA due with new figure) | 2008-2015 |
| Other Authorities | | |
| Rotherham | 16 | 2012- |
| Barnsley | 38 | 2012- |
| Sheffield | 19 | 2012- |
| Bradford | 25 | 2008-2015 |
| Calderdale | 8 | 2008-2015 |
| Kirklees | 11 | 2008-2015 |
| Scarborough | 3 | 2008-2015 |
| Ryedale | 9 | 2008-2015 |
| Hambleton | 26 | 2012-2027 |



SELBY DISTRICT COUNCIL TRAVELLER NEEDS ASSESSMENT



August 2013



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1. Introduction

The Survey

- 1.1 Opinion Research Services (ORS) and Peter Brett Associates (PBA) were commissioned by Selby District Council to undertake a Traveller Needs Assessment (TNA). The study was undertaken in parallel with one for Harrogate Borough Council, but all findings in this report relate only to Selby District Council.
- 1.2 The main objective of this study was to provide the Council with robust, defensible and up to date evidence about the accommodation needs of Gypsies & Travellers and Showmen in Selby during the period until 2028 in five year sections covering 2013-2018, 2018-2023 and 2023-2028.
- 1.3 The study also had a number of other objectives, including;
 - To propose targets for future provision in Selby to address the identified need
 - To identify broad locations for that provision
 - To provide the Council with the means to explain this evidence, and these proposed targets clearly, simply and effectively to a range of audiences, including the local community.

Legislation and Guidance for Gypsies and Travellers

- 1.4 Decision making for policy concerning Gypsies & Travellers and Showmen sits within a complex legislative and national policy framework and this study must be viewed in the context of this legislation and guidance. For example, the following pieces of legislation and guidance are relevant when constructing policies relating to Gypsies & Travellers and Showmen:
 - Planning Policy for Traveller Sites 2012;
 - National Planning Policy Framework 2012;
 - Gypsy and Traveller Accommodation Needs Assessments Guidance October 2007
 - Environmental Protection Act 1990 for statutory nuisance provisions;
 - The Human Rights Act 1998, when making decisions and welfare assessments;
 - The Town and Country Planning Act 1990 (as subsequently amended);
 - Homelessness Legislation and Allocation Policies;
 - Criminal Justice and Public Order Act 1994 (sections 61, 62);
 - Anti-social behaviour Act 2003 (both as victims and perpetrators of anti-social behaviour);
 - Planning and Compulsory Purchase Act 2004;
 - Housing Act 2004 which requires local housing authorities to assess the accommodation needs of Gypsies & Travellers and Showmen as part of their housing needs assessments. This study complies with this element of government guidance ;
 - Housing Act 1996 in respect of homelessness.
- 1.5 The Criminal Justice and Public Order Act 1994 (Sections 61, 62) is particularly important with regard to the issue of planning for Gypsy and Traveller site provision. This repealed the duty of local authorities to

provide appropriate accommodation for Gypsies and Travellers. However, Circular 1/94 did support maintaining existing sites and stated that appropriate future site provision should be considered.

- 1.6 The previous Labour Government guidance focused on increasing site provision for Gypsies and Travellers and encouraging local authorities to have a more inclusive approach to Gypsies and Travellers within their housing needs plans. The Housing Act 2004 required local authorities to identify the need for Gypsy and Traveller sites, alongside the need for other types of housing, when conducting Housing Needs Surveys. Therefore all local authorities were required to undertake accommodation assessments for Gypsies and Travellers either as a separate study such as this one, or as part of their main Housing Needs Assessment.
- 1.7 Local authorities were encouraged rather than compelled to provide new Gypsy and Traveller sites by central government. Circular 1/06 'Planning for Gypsy and Traveller Caravan Sites', released by the DCLG in January 2006, replaced Circular 1/94 and suggested that the provision of authorised sites should be encouraged so that the number of unauthorised sites would be reduced.
- 1.8 The Coalition Government announced that the previous government's thinking contained in Planning for Gypsy and Traveller Caravan Sites (Circular 01/06) was to be repealed, along with the Regional Spatial Strategies which were used to allocate pitch provision to local authorities. This happened in 2012 with the publication of the CLG document 'Planning Policy for Traveller Sites' in March 2012.

Planning Policy for Traveller Sites

- 1.9 The document 'Planning Policy for Traveller Sites' sets out the direction of government policy. Among other objectives, the new policy's aims in respect of Traveller sites are (Planning Policy for Traveller Sites Page 1-2) :
 - that local planning authorities should make their own assessment of need for the purposes of planning
 - to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
 - to encourage local planning authorities to plan for sites over a reasonable timescale
 - that plan-making and decision-taking should protect Green Belt from inappropriate development
 - to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
 - that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective
 - for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies
 - to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
 - to reduce tensions between settled and traveller communities in plan-making and planning decisions
 - to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
 - for local planning authorities to have due regard to the protection of local amenity and local environment.

1.10 In practice the document states that (Planning Policy for Traveller Sites Page 3):

‘Local planning authorities should set pitch targets for Gypsies and Travellers and plot targets for travelling Showpeople which address the likely permanent and transit site accommodation needs of Travellers in their area, working collaboratively with neighbouring local planning authorities.

Local planning authorities should, in producing their Local Plan:

- identify and update annually, a supply of specific deliverable sites sufficient to provide five years’ worth of sites against their locally set targets
- identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years eleven to fifteen
- consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)
- relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population’s size and density
- protect local amenity and environment.

1.11 A key element to the new policies is a continuation of previous government policies. This is that, while local authorities now have a duty to ensure a 5 year land supply to meet the identified needs for Traveller sites, if no need is identified they should set criteria based policies to assess potential sites which may arise in the future. Planning Policy for Traveller Sites notes on Page 3-4 that:

Criteria should be set to guide land supply allocations where there is identified need. Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community.

1.12 Therefore, criteria based planning policies sit at the heart of the new guidance, irrespective of whether need is identified or not.

Tackling Inequalities for Gypsy and Traveller Communities

1.13 In April 2012 the government issued a further document relating to Gypsies and Travellers in the form of ‘Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers (CLG April 2012)’.

1.14 This report contains 28 commitments to help improve the circumstances and outcomes for Gypsies and Travellers across a range of areas including (Page 6) :

- Identifying ways of raising educational aspirations and attainment of Gypsy, Roma and Traveller children
- Identifying ways to improve health outcomes for Gypsies and Travellers within the proposed new structures of the NHS.
- Encouraging appropriate site provision; building on £60m Traveller Pitch Funding and New Homes Bonus incentives.

- Tackling hate crime against Gypsies and Travellers and improving their interaction with the criminal justice system.
- Improving knowledge of how Gypsies and Travellers engage with services that provide a gateway to work opportunities and working with the financial services industry to improve access to financial products and services.
- Sharing good practice in engagement between Gypsies and Travellers and public service providers.

Funding for New Sites

- 1.15 The Coalition Government policies also involve financial incentives for new affordable pitch provision in the form of the New Homes Bonus. For all new annual supply of pitches on local authority or Registered Social Landlord owned and managed sites, local councils receive a New Homes Bonus equivalent to council tax (based on the national average for a Band A property), plus an additional £350 per annum for six years. This equates to around £8,000 pounds per pitch.
- 1.16 Direct grant funding is also available for Gypsy and Traveller sites. The Homes and Communities Agency (HCA) took over delivery of the Gypsy and Traveller Sites Grant programme from CLG in April 2009. Since then they have invested £16.3m in 26 schemes across the country to provide 88 new or additional pitches and 179 improved pitches. The HCA welcomes bids from local authorities, housing associations and traveller community groups working with Registered Providers.
- 1.17 The HCA has now confirmed allocations for all of its £60m of future funding which will support 96 projects around the country for the provision of new Gypsy and Traveller sites and new pitches on existing sites, as well as the improvement of existing pitches.
- 1.18 While all HCA funds for Gypsy and Traveller pitches have now been allocated, further funding may become available as a result of slippage over the course of the programme. Providers are advised to continue to work closely with HCA area teams to develop their proposals should any funding become available.

Research Methodology

- 1.19 This section sets out the methodology we have followed to deliver the outputs for this study. Over the past 10 years ORS have developed a methodology which provides the required outputs from a Traveller Needs Assessment and this has been updated in light of Planning Policy for Traveller Sites.
- 1.20 The stages below provide a summary of the process undertaken by ORS, with more information on each stage provided in the appropriate section of the report.

Stage 1: Background

- 1.21 At the outset of the project we sought to understand the background to Gypsy and Traveller and Travelling Showpeople population in Selby. The study sought to identify the location of all known sites in the study area and the number of pitches or plots on each one. The study also gathered information from recent caravan counts and also waiting lists for public sites which are managed by Horton Housing.

Stage 2: Stakeholder Engagement

- 1.22 This study included extensive stakeholder engagement with council officers from the Selby council, neighbouring councils and other stakeholders. The aim of this engagement was to help understand the current situation in the study area, in particular to households not on known existing sites and also to discuss Duty to Cooperate issues with neighbouring councils.

Stage 3: Household Survey

- 1.23 The research methodology for identifying the housing needs of Gypsies and Travellers adopted in this report was largely based upon face to face interviews with Gypsies and Travellers across Selby. The survey questionnaire has been developed over the past 10 years, with significant input from Gypsy and Traveller representative groups, most notably the Derbyshire Gypsy Liaison Group. We sought to undertake a census of Gypsy and Traveller households in November 2012. Interviews were attempted with every known Gypsy and Traveller household present during this time period and 32 interviews were achieved in total on-site for Gypsies and Travellers with a further 4 interviews in bricks and mortar.

Stage 4: Future Pitch and Plot Requirements

- 1.24 The methodology used by ORS to calculate future pitch and plot requirements has been developed over the past 10 years and has drawn on lessons from both traditional housing needs assessments and also best and worst practice for Gypsy and Traveller and Travelling Showpeople Accommodation Needs Assessments conducted across the country.
- 1.25 The overall principles behind assessing future needs are relatively simple. The residential and transit pitch requirements for Gypsies and Travellers are identified separately from those for Travelling Showpeople and for each group the requirements are identified in 5 year periods to 2028 in line with the requirements of Planning Policy for Traveller Sites

Stage 5: Broad Locations

- 1.1 The methodology used by PBA to identify broad locations for future sites is based upon technical land use considerations such as how the site would fit with other spatial strategies, the needs of households, physical constraints and protected areas. The assumptions for the broad locations work were also discussed at a workshop attended by Officers and Members from partner authorities and Gypsy, Traveller and Travelling Showpeople representatives.

Stage 6: Conclusions

- 1.26 This stage draws together the evidence from Stages 1 to 5 to provide an overall summary of the requirements for Gypsies and Travellers and Travelling Showpeople in Selby.

2. Gypsy and Traveller Sites and Population

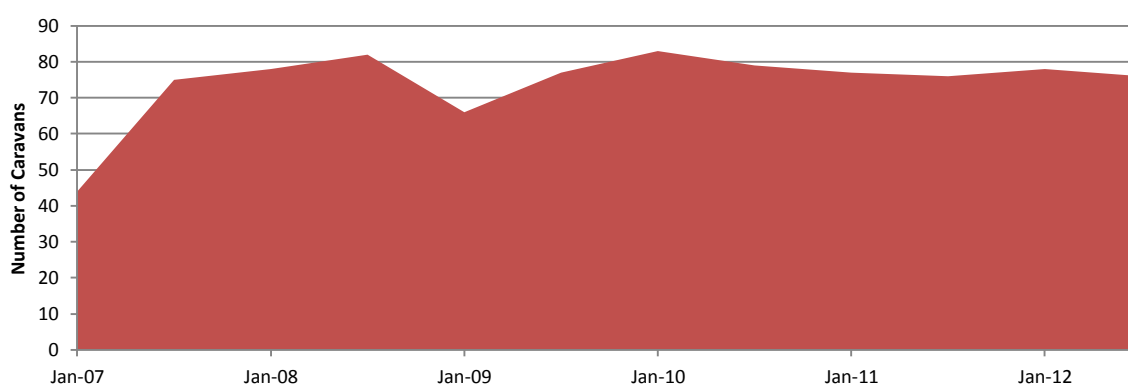
Sites in Selby

- 2.1 A mainstream Housing Needs Survey typically focuses upon the number of dwellings required in an area, and how many of these should each be provided by the public and private sector. The central aim of this study was to follow a similar format for Gypsy and Traveller accommodation requirements.
- 2.2 The main consideration of this study is the need to provide pitches and sites for Gypsies and Travellers, and plots and yards for travelling showmen. A pitch is an area which is large enough for one household to occupy and typically contains enough space for one or two caravans, but can vary in size. A site is a collection of pitches which form a development exclusively for Gypsies and Travellers. A plot is similar to a Gypsy pitch, except it is much larger as it would typically accommodate equipment such as a fairground ride on a truck, and also space to erect, maintain and repair it. A Yard is a collection of plots, and is usually home to a single group of showmen who work together.
- 2.3 The public and private provision of mainstream housing is also largely mirrored when considering Gypsy and Traveller accommodation. One common form of Gypsy and Traveller site is the publicly-provided residential site, which is provided by the local authority, or by a registered provider (usually a housing association). Places on public sites can be obtained through a waiting list, and the costs of running the sites are met from the rent paid by the licensees. Therefore, public sites are a direct equivalent of social housing among bricks and mortar tenants. There are currently two public sites in Selby, both managed by the Horton Housing.
- 2.4 The alternative to public residential sites is private residential sites for Gypsies and Travellers. These result from individuals or families buying areas of land and then obtaining planning permission to live on them. Households can also rent pitches on existing private sites. Therefore, these two forms of accommodation are the equivalent to private ownership and renting for those who live in bricks and mortar housing.
- 2.5 The Gypsy and Traveller population also has other forms of sites due to its mobile nature. Transit sites tend to contain many of the same facilities as a residential site, except that there is a maximum period of residence which can vary from a few weeks to a period of months. An alternative is an emergency stopping place. This type of site also has restrictions on the length of time for which someone can stay on it, but has much more limited facilities. Both of these two types of site are designed to accommodate Gypsies and Travellers whilst they travel.
- 2.6 Further considerations in the Gypsy & Traveller population are unauthorised developments and encampments. Unauthorised developments occur on land which is owned by the Gypsies and Travellers, but for which they do not have planning permission to use for residential purposes. Unauthorised encampments occur on land which is not owned by the Gypsies and Travellers.

Caravan Count

- 2.7 The best quantitative information available on the Gypsy and Traveller communities derives from a bi-annual survey of Gypsy and Traveller caravans which is conducted by each local authority in England on a specific date in January and July of each year. This count is of caravans and not households which makes it more difficult to interpret for a study such as this. It must also be remembered that the count is conducted by the local authority on a specific day and that any unauthorised encampments which occur on other dates will not be recorded. The count also only features those caravans the local authority is aware of. Therefore, it may not reflect all of the Gypsy and Traveller caravans in the authority.
- 2.8 Selby has two authorised public sites with 24 pitches. It also contains 3 private sites with temporary planning permissions, one caravan site which contains some Gypsy and Traveller households and a small number of unauthorised sites. At the time of the survey the area contained no authorised Showperson's yard, but one has subsequently been granted on appeal..

Figure 1
Gypsy Caravan Count for Selby: Jan 2007 – July 2012 (Source: CLG Bi-annual Local Authority Caravan Count)



3. Consultation with Parish Councils

The Consultation

- 3.1 To supplement the findings of this study, a consultation was carried out with Parish Councillors in Selby during November and December 2012 which asked about the Councillors' experiences of and views they had in relation to Gypsies and Travellers in the area, as well as future site provision. A short open-ended questionnaire was sent to 67 Parish Councils (for whom we had contact details) in the area (43 via email and 24 by post) and 11 completed responses were received.

Dealings/Relationships with Gypsies and Travellers

- 3.2 Many of the Parish Councillors have no dealings or relationships with Gypsies and Travellers in either their parish or in the district, predominantly because there are no sites in their parish or nearby. While most do not have any permanent sites in their parish, several note that Gypsies and Travellers occasionally travel through their area, sometimes on their way to events such as Appleby Fair.

Gypsy and Traveller Sites in the Area

- 3.3 Most Parish Councillors do not have any Gypsy or Traveller sites in their parish and only experience Gypsies and Travellers passing through. However, some responding parishes did have permanent sites within their area.
- 3.4 While most report that there is nothing that attracts Gypsies and Travellers to their parish or that they do not know, Parish Councillors suggest that traditional travelling routes, particularly to horse fairs and races; and work opportunities, particularly with scrap metal, may attract Gypsies and Travellers to the area.

Issues

- 3.5 Around two thirds of Parish Councillors have had no issues with Gypsies and Travellers in their Parish or district; however several had experienced particular issues. Issues mentioned include problems with litter/waste, excrement, burning wood and bonfires, damage to land including the cutting down of trees, theft, illegal parking and illegal access to land.
- 3.6 One Parish Councillor reported some prejudice within the community although felt that this had no basis as the Gypsy/Traveller family currently residing in the Parish are settled and are causing no problems. It was also mentioned that the presence of Gypsies in the parish caused a reduction in the value of nearby properties.

Trends

- 3.7 The majority of Parish Councillors feel that there are no particular trends and that there have been no changes. However some report increases in the number of travellers passing through on the roads than before.
- 3.8 Most of the Councillors also feel that there aren't any seasonal fluctuations, although some identify spring and summer, which coincides with travelling around the times of fairs, as a time when they see an increase in Gypsies and Travellers visiting the area.

Future Provision

- 3.9 Almost all of the Parish Councillors state that no pitches would be acceptable in the local area with a few qualifying this with the fact that there is no need/demand for any pitches in their parish. Where there is already provision this is felt to be sufficient and no further sites would be acceptable.
- 3.10 A range of constraints locally on further provisions of sites are given. Some of the Parish Councillors feel that, in general, there are concerns and resistance from the local community but the most frequently mentioned constraint is the lack of suitable land/space, particularly as it is mostly privately owned, along with a lack of suitable amenities and infrastructure.

What Makes a Good Site?

- 3.11 In terms of general location it is considered by some that the edge of settlements, where they are still relatively close to local facilities and have easy access to road networks, is the most suitable place for sites to be located.
- 3.12 Reasonable accessibility and proximity to community facilities such as primary schools, GP surgeries, local shops etc. are generally considered important/vital. However there is some concern that there are few (or no) local facilities in their area anyway and some mention that even when facilities are available the Gypsy and Travellers often do not use them, particularly schools. The parish which currently has a couple living on a small authorised site has no qualms as the couple pay towards local amenities along with the rest of the population.
- 3.13 As with community facilities, on-site services such as water, sewerage, electricity, refuse collection and washing and toilet facilities are considered essential but again there is some concern that these wouldn't be readily available in their parish or that the cost would be prohibitive.

Other Comments

- 3.14 The general feeling is that of resistance to further sites. Some specifically state that there is no room to make provision for Gypsies and Travellers in their parish and there are insufficient amenities in the area to accommodate them.

4. Stakeholder Consultation

Introduction

- 4.1 In order to set the context of the research and ensure the study is based on a sound understanding of the relevant issues, ORS conducted 22 semi-structured, in-depth telephone interviews between November 2012 and January 2013. Interviews were undertaken with officers from the planning and enforcement and housing departments and with Elected Members representing Selby District and Harrogate Borough. Horton Housing contributed via an email response.
- 4.2 Representative groups including the Gypsy and Traveller Involvement Officer and the Showmen's Guild were interviewed.
- 4.3 As stated in the Planning Policy for Traveller Sites, Local Authorities have a duty to cooperate on planning issues that cross administrative boundaries. For this purpose North Yorkshire County Council and neighbouring local authorities also contributed to the study.
- 4.4 This section also draws upon updated findings of the Gypsy and Traveller Accommodation Assessment which was conducted by ORS on behalf of Hambleton District Council between June and August 2012.
- 4.5 Interviews allowed interested parties to reflect and feedback on the general situation - as well as how matters relating to Gypsies, Travellers and Showpersons are currently handled and perceived within Selby District Council, Harrogate Borough Council and the surrounding areas. Qualitative research of this type attempts to gain a deeper understanding of the issues and is used to supplement the statistical information gathered through quantitative surveys of the Gypsy, Traveller and Showperson communities. In some cases, the information stakeholders share with interviewers will be factually incorrect or considered inappropriate; however, this section is based upon their perceptions rather than evidence corroborated by data sources.
- 4.6 The interviews also gave stakeholders the opportunity to share any information and contacts they had of Gypsies and Travellers and Showpersons who currently live in bricks and mortar accommodation but would prefer to live on a site.
- 4.7 The areas have been reported separately. Due to issues surrounding data protection and in order to protect the confidentiality of those who took part, this section represents a summary of the views expressed by interviewees.

Selby District Council

Main Policy Tools and Background

- 4.8 Officers representing Selby District Council (SDC) referred to the Local Development Framework; the previous GTAA (undertaken by ARC4 in 2008) and the Site Allocation Development Plan (SADPD) 2010. In light of changes to the National Planning Policy framework (NPPF) and on-going work on the Core Strategy, the Site Allocation Development Plan Document (SADPD) will recommence after the Core Strategy has been adopted in 2013.
- 4.9 Discussion of policy led a few stakeholders to supply background information relating to the previous Gypsy and Traveller Accommodation Assessment and the Site Allocations Development Plan Document (SADPD). The level of need reported in the 2008 ARC4 GTAA was not accepted politically. This was on the basis of the *difference between need and desire to live in a caravan*. Those classed as having a desire to live in a caravan were discounted and the estimated need was reassessed from 26 to seven – to ensure flexibility Councillors subsequently rounded this figure to ten. The Executive have reconsidered this position in light of the publication of the Planning Policy for Traveller Sites and, in July 2012 the five year supply, as defined by Selby District Council (SDC), was 15.
- 4.10 In 2010, in order to meet the aforementioned need, attempts were made to find a suitable site. Sixty sites were put forward and two landowners expressed an interest but, faced with public opposition, they subsequently withdrew their offer. Therefore, despite effort, the Local Authority had no alternative site.
- 4.11 With regard to Showpersons, officers referenced the North Yorkshire Accommodation Requirements of Showmen 2009 (NYARS) undertaken by ARC4, which cited a need for ten plots. The Council disagreed with this figure on the basis that there had been no historical need.
- 4.12 Officers noted that, in the past, there had been a trend toward refusing planning applications; however, faced with a shortfall of sites (as shown by the 2008 GTAA), council officers have advised that temporary planning permission be given. Consequently, since the 2008 GTAA a number of sites have been granted temporary status.

Accommodation Provision and long-Term Unauthorised Developments

- 4.13 For the discussions, stakeholders were asked to identify site provision, authorised and long-term unauthorised developments and to consider the appropriateness of current provision.
- 4.14 Stakeholders were readily able to identify the current provision and all were aware of the two North Yorkshire County Council sites at Burn (12 pitches) and Carlton (12 pitches). Stakeholders reported that the

- sites have recently been refurbished and are managed by Horton Housing Association¹. One officer claimed that the refurbishment process went well and tenants are happy with the new units.
- 4.15 In terms of site allocation Horton Housing have a waiting list in place. In order to form an accurate picture of pitch requirements for the District, the waiting list had been reviewed prior to this TNA being carried out and this data was passed to the District and ORS.
- 4.16 Stakeholders were also aware of a privately run residential caravan park located in the area. One officer said that although the site does not solely cater for the Gypsy and Traveller community an unspecified number will be allowed to stay on the site at the behest of the owner.
- 4.17 There was a general agreement that current accommodation is meeting the needs of the residents and the majority of stakeholders were of the opinion that both sites are *well managed* and Horton Housing have *developed a good rapport with tenants*.
- 4.18 An Elected Member did argue that the Burn site lacks suitable access to facilities although this issue will be tested through the planning application process.
- 4.19 One Elected Member felt the lack of recreational space at Flaxley Road site was a weakness and alleged that this is of concern to residents when children play on the road. However, the Member accepted that this can be the case on many housing estates and, overall, it is a *suitable* site.
- 4.20 In terms of forthcoming provision stakeholders were aware of the proposed 15 pitch site on the land adjacent to the Burn site. Each pitch will accommodate a maximum of two caravans (a static and a touring caravan) and the site will also have a hard standing for two transit touring caravans. SDC are currently in talks with the Homes and Community Agency (HCA) who own the land and have also had discussions with North Yorkshire County Council about the development of the site.
- 4.21 Stakeholders also referred to a number of private sites in the area, some with temporary planning and other unauthorised sites and also identified a number of long-term unauthorised developments in the area.

Travelling Showpeople

- 4.22 Officers referred to the 2009 NYARS which indicated a shortage of 10 plots for Showmen. During the study period a site for ten plots at Thorpe Willoughby was granted permission on appeal, therefore meeting the need identified in that report.
- 4.23 Interviews with officers, Elected Members and the representative of the Showman's guild were undertaken when the status of the site was at appeal stage and they expressed strong support for granting planning permission for the site.
- 4.24 For instance, when Elected Members were asked their views on the accommodation needs of Showpeople, one Elected Member felt that the group had largely been ignored by SDC and that this was evidenced in the

¹ Horton Housing are also commissioned by North Yorkshire County Council to provide a floating support service - GaTEWAY NY - to Gypsies and Travellers across North Yorkshire. It works with any Gypsy and Traveller who lives in bricks and mortar, at the roadside or on-site aged 16 and above who is in need of support to maintain independent living to access more appropriate accommodation, to manage debt, access benefits, education and training.

previous GTAA study, which highlighted the different needs and requirements of the two groups. Furthermore, it was argued that a large amount of fairs take place across North Yorkshire and more accommodation (transit and permanent) is required. Permanent accommodation was viewed positively by one Member as they explained that the elders/retired Showpeople need somewhere to live during the year.

- 4.25 A representative of the Showman's Guild explained that fairs are distributed and occur all over the country, therefore yards should also be evenly spread, with every Local Authority making some provision.
- 4.26 In addition, the representative was of the view that Selby would be an ideal location for a Showman's Yard, particularly given its in close proximity to the A1 and A19 and argued that, in the event that the application succeeds, it would meet the need identified in the 2008 GTAA in *one go*.

Bricks and Mortar

- 4.27 Stakeholders were of the view that it was likely that there are currently Travellers living in bricks and mortar, who would prefer to live on a site. In terms of producing evidence of this officers referenced the 2008 ARC 4 report which identified 13 households. However, when asked for contact details of Gypsies and Travellers who are in the situation, stakeholders revealed they could not identify them. One officer, however, was party to instances whereby Gypsies and Travellers had been made homeless and were now living in bricks and mortar accommodation in the area. For the purpose of this study help was sought from the Housing Options team to contact Gypsies and Travellers in Selby who would like to move back onto a site. Unfortunately, no contacts were acquired through this source. Elected Members also felt it likely that there are Gypsies and Travellers living in bricks and mortar in the District but could not provide any data sources or contacts.
- 4.28 Overall, identifying Gypsy and Travellers living within bricks and mortar is an issue facing Local Authorities nationally. The issue of recording ethnicity continues to be problematic as the Gypsy and Traveller community themselves avoid self-identification, for fear of discrimination once their ethnic identity is known. Therefore, Housing Departments and Registered Providers continue to grapple with the sensitive issue of recording ethnicity.
- 4.29 We recommend that:

SDC works with Gypsy and Traveller support agencies to encourage and disseminate the benefits of self-identification, particularly in terms of informing future GTAA studies

SDC consults further with the Gypsy and Traveller support agencies to identify any persons known to them who would prefer to live on a site and also disseminate housing information to those on sites and to utilise the homelessness service

SDC Housing and Education departments and community officers work to develop a suitable monitoring process which can inform future TNA studies – best practice could be sought through cross-boundary work with neighbouring authorities.

Short-Term Unauthorised Encampments

- 4.30 According to stakeholders roadside encampments do occasionally occur. Selby District is considered to be at the crossroads of a number of travelling routes, in particular the A1 corridor, and as such is considered a *natural stopping point and in-between where they want to be*, however, a Gypsy and Traveller representative felt that, although it is a traditional stopping place, Travellers are avoiding the area because they feel the *Council's aren't flexible or reasonable*.
- 4.31 One Member referred to a one-off gathering of around 5000 Gypsies and Travellers in the Carlton Towers area in summer 2012.
- 4.32 There is reportedly a surge in the number of unauthorised encampments during the summer, the main reason for this is travel to and from the various Traveller related events and fairs at Appleby, Seamer, Doncaster and Scarborough. A Gypsy and Traveller representative argued that there is a lack of Transit Provision on the route thus it is inevitable that unauthorised encampments occur during this time. However, the new development at Burn will be addressing this transit issue.

Site Location and Site Criteria

- 4.33 Stakeholders were asked to consider what Gypsies and Travellers find particularly attractive about living in Selby District. One officer argued that, for a wide variety of people, Selby is attractive and offers a green, pleasant environment with low council tax. A Gypsy and Traveller representative was of the opinion that the community have traditionally worked in the area and as a result families have settled in the area. For those who have settled in the area it affords them good access to other areas.
- 4.34 Stakeholders were aware that through consultation with the Gypsy and Traveller community the SADPD revealed a preference for a site in the western half of the District which allows for good access to the national Motorway network and West Yorkshire conurbations. However, it was noted that land in this area of the District is predominantly green belt which restricts the likelihood that planning applications will be permitted (as set out in the site criteria below).
- 4.35 As explained by officers site criteria are set out in the SADPD which is one of the main documents used in the Local Development Framework to deliver the vision set out in the Council's Core Strategy. The purpose of the SADPD is to identify sufficient sites to accommodate the development found to be required in the District up to 2026 including *Site(s) for ten Gypsy and Traveller pitches*.²
- 4.36 As outlined by an officer potential Gypsy and Traveller sites will be considered using the following criteria. They should:
- Not be in green belt (consistent with national policy)
 - Not be in flood zone three (consistent with national policy)
 - Be close to facilities (where you would locate the settled community)
 - Be close to the main road network (to be within 5km drive to the main junctions).

² <http://www.selby.gov.uk/upload/SADPD-Pref-Opt-Part-1.pdf>

- 4.37 However, officers considered the site criteria to be problematic and argued for greater flexibility when deciding upon the suitability of sites. It was felt that national policy should take into account the different preferences that the Gypsy and Traveller community may have. As discussed below, a ‘myth busting’ session held with Gypsies and Travellers found that some Gypsies and Travellers preferred sites near facilities, whereas others would prefer a rural location and would accept a greater distance from the settled community.
- 4.38 This view was echoed by a representative of the Gypsy and Traveller community who felt that when considering access issues private and public sites have to be considered differently. For instance when a Traveller buys a piece of land this suggests that the person is happy with the location, even in the event that it is not close to amenities. On the other hand, a public site will need to be located close to amenities because the assumption is people living on social sites have less disposable income and may have to use public transport.
- 4.39 All but one Elected Member argued that access to facilities should be the main consideration when thinking about the location of a site.
- 4.40 When considering accommodation for Travelling Showpeople, the representative of the Showmen’s Guild argued that, from experience, finding a suitable location and available suitable land is a key constraint, particularly considering that any site location will have to factor in proximity to main roads and accessibility for heavy vehicles.
- 4.41 Interestingly, the representative put forward a different approach for providing accommodation for Travelling Showpeople and suggested that SDC could, in the future, identify and sell land to the Showmen’s Guild who would be responsible for managing and renting out plots. The representative admitted this was not a tried and tested alternative but felt this alternative would provide a form of affordable housing for Travelling Showmen, in particular those just starting out and older Showpeople who are looking to retire. The representative was willing to consult with SDC in the future on any issue relating the needs of Travelling Showpeople.
- 4.42 We recommend that:

The Gypsy and Traveller community are consulted on the future provision of suitable locations

Where possible, site criteria is viewed with flexibility and takes into account the ownership of the site (public and private)

Make further contact with the Showmen’s Guild on a regular basis to discuss future need in the area.

Community Relations – Myth Busting

- 4.43 There was general agreement that, where there are settled sites, community tension is not an issue. One Elected Member disagreed and claimed that the community are opposed to *any* Gypsies and Traveller site, authorised or unauthorised.
- 4.44 Stakeholders were of the view that community tensions arise in response to unauthorised encampments and proposed new sites and referenced the previous call for sites consultation which they felt was influenced by misconceptions and, as a result, had been quite negative. However, a Gypsy and Traveller

- representative and Elected Member argued that, in the main, community tensions don't exist and blamed the site consultation process, which includes *completely inappropriate locations which nobody wants* including the Gypsies and Travellers, which results in unnecessary tension between the two communities.
- 4.45 Overall, officers and most Elected Members felt an awareness campaign to improve people's perceptions of the community should be a key priority. Two Elected Members felt that more positive action should be taken forward to improve the relationship between the settled and Traveller community.
- 4.46 The Council and North Yorkshire Steering Group have already attempted to improve perceptions through myth busting sessions. Taking this forward Horton Housing has facilitated a joint session with Elected Members and Gypsies and Travellers. The focus of the group was to develop a better understanding of the Gypsy and Traveller community allowing Travellers to give their experiences and to dispel common misunderstandings held by the settled community for instance that Travellers don't pay tax.
- 4.47 An officer explained that the session was certainly useful insofar as it raised issues around site location preferences as aforementioned in paragraph 4.37. The officer claimed that there had been positive feedback from the fifteen councillors that attended, including how useful they thought the session was. The myth busting session was viewed positively by the majority of Elected Members who agreed that it had improved knowledge, increased awareness and challenged the views held by councillors. However, one member revealed mixed feelings about the session adding that *I am not sure we all laid our cards on the table* suggesting that members were not entirely open about their issues at the session. Nevertheless, there was strong support for the usefulness of this type of forum.
- 4.48 It was said that this was only the start of the myth busting process and that, moving forward, they intended to engage with the general public and the following three groups:
- Local media;
 - The Burn site community; and
 - The transient community.
- 4.49 On a positive note, officers were of the opinion that levels of acceptance amongst the settled community have increased recently and, in the instances of unauthorised encampments, *it does not hit the headlines as much as it used to*.
- 4.50 We recommend that:
- Current initiatives (myth busting) should be continued and good practice should be shared
 - Any future work to identify site locations avoids consulting on unsuitable and unrealistic sites
 - SDC encourage and provide support for work on education and dispelling myths within the community.

Consultation with the Traveller Community

- 4.51 Consultation is said to be on an as and when basis. Council officers use a contacts database which includes national groups whenever there are planning related activities, allocations work or an issue specifically related to the community. For instance, when refurbishing the public sites (Burn and Carlton), tenants were

consulted on issues such as cupboard space and layout. This was said to have worked well and *most of their preferences were matched*. As aforementioned residents were said to be happy with their new units.

- 4.52 However, the Gypsy and Traveller representative considered the current approach to consultation to be inadequate and argued that the District needs to devote time and money to working with the Traveller community in order to *start building some trust*.
- 4.53 Elected Members supported the development of a communication channel which would be useful when consulting on specific issues. One Elected Member felt that it would be beneficial to have a representative from the Gypsy and Traveller community to act as a spokesperson by sharing the views and opinions of the Gypsy and Traveller community with the settled community. Others argued that the Gypsy and Traveller community should be encouraged and enabled to achieve greater local political representation.
- 4.54 We recommend that:

SDC develop a process for on-going consultation with the community (rather than on an as and when basis)

SDC works with support groups to empower members of the Gypsy and Traveller community to become representatives and to attend the North Yorkshire Steering Group Meetings.

Future Accommodation Need

- 4.55 There was a general agreement that, for the reasons explained subsequently, additional accommodation is required. Of all the stakeholders, only one Elected Member disagreed with this assessment and predicted that, in the future, more members of the Gypsy and Traveller community will look to settle into bricks and mortar, thus decreasing the demand for site provision.
- 4.56 The two sites in Selby are considered to be stable with very low levels of occupancy turnover. However, there is said to be growing pressures, stemming from current family expansion and future family formation, on current accommodation. Officers were of the opinion that this has given rise to current overcrowding:

Being familiar with the tenants and their families, I am aware that in terms of planning ahead for future years, there will be a substantial need for further pitches for those on sites who are already struggling to accommodate growing families...We have a number of 15-18 year olds who were born on these sites and have outgrown the caravan of their parents and in the near future will require pitches of their own

Current site provision cannot facilitate the needs of larger families who require 2, perhaps 3 caravans on a pitch, and additional vehicles

The sites at Selby were intended to be transit sites but some residents have been on there for 15 years. Families who are there now seem pretty settled and they have children going to school – all I can see is that the need will expand when the family expands and grows – they don't like moving away from the family. The plots are becoming a little overcrowded – there is a definite need.

- 4.57 Elected Members gave a variety of reasons why additional permanent provision is required in the District:

They need more permanent accommodation so they put an end to it. It will stop people just turning up and saying "well you haven't got any provision, your report says you haven't got enough, so you cannot turf me off"... There are those who buy the land, park their caravans on it and then apply for planning but they haven't really got any other choice

We have a duty to provide it...we should provide it anyway

In the previous report there was a clear lack of provision.

- 4.58 In terms of meeting future need the additional 15 pitches, adjacent to Burn Airfield, were considered positively by stakeholders.
- 4.59 Stakeholders put forward two ideas for dealing with the long-term developments with temporary planning and unauthorised encampments. An Elected Member was of the opinion that those currently dwelling in unauthorised sites and, therefore, should be moved onto the new site at Burn.
- 4.60 Alternatively, a Gypsy and Traveller representative was of the opinion that the District could meet its five year supply by granting sites, which currently have temporary permission, permanent planning permission. An Elected Member was of a similar opinion and referred to an unauthorised site which has been on the Boot and Shoe site for a number of years. The Member was of the impression that the site has *no problems, is run very well and Travellers living at the site are happy*. The member thought that, in order to meet future accommodation needs, SDC *should* grant retrospective planning permission on that site *as they have done in other cases*.
- 4.61 Discussion of Transit Provision led most stakeholders to observe that a *temporary* stopping site is required for those who travel through the area en route to the horse fairs and shows in the area. An Elected Member indicated a possible location and a suitable size:

For those that I have seen on the side of the road, there could be between five and ten pitches and it could be managed by Horton Housing because it could be attached to one of their sites. For instance it could be the one on the old A1 site (the Boot and Shoe site) because there is space around that area.

- 4.62 When asked what they envisage will happen over the next fifteen years, one officer stressed the importance of the forthcoming TNA which will ultimately determine the future direction of SDC. Whatever comes out of the TNA one Elected Member was keen that SDC explore opportunities for financial assistance from central government to provide suitable sites, particularly if additional accommodation is required.
- 4.63 However, there was the question of whether anyone has the *political will* to address the accommodation needs of the community. One Elected Member explained that *it is difficult to muster the political will* when the *settled community jump up and down about it when the issue is raised*. It was recognised that, although this is not fair opposition, it does place Elected Members in a difficult position in terms of being seen to support the accommodation needs of Gypsies and Travellers.
- 4.64 In summary:

It is generally agreed that there is a shortfall in the provision of sites which stems from natural growth and future family formation and sites which have temporary planning permission

Most stakeholders agree that this shortfall can be met through the proposed site at Burn

There is disagreement surrounding the future of those with temporary planning, namely:

Those with temporary planning permission be given permanent permission

All those with temporary planning permission be housed in the new site

Transit provision would be beneficial during the summer months when Travellers are en route to various events – possibly this would only need to be a temporary seasonal site.

The new ten plot site near Thorpe Willoughby will meet the Travelling Showpeople need identified in the 2009 NYARS.

Cross-Boundary Issues

4.65 As stated in the Planning Policy for Traveller Sites, Local Authorities have a duty to cooperate on planning issues that cross administrative boundaries. Interviews were achieved with officers representing North Yorkshire County Council and surrounding authorities which include:

Craven
Doncaster
East Riding
Hambleton
Leeds
Richmondshire
Ryedale
Wakefield
York.

4.66 In general, interviewees representing North Yorkshire could not identify any clear cross-boundary issues that they felt were in need of consideration, it was argued that there are different circumstances and varying levels of need within the area:

There are a number of unauthorised encampments across the County and some districts in North Yorkshire have more than others. York, Selby and Hambleton, they are the areas with the larger Gypsy population and then Harrogate and Ryedale have their population with Craven, Scarborough and Richmondshire with less.

4.67 When considering the transient Traveller population movement, a few interviewees raised the issue of one family which travels across the North Yorkshire districts on a continual basis. One interviewee argued that deciding who has responsibility for the family is a complicated issue which can prompt some cross-border discussion.

4.68 In general, movement is thought to be influenced by historic ties; movement to and from the horse fairs in Appleby, Darlington and Scarborough (up the A19); holidays and traditional stopping points. When asked to describe the aforementioned travelling patterns, interviewees stressed that information is not collated in a way that would enable them to make informed assessments. The North Yorkshire Steering Group has been set-up to address this issue, improve cross-border working and the exchange of information across the areas and is said to be currently working towards establishing data on the stopping patterns across the area.

4.69 The North Yorkshire Steering Group is also working on developing a single protocol for managing unauthorised encampments across the area. District Councils have different policies and approaches to moving families on, which is thought to create conflict and inconsistency. One interviewee thought it would be beneficial if there was cross - border clarity – this would allow support workers to be clearer when giving support and advice:

The Districts don't actively try to move them over to another district and we are working to try to get to a point where we've got one consistent policy on unauthorised encampments across the county and City of York.

- 4.70 According to one officer, cross-border working beyond North Yorkshire could be improved and communication with other neighbouring areas would be beneficial particularly regarding transit issues during the Appleby Fair and the possible benefits of working with Durham who do provide sites:

We have not talked to Durham, Teesside or York regarding those issues – we may have been a bit insular in what we have been doing. The main part would be the communication on the unauthorised side of encampments – there are travelling routes from the south up to the north through to Appleby Fair. By talking to Durham who have a lot of provision during the Fair, they open up various sites for temporary usage. If we worked closer to Durham and we had people stopping on our highways and they were in reasonable distance to Durham and it was open we could redirect them there.

- 4.71 An officer representing Leeds (West Yorkshire) also shared this view. The officer explained that Local Authorities making up West Yorkshire (Leeds, Bradford, Wakefield, Kirklees and Calderdale) meet on a quarterly basis. Issues discussed at the meetings include site issues (three of the LAs have sites), any commonalities, unauthorised encampments, movement, trends and sharing best practice. When dealing with Traveller related issues it was argued that it would be sensible if there was contact between West and North Yorkshire, as traveller related issues are difficult to understand within a vacuum:

Because I don't have contact with any officers in those authorities I don't know what is happening there...I would assume they have a number of unauthorised encampments and have similar issues to us – for instance a need for additional pitches – the same as in other areas. I think it would make sense for cross-border working to happen.

- 4.72 It was argued that joint working between the two areas would be beneficial. Cross-border movement occurs when travellers move Northwards through the UK en route to the various fairs at Appleby, Scarborough and Darlington. Therefore, there are opportunities to manage these encampments on a larger, more strategic level. One officer claimed that a favoured stopping point in Leeds is in Ledsham, which is in close proximity to the Selby border. Potentially, the Great North Road on the border of Leeds and Selby was seen as an area where cross-border movement could occur in the future.

- 4.73 It was the view of the officer that these issues and possible solutions, such as transit provision provided jointly by Selby and Leeds, could be explored if there was communication between the two areas. Sharing best practice and new ideas was also seen as helpful; for instance, Leeds have developed a new approach to reducing the amount of unauthorised encampments through creating a tolerated site with basic facilities for the families that it knows travel around the area. It was argued that this approach has worked well.

- 4.74 Two officers (one from North Yorkshire and one from West Yorkshire) referred to a family who are residing in Selby but access most of their services from Leeds. They reflected positively on the joint working which is taking place between the two areas.

- 4.75 An officer representing Wakefield (West Yorkshire) felt they would need to bear in mind where they position sites in the future and in doing so would need to work with Selby and the other Councils like Doncaster.

- 4.76 An officer representing Doncaster (South Yorkshire) revealed that there is a large Gypsy and Traveller and Travelling Showpeople population – with a need for further provision particularly for Showpeople. The officer reported issues in terms of overcrowding on sites. The turnover rate for the Council sites is reportedly quite high at around 18%. However, there are no records to show where people move and why.
- 4.77 Doncaster is said to be on the main travelling route (the A1) and the officer was of the opinion transit provision would provide a *link between the authorities*. However, the priority for Doncaster is to meet the needs of its existing population and create more permanent provision.
- 4.78 The officer felt that there has been a lack of cross-boundary work and in terms of recording unauthorised encampments it was argued that this should be routine and consistent across the region, however, the South Yorkshire assessment identified the different approaches used to record encampments. As such, it was suggested that cross-boundary work, identifying best practice on recording methodology, would be helpful and could provide a basis on which to share information in the future. The officer added that sharing best practice and guidance on carrying out the TNA would *provide more certainty* and would be helpful.
- 4.79 East Riding reported no issues.
- 4.80 We recommend that:

Within North Yorkshire

Current initiatives (establishing travelling patterns and single enforcement protocol) led by the North Yorkshire Steering Group should be continued and good practice should be shared

Officers within Housing and Community departments meet to discuss procedures, protocols and data exchange

Consideration should be given to the outcome of the TNA assessments across North Yorkshire.

Outside North Yorkshire

North Yorkshire County Council should attend the West Yorkshire Steering Group

Consideration should be given to holding a regional forum to discuss issues relating to:

Better understanding accommodation needs across the region

Recording and sharing data on unauthorised encampments

Sharing best practice on TNA methodology

Discuss the issues related to transit provision including necessity and possible locations.

5. Gypsy and Traveller Population

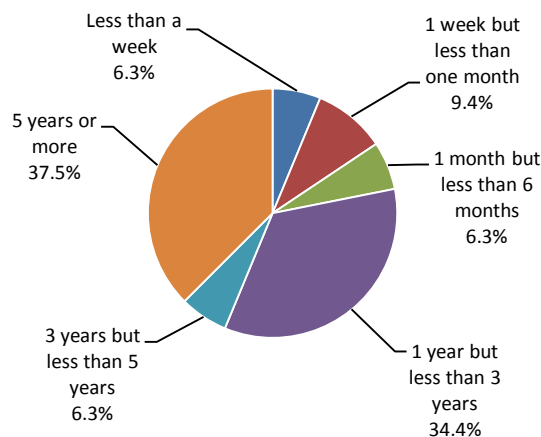
Survey of the Gypsy and Traveller Population

- 5.1 One of the major components of this assessment was a detailed survey of the Gypsy and Traveller population in Selby. This aimed to identify current households with housing needs, and to assess likely future household formation from within the existing households to help judge the need for future site provision. The survey sought to provide a baseline position on the resident Gypsy and Traveller population of Selby.
- 5.2 Interviews were attempted with every Gypsy and Traveller household in the area who were present between August and September 2012. Therefore, the baseline point for the findings of this study is September 2012. Throughout the survey period interviewers worked from 9am to 7pm each day and made repeated visits to each household until a successful interview was concluded. In total, interviews were achieved on-site with 32 households and a further 4 in bricks and mortar.
- 5.3 Throughout this study the person responding to the survey will be referred to as the respondent, and in questions which refer to all people in the household they will be referred to as household members. Throughout the remainder of this report the majority of numbers which appear on the charts represent the percentage of respondents who appear in that category. The purpose of showing percentages is to allow the results of the survey to be extrapolated to the whole Gypsy and Traveller population of Selby. In a few cases it is more appropriate to use the actual number of respondents, and these cases are clearly identified. In all charts those respondents who answered 'don't know', or did not answer the question, are omitted unless otherwise stated.

Length of Residence

- 5.4 Many Gypsies and Travellers surveyed had a long period of residence in Selby. 38% of respondents had lived on their current site for more than 5 years.

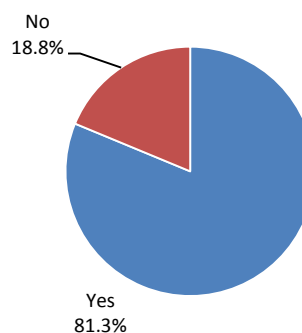
Figure 2
Length of Time Respondents Have Lived on Their Current Site, by all Respondents (Source: Survey of Gypsy and Traveller Population On-site 2012)



Permanent base

- 5.5 81% of respondents identified their current site as being their permanent base. Of those who identified their current site as not being their permanent one, all were on private sites. Some had no permanent bases and simply travel constantly, while others were just visiting the area.

Figure 3
Whether Respondents consider their current site to be their permanent base (Source: Survey of Gypsy and Traveller Population On-site 2012)

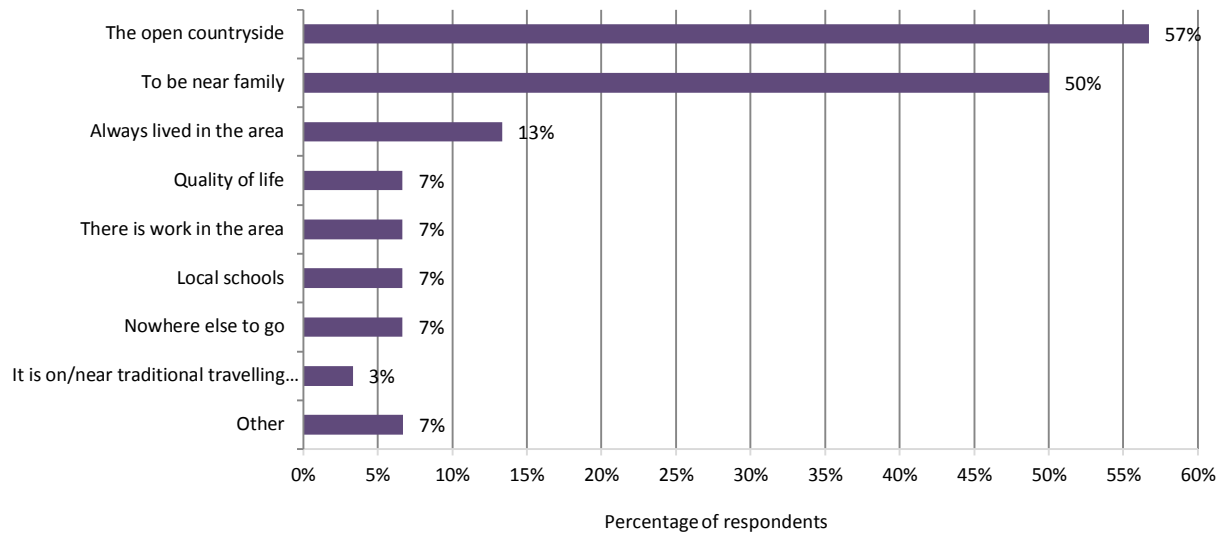


Attractions of Living in Selby

- 5.6 Respondents were asked to identify the main reasons that attracted them to live in Selby. They were allowed to select as many reasons as they wished from a list of nine options.
- 5.7 The main factors which attracted respondents to Selby were the open countryside or to be near to their family.

Figure 4

What Attracted Them to Live in the Area, by all Respondents (Source: Survey of Gypsy and Traveller Population On-site 2012)

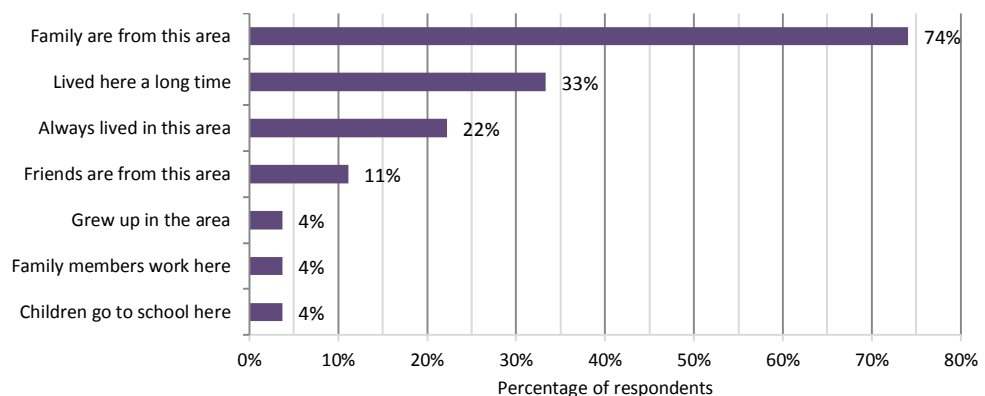


Connections with the Area

- 5.8 Nearly nine-in-ten respondents felt they have strong connections to Selby (88%). In particular the main connection that Gypsy and Traveller households felt to the area was that their family were from the area; while many had either lived in Selby for a long time or had always lived in the area.

Figure 5

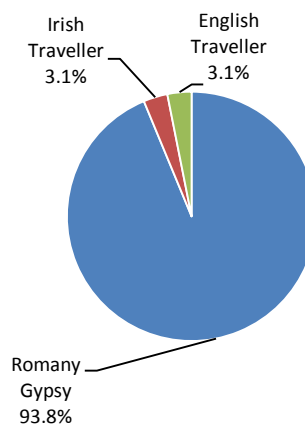
Nature of Local Connections in Selby, by all Respondents (Source: Survey of Gypsy and Traveller Population On-site 2012)



Ethnicity

5.9 More than nine-in-ten respondents explicitly identified themselves as being Romany Gypsy.

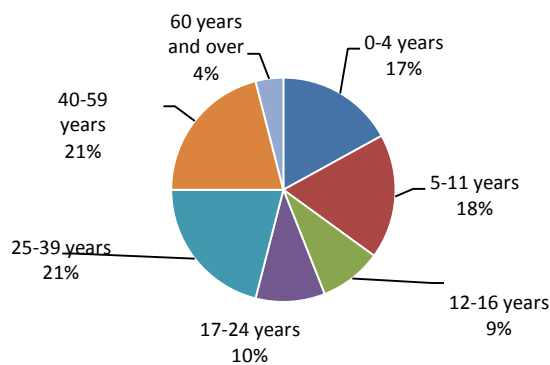
Figure 6
Ethnicity of Respondents (Source: Survey of Gypsy and Traveller Population On-site 2012)



Age and Household Profile

5.10 The households showed a mixed range of ages across their members. 4% of household members were aged 60 years or over, but 44% of all household members were aged 16 years or under. 27% of all household members were of school age and another 17% were children aged 4 years or less.

Figure 7
Age of Household Members, by all Household Members (Source: Survey of Gypsy and Traveller Population On-site 2012)

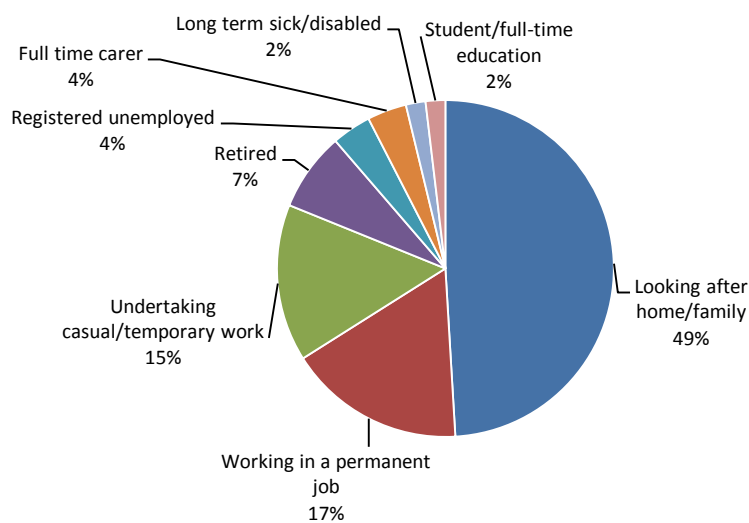


Employment Status

- 5.11 Of those who had their employment status recorded, 49% were looking after their home/family, 7% were retired and 4% registered unemployed. 17% had a permanent job, while another 15% had casual/temporary work.

Figure 8

Employment Status of Household Members, by All Household Members Aged Over 16 Years (Source: Survey of Gypsy and Traveller Population On-site 2012)



Health Problems

- 5.12 28% of respondents interviewed reported that their household contained at least one member with a long-term health problem. However only one respondent reported that adaptations were required in their home to meet the needs of the household members currently suffering with health problems.

6. Existing Sites

Type of Site

- 6.1 28 of the on-site interviews were completed on authorised sites (13 on private sites and 15 on public sites). 4 interviews were conducted on unauthorised developments or encampments.

Type and Number of Caravans

- 6.2 All respondents were asked if they require extra caravans. The evidence from the survey is that only three households would like more caravans within their existing household. Only one of these had space at their existing pitch to accommodate these caravans.
- 6.3 The phrasing of this question focused on a need rather than a demand for more caravans. Respondents were asked, irrespective of who was purchasing the caravans, whether they needed more caravans for household members. Therefore, this question simply reflected a perceived need for more caravans, rather than an ability to afford (demand for) more caravans.

Views of Sites

- 6.4 The majority of respondents were satisfied with their sites. 81% of respondents expressed satisfaction with their site, with 66% stating they were very satisfied. Only 3% expressed dissatisfaction.
- 6.5 Figure 10 shows the improvements which were identified by respondents as being required at their permanent sites. The majority of households are satisfied with their sites and a reflection of this is that 63% of respondents felt that no improvements were required on the site.
- 6.6 Of the respondents who did cite improvements, just over one-in-ten wanted improved road surfacing. Nearly one-in-ten respondents reported that they wanted better toilet facilities and larger pitches.

Figure 9
Satisfaction with Current Site, by all Respondents (Source: Survey of Gypsy and Traveller Population On-site 2012)

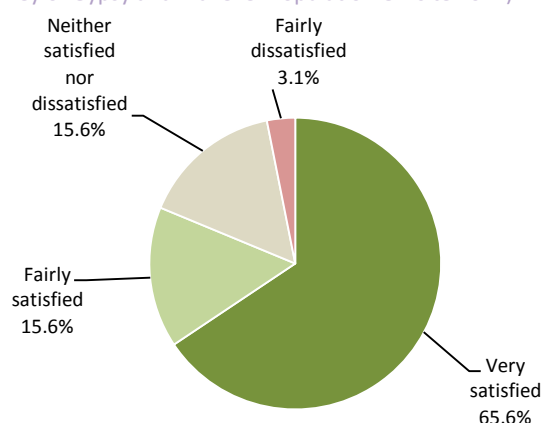
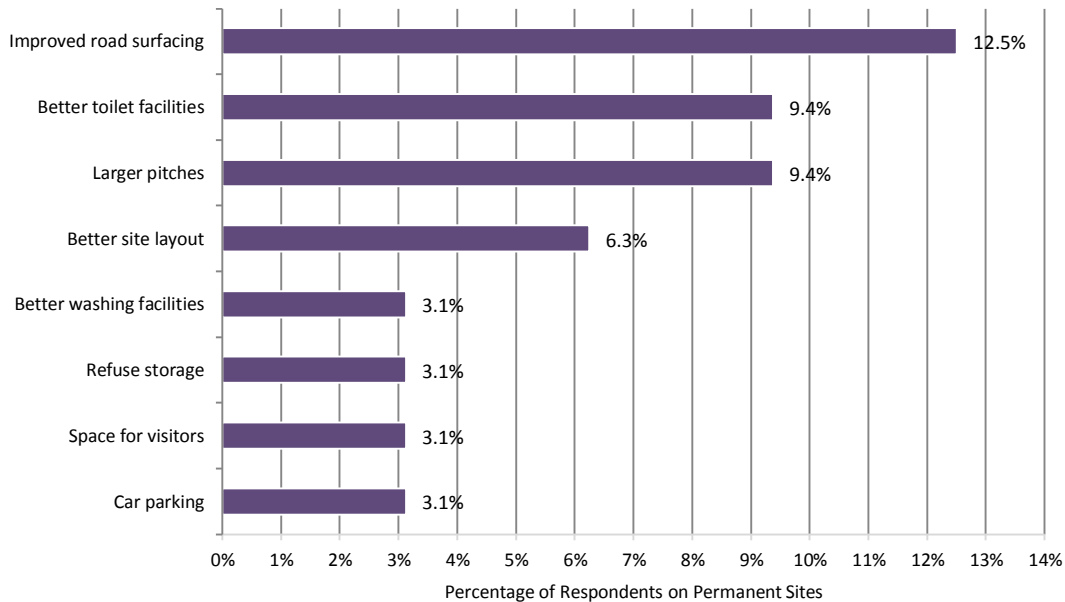


Figure 10

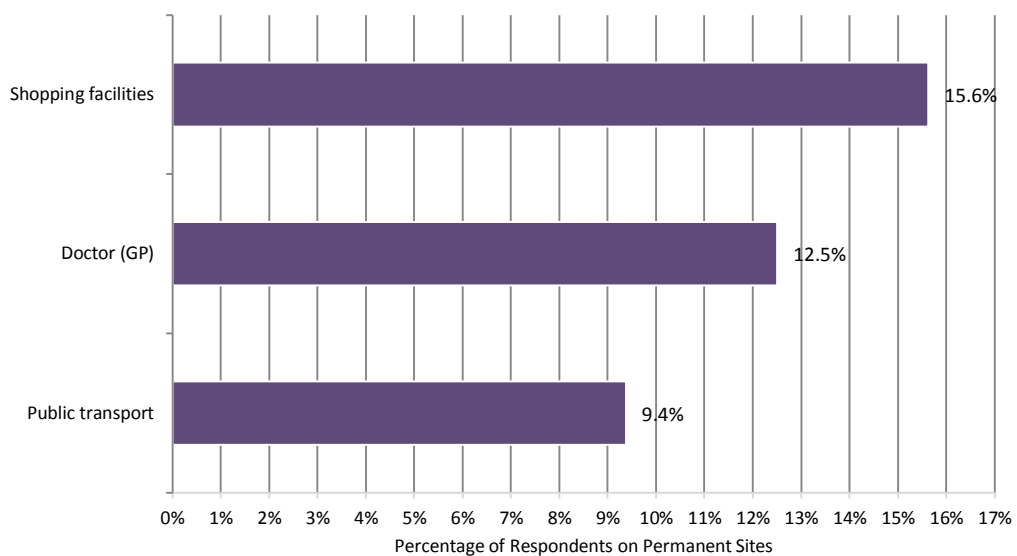
Improvements Respondents Would Like to See on Their Site, by all Respondents on Permanent Sites (Source: Survey of Gypsy and Traveller Population On-site 2012)



- 6.7 When asked what services they needed that they had difficulties accessing, the highest proportion of respondents cited shopping facilities (16%) and Doctor (GP) (13%) as being the hardest services to access.

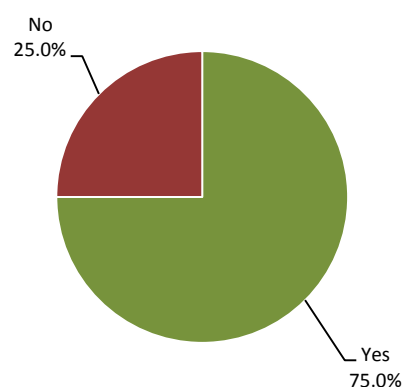
Figure 11

Services needed by respondents or their families that they have had difficulty accessing, by all Respondents on Permanent Sites (Source: Survey of Gypsy and Traveller Population On-site 2012)



- 6.8 Three quarters of respondents feel that their current accommodation and site meets all of their needs in terms of accommodation quality, space and site facilities (Figure 12). However, 8 respondents stated that their current site did not meet their accommodation needs.
- 6.9 The main reasons given by those who feel that their current accommodation and site do not meet their needs said that this was because their accommodation was too small and that the site was dirty/polluted poor state of repair.
- 6.10 Of the 8 respondents who felt that their current accommodation and site did not meet their needs, all said that their needs could be addressed at their current pitch.

Figure 12
Whether current accommodation and site meet all of respondents' needs (Source: Survey of Gypsy and Traveller Population On-site 2012)



Propensity to Travel

- 6.11 53% of respondents reported that they had not travelled at all during the last 12 months, but 29% of those who did not travel in the past 12 months had travelled in the past. The most common reasons households gave for not travelling were due to ill health of some family members, so that children could receive an education and that they wanted a more settled lifestyle.

7. Future Site Provision

Site Provision

- 7.1 This section focuses on the extra site provision which is required in Selby currently and over the next 15 years by 5 year segments. This time period allows for robust forecasts of the requirements for extra provision based upon the evidence contained within this survey.
- 7.2 The March 2012, the CLG document ‘Planning Policy for Traveller Sites’, requires an assessment for future pitch requirements, but does not provide a suggested methodology for undertaking this calculation. However, as with any housing assessment, the underlying calculation can be broken down into a relatively small number of factors. In this case, the key issue for residential pitches is to compare the supply of pitches available for occupation with the current and future needs of the households. The key factors in each of these elements are set out below:

Supply of pitches

- 7.3 Pitches which are available for use can come from a variety of sources. These include:
- » Currently vacant pitches;
 - » Any pitches currently programmed to be developed within the study period;
 - » Pitches vacated by people moving to housing;
 - » Pitches vacated by people moving out of the study area – this will be identified as set out above;
 - » Pitches vacated due to the dissolution of households (normally through the death of a single person household).

Current Need

- 7.4 There are four key components of current need. Total current need (which is not necessarily need for additional pitches) is simply:
- » Households on unauthorised developments for which planning permission is not expected;
 - » Concealed households;
 - » Households in brick and mortar wishing to move to sites; and
 - » Households on waiting lists for public sites.

Future Need

- 7.5 There are three key components of future need. Total future need is simply the sum of the following:
- » Households living on sites with temporary planning permissions;
 - » New household formation expected during the study period; and

» Migration to sites from outside the study area.

7.6 We will firstly provide the model as set out above for Gypsies and Travellers. We will then separately analyse the possible need for additional transit provision in the study area before repeating the calculation for Travelling Showpeople.

Current Gypsy and Traveller Site Provision

7.7 There are currently 24 pitches on public sites in Selby. The number of pitches on authorised private sites is harder to determine because the Flaxley Road caravan site in Selby is not exclusively occupied by Gypsies and Travellers. While the site has permission to accommodate up to 32 families, the household survey interviewed eight Gypsy and Traveller households on this site. The three sites in Selby with temporary planning permissions have capacity for seven pitches and there are three pitches on unauthorised developments. Therefore, there are at least 18 pitches occupied in the district beyond those on public sites and probably more. Therefore, we have allowed for a total of 45 households in the district.

7.8 The next stage of the process is to assess how much space is, or will become, available on existing sites. The main ways in which space is/will be freed are:

- Current empty pitches;
- New sites or site extensions which are likely to gain planning permission;
- Migration away from the area;
- Movement to bricks and mortar;
- Dissolution of households.

7.9 Currently, all authorised site pitches are occupied, so there is no available space. Selby Council is seeking to develop a new 15 pitch site near the existing public site at Burn. At the time of this study, a planning application was being considered prior to a decision. Local issues are being addressed as a result of the consultation process, but there remain a number of concerns. Therefore we have not counted this as part of the future supply, so currently, within the assessment; no additional pitches are expected to be granted permission.

7.10 For out-migration to other areas households will also wish to move in the opposite direction. Therefore, we have treated these as being part of the future need section of the calculation.

7.11 The dissolution of a household occurs when all the members leave the household. Common ways for a household to dissolve are for a person living on their own to die, or to move to an existing household. Given that households will also form in the future we have treated the net growth in household numbers as being part of the future need.

Additional Site Provision: Current Need

7.12 The next stage of the process is to assess how many households are currently seeking pitches in the area. Groups of people who are likely to be seeking pitches will include those:

- » Households on unauthorised developments for which planning permission is not expected;
- » Concealed households;
- » Households in brick and mortar wishing to move to sites; and
- » Households on waiting lists for public sites.

Current Unauthorised Developments

- 7.13 As noted earlier, Selby contains a small number of unauthorised sites. At the time of the survey the area contained two unauthorised sites. At the time of writing, one of these sites 'The Sycamores Sutton Lane Byram' is currently at planning appeal following an initial planning permission refusal. The other site near Drax has no planning application history. All households interviewed wished to remain in Selby and have been counted as need within this study.

Concealed Households

- 7.14 A concealed household occurs when two households occupy one pitch when ideally they should be occupying two pitches. This is not simply overcrowding, but is a sharing of a space by households who should and would wish to be living on their own pitches, but cannot do so due to a lack of space. There is no evidence from the household survey of any concealed households.
- 7.15 This survey has identified three households who would like more caravans or trailer, or who said their current accommodation was too small. This is not an objective measure of overcrowding, but can be thought of as households who felt that they were overcrowded. However, this study feels that no extra net pitch provision is required for this group.
- 7.16 To understand the reasons for this it is necessary to consider how these overcrowding options can be addressed. For a household who feel that they need more caravans or trailers there are two possibilities. Either the extra caravans or trailers could be accommodated on the existing pitch, or if this is not possible, a new larger pitch is required. In Selby, one household who reported that they need more caravans feel that their needs could be met at their current pitch, while two would need to move from their pitches at private sites to find more space.

Bricks and Mortar

- 7.17 Identifying households in bricks and mortar has been frequently highlighted as an issue with Gypsy and Traveller Accommodation Assessments. We would note that households who are seeking to move from housing to public sites can express a desire to do so through registering on the waiting list for public sites and therefore will have been counted elsewhere in this calculation.
- 7.18 We would also note that for a number of recent studies undertaken by ORS we have worked with national Gypsy and Traveller representatives to identify households in brick and mortar. For a number of recent studies the representatives reported over 100 known households in housing and they encouraged them to come forward to take part in the survey. The actual number who eventually took part in the surveys ranged from zero to six household per area, and not all wished to move back to sites. Therefore, while there is anecdotal evidence of many Gypsies and Travellers in housing, most appear to be content to

remain there and when provided with the opportunity by national representatives to register an interest in returning to sites few choose to do so.

- 7.19 For this study all stakeholders connected to the study area were asked if they knew of any households in bricks and mortar who would wish to take part in the survey. In total four interviews took place with households in bricks and mortar. None of these households expressed a desire to move back to sites, so no provision has been made for any movement. The 2011 Census identified a total on 158 Gypsy and Traveller persons living in Selby. Given that the pitches on-site will account for most of this population, this would indicate that the population in bricks and mortar is comparatively low.
- 7.20 It is also the case that with most face to face surveys undertaken on-site by ORS, a small number of households are seeking to move to bricks and mortar. However, in this case no household did wish to move from on-site to bricks and mortar.
- 7.21 Several potential sources of information on need arising from bricks and mortar have been interrogated in the study area as set out above. However there is no primary evidence of need arising from bricks and mortar. In the experience of ORS, deriving a need from this source based on assumptions derived from data elsewhere would be neither reliable nor appropriate, given the very low need found from this source in other studies by ORS. Therefore, the need arising from movement from bricks and mortar to sites is assessed as zero.

Waiting Lists for Public Sites

- 7.22 The method of registering a desire to obtain a pitch on a public site is through placing your name on the waiting list held by Horton Housing. Across the two public sites in Selby, there are currently 7 households on the waiting list. Their current circumstances are set out below.
- One applicant who is living in bricks and mortar housing in Selby.
 - Two applicants who are on unauthorised sites in Selby.
 - One who is living on a site in North Yorkshire.
 - Two from outside the area that are trying to join family on the sites.
 - One who is from outside the area with no local connection.
- 7.23 We would note that this study has already considered the needs of those currently on unauthorised sites in Selby and therefore there is no need to count them additionally here.
- 7.24 Similarly those households who are currently living on authorised sites and wish to transfer to Selby do not necessarily represent need in Selby. In many cases the desire to live on these sites can be considered to be aspirational rather than need. The households are not currently homeless or living in bricks and mortar while not wishing to do so. Therefore, we have included the two households seeking to join family members and the one household in bricks and mortar as being need. This generates an additional need of three pitches.

Additional Site Provision: Future Need

- 7.25 The next stage of the process is to assess how many households are likely to be seeking pitches in the area in the future. The number of households seeking pitches will include those:
- » Households living on sites with temporary planning permissions;
 - » New household formation expected during the study period; and
 - » Migration to sites from outside the study area.

Temporary Planning Permissions

- 7.26 Selby currently has three sites with temporary planning permissions, with a combined total of 7 pitches. In all cases the permissions will expire within the next 5 years, they have therefore been counted as need within this assessment, but not as supply of pitches.

New Household Formation

- 7.27 It is recognised that an important group for future pitch provision will be older children who form their own households. Many studies of Gypsy and Traveller populations assume a net growth in the population of around 3% per annum. Long-term trends indicate that the number of Gypsy and Traveller caravans on site has grown by 134% nationally in the past 34 years, which equates to a net growth of around 2.5% per annum. On the basis that the age profile for the Gypsy and Traveller population in the study area is not exceptional, it is this figure of 2.5% that is used in this study for the calculation of future household formation.
- 7.28 When including the impact of compound growth, a 2.5% growth per annum provides for 45% growth over 15 years. This gives a total rounded net growth from household formation of 20 households. This figure already includes any household dissolution through death.

In-migration from Other Sources

- 7.29 The most complicated area for a survey such as this is to estimate how many households will require accommodation from outside the area. Potentially Gypsies and Travellers could move to Selby from anywhere in the country. The number of household seeking to move to Selby is likely to be heavily dependent upon pitch provision elsewhere. It has been noted that a weakness of many Gypsy and Traveller Accommodation Assessments conducted across the country has been that they either allowed for out-migration without in-migration which led to under-counting of need, or they over-counted need by assuming every household visiting the area required a pitch.
- 7.30 Overall the level of in-migration to Selby is a very difficult issue to predict. We have allowed for a balanced level of migration on to existing sites. The advantage of allowing for net migration to sum to zero is that it avoids the problems seen with other Gypsy and Traveller Accommodation Assessments where the modelling of migration clearly identified too low or high a level of total pitch provision. An assumption of net nil migration implies that the net pitch requirement is driven by locally identifiable need.
- 7.31 Beyond this number, rather than assess in-migrant households seeking to develop new sites in the area, we would propose that each case is assessed as a desire to live in the area and that site criteria rules are

followed for each new site. It is important for Selby to have clear criteria based planning policies in place for any new potential sites which do arise.

Overall Needs

- 7.32 The estimated extra site provision that is required now and in the near future for Selby will be 33 pitches to address the needs of all identifiable households. This includes the existing households on temporary or unauthorised sites, and growth in household numbers due to household formation.

Figure 13
Extra Pitches which are Required in Selby from 2013-2028

| Reason for Requirement/Vacancy | Gross Requirement | Supply | Net Requirement |
|--|-------------------|----------|-----------------|
| Supply of Pitches | | | |
| Additional supply from empty pitches | - | 0 | |
| Additional supply new sites | - | 0 | |
| Movement to bricks and mortar | - | 0 | |
| Total Supply | | 0 | |
| Current Need | | | |
| Current unauthorised developments or encampments and seeking to stay in the area | 3 | - | |
| Concealed households | 0 | - | |
| Movement from bricks and mortar | 0 | - | |
| Waiting list for public sites | 3 | - | |
| Total Current Need | 6 | | |
| Future Needs | | | |
| Currently on sites with temporary planning permission | 7 | - | |
| Net migration | 0 | - | |
| Net new household formation | 20 | - | |
| Total Future Needs | 27 | | |
| Total | 33 | 0 | 33 |

Split Public/Private Sites to 2028

- 7.33 To split the need by time period, we have taken any backlog of need and loss of sites with temporary permission as occurring in the first five years. Meanwhile, household formations have been assumed to occur evenly over the time period so beyond the next 5 years the level of growth in the population is even. In summary, Figure 14 sets out the net requirement for new pitch provision in 5 year period until 2028.

Figure 14
Extra Pitch Provision in Selby by Time Period

| | 2013-2018 | 2018-2023 | 2023-2028 |
|--------------|-----------|-----------|-----------|
| Total | 19 | 7 | 7 |

Transit/Emergency Stopping Site Provision

- 7.34 There is currently no transit site provision in Selby. Transit sites serve a specific function of meeting the needs of Gypsy and Traveller households who are visiting an area or who are passing through on the way to somewhere else. They do not have a function in meeting local need which must be addressed on permanent sites.
- 7.35 Therefore, the key issue in determining if there is a requirement for transit site provision is whether there is evidence of sufficient travelling through the area. We would also note that transit sites are an area where cross boundary working could prove to be particularly effective and that the transit needs of Gypsy and Travellers visiting North and West Yorkshire are an issue which should be considered at a more strategic level.
- 7.36 The household survey identified a number of households who were in Selby, but not at their permanent base. Therefore, a small transit site provision would provide for household visiting Selby and its surrounding area.

Showpersons

- 7.37 A 10 plot Showperson's yard at Thorpe Willoughby was granted planning permission on appeal in 2013. Therefore, there is no identified need for Travelling Showpersons plots in Selby. Again it is important for Selby to have clear criteria based planning policies in place for any new potential Showpersons's yards which do arise.

8. Broad Locations

Introduction

- 8.1 The study has investigated the potential for the identification of broad locations which will be a guide for the subsequent identification of specific sites.
- 8.2 Criteria for defining broad locations have been developed taking account of national policy, guidance, the results of the needs assessment and identified physical constraints. Broad locations have then been defined taking account of these key criteria.
- 8.3 The work has been informed by stakeholder interviews set out in section 4 above and a stakeholder workshop held on 16 January 2013. Stakeholders included Council representatives, Gypsy and Traveller support services, planning agents and representatives from the travelling communities from the Selby and Harrogate area.

Policy background for determining locational criteria

National policy

- 8.4 National planning policy for Gypsies and Travellers is contained within Planning policy for traveller sites³ (PPTS). This identifies three key criteria for identifying appropriate sites for delivery through the planning system. To be deliverable within five years or developable within years 6-15, sites should:
- Be available - the site should be available now or there should be a reasonable prospect that the site is available at the point envisaged;
 - Be suitable – the site should be in a suitable location for development
 - Be achievable – there is a realistic or reasonable prospect that housing could be viably developed at the point envisaged.
- 8.5 Local planning authorities should identify sufficient deliverable sites to provide five years' worth of sites against their locally set targets. For years 6-10 and, where possible, for years 11-15, they should identify a supply of specific developable sites or broad locations for growth.
- 8.6 National policy recommends that criteria should be developed to guide land allocations if there is identified need and if there is no identified need, to develop criteria-based policies to provide a basis for determining planning applications which may nevertheless come forward.
- 8.7 Criteria "should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community" (PPTS, para. 10). Many previous studies and local plan criteria based policies across the country have used very restrictive criteria which have prevented many reasonable

³ Planning policy for traveller sites, Communities and Local Government, March 2012

sites from coming forward. This is one of the principal reasons why the Government is no longer relying simply upon criteria based policies to bring forward suitable sites for Gypsies and Travellers.

- 8.8 PPTS identifies a series of issues for criteria to address to ensure that Traveller sites are sustainable economically, socially and environmentally. Specific policies set out the national approach towards sites in rural areas and the countryside (Policy C), rural exception sites (Policy D), sites in Green Belt (Policy E), mixed planning use sites (Policy F), major development projects (Policy G) and determining planning applications (Policy H).

Local policy

- 8.9 The Selby District Local Plan (SDLP), which was adopted on 8 February 2005, is being replaced by a new Core Strategy, although policies in the adopted SDLP remain in force for the time being. Policy H16 is a saved policy designed to permit small-scale proposals for the accommodation of Gypsies, provided there is an established traditional need and subject to satisfying a number of individual suitability criteria.
- 8.10 Selby District Council submitted its Core Strategy to the Secretary of State for Communities and Local Government on 05 May 2011. The plan included Policy CP7 which listed a new set of suitability criteria. At the examination a number of proposed changes have been proposed, including the removal of detailed criteria, instead referring to applications for traveller development to be determined in accordance with national policy. The proposed changes policy states that “the Council will establish at least a 5-year supply of deliverable sites and broad locations for growth to accommodate additional traveller sites/pitches/plots required through a Site Allocations DPD, in line with the findings of up to date assessments or other robust evidence.”
- 8.11 A Site Allocations DPD (SADPD) was progressed in 2009, which included a significant amount of work towards Gypsies and Travellers. A Preferred Options document identified a potential site for allocation. The SADPD is now on hold while the Core Strategy adoption process continues.

Other policy and guidance

- 8.12 Other relevant considerations which should be taken into account include:
- National policy set out within the National Planning Policy Framework,
 - Communities and Local Government (CLG) Best Practice Guidance: Designing Gypsy and Traveller Sites (2008); and
 - The views of the travelling and the settled communities.
- 8.13 These policies and guidance have been taken into consideration when developing criteria for identifying broad locations within Selby District.

Criteria for identifying broad locations

- 8.14 At the stakeholder workshop, detailed discussion centred around the following themes:
- Fit with spatial strategies
 - Settlement hierarchy and the relationship of sites to sustainable settlements

- Access to the road network and major public transport corridors
- Accessibility to key services
- Impact on local infrastructure
- Fit with identified needs
- Location of current site provision
- Pattern of movements through the district
- Projected future needs
- Needs of different travelling communities
- Reducing the need for long distance travelling
- Avoiding physical constraints and protected areas
- Nature conservation designations
- National Park and landscape considerations
- Historic built environment designations
- Floodplain and areas of high flood risk
- Relationship with other land uses
- Co-existence with local communities
- Residential amenity
- Scale of sites relative to settled community
- Mixed planning use sites
- Noise and air quality

^{8.15} Having regard to the national and local policy context, engagement with both the travelling and settled communities and following discussions at the stakeholder workshop, the following site criteria for determining broad locations and for considering sites have been identified:

Figure 15
Criteria for Identifying Broad Locations

| | |
|--|---|
| <i>Fit with spatial strategy</i> | <p>Gypsy and Traveller residential sites and Travelling Showpeople sites should, where possible, be located close to sustainable settlements with a range of local services.</p> <p>Gypsy and Traveller transit sites or temporary stopping places should be very close to main transport routes.</p> <p>Local infrastructure should be capable of accommodating development.</p> |
| <i>Fit with identified needs</i> | <p>Gypsy and Traveller residential sites and Travelling Showpeople sites should have good access to local services.</p> <p>New Gypsy and Traveller residential sites should reflect the patterns of emerging needs to avoid the need for long distance travelling and extensions to existing sites may be appropriate to accommodate future immediate family needs.</p> <p>Gypsy and Traveller transit sites or temporary stopping places should be located along historic transit routes.</p> |
| <i>Avoiding physical constraints and protected areas</i> | <p>Sites should not be located within an international, national or local nature conservation designation or in a location where it will have a significant effect upon any designation.</p> <p>Sites should not be located within Green Belt except in very special circumstances.</p> <p>Sites should not be located within areas at high risk of flooding which cannot be mitigated.</p> <p>Sites should not be located within historic parks and gardens or scheduled ancient monuments.</p> <p>Sites within Areas of Outstanding Natural Beauty are acceptable in principle but conserving landscape, wildlife and cultural heritage are important considerations.</p> |
| <i>Relationship with other land uses</i> | <p>Sites, or a combination of sites, should respect the scale of the nearest settlement.</p> <p>The location of sites should avoid adversely impacting upon neighbouring residential amenity.</p> <p>Residential sites should not be located immediately adjacent to major transport corridors unless noise, safety and air quality impacts can be mitigated.</p> <p>Sites with mixed residential and business uses can contribute to sustainability.</p> <p>Sites should, where possible, make effective use of previously developed or derelict land.</p> <p>Sites should not be located on unstable land or on contaminated land which cannot be mitigated.</p> |

Identifying broad locations

Fit with spatial strategies

- 8.16 Saved Policy H16 of the SDLP permits small-scale proposals for the accommodation of Gypsies on sites outside designated Development Limits on the outskirts of built-up areas provided that, amongst other criteria, the sites have “reasonable access” to schools, shops and other facilities. The submission draft Core Strategy Policy CP7 states that new sites should be located “in or close to a settlement containing a primary school, shops, and other local services”. The latest proposed changes (November 2012) remove references to local locational criteria.
- 8.17 At the stakeholder workshop, it was agreed that public residential Gypsy and Traveller sites should be located with good access to services and facilities. In relation to private sites, views were expressed that due to high property and land prices and the expectations of current landowners in those locations for residential development, it was unrealistic to expect private residential Gypsy sites to come forward within or immediately adjacent to settlements and that a more flexible approach should be taken. It was pointed out that national policy does not preclude development within the countryside.
- 8.18 Whilst access to local employment is one of the considerations for travelling communities in Selby, it is noted that many travellers are self employed and sites are effectively live-work units. Therefore, councils should consider being flexible when defining sustainable locations for sites. Within this context, national policy states that Travellers working and living from the same location could contribute to sustainability (para. 11).
- 8.19 The Council has previously assessed potential site allocations in a Preferred Options Site Allocations DPD using a locational criteria of within a 5km drive of a Principal Town, Local Service Centres and/or Designated Service Village. However, this was not intended to be used for development management purposes.
- 8.20 For the purposes of defining broad locations, it is recommended that the priority should be to identify sites within approximately 1 mile of key facilities within settlements. This figure represents a reasonable maximum walking distance for site residents to be able to access those facilities without reliance on the use of the private car.
- 8.21 National policy identifies health services, schools, welfare services and employment as key local services which local authorities should promote access to. Workshop attendees identified GP services, education, community centres and access to regular bus services as the key facilities. Large public sites should also have a community building.
- 8.22 Saved Policy H16 of the SDLP states that sites should have good access to the highway network. The submission draft Core Strategy Policy CP7 states that sites should have “safe and convenient” access to the highway network. It was recognized at the workshop that this is a particular requirement for transit sites or temporary stopping places where the aim should be to discourage unauthorised roadside encampments as Travellers move through the district. Such sites should therefore be very close to main transport routes.
- 8.23 At the stakeholder workshop, a view was expressed that although some local authorities are looking to incorporate sites for the travelling communities within planned urban extensions, none of the proposed extensions are likely to be acceptable locations for Gypsies, Travellers or Travelling Showpeople.

Landowners and developers are fundamentally opposed to the principle of providing for Gypsies and Travellers on housing sites.

Fit with identified needs

- 8.24 Selby has two authorised public Gypsy and Traveller sites with 24 pitches at Burn (12 pitches) and Carlton (12 pitches). Selby also has 3 private sites with temporary planning permissions, one caravan site which contains some Gypsy and Traveller households (privately run residential caravan park located on Flaxley Road) and a small number of unauthorised sites.
- 8.25 The evidence from the interviews with Gypsies and Travellers suggests that the existing spatial pattern reflects a long period of residence for the Gypsy and Traveller communities, with the main reasons given for their current location including being near family and because they have lived in the area for a long time.
- 8.26 A large majority of respondents are satisfied with their existing sites and only one household expressed a wish to move outside of the area to Leeds, although a few respondents wish to move onto new private sites within the area.
- 8.27 Future residential site needs are predominantly generated from a combination of achieving pitches for those currently living on unauthorised sites or sites subject to temporary permissions within the area, for those on the waiting list for public sites or to meet future household growth from existing sites. There is a need for a small Gypsy and Traveller transit site in the study area to provide for households visiting Selby and its surrounding area.
- 8.28 At the workshop it was agreed that the west of Selby district is favoured by Gypsies and Travellers because it affords them good access to the motorway network and the West Yorkshire towns. It is an issue of accessibility not travelling patterns.
- 8.29 Gypsies on private sites want to be able to accommodate existing and future immediate family needs and would generally object to having other families on site.
- 8.30 There would appear to be a need for more public pitches, but stakeholders stated that there was no room for new pitches at existing sites. One view expressed was that land adjacent to the Burn site should be used not for more pitches but to redesign and expand existing pitches to reduce current overcrowding.
- 8.31 In terms of longer distance travelling patterns, 53% of respondents reported that they had not travelled at all during the last 12 months. However, 29% of these stated that they had travelled in the past.
- 8.32 At the workshop, one view expressed was that transit need is a “red herring”. The main needs are residential and if these are met the number of unauthorised encampments will reduce significantly. However, others said that there is a need for temporary stopping places to allow Travellers passing through to pitch up for a fortnight.
- 8.33 Travellers have traditionally travelled through the area to visit horse fairs in Appleby, Darlington and Scarborough, holidays etc. but now tend to travel through adjoining districts which are more sympathetic to Traveller needs. Other Traveller destinations in the area mentioned at the workshop included Seamer, Whitby and Barnard Castle.

- 8.34 In terms of future provision, stakeholders stated that transit sites should be kept away from residential sites and that different groups of Gypsies and Travellers would not want to be on the same site or on sites next to each other.
- 8.35 Transit routes were identified along the A1 (M), old A1, M62, A19, A63 and A64. One view expressed was that tolerated temporary stopping places along these routes may be more appropriate than a permanent transit site.
- 8.36 The Traveller Needs Assessment has not identified a need for further Travelling Showpeople plots. However, the stakeholder workshop noted that two families have been looking to locate adjacent to the A63 to the west of Selby.

Avoiding physical constraints and protected areas

- 8.37 The National Planning Policy Framework and Circular 06/2005 identify the protection that should be given to international, national and locally designated biodiversity and geological conservation sites. Heritage assets of the highest significance, such as scheduled monuments, battlefields and historic parks and gardens should also be protected and development at these locations wholly exceptional.
- 8.38 Sites for Gypsies and Travellers and Travelling Showpeople constitute inappropriate development in terms of national Green Belt policy and should not be approved on Green Belt land except in very special circumstances. However, Green Belt boundaries can be reviewed through the local plan process.
- 8.39 PPTS identifies areas at high risk of flooding including functional floodplains should be avoided given the particular vulnerability of caravans.
- 8.40 In discussing these issues, the stakeholder group agreed that there are a number of constraints that are absolute due to national policy which identifies such locations as generally inappropriate for built development.
- 8.41 For the purposes of defining broad locations, these areas are:
- Sites of Special Scientific Interest, Local Nature Reserves and other sites of importance for nature conservation and within buffer zones where a significant effect is determined
 - Ancient woodland
 - Areas at high risk of flooding
 - Historic battlefields
 - Historic parks and gardens
 - Scheduled ancient monuments
- 8.42 Whilst some stakeholders at the workshop stated that existing brownfield sites within Green Belt should be considered appropriate locations to meet existing needs, it was acknowledged that national policy does not consider such locations to be appropriate unless land is taken out of the Green Belt through the local plan process.

- 8.43 Other designations, such as listed buildings, conservation area, etc. whilst being a major constraint on development are not absolute constraints, as the acceptability or otherwise of development depends upon a site assessment of impact.
- 8.44 A representative from the Environment Agency commented at the workshop that groundwater source protection zones are vulnerable to non-mains sewerage systems and therefore the location of future sites should take this into consideration.
- 8.45 The NPPF also states that local planning authorities should give great weight to conserving landscape and scenic beauty, wildlife and cultural heritage in Areas of Outstanding Natural Beauty. However, this designation is not an absolute constraint.

Relationship with other land uses

- 8.46 PPTS states that local planning authorities should have due regard to the protection of local amenity, for example by ensuring that the scale of sites in rural locations does not dominate the nearest settled community.
- 8.47 In addition, local authorities should give proper consideration to the effect of local environmental quality (such as noise and air quality) on the health and well-being of occupants of sites.
- 8.48 Generally speaking, these issues are site specific and it is difficult to identify any general implications for the identification of broad locations.

Recommended broad locations

- 8.49 Taking into consideration the themes and criteria outlined above, broad locations have been identified for the purposes of the subsequent identification of specific sites by Selby District Council and for use in development management decision making.

Residential sites

- 8.50 The broad locations for future residential Gypsy and Traveller sites reflect the existing pattern of sites and the nearest most sustainable settlements, include land within 1 mile of the principal town of Selby, the two smaller local service centres of Sherburn in Elmer and Tadcaster and the villages of Brayton, Brotherton and Byram, Carlton and North Duffield.
- 8.51 Within each broad location, the following absolute constraints should be avoided:
- Green Belt
 - Sites of Special Scientific Interest, Local Nature Reserves and other sites of importance for nature conservation
 - Ancient Woodland
 - Areas at high risk of flooding
 - Historic battlefields

- Historic parks and gardens
- Scheduled ancient monuments

- 8.52 Within each broad location, proximity to settlements should be a key consideration. An assessment of sites should take into consideration the distance from each site to health, education, welfare services and employment opportunities and if opportunities exist for residents to access public transport services.
- 8.53 The recommended broad locations, together with physical constraints and protected areas, identified settlements and existing Gypsy and Traveller site locations, are identified in Appendix 1.
- 8.54 The identification of further Gypsy and Traveller residential sites should focus on the broad locations and should take into account where the need arises and the capacity of local infrastructure to determine the most appropriate broad location to commence the site search.
- 8.55 If suitable sites cannot be identified within the most appropriate broad location, other broad locations should be investigated before sites outside broad locations are considered.
- 8.56 The Council should investigate public site provision within the most sustainable broad locations, particularly in locations where there is good access to main facilities and services such as local hospitals.
- 8.57 The Council should be reasonably flexible about the location of small private sites and should consider sites outside but close to the broad locations.

Transit sites or temporary stopping places

- 8.58 The broad locations for transit sites or temporary stopping places, if required, include land immediately adjacent to the A1, A19, A63, A64 and M62.
- 8.59 For Gypsies and Travellers travelling through the area, the Council should focus the search for suitable sites with good access within these appropriate broad locations. The study has not identified the need for searching outside these locations.
- 8.60 The Council should also consider allowing one or two pitches within or adjacent to existing private residential pitches to accommodate the needs of seasonal visitors to existing families.

Other considerations

- 8.61 This study has identified appropriate broad locations for the further identification and allocation of sites if required and for use in development management decision making. However, there will be other site specific considerations which should be taken into consideration when assessing the suitability of future sites.
- 8.62 These site specific considerations are set out in national and local policy, but include, in particular, the relationship of the site to other land uses, as set out in the criteria above.

9. Conclusions

Introduction

- 9.1 This chapter brings together the evidence presented earlier in the report to provide some key policy conclusions for Selby. It focuses upon the key issues of future site provision for Gypsies and Travellers and also Showpersons.

Gypsy and Traveller Future Pitch Provision

- 9.2 Based upon the evidence presented in Chapter 7, the estimated extra pitch provision that is required for Gypsies and Travellers in the next 15 years in Selby is 33 pitches. This represents 19 pitches in the period 2013-2018 and 7 pitches each in the periods 2018-2023 and 2023-2028.

Travelling Showperson Requirements

- 9.3 There are currently no sources of need for the provision of Travelling Showperson yards in Selby. Nonetheless, Selby should ensure that criteria based policies are in place in order that any applications for sites received from Travelling Showpeople in the future can be evaluated effectively.

A Supply of Deliverable and Developable Sites

Safeguarding existing sites

- 9.4 In developing their local plans, “Planning Policy for Traveller Sites” requires local planning authorities to identify and keep up-to-date a supply of specific deliverable sites sufficient to provide five years’ worth of sites against those locally set targets and a supply of specific developable sites or broad locations to meet needs, where possible, for up to 15 years.
- 9.5 We would suggest that an initial starting point would be for the Council to consider safeguarding existing authorised Gypsy, Traveller and Travelling Showpeople sites, to ensure that existing needs continue to be met in perpetuity. If sites are lost from these uses, then new replacement sites may need to be found to maintain an adequate supply to meet needs in accordance with the identified pitch and plot targets.

Broad Geographical Locations

- 9.6 Where specific deliverable or developable sites for further Gypsy, Traveller and Travelling Showpeople provision cannot be identified, the Council should consider including broad geographical locations within their Local Plans.
- 9.7 This document recommends that the identification of further Gypsy, Traveller and Travelling Showpeople residential sites should focus on the broad geographical locations and should take into account where the need arises and the capacity of local infrastructure to determine the most appropriate broad location to commence the site search.

- 9.8 If suitable sites cannot be identified within the most appropriate broad location, other broad locations should be investigated before sites outside broad locations are considered.
- 9.9 The Council should investigate public sites within the most sustainable broad locations, particularly in locations where there is good access to main facilities and services such as local hospitals.
- 9.10 The Council should be reasonably flexible about the location of small private sites and should consider sites outside but close to the broad locations.

Sites with Potential to Meet Future Needs

- 9.11 The Council should investigate the potential from existing sites to achieve additional pitches/plots either through increasing the capacity within existing boundaries or through site extension onto adjoining land.
- 9.12 To provide a medium and long term supply, the Council should consider allocating sites through their Local Plans. This can either be through a Core Strategy, Local Plan or a Site Allocations DPD, depending upon the nature of the development plan within each area.

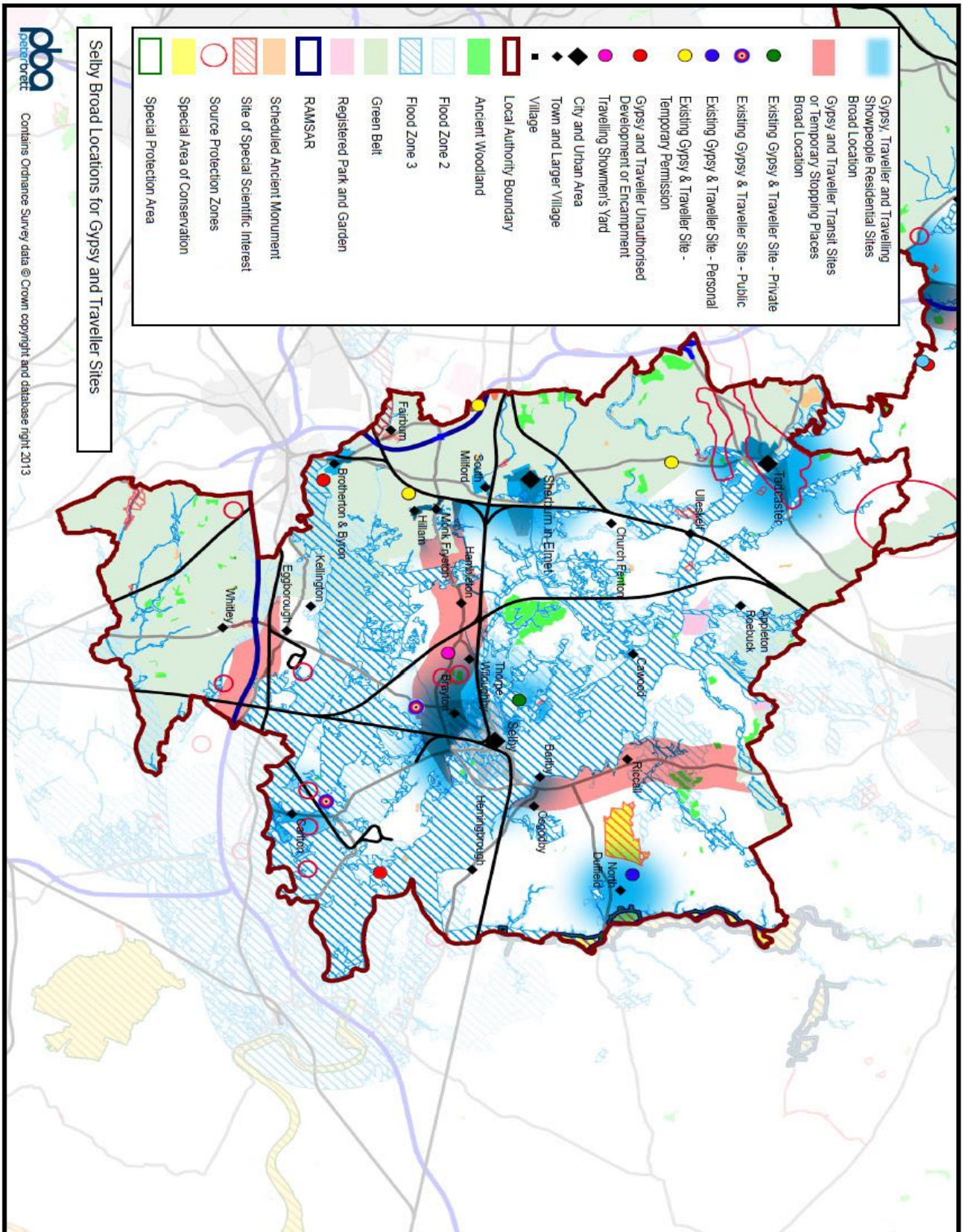
Delivery

- 9.13 As with other forms of development, the release of Gypsy, Traveller and Travelling Showpeople sites should be managed to ensure a good fit with identified need.
- 9.14 However, there is no direct correlation between existing and future needs and sites which may have potential to meet those needs. For example, a family may need further pitches in the future to meet the future needs from existing children, but their current site may not have capacity, whilst an existing family may not require pitches in the future but they may have a site where there is potential for future provision.
- 9.15 It is important to note that the future availability of existing private sites to accommodate needs is entirely dependent on existing site owners being prepared to accommodate future needs on these sites.
- 9.16 It is also important to note that Romany Gypsies and Irish Travellers have separate traditions and patterns of movement and may not be prepared to share sites. Similarly, Travelling Showpeople families operate separate commercial businesses and are unlikely to share sites.
- 9.17 There is therefore a strong likelihood that more than the bare minimum of sites will need to be identified and brought forward to provide a flexible and sufficient pool of sites to meet identified existing and future needs.
- 9.18 We would suggest that it would be prudent for the Council to identify a potential reserve supply from the identified sites or other sites which could be brought forward in the future if required to ensure a continuous supply of deliverable and developable sites.

Phasing, Monitoring and Review

- 9.19 Any release of land to meet future needs would require active monitoring of supply against need, at least on an annual basis. It would also require the Council to undertake periodic reviews of the needs evidence base.

Appendix A: Broad Locations Map





Public Session

Report Reference Number (C/13/3)

Agenda Item No: 15

To: Council
Date: 10 September 2013
Author: Karen Iveson – Executive Director (s151)
Lead Officer: Karen Iveson – Executive Director (s151)
Lead Executive Member Cllr Clifford Lunn

Title: Selby District Council Housing Development Strategy

Summary:

This report presents a proposed framework for developing more affordable housing in Selby District using council owned assets and funding as part of the Council's 'Programme for Growth'. It builds on the Council's previous resolution to establish a housing delivery vehicle in the form of Selby and District Housing Trust.

The strategy proposes a programme of 106 homes over a 5 year period, broadly split 50:50 between the Housing Revenue Account and the General Fund - £10m in total over the 5 years. General Fund resources will support delivery via the new trust.

Site availability will be crucial to delivery of the strategy and another report on today's agenda presents a review of the potential sites in the Council's ownership and proposes sites to take forward for the first phase of building.

Recommendations:

It is recommended that the Housing Development Strategy be adopted.

Reasons for recommendation

The Development Strategy provides a framework for the Council to deliver affordable housing, either through the HRA, or through the General Fund.

1. Introduction and background

- 1.1 The Development Strategy, which was approved by Executive on 5th September, following consultation with the Policy Review Committee and Selby and District Housing Trust Board, sets out the Council's plans to contribute to the development of additional affordable housing in the district.

2. The Report

- 2.1 Most new housing provision is delivered by private developers, with affordable housing provided through Section 106 Agreements in partnership with Registered Providers. Smaller numbers of new affordable homes are developed by Registered Providers independently either on small sites or on Rural Exception Sites.
- 2.2 With house prices increasing over recent years, the purchase of a home on the open market has become unachievable for many of our residents, and it is important to ensure that the private rented and social rented sectors are able to meet demand from those who cannot afford to buy.
- 2.3 The development of additional housing in the district will help support the building industry, provide opportunities for more employment and apprenticeships, create wealth and encourage local spending.
- 2.4 In recent years the Council's own capital investment in affordable housing has been limited to the repair and improvement of its own stock. However, because of 'Right to Buy' (RTB), the total council housing stock has been reducing. Although the rate of sale has slowed in more recent years it is now picking up again. This does however present opportunities to reinvest the receipts in the provision of new affordable housing.
- 2.5 This strategy puts forward two mechanisms for the Council to increase its affordable housing stock; to develop itself through the Housing Revenue Account (HRA), or through the General Fund via a Housing Delivery Vehicle - Selby and District Housing Trust has been established for this purpose.
- 2.6 Developing through the Housing Revenue Account (HRA) will allow the Council to add to its own housing stock and retain control of allocations and management. However, it is limited by the HRA £5m debt cap.
- 2.7 Alternatively, developing through the Housing Trust, the Council could enable additional affordable housing stock to be developed using its own funding arrangements. Again, subject to agreement and conditions, the Council could retain nomination rights and the homes

could be managed together with the Council's own stock, providing opportunities for economies of scale.

- 2.8 The Council can select the most cost effective mechanism for each scheme, with a flexible approach to maximise resources and provide value for money.
- 2.9 The Trust will operate separately from the Council, with new developments funded by a variety of means including, loans from Selby District Council subject to consent, Section 106 commuted sums, or grant funding through the Homes and Communities Agency (HCA). Loan financing and repayments will be covered by the rental income of the properties developed.
- 2.10 Affordable homes could be developed by the Trust on land transferred from the Council at less than market value subject to approvals and the necessary consents.
- 2.11 There are a number of opportunities for the development of affordable housing in the district and these are set out in Section 4.4 of the Strategy. They include taking on new build homes through Section 106 Agreements with developers building in the district, the improvement or refurbishment of individual properties available on the open market, purchased from other social housing providers, and buy backs where the owner of an ex local authority home wishes to sell. The preferred delivery mechanism will be established through the business case for each scheme.
- 2.12 In order to assess the development potential of land in the Council's ownership, a review of council land has been undertaken and is the subject of a separate report on this agenda.
- 2.13 In addition, the Executive has agreed to seek planning permission for a small development of 3 new affordable homes on land at St Joseph's Street in Tadcaster, along with the remodelling of the former Council offices in Kirkgate to include 3 affordable flats.
- 2.14 The strategy anticipates, looking at the potential Council owned land opportunities available, that the following delivery targets could be achievable

| 2013/14 | Year 1 2014/15 | Year 2 2015/16 | Year 3 2016/17 | Year 4 2017/18 | Year 5 2018/19 |
|-------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| Preparation | 6+ | 25 | 25 | 25 | 25 |

- 2.15 Policy Review resolved on 16th July 2013 to endorse the proposed Housing Development Strategy and the strategy is supported by the new housing trust.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

The transfer of land to the new housing trust will be subject to the necessary consents and Executive approval in accordance with a new Asset transfer policy that is currently being drafted and will be subject to approval by Council. And certain transfers of assets may also require consent from the Secretary of State.

The provision of financial support to the trust falls within the Council's legal powers and will be subject to appropriate terms and conditions and Executive approval.

Procurement of development and associated works will be subject to the Council's procurement rules and if necessary comply with European Union procurement rules.

3.2 Financial Issues

The funding arrangements for the Strategy are set out in Section 6 of the attached document. Assuming a programme to build 106 homes at an average of £100k each, over a 5 year period, and taking into account the circa £5m limit on borrowing within the HRA, the broad funding profile would be:

| | Year 1 £000's | Year 2 £000's | Year 3 £000's | Year 4 £000's | Year 5 £000's |
|---------------------------|------------------|------------------|------------------|------------------|------------------|
| Resources required | 600 | 2,500 | 2,500 | 2,500 | 2,500 |
| | | | | | |
| Financed by: | | | | | |
| HRA Debt | 300 | 1,250 | 1,250 | 1,250 | 1,250 |
| S106 | 0 | 0 | 500 | 500 | 500 |
| GF Debt | 300 | 1250 | 750 | 750 | 750 |
| | | | | | |
| Total Funds | 600 | 2,500 | 2,500 | 2,500 | 2,500 |

HRA borrowing at this level would attract principal and interest repayments of around £280k p.a. subject to prevailing interest rates.

General Fund borrowing to support the Trust would constitute capital expenditure for the Council. The cost of borrowing (principal and interest) would be fully funded by the Trust from the rental income obtained from the developed properties.

In terms of officer time, it is assumed that 1 full time equivalent, suitably qualified senior officer will be required although the extent of officer resource is dependent upon availability/deliverability of sites. The estimated cost of such a resource is £60k p.a. shared between the Council and the Trust at £30k each with the Council element being met from the HRA and the Trust element being funded by the Programme for Growth - £150k to cover the 5 year development plan, has been allocated for this purpose.

In supporting this project the potential new homes bonus that could be generated from the new build programme is estimated at around £760k or £494k allowing for the potential 35% Government top-slice.

4. Conclusion

The Development Strategy will provide the Council with a range of options to increase affordable housing in the district.

5. Background Documents

HRA Business Plan 2012
Asset Management Strategy 2012

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Appendices:

Appendix 1 – Selby District Council Housing Development Strategy

Selby District Council Housing Development Strategy

Contents

- 1. Introduction**
- 2. Strategic Aims**
- 3. Evidence of Housing Need**
- 4. Development Strategy**
- 5. Delivery**
- 6. Financing Developments**
- 7. Managing the process**
- 8. Procurement**

Appendix A – Glossary

Appendix B – Strategies and Plans

**Appendix C – Evidence of Housing Need, taken from the Selby Strategic
Housing Market Assessment (SHMA) 2009**

1. Introduction

- 1.1 This Development Strategy sets out Selby District Council's plans to contribute to the development of additional affordable housing in the district.
- 1.2 In its housing enabling role, the Council is committed to working with partner agencies and Registered Providers operating in the district to ensure the ongoing delivery of good quality affordable housing which meets the needs of our residents.
- 1.3 This strategy concentrates on the contribution the Council itself can make. Housing development has been identified as an important part of the Council's Programme for Growth because it helps meet the need for additional affordable housing in the district and contributes to the delivery of economic growth.
- 1.4 The development of more housing in the district will help support the building industry, provide opportunities for more employment and apprenticeships, create wealth and encourage local spending. It also provides an opportunity to increase the Council's receipts through the New Homes Bonus.
- 1.5 Most new housing provision is delivered by private developers, with affordable housing provided as part of a scheme through Section 106 Agreements in partnership with Registered Providers. Smaller numbers of new affordable homes are developed by Registered Providers independently either on small sites or on Rural Exception Sites.
- 1.6 Housing affordability is one of the biggest challenges facing the district, with house prices almost tripling in fifteen years from £66,362 in 1996 to £182,442 in 2011¹.
- 1.7 Affordability ratios (house price to earnings) are significantly higher than the 'Affordable Definition' of 3.5 (an affordable mortgage being three and a half times annual income) particularly in the northern part of the District. In 2011 the affordability ratio for Selby District was 6.02. This means that house prices are 6 times the average annual income for Selby District. It is therefore important to ensure that the private rented and social rented sectors are able to meet demand from those who cannot afford to buy.
- 1.8 In recent years the Council's own capital investment in affordable housing has been limited to the repair and improvement of its own stock. However, because of 'Right to Buy' (RTB), the total council housing stock has been reducing. Although the rate of sale has slowed

¹ DCLG Live Table 585 Housing Market: mean house prices based on Land Registry data, by district, from 1996-2011

in more recent years it is now picking up again. The increased discounts in 2012, and Budget changes in 2013 which reduced the eligibility period for purchasers from 5 to 3 years, have already encouraged more tenants to explore their RTB. In 2012/13 there were 10 sales (where previous assumptions in the Housing Revenue Account (HRA) Business Plan had been for 2), and it is expected that this trend will increase in coming years.

- 1.9 This does however present opportunities to reinvest the receipts in the provision of new affordable housing which are explored later in this strategy.

2. Strategic Aims

- 2.1 The Council's aims for the delivery of additional affordable homes are set out in the following strategies and plans:

- Corporate Plan 2011-15
- Programme for Growth
- Core Strategy including the Affordable Housing Supplementary Planning Document
- Housing Revenue Account Business Plan 2012 – 2017
- North Yorkshire Housing and Homelessness Strategy 2012-15
- Draft Empty Homes Strategy 2013

- 2.2 Further information relating to the housing elements of each of these documents can be found in Appendix B.

3. Evidence of Housing Need

- 3.1 Housing Need for the district was established through the Strategic Housing Market Assessment 2009 (SHMA), part of the Local Development Framework, which advised that Selby District at that time had a population of around 81,200, and is a high demand area for housing.
- 3.2 Extracts from the SHMA 2009 can be found in Appendix C. These extracts support the case for making affordable housing a priority and help guide the size, type and location of new schemes.
- 3.3 A new SHMA is planned to be commissioned late 2013/2014 and will provide updated information on need and relative demand. It is likely that both will have been affected by recent changes to the welfare system, particularly relating to the size of units (particularly the number of bedrooms) required.

Social rented stock

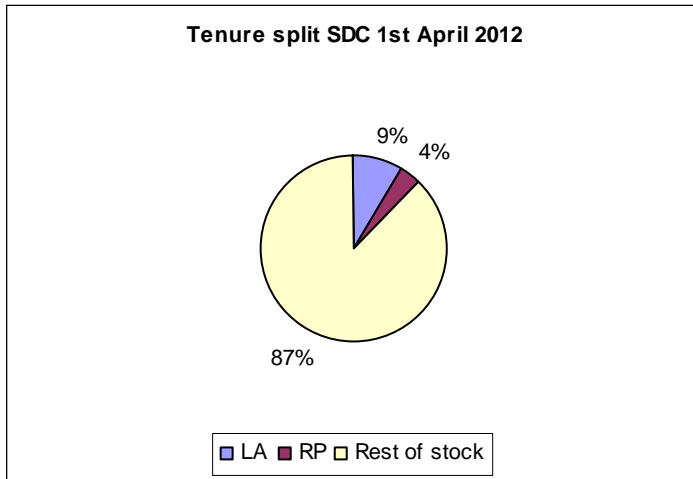
- 3.4 The SHMA found that social rented stock as a proportion of total dwelling stock has reduced from 15.1% in 1998 to 12.5% in 2008. Of occupied social rented stock, 76.3% is rented from the Council and 23.7% is rented from a Registered Provider.
- 3.5 The table below shows that over a third of Council stock is bungalows, but that bungalows make up only 15% of overall housing stock. Over 35% of Registered Providers' stock is semi detached, and 50% is flats, whereas looking at the total stock, 28% is semi detached, and only 5% is flats.

Table B15 from the SHMA shows the attributes of social rented stock

| Property Type | Council Rented (%) | RSL Rented (%) | All Stock (%) | No. Bedrooms | Council Rented (%) | RSL Rented (%) | All Stock (%) |
|-----------------------------|--------------------|----------------|---------------|--------------------------------------|--------------------|----------------|---------------|
| Detached house/cottage | 0.6 | 0.4 | 36.9 | One/bedsits | 17.7 | 27.6 | 4.7 |
| Semi-detached house/cottage | 24.4 | 35.4 | 28.4 | Two | 46.9 | 38.5 | 21.3 |
| Terraced house/cottage | 20.4 | 6.4 | 13.3 | Three | 34.4 | 33.9 | 44.4 |
| Bungalow | 34.8 | 7.5 | 15.4 | Four | 0.9 | 0.0 | 24.4 |
| Maisonette | 0.5 | 0.0 | 0.1 | Five or more | 0.1 | 0.0 | 5.2 |
| Flat/apartment | 19.2 | 50.3 | 5.3 | | | | |
| Caravan/Park Home/other | 0.0 | 0.0 | 0.6 | | | | |
| Total | 100.0 | 100.0 | 100.0 | Total | 100.0 | 100.0 | 100.0 |
| Base | 3184 | 990 | 34246 | Base | 3184 | 990 | 34246 |
| Property Age | Council Rented (%) | RSL Rented (%) | All Stock (%) | Satisfaction with property condition | Council Rented (%) | RSL Rented (%) | All Stock (%) |
| Pre 1919 | 6.9 | 0.8 | 15.1 | Very Satisfied | 16.4 | 40.0 | 38.6 |
| 1919-1944 | 12.1 | 7.4 | 9.7 | Satisfied | 39.6 | 29.3 | 40.6 |
| 1945-1964 | 49.5 | 7.1 | 15.7 | Neither satisfied nor dissatisfied | 21.3 | 9.9 | 11.8 |
| 1965-1984 | 28.6 | 17.6 | 28.1 | Dissatisfied | 19.5 | 15.4 | 7.6 |
| 1985-2004 | 3.0 | 41.7 | 25.1 | Very Dissatisfied | 3.3 | 5.5 | 1.5 |
| 2005 on | 0.0 | 25.4 | 6.3 | | | | |
| Total | 100.0 | 100.0 | 100.0 | Total | 100.0 | 100.0 | 100.0 |
| Base | 3184 | 990 | 34246 | Base | 3184 | 990 | 34246 |

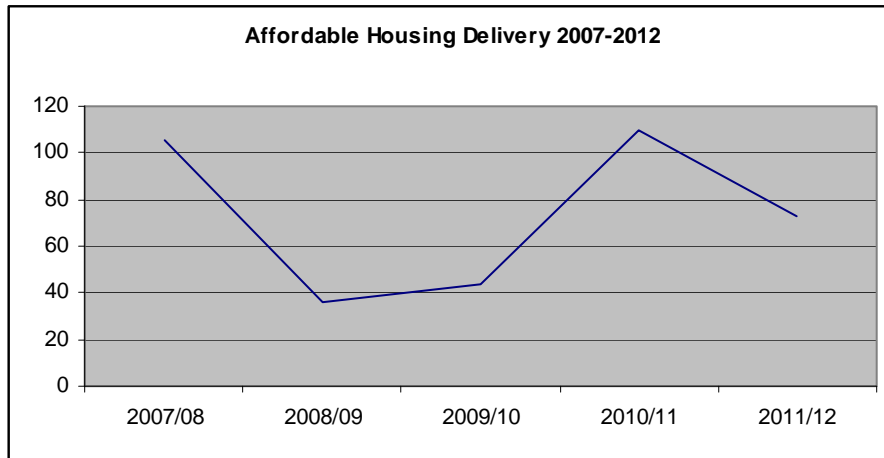
- 3.6 Local Authority Housing Statistics (LAHS) 2012 show that the proportion of social rented property in the district had hardly changed since then, at 13% of the housing stock, with 3,170 local authority homes and 1,370 owned by Registered Providers. These proportions are demonstrated in the pie chart below.

From LAHS 2012



Delivery over the past 5 years

- 3.7 There have been 368 affordable homes developed in partnership with Registered Providers between 2007-2012. Annual delivery is demonstrated in the graph below.



Size and type of affordable housing required

- 3.8 Evidence from the Selby SHMA 2009, of the size and type of housing required, is set out in more detail in Appendix C.
- 3.9 Table D19 of the SHMA 2009 considers the range of affordable property types households would consider, based on the aspirations of existing households in need and newly-forming households requiring affordable accommodation.

Table D19 Affordable property type preferences

| Property type | Property type preferences | | |
|--------------------------------------|---------------------------|--------------------------|-------|
| | Existing HHs in Need | Newly-forming Households | TOTAL |
| House | 41.7 | 39.6 | 40.5 |
| Flat | 14.0 | 47.2 | 33.7 |
| Bungalow | 44.3 | 13.2 | 25.8 |
| Total | 100.0 | 100.0 | 100.0 |
| Base (Annual affordable requirement) | 208 | 304 | 512 |

Source: 2008 household survey

- 3.10 Analysis suggested that there is a potentially strong role for intermediate tenure products in Selby District (homes for sale or rent at below market value – see the Glossary at Appendix A), with around 30% of households in need stating that they would consider it. Analysis of income, equity and savings would suggest that 52% of existing and newly-forming households in need could afford products with an equity share of £50,000 and 32.8% could afford an equity share of £80,000 (2009 SHMA). However, these figures will shortly be updated in the new SHMA 2013/14, which will be made available on the Council’s website.
- 3.11 The North Yorkshire SHMA 2011 reviewed the 2009 evidence to provide an update in the context of the North Yorkshire wide picture.
- 3.12 In considering the long term changes to the profile of households, the following conclusions need to be taken into account –
- A growth in households aged 25 - 34, who are likely to require smaller homes on the whole
 - A growth in households aged 55-64, which will include a proportion of households wishing to downsize
 - A high increase in the numbers of older households, who are predominantly singles and couples
- 3.13 As a result, there is likely to be an increasing demand for smaller homes which are near to key services and transport links.
- 3.14 The proposed SHMA 2013/14 will provide updated evidence of need.
- 3.15 The Homes and Communities Agency has set out size and space standards and other requirements for affordable homes delivered by Registered Providers, and these need to be taken into account when negotiating for homes through Section 106 Agreements with a developer. More information can be found in the Council’s Affordable Housing Supplementary Planning Document, and on the Homes and Communities (HCA) website.

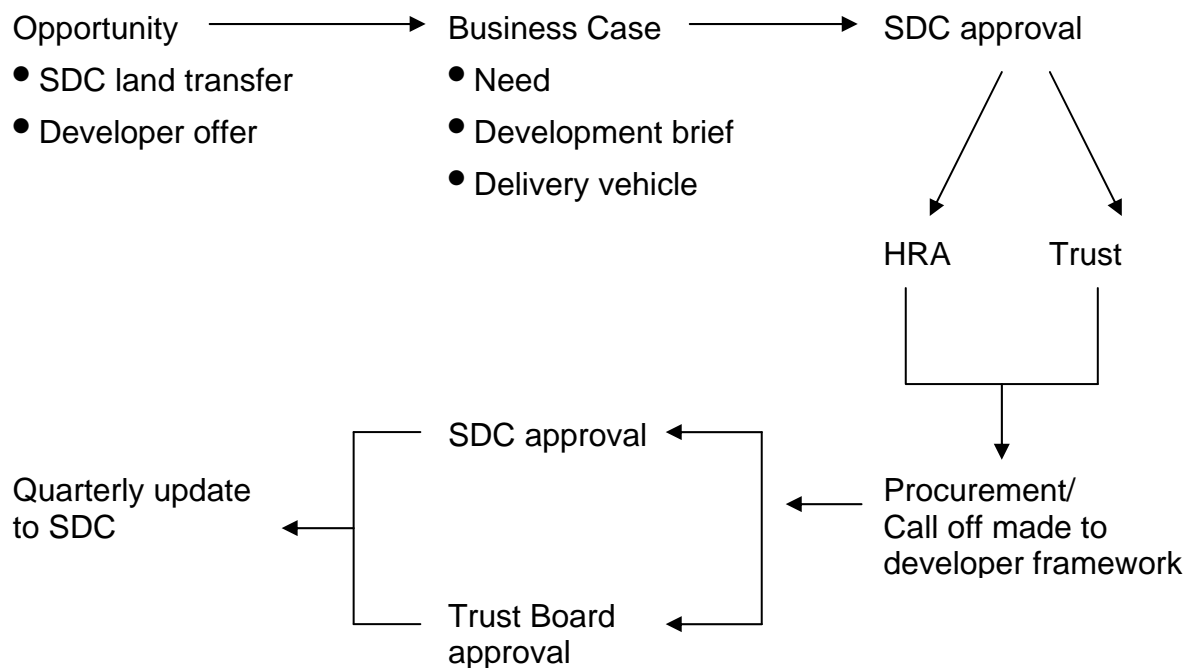
4. Development Strategy

4.1 This strategy puts forward two mechanisms for the Council to increase its affordable housing stock, and add to the valuable work of Registered Provider (RP) partners. Properties could be developed and financed through:

- the HRA, or
- the General Fund via a Housing Delivery Vehicle - Selby and District Housing Trust has now been established to develop homes in this way.

4.2 The diagram below shows both of these development mechanisms. Once a potential scheme has been identified, the business case will usually dictate the best way forward.

Development Mechanisms



Housing Revenue Account

4.3 Developing through the Housing Revenue Account (HRA) will allow the Council to add to its own housing stock and retain control of allocations and management. However, this option is limited by the HRA £5m debt cap, and existing and new stock would continue to be subject to Right to Buy (RTB).

- 4.4 The Council is keen to add to the stock of affordable housing in the district through the most practical and cost effective mechanism, with a flexible approach to maximise resources and provide value for money. Each scheme needs to be considered on its own merits. For instance, the HRA may develop adapted units or accommodation for the elderly or disabled, which are exempt from the RTB. This would ensure that in the long term, affordable units remain available to this growing section of the population.

Selby and District Housing Trust

- 4.5 Selby District Council has established a charitable Housing Trust following submission of a feasibility report to Council on 26 February 2013. The Trust will deliver additional affordable homes across the district, initially concentrating on opportunities provided by using Council owned land.
- 4.6 By developing through the new charitable Housing Trust, the Council can enable additional affordable housing stock to be developed using Council funding arrangements. Subject to agreement, conditions and consents, the Council would retain nomination rights and the homes could be managed by Access Selby alongside the Council's own stock, providing opportunities for economies of scale. Tenants would still have the Right to Acquire (RTA), but this is less onerous than RTB with lower discounts available (maximum £10,000 in Selby district at 2013).
- 4.7 The Trust will develop affordable homes on land transferred from the Council potentially at less than market value subject to approvals and the necessary consents. As a separate organisation, the Trust will have greater freedom to build new, affordable housing, which will be secured for affordable rent or purchase in the long-term.
- 4.8 The Trust will operate separately from the Council, with new developments funded by a variety of means including, loans from Selby District Council subject to consent, Section 106 commuted sums, or grant funding through the Homes and Communities Agency (HCA). Loan financing and repayments will be covered by the rental income of the properties developed.

Priorities

- 4.9 The Council is keen for new build development to provide quality homes early in the programme; this will be new stock which meets modern standards to be developed and taken into management.
- 4.10 An additional priority is to consider the refurbishment of individual properties in areas requiring improvement, and this could include empty homes work (which could be more time consuming to progress),

purchase and repair and acquisition or buy back (see sections 4.22 and 4.23). Again, the preferred delivery mechanism will be established through the business case.

- 4.11 In terms of location for new affordable development, the Council will prioritise a number of sites, land and garage blocks in its ownership, and in doing so will consider current usage, the current condition and repair requirements, and any adjacent opportunities such as small pockets of land.
- 4.12 With regard to the latest housing need information set out in the North Yorkshire SHMA 2011 (see 3.12), smaller units should be prioritised, with bungalows in particular provided on level sites with easy access to services and transport links. The next SHMA will take into account changing priorities resulting from recent welfare changes.
- 4.13 A list of potential sites, most in the council's ownership, has been drawn up for appraisal. The initial prioritisation of the sites to be progressed will include consideration of the areas of housing need identified in SHMA. This will allow schemes to be progressed in particular areas of the district where there is identified need but insufficient social provision to meet that need.
- 4.14 Following this, the schemes which are most likely to be deliverable would be prioritised for further consideration and assessment.

Options

- 4.15 Registered Providers are already working with us in the district to deliver affordable housing, and there are well established mechanisms in place regarding this.
- 4.16 Schemes delivered by the Council, through either the HRA or through the Trust, could be achieved by;

New build schemes for rent or purchase

A. Section 106 opportunities

Under Policy CP5 of the Core Strategy (see Appendix B) there is a requirement for affordable housing provision to be delivered on site unless there are clear community benefits or the potential to deliver a better balanced housing market through off site provision. More detail is set out in the Council's Affordable Housing Supplementary Planning Document 2013. Registered Providers including the Trust can purchase and take on the management of these units. In addition, there is a requirement in the Core Strategy, which is likely to be adopted in October 2013, for commuted sums to be required relating to affordable housing provision on schemes of 1-9 units. These ringfenced sums can be pooled by the Council and used to fund affordable housing elsewhere in the district.

B. Rural Exception sites

The Trust or another Registered Provider could purchase the affordable units on Rural Exception sites. In accordance with Policy CP6 of the emerging Core Strategy (see Appendix B), the sale of small numbers of market units could be considered on Rural Exception sites where this is required to provide cross subsidy for affordable schemes. Alternatively, the construction and sale of market units could also be delivered as part of an overall scheme.

C. Use of Council owned land including garage sites

The Council could develop sites itself or provide land to the Trust at less than market value for affordable housing schemes to be delivered, subject to support and the necessary consents for the transfer of land.

- 4.17 Individual site assessments and viability studies will address value for money issues which will need to be considered by the Council and will form part of the business case. Surplus land has been identified through work on the Council's Asset Management Strategy, and sites will be assessed for suitability for the development of small affordable housing schemes.

Other SDC owned buildings

- 4.18 The Council may have other property assets which could be altered to provide 1 or 2 bed units which may help tenants' downsizing requirements; currently there is a lack of smaller units available for tenants to downsize into. The new Strategic Market Housing Assessment (SHMA), due to be commissioned in 2013/14, will provide detail of current housing need taking this into account.
- 4.19 In addition, demolition of surplus or underused properties, or the use of adjacent unused land may provide further opportunities for development.

Other land/buildings available including on the open market

- 4.20 There may be other land or buildings owned by other public sector bodies, or available on the open market either in areas of need where the Council has no landholdings, or where they could enhance or increase development opportunities already under consideration.
- 4.21 Consideration could also be given to the acquisition of homes on the open market, which could be brought into management.

Buy backs

- 4.22 Where a tenant has taken up the RTB, and later wishes to sell the property, there is an opportunity for the Council to buy the property back. The advantage is that properties will have good space standards, and usually be located near to other Council stock for ease of management. In addition, much of the take up of the RTB was for smaller, more rural settlements where new provision is less likely.
- 4.23 Each purchase would be dependent on the business case, costs and available funding at the time.

Acquisition/disposal of affordable units

- 4.24 The Council or the Trust could consider acquisitions or disposals of stock. The Council may dispose of units through small scale transfers of void (empty) dwellings (no existing tenancies would be affected by this proposal)², or other social housing providers in the district may consider disposals in order to rationalise their stock.
- 4.25 The purchase of affordable units in high need areas where there is limited potential for additional homes to be provided could be prioritised. Hard to let properties could be reconfigured as part of the process. Whilst this may not increase the overall numbers of affordable housing in the district, it would increase the number of units in management and potentially provide economies of scale.

Potential joint ventures

- 4.26 Consideration will be given to working with other public sector bodies, or the possible acquisition of strategic sites

Remodelling of existing homes to meet changing need

- 4.27 As outlined in Section 4.25 above, either to address the problems of hard to let properties, or provide more smaller units to meet emerging demand resulting from recent welfare changes.

Refurbishment of empty homes

- 4.28 The Council's Empty Homes Strategy sets out our approach to bringing empty homes back into use. In terms of the contribution this Development Strategy can make, where an owner has failed to bring an empty home back into use despite our intervention, and the Council considers it to be a priority, the home could be managed and let out by the Council or the Trust. This could be effected either through outright

² The policy and criteria for this are not yet in place

purchase, or by agreement with the owner, with the cost of improvement works recouped through rental receipts.

- 4.29 Following an initial assessment of suitability, the cost of repairing and refurbishing the property could be set against future rental income. The term of the lease would be calculated to recoup the cost of the works, and this could also be extended to take account of the provision of a rental income to the owner if this was required.
- 4.30 Whilst this would not provide an increase in affordable housing stock in the longer term, it would add to the affordable offer in the district in the shorter term.

Building under licence

- 4.31 There may be situations where the Council or the Trust might consider building under licence to reduce the upfront cost of development, eg where a partner public sector body contributes land.

Tenure

- 4.32 As part of the site appraisal process, consideration needs to be given to whether to charge a traditional social rent, or take the opportunity to charge an Affordable Rent (of up to 80% market rent). See Appendix A.
- 4.33 Where HCA funding is used, there is an expectation that Affordable Rent will be charged in order to maximise opportunities for the development of further affordable units. However, where other funding is used, consideration could be given to the development of a percentage of social rented properties to ensure that the needs of lower income families can continue to be met.
- 4.34 The provision of a small number of market units, either as part of an affordable scheme or on a small site elsewhere, might provide the opportunity for cross subsidy and meet the need for market housing in particular locations. This consideration will be part of the detailed viability work required on a site by site basis.

Employment, Training and Economic Benefits

- 4.35 There are a number of opportunities to contribute to the wider economy by delivering affordable housing. These include building or refurbishment of properties, their ongoing management and repair, and the chance to offer apprenticeships relating to any area of the work.

5. Delivery

- 5.1 Selby Town needs the greatest numbers of additional affordable housing (see Table D12 of the SHMA – Appendix C) although there is evidence of unmet need across the district. The evidence shows that 110 of the 409 units required, or 27%, are in Selby Town. In terms of unit size, 42% of the requirement across the district is for 2 bed units.
- 5.2 Delivering affordable units for older people, whilst addressing the increasing numbers of older people predicted to be living in the district, could also allow larger units to be made available for families through tailored allocations via local lettings agreements.
- 5.3 In order to assess the development potential of land in the Council's ownership, a separate desktop assessment will be prepared – initially of a select number of sites. Sites will be selected based upon a high level review of development potential before undertaking a more detailed desktop review. Site selection at this stage will include a location plan, aerial image and a spreadsheet showing an initial assessment of high potential, probable potential or no potential.
- 5.4 A more detailed assessment of the more 'deliverable' sites, will then be undertaken and subject to an initial site appraisal including desktop information plus walkover survey, photographs, initial site summary with indicative number of units. Sites will then be graded through a traffic light system.
- 5.5 Building on this approach, detailed site appraisals will enable the development of business cases on individual sites, which will then determine which will come forward first. The Council will work up a development programme, and the preparation of criteria for asset transfers will be the subject of a separate policy, these to be read side by side.
- 5.6 It is anticipated, that given the available Council owned land opportunities, the following delivery targets could be achievable. The tenure of these units will depend upon identified need and individual site viability issues.

| 2013/14 | Year 1 2014/15 | Year 2 2015/16 | Year 3 2016/17 | Year 4 2017/18 | Year 5 2018/19 |
|-------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| Preparation | 6+ | 25 | 25 | 25 | 25 |

Pilot schemes

- 5.7 The Council's Executive has recently agreed to seek planning permission for a small development of 3 new affordable homes on land at St Joseph's Street in Tadcaster, with the intention that these will be built by the new Trust. In addition, there are plans to remodel the

former Council offices in Kirkgate to provide 3 affordable flats, subject to planning approvals.

6. Financing Developments

- 6.1 A 5 year programme of 106 homes at an average cost of between £80k and £100k per property (subject to land values) would require resources of between £8.5m and £10.6m.
- 6.2 The HRA Business Plan shows that there is currently £5m borrowing headroom up to the HRA debt cap and sufficient financial capacity within the HRA to cover the principal and interest payments.
- 6.3 Assuming £5m HRA borrowing at an average rate of 4.5% over 30 years the annual repayments would be approximately £280k p.a.
- 6.4 Any additional financing would then allow development by the Trust via General Fund resources – either prudential borrowing or s106 commuted sums.
- 6.5 S106 commuted sums are difficult to quantify at this stage in terms the amount and the timing and therefore a conservative estimate of £500k from year 3 is assumed. If these funds do not materialise then additional prudential borrowing would be required or developments would need to be scaled back.
- 6.6 The cost of General Fund borrowing would be borne by the Trust and repaid from the rental income of the properties developed. Loans to the Trust would be at prevailing PWLB rates + % (+ % to be determined) and would constitute capital expenditure for the Council.
- 6.7 An indicative funding plan assuming an average build of £100k per property could be:

| | Year 1 £000's | Year 2 £000's | Year 3 £000's | Year 4 £000's | Year 5 £000's |
|---------------------------|------------------|------------------|------------------|------------------|------------------|
| Resources required | 600 | 2,500 | 2,500 | 2,500 | 2,500 |
| Financed by: | | | | | |
| HRA Debt | 300 | 1,250 | 1,250 | 1,250 | 1,250 |
| S106 | 0 | 0 | 500 | 500 | 500 |
| GF Debt | 300 | 1250 | 750 | 750 | 750 |
| Total Funds | 600 | 2,500 | 2,500 | 2,500 | 2,500 |

- 6.8 It is also anticipated that the Trust will seek Registered Provider status with the Homes and Communities Agency in order to access grant

funding. Should such funding become available over the life of the programme then this could either reduce the General Fund borrowing required or increase the number of properties delivered (subject to sites).

- 6.9 Similarly the HRA may experience increased Right to Buys and have the opportunity of additional retained capital receipts – in these circumstances any additional capital receipts retained in accordance with the agreement with the government must make up no more than 30% of the development costs. This could allow one extra property for every £100k additional receipts retained, up to a maximum of 22 extra properties and subject to the Government's 'one-for-one' replacement rules.
- 6.10 Individual business cases for developments (HRA and Trust) would need to establish viability in terms of the rental income and the costs of asset transfers, financing, building, maintaining and managing the properties over a 30 to 60 year life.

Commuted sums

- 6.11 The Council's Core Strategy makes provision for commuted sums to be paid in lieu of affordable housing in appropriate circumstances. Greater clarity around these circumstances will be set out in the Affordable Housing Supplementary Planning Document (AHSPD).
- 6.12 Core Strategy Policy CP5 (see Appendix B) also provides that on sites below the threshold, a commuted sum will be sought to provide affordable housing within the district. The target contribution will be equivalent to the provision of up to 10% affordable housing.
- 6.13 The draft AHSPD sets out maximum commuted sums payable for sites of 1-9 units, and is due to be consulted in the summer 2013. It is anticipated that the SPD will be approved at the same time as the Core Strategy in October 2013.
- 6.14 Under Policy CP5 of the Core Strategy (see Appendix B) there is a requirement for affordable housing provision to be delivered on site for developments of 10 or more dwellings unless there are clear community benefits or the potential to deliver a better balanced housing market through off site provision. Where this is appropriate (refer to AHSPD Appendix 5) and evidence can be provided this will be included in the officer report to the Planning Committee for their consideration. One case has been considered to date and agreed in principle.
- 6.15 Once the maximum contributions arising from the AHSPD have been agreed, it should be possible to work up a projection of the possible commuted sums which would be available to the Council for the provision of affordable housing.

7. Managing the Process

- 7.1 To 'kick start' the housing trust project, £30k was allocated from the Programme for Growth budget. This was a one-off sum to cover the feasibility and set up costs of the proposed Housing Delivery Vehicle. This budget has been spent or allocated to the remaining elements of the project still in progress.
- 7.2 In order to take forward a 5 year programme of build projects it will be necessary to engage a level of resource to co-ordinate and commission the businesses cases, asset transfer agreements, funding applications and procurement of individual schemes.
- 7.3 Given it is the intention to build via the HRA and the new trust, there is an opportunity to share this resource to achieve some economies of scale for both organisations.
- 7.4 At this stage it is difficult to fully quantify the amount of work involved as this will depend on the availability/deliverability of sites, but assuming that 1 full time equivalent, suitably qualified senior officer is required, a budget of £60k – say £30k HRA and £30k Trust should be sufficient.
- 7.5 The HRA element would be covered by the financial capacity within the HRA and it is suggested that the Trust element is covered by the Programme for Growth until the Trust gains sufficient property numbers to sustain such costs without support from the Council.
- 7.6 The case for Programme for Growth resources is put forward on the basis of the additional New Homes Bonus that will be generated by the build programme – 106 additional houses over the life of the 5 year programme (say at an average Band B for Council Tax Base purposes) would achieve New Homes Bonus of £760k against a General Fund cost of £150k.

8. Procurement

- 8.1 The approach to procurement will largely depend on the value of the work to be tendered.
- 8.2 The initial pilot schemes are below the threshold for EU procurement rules and therefore the Council's own procurement rules will apply.
- 8.3 Projects are expected to be on a 'design and build' basis and developers will be engaged early in the process to enable flexibility over design to deliver maximum value for money for the level of quality desired.

- 8.4 Opportunities for efficiency within the procurement process will be sought and the use of select lists and/or a framework contract will be explored through the Council's procurement partnership and where possible joint procurement between the Council and the Trust will be undertaken.

Glossary

Affordable housing

Is social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market

Affordable Rent

Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable). It is let by local authorities or Registered Providers to households eligible for social rent.

Housing Association

See Registered Provider

Housing demand is the quantity of housing that households are willing and able to buy or rent.

Housing need is the quantity of housing required for households who are unable to access suitable housing without financial assistance.

Housing requirement is the combination of both housing need and housing demand.

Intermediate housing

Intermediate housing includes homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Local connection

Connection to a particular area because of residency, employment, family or a main source of support.

NPPF

National Planning Policy Framework, published in March 2012 aimed to consolidate all previous planning documents – policy statements, circulars and guidance into one document

Registered Providers

Including Registered Social Landlords and Housing Associations. These are providers (and may also be developers) of social housing, and are defined in section 80 of the Housing and Regeneration Act 2008)

Registered Social Landlords

See Registered Provider

Rural Exception Sites.

Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current or former residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding

Section 106 Agreements

Legal agreements which secure community benefits through a planning obligation. These can include provision for a percentage of affordable housing to be provided on housing developments

Social Rented

Social rented housing is owned by local authorities and Registered Providers, for which guideline target rents are determined through the national rent regime

Strategies and Plans

Corporate Plan 2011-15

The plan sets out how the Council wants to target money and resources in its five 'big things' for the district, which are:

- Tough times call for a **stronger council**, fighting your corner and getting everyone working together
- It's all about **changing places** and helping others to see our district through new eyes
- We want to work with others to make this a great place with people **living well** and leading happy and healthy lives
- We won't be afraid of **tackling the tough stuff** that might otherwise knock us off course
- That means being **switched on** to what's happening around us, knowing what's important and being fit for the job

Programme for Growth

Delivering new affordable homes is one of the primary objectives of the Council's £5million Programme for Growth investment, which focuses on dealing with the big issues affecting the area, such as housing, employment and the local economy. The housing trust project is one of the projects within the housing and infrastructure workstrand and is a key driver for this housing development strategy.

Core Strategy

The Core Strategy sets a minimum housing target in Selby district for 450 units per year. This could, if the policy was delivered at the target 40%, produce about 180 affordable units per annum on allocated sites. Additional windfall sites are expected to deliver an additional 105 dwellings per annum which could provide another 40 affordable units per year, 220 in total.

However, market sites for 450 units per year will never deliver sufficient homes to meet identified need at 409 affordable units per year. This position reflects the position nationally where the numbers of affordable units required will never be delivered through S106 alone. All councils have an affordable housing need which outweighs their capacity. Additional 100% affordable schemes are therefore required in order to help meet that need, and the Council is keen to contribute by utilising its own resources.

The Core Strategy policies relating to affordable housing are set out below:

Policy CP5 Affordable Housing

A. The Council will seek to achieve a 40/60% affordable/general market housing ratio within overall housing delivery.

B. In pursuit of this aim, the Council will negotiate for on-site provision of affordable housing up to a maximum of 40% of the total new dwellings on all market housing sites at or above the threshold of 10 dwellings (or sites of 0.3 ha) or more.

Commuted sums will not normally be accepted on these sites unless there are clear benefits to the community/or delivering a balanced housing market by re-locating all or part of the affordable housing contribution.

C. On sites below the threshold, a commuted sum will be sought to provide affordable housing within the District. The target contribution will be equivalent to the provision of up to 10% affordable units.

D. The tenure split and the type of housing being sought will be based on the Council's latest evidence on local need.

E. An appropriate agreement will be secured at the time of granting planning permission to secure the long-term future of affordable housing. In the case of larger schemes, the affordable housing provision will be reviewed prior to the commencement of each phase.

The actual amount of affordable housing, or commuted sum payment to be provided is a matter for negotiation at the time of a planning application, having regard to any abnormal costs, economic viability and other requirements associated with the development. Further guidance will be provided through an Affordable Housing SPD.

Policy CP6 Rural Housing Exceptions Sites

In the Designated Service Villages and the Secondary Villages, planning permission will be granted for small scale 'rural affordable housing' as an exception to normal planning policy provided all of the following criteria are met:

- i)** The site is within or adjoining Development Limits in the case of Secondary Villages, and adjoining development limits in the case of Designated Service Villages;
- ii)** A local need has been identified by a local housing needs survey, the nature of which is met by the proposed development; and
- iii)** The development is sympathetic to the form and character and landscape setting of the village and in accordance with normal development management criteria.

An appropriate agreement will be secured, at the time of the granting of planning permission to secure the long-term future of the affordable housing in perpetuity.

Small numbers of market homes may be allowed on Rural Exception sites at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding in accordance with the NPPF. Future Local Plan documents will consider introducing a detailed policy and / or specific allocations for such sites.

Housing Revenue Account Business Plan 2012 – 2017

The Housing Revenue Account (HRA) Business Plan is a strategic document which sets out the Council's vision for its housing service over the next 5 years. It recognises the Council's role as service commissioner and presents the outcomes we aim to achieve over the next 5 years.

The financial strategy for the HRA aims to provide the financial environment to support the Council in achieving its strategic objectives and for the delivery of its landlord responsibilities over the medium to longer term. The financial

strategy was prepared in the context of major changes in housing finance with the introduction of self financing from April 2012.

The Plan acknowledges the Government's enhanced 'Right to Buy' scheme and 'one-for-one' replacement of additional homes sold. As part of these arrangements the Council will be able to retain more capital receipts by entering into an agreement with the Government to reinvest receipts in new affordable rented homes.

This Development Strategy will explore these opportunities further and set out options for the Council to utilise some of these receipts to deliver more affordable housing.

North Yorkshire Housing and Homelessness Strategy 2012-15

Selby District Council is a member of the North Yorkshire Housing Partnership, and has signed up to the NY Housing and Homelessness Strategy 2012. This sets out the housing vision and priorities for the period up to 2015:

'To make North Yorkshire and York an inclusive place where communities are sustainable and residents can have fair access to decent affordable homes and effective support when they need it.'

It identifies five key strategic priorities for housing investment:

1. Enabling the provision of more affordable homes
2. Maintaining and improving the existing housing stock
3. Delivering community renaissance
4. Improving access to housing services
5. Reducing homelessness

Selby District Council aims to increase the numbers of affordable units being developed over the next 5 years.

Draft Empty Homes Strategy 2013

The draft Empty Homes Strategy is currently being developed, and sets out the Council's approach, focussing on those properties in areas with the highest numbers of empty homes. This will allow wider benefits to be achieved as concentrations of empty homes have a disproportionate impact on communities and the local economy. The Strategy found that Selby, Barlby and Tadcaster have the highest number of empty homes, making up 43% of the total for the district.

Within those areas of the district, further prioritisation will enable the strategy to focus resources where there will be the greatest impact. A scoring matrix will be developed assigning appropriate weighting to each of the criteria.

The Council has the option to consider enabling additional units from the general housing stock to be used for affordable housing through funding

repairs and improvement, possibly in conjunction with a lease arrangement with the owner.

Evidence of Housing Need, from the Selby Strategic Housing Market Assessment (SHMA) 2009

The population was predicted to increase by 25.2% from 81,100 in 2008 to 101,500 by 2031. Over the next few decades, the number of older people will increase; in particular the number of residents aged 75+ is expected to more than double (from 5,900 in 2008 to 12,600 by 2031). The vast majority of older people (78.7%) want to continue to live in their current home with support when needed and 26% would consider sheltered accommodation. Older households would also consider new forms of specialist accommodation including older persons' apartments (13.1%) and properties in a retirement/care village (16.3%).

The number of households is also expected to increase, by 27.3% between 2006 and 2026, most likely fuelled by an increase in one person and multi-person households (e.g. friends sharing) which reflects national and regional trends. More recently, since the assessment was completed in 2009, the impact of the welfare changes and in particular the under-occupation penalty, will create additional pressure on the demand for smaller units of accommodation.

The SHMA found that in 2008 the proportion of social rented dwellings in Selby was 12.2%, compared with a regional average of 18.5%.

Lower quartile incomes in 2008 were slightly below the regional figure, but median incomes were slightly above. Selby is ranked the 8th least affordable district in Yorkshire and the Humber but the most affordable district in North Yorkshire. The emerging Core Strategy sets out our target for negotiation for the proportion of new housing that needs to be affordable, at up to 40%.

Analysis indicates that across Selby, there is an annual net shortfall of 378 and a gross shortfall of 409 affordable dwellings. A tenure split in the range 50 to 70% social rented (and the balance of 30 to 50% to be intermediate tenure) across the District is appropriate based on the stated preferences of households and an analysis of the relative affordability of intermediate tenure products.

The SHMA also identified the need for affordable housing by type in the sub areas, and this is shown in table 4.12 from the document, set out below

Table 4.12 Annual affordable housing requirement (gross) 2008/09-2012/13

| Sub-area | Older person | | General needs | | | | Total |
|-------------------|--------------------|-----------|--------------------|------------|-----------|--------------|------------|
| | Number of bedrooms | | Number of bedrooms | | | | |
| | One | Two | One | Two | Three | Four or more | |
| Central | 10 | | 10 | 11 | 3 | | 34 |
| East | 4 | 4 | 11 | 13 | | 2 | 34 |
| North East | 5 | | 3 | 7 | 18 | 6 | 39 |
| Northern | 1 | | 1 | 5 | 4 | 2 | 13 |
| Selby | 11 | | 27 | 58 | 13 | 1 | 110 |
| Sherburn in Elmet | 2 | | | 25 | 12 | 4 | 43 |
| South East | 4 | 2 | 13 | 7 | 9 | 0 | 35 |
| Southern | 8 | | 2 | 18 | 18 | 2 | 48 |
| Tadcaster | | | | 12 | 1 | 3 | 16 |
| Western | 1 | 6 | | 18 | 7 | 5 | 37 |
| Total | 46 | 13 | 67 | 173 | 85 | 25 | 409 |

Source: 2008 household survey

When considering the wider market, the SHMA reported that North Yorkshire's Supporting People Strategy focuses on the need to provide additional extra care schemes and developing Telecare services. The provision of extra care schemes has emerged as a strategic priority presented in the National Affordable Homes Programme 2008-2011. *(In Selby, this programme delivered 93 Extra Care homes in Brayton and Tadcaster).*

The SHMA concluded that a variety of affordable housing should be provided, with a particular emphasis on delivering affordable housing for general needs (i.e. singles under 60, couples under 60 and families).

Table D12 Net and Gross affordable housing requirements – annual requirements 2008/09 to 2012/13

NET REQUIREMENTS

| Number of bedrooms | Sub-aura | | | | | | | | | | Total |
|----------------------|-----------|-----------|------------|-----------|------------|-------------------|------------|-----------|-----------|-----------|------------|
| | Central | East | North East | Northern | Selby | Sherburn in Elmet | South East | Southern | Tadcaster | Western | |
| Older person | | | | | | | | | | | |
| One | 10 | 4 | 5 | 1 | 11 | 2 | 4 | 8 | -2 | 1 | 44 |
| Two | -7 | 4 | 0 | -1 | -2 | 0 | 2 | -3 | -3 | 6 | -5 |
| General needs | | | | | | | | | | | |
| One | 10 | 11 | 3 | 1 | 27 | -4 | 13 | 2 | -3 | -3 | 57 |
| Two | 11 | 13 | 7 | 5 | 58 | 25 | 7 | 18 | 12 | 18 | 173 |
| Three | 3 | 0 | 18 | 4 | 13 | 12 | 9 | 18 | 1 | 7 | 85 |
| Four or more | -1 | 2 | 6 | 2 | 1 | 4 | 0 | 2 | 3 | 5 | 24 |
| Total | 26 | 34 | 39 | 11 | 108 | 39 | 35 | 45 | 8 | 34 | 378 |

GROSS REQUIREMENTS

| Number of bedrooms | Sub-area | | | | | | | | | | Total |
|----------------------|-----------|-----------|------------|-----------|------------|-------------------|------------|-----------|-----------|-----------|------------|
| | Central | East | North East | Northern | Selby | Sherburn in Elmet | South East | Southern | Tadcaster | Western | |
| Older person | | | | | | | | | | | |
| One | 10 | 4 | 5 | 1 | 11 | 2 | 4 | 8 | | 1 | 46 |
| Two | | 4 | | | | | 2 | | | 6 | 12 |
| General needs | | | | | | | | | | | |
| One | 10 | 11 | 3 | 1 | 27 | | 13 | 2 | | | 67 |
| Two | 11 | 13 | 7 | 5 | 58 | 25 | 7 | 18 | 12 | 18 | 174 |
| Three | 3 | | 18 | 4 | 13 | 12 | 9 | 18 | 1 | 7 | 85 |
| Four or more | | 2 | 6 | 2 | 1 | 4 | | 2 | 3 | 5 | 25 |
| Total | 34 | 34 | 39 | 13 | 110 | 43 | 35 | 48 | 16 | 37 | 409 |



Public Session

Report Reference Number (C/13/4)

Agenda Item No: 16

To: Council
Date: 10 September 2013
Author: Karen Iveson – Executive Director (s151)
Lead Officer: Karen Iveson – Executive Director (s151)
Lead Executive Member: Cllr Clifford Lunn

Title: Selby District Council Housing Development Sites

Summary:

This report presents a review of potential affordable housing development sites in Council ownership as part of the Council's 'Programme for Growth'. It builds on the Council's previous resolution to establish a housing delivery vehicle in the form of Selby and District Housing Trust and supports the Housing Development Strategy elsewhere on this agenda.

The review has largely concentrated on garage sites and it is proposed that initially, 5 sites are taken forward for more detailed work.

Recommendations:

It is recommended that Council endorse the approach to prioritise development sites.

Reasons for recommendation

The prioritisation of development sites is required to enable delivery of the Council's Development Strategy.

1. Introduction and background

- 1.1 This report presents proposals for prioritising sites in Council ownership for affordable housing development. It supports the Council's proposed Housing Development Strategy and sets out the

framework that has and will be followed to identify suitable sites for building both within the Council's own Housing Revenue Account and also the Selby and District Housing Trust.

- 1.2 As part of the 'Programme for Growth' the Council has identified housing as a key work strand to help deliver economic growth within the district. This will help provide employment and economic stimulus through construction activities, and help satisfy the need for affordable housing.

2. The Report

- 2.1 In order to support the delivery of more affordable housing, a review of existing Council assets has been conducted with a view to providing sites across the district that can respond to identified housing need. The initial thought processes acknowledged a proliferation of existing garage sites that are currently underused or have an excessive cost for maintenance. Overall these sites were considered to be relatively easy to convert into dwellings compared to other assets owned by the Council which will need a long term view.

- 2.2 Based on the garage portfolio an initial list of approximately 50 sites was considered with the intention of narrowing the focus to approximately 20 sites for further detailed consideration. Through the process and wider Programme for Growth discussions, other sites have been identified and considered and while the list of sites is extensive, it is not exhaustive. Other sites will come to light for future consideration as this process gains momentum.

Desk Based Survey

- 2.3 An initial survey of some 50 sites has been conducted, which has produced:
 - Site Location Plan.
 - Ordinance Survey Plan.
 - Site Size.
 - Aerial Photograph.
 - Current Occupancy.
 - Construction Assessment.
- 2.4 All existing information was cross referenced, verified and accumulated. Details of the current occupancy were obtained from the Council's Asset Management System. Historic survey data and assumptions have been verified. New Ordinance Survey plans have been produced from the Council's Geographic Information System. Publicly available data systems have been used to produce site

location plans and aerial photographs, these have also assisted in the initial assessment process by providing additional onsite data.

- 2.5 Using the coloration of the above up to date data, an assessment of each site was undertaken to decide if the plot of land was physically suitable for construction and given the nature of any existing residential dwellings around the site, what would be considered acceptable, i.e. if the site was surrounded by bungalows then the proposal would most likely be for bungalows.
- 2.6 A further review produced a short list of circa 20 potential sites which were prioritised for further consideration. This took into account wider issues such as:
- The need to provide new affordable houses across the district.
 - Planning Policy.
 - Highway Policy.
 - Separation Distances.
 - The historic appetite for development in the area.
 - Previous development work and consultation.
 - Potential third party issues – ie vehicular crossings.
- 2.7 The list has also evolved from garage sites only, to encompass other areas with development potential such as Bondgate and land on the site the former Council offices.

Site Survey

- 2.8 Each of the shortlisted sites has been visited and a detailed photographic survey of the site has been undertaken. Alongside this a development assessment has been produced to highlight any areas that may prevent development, add cost or frustrate the process.
- 2.9 The onsite survey gives consideration to the initial tranche of information gained to consider its accuracy. This has highlighted the following:
- Change of use – a garage on one site has been converted into a substation.
 - Third Party Activities – surrounding residents using the courtyards for vehicular access to the rear of their properties.
 - Third Party encroachment – Council owned land being occupied by adjacent residents.
 - Discrepancies between the Asset Management System and what is physically on site.
 - Other changes that have occurred which are not reflected on Ordinance Survey or aerial photography due to passing of time.

A brief summary of the review of each site is attached at Appendix A.

Taking sites forward to development

2.10 Following consideration of the twenty sites and having consulted Council members via a member seminar held at the end of July, it is recommended a shortlist of five sites is prioritised for the next round of detail. The following areas of investigation need to be considered:

- Ownership and title.
- Third party rights – actual and implied.
- Adopted Areas.
- Utility enquiries – Gas, Water, Electric, Telecom, Cable.
- Housing Needs.

2.11 The proposed initial 5 sites recommended are:

- East Acres, Byram (ref site no. 10)
- Site 3, Westfield Avenue, Eggborough (ref site no. 18)
- Landing Lane, Riccall (ref site no 24)
- Highfield Villas, Selby (ref site no. 37)
- Austerbank View, Tadcaster (ref site no. 42)

In addition, proposals for development of land at Bondgate Selby, is being pursued as part of the wider 'Programme for Growth'.

2.12 Assuming there are no major issues with any of the above areas the next step will be to produce a proposed redevelopment plan, consult with local people, develop a business case for Executive approval and subject to this work, submit for planning permission.

2.13 Future phases will be informed by the site review undertaken to date along with any new opportunities that may arise and will be subject to Executive approval.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

The potential transfer of land to the new housing trust will be subject to the necessary consents and Executive approval in accordance with a new Asset Transfer Policy that is currently being drafted and will be subject to approval by Council. And certain transfers of assets may also require consent from the Secretary of State.

The provision of financial support to the trust falls within the Council's legal powers and will be subject to appropriate terms and conditions and Executive approval.

Procurement of development and associated works will be subject to the Council's procurement rules and if necessary will comply with European Union procurement rules.

3.2 Financial Issues

The cost of taking sites forward to development is covered by the 'Programme for Growth' and approval for £2,500 for the business cases for the first 5 sites has been given.

Any subsequent costs will be subject to Executive approval of individual business cases which will include proposals for funding the necessary works and associated fees in accordance with programme set out in the Housing Development Strategy.

4. Conclusion

The Council has a number of potential sites which are suitable for housing development and following a review and grading of some 20+ sites, 5 are recommended for more detailed work.

5. Background Documents

Slides from member seminar on Housing Development Strategy July 2013
Selby District Council Housing Development Strategy
HRA Business Plan 2012
Asset Management Strategy 2012

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Appendices:

Appendix 1 – Summary of 20+ Site Review

DETAILED SITE LIST FOR FURTHER CONSIDERATION - Appendix 1

| Total | Development Potential | | Buildability % * | Initial Thoughts on Development | No of Garages | Voids | Storage | Area m ² | Comment on Existing | Detail | Planners Initial Comments | Highways Initial Comments | |
|-------------------------|---|--------------------|---|---------------------------------|---|-------|------------|---------------------|---|---|---|--|--|
| BARLBY | | | | | | | | | | | | | |
| 3 | York Road (Party Land) | (Third Party Land) | Review of Public Open Space which is owned by Selby and effectively forms a ransom over part of the proposed Barrett / Wilson Homes Development | 80 | Provide support through the negotiations with Barratt | | | 109,000 | A Planning application has been received 2013 / 0478 / FUL for 184 units split across the two areas | 1 | Planners unable to comment on a live application before determination | Highways unable to comment on a live application before determination | |
| 4 | Barlby Depot (General Fund) | | More suited for Commercial or possibly retail | 10 | Given the location of the sewage pumping station, the river and the proximity of the traffic island for the A19. This site would be difficult to deliver as residential | | | 2,706 | Open Foul pumping station adjacent | 2 | Flood Zone 3 | | |
| BARLOW | | | | | | | | | | | | | |
| 5 | Park Road (Housing Revenue Account) | (Housing) | 2 Bungalows, 4 Maisonettes, 2No. 3Bed Houses or 3No. 2 Bed houses. | 95 | Ideal site location, would be very desirable. Existing units adjacent to the south of site are Bungalows. Other Surrounding Residential is 2 Storey | 6 | | 398 | Eastern Boundary is adjacent to School, North and West Boundary appear to be open to football field | 3 | Flood Zone 1. 1 or 2 units. Back land infill site, would accept bungalows given adjacent properties. A Village Design Statement (VDS) exists and would have to be considered as part of the planning process. Back land development issue. | Need 4.1m access road with 2m x 43m visibility splay. Would expect onsite turning, 1 parking space for 2 bed, 2 parking spaces for 3 bed | |
| BURTON SALMON | | | | | | | | | | | | | |
| 9 | Beech Grove (Housing Revenue Account) | (Housing) | 2 Bungalows, 4 Maisonettes, 2No. 3Bed Houses or 2No. 2 Bed houses. | 95 | Corner Plot located, with Trees on | 4 | 0 | 2 | 334 | Site has Bungalows to East and 2 storey surrounding | 4 | Washed over Green Bell, would allow development by exception limited to affordable. Would consider 1 or 2 storey in this location | Assuming drives would be off existing Roads, do not perceive any issues subject to details |
| BYRAM | | | | | | | | | | | | | |
| 10 | East Acres (Housing Revenue Account) | | Plan showing 5 units in existence. Mix of 2 and 3 bed units | 95 | Access would be better of St Edwards Close, Existing Entrance Narrow | | | 1172 | Minor ransom potential to adjacent site. Has private garages on that are leased (?) | 5 | Bungalows fronting St Edwards Close would be preferable. Currently Greenbelt. | 6m to reverse vehicle onto road. 4.1m access road, would be unadopted given only 5 units | |
| 11 | Woodlea (Housing Revenue Account) | | Plan showing 5 units in existence. Mix of 2 and 3 bed units | 95 | Narrow Access Way, potential Public Right of Way. Overhanging Trees. | 14 | 5 unusable | 4 | 1277 | Only 5 garages listed on system, with 1 Void. Consider adding in 19 - 35 Bryam Park Road due to ASB and difficult to let. | 6 | Tree Specialist possibly required give proximity of woodland. Consider if TPOs exist. Would need to stop up footpath leading to Woodlea | Existing Access looks narrow. Need 4.1m access way, consider refuse turning onsite, or designated place within 30m of highway. Vis Splay 2m x 43m for 30mph. |
| CAMBLESFORTH | | | | | | | | | | | | | |
| 12 | Oaklands Crescent (Housing Revenue Account) | | Plan showing 3 units in existence. Mix of 2 and 3 bed units. Has Potential for 3 Bungalows | 80 | Have comment from Planners, will need FRA. | 6 | 0 | 0 | 918 | Bungalows to North of site, 2 Storey Residential to rest | 7 | Flood Zone 2, would fail sequential test. Follow development line of ex bungalows or consider detailing on Gables of sample layout | Existing Access looks narrow. Need 4.1m access way, consider refuse turning onsite, or designated place within 30m of highway. Vis Splay 2m x 43m for 30mph. |
| 13 | Prospect Close / Walk (Housing Revenue Account) | | Plan showing 2 units in existence. Mix of 2 and 3 bed units. | 80 | This site gives a potential access to the allotment site of 3274m ² , does this have any potential ? | 10 | | 8 | 457 | Surrounded by 2 Storey Houses. Has a substation housed in one of the garages making site difficult to develop | 8 | Flood Zone 3, would fail sequential test Exceptions Test ? | No Comment given low potential of development |
| CHAPEL HADDLESEY | | | | | | | | | | | | | |
| 14 | Millfield Road (General Fund) | | Circa 6 family units continuing the run of existing units on the corner. | 80 | Part of an existing Public Open Space that is under review with the Parish | | | 2086 | Adjacent to 2 Storey Housing | 9 | Rural Exception Site ? | Assuming units would be off individual drives | |

DETAILED SITE LIST FOR FURTHER CONSIDERATION

| Total | Development Potential | Buildability % * | Initial Thoughts on Development | No of Garages | Voids | Storage | Area m ² | Comment on Existing | Detail | Planners Initial Comments | Highways Initial Comments | |
|---------------------|---|---|---------------------------------|--|-------|-------------|---------------------|---------------------|--------|--|--|--|
| CLIFFE | | | | | | | | | | | | |
| 15 | William Jacques Drive (Housing Revenue Account) | Single Aspect units required. Either 4 maisonettes or 2 Bungalows. Not suitable for family housing. | 66 | Adjacent access restricts development | 4 | 0 | 1 | 648 | 10 | Adjacent to A63 on Northern boundary, Bungalows to Southern Boundary. Existing access in Western Boundary. Check Ownership following comment by local onsite | 2 Bungalows or 4 maisonettes considered acceptable. Noise consideration from A63 needs to be designed in | Need 4.1m access way, consider refuse turning onsite, or designated place within 30m of highway. Vis Splay 2m x 43m for 30mph. |
| EGGBOROUGH | | | | | | | | | | | | |
| 16 | Site 1 - Westfield Grove (Housing Revenue Account) | Plan showing 6 units in existence. Mix of 2 and 3 bed units. | 95 for 4, 50 for 6 | Existing plan takes a small section of adjacent POS, which is managed by Parish, therefore 2 units may not be developable. Have comments from the planners | 10 | 6 unusable | | 2040 | 11 | Only 3 Garages on System, all let | Indicative layout encroaches onto POS, Sport England would object. The 4 Block is too close to existing units need 21m back to back | If 6 units are developed need to check NY Design Guide. If 4 units Need 4.1m access way, consider refuse turning onsite, or designated place within 30m of highway. Vis Splay 2m x 43m |
| 17 | Site 2 - Westfield Road (Housing Revenue Account) | Plans showing 5 units in existence. Mix of 2 and 3 bed units. | 96 | Site has numerous pedestrian gates and 1 vehicular access. Have comments from the planners | 10 | 2 | 0 | 1569 | 12 | Well used area for parking | Need to check separation distances. | Need 4.1m access way, consider refuse turning onsite, or designated place within 30m of highway. Vis Splay 2m x 43m for 30mph. |
| 18 | Site 3 - Westfield Ave (Housing Revenue Account) | Plans showing 8 units in existence. Mix of 2 and 3 bed units. | 96 | Site has numerous pedestrian gates and 1 vehicular access. Have comments from the planners | 52 | 27 unusable | | 1429 | 13 | Only 20 garages on the system, of which 4 are void | Need to check separation distances, Police Liaison Officer would have issues with the paths around the edge of the sites. Green Space is not designated as POS | Follow North Yorkshire Design Guide on Web |
| 19 | Site 4 - Westfield Close (Housing Revenue Account) | Plans showing 4 units in existence. Mix of 2 and 3 bed units. | 96 | Have comments from the planners | 19 | 5 unusable | 9 | 1000 | 14 | Only 10 garages on system, 2 let, 2 storage, 6 Voids | Separation distances, would have to move units to East. Green Space is not defined POS | Need 4.1m access way, consider refuse turning onsite, or designated place within 30m of highway. Vis Splay 2m x 43m for 30mph. |
| KELLINGTON | | | | | | | | | | | | |
| 20 | Site 1 - Adjacent to 7 and 9 Manor Garth (Housing Revenue Account) | 4 - 8 Units ? | 70 | The main area is developable, the secondary areas have a minor potential, but there will be complications of ownership | 13 | | 2 | 753 968 | 15 | Main Area Adjacent Land Need to check ownership | Flood Zone 2, sequential and exceptions test would apply | If the Drives are leading onto the main road they will require a turning head. If the access is between 7 and 9 Manor Garth it will need to be 4.1m wide |
| KIRK SMEATON | | | | | | | | | | | | |
| 23 | Hodge Lane (Housing Revenue Account) | 2 Bungalows, 4 Maisonettes, 2No. 3Bed Houses or 3No. 2 Bed houses. | 80 | Small plot, planning may be an issue. Not suitable for families, little garden space | 4 | 0 | 1 | 308 | 16 | Housing behind is at a lower level, dormer houses adjacent. Road has a sharp bend in in front of site | The Church opposite is listed and will need to be taken into account as part of the design. 1.5 Storey max, levels will be important. Site is washed over Greenbelt, and part of Conservation Area. Will need Heritage Statement. Also forms part of a Locally Important Landscape Area (LILA) | May need to consider a traffic order given the proximity of the corner |
| RICCALL | | | | | | | | | | | | |
| 24 | Landing Lane (Housing Revenue Account) | Plan showing 4 units in existence. Mix of 2 and 3 bed units | 90 | Narrow Access, adjacent to high value land | 18 | 3 | 3 | 1049 | 17 | 17 on System, 5 missing. Surrounded by existing Residential | Separation distances are questionable. Site is not in Flood Zone, it is adjacent to a Conservation Area and therefore would still need a Heritage Statement. 3 would be more suitable | Is the access wide enough 4.1m ? Would be classed as a private drive. |

DETAILED SITE LIST FOR FURTHER CONSIDERATION

| Total | Development Potential | Buildability % * | Initial Thoughts on Development | No of Garages | Voids | Storage | Area m ² | Comment on Existing | Detail | Planners Initial Comments | Highways Initial Comments | |
|--------------------------|---|--|---------------------------------|--|-------|------------|---------------------|---------------------|---|---------------------------|---|--|
| SELBY | | | | | | | | | | | | |
| 25 | Benedict Avenue (Housing Revenue Account) | Potential of 6 units | 90 | Direct Access of Road, minimal costs for infrastructure. Substation on site | 17 | 1 | 5 | 918 | Surrounded by 2 Storey Houses. Telephone poles / wires on site | 18 | Site is in Flood Zone 2 so would need sequential test and exceptions ruling. | Need to consider parking, access and turning |
| 26 | Bondgate (General Fund) | 120 - 200 units | 90 | Former tip that needs investigating to confirm development potential | | | | 42 290 | Includes additional land to create access | 19 | Major Development Site | Would have to comply with North Yorkshire Design Guide |
| 32 | Portholme Road (General Fund) | Remaining area of car park not sold to superstore. | 90 | Being reviewed as part of an overall master plan for circa 50 units. Mobile Telecoms mast may hinder development and blight any Sales Values if it remains | | | | 22 019 | Linked to development of new leisure centre, not available before 2015 | 20 | Major Development Site | Would have to comply with North Yorkshire Design Guide |
| SHERBURN IN ELMET | | | | | | | | | | | | |
| 34 | Beechwood Close (Housing Revenue Account) | 2 Bungalows | 90 | | 16 | 2 unusable | 5 | 410 | 15 on system, 4 as storage. Surrounded by Single Storey | 22 | No issues in principle, subject to detailed design | No issues in principle, subject to detailed design |
| 37 | Highfield Villas (Housing Revenue Account) | 3 Bungalows, 5 No. 2 Bed Houses, 4 No. 3 Bed Houses | 95 | Part of site that is vacant cannot be developed due to proximity of existing houses | 10 | 0 | 6 | 713 | 9 on system, 1 let, 7 storage, 1 void. Adjacent a recent development (last 10 years or so) and POS | 23 | No issues in principle, subject to detailed design | No issues in principle, subject to detailed design |
| SOUTH MILFORD | | | | | | | | | | | | |
| 41 | Sand Lane (Housing Revenue Account) | 2 Bungalows | 80 | Tight Site | 6 | 0 | 0 | 359 | Adjacent to Bungalows and Fields | 24 | Tight site for 2 bungalows, would have to see detailed design to confirm separation distances | No issues in principle, subject to detailed design |
| TADCASTER | | | | | | | | | | | | |
| 42 | Austerbank View (Housing Revenue Account) | 4 Bungalows | 80 | Potential to extend site, large back gardens adjacent. Issue with vehicular access through site. Pumping Station sterilises part of site | 17 | 5 | 2 | 1474 | No 24 uses the garages as an access into a recently constructed garage and a compound at the rear of the property | 25 | No issues in principle, subject to detailed design | The turning head could be reduced to 16m, but only if it is rotated to form a K Type turning head. If the turning head was to remain as a T Type it would need to achieve a 20m turning head with 6m radius. Need to consider Refuse Vehicle turning |
| WOMERSLEY | | | | | | | | | | | | |
| 56 | Station Road (Housing Revenue Account) | 3 / 4 units possible depending on configuration | 80 | Needs technical investigation and land ownership sorting | | | | 1353 | Corner plot adjacent to existing housing, obvious infill site | 26 | | |
| ULLESKELF | | | | | | | | | | | | |
| 57 | Barley Horn Road (Housing Revenue Account) | 2 Bungalows, 4 Maisonettes, 2No. 3Bed Houses or 3No. 2 Bed houses. | 70 | | 4 | 1 | 2 | 211 | Site next to RTB, with own garage using the access. Need to check ownership | 27 | No issues in principle, subject to detailed design | The verges are not Highways land, and therefore could be used as part of a development |

* Buildability % - this percentage is based on the face value deliverability of the site and takes no account of policies that may come into effect.





Public Session

Report Reference Number (C/13/5)

Agenda Item No: 17

To: Council
Date: 10 September 2013
Author: Karen Iveson – Executive Director (s151)
Lead Officer: Karen Iveson – Executive Director (s151)
Lead Executive Member Councillor Clifford Lunn

Title: National Non-Domestic Rates - Discretionary Rate Relief Policy

Summary:

Following recommendations to the Executive from the Scrutiny Committee, this report proposes changes to the Council's Discretionary Rate Relief Policy and introduces a new General Relief under powers granted by the Localism Act 2011.

Recommendations:

To approve the policy attached at Appendix 1.

Reasons for recommendation

To put in place a robust policy framework to ensure that decisions regarding the award of discretionary rate relief are taken in a fair, consistent and transparent manner giving due consideration to the interests of local tax payers.

1. Introduction and background

- 1.1 This report presents proposals for an amended Discretionary Rate Relief Policy following new powers in the Localism Act 2011, to grant general rate relief.

- 1.2 Proposals for changes to our existing policy were recommended to the Executive by the Scrutiny Committee following a review by a task and finish group led by Councillor Chris Pearson.
- 1.3 The proposed policy has been subject to public consultation and at the time of writing this report is due for final consideration by the Executive on 5 September 2013.

2. The Report

- 2.1 The current policy was last reviewed approximately ten years ago and covers awards of rate relief for charities, non-profit making organisations and businesses located in small rural settlements.
- 2.2 The District Council has the ability to grant discretionary rate relief, either to 'top up' the 80% mandatory rate relief (charitable bodies), the 50% mandatory relief (rural), or to give discretionary relief alone (non-profit making organisations) up to 100%. The objective of discretionary rate relief is to give assistance to charitable and non-profit making organisations that may for example have difficulty in paying their rates and are of benefit to the local community, such as village halls.
- 2.3 From 1st April 2012, section 69 of the Localism Act 2011 amends section 47 of the Local Government Finance Act 1988 to replace the limited circumstances in which local authorities can currently give discretionary relief with a power to grant relief in any circumstances.
- 2.4 In exercising these discretionary powers the Council must act reasonably having regard to all relevant considerations and the interests of all tax payers as the full cost of awarding discretionary rate relief would in effect be borne by other Council Tax payers. The Council must not have a blanket policy either to award or not to award relief and each case should be considered on its own merits.
- 2.5 The amended policy, attached at Appendix 1 to this report, sets out the criteria to be used in assessing claims for discretionary relief – the main changes from the Council's current policy are:
 - The implementation of a monetary cap on the level awarded per property per annum on all existing types of relief.
 - Award 20% relief to charitable bodies, but only where there is significant evidence that the charitable activities provide a significant benefit to local residents.
 - The introduction of an end date for all awards granted (allowing recipients to reapply).

- The introduction of a cut-off date for the submission of all applications except those in respect of general rate relief and hardship.
 - The granting of awards against the available budget.
 - The introduction of a general rate relief, linked to attracting new organisations to the District, encouraging expansion and creating employment opportunities for Selby District Residents.
- 2.6 These changes are designed to provide some cost certainty for the Council and through the introduction of a cap on current reliefs help to support more organisations with the resources available, whilst prioritising organisations that benefit the local community and in the case of the new general relief support the Council's growth agenda.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

- 3.1.1 The award of rate relief for non-domestic properties is discretionary and as such there is no legal requirement for an authority to have a written policy. However, it is considered best practice to have a policy which sets guidelines for the factors that should be considered when making a decision to award or refuse relief.
- 3.1.2 An Equalities Impact Assessment has been carried out which identified that the proposed policy will have a neutral impact on the Council's statutory equality duty.
- 3.1.3 Current recipients of discretionary rate relief are required to receive 12 months' notice of any potential changes. All recipients were informed of the policy review in March 2013 and therefore subject to Council approval it is proposed that the new policy be implemented with effect from 1 April 2014.

3.2 Financial Issues

- 3.2.1 The proposed policy requires that the interests of Council Taxpayers are taken into account in considering any award, and therefore, awards will only be made where the benefits of the award are considered to outweigh any disadvantages, including a reduction in financial resources.
- 3.2.2 On the 6th June the Executive approved the introduction of a cap on the resources set aside to support the new general relief - initially £300k has been set aside in a new Business Rate Relief Reserve from in-year surpluses in 2012/13.

3.2.3 Under the Business Rates Retention Scheme the Council retains a proportion of the yield collected from the non-domestic rates payable in the District and therefore awards of discretionary rate relief will reduce the rates yield. Any relief granted under the new general relief will be at 100% cost to the Council.

4. Conclusion

- 4.1 A final draft of the NNDR Discretionary Rate Relief Policy (Appendix 1) is attached for approval.
- 4.2 The policy provides a robust framework to ensure that resources are managed effectively and decisions regarding the award of discretionary rate relief are taken in a fair, consistent and transparent manner giving due consideration to the interests of local tax payers.
- 4.3 It is the intention, that following implementation the policy will be reviewed in twelve months, to test its effectiveness.

5. Background Documents

Executive Papers 6 June and 5 September 2013
Local Government Finance Act 1988 - Section 47
Localism Act 2011

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Appendices:

Appendix 1 – National Non-Domestic Rates – Discretionary Rate Relief Policy



Selby District Council

National Non Domestic Rates (NNDR)

Discretionary Rate Relief Policy

September 2013

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1. Background

Local Authorities have the power to grant Discretionary Rate Relief to organisations that meet certain criteria. The amount of relief granted is used to reduce the amount the organisation owes in Non Domestic Rates.

2. Legislation

The law governing the granting of Discretionary Rate Relief is found in Section 47 of the Local Government Finance Act 1988 and subsequent amending legislation and Section 69 of the Localism Act 2011.

3. Purpose of the Policy

The purpose of this Policy is to specify how the Council will operate its discretionary powers and to indicate the factors it will consider when deciding if relief can be awarded.

Through this policy, Selby District Council is providing a mechanism to reduce, or remove the business rate liability from such charities, non - profit making organisations, certain rural businesses and other businesses that are providing valuable facilities and services to communities within Selby District.

The policy is intended to provide a simple and transparent process that aligns awards of discretionary rate relief with the Council's corporate priorities.

4. Types of Relief Awarded

In the first instance, organisations that meet the qualifying criteria for Small Business Rates Relief will be considered for this type of relief. Small business rate relief is set by central government and therefore does not fall within the remit of this discretionary rate relief policy.

The Council will consider awarding Discretionary Rate Relief to all organisations that meet the qualifying criteria as specified in this Policy. The amount of any award is at the discretion of the Council.

Discretionary Rate Relief will be awarded after taking in to consideration all other reliefs an organisation may qualify for.

It will consider each individual application against set criteria. This process ensures that all applications are considered on a fair and transparent basis.

4.1 Charitable Bodies

Mandatory relief is given to institutions, organisations or trusts established for charitable purposes in respect of property used wholly or mainly for charitable purposes. Mandatory relief is 80% of the rates chargeable.

Charitable bodies can be awarded 20% discretionary relief 'top up', but only where there is significant evidence that the charitable activities provide a significant benefit to local residents.

It should be noted that there is a cap on the amount which can be awarded (see Appendix 1). If an applicant organisation delivers services from more than one premises and discretionary rate relief is awarded, the cap will be for each premise where business rates are due.

Appendix 1: Explanatory Notes - Mandatory and Discretionary Rate Relief for Charitable Bodies outlines the conditions that apply.

4.2 Non-Profit Making Organisations

Non-profit making bodies (ineligible for mandatory relief) can be awarded up to 80%.

It should be noted that there is a cap on the amount which can be awarded (see Appendix 2). If an applicant organisation delivers services from more than one premises and discretionary rate relief is awarded, the cap will be for each premise where business rates are due.

Appendix 2: Explanatory Notes - Rate Relief for Non Profit Making Organisations outlines the conditions that apply.

4.3 Community Amateur Sports Clubs (CASC)

Both mandatory and discretionary relief are available to registered Community Amateur Sports Clubs (CASC). They can receive 80% mandatory rate relief and up to 20% discretionary relief. Thus, up to 100% relief may be achieved. It should be noted that there is a cap on the amount which can be awarded (see Appendix 1). If an applicant organisation delivers services from more than one premises and discretionary rate relief is awarded, the cap will be for each premise where business rates are due.

Appendix 1: Explanatory Notes - Rate Relief for Non Profit Making Organisations and Community Amateur Sports Clubs (CASC) outlines the conditions that apply.

4.4 Rural Rate Relief

Both mandatory and discretionary relief are available for businesses in rural areas. They can receive 50% mandatory rural relief and up to 30% discretionary rural relief. Thus, up to 80% relief may be achieved. It should be noted that there is a cap on the amount which can be awarded (see Appendix 3). If an applicant organisation delivers services from more than one premises and discretionary rate relief is awarded, the cap will be for each premise where business rates are due.

Appendix 3: Explanatory Notes - Rural Rate Relief outlines the conditions that apply.

4.5 General Rate Relief

Section 69 of the Localism Act 2011 amends Section 47 of the Local Government Finance Act 1988 to allow local authorities the discretion to award rate relief to all types of businesses.

Selby District Council has the discretion to award relief where it is in the Council Tax payer's interests to do so.

Ratepayers submitting an application shall set out, as part of the application, the benefits that the ratepayer considers will accrue to the District Council Taxpayers as a result of the award.

Relief will be considered on the individual merits of each case.

Appendix 4: Explanatory Notes - General Rate Relief outlines the factors which will be considered when assessing applications.

4.6 Hardship Relief

Where the business is suffering hardship that has been caused through exceptional circumstances the Council can grant discretionary relief. When considering an application the Council will require some form of financial statement. Audited accounts are preferred, but if these aren't available, other documents such as bank statements or cash books etc may be accepted. In the case of an individual, the Council may also require a statement of means.

To support an application the Council will also need to know what exceptional circumstances have led to a particular situation and why, in the applicant's view, the Council should reduce their liability.

Each application shall be determined upon its own merits.

Appendix 5: National Non-Domestic Rates - Hardship Relief provides further information.

5. Claiming Discretionary Rate Relief

5.1 State Aid and Reliefs

European Union competition rules generally prohibit Government subsidies to businesses.

Relief from taxes, including non-domestic rates, can constitute state aid. We need to bear this in mind when granting discretionary rate reliefs.

Any form of discretionary relief can constitute state aid, and this needs to be taken into account with any other state aid that the organisation is receiving.

5.2 Claim Forms

A claim must be made on an application form approved and issued without charge by the Council. Applications forms can be downloaded from the Council website.

We will issue application forms on request or in circumstances where we consider an organisation may be entitled to relief.

The form must be completed by the ratepayer or a person authorised to sign on behalf of the ratepayer.

A person authorised to sign on behalf of the ratepayer is:

- a partnership - a partner of the partnership;
- a trust - a trustee of that trust;
- a body corporate – a director of that body, and
in any other case a person duly authorised to sign on behalf of the ratepayer.

5.3 Information required

The information required will depend upon the type of relief being applied for. Where an organisation is required to provide information, this should be submitted with the application. No applications will be considered without the appropriate supporting information. Evidence required may include:

- The rules of the organisation or its Memorandum and Articles of Association.
- The last two years' audited accounts (If the organisation is a new organisation and audited accounts are not available, the organisation should provide a statement on their finances, showing the income and expenditure)

We may, in some cases, verify the information given by the organisation applying by contacting third parties and other organisations.

We may request any reasonable evidence in support of the application.

All information supplied will be dealt with in the strictest confidence.

5.4 Deadline for applications

The deadline for submission of applications for discretionary rate relief is 01 January, except in the case of applications for general relief and hardship relief.

The deadline for applications to be submitted is 01 January¹. This is to allow time for correct billing and the payment of awards from 01 April of the following financial year.

This timescale has been introduced in order that the budget available for awarding rate relief can be fairly and consistently shared amongst applicants. Therefore, where the total relief assessed exceeds the available budget the Council will reduce all awards proportionally.

Applications for general relief in respect of a new liability may be submitted from the date the liability commences. Where relief is awarded, it will commence from the date of valid application or the first date of occupation, whichever is the later date.

5.5 Period of Award

All awards will be made for a set period only.

The Council will decide the period that Discretionary Rate Relief will be awarded for, dependent on the circumstances of the application. In general the period of award will be for 36 months for charitable organisations and 24 months for all others (this may be subject to change at any time during the period of the award), after which it will be again subject to

¹ Applications received after this date may not receive discretionary rate relief if the budget has been exceeded.

review. Continuation of relief will be subject to reapplication. Organisations who do not reapply will not be granted relief and a non domestic rate bill for the full amount will be issued.

Each amount of rate relief awarded under general rate relief policy shall only apply for twelve months.

An award of Discretionary Rate Relief at any time does not guarantee that a further award will be made at a later date even if the circumstances of the organisation have not changed.

5.6 Changes in Liability

The Council may review the award in line with any increase or decrease in liability.

6. Payment of Awards

All relief awarded will be paid to help with the Non Domestic Rate liability. We will credit the relief direct to the organisation's Non Domestic Rate account.

7. Notifications

The Council will inform the organisation applying in writing of the outcome of their application for Discretionary Rate Relief.

Where the application is not successful, the notification will provide full reasons why we have decided not to award Discretionary Rate Relief and details of the applicant's right to ask us to look at the decision again.

Where the application is successful, the notification will include the following information:-

- The period of the award
- The percentage of the rate liability awarded for that period.
- The amount of Rate Relief to be awarded for the period.
- An amended Non Domestic Rate Demand.
- The right to ask us to look again at the decision.

8. Overpayments

The Council will recover all overpayments of Discretionary Rate Relief through the organisation's Non Domestic Rate account.

9. Right of Appeal

Whilst there is no formal right of appeal, an applicant may write and tell us why they consider the decision is wrong, i.e. if they consider we have not taken all relevant information into account. We will check Discretionary Rate Relief applications thoroughly and take account of any information provided by the applicant. This is called 'reconsidering' the decision.

We will write to advise the applicant of the outcome of our reconsideration and if we are not changing the decision, we will explain why.

10. Fraud

The Council is committed to the fight against fraud in all its forms. An organisation who tries to fraudulently apply for Discretionary Rate Relief by falsely declaring their circumstances or providing a false statement or evidence in support of their application, may have committed an offence under the Theft Act 1968. Where we suspect that such an offence may have occurred, the matter will be investigated in line with the Council's Enforcement Policy. This may lead to criminal proceedings being instigated.

11. Publicity

The Council will include information about Discretionary Rate Relief with Non Domestic Rate Demands and within the Non Domestic Rate Section of the Council's website.

12. Review

This policy will be reviewed periodically, taking into account Council policies and priorities and any changes in legislation.

Explanatory Notes

Mandatory and Discretionary Rate Relief for Charitable Bodies and Community Amateur Sports Clubs (CASC)

Mandatory and Discretionary Rate Relief may be granted under **Sections 43, 45, 47 and 48 of the Local Government Finance Act 1988.**

Mandatory Rate Relief

Occupied Rates

Mandatory Relief of 80% may be granted to a **Charity** under **Section 43 (occupied rates)**, provided that the property concerned is wholly or mainly used for charitable purposes.

Unoccupied Rates

If the property is unoccupied such relief may also be granted to a **Charity** under **Section 45 (unoccupied rates)** if it appears that when **next in use** the property will be wholly or mainly used for charitable purposes.

Definition of a Charity

Firstly we have to establish if the organisation is a **Charity**. The definition of a **Charity** comes under **Section 67 of the Local Government Finance Act 1988** as *“an institution or other organisation established for charitable purposes only, or a person administering a trust established for charitable purposes only”*. Registration with the Charity Commission under the **Charities Act 1960** is proof of Charity status.

Absence from the Register does not mean that an organisation has not been established for charitable purposes, as certain organisations are exempt from registration. These include Church Commissioners, Boy Scouts or Girl Guides, any registered society within the meaning of the **Friendly Societies Acts 1896-1974** and voluntary schools within the meaning of the **Education Act 1944 – 1980**.

Established for Charitable Purposes

If none of the above are applicable, and in the absence of any other information, the following will be considered:

Are the main objectives of the organisation:

- the relief of poverty; or
- the advancement of religion; or
- the advancement of education; or
- other purposes that is beneficial to the local community

Wholly or Mainly Used for Charitable Purposes

Secondly we have to consider if the property concerned is used wholly or mainly for charitable purposes. The use must be charitable, i.e. in meeting the objectives of the Charity. "Wholly or mainly" covers either: use of over half the property all of the time; use of the property for over half of the time; or a combination of both amounting to more than 50%.

Relief can only be granted, therefore, if **either** more than 50% of the property is used for charitable purposes **or** the property is used for more than 50% of the time for charitable purposes **or** there is a combination of both amounting to more than 50%.

Charity Shops

In addition **Section 64 of the Local Government Finance Act 1988** provides that **Charity Shops** are only entitled to 80% Mandatory Relief if they use the premises:

- wholly or mainly for the sale of goods **DONATED** to the Charity; and
- the net proceeds of the sale of goods are applied to the purpose of the Charity.

Community Amateur Sports Clubs (CASCs)

Mandatory Relief for CASCs

Registered CASCs can receive 80% mandatory rate relief. To qualify as a CASC, a sports club must be open to the whole community, be run as an amateur club, be a non profit making organisation and aim to provide facilities for, and encourage people to take part in, eligible sport. For further details please see <http://www.inlandrevenue.gov.uk/casc/index.htm> or call the Inland Revenue Sports Club Unit on 0131 777 4147.

Appeals Against Refusal to Grant Relief

Please direct any appeal to the Executive Director, Selby District Council, Doncaster Road, Selby, North Yorkshire YO8 9FT

Discretionary Rate Relief Top Up

Discretionary Rate Relief may be granted in addition to Mandatory Rate Relief, i.e. a "top up" of up to the remaining 20%. This may be granted under **Section 47** for occupied properties and **Section 48** for unoccupied properties. If you wish to apply for this relief please provide details of the main objectives of the organisation and any other purposes for which the property is used.

Charitable Bodies

A 20% 'top up' of discretionary relief may be applied to charities but will normally only be awarded if the charity is a local one, not a national one (a local charity is defined to be one who operates in the particular Council area or whose charitable objects benefit residents of the district or who are part of a national charity but whose charitable objects benefit the district to a greater extent than other parts of the country). If the premises are operated by a national charity that does not exist to wholly or mainly benefit the residents of the local area, then discretionary relief will not normally be awarded to 'top up' the 80% mandatory award.

A cap of **£10,000** applies per property.

Community Amateur Sports Clubs

If there is any commercial activity the amount of the award may be limited by up to 50%.

A cap of **£4,000** applies per property.

Appeal Against Refusal to Grant Discretionary Relief

Please direct any appeal to the Executive Director Selby District Council,
Doncaster Road, Selby, North Yorkshire YO8 9FT

**If you require any further information, please contact a member of the
Local Taxation Section on**

(01757) 292161/292181 (6 lines)

or by email on

localtaxation@selby.gov.uk

**ALL INFORMATION SUPPLIED WILL BE DEALT WITH IN THE
STRICTEST CONFIDENCE**

Explanatory Notes

Rate Relief for Non Profit Making Organisations

Discretionary Rate Relief may be granted under **Sections 43, 45, 47 and 48 of the Local Government Finance Act 1988.**

Discretionary Relief for other Non Profit Making Organisations

Occupied Properties

Discretionary Relief of up to 80% may be granted for occupied properties under **Section 47** if the following criteria are met:

a) Where the property is not an **excepted** property (see below) and all or part is occupied by one or more institutions or organisations which are:

- Not established or conducted for profit, and
- Whose aims are charitable or otherwise philanthropic, religious or concerned with the promotion of social welfare, education, science, literature or the fine arts.

OR

b) Where the property is not an **excepted** property (see below) and is wholly or mainly used for:

- The purpose of recreation, and
- All or part of the property is occupied for the purpose of a club, society or other organisation not established or conducted for profit.

Excepted Properties

An excepted property is one occupied by a Billing or Precepting Authority, e.g. Selby District Council, North Yorkshire County Council, the Police Authority, Parish Councils.

Unoccupied Properties

Discretionary Relief of up to 80% may also be granted for unoccupied properties under **Section 48** if it appears that when **next in use** the property will be used as detailed in a) and b) above.

Points System

A Points System has been introduced to ensure that all applications have been treated fairly and in accordance with Council Policy. Please find below details of the points system.

| Restriction of Membership | Points (0 - 3) |
|----------------------------------|-------------------------|
| Major Restrictions | 0 |
| Average Restrictions | 1 |
| Very Limited Restrictions | 2 |
| No restrictions | 3 |

| Membership Charges | Points (1 - 5) |
|---------------------------|-------------------------|
| Above Average | 1 |
| Below Average | 3 |
| Average | 5 |

| Concessions | Points (5) |
|--|---------------------|
| Reduced rate fees/subscriptions for all or any of the following - elderly, disabled, unemployed and children | 5 |

| Local Membership Level | Points (0 - 5) |
|-------------------------------|-------------------------|
| Not over 25% | 0 |
| 25% to 50% | 1 |
| 50% to 75% | 3 |
| Over 75% | 5 |

| Finances General (Fund Balance as % of Yearly Expenditure) % | Points (0 - 10) |
|---|--------------------------|
| Over 200 | 0 |
| 181 - 200 | 1 |
| 161 - 180 | 2 |
| 141 - 160 | 3 |
| 121 - 140 | 4 |
| 101 - 120 | 5 |
| 81 - 100 | 6 |
| 61 - 80 | 7 |
| 41 - 60 | 8 |
| 21 - 40 | 9 |
| 0 - 20 | 10 |

| Net Income from Gaming Machines (Income as % of Yearly Expenditure) % | Points (0 - 10) |
|--|--------------------------|
| Over 15 | 0 |
| 11 - 15 | 3 |
| 6 - 10 | 5 |
| 1 - 5 | 7 |
| NIL | 10 |

| Gross Income from Bar £ | Points (-) 25 - 10 |
|-----------------------------------|---------------------------|
| Over 36,000 | -25 |
| 30,001 - 36,000 | -20 |
| 24,001 - 30,000 | -15 |
| 22,801 - 24,000 | -10 |
| 21,601 - 22,800 | -9 |
| 20,401 - 21,600 | -8 |

| | |
|-----------------|----|
| 19,201 - 20,400 | -7 |
| 18,001 - 19,200 | -6 |
| 16,801 - 18,000 | -5 |
| 15,601 - 16,800 | -4 |
| 14,401 - 15,600 | -3 |
| 13,201 - 14,400 | -2 |
| 12,001 - 13,200 | -1 |
| 10,801 - 12,000 | 0 |
| 9,601 - 10,800 | 1 |
| 8,401 - 9,600 | 2 |
| 7,201 - 8,400 | 3 |
| 6,001 - 7,200 | 4 |
| 4,801 - 6,000 | 5 |
| 3,601 - 4,800 | 6 |
| 2,401 - 3,600 | 7 |
| 1,201 - 2,400 | 8 |
| 1 - 1,200 | 9 |
| NIL | 10 |

The total points relate directly to the amount of relief as follows:

| Range | % Relief | Range | % Relief |
|----------|----------|----------|----------|
| 43 to 48 | 80 | 19 to 24 | 40 |
| 37 to 42 | 70 | 13 to 18 | 30 |
| 31 to 36 | 60 | 7 to 12 | 20 |
| 25 to 30 | 50 | 1 to 6 | 10 |

A cap of **£4,000** applies per property.

Appeal Against Refusal to Grant Discretionary Relief

Please direct any appeal to the Executive Director, Selby District Council,
Doncaster Road, Selby, North Yorkshire YO8 9FT.

**If you require any further information, please contact a member of the
Local Taxation Section on**

(01757) 292161/292181 (6 lines)

or by email on

localtaxation@selby.gov.uk

**ALL INFORMATION SUPPLIED WILL BE DEALT WITH IN THE
STRICTEST CONFIDENCE**

Explanatory Notes

Rural Rate Relief

There are currently two types of relief available for businesses in rural areas. These are **Mandatory Rural Rate Relief** and **Discretionary Rural Rate Relief** and an outline of the conditions that apply are listed below.

Mandatory Rural Rate Relief (Granted at 50%)

Village Rate Relief

- the property must be located in a **rural settlement** with a population of less than 3,000. A Rural Settlement List for Selby's area is available at the Customer Contact Centre (Access Selby) in Selby.
- the property concerned is the **sole** general store or **sole** post office in the settlement and the rateable value does not exceed **£8,500 or**
- the property concerned is the **sole** public house or **sole** petrol filling station in the settlement and the rateable value does not exceed **£12,500 , or**
- the property concerned is **any** food shop in the settlement and the rateable value does not exceed **£8,500**.

A food shop is defined as wholly or mainly selling food on a retail basis for human consumption. The supply of confectionery and of food in the course of catering is **excluded**. Catering is defined as the supply of food for consumption on the premises or of hot food that is eaten off the premises. Therefore such establishments as restaurants, cafes, tea-rooms and fast food shops are **excluded** – but not food shops that sell only small amounts of such items.

A general store is defined as one in which there is carried on a trade or business consisting wholly or mainly of the sale by retail of **both** food for human consumption (excluding confectionery) **and** general household goods.

NB

Relief can be granted to a post office, which is not a general store, and a separate general store in the same settlement. Where a post office also trades as a general store then a second general store in the settlement will not qualify for this relief.

Discretionary Rural Rate Relief

This relief may be granted as a “**top up**” to **Mandatory Rural Rate Relief** or in its own right. The amount of any award is at the discretion of the Council and may be any amount up to 80% of the rates due (50% mandatory and 30% discretionary).

The cost of any award of this relief falls in part on the Council Taxpayers of the District as a whole.

The **criteria** that must be met before an award can be considered are as follows:

- the **property** concerned must be located **in a rural settlement** with a population of less than 3,000;
- the **property** concerned has a **rateable value** of not more than **£16,500**
- the property concerned is used for **purposes** which are of **benefit to the local community** and that the cost to the Council Taxpayer is justified.

Please find below details of the points system for Discretionary Rural Rate Relief

| | Points Applicable |
|---|----------------------|
| Starting Point | 50 |
| Is there a similar facility or business within the settlement? If so | -50 |
| OR | |
| Does the business primarily provide an important service to the local community and is it in the interests of local council tax payers to support it? If not, | -100 |
| Employment of Local Residents | +5 |
| Does the business provide a free delivery service to any of the local community? | +5 |
| Proximity to nearest similar business. if 2 miles or more | +15 |
| Poor availability of public transport (buses not available at regular intervals each day, i.e. only geared to school/work hours). (Where relevant the nature of the business) | +15 |
| Opening Hours (if the business is open 7 days for long hours) | +5 |
| Provision of additional services (unconnected to the nature of the business and provided to assist the local community) | +5 |

A cap of **£2,000** applies per property.

**If you require any further information, please contact a member of the
Local Taxation Section on**

(01757) 292181

or by email on

localtaxation@selby.gov.uk

All information supplied will be dealt with in the strictest confidence

Explanatory Notes

General Rate Relief Criteria

Section 69 of the Localism Act 2011 has amended **Section 47 of the Local Government Finance Act 1988** so that any organisation can apply for discretionary rate relief.

Any ratepayer applying for discretionary rate relief who does not meet the criteria for relief under the specifically named categories mentioned in this policy, may apply for general rate relief. Relief will be considered on the individual merits of each case, having due regard to:

The ratepayer must not be entitled to mandatory rate relief (Charity or Rural Rate Relief)

The ratepayer must not be an organisation that could receive relief as a non profit making organisation or as Community Amateur Sports Club.

The ratepayer must occupy the premises - no relief will be granted for unoccupied properties

If the ratepayer is a new business coming into the District

If the ratepayer creates new employment opportunities for a minimum period of twelve months for individuals:

- who reside in the Selby District and
- who have been unemployed* for a period of six months (continuous)

The premises and the organisation must be of significant benefit to the residents of the District

If the ratepayer provides:

- Facilities to certain priority groups such as elderly, disabled, minority or disadvantaged groups
- Significant employment or employment opportunities to residents of the District
- Residents of the District with such services, opportunities or facilities that cannot be obtained locally or are not provided by another organisation

If the ratepayer complies with all legislative requirements and operates in an ethical, sustainable and environmentally friendly manner at all times

The impact and best interests of the Council Tax payers of the District

The financial status of the applicant

* Unemployed refers to those in receipt of Job Seekers Allowance or Employment Support Allowance.

Applications in respect of a new liability may be submitted from the date the liability commences and for existing liability can be submitted at anytime throughout the year.

Each amount of rate relief awarded under this policy shall only apply for **twelve months**.

If you require any further information, please contact a member of the Local Taxation Section on

(01757) 292181

or by email on

localtaxation@selby.gov.uk

All information supplied will be dealt with in the strictest confidence

NATIONAL NON-DOMESTIC RATES - HARDSHIP RELIEF

General Information

Section 49 of the Local Government Finance Act 1988 gives Selby District Council as a billing authority, discretion to reduce or remit payment of rates where it is satisfied that the ratepayer would sustain hardship if it did not do so, and where it is reasonable for the Authority to do so having regard to the interest of its Council Tax Payers.

In making decisions on whether to grant relief, the Authority follows guidance issued by the Office of the Deputy Prime Minister (ODPM). The ODPM has said that whilst it is for each billing authority to decide on the facts of each case whether to exercise its powers under Section 49 – and to judge the extent of those powers – authorities may wish to bear the following guidance in mind:

1. Although authorities may adopt rules for the consideration of hardship cases, they should not adopt a blanket policy either to give or not to give relief, each case should be considered on its own merits.
2. Reduction or remission of rates on grounds of hardship should be the exception rather than the rule.
3. The test of 'hardship' need not be confined strictly to financial hardship; all relevant factors affecting the ability of a business to meet its liability for rates should be taken into account.
4. The 'interests' of Council Tax Payers in an area may go wider than direct financial interests. For example, where the employment prospects in the area would be worsened by a company going out of business, or the amenities of an area might be reduced by, for instance, the loss of the only shop in a village.
5. Where the granting of relief would have an adverse effect on the financial interest of Council Tax Payers, the case for a reduction or remission of rates payable may still on balance outweigh the cost to them.

How to apply for Hardship Relief

Please complete the attached application form. If you have any difficulties completing the form, please contact the Local Taxation Section on 01757 292181.

All applications for hardship relief are submitted to the Authorities appeals panel for consideration. When we receive your application form we will acknowledge receipt and let you know when a decision will be made. If we require any further information to progress your application we will contact you. Once the appeals panel has made a decision on whether or not to grant relief, we will write to you to let you know the decision and the reasons for that decision. Please note that the decision of the appeals panel is final.

Once completed, this form should be returned to:

Local Taxation Section
Selby District Council
Civic Centre
Doncaster Road
Selby
YO8 9FT



Public Session

Report Reference Number (C/13/6)

Agenda Item No: 18

To: Council
Date: 10 September 2013
Author: Tim Grogan, Senior Enforcement Officer
Lead Officer: Helen McNeil, Debt Control and Enforcement
Executive Member: Councillor Christopher Metcalfe

Title: Scrap Metal Dealers Act

Summary:

In line with the introduction of the Scrap Metal Dealers Act 2013 Selby District Council is required to ensure effective and proportionate regulation of the sector. In order to achieve this obligation it is recommended that delegated powers be given to relevant directors and to the Licensing and Appeals Committee in order that the Council can deliver a robust licensing regime.

Recommendations:

That the Council give delegated powers to Access Selby Directors and to the Licensing and Appeals Committee to allow the implementation of the provisions contained within the Scrap Metal Dealers Act 2013 and to note that the proposed fees to be charged under that process will be considered and set by the Executive.

1. Introduction and background

- 1.1 The Scrap Metal Dealers Act 2013 will be brought into force between 1 October and 1 December 2013 to better control the industry and to help tackle metal theft and the second hand metal market. The regime envisages that applications for site and collectors licences may be granted or refused by the council and that licences granted can be varied and revoked subject to a right to a hearing. The Act also creates a number of offences of failing to be licensed or breaching the terms of a licence to support the aims of the Act. There will also be a need to set an appropriate and proportionate fee structure

- 1.2 This report is to inform the Council of impending changes to the regulatory regime and the increased duties and powers this legislation by necessity involves and to delegate those powers appropriately.

2. The Report

- 2.1 The Scrap Metal Dealers Act 2013 received Royal Assent on the 28 February 2013 in an effort to deliver much need reform to the scrap metal sector. The Act repeals the Scrap Metal Dealers Act 1964 and Part 1 of the Vehicles (Crime) Act 2001. In effect the legislation creates a revised regulatory regime for the scrap metal recycling and vehicle dismantling industries.
- 2.2 Under the Act the Local Authority remains as the principal regulator but is given the power to better regulate operators by permitting the refusal of licences to 'unsuitable' applicants and allowing the authority to revoke licences if the holder acts inappropriately.
- 2.3 Licences will be issued where the Authority is satisfied that the applicant is a suitable person to hold a licence. Where the Authority is not so satisfied there is a right to make verbal representations i.e. a licensing hearing. The licences last for 3 years and so there is a process for variation and revocation which is likewise subject to a hearing.
- 2.4 The Act provides that an application for a licence must be accompanied by a fee which can be set locally. However, the Council has a duty, having regard to guidance issued by the Secretary of State, to ensure the fee is set on a cost recovery basis.
- 2.5 The Act incorporates the separate regulatory scheme for motor salvage operators under the Vehicles (Crime) Act 2001 into this new regime. This is to replace the current overlapping regimes for the vehicle salvage and scrap metal industries with a single regulatory scheme.
- 2.6 The new powers are functions of the Executive unless and until the Local Authorities (Functions and Responsibilities) Regulations 2000 are amended. The previous functions of regulating this industry were Council functions. The right to make representations is however akin to an executive appeal.
- 2.7 These provisions are therefore similar in nature to existing appeals processes which are already delegated to the Licensing and Appeals Committee. It is intended that where officers are minded to grant the licence i.e. there is no concern as to the suitability of the Applicant then the licence should be granted by Directors under delegated powers. However where officers are minded to refuse the application or to revoke or vary a licence, then the Officers should write to the

applicant/licence holder setting out the reasons for that view and inviting verbal or written representations which will be determined by the Licensing and Appeals Committee.

- 2.8 In addition, as the fees are set locally subject to a requirement that they are proportionate to the regulatory activity, it is intended to ask the Executive to consider the level of fees which should be set. An exercise must first be undertaken to determine the likely costs of the regime before officers can suggest suitable fees for approval.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

The Constitution requires amendment to specify the delegation of these functions so that they may be exercised lawfully.

3.2 Financial Issues

There will be financial implications as the new Act includes the imposition of fees for these new licences. However, the Council has yet to propose such fees which will be dealt with in a more detailed report to the Executive in due course.

4. Conclusion

That these new functions should be delegated to Directors and to the Licensing and Appeals Committee.

5. Background Documents

The Scrap Metal Dealers Act 2013 is available in the legal department.

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