

Selby District Council



Agenda

Meeting: **Executive**
Date: **5 March 2015**
Time: **4pm**
Venue: **Committee Room**
To: Councillor Mark Crane, Councillor Mrs Gillian Ivey, Councillor Cliff Lunn, Councillor John Mackman and Councillor Chris Metcalfe

1. Apologies for absence

2. Minutes

The Executive is asked to approve the minutes of the meeting held on 5 February 2015. Pages 1 to 8 attached.

3. 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

4. Dissolution of the Leeds City Region Leaders Board and Changes to LEP Governance

Report E/14/73 asks the Executive to consider formally dissolving the Leeds City Region Leaders Board and put in place alternative arrangements. Pages 9 to 15 attached.

5. Community Infrastructure Levy (CIL) – Key Decision

Report E/14/74 seeks Executive approval to submit the Community Infrastructure Levy (CIL) for an Examination in Public. Pages 16 to 18 attached.

6. Leeds City Region Green Deal Contract (Better Homes Yorkshire) and the YEP

Report E/14/75 asks the Executive to establish the sub-regional post of the Better Homes Project Manager. Pages 19 to 28 attached.

7. Local Development Plan Update – To Follow

Report E/14/76 provides the Executive with an update on the Local Plan Programme.

Mary Weastell
Chief Executive

Dates of next meetings
19 March 2015 - Executive Briefing
2 April 2015 Executive

Enquiries relating to this agenda, please contact Palbinder Mann on:
Tel: 01757 292207
Fax: 01757 292020
Email: pmann@selby.gov.uk

Recording at Council Meetings

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to:- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact, prior to the start of the meeting, Palbinder Mann – Democratic Services Manager on 01757 292207 or pmann@selby.gov.uk. Any recording must be conducted openly and not in secret.

Selby District Council



Minutes

Executive

Venue:	Committee Room, Civic Centre, Selby
Date:	5 February 2015
Present:	Councillor M Crane (Chair), Mrs G Ivey, C Lunn, J Mackman and C Metcalfe.
Officers present:	Chief Executive, Executive Director (S151), Solicitor to the Council, Director of Community Services, Lead Officer, Finance, Policy Officer, Graduate Trainee, Policy, Commissioning and Performance Officer and Democratic Services Manager.
Public:	0
Press:	0

NOTE: Only minute numbers 94, 95, 97 to 100 are subject to call-in arrangements. The deadline for call-in is 5pm on Tuesday 17 February 2015. Decisions not called in may be implemented on Wednesday 18 February 2015.

91. Apologies for Absence

Apologies were received from the Deputy Chief Executive.

92. Minutes

It was agreed to amend the first resolution of item 90 – Tour De Yorkshire Cycle Race to remove the word ‘Monitoring Report’.

RESOLVED:

Executive
5 February 2015

To approve the minutes from the meeting on 8 January 2015 with the above amendment and they be signed by the Chair.

93. Disclosure of Interest

There were no declarations of interest.

The Chair agreed to amend the running order of the agenda. It was agreed that item 12 – Authority Monitoring Report (AMR) including the Local Development Scheme and the 5 Year Housing Land Supply would be taken first.

94. Authority Monitoring Report (AMR) including the Local Development Scheme and the 5 Year Housing Land Supply

Councillor J Mackman presented the report which provided information on the Authority Monitoring Report; this detailed the performance of the Core Strategy's policies against the targets. It also provided an update on the position on the Local Development Scheme and the 5 Year Housing Land Supply in terms of the figures and the methodology.

In response to a query concerning the 20% additional buffer and the shortfall figure, Councillor J Mackman clarified that the 20% buffer and shortfall figure would be on top of the allocated figure.

RESOLVED:

- i) To endorse the performance of the Core Strategy's policies in the Authority Monitoring Report.**
- ii) To endorse the approach to the 5 Year Housing Land Supply 2013/14 in the methodology and the figure for 2014.**

REASON FOR THE DECISION:

- To inform the Executive of the performance of planning policies against Core Strategy targets.
- To inform the Executive on the latest position on the 5 Year Housing Land Supply.

95. 3rd Interim Corporate Plan Progress Report

Executive
5 February 2015

Councillor M Crane presented the report which provided details of Access Selby's key performance indicators following the third quarter of reporting for 2014/15 and recommended appropriate action where required.

It was highlighted that the target concerning invoices paid on time had not been reached and it was hoped this could be remedied. It was also highlighted that there had been an improvement on the average time to re-let properties.

RESOLVED:

To approve the report.

REASON FOR THE DECISION:

The on-going management of performance and improvement data enables the Council to monitor the level of service delivered by Access Selby, and can assist the Council in achieving its strategic priorities.

96. Selby District Corporate Plan 2015–20 – Key Decision

Councillor M Crane presented the report on the final draft of the new Corporate Plan to cover the years 2015-2020.

It was noted that the plan is one of the documents forming part of the Council's budget and policy framework and as such it must be subject to final approval by full Council.

Officers were thanked for their considerable time and effort in producing the plan.

RESOLVED:

- i) To note the draft Corporate Plan 2015-2020 and recommend to Council that it be approved.**
- ii) To authorise the Chief Executive to make any necessary changes to the draft to improve its style and layout prior to publication.**

REASON FOR THE DECISION:

The Executive is asked to agree the recommendation to enable a new Corporate Plan to be adopted and in place for the start of the financial year 2015.

Executive
5 February 2015

97. Scrap Metal Dealers Policy

Councillor M Crane presented the report on the draft Scrap Metal Dealers Policy which had been developed. It was proposed that the draft policy would be subject to a six week public consultation starting Monday 9 February until Monday 23 March 2015.

RESOLVED:

- i) To approve the draft policy.**
- ii) To approve a six week public consultation process on the draft policy.**

REASON FOR THE DECISION:

- To have a comprehensive policy in place to ensure that the Council is in a position to act and respond to any future changes in legislation.
- To seek and consider the views of the Scrap Metal trade as well as the general public before a Policy is formally adopted.

98. Hackney Carriage and Private Hire Vehicle Licensing Policy

Councillor M Crane presented the report which provided details on the consultation responses and the subsequent proposed changes to the draft Taxi Licensing Policy.

It was explained that the Licensing Committee proposal to only allow drivers who had held a driver's licence with the Council for five years to be added to the waiting list for a non-wheelchair accessible vehicle was in contravention of the Equality Act 2010 therefore could not be implemented.

It was also stated that it was proposed to recommend a 75/25% split for wheelchair accessible vehicles in line with the public consultation results rather than the 60/40% split proposed by the Licensing Committee.

RESOLVED:

- i) To approve the Taxi Licensing Policy.**

Executive
5 February 2015

- ii) **To review the policy after twelve months from adoption, to include the duration of licences and a knowledge test for drivers.**
- iii) **To undertake further research in relation to additional provision for taxi vehicle inspections, and the procedure for inspecting wheelchair accessible vehicle ramps.**

REASON FOR THE DECISION:

- To ensure that the Council is in a position to act and respond to any future changes in taxi and private hire legislation.
- To assist the Council in maintaining a mixed taxi fleet which meets the needs of the travelling public by providing with quality and choice.
- To protect the public's health and safety.

99. 3rd Interim Budget Exceptions Report – Key Decision

Councillor C Lunn presented the third quarter budget exceptions report. The report provided details of the Core, Access Selby and Communities Selby General Fund and Housing Revenue Account expenditure and income variations for the financial year to 31 December 2014.

Councillor Lunn highlighted that there had been an increase from green recycling waste however this had been offset by lower prices from sales of recyclates.

A query was raised concerning the latest situation with regard to the Portholme Road Culvert. It was explained that the process was out to tender. It was agreed that the closing date for tenders would be checked and reported back.

RESOLVED:

To endorse the actions of officers and note the contents of the report.

REASONS FOR THE DECISION:

To ensure that budget exceptions are brought to the attention of the Executive with explanations from officers; in order to approve remedial action if necessary.

100. 3rd Interim Treasury Management report – Key Decision

Executive
5 February 2015

Councillor C Lunn presented the report which reviewed the Council's borrowing and investment activity for the first nine months of 2014/15 and presented performance against the Prudential Indicators.

Discussion took place on the money held in Money Market Funds and it was explained that investment in such funds was in accordance with the Investment Strategy. It was added that these funds were now managed as part of the overall investment pool operated by North Yorkshire County Council.

RESOLVED:

To endorse the actions of officers on the Council's treasury activities for the period ending 31 December 2014 and approve the report.

REASON FOR THE DECISION:

To comply with the Treasury Management Code of Practice, the Executive is required to receive and review regular treasury management monitoring reports.

101. Medium Term Financial Plan – Key Decision

Councillor C Lunn presented the report on the draft revenue budgets, capital programmes and Programme for Growth, for 2015/16 to 2017/18 following public consultation.

Concern was raised at some wording relating to what constituted an empty home for the purposes of the Empty Homes Premium. It was noted however that the wording was that set out in legislation and therefore could not be amended.

It was requested that further information on the consequences and risks of freezing council tax along with how these risks were being mitigated against be included in the final report to Council so that the public were aware.

RESOLVED:

- i) The draft budgets, bids and savings be submitted to Council for approval;**
- ii) It be recommended to Council that Council Tax is frozen at £162.00 for 2015/16 for a band D equivalent property;**

Executive
5 February 2015

- iii) **It be recommended to Council to approve an empty homes premium equivalent to 50% of the Council Tax charge i.e. to charge 150% of the Council Tax liability on a property that has been empty and substantially unfurnished for more than 2 years, with effect from 1 April 2015.**

REASON FOR THE DECISION:

To ensure the Executive's budget proposals are fully funded for 2015/16 and to put into effect the Empty Homes Premium as included within the approved Empty Homes Strategy.

102. Treasury Management Strategy – Key Decision

Councillor C Lunn presented the report on the proposed Treasury Management Strategy along with the Minimum Reserve Provision Policy Statement, Annual Investment Strategy for 2015/16 and Prudential Indicators 2015/16 as required by the Department of Communities and Local Government and CIPFA.

RESOLVED:

To recommend to Council:

- i) **The Operational Borrowing Limit for 2015/16 is set at £71m**
- ii) **The Authorised Borrowing Limit for 2015/16 is set at £79m**
- iii) **Councillors delegate authority to the Executive Director (s151) to effect movement within the agreed authorised boundary limits for long-term borrowing for 2015/16 onwards.**
- iv) **Councillors delegate authority to the Executive Director (s151) to effect movement within the agreed operational boundary limits for long-term borrowing for 2015/16 onwards.**
- v) **The treasury management strategy statement 2015/16 be approved.**
- vi) **The minimum revenue provision policy statement for 2015/16 be approved.**
- vii) **The treasury management investment strategy for 2015/16 be approved.**
- viii) **The prudential indicators for 2015/16 which reflect the capital expenditure plans which are affordable, prudent and sustainable be approved.**

Executive
5 February 2015

REASON FOR THE DECISION:

To ensure the Council's Treasury Management Strategy and associated policies are prudent and affordable.

The meeting closed at 4:56pm

Selby District Council

REPORT

Reference: E/14/73

Public – Item 4



To: The Executive
Date: 5 March 2015
Status: Non Key Decision
Report Published: 25 February 2015
Author: Gillian Marshall Solicitor to the Council
Executive Member: Councillor Mark Crane, Leader of Council
Lead Officer: Mary Weastell Chief Executive

Title: Dissolving the Leeds City Region Leaders Board Joint Committee

Summary:

- 1 The West Yorkshire Combined Authority (WYCA) is not currently represented on the Leeds City Region (LCR) Leaders' Board, a joint committee appointed by authorities within the LCR to discharge economic development and regeneration functions. This will pose operational difficulties from 1 April 2015, when the WYCA will begin to act as the principal accountable body for funding relating to LCR economic development and regeneration activities.
- 2 The LCR Leaders' Board at its meeting on 12 December 2014 considered a report setting out options relating to future LCR governance arrangements, and endorsed a proposal to dissolve the LCR Leaders' Board on 31 March 2015, and for the WYCA to establish an advisory LCR Partnership Committee.
- 3 The WYCA at its meeting on 29 January 2015 resolved to appoint a LCR Partnership Committee to be established from 1 April 2015. Its functions include acting as a consultative forum and advising the WYCA on its role as accountable body for funding received for the Leeds City Region.
5. In view of the operational difficulties referred to above, and given that the WYCA have resolved to appoint a LCR Partnership Committee, this report proposes that the Executive resolves to dissolve the LCR Leaders' Board on 31 March 2015.

Recommendations:

- (i) To formally dissolve the Leaders Board on 31 March 2015
- (ii) To note that the WYCA will establish an advisory committee from 1st April 2015 (the LCR Partnership Committee) consisting of the 5 WYCA members plus York as the constituent council and co-opt onto that the Leaders of the 5 LCR Authorities who are not part of the WYCA (SDC, NYCC, Craven, Harrogate and Barnsley).
- (iii) To note the Terms of Reference of the LCR Partnership Committee which are; to act as a consultative forum for matters referred to it by the WYCA and advise the WYCA in relation to i) its accountable body functions ii) duty to co-operate matters iii) appointments to the LEP
- (iv) To authorise the Solicitor to the Council to notify the WYCA that the named substitute for the co-opted member (the Leader) will be the Deputy Leader
- (v) To authorise the Solicitor to the Council to enter into an appropriate funding agreement to fund the LCR Partnership Committee
- (vi) To note that the LCR Partnership Committee will have as part of its standing orders that the quorum will be 6 members, each member and co-opted member will have one vote and decisions will be made by majority.
- (vii) To note that as the accountable body WYCA will give effect to recommendations of the LCR Partnership Committee through delegated officer decision making (or a WYCA committee decision if necessary) so as to meet the requirements of the LEP Assurance Framework (Dec 2014)
- (viii) To give the Chief Executive and the Director of Community Services concurrent delegated authority to enable him/her in consultation with the Leader to approve any matter further to any recommendation of the Leeds City Region Partnership Committee necessary to give effect to the recommendation or resolution of the WYCA in respect of funding arrangements for the Selby District.

Reasons for recommendation

To formally dissolve the Joint Committee and put in place alternative arrangements following the creation of the West Yorkshire Combined Authority which will replace Leeds City Council as the accountable body for the Leeds City Region LEP.

1. Introduction and background

- 1.1 The LCR Leaders' Board was established in 2007 as a joint committee to carry out economic development and regeneration wellbeing functions across the LCR.
- 1.2 Eleven authorities are currently represented on the LCR Leaders' Board. These are Barnsley Metropolitan Borough Council, City of Bradford Metropolitan City Council, Borough Council of Calderdale, Craven District Council, Harrogate Borough Council, Kirklees Metropolitan Council, Leeds City Council, North Yorkshire County Council, Selby District Council, City of Wakefield Metropolitan District Council and City of York Council.

- 1.3 Leeds City Council is the support services authority for the LCR Leaders' Board, and acts as the accountable body for grants and loans made through the Leaders' Board.
- 1.4 The West Yorkshire Combined Authority (WYCA) was established on 1 April 2014, with concurrent economic development and regeneration functions to those of the West Yorkshire authorities.

2. The Report

- 2.1 The WYCA is not represented on the LCR Leaders' Board. Therefore, there is no direct mechanism for the LCR Leaders' Board to delegate to WYCA officers, nor for the WYCA to act as the support services authority for the LCR Leaders' Board. This will present major operational difficulties from 1 April 2015 when
- officers currently employed by Leeds City Council and sitting within the LCR team will be transferring to the WYCA and
 - the WYCA will become the principal accountable body for relevant LCR funding streams to be received from central government.
- 2.2 In addition, central government have issued consultation about a Legislative Reform Order (LRO), which, if it became law, would enable the LCR and WYCA geographies to be more closely aligned.
- 2.3 On 12 December 2014, the LCR Leaders' Board received a report outlining the following options for developing LCR governance arrangements for the new financial year 15/6 :
- Option 1: to expand the LCR Leaders Board to include the WYCA, with the WYCA being represented by the LEP Chair.
 - Option 2: to dissolve the Leaders' Board, and for the WYCA to appoint an LCR Partnership Committee.
- 2.4 The LCR Leaders' Board endorsed option 2, and (subject to each authority resolving to dissolve the LCR Leaders' Board), delegated authority for approving the joint committee's accounts for 2014/5 to Leeds City Council, as its support services authority.

The LCR Partnership Committee

- 2.5 The WYCA at its meeting on 29 January 2015, resolved to appoint a LCR Partnership Committee to be established from 1 April 2015. The LCR Partnership Committee is an advisory committee to the WYCA, not a joint committee (although its membership reflects the whole LCR). The LCR Partnership Committee will provide a forum for bringing together representatives from LCR authorities, and facilitate direct collective engagement with the WYCA, the key local authority supporting the LCR Enterprise Partnership, (the LCR LEP), as its accountable body.

- 2.6 The governance arrangements for the new committee are set out in the report considered by the WYCA . The terms of reference for this committee are attached for information to this report as Appendix A
- 2.7 That report also sets out the appointments to the LCR Partnership Committee made by the WYCA. Members should note that Councillor Crane has been appointed to the Committee (in his capacity as Leader of a non-WYCA authority).
- 2.8 Recommendations made by the LCR Partnership Committee (for example, to approve funding for specific projects) may be referred to the WYCA, or implemented under WYCA officer delegated authority. Such decisions of the WYCA will not generally need to be subsequently endorsed by all LCR authorities, since such decisions will be made by the WYCA in its capacity as accountable body for the LCR LEP. However, an individual LCR authority receiving funding for an approved project may need to resolve to enter into the specific funding agreement with the WYCA. To promote efficient decision-making, it is therefore recommended that the Chief Executive and the Director of Community Services be given concurrent delegated authority to enable him/her in consultation with the Leader to approve any matter further to any recommendation of the Leeds City Region Partnership Committee.

Transfer of Leaders' Board assets/accountable body responsibilities

- 2.9 The LCR Leaders' Board agreement may be determined or varied on 31 March in any year. Any agreement to dissolve or vary the LCR Leaders' Board must set out the terms for doing so, including how its assets, liabilities and obligations will be dealt with.
- 2.10 Leeds City Council, as support services authority to the LCR Leaders' Board, is currently the accountable body for LCR funding, both in terms of grant agreements received from central government, and delivery, grant or loan agreements entered into behalf of LCR authorities with third parties. Some of these agreements will run beyond 31 March 2015.
- 2.11 If the LCR Leaders' Board is dissolved, given that the WYCA will be taking over the role as accountable body for LCR funding, it is proposed that (subject to the agreement of any necessary parties, and due diligence enquiries), most of these agreements (and the assets to which they relate, such as loans) should be novated or assigned to WYCA so that Leeds City Council's responsibilities are transferred to the WYCA. Any other outstanding assets held by the LCR Leaders' Board at 31 March 2015 will need to be allocated between Leeds City Council (to support LCR commitments for which it retains responsibility) and the WYCA in respect of LCR activities.

3. Legal/Financial Controls and other Policy matters

Legal Issues

- 3.1 Each authority represented on the LCR Leaders' Board must resolve to dissolve or vary the LCR Leaders' Board arrangements in accordance with its own constitutional arrangements.
- 3.2 The proposals do not affect the governance arrangements of the LCR LEP itself, nor how the authority is represented on the LCR LEP Board.

Financial Issues

- 3.3 The Council is asked to enter into a funding agreement for the new LCR Partnership Committee. The agreement will reflect the existing arrangements for the joint committee whereby the Council contributes 1.4% of the running costs. It is proposed that delegated authority be given to the Solicitor to the Council after consultation with the Leader of Council to enter into a suitable agreement.

Impact Assessment

- 3.4 LEP arrangements are unchanged save that SDC will in future need to be a party to any LEP funding agreements for our area. There is a possible increase in legal in respect of such agreements although officers are looking to agree a shared legal lead for the North Yorkshire LCR Authorities collectively.

4. Conclusion

- 4.1 For the reasons set out above, it is not tenable to retain current LCR Leaders' Board arrangements as they are.
- 4.2 It is important that there is a framework for decision making across the LCR. However, resources invested in re-establishing joint committee arrangements may be disproportionate to the length of time such arrangements may be in place, given the likelihood of a Legislative Reform Order in the near future.
- 4.3 Dissolving the LCR Leaders' Board would streamline LCR decision making, and the proposal to do so should be considered in the context of the new LCR Partnership Committee which brings together representatives from LCR authorities, and will facilitate direct collective engagement with LCR issues.

5. Background Documents

LCR Leaders Board Report and minute 12 December 2014
WYCA Report and minute 29 January 2015

Contact Officer:

Gillian Marshall
Solicitor to the Council
Selby District Council

gmarshall@selby.gov.uk

Appendices:

Appendix A – LCR Partnership Committee Terms of Reference

Appendix A

Terms of Reference

Leeds City Region Partnership Committee

The Leeds City Region Partnership Committee is authorised to

- 1) act as a consultative forum in relation to any matter referred to it by the Authority¹; and
- 2) advise the Authority in relation to:
 - any function of the Authority relating to its role as accountable body for funding received for the Leeds City Region²;
 - the Authority's duty to co-operate in relation to the planning of sustainable development; and
 - appointments to the Leeds City Region Enterprise Partnership (the LCR LEP)³.

¹This may include a matter raised (through the Chair of this committee) by any LCR authority or the LCR LEP Board.

² The Leeds City Region consists of the areas of those local authorities in the LCR LEP

³ including any of the LCR LEP's supporting Boards and Panels

Selby District Council

REPORT

Reference: E/14/74

Public – Item 5



To: The Executive
Date: 5 March 2015
Status: Key Decision
Report Published: 25 February 2015
Author: Tom Ridley Policy Officer
Executive Member: Cllr Mark Crane Leader of the Council
Lead Officer: Keith Dawson Director

Title: Community Infrastructure Levy (CIL)

Summary:

The second Community Infrastructure Levy Draft Charging Schedule Consultation closed on 3rd March 2015 with responders only able to make comments on the modifications to the Draft Charging Schedule. These modifications were a change from two charging zones of £25 and £45 to three charging zones of £10, £35 and £50. The Draft Charging Schedule document itself was also expanded in order to provide more information and make the process easier to understand.

These modifications were made due to comments received from the development industry at the first round of consultation. Therefore subject to considering the responses on the second round of consultation, the CIL is now at a stage to submit for an Examination in Public pending Executive Board approval.

Recommendations:

- i. **The Executive is asked to authorise the Director of Community Services to submit the CIL Charging Schedule for an Examination in Public to allow the CIL to be adopted as soon as possible and thus avoid potential loss of income through the scaling back of Section 106 from April 2015.**

1. Introduction and background

- 1.1 From April 6th 2015 Councils will only be able to collect scaled back Section 106 contributions on items that are required to make an individual

development acceptable in planning terms. It may also not pool more than 5 contributions received since 2010 for the same item. However Councils can choose to introduce a Community Infrastructure Levy (CIL) on new development to top up the scaled back Section 106 receipts. The CIL must be based on viability evidence and strike an appropriate balance between charging an appropriate levy for the provision of infrastructure and not inhibiting development from coming forward.

- 1.2 Following the modifications and in line with the regulations the Council was required to undertake a second round of consultation and issue a Statement of Modifications outlining the changes made and the reasons why.

2. The Report

- 2.1 The Community Infrastructure Levy Draft Charging Schedule was previously approved for a second round of consultation by The Executive and consultation will end on 3rd March 2015. The consultation is only on the modifications which arose from the first round of consultation on the Draft Charging Schedule. These modifications were a change from two charging zones of £25 and £45 to three charging zones of £10, £35 and £50. The Draft Charging Schedule document itself was also expanded in order to provide more information and make the process easier to understand. The consultation is not on any other aspects of the CIL and cannot expand any previous representations submitted to the Council. Therefore no new issues can be raised while Peter Brett Associates are prepared to defend the modifications at an Examination in Public with an updated evidence base.
- 2.2 Given that the consultation does not formally close until after the dispatch of the Executive Agenda, officers will report verbally on the response at the meeting.
- 2.3 The Executive is asked to delegate authority to the Director of Community Services to submit the CIL Charging Schedule for examination at an appropriate time to ensure the EIP is listed for a June hearing after liaison with the Planning Inspectorate with a view to adopting the CIL in late July early August. This will enable the Council to adopt the CIL in a timely fashion to avoid loss of income to fund infrastructure through not having an adopted CIL in place.

3. Legal/Financial Controls and other Policy matters

Legal Issues

- 3.1 As set out in the report to the Executive meeting of 5 December 2013:
 - The CIL will be subject to an Examination in Public to hear objections before Adoption.
 - The CIL will replace a major element of Section 106 negotiations where those issues are listed on the Regulation 123 List, but other issues such as affordable housing and site specific matters will still be subject to Section 106 agreements.

- The Authority will be the Charging Authority for the purpose of CIL Regulations, but may not necessarily be the Spending Authority. Its responsibilities therefore may be more limited in the actual spending of the CIL levy money.

3.2 The responders to the CIL consultation may challenge the introduction of the CIL through an Examination in Public. There will be an opportunity for Legal Challenge upon the adoption of the CIL.

Financial Issues

3.3 The financial impact will be the cost of an Examination in Public which is currently estimated at £10,000 which is available within the budget allocated to CIL.

4. Conclusion

4.1 Following the modifications to the CIL Draft Charging Schedule and a second round of consultation it is recommended that the CIL is now progressed to an Examination in Public. This will enable the Council to implement a CIL alongside the scaled back Section 106 contributions in a timely fashion to avoid loss of income.

4.2 Overall, CIL continues to be viable and appropriate in both planning and economic terms.

5. Background Documents

- Agenda and Minutes of Executive meeting of 8 January 2015
- Agenda and Minutes of Executive meeting of 4 December 2014
- Agenda and Minutes of Executive meeting of 3 July 2014
- Agenda and Minutes of Executive meeting of 5 June 2014
- Agenda and Minutes of Executive meeting of 5 December 2013
- Preliminary Draft and Draft Charging Schedule consultation material (www.selby.gov.uk/cil)
DCLG Community Infrastructure Guidance note, February 2014
http://www.planningportal.gov.uk/uploads/cil/cil_guidance_main.pdf

Contact Officer:

Tom Ridley
Policy Officer
Selby District Council
tridley@Selby.gov.uk

Appendices:

N/A

Selby District Council

REPORT

Reference: E/14/75

Public – Item 6



To: The Executive
Date: 5 March 2015
Status: Non Key Decision
Report Published: 25 February 2015
Author: Rachel Howden
Executive Member: Councillor Mark Crane
Lead Officer: Jonathan Lund

Title: Leeds City Region Green Deal Contract (Better Homes Yorkshire) and the YEP

Summary:

1. The Council is part of the Better Homes Yorkshire scheme which was jointly procured through the Leeds City Region (LCR).
2. The Council is responsible for prioritising schemes that will deliver energy efficient measures to residents within the district. The redistribution of resources is required to successfully deliver the scheme.
3. To jointly resource a sub-regional Better Homes Project Manager with York, Harrogate and Craven Councils and utilise the annual management fee paid to the SDC from Better Homes Yorkshire to jointly fund the post.
4. To withdraw from the Yorkshire Energy Partnership (YEP) in an appropriate and timely manner, and redistribute the SLA subscription to the Better Homes Project Manager post.

Recommendations:

- i. To agree to establish the sub-regional post of the Better Homes Project Manager (hosted by City of York Council)

- ii. To fund the sub regional post of the Better Homes Project Manager using Selby's element of the LCR Green Deal contract management fee [£5,000] and the SLA contribution to the YEP [£4,000]
- iii. Delegate authority to the Deputy Chief Executive to withdraw from the YEP once the CERT funds have been appropriately utilised.

Reasons for recommendation

To maximise the effectiveness of the Council's participation in the LCR Green Deal/Better Homes Yorkshire initiative

1. Introduction and background

- 1.1 Following Executive approval on the 4th September 2014, officers have been working with Leeds City Region (LCR) to negotiate the finer details of the framework agreement for the programme to deliver energy efficiency measures to private sector homes. The agreement was signed by the Council on 19th December 2014.

The programme aims to deliver a minimum of 14,000 green deal measures to 12,000 homes over the first 3 years of the contract across the region, with a minimum of 758 properties being in the Selby area. The contract has been awarded to a consortium of Keepmoat, Willmott Dixon and Scottish and Southern Electricity (KSW).

- 1.2 This has been an unusual procurement as the Council has not purchased anything. Instead, through competition, KSW obtained an exclusive endorsement from each LCR council as part of the scheme. Obtaining access to customer/stock data and marketing channels for the length of the Call-Off Contract and use of the Council's branding, will enable KSW to discharge their Energy Company Obligation (ECO).
- 1.3 Marketing and promotion is the responsibility of KSW. Working in partnership with Councils, the brand Better Homes Yorkshire has been adopted for the overall programme. In Selby it will be called Better Homes – Selby.
- 1.4 The scheme will allow private householders across the district to access a branded, value and quality driven contractor to carry out appropriate work to their home. Stringent quality control of the work and the financial packages available will contribute in providing confidence to householders and encourage take up. The scheme is not just about improving private homes but is also open to the council for our own housing stock and non-domestic stock/ businesses. KSW have commenced a three month mobilisation period. To launch the

scheme in Selby, KSW will offer 33 Green Deal Community Fund Vouchers. These vouchers assist with the cost of installing measures and will be worth £750 per resident. In addition a private home will be refitted with up to £15k to fund energy efficiency measures and will become a demonstration show house. KSW will also establish a regional call centre and interactive website.

During this period we are working with Harrogate, Craven, York and KSW to ensure we have a longer term bespoke marketing and delivery campaign for our residents and in particular we are prepared for any future funding and initiatives. For example we are aware that the Government will be releasing further Green Deal Home Improvement Vouchers in April 2015 and by working together our intention is to promote the offer to residents to maximise take up.

2. The Report

- 2.1 The report of 4th September 2014 noted that discussion would be required to determine how the LCR Green Deal scheme [now known as Better Homes Yorkshire] would be delivered by SDC and referred to the option of utilising a joint resource.
- 2.2 The interim arrangement of a joint resource officer for York, Harrogate, Craven and Selby has been successful. The officer has been liaising with KSW to provide initiatives for the voucher scheme and locating a show home within the district.
- 2.3 City of York Council has taken the lead in recruiting for a sub-regional Better Homes Project Manager and will be the authority that recruits and employs the post; a job description is attached at appendix A. The post will work in conjunction with KSW to deliver the scheme for each LA. This will allow the sharing of best practice between areas ensuring that schemes are efficiently delivered for each LA to the benefit of their residents.
- 2.4 Currently SDC is part of an organisation known as Yorkshire Energy Partnership Ltd (YEP) alongside City of York Council, Craven District Council, Hambleton District Council, Harrogate Borough Council, Richmondshire District Council, Ryedale District Council, Scarborough Borough Council, North Yorkshire County Council, Leeds Beckett University and Joseph Rowntree Housing Trust. The company is a not-for-profit organisation and SDC is represented on the board. The YEP is a company limited by guarantee and Selby District Council's liability is £1.
- 2.5 It should be noted that the council does not generate revenue from the YEP and has an annual service level agreement with them to a value of just under £4k. Working together we have been very successful in the past drawing down funding, however the recent changes to funding, in particular ECO and the Grant conditions associated with government funding has resulted in few measures

to private homes in the last year. The Better Homes Programme has been procured to ensure that it can take advantage of current funding opportunities and is flexible enough to take advantage of any future funding opportunities. However the Better Homes programme has exclusivity rights, and means that Selby DC cannot work with other contractors to promote energy efficiency in the private housing stock and this includes YEP.

- 2.6 SDC holds Carbon Emissions Reduction Target (CERT) funds with YEP that can be utilised to provide energy efficiency measures within the district. It is proposed that these are utilised, not in conflict with the Better Homes Yorkshire scheme.
- 2.7 SDC's continued involvement with YEP may impact/breach the exclusivity clause. It is proposed that SDC withdraws from the YEP in an appropriate and timely manner once the CERT reserves have been utilised.
- 2.8 It is proposed that the fees generated from the Better Homes – Selby scheme and the potential to redirect the funding which has been used to support YEP will enable SDC to contribute along with York, Harrogate and Craven to fund a joint sub regional project delivery officer to support the delivery of the Better Homes scheme.
- 2.9 It is proposed that meetings will be held between the four LA's to monitor progress of the scheme in each LA as required. It is also proposed that an annual meeting is held to review any 'excess' income generated in each Council (above the £5,000 income fee) and a joint decision is taken on how to use this income.
- 2.10 It is proposed that Better Homes – Selby scheme fees are paid directly to York and that each year SDC will contribute the equivalent of the YEP SLA funding at the beginning of each financial year.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

- 3.1.1 When withdrawing from the YEP it will be necessary to negotiate and complete a withdrawal agreement setting out the Parties' share of past and future liabilities and assets.
- 3.1.2 Better Homes –Selby including ECO and the Green Deal Home Improvement Fund is the only option endorsed by SDC for residents who want to improve the energy efficiency of their home and reduce fuel poverty, following the demise of current government programmes such as CESP/CERT and Warmfront.

3.2 Financial Issues

- 3.2.1 The fee income can be used in funding a joint North Yorkshire Post as outlined above for the delivery and management of the schemes subject to business case and a final decision on that issue.
- 3.2.2 The redistribution of the YEP SLA subscription fee to the joint post, once the Council has withdrawn from the YEP.

4. Conclusion

The successful delivery of the Better Homes Selby scheme will result in the delivery of energy efficiency measures across all sectors to reduce fuel poverty and carbon emissions. This success is dependent on the provision of a jointly resourced Better Homes Project Manager.

The withdrawing from the YEP will ensure that any exclusivity clause with Better Homes Yorkshire is not breached and there is no conflict.

Contact Details **Rachel Robinson**

Appendices: **A – Job Description**

JOB DESCRIPTION	
DIRECTORATE: Communities and Neighbourhoods	DEPARTMENT: Housing Services
JOB TITLE: Project Manager for LCR Green Deal Provider	POST NUMBER:
REPORTS TO (Job Title): Housing Standards and Adaptations Manager	Current Grade:
1.	MAIN PURPOSE OF JOB To drive the development, marketing and introduction of the new Leeds City Region Contract for Green Deal in Craven, Harrogate, Selby and York (sub region) ensuring the delivery of energy efficiency advice and measures to domestic homes thereby reducing fuel poverty and carbon emissions
2.	KEY TASKS:
i.	To successfully project manage the new contract for sub region ensuring that project outcomes (e.g. marketing and communications, data provision, quality assurance etc). and Key Performance Indicators (KPIs) and are met. To take appropriate steps with the delivery partner to rectify any underperformance.
ii.	To work with the new provider providing access to data and local knowledge where available to help target area based approaches in the sub region. With a particular focus on helping to build strong relationships with local communities /residents with the new provider.
iii.	To act as the initial contact point for the Leeds City Region Contracts Manager to ensure that opportunities from the contract are maximised and local contract targets are met
iv.	To liaise with colleagues, including building maintenance, planning, building and legal across the councils to promote best practice in the delivery of the contract
v.	To provide the members and senior Managers with regular progress reports to ensure projects are delivered on time and within budget
vi.	To be aware of and ensure compliance with any relevant standards related to the delivery of the contract and to carry out quality checks. To deal with any complaints or issues that may arise in relation to the new contract with the provider including notifying and/or discussing with the relevant Council lead officer for Green Deal where the complaint involves local politicians and/or may attract adverse publicity for the scheme and/or the local Council

	vii.	To represent the councils in a professional and customer focussed manner that reflects our commitment to providing the highest quality service
	viii.	To update the relevant project plans, action logs
	ix.	Working closely with Communication teams across the sub-region and support the Green Deal Provider, to devise and implement a communication campaign to ensure take up of the Green Deal across the sub-region.
3.	SUPERVISION / MANAGEMENT OF PEOPLE The post has no line-management responsibilities; however it is required to project manage the work of the provider Occasional supervisory responsibility for new/temporary staff and students giving guidance and advice to new an existing members of staff	
4.	CREATIVITY & INNOVATION The post holder will: be expected to promote new ideas and contribute to creative solutions to deliver the new contract across the sub region. frequently find and broker complex solutions to problems that arise from the delivery of the new contract, including resolving issues, any delays to ensure the project completes on time, and any complaints from the public. This will require innovative thinking and the ability to lead project teams to solve issues that could effectively result in the failure of the project. given the nature of delivering a new contract in the sub region, have to make difficult decisions under time pressures having given full consideration to all of the options and consequences. need to possess strong influencing and conflict resolution skills and applies then in building and leading a successful team, with experience of working with virtual teams of contractors and local authorities need to Identify and secure grant funding and investment to support project delivery	
5.	CONTACTS & RELATIONSHIPS The post holder will: <ul style="list-style-type: none"> • have daily contact with staff from areas within the housing, planning departments, building control, legal, marketing and communication and/or the appropriate lead green deal Council officer(s) from Harrogate, Craven and Selby Council's as well as those at City of York Council. • Communicate with senior officers, members, community leaders and Members of Parliament in both private and public sectors External: collaborative working with <ul style="list-style-type: none"> • the managers in the sub region to promote partnership working. 	

	<p>Contact is on a daily/weekly basis, often requiring complex issues Will report to steering group of sub regional partners from a range of disciplines</p> <ul style="list-style-type: none"> • The Leeds City Region Provider. Contact is on a daily/weekly basis, often requiring complex issues • The Leeds City Region Contract Manager to promote partnership working. Contact is on a daily/weekly basis, often requiring complex issues • External partners including (not exhaustive) : <ul style="list-style-type: none"> Community and resident groups voluntary partnerships (Age Concern CAB) Other statutory partnerships (North Yorkshire Fire and Rescue /Police) <p>The post-holder will serve as the first point of contact for targeted local communities, and will be expected to lead on public consultation and in the resolution of any complaints relating to the delivery of the new contract</p> <p>The post holder will have daily contact with customers and their families and with contractors offering a sensitive service including providing the role of mediator between customers and contractors solving problems and disputes as they arise</p>
6.	<p>DECISIONS – discretion & consequences</p> <p>Discretion – The post holder will be expected to make timely, difficult and significant decisions that will directly impact on the successful project delivery of the contract. The impact of these decisions will have implications for the delivery of the scheme and the reputation of the councils</p> <p>Consequences - Failure to deliver the new contract in line with the key performance targets could cause legal and reputational damage to the councils at both local and regional level and resulting in the termination of the call off contracts</p> <p>Failure to represent the councils in a professional manner to external contacts could damage the council's reputation and undermine the relationships with external partners.</p> <p>Failure to deliver measures to the agreed standards could mean residents not living in warm energy efficient homes</p> <p>Failure to deliver measures could lead the council not to meet its targets set out in the council plan and other high level documents such as the Climate Change Action Plan and the Home Energy Conservation Act action plan (monitored by the government)</p>

7.	<p>RESOURCES – financial & equipment <i>(Not budget, and <u>not</u> including desktop equipment.)</i></p> <table border="0"> <thead> <tr> <th style="text-align: left;"><u>Description</u></th> <th style="text-align: right;"><u>Value</u></th> </tr> </thead> <tbody> <tr> <td colspan="2">To manage and administer the following equipment for the Council</td> </tr> <tr> <td>Safety clothing /equipment (coats, boots, hard hats)</td> <td style="text-align: right;">£200</td> </tr> <tr> <td>Digital camera</td> <td style="text-align: right;">£150</td> </tr> <tr> <td>Mobile phone</td> <td style="text-align: right;">£100</td> </tr> <tr> <td>Use of professional equipment on a regular basis to survey/inspect properties, to provide evidence base for informed decisions.</td> <td style="text-align: right;">£750</td> </tr> </tbody> </table>	<u>Description</u>	<u>Value</u>	To manage and administer the following equipment for the Council		Safety clothing /equipment (coats, boots, hard hats)	£200	Digital camera	£150	Mobile phone	£100	Use of professional equipment on a regular basis to survey/inspect properties, to provide evidence base for informed decisions.	£750
<u>Description</u>	<u>Value</u>												
To manage and administer the following equipment for the Council													
Safety clothing /equipment (coats, boots, hard hats)	£200												
Digital camera	£150												
Mobile phone	£100												
Use of professional equipment on a regular basis to survey/inspect properties, to provide evidence base for informed decisions.	£750												
8.	<p>WORK ENVIRONMENT – work demands, physical demands, working conditions & work context</p> <p>Work demands</p> <ul style="list-style-type: none"> ▪ Workload has variable deadlines and the post holder will need to prioritise their workload to reflect changing and competing demands. ▪ Regular requests for unplanned work often of a complex or problem solving nature ▪ To concentrate on complex tasks for long periods of time. ▪ To work on several tasks at the same time. ▪ To communicate difficult information to staff, service users and others. <p>Physical demands</p> <ul style="list-style-type: none"> ▪ Mainly office based working for periods on the computer, requiring long periods of concentration. <p>Work conditions</p> <ul style="list-style-type: none"> ▪ Office based; but with frequent site visits and occasional evening meetings. ▪ Frequent visits to customers homes. <p>Work context</p> <ul style="list-style-type: none"> ▪ Requires constant assessment of complex and varied demands to ensure that priorities are achieved and safety is maintained. ▪ The work of the post holder of the can involve regular; lone working, working out of normal hours, confrontational situations, unpleasant and disturbing situations and pressure to work to tight deadlines 												
9.	<p>KNOWLEDGE & SKILLS</p> <p>The post holder will be:</p> <ul style="list-style-type: none"> • be educated to degree level • Energy Assessor qualification Accredited to the National Occupational Standard • Broad knowledge of current issues and legislation relating to energy efficiency and carbon reduction 												

- Demonstrable experience of working in the field related to retro fitting of energy efficiency measures
- Experience of managing contracts
- Experience of risk assessment and responding to mitigate risks
- Experience and knowledge of contract management and key performance indicators, providing regular feed back on performance measures

Thorough understanding of what delivers great customer service.

The ability to gather, analyse and summarise information from a range of sources and generate reports and briefing documents within timescales.

Experience of working with a variety of people to deliver shared outcomes

Confidence and creditability with highly developed communications to drive behavioural and performance improvement and will continually searches for ways to increase customer satisfaction and works diligently to shape the organisation, resources and processes to strengthen relationships with customers and gain their loyalty

An ability to think creatively and use knowledge and experience, with good negotiating skills to influence others.

A willingness to use IT with knowledge of Microsoft applications; particularly Word for preparation of reports and excel. Must have good communication skills and a commitment to work effectively with a wide range of people from different areas and backgrounds.

10. Position of Job in Organisation Structure

