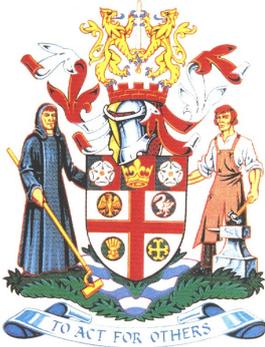


# Selby District Council



## Agenda

Meeting: **Executive**  
Date: **Thursday 12 October 2017**  
Time: **4.00pm**  
Venue: **Committee Room**  
To: **Councillors M Crane (Chair), J Mackman (Vice Chair),  
C Lunn, C Metcalfe and R Musgrave.**

### 1. **Apologies for absence**

### 2. **Minutes**

The Executive is asked to approve the minutes of the meeting held on 7 September 2017 and the Special meeting held on 19 September 2017 (pages 4 to 18 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](http://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. Selby District Council Equality Objectives 2017-2020**

Report E/17/27 provides details of progress made against the current equality objectives and proposes two new objectives and supporting Action Plan for 2017-2020. It also includes the outcome of a targeted consultation exercise (pages 20 to 36 attached).

#### **5. Leisure Contract Annual Review April 2016 - March 2017**

Report E/17/28 outlines the seventh formal annual review of the Leisure Contract with Inspiring healthy lifestyles (IHL) and covers the period April 2016 to March 2017 (pages 38 to 53 attached).

#### **6. Review of Parks Byelaws**

Report E/17/29 outlines details of a second application to the Secretary of State for approval to adopt a new set of byelaws for parks and open spaces (pages 54 to 80 attached).

#### **7. Business Rates Discretionary Relief Policy Review**

Report E/17/30 proposes a new Discretionary Business Rate Relief Policy (Appendix 1) reflecting the changes introduced in the Spring Budget announcement and following consultation with the major preceptors on the discretionary relief scheme. The report also seeks approval of an amended Discretionary Rate Relief Policy that incorporates these and other recent changes (pages 82 to 140 attached).

**Janet Waggott**  
**Chief Executive**

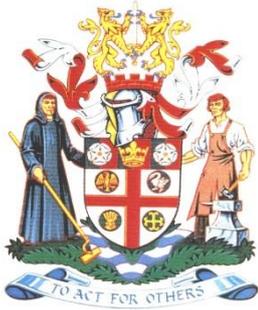
<b>Dates of next meetings</b>
<b>Thursday 2 November 2017</b>
<b>Thursday 7 December 2017</b>
<b>Thursday 4 January 2018</b>

For enquiries relating to this agenda please contact Palbinder Mann,  
Democratic Services Manager on 01757 292207 or [pmann@selby.gov.uk](mailto: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 the Democratic Services Manager using the details above prior to the start of the meeting. Any recording must be conducted openly and not in secret.

# Selby District Council



## Minutes

### Executive

- Venue: Committee Room, Civic Centre, Selby
- Date: Thursday 7 September 2017
- Time: 4pm
- Present: Councillors J Mackman (Chair), C Lunn (for minute item 29 onwards), C Metcalfe and R Musgrave
- Officers present: Janet Waggott, Chief Executive, Dave Caulfield, Director of Economic Regeneration and Place, Karen Iveson, Chief Finance Officer (s151), Gillian Marshall, Solicitor to the Council, Helen Gregory, Interim Planning Policy Manager (for minute item 31) James Cokeham, Head of Economic Development and Regeneration (for minute item 32), Alex Dochery, Economic Development Officer (for minute item 32), Mike James, Communications and Marketing Manager Stuart Robinson, Head of Business Development and Improvement (for minute item 34), and Palbinder Mann, Democratic Services Manager.
- Also present: Councillor R Packham (for minute item 27 to 32), Julia Mulligan, North Yorkshire Police and Crime Commissioner (for minute item 30), Michael Porter, Chief Finance Officer (Office of the Police and Crime Commissioner, for minute item 30) and Councillor Andrew Backhouse, Chair of the North Yorkshire Fire and Rescue Authority (for minute item 30)

Executive  
7 September 2017

Public: 1  
Press: 0

NOTE: Only minute numbers 30 to 33, 35 and 36 are subject to call-in arrangements. The deadline for call-in is 5pm on Thursday 21 September 2017. Decisions not called in may be implemented from Friday 22 September 2017.

**27. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Crane. It was also noted that Councillor Lunn would be late to the meeting due to attending another meeting at North Yorkshire County Council.

**28. MINUTES**

The Executive considered the minutes of the meeting held on 3 August 2017.

**RESOLVED:**

**To approve the minutes of the meeting held on 3 August 2017 for signing by the Chair.**

**29. DISCLOSURES OF INTEREST**

All Members of the Executive reported that they had received representations from Pegasus concerning the Church Fenton Air Base.

*The Chair decided to alter the running order of the agenda so that item 8 – Police and Crime Commissioner Proposal on Future Governance of North Yorkshire Fire and Rescue would be taken first.*

**30. POLICE AND CRIME COMMISSIONER PROPOSAL ON FUTURE GOVERNANCE OF NORTH YORKSHIRE FIRE AND RESCUE SERVICE**

Councillor Mackman, Executive Lead Member for Place shaping introduced the report that asked the Executive to consider the Police and Crime Commissioner's (PCC's) proposals and business case for changes to the governance of North Yorkshire Fire and Rescue Service under the Policing and Crime Act 2017. The Executive were also asked to consider a draft response which was appended to the report.

The Chair explained that he had given permission for Julia Mulligan, North Yorkshire PCC and Councillor Andrew Backhouse,

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Chair of the North Yorkshire Fire and Rescue Authority (NYFRA) to present their views on the proposals to the Executive.

The PCC presented the following views:

- The proposal was an opportunity to allow greater joined up working which would support the most vulnerable people in society.
- A change of governance would help put front line services first and mitigate the current cuts.
- The collaboration work to date had not been very effective with limited progress being made. Due to this, there was a need to do things differently.
- A change in governance would help speed up and streamline the decision making process.
- The proposal put forward by NYFRA would make it difficult to make a difference and the PCC's proposal had been supported by the Fire Brigade's Union

In response to a query concerning the future and public perception of residents about services, the PCC explained that only one police station had closed in the five years she had been in office and that she had decided against the closure of police stations in rural locations.

The Chair of NYFRA presented the following views:

- The NYFRA were not resistant to change but were concerned about the proposed Governance Model and the transfer of governance to the PCC including the dissolution of NYFRA which had cross party representation of elected Members.
- The view of NYFRA was that the Representation Model was the most effective solution due to the following reasons:
  - The PCC would become the 17<sup>th</sup> Member of the NYFRA.
  - A Collaboration Committee would be created which would give voting rights to the PCC and the Chair of the NYFRA.
- There was a need for the PCC to understand how the NYFRA authority worked including the role of its Members.

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- If the Representation Model did not work then the Governance Model would be the next option.

*Councillor Lunn entered the meeting at this point.*

In response to a query concerning the lack of progress, the Chair of NYFRA explained that consideration had been given to working with other fire services and that decision making required collaboration to be taken forward.

The Executive discussed the proposals. Councillor Metcalfe explained that as a previous member of NYFRA, he felt that the proposal of the Collaboration Committee was progressive and that there did not need to be a change in governance for greater collaboration.

The Chair explained that the Executive supported maximum collaboration between the PCC and NYFRA with mutually agreed targets and timescales. The Executive felt that this could be achieved without the need to change the governance arrangements. On this basis, the Executive confirmed that they supported the Representation Model and endorsed the attached draft response to the consultation.

In addition, the Executive made the following suggestions:

- That NYFRA invite the PCC to join the Fire and Rescue Authority or any of its Committees with full voting rights.
- That a mutually agreed and ambitious 'Better Together' programme with demanding targets and timescales be delivered and implemented in the interests of economy, efficiency, effectiveness and public safety.
- That North Yorkshire County Council and the City of York Council actively monitor the progress of greater collaboration.

**RESOLVED:**

**To approve the draft response to the consultation and to support the Representation Model as outlined in the business case.**

**REASON FOR THE DECISION**

*To enable the response to be submitted on behalf of the Council.*

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### 31. POOL OF SITES PUBLIC CONSULTATION

Councillor Mackman, Executive Lead Member for Place Shaping presented the report that outlined the proposals for the next step in the preparation of the Site Allocations Local Plan – the Pool of Sites Consultation planned for October to November.

It was explained that the Local Development Scheme (LDS) proposed that the Site Allocations Local Plan was completed prior to the Development Management Policies Local Plan.

It was reiterated that no decision had been made on site allocations and explained that the Local Plan would be published next year for consultation.

In response to a query concerning the number of dwellings to be delivered on the Olympia Park Strategic Development Site, it was clarified that the figure outlined referred to the overall plan period.

A query was raised over whether the housing delivery figure for Selby town was achievable. The Director of Economic Regeneration and Place acknowledged that the figure was challenging however work had been undertaken to understand housing delivery and that further work had also been undertaken with landowners about mobilising stalled sites and that this would continue. The Executive were also informed that the Council had increased its resources in the regeneration area. The Interim Planning Policy Manager also highlighted that the purpose of the proposed consultation on the Pool of Sites and the progression of the Site Allocations Local Plan was to identify suitable, available and deliverable sites which would assist delivery of housing.

The Chair explained that there would be an amendment to the wording of recommendation three that would include giving delegation specifically to the Director of Economic Regeneration and Place in consultation with the Executive Lead Member for Place Shaping.

#### **RESOLVED:**

- i) **To recommend to Council to approve the Pool of Sites document (including the Appendices 1 and 2) at Annex A of the report for consultation purposes.**
- ii) **To Delegate to officers the arrangements for the consultation to take place for 8 weeks between 2 October 2017 and 27 November 2017.**

Executive  
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- iii) **To delegate authority to the Director of Economic Regeneration & Place, in consultation with the Executive Lead Councillor for Place Shaping to make any minor amendments required to the documentation for typographical, grammatical, and factual or Plain English purposes to the documents prior to publishing for consultation.**
- iv) **To invite the Policy Review Committee to provide input to prior to the next stage of consultation as part of the plan preparation process.**

### **REASON FOR THE DECISION**

*To enable the Local Plan to be progressed to promote growth to meet the housing needs and economic aspirations for the District.*

### **32. PROGRAMME 4 GROWTH 3(P4G3): ESTABLISHMENT AND UPDATE**

Councillor Mackman, Executive Lead Member for Place Shaping introduced the report that summarised the overall progress on P4G to date, updated the Executive with P4G3 projects and proposed a number of actions to ensure that a transparent and responsive programme was created.

The Head of Economic Development and Regeneration took the Executive through the report and explained that the report reflected the success of P4G1 and P4G2. It was also explained that there would now be quarterly updates to both the Executive and the Overview and Scrutiny Committee with progress on the programme.

The Executive was informed that a prospectus would be created that would allow all Members and Council Officers to obtain a better understanding of the programme and that this would also allow the programme to be promoted to a greater extent.

The Chair reiterated the necessity for both financial and legal input into all decisions made in the programme.

The Chair proposed an amendment to the wording in section 2.17 of the report so that project briefs under £10,000 would be approved by the appropriate Director/Head of Service in

consultation with the respective Lead Executive Portfolio Holder instead of the Leader of the Council.

**RESOLVED:**

- i) To note the contents of the report and endorse the proposal for governance and decision making in paragraph 2.17 with the above amendment.**
- ii) To agree for quarterly P4G3 updates to be provided to the Executive and the Overview and Scrutiny Committee.**
- iii) To agree to the creation of a P4G prospectus and project brief to assist officers in developing P4G3 projects.**

**REASON FOR THE DECISION**

*To strengthen P4G3 as the Council's critical delivery mechanism for its key strategic priorities and ensure greater transparency of decision making.*

**33. ANNUAL REPORT 2016/17**

Councillor Mackman, Executive Lead Member for Place Shaping introduced the report that presented the Council's Annual Report for 2016/17 for consideration.

The Communications and Marketing Manager explained that the report covered the period between 1 April 2016 to 31 March 2017 therefore there was only brief coverage in the report of recent events such as the Tour de Yorkshire that had occurred outside of this time frame.

The Executive were informed that 200 printed copies of the report would be created which would be placed with key partners and at public sites. It was also stated that there would be promotion of the report on the Council's website and through its social media channels.

The Executive requested the following amendments to the report:

- A query was raised around the housing figures as it was noted that three figures were provided in the report and it was agreed that a consistent figure should be stated.

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- Under section nine of the report relating to ‘Our Finances’, the Executive felt that expenditure listed should be headed ‘Where we spent the money’ and that the tables on page 31 should include ‘total income’ and ‘total spend’ instead of the current wording.
- Under the Councillor Allowances section, the Executive felt that the basic allowance figure should be stated in the first sentence of the first paragraph in this section.

**RESOLVED:**

**To approve the Annual Report 2016/17 for publication.**

**REASON FOR THE DECISION**

*To enable the Council to use the material to tell of the story of our Council and our place.*

**34. CORPORATE PERFORMANCE REPORT – QUARTER 1 – 2017/18 (APRIL TO JUNE)**

Councillor Mackman, Executive Lead Member for Place shaping introduced the report that provided a progress update on delivery of the Council’s Corporate Plan 2015-20 as measured by a combination of progress against projects/high level actions and performance against key performance indicators.

The following discussion took place:

- There had been a positive performance with regard to missed bin collections in quarter one where there were now only 40 missed collections out of 231,000.
- Although the number of complaints submitted to the Council had decreased, the Council was not responding to some complaints that were submitted within time and improvement was needed in this area.
- In response to a previous request for information, it was noted that there had been 131 freedom of information requests submitted in quarter one.
- With regard to the drop in visitors to Selby Leisure Centre, it was noted that the reported figure may have been lower due to a fault in one of the counting machines.
- In response to a query concerning the median gross weekly pay for full time workers, the Head of Business

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Development and Improvement explained that the Council took the data from the Office of National Statistics' Annual Survey of Hours and Earnings (via Nomis). The Executive was informed that the information outlined a yearly snapshot of annual earnings relating to employees on adult rates of pay who had been in the same job for more than one year. It was noted that the information did not cover the self-employed or employees not paid in the reference period.

- The Executive highlighted the high performance figure in relation to repairs to Council owned properties and praised the staff for their work.
- Concern was raised at the rise of staff absence which was now 50% above the target.
- The Executive welcome the good performance in relation to new developments in particular, the progress on house building with 560 new homes being built in 2016/17 against a target of 450 and that over 90% of planning applications were now being dealt with within agreed timescales, which well exceeded government targets.
- The Executive felt that there should be increased promotion of the positive work done at the Council

**RESOLVED:**

**To note and approve the report.**

**REASON FOR THE DECISION**

*The reporting of performance data enables the Council to demonstrate progress on delivering the Corporate Plan Priorities to make Selby District a great place.*

**35. FINANCIAL RESULTS AND BUDGET EXCEPTIONS REPORT TO 30 JUNE 2017.**

Councillor Lunn, Executive Lead Member for Finance and Resources presented the report that presented the financial results and budget exceptions report to 30 June 2017.

The Executive Lead Member for Finance and Resources explained that at the end of quarter one, the general fund showed an estimated surplus of £32.5k and that the Housing Revenue Account showed an estimated surplus of £379k.

Executive  
7 September 2017

In response to queries concerning the lower than expected costs of the Police Co-Location project, the Solicitor to the Council explained that when the project had been considered by the Executive, there had been two options presented and due to it not being possible to proceed with option one, it had been decided to proceed with option two which had resulted in lower costs than budgeted for.

The Executive noted the loss in the Lifeline service income and felt further work was needed to promote the work of the service.

**RESOLVED:**

- i) **To endorse the actions of officers and note the contents of the report.**
- ii) **To approve a permanent virement of £5k from Community Engagement Forum (CEF) Administration Support budget to Democratic Services Salaries to fund grade increase of additional duties supporting the CEFs.**

**REASON FOR THE DECISION**

*To ensure that budget exceptions are brought to the attention of the Executive in order to approve remedial action where necessary.*

**36. TREASURY MANAGEMENT – MONITORING REPORT FOR Q1**

Councillor Lunn, Executive Lead Member for Finance and Resources presented the report that reviewed the Council's treasury management activity for the three month period 1 April 2017 to 30 June 2017 (Q1) and presented performance against the prudential indicators.

The Executive Lead Member for Finance and Resources explained that low interest rates had resulted in investment returns of 0.52% however high balances had meant that the interest earned budget was forecast to exceed by £25k.

In response to a query concerning the Fairer Funding Review, the Executive Lead Member for Finance and Resources explained that the review would look into fairer allocation of funding for authorities across the country

**RESOLVED:**

Executive  
7 September 2017

**To endorse the actions of officers on the Councils treasury activities for Q1 and approve the report.**

## **REASON FOR THE DECISION**

*To comply with the CIPFA Code of Practice for Treasury Management, the Executive is required to receive and review regular Treasury Management Monitoring Reports.*

### **37. MEDIUM TERM FINANCIAL STRATEGY**

Councillor Lunn, Executive Lead Member for Finance and Resources presented the report that outlined an updated to the Medium Term Financial Strategy (MTFS) covering both the General Fund and Housing Revenue Account (HRA) prior to consideration by Council later this month.

The Executive Lead Member for Finance and Resources explained that key areas for consideration included reducing risk and business rates retention for which clarification was still being sought.

In response to a query concerning inflation, the Executive Lead Member for Finance and Resources explained that the Council used the Consumer Price Index to calculate a figure for inflation.

The Executive were informed that an amendment to the pensions and asset management reserve contributions were proposed, following the removal of the pension deficit and funds committed to the car parks.

In response to a query concerning the figure for the Council Tax base, the Chief Finance Officer explained that a 1% had been stated in the strategy but further growth was included in the savings plan.

The Executive were keen to ensure the risk within the plans was emphasised in the report to Council given the need to drawdown from reserves to support the budget in the shorter term.

#### **RESOLVED:**

**To submit the Medium Term Financial Strategy to Council for approval.**

## **REASON FOR THE DECISION**

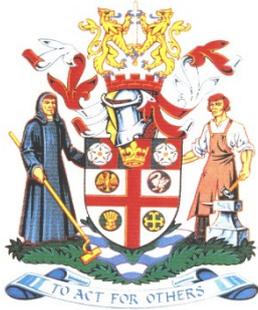
*To set the framework for the 2018/19 budget and 2018 – 2020/21 Medium Term Financial Plan.*

Executive  
7 September 2017

The meeting closed at 6.10pm

Executive  
7 September 2017

# Selby District Council



## Minutes

### Executive

Venue:	Council Chamber, Civic Centre, Selby
Date:	Tuesday 19 September 2017
Time:	8.00pm
Present:	Councillors M Crane (Chairman), J Mackman, C Lunn, C Metcalfe and R Musgrave
Officers present:	Janet Waggott, Chief Executive, Dave Caulfield, Director of Economic Regeneration and Place, Karen Iveson, Chief Finance Officer (s151), Gillian Marshall, Solicitor to the Council, James Cokeham, Head of Economic Development and Regeneration, June Rothwell, Head of Operational Services, Michelle Dinsdale, Senior Policy and Performance Officer, Chris Watson, Policy and Performance Officer, Mike James, Communications and Marketing Manager and Victoria Foreman, Democratic Services Officer
Also present:	None
Public:	0
Press:	1

NOTE: Only minute number 40 is subject to call-in arrangements. The deadline for call-in is 5pm on Tuesday 3 October 2017. Decisions not called in may be implemented from Wednesday 4 October 2017.

Special Executive  
19 September 2017

**38. APOLOGIES FOR ABSENCE**

There were none.

**39. DISCLOSURES OF INTEREST**

There were none.

**40. CAR PARK STRATEGY AND TARIFF REVIEW**

The Leader of the Council introduced the report that asked the Executive to note and consider any resolutions and comments from Full Council before reaching a final decision on the strategy and the tariff.

Following consideration of the matter at Full Council and the debate at that meeting, an amendment was proposed and seconded to alter recommendation (iii) of the report. It was proposed that tariff option 2 be amended to include two free hours parking in Tadcaster, and that officers investigate a reduced-rate parking permit scheme for those residents living adjacent to car parks and impacted by charging.

The Executive discussed the report and the amendment further. Discussion took place on the difficult time that businesses had experienced in Tadcaster since the December 2015 floods, and the effect that car parking provision in the town could have on improving the situation.

The Executive were mindful that the report under consideration was not simply about tariffs, but a wider strategy for car parking across Selby District, which would tie into the growth agenda being developed by the Council to re-energise communities across the area.

The Executive noted that car park charges had been reviewed in 2013, and last increased in 2011.

The Executive confirmed that they supported the recommendations of Council.

**RESOLVED:**

- i. To note and consider the relevant resolutions rising out of the meeting of the Full Council on 19 September 2017.**
- ii. To approve the draft Car Park Strategy.**

Special Executive  
19 September 2017

- iii. **To approve the preferred tariff option (Option 2), subject to the inclusion of two free hours parking in Tadcaster, and that officers explore the possibility of a reduced-rate parking permit scheme for those residents living adjacent to car parks and impacted by charging.**

#### **REASONS FOR THE DECISION**

1. *To achieve the objective to use the Council's car parks as a platform to boost the local economies of the district by improving the customer experience, whilst supporting the Council's efficiency.*
2. *To ensure that car park tariffs enable the Council to cover the cost of car park provision.*
3. *To enable the Council to influence customer behaviour, attracting more users to under used car parks and town centre footfall.*
4. *To achieve the Council's corporate priority of delivering great value.*
5. *To facilitate a programme of improvements to the car parks.*

The meeting closed at 8.05pm.

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# Selby District Council

## REPORT

Reference: E/17/27

Item 4 - Public



**To:** Executive  
**Date:** 12 October 2017  
**Status:** Non-key decision  
**Report Published:** 4 October 2017  
**Author:** Michelle Dinsdale, Senior Policy and Performance Officer  
**Executive Member:** Councillor Chris Metcalfe, Lead Executive Member for Communities and Economic Development  
**Lead Officer:** Stuart Robinson, Head of Business Development & Improvement

**Title:** Selby District Council Equality Objectives 2017-2020

### Summary:

As a public body we are required under the Equality Act 2010 Public Sector Equality Duty (PSED) to publish one or more Equality Objectives. We must do this at least every four years. Our current objectives are now due for renewal. This report provides details of progress made against the current objectives and proposes two new objectives and supporting Action Plan for 2017-2020. It also includes the outcome of a targeted consultation exercise.

### Recommendations:

- i. That Executive note the progress made against the Equality Objectives.
- ii. That Executive approves the proposed new Equality Objectives and supporting Action Plan.

### Reasons for recommendation

To ensure compliance with the Equality Act 2010 Public Sector Equality Duty.

## 1. Introduction and background

- 1.1 As a public body we are required under the Equality Act 2010 Public Sector Equality Duty (PSED) to publish one or more Equality Objectives. We must do this at least every four years. Our current objectives are now due for renewal.
- 1.2 In setting objectives, we must set out what we are aiming to do to fulfil our obligations under the PSED. The duty requires us to have due regard to
  1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 1.3 The nine protected characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex; and sexual orientation.

## 2. The Report

### 2.1 Current objectives

The Council's *current* equality objectives are:

1. Promote accessible services that meet the needs of people with disabilities;
  2. Promote investment that meets the needs of vulnerable people;
  3. Promote housing provision that meets the needs of our communities; and
  4. Demonstrate the importance of equality in employee communications.
- 2.2 Appendix A provides details of progress made against each objective.
  - 2.3 We now need to update and/or re-fresh our equality objectives.
  - 2.4 **Proposed new objectives**

The Council's draft equality objectives for 2017-2020 are:

1. **Ensure services delivered by, or on behalf of Selby District Council are - as far as possible - accessible and do not discriminate.**
  2. **Ensure employees and Members are supported to deliver accessible, non- discriminatory services.**
- 2.5 The objectives take account of current equality data and processes and are linked to the delivery of The Corporate Plan 2015-2020. They are based around understanding the diversity of our customers and employees in order to better meet their needs.
  - 2.6 The approach to setting objectives is based on retaining two general objectives – one is outward/customer facing and the second one focuses on internal matters - and developing a detailed set of actions to deliver these

objectives. The benefit of keeping the objectives relatively high level is that it provides flexibility to the Council in how we deliver the objectives. As a result, the actions will change over time.

## 2.7 Equality Objectives Action Plan

The Action Plan (see Appendix B) contains a number of activities that are not only the right thing to do but, in the main, activities that are already integrated into service delivery. This helps embed equality into mainstream activity. We will ensure that the actions are proportionate and relevant and specific enough that we will be clear when they have been successfully delivered. The Action Plan will be monitored and updated accordingly to ensure it is relevant.

## 2.8 Key issues to be addressed over the next 12 months include:

- Improving our data - both in terms of workforce and the district. We have a legal obligation to publish equality data by the end of January each year.
- Strengthening our approach to impact assessments - better data will help but also expanding to include health impact.
- Improving how we support employee networks - there is a developing women's network, if we are seen to support this it may encourage the development of networks for diverse groups.
- Maintaining staff and Member awareness - ensure all staff undertake mandatory equalities training, identify any additional requirements and ensure Members are supported to maintain understanding.
- Strengthening our approach to monitoring and reporting - e.g. via the corporate performance framework - to raise visibility and ensure actions are delivered.

## 2.9 Consultation

The draft objectives and supporting Action Plan were subject to targeted consultation with Selby District Equality Network (SDEN) – made up of representatives from a number of key partners/stakeholders. The objectives were discussed at the network meeting held in Selby on the 12 July. In attendance were representatives from the following organisations: Selby Citizens Advice Bureau (CAB), Selby District Association of Voluntary Services (AVS), North Yorkshire County Council (NYCC), Selby District Disability Forum (SDDF), Selby District Vision and North Yorkshire Police.

## 2.10 There was general support for the proposed objectives and supporting Action Plan. The following comments were made:

- The objectives and Action Plan are clear, logical and easy to understand.
- It is important that the objectives and actions are not tokenistic.
- People need to have a voice/feel involved – more interactive engagement, not on-line surveys, face to face is preferred/better.
- It's not always about funding, there are on the ground changes we can make which will impact on peoples' day to day lives.

- Equalities staff training is important and needs to be engaging.
- We all have Protected Characteristics – it's about getting that message across. Equalities isn't about a small group of people, it affects us all.
- Suggestion that new starters (particularly senior posts) should attend a SDEN meeting.
- Appoint a senior officer/management team 'equality champion'
- SDDF has recently launched a survey with the aim of capturing a detailed picture of service needs among people with a disability. The survey includes a question around accessibility of public buildings which specifically mentions the Council (and GPs/hospital/police).

#### 2.11 Proposals following consultation:

- No changes to the draft objectives and Action Plan.
- The Chief Executive will undertake the role of equality champion.
- Where appropriate, Officers will update the equality objective Action Plan, to take account of the SDDF survey responses.

#### 2.12 **Monitoring**

The Action Plan will be regularly monitored and progress made against the objectives will be reported to Executive annually in April.

### 3. **Legal/Financial Controls and other Policy matters**

#### **Legal Issues**

- 3.1 Under the Equality Act 2010 Public Sector Equality Duty (PSED) we are required to publish one or more equality objectives at least every four years.

#### **Financial Issues**

- 3.2 None

### 4. **Conclusion**

- 4.1 As a public body we are required under the Equality Act 2010 Public Sector Equality Duty to publish one or more Equality Objectives. We must do this at least every four years. We have made progress against all of our current objectives and these now need renewing. We have developed two new broad objectives and a detailed supporting Action Plan. Following positive consultation feedback, no changes are proposed to the objectives.

### 5. **Background Documents**

N/A

#### **Contact Officer:**

Michelle Dinsdale  
mdinsdale@selby.gov.uk

**Appendices:**

Appendix A – Equality Objectives 2012-2015 – Progress

Appendix B – Equality Objectives 2017-2020 – Action Plan

## Equality Objectives 2012-2015 – Progress

Objective	Progress
<b>Objective 1: Promoting accessible services that meet the needs of people with disabilities.</b>	
<p> Making our services, buildings, information, communications, consultation activities and events more accessible, particularly for people living with, or affected by physical and sensory impairment, mental health and learning disabilities</p>	<p><b>Access to services</b></p> <ul style="list-style-type: none"> <li>• The opening of the new leisure centre took place throughout the objective's life. This new building was built to ensure it was compliant with all current disabilities legislation and was built to the Sport England Specification. The building is 'Changes Places' registered which means anyone can enter the premises and use the facilities.</li> <li>• All sessions provided at the Leisure Centre are fully inclusive with no separate classes for any reason e.g. gender or disability. However extra support is offered where there is a specific requirement. One exception to this was a 6 week trial for vulnerable women to have their own class which our leisure providers Inspiring Healthy Lifestyle hosted in conjunction with North Yorkshire County Council.</li> <li>• Our leisure provider sits as part of the North Yorkshire Equality Network and the Learning Partnership &amp; Selby Equalities Network. In addition to this close working with the Police and Youth Services and GPs have seen a number of initiatives brought about to help customers with physical and mental health issues, reduce anti-social behavior in young people and build core strength in the elderly to reduce falls.</li> <li>• Future building moves include co-location work with the police which will be subject to a full impact assessment.</li> </ul> <p><b>Access to information</b></p> <ul style="list-style-type: none"> <li>• Improvements to our website, particularly the disability page which is in an easy read colour scheme and has alternatives such as 'Browsealoud' and links to useful information.</li> </ul> <p><b>Consultations</b></p> <ul style="list-style-type: none"> <li>• We always ensure our consultations are available both online and as hard copies for residents and large print or brail is available on request. For larger consultations like the Corporate Plan and budget consultation copies were left at community accessible venues such as libraries and the contact centre.</li> </ul>

	<ul style="list-style-type: none"> <li>• Consultation events are held in buildings which are accessible to users with mobility issues.</li> <li>• Where possible surveys carried out as part of consultation have equality data monitoring undertaken to ensure results are representative of our district's equality profile.</li> </ul> <p><b>Communications</b></p> <ul style="list-style-type: none"> <li>• We have worked with the Selby Disability Forum to seek their views on how we can make our web page more accessible. We have tried new and innovative ways of making large complex documents more accessible for example the Council's annual report has been produced as an online animation as well a short highlights leaflet version being produced and distributed amongst the community.</li> <li>• We also continue to deliver Citizenlink to every household in the district every quarter. Large print and brail version of key documents are always available on request.</li> <li>• We have also produced a help sheet for tenants with learning disabilities with advice about living on their own.</li> </ul>
<p> Promoting the household waste assisted collection service to residents who need it</p>	<ul style="list-style-type: none"> <li>• We continue to offer this valuable service to residents who require it. Our Support Officers will proactively identify and signpost those who may benefit from the service. Information is also readily available online.</li> </ul>
<p> Implementing a fair and consistent approach to delivering adaptations for those who require them</p>	<ul style="list-style-type: none"> <li>• We carry out a range of adaptations to homes. Grab rails both inside and outside homes, over bath showers, external ramps, door widening, hand rails along paths, half steps, second bannister rails and key safes fitting are all fitted within 25 working days of a referral.</li> </ul> <p>Some adaptations are carried out by contractors who, where possible, also work to the 25 working day timeline. This covers the following; adapted kitchens, WC plinths to raise the height of WCs, self-cleaning electric WCs, new types of heating, stair lifts, Ceiling Hoists and through floor lifts and bath lifts. Requests for wet areas are put on a waiting list in date order.</p> <ul style="list-style-type: none"> <li>• A total of 266 adaptations were completed in 2015/16 and 272 in 2016/17.</li> </ul>
<p><b>Objective 2: Promoting investment that meets the needs of vulnerable people.</b></p>	
<p> Working with Supporting People to ensure that domestic violence victims are able to access housing services without having to make a homeless</p>	<ul style="list-style-type: none"> <li>• We have provided grants to Independent Domestic Abuse Services (IDAS) who provide support to domestic violence cases in the district. Where appropriate we will also refer homeless cases to other districts. The scheme has supported individuals by providing crisis intervention/emergency support, including support to report and through the court process, safety planning, access to lock changes, panic alarms, injunctions, legal advice and harassment warnings. The scheme has also</li> </ul>

<p>housing application</p>	<p>supported individuals to move to private rented accommodation, find accommodation with family and or friends, take up refuge accommodation or be housed by a different local authority</p> <ul style="list-style-type: none"> <li>• The Sanctuary Scheme is linked to work done by IDAS which includes providing accommodation via women's refuges and enabling women to stay in their own accommodation.</li> <li>• Our tenancy agreements contain a clause about domestic violence and abuse, this ensures that a perpetrator of domestic abuse can be easily removed from one of our properties without having to remove everybody and then re-home them.</li> </ul>
<p> Working with North Yorkshire Social Services to offer Housing support packages to residents in our district</p>	<ul style="list-style-type: none"> <li>• We have a Young Person's Accommodation and Advice Prevention Hub run in partnership with NYCC at our customer contact center. The service provides a range support and including where necessary mediation to help them remain in their homes.</li> </ul>
<p> Raising awareness amongst vulnerable under 25s of the Young Person's Accommodation and Advice Prevention Hub at our customer contact centre</p>	<ul style="list-style-type: none"> <li>• Any housing advice given to somebody aged 16-24 also includes information about the Young Person's Accommodation and Advice prevention Hub, as standard. Staff have attended multiple events such as youth fairs, including a stall at the Abbey in order to promote the service. Satisfaction with the service has also been very high and awareness of the Hub has also been spread through word of mouth and recommendations from service users.</li> <li>• In October 2015 we launched our Homelessness Strategy, which sets out our commitment to reduce homelessness. Priority 3 of this strategy is to improve support for young people.</li> </ul>
<p> Providing services which support independence, choice and quality of life for service users across the district, by helping older and vulnerable people and those with support needs to live independently in their own homes</p>	<ul style="list-style-type: none"> <li>• Over the course of the objectives we have drastically reduced the average time taken to process a disabled facilities grant application. Significantly process times dropped from 118 days in 2011/12 to 54 days in 2013/14. This improvement was due to a number of factors including the reorganisation of roles within the council as well as streamlining of services and improved efficiencies. More recent figures are 2015/16 - 10 days, 2016/17 - 15 days and 2017/18 (to date) - 14 days.</li> <li>• We continue to allocate housing through the North Yorkshire Home Choice scheme. In 2015/16 244 Selby District Council homes were re-let and 100% were allocated through North Yorkshire Home Choice. In 2016/17 the figure was 255. Equality monitoring information is taken as part of the application process to ensure we are finding suitable housing for older or vulnerable applicants.</li> <li>• We also run a service called Lifeline which enables vulnerable residents to remain in their homes through providing regular phone calls, visits and supportive equipment. We have invested in the service and bought new, more advanced equipment which will vastly improve the quality of the service for our customers. 237 new customers to the Lifeline service were reported in 2015/16 and</li> </ul>

	<p>281 in 2016/17.</p> <ul style="list-style-type: none"> <li>• We also ensure that when necessary we are making referrals to partners for example when we identify that people need Telecare which is provided by NYCC.</li> <li>• We have also been involved in the development and allocation for the two extra care schemes in the district which are run by Hanover Housing Association.</li> <li>• Since August 2015, a package of training has been offered to housing customers who require assistance with independent living or who are taking on a tenancy for the first time. This project has been delivered in partnership with North Yorkshire County Council Adult Learning and Skills Team (ASLT) to prepare people for independent living and improve the success rate of sustainable tenancies. On completion of the course a certificate of achievement is awarded which can be added to a CV to help improve employment prospects. A significant number of learners successfully completed the training and as a result North Yorkshire ALST has committed to deliver this for a further twelve months.</li> </ul>
<p> Ensuring that all incidents/complaints are investigated and dealt with fairly and consistently.</p>	<ul style="list-style-type: none"> <li>• We implemented a Corporate Complaints, Compliments and Comments policy which setsA out the internal procedure that is followed to fully investigate any complaint in a systematic and comprehensive manner. The policy was reviewed in 2016/2017 to ensure it was fit for purpose.</li> <li>• We also log all complaints so that we can review how they are being dealt with.</li> <li>• We introduced Customer Pledge Cards to measure satisfaction (and therefore dissatisfaction).</li> </ul>
<p><b>Objective 3: Promoting housing provision that meets the needs of our communities</b></p>	
<p> Developing our Tenancy Policy</p>	<ul style="list-style-type: none"> <li>• From 1<sup>st</sup> April 2015 a flexible fixed term tenancy was adopted. This was introduced in order to help us better manage our stock as it will allow us to free up homes based on need.</li> <li>• Another way we have looked to ensure our housing provision meets the needs of our communities was through the establishment of the tenants and leaseholders scrutiny group. Their function includes reviewing our tenants' participation strategy; giving an independent view of processes and performance; considering improvements to services; review good practice and to make evidenced-based recommendations.</li> <li>• Over 20 Tenants' and Residents' Association meetings were attended in 2015/16 allowing our tenants and residents to continue to have a forum to ensure our provision is meeting the needs of the community.</li> </ul>
<p> The adoption of our Core</p>	<ul style="list-style-type: none"> <li>• The Core Strategy has now been adopted and a legal challenge against it successfully defended. The Planning Policy team is now working on developing The Sites and Policies Local Plan which</li> </ul>

Strategy	will deliver the vision set out in the Core Strategy. This will include several stages of thorough public engagement and consultation.
<b>Objective 4: Demonstrating the importance of equality in employee communications</b>	
 Ensuring methods of staff communication are both effective and accessible to all, making reasonable adjustments where necessary	<ul style="list-style-type: none"> <li>• Development of the intranet resulting in increased usage.</li> <li>• There is always the option of hard copies of staff communications as well as electronic. We also ensure that we communicate with staff in a variety of ways including face to face sessions.</li> </ul>
 Ensuring equality and diversity are embedded into the culture of the organisation, by providing all employees with an understanding of the importance of these, both in relation to service delivery and the work place	<ul style="list-style-type: none"> <li>• Equality and Diversity training is provided for all new starters as part of their induction. There is also a section in the employee handbook and a module on the Learning Zone on equalities which all new and current employees must complete.</li> <li>• We implemented a new Equality and Diversity Policy in 2012 which is regularly reviewed to ensure it is up to date and fit for purpose.</li> <li>• We also have an employee volunteer scheme where staff can go work for a set amount of days in the voluntary and communities sector extending our culture of equality and diversity to other partners. For example in 2015 an officer spent 10 days with a charity helping them to formulate funding bids that adhered to equality and diversity legislation.</li> <li>• During 2015/16 74 employees undertook training to help make the Council more ‘dementia friendly’ in everything it does. In September 2017 a number of employees attended a two day Mental Health First Aid Training course.</li> </ul>
 Undertaking training for all employees to ensure they are aware of their responsibilities in relation to equalities, including the importance of undertaking equality impact assessments and how to complete them	<ul style="list-style-type: none"> <li>• Standardised templates for equality impact assessments have been rolled out across the Council along with comprehensive guidance and these will be reviewed in 2017. Training has taken place for key staff on how to complete the assessments and why they are so important. Refresher training will be rolled out in 2017.</li> <li>• Impact assessments have also been included as an essential background document in committee report templates.</li> </ul>

## Equality Objectives 2017-2020 – Action Plan

Objective 1: Ensure services delivered by, or on behalf of Selby District Council are - as far as possible - accessible and do not discriminate.

Action	Outcome	Responsibility	Timescale	Monitor
<b>Service Plans</b>				
<ul style="list-style-type: none"> <li>Ensure equalities are integrated in all Service Plans e.g. Action to develop/improve data gathering mechanisms.</li> </ul>	Due regard given to equalities across the organisation.	Head of Service - Business Improvement and Development/Senior Policy and Performance Officer.	March 2018.	Annual review of plans. Reporting mechanism – to be monitored/discussed at ELT.
<b>Community Needs Assessment</b>				
<ul style="list-style-type: none"> <li>NYCC to provide business intelligence to update the latest version to include district profile in terms of Protected Characteristics (PCs).</li> </ul>	A picture of the diversity of the district, which can be used to inform corporate planning and strategies.	Customer Business Analyst – Community, Partnerships and Customers.	October 2017	Annual update is completed and reported to ELT.
<b>Delivery Partners and Third Sector</b>				
<ul style="list-style-type: none"> <li>Develop relationships to better connect and support communities across the district.</li> </ul>	Our partners and service providers understand our values and commitment to equalities when designing and delivering services.	Head of Service - Community, Partnerships and Customers.	March 2018.	An equalities log will be developed and shared between service areas. It will be updated with specific examples/case studies of related intel
<b>Customer Strategy</b>				
<ul style="list-style-type: none"> <li>Monitor progress on the implementation of the strategy.</li> </ul>	Ensure the updated strategy takes account of the latest Community Needs	Head of Service – Community, Partnerships and Customers.	January 2018	Customer Surveys. Website usage and feedback.

	Assessment and new equality objectives.			
<b>Resident Survey</b>				
<ul style="list-style-type: none"> <li>Deliver a survey to a sample of all residents to test out views of what it is like to live in the district. Analyse by PCs.</li> </ul>	Customer feedback/satisfaction levels, broken down into the different equality strands.	Head of Service - Community, Partnerships and Customers.	January 2018.	To develop our evidence base
<b>Equality Network Groups</b>				
<ul style="list-style-type: none"> <li>Establish and maintain links with local equality networks e.g. Selby Equality Network Group. Identify new equality networks e.g. Mental Health.</li> </ul>	A greater understanding of local issues and the barriers to accessing services for particular groups. Communities are better able to contribute to policies/service design and any specific needs are considered.	Head of Service - Community, Partnerships and Customers/ Senior Policy and Performance Officer.	March 2018.	Where relevant, evidence these groups are included in consultations when developing/reviewing policies/strategies/service provision.
<b>Employer Sponsored Volunteer Scheme</b>				
<ul style="list-style-type: none"> <li>Design a scheme and promote the benefits to employees.</li> </ul>	A greater understanding/ awareness of the third sector. Employees gain new skills and experience.	Head of Service - Community, Partnerships and Customers and Head of Service - Business Development and Improvement.	March 2018	Record data re the number of employees taking part and feedback - experience and benefits
<b>Equality Diversity and Community Impact Assessments (EDCI) and Health Impact Screening</b>				
<ul style="list-style-type: none"> <li>Review EDCI template and include health impact as part of</li> </ul>	Considered in key strategies – e.g. Car Park Strategy – review	Senior Policy and Performance Officer. All	November 2017	Included and/or referenced in all reports

the assessment	number and location of disabled spaces. EDCIs are completed where applicable e.g. changes to policies/services etc. and considered as part of the decision making process	service areas		to ELT and Executive.
<ul style="list-style-type: none"> <li>EDCIs - roll out training to assist with assessment completion</li> </ul>	Impact assessed and mitigation actions proposed. Create a central point of reference	Solicitor to the Council. Senior Policy and Performance Officer	December 2017	Included and/or referenced in all reports to ELT and Executive.
<b>Equality Policies</b>				
<ul style="list-style-type: none"> <li>Review Equality &amp; Diversity Policy</li> </ul>	The Council has a framework in place to ensure it continues to deliver our responsibilities around equality and diversity	Senior Policy and Performance Officer	December 2017	The policy and its impact will be reviewed regularly.

Objective 2: **Ensure employees and Members are supported to deliver accessible, non- discriminatory services.**

Action	Outcome	Responsibility	Timescale	Monitor
<b>Workforce Data</b>				
<ul style="list-style-type: none"> <li>HR employee information form – include details of all PCs and ensure system is able to record all details</li> <li>Improve the quality of our data and information analysis by improving the electronic employee data recording system</li> </ul>	<p>A strengthened understanding of the diversity of the Council's workforce. The needs of employees are known and understood and where appropriate, measures are put in place to support them to deliver non-discriminatory services e.g. training, reasonable adaptations etc.</p>	<p>Head of Business Development and Improvement</p> <p>Senior Human Resources Officer</p>	<p>Annually – linked to publication of data to comply with Public sector Equality Duty (31 January)</p> <p>March 2018</p>	<p>Forms issued to all employees on an annual basis. Outstanding forms chased. Follow up action e.g. actions arising from identified support requirements etc. Identify employees who may require additional support</p> <p>Annual workforce profile published on the Council's website</p>
<b>Staff Survey</b>				
<ul style="list-style-type: none"> <li>Include equality group/PC data questions in staff survey</li> </ul>	<p>Able to analyse responses linked to PCs</p>	<p>Head of Business Development and Improvement.</p>	<p>March 2018</p>	<p>Rate of return</p> <p>Analyse responses and develop and implement Action Plan.</p>
<b>Organisational Development Strategy</b>				
<ul style="list-style-type: none"> <li>Develop a new strategy which considers the diversity of the workforce</li> </ul>	<p>Able to offer tailored training solutions</p>	<p>Head of Business Development and Improvement.</p>	<p>March 2018</p>	<p>Review strategy and impact 12 months from adoption</p>

<b>Equality Diversity and Community Impact (EDCI) Screening/Assessment</b>				
<ul style="list-style-type: none"> <li>Provide support and training/refresher training for staff. Raise awareness of and review the EDCI process to ensure completion monitoring, accountability, quality controls and health impact assessment</li> </ul>	<p>Raised awareness/reinforced message of the requirement to complete.</p> <p>Consideration and evidence of due regard across the organisation i.e. there is a strengthened approach to assessing the impact of significant policies/changes to services etc. on equalities</p>	<p>Gillian Marshall</p> <p>Senior Policy and Performance Officer</p>	<p>March 2018</p>	<p>Number completed and quality (including random sample checking)</p>
<b>Equalities Staff Working Group</b>				
<ul style="list-style-type: none"> <li>Explore the appetite for a staff forum/working group (through the staff survey) made up of representatives from all PCs</li> </ul>	<p>The needs of the workforce are taken into account</p>	<p>Senior Policy and Performance Officer</p>	<p>December 2017</p>	<p>If there is an appetite, identify key stakeholders and agree Terms of Reference. Option for the group to quality check a percentage of completed EDCIs</p>

<b>Employment Policies</b>				
<ul style="list-style-type: none"> <li>Develop and review employment policies to ensure they are up to date and supportive of a diverse workforce.</li> </ul>	Recruitment and retention of a diverse workforce which, ideally, mirrors the community we serve.	Senior Human Resources Officer.	March 2018	Analysis of HR employee data. An increase in the diversity of the workforce.
<ul style="list-style-type: none"> <li>Review Equal Opportunities in Employment and Equal Opportunities Policy Relating to Disability</li> </ul>	Information and support is available for all employees		March 2018	Implementation of policies, raised awareness/increase in take up of e.g. flexible working, home working etc.
<b>Equalities training</b>				
<ul style="list-style-type: none"> <li>Develop/improve our training offer around equalities, e.g. through updating our eLearning package</li> </ul> <p>Requirement for all roles – understanding of equalities</p>	Employees and Elected Members are aware of and understand the importance of equalities in service delivery and have due regard in their day to day work	Head of Business Development and Improvement  Senior Human Resources Officer	March 2018	Agreement in place with NYCC (Learning Zone).  Included in Job Descriptions
<ul style="list-style-type: none"> <li>Mandatory training for all employees</li> </ul>	Raised awareness of the need to consider equalities	Senior Human Resources Officer	At induction for all new starters and annually for all employees	Electronic HR employee system data - 100% completion target rate

<b>Management Information</b>				
<ul style="list-style-type: none"> <li>Introduce equalities management information reporting</li> </ul>	<p>An understanding of the diversity of the workforce – e.g. number of employees declaring a disability, number of females in senior positions etc. Any need to increase representation of particular groups in the workforce is acknowledged and addressed</p>	<p>Head of Service – Business Development and Improvement. Human Resources to provide data</p>	<p>January 2018</p>	<p>Included in performance reports to ELT</p>

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# Selby District Council

## REPORT

Reference: E/17/28

Item 5 - Public



**To:** Executive  
**Date:** 12 October 2017  
**Status:** Non key decision  
**Report Published:** 4 October 2017  
**Author:** Aimi Brookes, Contracts Team Leader  
**Executive Member:** Cllr Richard Musgrave, Lead Member for Housing, Leisure, Health and Culture  
**Lead Director:** Julie Slatter, Director of Corporate Services and Commissioning

**Title:** Leisure Contract Annual Review April 2016 - March 2017

### Summary

This is the seventh formal annual review of the Leisure Contract with Inspiring healthy lifestyles (IHL) and covers the period April 2016 to March 2017. The year was the second full year of the extended 15 year contract following the opening of Selby Leisure Centre in March 2015.

### Recommendations:

**i. To note the key findings of the report and in particular the performance of IHL to date**

### Reasons for recommendations

To recognise the work IHL has made in delivering the leisure services offer across the Selby District and delivering key aspects of the corporate plan.

### 1.0 Introduction and background

1.1 The year of this review was the second full year of operation of Selby Leisure Centre and saw continued improvement in performance at both Selby and Tadcaster sites. As well as centre based activities the outreach and wellbeing teams also continued to develop making significant impacts particularly around the active schools and adult weight management programmes.

## **2.0 The Report**

### **2.1 The Annual Review**

2.1.1 A series of draft reports were produced by IHL and evaluated by SDC Officers and the Executive member. The final review document is attached to this report as Appendix A (Inspiring healthy lifestyles Selby Annual Review 2016/17).

2.1.2 Once again the review has been designed to provide a summary of the leisure facilities, activities and community based work as well as information about asset maintenance, health and safety and performance.

2.1.3 The performance section is the second full year of the new extended performance framework that has largely been designed to support Sport England reporting requirements and associated age grouping requirements. Whilst the age related reporting requirements are required by Sport England for Selby Leisure Centre only, they have been replicated for Tadcaster to provide a balanced picture. Data for 2015/16 has been included along with direction of travel arrows to allow for easy comparison.

2.1.4 When reviewing the performance measures it is important to understand the analysis by age and user groups is based on membership information provided and school age groups but does not reflect casual users of the facilities. In addition the investment by the Council in targeted outreach work has impacted on GP referral PI's due to targeting the same groupings.

2.1.5 The review went before the Scrutiny Committee for further analysis on 28 September 2017 although there were no specific comments made. This is the first time the review has been to Scrutiny prior to Executive and will now do so each year going forward.

### **2.2 Summary of Key Findings**

2.2.1 Key findings from the report include:

- Increase in leisure centre visits at both Selby and Tadcaster
- 1,000 swimmers on the Learn to Swim programme and the development of five additional instructors to meet service demand
- 24 Schools currently used the pool at Selby Leisure centre up from 21 in 2015/16
- Continued support of major cycling events including the Tour de Yorkshire, the Great Selby Bike Ride, Three Swans Sportive and inaugural Cyclesense Tadcaster Sportive
- 23 student work placement places and 15 volunteers supporting the Wellbeing team
- Most successful Public Health funded adult weight management programme in the county

### **3.0 Legal/Financial Controls and other Policy matters**

#### **3.1 Legal Issues**

None to report

#### **3.2 Financial Issues**

There are no financial implications following the review.

### **4. Conclusion**

IHL continue to secure external funding enabling a broad delivery of community sport and activities across the District for targeted groups and sports. Performance is generally good and it has been recognised that some outreach work is targeting the same customer groups thereby impacting on some PI delivery. A review of the suite of indicators has been carried out and a new performance framework is being used for 2017/18.

### **5. Background Documents**

#### **Appendices**

Appendix A Selby Leisure Services Annual Review 2016-17

#### **Contact Officer**

Aimi Brookes, Contracts Team Leader

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*Inspiring  
healthy  
lifestyles*

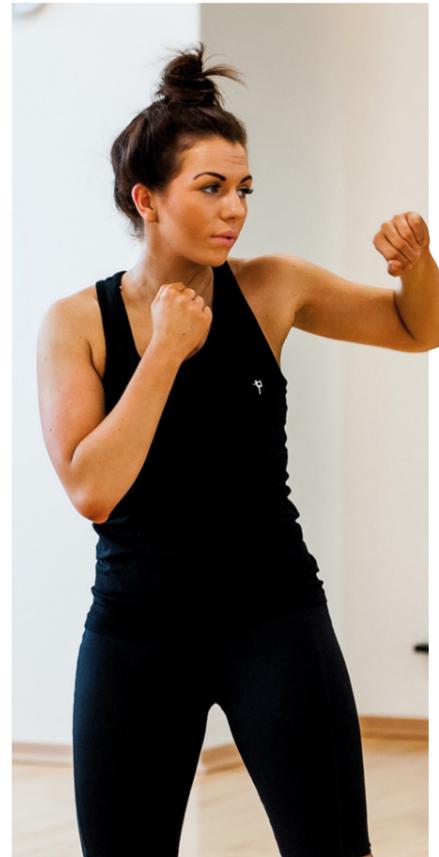


**Inspiring healthy lifestyles**  
Selby Annual Review **2016/17**

# Introduction

This review covers the period April 2016 to March 2017 inclusive.

- Inspiring healthy lifestyles works in partnership with Selby District Council (SDC) to deliver leisure facilities across the Selby District. Services include leisure centre management at Selby Leisure Centre and Tadcaster Leisure Centre, Selby Park and the development of sport and health interventions and outreach work through the Wellbeing Team. 2016/17 marks the second full year of the extended 15-year contract.
- As of March 2017, within Selby Leisure Centre (including Selby Park) there are 40 employees (19 full time, 21 part-time). There are seven permanent employees at Tadcaster Leisure Centre, (four full-time, three part-time). Overall this is a similar profile to 2015/16.
- In October 2016, the vacant post of Leisure Operations Manager was appointed to. The role provides effective leadership, management and strategic direction of leisure operations across the contract including business and organisational development.  
The role further includes overseeing development of the Summit Indoor Adventure site, although this facility sits outside the leisure contract.



# Exec Summary

This paper considers the performance and key highlights from 2016/17.

- Both leisure centres saw visits increase again from 2015/16 levels with more than 399,000 visits recorded during the year. Visits to Tadcaster Leisure Centre showed an increase of more than 10,000 compared with the previous year whilst at Selby an increase of over 14,000 was recorded. The number of Lifestyle members as a percentage of the district's population also reflected an increase from 16.7% in 2015/16 to 17.9% in 2016/17. The paper also outlines the broad range of targeted interventions delivered by the Wellbeing Team, summarising the key projects and outcomes.
- During February 2017 Sport England conducted interviews with Selby DC and Inspiring healthy lifestyles staff as part of a case study of Inspired Facilities sites, and their review particularly highlighted the significant

contribution made by outreach Wellbeing services in promoting participation beyond the leisure centre settings and in the wider district communities. With the launch of the new Sport England Strategy 'Towards An Active Nation', and its emphasis upon the broader health and wellbeing benefits of encouraging participation with all sections of the community, this combined approach of leisure centre and outreach-based engagement was seen as innovative good practice by the visiting consultants.

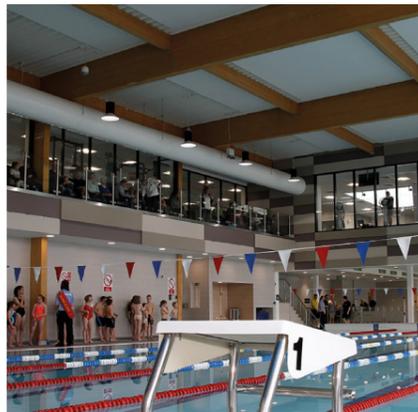
- At the end of 2016/17 Inspiring healthy lifestyles applied for the Selby element of the North Yorkshire County Council adult weight management contract and in April 2017 we were notified that our application had been successful.

The table below illustrates how our performance measures align to both the Inspiring healthy lifestyles strategic objectives and the SDC Corporate Plan:

SDC Corporate Plan	Inspiring healthy lifestyles Strategic Objectives	Measures
<b>Making Selby District a great place to do <i>business</i></b>	We promise to make a difference to education and skills  We promise to make a difference to the environment	Provision of volunteer and work placement opportunities Support in development of Selby Leisure Village site Number of visitors to leisure centres/sites from outside the district Membership of STEP and hosting of STEP event at Selby Leisure Village Attracting external funding into the Selby District Working with business partners such as Welcome to Yorkshire Champion of Active Workplace initiatives including Wellfest, the Mass Mile and corporate leisure memberships Attendance at job fairs, school interview and career awareness days
<b>Making Selby District a great place to <i>enjoy life</i></b>	We promise to make a difference to health	Number of participants (leisure centres and outreach) Increased participation rates Number of leisure centre members  Number of participants on targeted programmes (GP referral, adult weight management, Macmillan Active After Cancer, healthy active children, after school clubs, development of community sports clubs and Back to Sport opportunities) Support provided in delivery of key events across the district
<b>Making Selby District a great place to <i>make a difference</i></b>	We promise to make a difference to education and skills  We promise to make a difference to the environment	Customer satisfaction surveys Partnership working and engagement with CEFs and local community network groups to maximise/support leverage to wider funding opportunities Quest assessment at Tadcaster Extension of learnings from ISO14001 accreditation

# Leisure Services

## Leisure Centres - Selby



Selby Leisure Centre brings a wide range of leisure and recreation opportunities. In addition to regular swimming, exercise and activity classes, specialist offers include virtual fitness sessions, 3 personal trainers, GRIT (high intensity workouts) and fitness classes such as fat burner and Ab Blast.

- In Autumn 2016 the site introduced the On Course online management system for the Learn to Swim programme. This significantly enhances the swimming lesson scheme allowing for more effective enrolment and enabling instructors, parents and participants to track their progress and support their continued development as swimmers. Due to the demand for swimming tuition, we have now added three new classes in the week and seven new classes on a Saturday. The site currently has more than 1,000 swimmers on the Learn to Swim programme, an 11% increase since the system was introduced.
- The site has invested in developing staff to support the Learn to Swim programme. As a result, the site now has five additional Level 1 and Level 2 swimming teachers, supporting the growth of the swimming lesson programme.

Training and work experience has also been provided for local college students to complete the National Pool Lifeguard Qualification.

- January saw the launch of the under 8s Football Academy, with almost 40 regular participants now attending. The academy is delivered by qualified football coaches.
- A key development aimed at a new target audience was the introduction of Teen Gym sessions. This programme provided training on correct gym techniques and use of weights for participants aged 14 to 16, with 231 young people currently holding memberships. In particular, the programme aimed to increase participation from a traditionally hard-to-reach group and to ensure that they were participating in a safe and responsible manner.
- More than 500 Selby Leisure Centre members took part in ten separate gym challenges throughout 2016/17. Themes included the Tour De Yorkshire challenge, Rio Olympic Challenge and the Festive Turkey kcal Challenge. This approach proved successful in engaging and motivating sustained participation and will be further developed in 2017/18.
- Our personal training programme has proven successful particularly in addressing participants' health needs, with almost fifty participants currently attending sessions.

*One participant on the programme has progressed from being completely inactive and suffering from diabetes to completing 10k and half-marathon events and becoming medication-free following her participation in the personal training sessions.*

- Alongside the core fitness programmes and class sessions, the Wellbeing Team has refined the range of activities to more effectively meet the demand of our customers, including Swim Fit, low intensity fitness, gymnastics, touch rugby league, a bowling league, junior football academy, health walk programme and walking football. These are particularly targeted at young children, older adults and people with a disability.
- Alongside the indoor leisure offer at Selby, the site's all weather pitch is used for bootcamp fitness sessions, walking football, five-a-side football and touch rugby league. The site is also used as the home base for Selby Hockey Club and by three junior football teams.
- Selby Leisure Centre is a registered Changing Places facility, one of only two in the town, which is suitable and accessible to people with profound and multiple learning and physical disabilities.
- The centre is home venue for a number of local community sports clubs including Selby Tiger Sharks, Selby Aquanauts, Selby Hockey Club, Selby Sub Aqua Club, Shokan Karate Club and Yorkshire Vikings Triathlon Club. Selby Striders hosted evening runs throughout the winter months from the site as the base for their Couch to 5k programme targeting beginner runners. Selby Hockey Club enjoyed a successful year as they won promotion whilst the Tiger Sharks swimming club recorded their most successful campaign to date at galas in Beverley, Leeds, Harrogate and Sheffield. The Tiger Sharks also staged a charity event from the site which saw participants swim the equivalent distance of the English Channel.

Selby Sub Aqua were awarded a Sport England Small Grant to support development of their Try Dives programme.

- The centre also hosts a gymnastics and tumbling club supported by the Wellbeing Team. Participation in gymnastics has increased significantly over the year with extra sessions now being delivered and 120 participants recording more than 600 attendances.



- The site hosted the East Coast stage of the Rugby Football League's Coast to Coast Play Touch Rugby competition with teams from Yorkshire, the Midlands and the North East attending.
- 24 schools currently use Selby Leisure Centre for their structured school swimming lessons with the addition of Burton Salmon Community Primary School, Monk Fryston Primary and The Read School in 2016/17. Four primary schools, two high schools and three Pupil Referral Units (PRU) used the site for the delivery of school PE. The site also hosted two inter-school swimming gala and various school sport festivals as well as bespoke teacher training days and

- Healthy Active Schools activity taster sessions for school groups.
- Working with the Wellbeing Team the site showcased key community partners throughout the year including NY Horizons (drug and alcohol awareness), Macmillan Cancer Support, Yorkshire MESMAC (sexual health), Selby District Vision, Selby Business Forum and Selby Over 50s Forum.
- The outdoor skate park, designed following consultation with local skate park users, was completed in October 2016.

### Leisure Centres - Tadcaster

- During 2016/17 Tadcaster Leisure Centre continued to review and develop the delivery and range of activities offered to more effectively meet the needs of the customers and this has resulted in a further increase in site usage to over 69,000 visits in the year.

Low impact, Stretch and Core Overload classes have been introduced to the timetable and class occupancy has grown year on year.

Junior badminton and netball, gymnastics, taekwondo, indoor and walking football, table tennis and pickleball remain as popular activity sessions at the site.

- The site continues to promote swimming by including access to Tadcaster Community Swimming Pool as an element of its membership package, and an average of 900 swimming visits per month were reported by leisure centre members during 2016/17.

- The centre hosted Friday night football sessions delivered in partnership with Tadcaster Albion FC and York City FC Community team. The centre is also used as a meeting base for Tadcaster Harriers running club and hosts its own gymnastics, taekwondo and junior badminton clubs. Ashton Gymnastics Club enjoyed a particularly successful year competing at county-level events.

- In December, Tadcaster hosted an inter-school multi sports festival attended by Tadcaster Grammar School and other schools from outside the district.

- Selby and Tadcaster Leisure Centres host weekly sessions for Selby High School, Brayton Academy and Tadcaster Grammar School respectively, and run four junior gym sessions per week, which has resulted in an increase in sales of Profiles Freestyle memberships.

- The site has supported the Wellbeing Team at a number of events during the year including the first day of the men's Tour de Yorkshire race as it passed through the town and the inaugural editions of the Cyclesense Tadcaster Sportive and the Tad 10 ten-mile road race.

Staff from Tadcaster Leisure centre also supported Tadcaster Carnival and Tadcaster Duck Race where they delivered taster activities and promotional events.



### Selby Park

- The Wellbeing Team has continued to deliver activities from Selby Park, with the site being used for the delivery of Selby Community Cycle Hub which received £6,464 through Welcome to Yorkshire and the Pathways to Health Project funded through North Yorkshire Public Health. Selby Park also received £12,000 Tesco Bags of Help community funding to deliver improvements to the Sensory Garden and aesthetic furniture within the park and this work will take place during 2017.

The success of these funding bids has seen a multi-stakeholder working group established to design a management plan for community activity at the park.

- Four teams use the park bowling green during the season, although this had dropped to two by the end of the year.

- Selby Family Fun Day including brass band performances was delivered from the park and was exceptionally well received.

### Football Pitches – Portholme Road/ Denison Road

- Throughout the year four local teams playing in the York and District football league used the pitches as home venues.
- The Portholme Road site was used by Selby Town Council for the Annual Family Fun day which the Wellbeing Team supported by delivering the Selby Vintage Car and Motorbike Rally.
- York Volleyball Club hosted a Volleyball England Go Spike Event at Portholme Road with four teams attending the event in May.

### Marketplace and Amphitheatre

- The Wellbeing Team supported groups and events using these sites including for the fourth year the start of the Three Swans Selby Sportive.

Other events included the Minster FM community Summer Tour Bus, Leeds Morris Men May Day of Traditional English Dancing, awareness days for the Dogs Trust and Guide Dogs for the Blind in partnership with Selby District Vision, two visits by the Macmillan Cancer Awareness information bus and Selby District Council 'Don't Be A Waster' campaign.

# Wellbeing Services

- The Wellbeing Team consists of five staff members – the Wellbeing Lead and four officers overseeing projects including Adult Weight Management, Macmillan Active After Cancer, GP Referral and Healthy Active Schools. The lead and exercise referral posts are core funded with the other three roles being grant or project funded. Over the course of the year team members successfully undertook a range of training courses including UEFA B Licence, WRIGHT Foundation exercise referral qualifications and Walking for Health Cascade trainer.

- Throughout the year the team hosted 23 student work placements from a range of local and regional schools, colleges and universities. The Wellbeing Team also work with local volunteers with 15 volunteers supporting the Active Holiday Camps throughout the year whilst a number of volunteers regularly support Health Walk and Back to Sport sessions. Five volunteers have gone on to gain employment with Inspiring healthy lifestyles.

**Volunteer H** first became involved with Inspiring healthy lifestyles through a school work experience placement at Selby Leisure Centre and the Wellbeing Team. She enjoyed the experience so much that she subsequently volunteered to support the summer holiday Active Camps.

In turn this encouraged her to apply for a casual lifeguard role at Selby Leisure Centre and she was successfully appointed in the autumn, combining the role with her college studies and with the long-term aspiration of continuing her career full-time in sport and leisure.



## Healthy Active Schools

- The extended Healthy Active Schools programme is targeted at year one and year four students at primary schools with the highest levels of overweight and obesity across the district.

This project was funded through Selby District Council Programme for Growth Funding up to the end of September 2016 when it became successfully self-sustaining. 10 schools and 596 children have taken part in the programme.

- The team has delivered 34 after-school clubs (1,191 attendances), 24 curriculum sessions (720 participants and Active Holiday Camps (1,436 participants attending 11 weeks of activity) using the full range of facilities and activities at the leisure centre sites and Summit Indoor Adventure.

In addition, a targeted holiday camp focussed upon children from the most deprived communities in the district and was supported by Morrisons, Selby Food Bank, Selby Police and Fire services and the NHS Healthy Child team.

- The team was involved in the planning and delivery of the Primary School – School Sport Partnership Multi-Sport Festival for Sherburn catchment schools and delivered after school club sports sessions at schools in the Sherburn area; of particular success is a girls' football team created at Sherburn High School.

The team also facilitated the establishment of a basketball team, funded through North Yorkshire Sport Satellite Clubs and supported by Leeds Force Basketball, at Sherburn High School.

- The Wellbeing Team has also provided a key link in supporting and signposting schools to access the leisure centres and Summit Indoor Adventure sites through a number of taster days, school festivals and end-of-term treat events.

## GP Referral Programme

- Selby Wellbeing Team project manage and lead the co-ordination of the GP Referral Programme.

The referral scheme provides tailored physical activity sessions to support patients experiencing a variety of medical conditions including cardiac and stroke recovery.

The programme aims to create a sustained healthy lifestyle beyond the initial intervention by linking to the leisure centres and health walk programme.

The exercise referral programme exceeded target by engaging with 336 participants with a 72% completion rate and 19% of participants converting to full leisure centre memberships.



## Key Commissioned projects for Selby District

### Move It and Lose It

- The Move It and Lose It (MILI) adult weight management programme provides adults with a BMI at or greater than 25, access to 12 weeks of Slimming World and exercise classes delivered from Selby or Tadcaster Leisure Centre or the community venues in Tadcaster and Sherburn (Methodist Church).

The pilot is in its second and final year funded by North Yorkshire Public Health (ending in July 2017) after initial investment from Selby District Council's Programme for Growth Proof of Concept Fund.

- MILI has engaged with 1,815 participants, of whom 1,174 (64%) have completed the 12-week course by the end of year two (NICE guidance suggests 60% of completion for a second-tier weight management program would be a successful project).

894 completers (76%) lost 3% of their starting weight in 12 weeks and 662 (56%) retained a 5% loss of their starting weight at 24 weeks. More than 1,226 stone (7,785kg) has been lost by participants taking part in the scheme over the two years, equating to the maximum weight of an adult African elephant!

- This project has far exceeded the original target set by North Yorkshire Public Health and is referenced by the Director of North Yorkshire Public Health as the most successful Tier 2 programme in the county within the funded pilot.

This success has been instrumental in the successful bid for a five-year adult weight management contract from North Yorkshire Public Health, due to commence in July 2017.

**Participant M** joined the Hemingborough group in May 2016 after undergoing two hip replacements. Since starting the programme she has lost two stone in weight but she feels that the biggest benefit has been the specialist support in providing exercises designed to help the recuperation process from her hip operations.

## Key Additional Projects

### Macmillan Active After Cancer

The Macmillan Active After Cancer project continued in the second year of three years' delivery.

75 people undertook one-to-one sessions with the Specialist Officer at Selby and Tadcaster Leisure Centres whilst also taking part in activities including walking football, Back to Sport, Pathways to Health and Swim Fit.

In partnership with York and Scarborough Cancer Referral Specialist Team, the Wellbeing Team hosted an Active After Cancer Health and Wellbeing event which was attended by 25 participants from the programme.

The event showcased key support and information topics aimed at people recovering from or experiencing cancer, and their families.

The Wellbeing Team hope to develop this approach with some of the other health interventions in future.

## Key Focuses

### Health Walks - Walking Groups

The Wellbeing Team established walking sessions as part of the Macmillan Active After Cancer programme, although participation is also open to people on the MILI and GP referral programmes. This walking group is linked to the North Yorkshire Public Health Pathways to Health project.

Members of the Wellbeing Team trained as Walk Leaders and Cascade Trainers, enabling them to provide training courses for local volunteers and so supplement the number of accredited walk leaders across the district. This is a particular need as new walking groups are planned for Sherburn and Tadcaster.

### Active Workplaces

Selby Wellbeing Team continue to work with Selby District Council to promote workplace health initiatives and reduce sickness absenteeism.



Council staff continue to attend pre-work, lunchtime and post-work sessions at Selby Leisure Centre, taking advantage of corporate membership offers.

The Wellbeing Team was also invited to attend Health and Wellbeing Week at Greencore Selby as part the organisation's focus on supporting their workforce to become more active.

### Pathways to Health

Selby Wellbeing Team worked in partnership with Selby District Council, North Yorkshire Stronger Communities Team, North Yorkshire County Council Rights of Way Team, Groundwork, the Canal & River Trust, The Trans Pennine Trail and local health professionals to support the Pathways to Health initiative. This promotes local walking opportunities through targeted marketing literature and maps and improvements to pathways and way markers.

The project was launched in August and features seven pathways within the district. The Wellbeing Team has supported engagement by working

Further work is planned for 2017/18 particularly focusing upon the expanding industrial organisations in the Sherburn area.

### Mental Health

Selby Wellbeing team supported Selby District Council at a district-wide Mental Health workshop. At this event we were able to demonstrate how our service offer can support people to address mental health issues.

Wellbeing staff attended Dementia Friend training and during Dementia Awareness Week hosted a targeted swimming session at Selby Leisure Centre organised by the ASA and North Yorkshire Sport.



with local schools, delivering themed walks within the local neighbourhood and encouraging sustained participation as part of the daily routine. The team has been funded by North Yorkshire County Council public health to deliver six weekly sessions with six schools including Selby Abbey, Selby Community Primary, Barwic Parade, Barlby Bridge, Longman's Hill and Staynor Hall schools.

### Sportives

1,000 riders took part in Selby's fourth annual Three Swans Sportive. The event, organised by Yorkshire Cancer Research in partnership with Selby Cycling Club, Selby District Council and Inspiring healthy lifestyles, featured three routes of 30, 60 and 100 miles. The ride has proven popular with cyclists from across the region, from beginners to more advanced riders, thanks to its flat, fast course and picturesque scenery.

Wellbeing and leisure centre staff facilitated the event village outside the Abbey, supported by partners including North Yorkshire Police, Safer Selby Hub, Just Climb of Pickering, Selby District Bike Library, Yorkshire Vikings Triathlon Club and North Yorkshire County Council Pathways to Health project. The Sportive raised over £22,000 for Cancer Research, with a proportion of this funding being reinvested into Selby Cycle Club.

The Wellbeing Team also partnered hosting of the event village at the inaugural Cyclesense Sportive in Tadcaster with 500 participants taking part in the event.

### Great Selby Bike ride

The Wellbeing Team supported the entry form marketing and distribution and on-the-day registration for the Great Selby Bike Ride. This is the third year the team has supported this annual event led by Selby District Lions which celebrated its thirtieth year in 2016/17.

### Tour de Yorkshire

The Tour de Yorkshire Tour Makers volunteers were hosted at Tadcaster Leisure Centre for day one of the 2016 Tour. The Wellbeing lead worked with Tadcaster Town Council to ensure a successful race day as the Tour passed through.

The Wellbeing lead is also a member of the boards of Cycle Yorkshire and Trans-Pennine Trail Steering Group and is involved in the planning process for the 2017 Tour de Yorkshire.

### Pitchup and Play

2016/17 marked the handover of the Friday night football sessions, previously funded by Selby District Council and latterly the Police and Crime Commission Innovation fund, to the participants who have attended since the project began.

Despite some challenges around sustaining the sessions during the summer period, numbers remain high with a regular 25 participants attending the sessions and also taking part in the 5-a-side league hosted at Selby Leisure Centre.

The Pitchup and Play session delivered at Tadcaster has been sustained by York City FC and Tadcaster Albion FC.

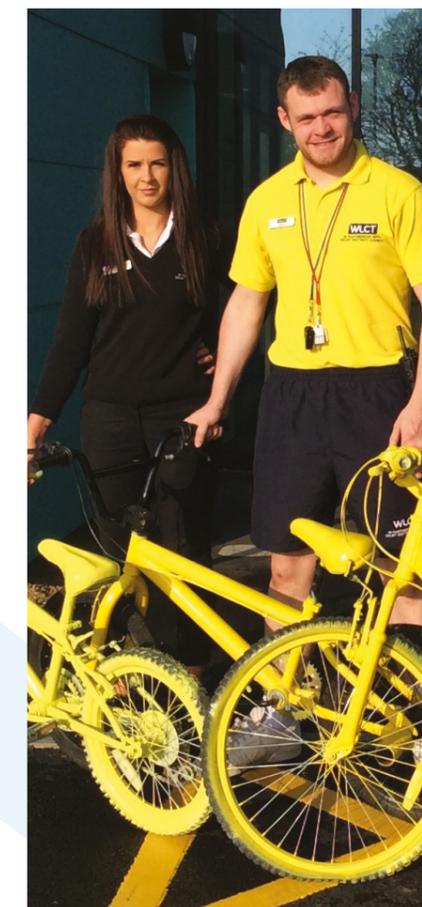
### Dame Kelly Holme Trust - Get On Track

In partnership with North Yorkshire Sport and North Yorkshire Youth, and funded through the North Yorkshire Police Crime Commissioner fund, the Wellbeing Team had an integral role in this programme by providing mentor sessions on work placements and CV writing, and hosting activity sessions including judo, football and bowling.

The programme targets disadvantaged young people aged 16-25 and uses sport and physical activity as a positive diversion from anti-social and criminal behaviour whilst also focusing upon developing skills and supporting progression into education, employment and training. 24 young people took part with 18 successfully graduating from the programme.

### Selby Safer Hub

The Wellbeing team became part of the Selby Safer Hub during 2016/17. This is a network of professional community, family and social services, working together for the benefit of clients highlighted as being at risk of deprivation, social hardship, crime or exploitation.



# Community Outreach Events Delivery and Partnerships

The Wellbeing Team continues to support a range of events through the community sport programme. Examples of this work include:

- Providing information and partnership stall at:
  - Living Well North Yorkshire event at Riccall
  - Selby Wedding Fair
  - Selby Jobs Fair
  - Give It A Go event in Escrick
- Working with local radio (BBC Radio York and Minster FM) to promote the Summit Indoor Adventure and the broader leisure and sport offer in the district.
- Support at the Selby Women in Business workshop.
- Attendance at key local stakeholder meetings including:
  - Health and Adult Services Leadership Team
  - All District Community Engagement Forums
  - Selby GP Consortium Group
  - Selby Local Area Partnership – Neighbourhood group
  - Cycle Legacy Group
  - North Yorkshire Sport County Sports Partnership Disability Group
  - Selby Big Local Community Board
  - Selby Learning Disability Partnership Board
  - Selby Dementia working group



- Supporting the development of the Sherburn Youth Hub, led by Selby District Council Community Team and funded by the Office Police and Crime Commissioner.
- The hub is situated in Eversley Park and a steering group has been established to develop an action plan for the delivery of diversionary sporting activities in the area.



# Asset Management



- The end of defects certificate for Selby Leisure Centre has yet to be released by Turner & Townsend plc as several defects remain outstanding. Review meetings have been held throughout the year with Wates Construction and Turner & Townsend to discuss the issues which are centred around the temperature in the changing village and the accumulation of standing water on poolside due to concerns with the levels within the pool channels.
- A comprehensive programme of pre-planned maintenance is in place across Selby and Tadcaster Leisure Centres covering the servicing and statutory inspection requirements. This also extends to Selby Park and Summit Indoor Adventure.
- Tenant planned maintenance works at Tadcaster Leisure Centre have focused on redecorations and minor refurbishment of the male and female changing rooms, fitting of an extractor fan to the spin studio and renewal of defective fittings and replacement of light bulbs to fittings within the sports hall.
- Landlord works at Tadcaster Leisure Centre have been focused on addressing the structural concerns with the sports hall extension and in removing the brick planters within the car park to increase the number of parking spaces and address ongoing concerns with the brickwork supporting the planting beds.



## Health & Safety

- The standard of Health & Safety management across the Selby leisure contract sites continues to be excellent. Selby Leisure Centre was audited in March 2017 and the score was an impressive 99%.

This was an improvement of 2% from the previous audit in year ending March 2016.

All of the recommendations which were made during the previous visit have been implemented and embedded into the Health & Safety plans, schedules and routines.

All other Health & Safety work is being maintained at the same high standard. There are no red or amber priorities, therefore the site has been allocated a rating of 'Excellent'.

There are a few minor areas of improvement relating to administration and formatting of documents however these were identified by the Health & Safety lead prior to the audit.

The auditors further recommended that consideration should be given towards succession planning and management of the Health & Safety function, which presently sits with one member of staff.

The site will need to ensure high standards are maintained in the event this member of staff's role changes in future.

Tadcaster Leisure Centre is due to be audited later in 2017.

- The high standard of Health & Safety management across the Selby leisure contract is reflected in the low number of accidents and incidents occurring.

During 2016-17, there were no employee accidents, a reduction from five in the previous year. There has further been an almost 50% reduction in public accidents compared with 2015/16.

A total of 17 general incidents ranging from medical conditions and illnesses to pool rescues occurred during this period.

- A total of 39 staff have attended in-house Health & Safety training during 2016/17. Areas of training include Accident Reporting / Investigation, Manual Handling, Fire Safety, Risk Assessment and IOSH Working Safely.

This is in addition to the on-site operational training they receive to maintain their Pool Lifeguard Qualification and First Aid certificates.



## Performance Summary

- The extended contract has a suite of performance measures designed to measure utilisation (footfall), accessibility (target groups), satisfaction and financial performance.

The performance measures also provide the basis of reporting to Sport England, Programme for Growth and external funders to provide a single view of the truth for all reporting.

- Owing to staffing changes and the opening of the Summit Indoor Adventure site Quest assessments were deferred during 2016/17 (CILE3007 / 3008) however these will be scheduled for 2017/18.

- In addition to the performance measures related to the leisure contract, this section also includes the indicators linked to the projects delivered by the Wellbeing Team and funded externally (section 5). These indicators are not included in the totals in the table above.

- Following the review of Sport England priorities and changes to the Wellbeing contracted delivery the suite of indicators is being further reviewed and a new performance framework developed for 2017/18.

Number of PIs	%	%	%
	●	▲	◆
41	46% (19)	15% (6)	39% (16)



# Headline Indicators

The indicators below have been identified as headline indicators based upon their importance to the business and their longer-term impact upon SDC's and Inspiring healthy lifestyles' priorities for the district's health, wellbeing and lifestyles.

**- Overall visits to leisure centres 399,213**

Target: 430,000 – Rating: **Amber**

This is a combined total for both centres. Visits to Tadcaster show a 21% increase on performance from 2015/16 however visits to Selby haven't reached the year two target, despite demonstrating a 4% increase compared with 2015/16 performance.

**- Number of Lifestyle members as a percentage of population 17.9%**

Target: 11% – Rating: **Green**

This represents a further increase from the 2015/16 percentage of 16.7%.

**- Percentage of active members participating in one or more sessions per week 51.46%**

Target: 49.25% – Rating: **Green**

This is a combined total for both centres, with 5.76% of active members participating in three or more sessions per week, a one percentage point increase from 2015/16. This compares with 33.3% of Selby district residents achieving 1x30 moderate intensity activity per week from final Active People Survey results.

**- Number of GP referrals 336**

Target: 300 – Rating: **Green**

This represented a significant increase from 2015/16 and exceeded target for the year.

**- Percentage of GP referrals completing 12 week course 72%**

Target: 52% – Rating: **Green**

**- Percentage of GP conversions to full membership 19%**

Target: 22% – Rating: **Red**

This indicator has dropped below target in the year and will be a key focus for the GP referral officer in 2017/18.

**- Percentage overall user satisfaction 71.2%**

Target – 81% - Rating – **Red**

The satisfaction survey indicator is across both sites. This represented a decline from 2015/16. Common themes emerging included changing room cleanliness and customer service. Findings have been included in site improvement plans and a follow-up survey is scheduled for quarter one, 2017/18.



PI Ref	Indicator	Reporting Frequency	2015/16	2016/17	Direction of Travel	Target	Variance /RAG
<b>1. UTILISATION (scale and nature of usage)</b>							
CILE1001	Visits to Leisure centres per 1000 population (83,449)	Quarterly / Annual	4462.92	4783.91	↑	5006.03	Yellow
CILE1002	Visits to Selby Leisure Centre	Quarterly / Annual	315,519	329,792	↑	385,000	Red
CILE1003	Visits to Tadcaster Leisure Centre	Quarterly / Annual	56,908	69,421	↑	30,000	Green
CILE1004	Number of lifestyle members as % of population	Quarterly / Annual	16.7%	17.9%	↑	11.0%	Green
CILE1005	% of active members participating in 3 or more sessions per week	Quarterly / Annual	4.16%	5.76%	↑	4.0%	Green
CILE1006	% of active members participating in 1 or more sessions per week (TADCASTER)	Quarterly / Annual	47.3%	51.06%	↑	47.5%	Green
CILE1007	% of active members participating in 1 or more sessions per week (SELBY)	Quarterly / Annual	53.8%	51.86%	↓	51.0%	Green
<b>2. ACCESS (use of facilities / service by user group)</b>							
CILE2001	Number of GP Referrals	Quarterly / Annual	261	336	↑	300	Green
CILE2002	Percentage of GP Referrals finishing 12 week course	Quarterly / Annual	99%	72%	↓	52%	Green
CILE2003	% of GP referral conversions to full membership	Annual	37%	19%	↓	22%	Red
CILE2004	Number of visits from 0 – 10yr olds Tadcaster	Quarterly / Annual	287	354	↑	600	Red
CILE2005	Number of visits from 0 – 10yr olds Selby	Quarterly / Annual	65,912	52,487	↓	78,960	Red
CILE2006	Number of visits from 0 – 16yr olds Tadcaster	Quarterly / Annual	2,059	11,029	↑	1,800	Green
CILE2007	Number of visits from 0 – 16yr olds Selby	Quarterly / Annual	93,584	73,698	↓	94,000	Red
CILE2008	Number of visits from 14 – 25yr olds Tadcaster	Quarterly / Annual	9,425	10,484	↑	6,750	Green
CILE2009	Number of visits from 14 – 25yr olds Selby	Quarterly / Annual	48,867	38,792	↓	44,500	Red
CILE2010	Number of individual users 14 - 25yr olds Tadcaster	Quarterly / Annual	531	531	-	Data Only	Grey
CILE2011	Number of individual users 14 - 25yr olds Selby	Quarterly / Annual	1,869	1,762	↓	1,870	Yellow
CILE2012	Number of visits age 26yrs and older Tadcaster	Quarterly / Annual	46,834	44,128	↓	21,900	Green
CILE2013	Number of visits age 26yrs and older Selby	Quarterly / Annual	164,904	150,355	↓	182,000	Red
CILE2014	Number of individual users 26yrs and over Tadcaster	Quarterly / Annual	1,762	1,746	↓	Data Only	Grey
CILE2015	Number of individual users 26yrs and over Selby	Quarterly / Annual	5,332	5,459	↑	3,975	Green
CILE2016	% of active members participating in 1 or more sessions per week by age group 0 - 10 yr olds	Quarterly / Annual	76.0%	55.94%	↓	Data Only	Grey

PI Ref	Indicator	Reporting Frequency	2015/16	2016/17	Direction of Travel	Target	Variance /RAG
<b>2. ACCESS (use of facilities / service by user group) CONT</b>							
CILE2017	% of active members participating in 1 or more sessions per week by age group 0 - 16 yr olds	Quarterly / Annual	66.0%	60.81	↓ X	Data Only	
CILE2018	% of active members participating in 1 or more sessions per week by age group 14 - 25 yr olds	Quarterly / Annual	42.7%	47.06	↑	46.0%	
CILE2019	% of active members participating in 1 or more sessions per week aged 26yrs or older	Quarterly / Annual	49.2%	52.76%	↑	Data Only	
CILE2020	% of visits to Tadcaster 0 - 10yr olds	Quarterly / Annual	0.50%	0.55%	↑	2%	
CILE2021	% of visits to Selby 0 - 10yr olds	Quarterly / Annual	20.8%	19.16%	↓ X	26%	
CILE2022	% of visits to Tadcaster 0 - 16yr olds	Quarterly / Annual	3.6%	13.24%	↑	6%	
CILE2023	% of visits to Selby 0 - 16yr olds	Quarterly / Annual	31.8%	27.26%	↓ X	31%	
CILE2024	% of visits to Tadcaster 14 - 25yr olds	Quarterly / Annual	16.5%	16.63%	↑	19%	
CILE2025	% of visits to Selby 14 - 25yr olds	Quarterly / Annual	15.4%	15.06%	↓ X	15%	
CILE2026	% of visits to Tadcaster age 26 and above	Quarterly / Annual	82.3%	68.05%	↓ X	75%	
CILE2027	% of visits to Selby age 26 and above	Quarterly / Annual	55.6%	58.2%	↑	60%	
CILE2028	Gender Ratio (% male/female utilisation)	Quarterly / Annual	44 / 56	47.8 / 55.1	-	47.8 / 52.2	
CILE2029	Number of disabled participants	Quarterly / Annual	140	56	↓ X	225	
CILE2030	Visits to activities from disabled participants	Quarterly / Annual	1,464	1,147	↓ X	6,000	
CILE2031	Number of swimming lesson participants	Quarterly / Annual	1,222	947	↓ X	900	
CILE2032	Number of Gym Members	Quarterly / Annual	4,264	4,704	↑	2,700	
	Percentage of swimming lesson members progressing to next level of programme	Quarterly / Annual	-	62.94%	-	Data Only	

PI Ref	Indicator	Reporting Frequency	2015/16	2016/17	Direction of Travel	Target	Variance /RAG
<b>3. SATISFACTION (service effectiveness)</b>							
CILE3001	Number of reportable accidents per 1000 visits Tadcaster	Quarterly / Annual	0.17	0.05	↑	Data Only	
CILE3002	Number of reportable accidents per 1000 visits Selby	Quarterly / Annual	0.29	0.11	↑	Data Only	
CILE3003	Number of complaints received per 1000 visits Tadcaster	Quarterly / Annual	0.31	0.30	↑	0.5	
CILE3004	Number of complaints received per 1000 visits Selby	Quarterly / Annual	0.27	0.15	↑	0.5	
CILE3005	% of customer complaints responded to within timescale	Quarterly / Annual	100%	100%	-	95%	
CILE3006	% Overall user satisfaction	Annual	73.9%	71.2	↓ X	81%	
CILE3007	Quest Assessment Score - Tadcaster	Annual	-	-	-	-	
CILE3008	Quest Assessment Score - Selby	Annual	-	-	-	-	
CILE3009	APSE performance score - Value for money	Annual	72.4%	75%	↓ X	76%	
CILE3010	APSE performance score - facility presentation	Annual	73.6%	84%	↓ X	84%	
CILE3011	APSE performance score - staff & information	Annual	75.6%	75%	↓ X	76%	

PI Ref	Indicator	Reporting Frequency	2015/16	2016/17	Direction of Travel	Target	Variance /RAG
<b>4. FINANCIAL (efficiency &amp; economy VFM)</b>							
CI_LE_4001	Cost per visit (£) - Tadcaster	Quarterly / Annual	0.90	-0.49			
CI_LE_4002	Cost per visit (£) - Selby	Quarterly / Annual	-0.16	-1.01			
CI_LE_4003	Cost per resident (£) - Tadcaster	Quarterly / Annual	0.61	-0.40			
CI_LE_4004	Cost per resident (£) - Selby	Quarterly / Annual	-0.60	-3.98			
CI_LE_4005	Cost per M2 (£) - Tadcaster	Quarterly / Annual	-16.96	-32.16			
CI_LE_4006	Cost per M2 (£) - Selby	Quarterly / Annual	48.57	-111.65			
CI_LE_4007	Income per Visit (£) - Tadcaster	Quarterly / Annual	-5.47	-4.54			
CI_LE_4008	Income per Visit (£) - Selby	Quarterly / Annual	-4.03	-4.25			
CI_LE_4009	External funding bids (£)	Quarterly / Annual	-	£200,830			
CI_LE_4010	External funding secured (£)	Quarterly / Annual	£34,582.95	£98,830			

PI Ref	Indicator	Reporting Frequency	2015/16	2016/17	Direction of Travel	Target	Variance /RAG
<b>5. COMMUNITY WELLBEING</b>							
GI_FF_0001	(Friday Football) Number of participants	Annual	212	983	↑	200	
GI_AC_0001	(Macmillan) number of people accessing programme	Annual	61	75	↑	200	
GI_AC_0002	(Macmillan) Number of volunteers	Annual	0	2	↑	0	
GI_AC_0003	(Macmillan) Number of new programmes	Annual	2	0	↓	2	
GI_AS_0001	(Active Schools) Number of children supported	Quarterly / Annual	1251	3943	↑	1200	
GI_AS_0002	(Active Schools) % of children improving fitness levels by the end of course	Quarterly / Annual	86%	87%	↑	73%	
GI_AS_0003	(Active Schools) Number of after school clubs established	Quarterly / Annual	31	34	↑	16	
GI_AS_0004	(Active Schools) Number of children attending after school clubs	Quarterly / Annual	571	1191	↑	160	
GI_AS_0005	(Active Schools) Number of holiday schemes established	Quarterly / Annual	10	11	↑	4	
GI_AS_0006	(Active Schools) Number of children attending holiday schemes	Quarterly / Annual	210	1436	↑	128	
GI_AS_0007	(Active Schools) Increased number of school bookings at SLC TLC	Quarterly / Annual	10	17	↑	8	
GI_HL_0001	(MILI) Individuals completing programme (2 sessions)	Quarterly / Annual	577	1174	↑	532	
GI_HL_0002	(MILI) Individuals completing programme and achieving 3% weight loss	Quarterly / Annual	422	894	↑	319	
GI_HL_0003	(MILI) Individuals completing programme and achieving 5% weight loss after 6months	Quarterly / Annual	322	662	↑	96	
GI_HL_0004	(MILI) Number of new clients accessing the programme	Quarterly / Annual	1093	1815	↑	750	
GI_HL_0005	(MILI) Number of self referrals	Quarterly / Annual	932	1509	↑	Data Only	
GI_HL_0006	(MILI) Number of GP referrals	Quarterly / Annual	155	274	↑	Data Only	
GI_HL_0007	(MILI) Number of hospital trust referrals	Quarterly / Annual	0	0	-	Data Only	
GI_HL_0008	(MILI) Number of social care referrals	Quarterly / Annual	0	0	-	Data Only	
GI_HL_0009	(MILI) Number of other health care referrals	Quarterly / Annual	4	24	↑	Data Only	

PI Ref	Indicator	Reporting Frequency	2015/16	2016/17	Direction of Travel	Target	Variance /RAG
<b>5. COMMUNITY WELLBEING CONT</b>							
GI_HL_00010	(MILI) Number of referrals	Quarterly / Annual	1094	1815	↑	Data Only	
GI_HL_00011	(MILI) Number of clients with BMI of 25-29	Quarterly / Annual	303	245		Data Only	
GI_HL_00012	(MILI) Number of clients with BMI of 30 - 39	Quarterly / Annual	610	413		Data Only	
GI_HL_00013	(MILI) Number of clients with BMI of +40	Quarterly / Annual	174	1157		Data Only	
GI_HL_00014	(MILI) % of male clients	Quarterly / Annual	14%	15%		Data Only	
GI_HL_00015	(MILI) % of clients ages 18-34	Quarterly / Annual	26%	25%		Data Only	
GI_HL_00016	(MILI) % of clients ages 35-54	Quarterly / Annual	44%	45%		Data Only	
GI_HL_00017	(MILI) % of clients ages 55+	Quarterly / Annual	28%	30%		Data Only	
GI_HL_00018	(MILI) Number of referrals to specialist alcohol service	Quarterly / Annual	0	0		Data Only	
GI_HL_00019	(MILI) Number of referrals to specialist stop smoking service	Quarterly / Annual	0	0		Data Only	



# Selby District Council

## REPORT

Reference: E/17/29

Item 5 - Public



**To:** Executive  
**Date:** 12 October 2017  
**Status:** Non key decision  
**Report Published:** 4 October 2017  
**Author:** Aimi Brookes, Contracts Team Leader  
**Executive Member:** Cllr Richard Musgrave, Lead Member for Housing, Leisure, Health and Culture  
**Lead Director:** Julie Slatter, Director of Corporate Services and Commissioning

**Title:** Review of Parks Byelaws

### Summary

On 6th October 2016 the Executive were asked to approve an application to the Secretary of State (SoS) for approval to adopt a new set of byelaws for parks and open spaces; the existing byelaws having been drafted in 1899.

The application was unsuccessful. Following minor amendments to the proposals and a further public consultation we are seeking approval to make a second application.

### Recommendations:

- i. To give approval to apply to the Secretary of State for approval to adopt a new set of byelaws for parks and open spaces
- ii. To publicise the proposed new byelaws if the application to the Secretary of State is successful
- iii. To revoke the existing byelaws adopted by the Council in 1899, upon the new byelaws coming into effect

### Reasons for recommendations

To ensure that the correct procedure is followed for the revocation of the current byelaws and the adoption of new byelaws and to ensure that the Councils byelaws are fit for purpose.

## **1.0 Introduction and background**

1.1 The Regulation of Pleasure Ground byelaws were adopted for Selby Park in 1899 and amended in 1925 to include four other sites (Selby Recreation Ground, Leeds Road Recreation Ground, East Common Recreation Ground and Scott Road Recreation Ground). The byelaws are outdated and we are updating them to ensure they reflect how we currently use our open spaces

1.2 A public consultation was carried out between 4th and 31st July 2016 and following Executive approval the application was made to the SoS in mid-October. The application was acknowledged in mid-November and in mid-December we received notification that it had been refused. We submitted a further explanation of our proposals in January and we are still waiting for the application to be reconsidered.

1.3 We believe that the reason for the refusal to approve the proposed byelaws was due to three small amendments that we had made to the model set. These are:

- i The addition of a provision regarding dogs - no reference is made to dogs in the model set.
- ii The addition of a provision regarding rubbish - no reference is made to rubbish in the model set.
- iii The prohibition of children over the age of 10 years old on the play equipment - the model set makes reference to children under the age of 14 and not children under 10.

1.4 The model set of byelaws are still relatively new and other LA's have had similar problems with applications as the SoS decides what they will and will not accept. There is currently no procedure for resubmission of an amended application and so we have no specific guidelines to follow.

1.5 Following discussions with the Executive Member for Housing, Leisure, Health and Culture it was agreed to submit a new application removing the above amendments.

## **2.0 The Report**

2.1.1 Byelaws are local laws set by Local Authorities which allow them to prohibit certain behaviours in specific areas where it may cause a nuisance to others. Whilst Local Authorities can draft byelaws they are currently subject to the approval of the SoS.

2.1.2 The Council has an existing set of byelaws covering the use of 'pleasure grounds' (parks and open spaces). The byelaws were first adopted by the Urban District Council of Selby on 11<sup>th</sup> October 1899 and initially just covered Selby Park. The byelaws were extended on 21<sup>st</sup> January 1925 to include Selby Recreation Ground (now known as Portholme Road Recreation Ground, Leeds Road Recreation Ground, East Common Recreation Ground (now known as Denison Road Recreation Ground) and Scott Road Recreation Ground (now owned by Selby Community Trust and so not included in the proposed byelaws).

2.1.3 The byelaws are outdated and difficult to understand due to the archaic language they are written in. The Council wishes to update them to ensure they reflect how we currently use our open spaces.

2.1.4 The Council has chosen to use a set of model byelaws developed by the Department of Communities and Local Government (DCLG). As the legality of each of the byelaws in the model set has been reviewed by DCLG, their use is effectively a fast track approval process which minimise the potential challenges that bespoke byelaws may raise.

## 2.2 The Procedure for Adopting the Model Set of Byelaws

There is a prescriptive process that the Council needs to follow in order to make a new set of byelaws. The full project timeline can be found in Appendix A, but a summary of the steps is listed below:-

- Assessment and preparation of draft byelaws
- Public consultation / analysis of feedback
- Executive approval to make the application to the SoS
- Application to SoS
- \*Publication of proposals / consideration of representations
- \*Decision to adopt the new byelaws and revoke the existing byelaws – to be made at Full Council
- \*Making the new byelaw
- \*Publicity

\*These stages assume approval is granted from the SoS

## 2.3 Consultation

2.3.1 A consultation on the proposed byelaws was run over a four week period from 24<sup>th</sup> July to 20<sup>th</sup> August 2017. The consultation was publicised in a variety of ways including in the local press, on the Councils website and via its social media accounts, at Access Selby and via a letter drop to neighbouring residents and businesses in the vicinity of each of the sites.

2.3.2 In total 14 consultation responses were received. Some of the comments received related to the lack of reference to dog fouling, the use of drones, noise from remote controlled cars and restricting football in picnic areas. The byelaws do not include issues such as drug and alcohol misuse

and dog fouling as there is already sufficient legislation that covers this. The proposed byelaws include a restriction on the use of drones, restrictions on ‘...any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground...’ and ball games will only be allowed in designated areas.

2.3.3 No amendments have been made to the proposed byelaws as a result of the consultation.

### **3.0 Legal/Financial Controls and other Policy matters**

#### **3.1 Legal Issues**

Whilst Local Authorities can draft byelaws they are currently subject to the approval of the Secretary of State (SoS). The procedure for the adoption of the model set of byelaws has been followed.

#### **3.1 Financial Issues**

N/A

### **4. Conclusion**

The existing byelaws are outdated and in need of review. The proposed model byelaws are designed to ensure that the Councils parks and open spaces can be enjoyed safely by all users and so that appropriate enforcement action can be taken where necessary.

### **5. Background Documents**

N/A

### **Contact Officer**

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### **Appendices**

Appendix A Project timetable  
Appendix B Existing byelaws  
Appendix C Proposed model byelaws  
Appendix D Summary of changes between existing and proposed byelaws

## Review of Parks Byelaws – Project Timeline

Stage	Detailed Tasks	Date / Timescale
Assessment and Consultation Preparation	<ul style="list-style-type: none"> <li>• Prepare a draft of the Byelaw.</li> <li>• Carry out an Assessment of whether the regulatory burden imposed by the Byelaw is proportionate.</li> <li>• Prepare a Statement of the Assessment.</li> <li>• In carrying out the Assessment, we must consult with such persons we consider are potentially affected by the Byelaw. For example, the Bowling Club, any Football clubs using the park etc. We would need to give thought to how we consult with persons of all ages using the park. We would also need to undertake an Equality Impact Assessment.</li> <li>• The Statement should be publicised on the website and otherwise publicised in a manner which we consider likely to bring the statement to the attention of persons who live in the area of may otherwise be affected.</li> </ul>	3 <sup>rd</sup> July 2017 (3 weeks)
Public Consultation	<ul style="list-style-type: none"> <li>• Issue public notice – local press</li> <li>• On site consultation</li> <li>• Letter drop to local residents and businesses</li> <li>• Consultation documentation in Access Selby</li> <li>• Erect posters in agreed locations / sites</li> <li>• Monitor website</li> <li>• Receive paper questionnaires</li> <li>• Receive electronic questionnaires</li> </ul>	24 <sup>th</sup> July 2017(4 weeks)
Analysis of consultation feedback	<ul style="list-style-type: none"> <li>• Consolidate manual feedback into electronic form</li> <li>• Summarise feedback</li> <li>• Review proposed byelaws in light of feedback</li> </ul>	21 <sup>st</sup> August 2017 (1 week)
Executive Briefing	<ul style="list-style-type: none"> <li>• Executive briefing to update on byelaw changes and authority to make application to secretary of state</li> </ul>	21 <sup>st</sup> September 2017
Executive Approval	<ul style="list-style-type: none"> <li>• Executive report to approve byelaw changes and authority to make application to secretary of state</li> </ul>	12 <sup>th</sup> October 2017
Decision to apply	<ul style="list-style-type: none"> <li>• Update register of decisions</li> </ul>	20 <sup>th</sup> October 2017

Application for Approval	<ul style="list-style-type: none"> <li>Apply to the Secretary of State for approval, providing:- <ul style="list-style-type: none"> <li>a) The draft Byelaw.</li> <li>b) The Statement (referred to above).</li> <li>c) A Report.</li> </ul> </li> </ul>	20 <sup>th</sup> October 2017 (1 week)
Application Approval	<ul style="list-style-type: none"> <li>The Secretary of State must respond in writing to an application made within 30 days of the date of submission of the Application.</li> <li>The Secretary of State can either:- <ul style="list-style-type: none"> <li>a) Give leave to make the Byelaw.</li> <li>b) Send an Acknowledgement stating it will issue a substantive response as soon as practicable.</li> <li>c) Refuse to give leave to make the Byelaw.</li> </ul> </li> </ul>	27 <sup>th</sup> October 2017 (30 days)
Publication of Proposals	<ul style="list-style-type: none"> <li>If we are granted leave to make the Byelaw, we must publish a Notice on our website and in one or more of the local newspapers circulating the area in which the land is situated in respect of which the Byelaw will apply.</li> <li>We must also publicise the Notice in such other manner as we see fit.</li> </ul>	27 <sup>th</sup> November 2017 (6 weeks)
Consideration of Representations	<ul style="list-style-type: none"> <li>We must consider any written representations before making a decision.</li> </ul> <p>It is recommended that the same be put to the Policy Review Committee.</p>	8 <sup>th</sup> January 2018 16 <sup>th</sup> January 2018
Decision	<p>(No later than six months after the expiration of the period specified in the Notice for Written Representations)</p> <ul style="list-style-type: none"> <li>Make the Byelaw without modification.</li> <li>Make the Byelaw with minor modification.</li> <li>Not make the proposed Byelaw.</li> </ul> <p>Full Council Decision. There is Council on 20<sup>th</sup> February 2018.</p>	20 <sup>th</sup> February 2018
Making the Byelaw	<ul style="list-style-type: none"> <li>Under the Common Seal of the Authority.</li> </ul>	March 2018
Publicity	<p>(Not less than seven days before the day on which the Byelaw comes into force)</p> <ul style="list-style-type: none"> <li>Deposit a copy of the Byelaw at our principal office.</li> <li>Where possible, place signs summarising the Byelaw in conspicuous positions.</li> <li>Publish on our website a Notice.</li> <li>Send a copy to the County Council.</li> <li>Publicise the Byelaw in such other manner as we consider fit.</li> </ul>	March 2017 (4 weeks)

# BYELAWS

MADE BY

The Urban District Council of Selby

WITH RESPECT TO THE

REGULATION of a PLEASURE GROUND.



Selby:

E. H. RIMMINGTON, PRINTER, "EXPRESS" OFFICE.

1925.

URBAN DISTRICT COUNCIL OF SELBY.

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## BYELAWS

MADE BY

**The Urban District Council of Selby**

WITH RESPECT TO THE

### Regulation of a Pleasure Ground.

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1. Throughout these byelaws the expression "The Council" means the Urban District Council of Selby, and the expression "the Pleasure Ground" means the pleasure ground situate on the East side of Park Street, in Selby, and known as the Little Park.

2. The pleasure ground shall be opened at the hour of Seven in the forenoon and shall be closed at the hour of Ten in the afternoon of every day during the months of June and July; and shall be opened at the hour of Seven in the forenoon and shall be closed at the hour of Half-past Nine in the afternoon of every day during the months of April, May, August, and September; and shall be opened at the hour of Eight in the forenoon and shall be closed at the hour of Seven **61** the afternoon of every day during the months of March and October; and

shall be opened at the hour of Eight in the forenoon and shall be closed at the hour of Six in the afternoon during the months of January, February, November, and December.

Provided always that this byelaw shall not be deemed to require the pleasure ground to be opened and closed at the hours hereinbefore prescribed on any day when, in pursuance of any statutory provision in that behalf, the Council may close such pleasure ground to the public

3. A person, other than an officer of the Council, or a person or a servant of a person employed by the Council in or about any work in connexion with the laying out, planting, improvement, or maintenance of the pleasure ground, shall not on any day on which the pleasure ground may be open to the public enter the pleasure ground before the time herein-before appointed for the opening thereof, or enter the pleasure ground or remain therein after the time herein-before appointed for the closing thereof.

4. A person shall not enter or quit the pleasure ground otherwise than through some one of the gates, wickets, passages, or openings appointed by the Council as the authorized means of entrance to or egress from the pleasure ground.

5. A person shall not wilfully or improperly remove or displace any board, plate, or tablet, or any support, fastening, or fitting of any board, plate, or tablet used or constructed or adapted to be used for the exhibition of any byelaw or notice, and fixed or set up by the Council in any part of the pleasure ground, or in or on any building or structure therein, or at or near to any one of the appointed means of entrance to or egress from the pleasure ground, or in or on any wall or fence enclosing the pleasure ground.

6. A person shall not carelessly or negligently deface, injure, or destroy any part of any wall or fence in or enclosing the pleasure ground, or any part of any building, barrier, or railing, or of any fixed or movable seat, or of any other structure or erection in the pleasure ground.

7. A person shall not wilfully, carelessly, or negligently remove or displace any barrier, railing, or post, or any fixed or movable seat, or any part of any building, structure or erection, or any monument, work of art, ornament, or decoration, or any implement, utensil, apparatus, appliance, or article provided for use or used or adapted to be used in the laying out, planting, improvement, or maintenance of the pleasure ground, or in the care, cultivation, or protection of any tree, sapling, shrub, underwood, gorse, furze, fern, herb, or plant in the pleasure ground.

8. A person, other than an officer of the Council, or a person or a servant of a person employed by the Council in or about any work in connexion with the laying out, planting, improvement, or maintenance of the pleasure ground, shall not at any time ride, drive, or bring, or cause or suffer to be ridden, driven, or brought into the pleasure ground any beast of draught or burden.

9. A person shall not drive or bring, or cause to be driven or brought into the pleasure ground any bull, ox, cow, heifer, steer, calf, sheep, lamb, hog, pig, or sow, unless, in pursuance of an agreement with the Council, or otherwise in the exercise of any lawful right or privilege, such person may be duly authorized to drive or bring any such animal or to cause any such animal to be driven or brought into the pleasure ground for pasturage or for any other lawful purpose.

10. A person, other than an officer of the Council, or a person or a servant of a person employed by the Council in or about any work in connexion with the laying out, planting, improvement, or maintenance of the pleasure ground, shall not at any time drive or wheel, or cause or suffer to be driven or wheeled into the pleasure ground any barrow, truck, or machine, or any vehicle other than a wheeled chair drawn or propelled by hand, or a perambulator or a chaise drawn or propelled by hand and used solely for the conveyance of a child or children or an invalid.

11. A person who shall wheel or bring, or cause to be wheeled or brought into the pleasure ground a wheeled chair drawn or propelled

by hand, or a perambulator or a chaise drawn or propelled by hand and used solely for the conveyance of a child or children or an invalid, shall not at any time wheel or station such chair, perambulator, or chaise, or cause or suffer such chair, perambulator, or chaise to be wheeled or stationed over or upon any part of a flower bed, or over or upon any shrub, underwood, gorse, furze, fern, or plant, or any ground in course of preparation or cultivation as a flower bed, or for the reception or growth of any shrub, underwood, gorse, furze, fern, or plant.

Where, by a notice or notices affixed or set up in some conspicuous position at or near to each of the several entrances to the pleasure ground, the Council may from time to time prohibit the use by any such wheeled chair, perambulator, or chaise of such part or parts of the pleasure ground as shall be defined or described in such notice or notices, a person shall not, at any time while such notice or notices shall continue so affixed or set up, wheel or station any such chair, perambulator, or chaise, or cause, or suffer any such chair, perambulator, or chaise to be wheeled or stationed over or upon such part or parts of the pleasure ground.

12. A person, other than an officer of the Council, or a person acting in pursuance of their directions in that behalf, shall not affix or post any bill, placard, or notice to or upon any wall or fence in or enclosing the pleasure ground, or to or upon any tree, or to or upon any part of any building, barrier or railing, or of any fixed or movable seat, or of any other structure or erection in the pleasure ground.

13. A person, other than an officer of the Council, or a person or a servant of a person employed by the Council in or about any work in connexion with the laying out, planting, improvement, or maintenance of the pleasure ground, shall not at any time, in any part of the pleasure ground, remove or disturb any part of the soil of any flower bed, or any soil under or about any tree, sapling, shrub, underwood, gorse, furze, fern, or plant, or any soil in course of preparation or cultivation as a flower bed, or for the reception or growth of any shrub, underwood, gorse, furze, fern, or plant.

14. A person, other than an officer of the Council, or a person or a servant of a person employed by the Council in or about any work in connexion with the laying out, planting, improvement, or maintenance of the pleasure ground, shall not at any time, in any part of the pleasure ground, walk or run over, or stand, sit, or lie upon any part of any flower bed, or any shrub, underwood, gorse, furze, fern, or plant, or any ground in course of preparation or cultivation as a flower bed, or for the reception or growth of any shrub, underwood, gorse, furze, fern, or plant.

15. A person, other than an officer of the Council, or a person or a servant of a person employed by the Council in or about any work in connexion with the laying out, planting, improvement, or maintenance of the pleasure ground, shall not at any time, in any part of the pleasure ground, cut or displace any turf, or uproot or displace any gorse, furze, fern, or plant.

16. A person shall not at any time, in any part of the pleasure ground, pluck any bud, blossom, flower, or leaf of any tree, sapling, shrub, underwood, gorse, furze, fern, or plant.

17. A person shall not wilfully, carelessly, or negligently soil or defile any part of any wall or fence in or enclosing the pleasure ground, or any part of any building, barrier, or railing, or of any fixed or movable seat, or of any monument, work of art, ornament, or decoration, or of any other structure or erection in the pleasure ground, or wilfully, carelessly, or negligently throw or deposit any filth, rubbish, or refuse, or cause or suffer any filth, rubbish or refuse to fall or to be thrown or deposited upon any part of the pleasure ground.

18. A person shall not wilfully, carelessly, or negligently throw or discharge in the pleasure ground any stone or other missile to the damage or danger of any person.

19. A person shall not climb any wall or fence in or enclosing the pleasure ground, or any tree, or any barrier, railing, or post in the pleasure ground.

20. A person shall not bathe, wade, or wash in any lake, pond, stream, or other ornamental water in the pleasure ground, or wilfully, carelessly, or negligently foul or pollute any such water, or take, injure, or destroy, or attempt to take, injure, or destroy, or wilfully disturb any fish in any such water, or wilfully disturb or worry or illtreat any fowl in any such water, or elsewhere in the pleasure ground.

21. A person shall not, in any part of the pleasure ground, wilfully displace or disturb, injure, or destroy any bird's nest, or wilfully take, injure, or destroy any bird's egg.

22. A person shall not, in any part of the pleasure ground, take, injure, or destroy any bird, or spread or use any net, or set or use any snare or other engine, instrument, or means for the taking, injury, or destruction of any bird.

23. A person shall not cause or suffer any dog belonging to him or in his charge to enter or remain in the pleasure ground, unless such dog be and continue to be under proper control, and be effectually restrained from causing annoyance to any person, and from worrying or disturbing any beast, and from entering any ornamental water, and from injuring or destroying, worrying or disturbing any fowl in the pleasure ground.

24. A person shall not, except as is herein-after provided, play or take part in any game of football, quoits, bowls, hockey, cricket, or any other game which, by reason of the rules or manner of playing, or for the prevention of damage, danger, or discomfort to any person in the pleasure ground, may necessitate, at any time during the continuance of the game, the exclusive use by the player or players of any space in the pleasure ground:

Provided that where, by a notice or notices, which shall be affixed or set up in some conspicuous position in the pleasure ground, and at or near to each of the principal entrances thereto, the Council may from time to time set apart, for the playing of any such game or games as may be specified in such notice or notices, such space or spaces in the pleasure ground as shall be defined or described in such notice or

notices, this byelaw shall not be taken to prohibit any person from playing or taking part in any game or games which may be played in such space or spaces and in accordance with the following regulations:—

(i.) Every person resorting to any such space for the purpose of playing or taking part in any such game shall, in making preparation for the playing of such game and in the manner of playing, use reasonable and proper care to prevent undue interference with the reasonable and proper use of such space by any other person engaged in making preparation for playing or in playing therein, or thereafter resorting to such space for the purpose of making preparation for playing or of playing therein:

(ii.) A person resorting to any such space for the purpose of playing or taking part in any such game shall not begin to play at any time when such space is already occupied by such a number of players and in such a manner as to render any addition to the number of players incompatible with the safe and convenient use of such space by the players already in occupation:

(iii.) Except in any case where the exclusive use of any such space or of any part thereof may have been granted by the Council for the playing of any match, of which the occasion and character shall be such as to render expedient an extension of the time herein-after specified, a player or company of players shall not, in making preparation for playing and in playing any game, use any part of such space for a longer time than *one hour* continuously, if, at the expiration of that time any other player or company of players, for whose use no other part of such space or no part of any other space set apart for the purpose may be available, shall make known to such first-mentioned player or company of players an intention to use, for the purpose of playing, such part of such space as shall have been previously used by such player or company of players.

25. A person, other than an officer of the Council, or a person or a servant of a person employed by the Council in or about any work in connexion with the laying out, planting, improvement, or maintenance

of the pleasure ground, shall not, except as herein-after provided, erect any post, rail, fence, pole, tent, booth, stand, building, or other structure in any part of the pleasure ground:

Provided that the foregoing prohibition shall not apply in any case where, upon an application to the Council for permission to erect any post, rail, fence, pole, tent, booth, stand, building, or other structure in any part of the pleasure ground, upon such occasion and for such purpose, as shall be specified in such application, the Council may grant, subject to compliance with such conditions as they may prescribe, permission to any person to erect such post, rail, fence, pole, tent, booth, stand, building or other structure.

26. A person shall not, in any part of the pleasure ground, beat, shake, sweep, brush, or cleanse any carpet, drugget, rug or mat, or any other fabric retaining dust or dirt.

27. A person shall not, in any part of the pleasure ground, hang, spread, or deposit any linen or other fabric for the purpose of drying or bleaching.

28. A person shall not deliver any public address in any part of the pleasure ground.

29. A person shall not, in any part of the pleasure ground, sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire any commodity or article, unless, in pursuance of an agreement with the Council, or otherwise in the exercise of any lawful right or privilege, such person may be duly authorised to sell or let to hire in the pleasure ground such commodity or article.

30. A person shall not, in any part of the pleasure ground, wilfully obstruct, disturb, interrupt, or annoy any other person in the proper use of the pleasure ground, or wilfully obstruct, disturb, or interrupt any officer of the Council in the proper execution of his duty, or any person or servant of any person employed by the Council in the proper execution of any work in connexion with the laying out, planting, improvement, or maintenance of the pleasure ground.

31. A person shall not, in any part of the pleasure ground, play upon any musical instrument:

Provided that the foregoing prohibition shall not apply in any case where, upon an application to the Council for permission to play upon a musical instrument in the pleasure ground, the Council may grant such permission subject to compliance with such conditions as they may prescribe.

32. Every person who shall offend against any of the foregoing byelaws shall be liable for every such offence to a penalty of Five pounds:

Provided nevertheless, that the justices or court before whom any complaint may be made, or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this byelaw.

33. Every person who shall infringe any byelaw for the regulation of the pleasure ground may be removed therefrom by any officer of the Council, or by any constable, in any one of the several cases herein-after specified; that is to say—

(i.) Where the infraction of the byelaw is committed within the view of such officer or constable, and the name and residence of the person infringing the byelaw are unknown to and cannot be readily ascertained by such officer or constable:

(ii.) Where the infraction of the byelaw is committed within the view of such officer or constable, and, from the nature of such infraction, or from any other fact of which such officer or constable may have knowledge, or of which he may be credibly informed, there may be reasonable ground for belief that the continuance in the pleasure ground of the person infringing the byelaw may result in another infraction of a byelaw, or that the removal of such person from the pleasure ground is otherwise necessary as a security for the proper use and regulation thereof.

*The foregoing Byelaws were approved and adopted at a Meeting of the Selby Urban District Council, held the 16th day of August, 1899.*

*As witness the Seal of the said Council, this 11th day of October, 1899.*

THOS. LIVERSIDGE,  
*Chairman.*

JNO. HY. BANTOFT,  
*Clerk.*



*Allowed by the Local Government Board this First day of November, 1899.*

S. B. PROVIS,  
*Secretary.*

*Acting on behalf of the said Board, under the Authority of their General Order, dated the 26th day of May, 1877.*



## BYELAW

Made by the URBAN DISTRICT COUNCIL OF SELBY with respect to the PLEASURE GROUNDS known as

SELBY RECREATION GROUND,  
LEEDS ROAD RECREATION GROUND,  
EAST COMMON RECREATION GROUND, and  
SCOTT ROAD RECREATION GROUND.

1. From and after the date of the confirmation of this byelaw, the series of byelaws relating to the regulation of a pleasure ground, which was made by the Urban District Council of Selby on the Eleventh day of October, 1899, and was confirmed by the Local Government Board on the First day of November, 1899, shall be deemed to extend and apply to the pleasure grounds known as

SELBY RECREATION GROUND, situate in James Street, Selby;  
LEEDS ROAD RECREATION GROUND, situate in Leeds Road, Selby;  
EAST COMMON RECREATION GROUND, situate in Volta Street, Selby; and  
SCOTT ROAD RECREATION GROUND, situate in Scott Road, Selby.

The forgoing byelaw was approved and adopted at a meeting of the Selby Urban District Council, held on the Twenty-first day of January, 1925.

As witness the Seal of the said Council, this Twenty-first day of January, 1925.



JOHN THOMPSON, Chairman.

JNO. HY. BANTOFT, Clerk to the Council.

Allowed by the Minister of Health this Twenty-ninth day of April, 1925.



A. B. MACHLACHLAN,

Assistant Secretary **66**

Ministry of Health.

**SELBY DISTRICT COUNCIL**

**BYELAWS FOR PLEASURE GROUNDS, PUBLIC  
WALKS AND OPEN SPACES**

**ARRANGEMENT OF BYELAWS**

**PART 1**

**GENERAL**

1. General interpretation
2. Application

**PART 2**

**PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC**

3. Protection of structures and plants
4. Unauthorised erection of structures
5. Climbing
6. Grazing
7. Protection of wildlife
8. Gates
9. Camping
10. Fires
11. Missiles
12. Interference with life-saving equipment

**PART 3**

**HORSES, CYCLES AND VEHICLES**

13. Interpretation of Part 3
14. Horses - Horse riding prohibited (subject to any bridleway, etc)
15. Cycling
16. Motor vehicles

**PART 4**  
**PLAY AREAS, GAMES AND SPORTS**

- 17. Interpretation of Part 4
- 18. Children's play areas
- 19. Children's play apparatus
- 20. Skateboarding, etc - Skateboarding, etc permitted only in designated area
- 21. Ball games - Ball games permitted throughout the ground but designated area for ball games also provided
- 22. Ball games - Rules
- 23. Archery
- 24. Field sports
- 25. Golf - Permitted where part of ground is set aside as a golf course

**PART 5**  
**MODEL AIRCRAFT**

- 26. Interpretation of Part 5
- 27. Model aircraft - Model aircraft permitted in certain grounds (on specified days and at specified times).

**PART 6**  
**OTHER REGULATED ACTIVITIES**

- 28. Provision of services
- 29. Excessive noise
- 30. Public shows and performances
- 31. Aircraft, hang-gliders and hot air balloons
- 32. Kites
- 33. Metal detectors

**PART 7**  
**MISCELLANEOUS**

- 34. Obstruction
- 35. Savings

36. Removal of offenders

37. Penalty

38. Revocation - General

SCHEDULE 1 - Grounds to which byelaws apply generally

SCHEDULE 2 - Rules for playing ball games in designated areas

Byelaws made under section 164 of the Public Health Act 1875, section 15 of the Open Spaces Act 1906, sections 12 and 15 of the Open Spaces Act 1906 by the Selby District Council with respect to the pleasure grounds, public walks and open spaces specified in Schedule 1.

## **PART 1**

### **GENERAL**

#### **General Interpretation**

1. In these byelaws:

“the Council” means Selby District Council;

“the ground” means any of the grounds listed in Schedule 1;

“designated area” means an area in the ground which is set aside for a specified purpose, that area and its purpose to be indicated by notices placed in a conspicuous position;

“invalid carriage” means a vehicle, whether mechanically propelled or not,

- (a) the unladen weight of which does not exceed 150 kilograms,
- (b) the width of which does not exceed 0.85 metres, and
- (c) which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person.

#### **Application**

2. These byelaws apply to all of the grounds listed in Schedule 1 unless otherwise stated.

## **PART 2**

### **PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC**

#### **Protection of structures and plants**

3. (1) No person shall without reasonable excuse remove from or displace within the ground:
- (a) any barrier, post, seat or implement, or any part of a structure or ornament provided for use in the laying out or maintenance of the ground; or
  - (b) any stone, soil or turf or the whole or any part of any plant, shrub or tree.
- (2) No person shall without reasonable excuse deface, injure or destroy any part of any wall or fence enclosing the pleasure ground, or any part of any building, barrier or railing, or of any fixed or movable seat, or of any other structure or erection in the pleasure ground.

- (3) No person shall wilfully or improperly remove or displace any board, plate, or tablet, or any support, fastening, or fitting of any board, plate or tablet used or constructed to be used for the exhibition of any notice, and fixed or set up by the Council in any part of the pleasure ground, or in or on any building or structure therein, or at or near to any one of the appointed means of entrance to or egress from the pleasure ground, or in or on any wall or fence enclosing the pleasure ground.
- (4) No person shall walk on or ride, drive or station a horse or any vehicle over:
  - (a) any flower bed, shrub or plant;
  - (b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or
  - (c) any part of the ground set aside by the Council for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.

#### **Unauthorised erection of structures**

4. No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure.

#### **Unauthorised posting of signs, boards, plates or tablets**

5. No person shall without the consent of the Council erect any sign, board, plate or tablet anywhere in the ground.

#### **Climbing**

6. No person shall without reasonable excuse climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure.

#### **Grazing**

7. No person shall without the consent of the Council turn out or permit any animal for which he is responsible to graze in the ground.

#### **Protection of wildlife**

8. No person shall kill, injure, take or disturb any animal, or engage in hunting or shooting or the setting of traps or the laying of snares.

#### **Gates**

9. (1) No person shall leave open any gate to which this byelaw applies and which he has opened or caused to be opened.
  - (2) Byelaw 10(1) applies to any gate to which is attached, or near to which is displayed, a conspicuous notice stating that leaving the gate open is prohibited.

## **Camping**

10. No person shall without the consent of the Council erect a tent or use a vehicle, caravan or any other structure for the purpose of camping except in a designated area for camping.

## **Fires**

11. (1) No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire.
- (2) Byelaw 13(1) shall not apply to:
- (a) the lighting of a fire at any event for which the Council has given permission that fires may be lit; or
  - (b) the lighting or use, in such a manner as to safeguard against damage or danger to any person, of a properly constructed camping stove, in a designated area for camping, or of a properly constructed barbecue, in a designated area for barbecues.

## **Missiles**

12. No person shall throw or use any device to propel or discharge in the ground any object which is liable to cause injury to any other person.

## **Interference with life-saving equipment**

13. No person shall except in case of emergency remove from or displace within the ground or otherwise tamper with any life-saving appliance provided by the Council.

## **PART 3**

### **HORSES, CYCLES AND VEHICLES**

#### **Interpretation of Part 3**

14. In this Part:

“designated route” means a route in or through the ground which is set aside for a specified purpose, its route and that purpose to be indicated by notices placed in a conspicuous position;

“motor cycle” means a mechanically-propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which does not exceed 410 kilograms;

“motor vehicle” means any mechanically-propelled vehicle other than a motor cycle or an invalid carriage;

“trailer” means a vehicle drawn by a motor vehicle and includes a caravan.

## **Horses**

15. (1) No person shall ride a horse except in the exercise of a lawful right or privilege.
- (2) Where horse-riding is permitted by virtue of a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

## **Cycling**

16. No person shall without reasonable excuse ride a cycle in the ground except in any part of the ground where there is a right of way for cycles or on a designated route for cycling.

## **Motor vehicles**

17. (1) No person shall without reasonable excuse bring into or drive in the ground a motor cycle, motor vehicle or trailer except in any part of the ground where there is a right of way or a designated route for that class of vehicle.
- (2) Where there is a designated route for motor cycles, motor vehicles or trailers, it shall not be an offence under this byelaw to bring into or drive in the ground a vehicle of that class for the sole purpose of transporting it to the route.

## **PART 4**

### **PLAY AREAS, GAMES AND SPORTS**

#### **Interpretation of Part 4**

18. In this Part:

“ball games” means any game involving throwing, catching, kicking, batting or running with any ball or other object designed for throwing and catching, but does not include cricket;

“golf course” means any area within the ground set aside for the purposes of playing golf and includes any golf driving range, golf practice area or putting course;

“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons skating, sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.

#### **Children’s play areas**

19. No person aged 14 years or over shall enter or remain in a designated area which is a children’s play area unless in charge of a child under the age of 10 years.

### **Children's play apparatus**

20. No person aged 14 years or over shall use any apparatus stated to be for the exclusive use of persons under the age of 10 years by a notice conspicuously displayed on or near the apparatus.

### **Skateboarding, etc**

21. (1) No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles except in a designated area for such activities.
- (2) Where there is a designated area for skating, sliding or riding on rollers, skateboards or other self-propelled vehicles, no person shall engage in those activities in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

### **Ball games**

22. No person shall play ball games outside a designated area for playing ball games in such a manner:
- (a) as to exclude persons not playing ball games from use of that part;
- (b) as to cause danger or give reasonable grounds for annoyance to any other person in the ground; or
- (c) which is likely to cause damage to any tree, shrub or plant in the ground.
23. It is an offence for any person using a designated area for playing ball games to break any of the rules set out in Schedule 2 and conspicuously displayed on a sign in the designated area when asked by any person to desist from breaking those rules.

### **Archery**

24. No person shall engage in the sport of archery except in connection with an event organised by or held with the consent of the Council.

### **Field sports**

25. No person shall throw or put any javelin, hammer, discus or shot except in connection with an event organised by or held with the consent of the Council or on land set aside by the Council for that purpose.

### **Golf**

26. (1) No person shall play golf on the golf course unless he holds a valid ticket issued by or on behalf of the Council entitling him to do so, which ticket shall be retained and shown on demand to any authorised officer or agent of the Council.
- (2) No person shall enter on to or remain on the golf course unless:
- (a) taking part in the game of golf or accompanying a person so engaged; or

- (b) doing so in the exercise of a lawful right or privilege.
- (3) No person shall offer his service for hire as an instructor on the golf course without the consent of the Council.

## **PART 5**

### **MODEL AIRCRAFT**

#### **Interpretation of Part 5**

27. In this Part:

“model aircraft” means an aircraft which weighs not more than 7 kilograms without its fuel;

“power-driven” means driven by:

- (a) the combustion of petrol vapour or other combustible substances;
- (b) jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding 2.54 centimetres in length; or
- (c) one or more electric motors or by compressed gas.

“radio control” means control by a radio signal from a wireless transmitter or similar device.

#### **General prohibition**

28. No person shall cause any power-driven model aircraft to:

- (a) take off or otherwise be released for flight or control the flight of such an aircraft in the ground; or
- (b) land in the ground without reasonable excuse.

## **PART 6**

### **OTHER REGULATED ACTIVITIES**

#### **Provision of services**

29. No person shall without the consent of the Council provide or offer to provide any service for which a charge is made.

#### **Excessive noise**

30. (1) No person shall, after being requested to desist by any other person in the ground, make or permit to be made any noise

which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground by:

- (a) shouting or singing;
  - (b) playing on a musical instrument; or
  - (c) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device.
- (2) Byelaw 34(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

### **Public shows and performances**

31. No person shall without the consent of the Council hold or take part in any public show or performance.

### **Aircraft, hang gliders and hot air balloons**

32. No person shall except in case of emergency or with the consent of the Council take off from or land in the ground in an aircraft, helicopter, hang glider or hot air balloon.

### **Kites**

33. No person shall fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

### **Metal detectors**

34. (1) No person shall without the consent of the Council use any device designed or adapted for detecting or locating any metal or mineral in the ground.

## **PART 7**

### **MISCELLANEOUS**

#### **Obstruction**

35. No person shall obstruct:
- (a) any officer of the Council in the proper execution of his duties;
  - (b) any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
  - (c) any other person in the proper use of the ground.

#### **Savings**

36. (1) It shall not be an offence under these byelaws for an officer of the Council or any person acting in accordance with a contract with the Council to do anything necessary to the proper execution of his duty.

- (2) Nothing in or done under these byelaws shall in any respect prejudice or injuriously affect any public right of way through the ground, or the rights of any person acting lawfully by virtue of some estate, right or interest in, over or affecting the ground or any part of the ground.

**Removal of offenders**

37. Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.

**Penalty**

38. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

**Revocation**

39. The byelaws made by The Urban District Council of Selby on 21 January 1925 and confirmed by the Local Government Board on 29 April 1925 relating to the ground are hereby revoked.

## **SCHEDULES**

### **SCHEDULE 1**

#### **GROUNDS TO WHICH BYELAWS APPLY**

The grounds referred to in Byelaw 1 and 2 are:

- Selby Park, Park Street, Selby, YO8 4PW
- Leeds Road Recreation Ground, Leeds Road, Selby, YO8 4JQ
- Portholme Road Recreation Ground, Portholme Road, Selby, YO8 4HQ
- Denison Road Recreation Ground, Denison Road, Selby, YO8 8AN

### **SCHEDULE 2**

#### **RULES FOR PLAYING BALL GAMES IN DESIGNATED AREAS (BYELAW 23)**

Any person using a designated area for playing ball games is required by byelaw 23 to comply with the following rules:

- (1) No person shall play any game other than those ball games for which the designated area has been set aside.
- (2) No person shall obstruct any other person who is playing in accordance with these rules.
- (3) Where exclusive use of the designated area has been granted to a person or group of persons by the Council for a specified period, no other person shall play in that area during that period.
- (4) Subject to paragraph (5), where the designated area is already in use by any person, any other person wishing to play in that area must seek their permission to do so.
- (5) Except where they have been granted exclusive use of the designated area for more than two hours by the Council, any person using that area shall vacate it if they have played continuously for two hours or more and any other person wishes to use that area.
- (6) No person shall play in the designated area when a notice has been placed in a conspicuous position by the Council prohibiting play in that area.

## **Regulation of a Pleasure Ground – Changes to the Byelaws**

The current byelaws came into force for Selby Park in 1899. The byelaws were amended to include Selby Recreation Ground (James Street), Leeds Road Recreation Ground, East Common Recreation Ground (Denison Road) and Scott Road Recreation Ground in 1925.

We are proposing the following changes to the existing byelaws:-

### **Sections 2 and 3 - Opening Hours**

The existing byelaws contain the following opening hours:-

January, February, November and December	8am to 6pm
March and October	8am to 7pm
April, May, August and September	7am to 9.30pm
June to July	7am to 10pm

We are proposing to remove the section on opening hours

### **Section 10 – Wheeled Vehicles**

In the existing byelaws this section prevents anyone other than an officer of the Council from driving or wheeling a barrow, truck or machine (other than a pram or wheelchair) in to the parks.

We are proposing to replace this with a section from the model byelaws which will allow cycling in designated areas. There is a section in the new byelaws which covers other motor vehicles.

### **Section 20 - Watercourses**

As there are no lakes, ponds, streams or other ornamental water features in any of these areas we are proposing to remove the section relating to this.

### **Section 26 – Carpets and Rugs**

This section prohibits people from beating, shaking, sweeping or brushing a carpet, rug or similar in the parks. We are proposing to remove this section.

### **Section 27 – Drying Linen**

This section prohibits the spreading, drying and bleaching of linen in the parks. We are proposing to remove this section.

### **Additions**

There are a number of sections in the new model byelaws which are not covered in the existing ones.

Interference with life-saving equipment – will be prohibited

Horses – horse riding will be prohibited (subject to bridleways etc.)

Childrens' Play Areas – no person age 14 or over will be permitted to use any apparatus for the exclusive use of those aged 13 and under

Skateboard etc. – will only be permitted in designated areas

Archery and Field Sports – will only be permitted in connection with an event organised by or held with the consent of the Council

Golf – will only be permitted in areas set aside as a golf course

Model aircraft – will only be allowed with the consent of the Council

Aircraft, hang gliders and hot air balloons – will only be allowed in the case of emergency or with the consent of the Council

Kites – will be allowed provided they are not flown in such a manner as to cause danger or give reasonable annoyance to others

Metal Detectors – will only be allowed with the consent of the Council

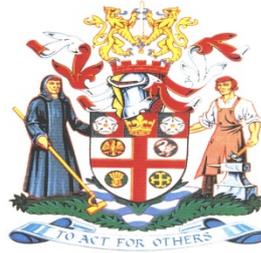
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# Selby District Council

## REPORT

Reference: E/17/30

Item 7 - Public



**To:** Executive  
**Date:** 12 October 2017  
**Status:** Non-key decision  
**Report Published:** 4 October 2017  
**Author:** June Rothwell, Head of Operational Services  
**Executive Member:** Cllr Cliff Lunn, Lead Executive Member for Finance and Resources  
**Lead Officer:** June Rothwell, Head of Operational Services

**Title:** Business Rates Discretionary Relief Policy Review

### Summary:

This report proposes a new Discretionary Business Rate Relief Policy (Appendix 1) reflecting the changes introduced in the Spring Budget announcement and following consultation with the major preceptors on the discretionary relief scheme.

The report also seeks approval of an amended Discretionary Rate Relief Policy that incorporates these and other recent changes.

### Recommendations:

- i. **The Executive are asked to approve the proposed option 1 for the discretionary relief scheme for 2017/18 and 2018/19.**
- ii. **The Executive are asked to approve the new Discretionary Rate Relief Policy.**

### Reasons for recommendation

The Executive is asked to agree the recommendation of option 1 for the local discretionary business rates relief scheme, this being an award of 12.5% in discretionary rate relief to all the identified properties that have had an increase above 12.5% in net liability.

The report also seeks approval of an amended Discretionary Rate Relief Policy that incorporates these changes.

## 1. Introduction and background

1.1 In the Spring Budget of the 8 March 2017 the government announced three measures to assist business ratepayers following the revaluation of April 2017.

- A 'supporting small businesses relief'. Rate rises for businesses losing existing relief will be capped at £50 a month for five years.
- Every pub with a rateable value of less than £100,000 will receive a discount of £1,000 in 2017/18.
- A £300m hardship fund to enable local authorities to offer discretionary relief to the worst-hit firms. Selby District Council's allocation is £185,000 in 2017/18.

1.2 It was expected that billing authorities would use their discretionary relief powers under section 47 of the Local Government Finance Act 1988 to deliver these new reliefs.

1.3 In response to the budget announcement the council has been in consultation with other North Yorkshire authorities to develop a consistent scheme and a district wide policy for the implementation of discretionary relief, in Selby's case taking the opportunity to review the entire policy.

## 2. The Report

2.1 The Council consulted major preceptors on three options for the discretionary relief scheme which were affordable and would comply with the government's guidance to local authorities for implementing the scheme.

### Option 1

Award 12.5% in discretionary rate relief to all properties with a rateable value under £200,000 who have had an increase above 12.5% in net liability.

Total net liability for 106 properties = £1,405,714

Approximate amount of relief = £175,700

### Option 2

Small properties below £20,000 rateable value: award 20% in discretionary rate relief.

Approximate amount of relief = £27,000

Medium properties between £20,000 and £100,000 rateable value: award 14% in discretionary rate relief.

Approximate amount of relief = £129,570

Large properties between £100,000 and £200,000 rateable value: award 7% in discretionary rate relief.

Approximate amount of relief = £24,186

Approximate total amount of relief = £180,756

### Option 3

Small properties below £20,000 rateable value: award 6% in discretionary rate relief.

Approximate amount of relief = £8081

Medium properties between £20,000 and £100,000 rateable value: award 12% in discretionary rate relief.

Approximate amount of relief = £111,061

Large properties between £100,000 and £200,000 rateable value: award 18% in discretionary rate relief.

Approximate amount of relief = £62,193

Approximate total amount of relief = £181,335

- 2.2** The consultation period ended on 27<sup>th</sup> August. No comments were received on the options from the preceptors.
- 2.3** The council therefore proposes that option 1 is adopted for the scheme, this being an award of 12.5% in discretionary rate relief to all the 106 identified properties that have had an increase above 12.5% in net liability.
- 2.3** The reason for option 1 being the preferred proposal is the relief will support different types and sizes of businesses across the district in a consistent manner with the same percentage relief. The scheme will also be easy to administer requiring less manual intervention and calculation. Using one amount for all properties will also allow proposals for future years to be estimated and proposed more accurately.
- 2.4** The discretionary relief will not be available to empty properties or those ratepayers receiving mandatory or section 44a (partly occupied) relief. Relief will only be given to ratepayers in occupation at 31 March 2017 and in occupation on 1 April 2017 and onwards. Relief is also not allowable in the regulations for precepting authorities. There are no other properties excluded from the scheme.

- 2.5** On awarding relief it would be made clear that the award is conditional upon eligibility criteria and may be subject to change at a later date, for example if the property had a rateable value increase. This ensures the scheme does not exceed the available grant allocation.
- 2.6** The council will encourage applications from those who would qualify for the relief, and ensure that those identified complete a state aid declaration.
- 2.7** As the allocated amounts are known for the 4 years of the scheme, it is proposed that the same criteria is used for the relief for 2018/19 for those who received relief in 2017/18, reducing the percentage relief as the allocation decreases.
- 2.8** Therefore the proposed award in 2018/19 = 6%
- (Net liability in 2017/18 £1,405,714 + 2% estimated increase in annual bill = £1,433,828) an award of 6% = estimated relief awarded £86,029
- Fund allocation £90,000
- 2.9** A decision on the scheme for 2019/20 and 2020/21 will be taken in autumn 2018, once take up of the scheme for this year and next year is quantified. Also the government still has to confirm if the fund allocation can be carried forward across financial years.
- 2.10** Due to the recent changes in reliefs the council has used this opportunity to review the whole Discretionary Rate Relief Policy with assistance from ACS Consultancy. The existing approach to granting discretionary relief remains unchanged in the new policy; however more detail has been added:
- more details on the purpose of the policy – this was very brief in the previous policy
  - the legislative background of mandatory and discretionary reliefs
  - the effect on the councils finances with % costs borne by the council for each of the reliefs
  - clarification on the scheme of delegation for awarding, revising and revoking decisions
  - more details on each of the reliefs and the eligibility criteria

Also recent changes in reliefs have been added to the policy these are listed below:

- 50% discretionary rural rate relief automatically granted to recipients of mandatory rural rate relief, this has been requested by central government for 2017/18 and the cost will be reimbursed.
- Newspaper relief, a temporary relief for 2017-18 and 2018-19 with a one off amount of £1500 granted each year
- Supporting small business relief, 5 year scheme granted automatically to those who qualify

- Pub relief for 2017-18 only with a £1000 discount for eligible recipients
- Local discretionary rate relief scheme, the proposed scheme is in the draft policy

### **3. Legal Issues**

- 3.1** The scheme is based on the legislation enacted after the Spring Budget 2017 to allow a discretionary scheme approved by each local authority to support businesses affected by the change following the revaluation.
- 3.2** As the schemes are discretionary there will be no right of appeal on any decision made.
- 3.3** All applicants will complete a state aid declaration to ensure all awards are state aid compliant.

### **4. Financial**

- 4.1** The government will fully reimburse councils for the cost of reliefs provided under the supporting small businesses and pub relief schemes through section 31 grant.
- 4.2** Key risks identified include the financial risk that cost will exceed available funding (for the discretionary scheme) and reputational risks associated with delays in implementation. The council aims to maintain spend within the grant allocated by central government for the discretionary rate relief scheme. The intention is not to put any additional pressure or require any resource from the Council's general fund. Careful monitoring of the budget and the amount of relief awarded will take place to avoid overspend.
- 4.3** As the Department for Communities and Local Government recognises that implementing these schemes places additional burdens on billing authorities in accordance with the New Burdens, it has conducted an assessment of the expected reasonable costs of the new software and staffing/administrative costs around rebilling affected ratepayers.
- 4.4** Every local authority has been granted an initial payment of £12,000; it is likely the majority of this funding will be needed for the cost of changes required to the software by suppliers.

### **5. Conclusion**

- 5.1** The council must propose its own scheme for the local discretionary rate relief and an amended Discretionary Rate Relief Policy is required to implement this scheme.

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**Appendices:**

*Appendix 1 – Discretionary Rate Relief Policy September 2017*



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# **Selby District Council Policy for the granting of Discretionary Non-Domestic Rate Relief**

## Version Control

<i>Version</i>	<i>Version date</i>	<i>Revised by</i>	<i>Description</i>
1	July 2017	LM	Policy
2	July 2017	DA	Revisions
3	July 2017	LM	Revisions
4	September 2017	LM	Revisions TF

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## 1.0 Purpose of the Policy

- 1.1 The purpose of this policy is to determine the level of discretionary relief and related areas to be granted to certain defined ratepayers within the Council's area.
- 1.2 The Local Government Finance Act 1988 and subsequent legislation requires the Council to grant mandatory relief for premises occupied by Charities and similar organisations that own or occupy them wholly or mainly for charitable purposes. Likewise, certain premises situated within a rural settlement area will be eligible for mandatory relief. Powers have also been granted under the Localism Act 2011, which allow for the granting of discretionary rate relief to any premises where the Council feels the granting of such relief would be of benefit to the local community.
- 1.3 In addition to the above, Central Government is keen that in certain cases, assistance should be provided to businesses who have had increases in their rate liability due to the revaluation of premises in April 2017. In these cases, and where the Council meets Central Government guidelines, grants are available under section 31 of the Local Government Act 2003.
- 1.4 Whilst the Council is obliged to grant relief to premises, which fall within the mandatory category, the Council also has powers to grant discretionary relief and reductions to ratepayers, subject to certain criteria being met. In the case of the new reliefs, some guidance has been issued by Central Government outlining actions expected to be taken by local authorities. This policy includes Government guidance where appropriate but also looks to target discretionary relief in line with the Council's priorities.
- 1.5 This document outlines the following areas:
  - Details of the criteria for receiving Discretionary Reliefs for all relevant areas;
  - The Council's policy for the granting of all types of Discretionary Reliefs;
  - Guidance on granting and administering the reliefs and awards;
  - European Union requirements including provisions for State Aid; and
  - The Council's Scheme of Delegation.
- 1.6 Where organisations apply for relief they will be granted (or not granted) relief or reductions in line with the following policy.

## 2.0 Mandatory Relief - Legislative Background

### Charity Relief

- 2.1 The powers relating to the granting of mandatory<sup>1</sup> and discretionary relief are given to the Council under the Local Government Finance Act 1988<sup>2</sup>. Charities and Trustees for Charities are only liable to pay one fifth of the Non-Domestic Rates that would otherwise be payable where property is occupied and used wholly or mainly for charitable purposes. This amounts to mandatory relief of 80%. For the purposes of the Act, a charity is an organisation or trust established for charitable purposes, whether or not it is registered with the Charity Commission. The provision has been extended under the Local Government Act 2003 (effective from 1<sup>st</sup> April 2004) to registered Community Amateur Sports Clubs (CASCs). Full details of the mandatory provisions are given later within this policy.
- 2.2 In the case of charity shops, the premises must meet the criteria laid down by section 64 (10) of the Local Government Finance Act 1988 which states that the premises are to be treated as used for charitable purposes at any time it is wholly or mainly used for the sale of goods donated to the charity and the proceeds of goods (after any deductions for expenses) are applied for the purpose of the charity.
- 2.3 The Council has discretion to grant relief of up to a further 20% for these mandatory cases under its discretionary provisions.

### Rural Rate Relief

- 2.4 From 1<sup>st</sup> April 1998, under powers originally granted to the Council by the Local Government and Rating Act 1997<sup>3</sup>, certain types of business in rural settlements, with a population below 3000 may qualify for mandatory rate relief of 50 per cent. Businesses that qualify for this relief are the sole general store and the sole post office in the settlement, provided it has a Rateable Value of up to £8500; any food shop with a Rateable Value of up to £8500; and the sole pub and the sole petrol station in the settlement provided it has a Rateable Value of up to £12500.
- 2.5 From 1<sup>st</sup> April 2017, Central Government has indicated that it wants all authorities to give 100% relief to premises that receive mandatory rural rate relief. The legislation enabling this will not be forthcoming until 2018 and therefore it has indicated that where the additional 50% is granted, a section 31 grant will be made available to the Council. This is dealt with further within this policy and the Council will automatically grant the additional 50% discretionary relief where appropriate
- 2.6 Where businesses in rural settlements have a Rateable Value of up to £16,500 **and** are not in receipt of mandatory relief, the Council may decide to give up to 100 per cent discretionary relief if it is satisfied

<sup>1</sup> S43 & S45 Local Government Finance Act 1988

<sup>2</sup> S47 & S48 Local Government Finance Act 1988

<sup>3</sup> LGFA 1988, s.47, as amended by Sch. 1 to the Local Government and Rating Act 1997

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that the business is of benefit to the community and having regard to the interests of its Council Taxpayers.

## 3.0 Discretionary Relief – Legislative Background

### Introduction

- 3.1 The original purpose of discretionary relief was to provide assistance where the property does not qualify for mandatory relief, or to 'top' up cases where ratepayers already receive mandatory relief.
- 3.2 Over recent years and particularly since 2011, the discretionary relief provisions have been amended to allow authorities the flexibility to provide more assistance to businesses and organisations.
- 3.3 The range of bodies, which are eligible for discretionary rate relief, is wide and not all of the criteria laid down by the legislation will be applicable in each case.
- 3.4 Unlike mandatory relief, ratepayers are obliged to make a written application to the Council. The Council will expect all businesses to make applications in such a format as is required (which may vary from time to time) and for the business to provide such information and evidence as required in order to determine whether relief should be awarded.
- 3.5 The Council is obliged to consider carefully every application on its merits, taking into account the contribution that the organisation makes to the amenities within the authority's area. There is no statutory appeal process or Tribunal against any decision made by the Council although, as with any decision of a public authority, decisions can be reviewed by Judicial Review. The authority will however, upon request, review decisions made. Details of the internal review process are given within this policy.
- 3.6 Granting of the relief falls broadly into the following categories:
- a. Discretionary Relief – Charities who already receive mandatory relief.
  - b. Discretionary Relief – Premises occupied by organisations not established or conducted for profit whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts or premises occupied by organisations not established or conducted for profit and wholly or mainly used for purposes recreation;
  - c. Discretionary Relief – Rural Rate relief - premises that already receive mandatory relief;
  - d. Discretionary Relief – Rural Rate relief - premises not receiving mandatory relief but of benefit to the local community and less than £16,500 RV;
  - e. Discretionary Relief – Granted under the Localism Act 2011 provisions;
  - f. Local Newspaper Relief (from 1<sup>st</sup> April 2017 for a period of two years);
  - g. Local Public House Relief (from April 2017 for a one year period);
  - h. Supporting Small Businesses Relief (from 1<sup>st</sup> April 2017 for a period of five years or until business pay their full rate charge or their transitional rate charge (calculated in accordance with the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2016)); and
  - i. Discretionary Business Rates Relief Scheme (from 1<sup>st</sup> April 2017 for a period of up to four years)
- 3.7 The decision to grant or not to grant discretionary relief is a matter purely for the Council.

## The Council's general approach to granting Discretionary Relief

- 3.8 In deciding which organisations should receive discretionary rate relief, the Council has considered the following factors and priorities:
- a. The awarding of relief will be in line with the Council's vision and values. Details can be found at: <http://www.selby.gov.uk/other-relief-grants-and-funding>
  - b. That any award should support business, charities, organisations and groups that help to retain services in the Council's area and not compete directly with existing businesses in an unfair manner;
  - c. It should help and encourage business, charities, organisations, groups and communities to become self-reliant;
  - d. Awarding discretionary relief should not distort competition or significantly change the provision of services within the Council's area;
  - e. Local organisations will be given priority over national organisations. Where requested, the organisation will need to supply the Council with clear evidence of all financial affairs (normally two full years) including, and most importantly, the amounts of monies raised, used and invested locally. This will be essential where the organisation is national in nature;
  - f. To enable appropriate organisations to start, develop or continue their activities, which deliver outcomes to the community and that also relate to the priorities of the Council, which without granting discretionary relief they would be unable to do;
  - g. To assist the Council in delivering services which could not be provided otherwise;
  - h. To enable the Council to determine the level of rate change in comparison with the organisation's financial situation; and
  - i. To ensure that the financial impact of awarding discretionary business rate relief is justified in terms of the local outcomes achieved by the organisation receiving it;
- 3.9 Where any reduction or remission is granted to a ratepayer under S49 Local Government Finance Act 1988 where hardship is proven to the Council, then there will be no requirement to grant Discretionary Rate Relief for that amount.
- 3.10 In certain cases, the order in which relief is granted is specified. Mandatory relief shall be granted in all cases where the criteria is met irrespective of whether discretionary relief can be granted or not.

## The Council's approach to granting Government led Discretionary Relief schemes

- 3.11 Over the past few years, a number of schemes have been led by Central Government but without specific legislative changes. These are administered under S47 of the Local Government Finance Act 1988 and guidance is often provided. The Council is keen to support such initiatives especially where they are designed to help local businesses and will look to maximise both the reliefs given as well as maximise any grants receivable. However, the Council reserves the right to vary its approach where thought appropriate.



## 4.0 Effect on the Council's Finances

- 4.1 The granting of discretionary relief will, in the main, involve a cost to the Council. Since the change to the funding for Non-Domestic Rating in April 2013, the effect of the relief is complex.
- 4.2 Any amounts granted prior to 1<sup>st</sup> April 2013 and continuing since that date will be included in the Council's baseline within the Business Rates Retention Scheme. For any amounts granted for similar cases after 1<sup>st</sup> April 2013, the costs of the relief will be borne in accordance with the Business Rates Retention Scheme share namely 50% borne by Central Government, 40% by the Council and 10% by North Yorkshire County Council. This also applies where mandatory relief is granted.
- 4.3 Where Central Government leads an initiative, grants are often available through section 31 of the Local Government Act 2003. This is not automatic and Central Government will look to the Council to adopt the recommended approach when granting in these areas
- 4.4 The financial effects of discretionary reliefs covered by this policy are as follows:

Appendix	Relief Type	Granted after 1 <sup>st</sup> April 2013
	<b>Charity Relief</b>	
A	Discretionary relief granted to Mandatory Relief recipients	40% borne by the Council
B	Non-profit Making Organisations including Sports Clubs and societies	40% borne by the Council
	<b>Rural Rate Relief</b>	
C	50% Discretionary relief granted to Mandatory Rural Relief recipients	Section 31 Grant
D	Other premises within a rural settlement under £16500 RV	40% borne by the Council
	<b>Localism</b>	
E	Discretionary Relief granted to ratepayers generally and not covered by any other section	40% borne by the Council
	<b>Local Newspaper Relief</b>	
F	Discretionary Relief granted to local newspapers meeting the criteria (From 1 <sup>st</sup> April 2017 for a period of two years)	Section 31 Grant
	<b>Public House Relief</b>	
G	Discretionary Relief granted to public houses meeting the criteria (From 1 <sup>st</sup> April 2017 for a period of one year)	Section 31 Grant
	<b>Supporting Small Business Relief</b>	
H	Supporting Small Businesses Relief (from 1 <sup>st</sup> April 2017 for a period of up to five years if conditions are met)	Section 31 Grant

Appendix	Relief Type	Granted after 1 <sup>st</sup> April 2013
	<b>Discretionary Business Rates Relief Scheme</b>	
I	Discretionary Business Rates Relief Scheme (from 1 <sup>st</sup> April 2017 for a period of up to four years)	Section 31 Grant up to a maximum level set by Central Government. Once the maximum has been reached any additional amount is borne 40% by the Council
	<b>S49 Hardship Relief</b>	
J	Partial or full relief for cases of hardship where it would be reasonable to do so having due regard to the interests of council tax payers	40% borne by the Council

## 5.0 Discretionary Relief - EU State Aid requirements

- 5.1 European Union competition rules generally prohibit Government subsidies to businesses. Relief from taxes, including non-domestic rates, can constitute state aid. The Council must bear this in mind when granting discretionary rate relief.
- 5.2 Rate relief for charities and non-profit making bodies is not generally considered to be state aid, because the recipients are not in market competition with other businesses. However, where other bodies receive relief and are engaged in commercial activities or if they are displacing an economic operator or if they have a commercial partner, rate relief could constitute state aid.
- 5.3 Relief will be State Aid compliant where it is provided in accordance with the De Minimis Regulations (1407/2013)<sup>4</sup>. The De Minimis Regulations allow an undertaking to receive up to €200,000 of De Minimis aid in a three-year period (consisting of the current financial year and the two previous financial years).
- 5.4 Where the relief to any one business is greater than the De Minimis level, then permission will need to be obtained from the European Commission. In such cases the matter will be referred to the Department for Communities and Local Government (DCLG) for advice and then referred back to the Council for consideration. It will be for the ratepayer to provide confirmation as to whether the State Aid provisions apply to them.
- 5.5 In all cases, where discretionary relief is to be granted or where liability is to be reduced, when making an application, ratepayers will be required to provide the Council with sufficient information to determine whether these provisions are applicable in their case.

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<sup>4</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:352:0001:0008:EN:PDF>

## 6.0 Administration of Discretionary Relief

- 6.1 The following section outlines the procedures followed by officers in granting, amending or cancelling discretionary relief and reduction. This is essentially laid down by legislation<sup>5</sup>

### Applications and Evidence

- 6.2 All reliefs must be applied for. Application forms are produced by the Council both in hard copy and electronic format. The relevant application forms available on line using the following address: [http://www.selby.gov.uk/sites/default/files/Documents/Mandatory\\_Relief\\_Form\\_2013\\_Guidance\\_Notes.pdf](http://www.selby.gov.uk/sites/default/files/Documents/Mandatory_Relief_Form_2013_Guidance_Notes.pdf). The Council will specify how applications are to be received and this may vary from time to time.
- 6.3 Organisations are required to provide a completed application form plus any such evidence, documents, accounts (normally the last two years), financial statements etc. necessary to allow the Council to make a decision. Where insufficient information is provided, then no relief will be granted. In some cases, it may be necessary for officers to visit premises and we would expect organisations claiming relief to facilitate this where necessary.
- 6.4 Applications should initially be made to the Local Taxation, Benefits and Debt Team and will be determined in accordance with Section 7 of this policy.
- 6.5 **The Council will provide this service and provide guidance free of charge. Ratepayers are encouraged to approach the Council direct and NOT pay for such services through third parties.**

### Granting of relief

- 6.6 In all cases, the Council will notify the ratepayer of decisions made.
- 6.7 Where an application is successful, then the following will be notified to them in writing:
- The amount of relief granted and the date from which it has been granted;
  - If relief has been granted for a specified period, the date on which it will end. (It should be noted that reliefs are granted for the period specified in the appropriate Appendix and may vary from a day to a full financial year);
  - The new chargeable amount;
  - The details of any planned review dates and the notice that will be given in advance of a change to the level of relief granted; and
  - A requirement that the applicant should notify the Council of any change in circumstances that may affect entitlement to relief.

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<sup>5</sup> The Non-Domestic Rating (Discretionary Relief) Regulations 1989

- 6.8 Where relief is not granted, then the following information is provided, again in writing:
- An explanation of the decision within the context of the Council's statutory duty; and
  - An explanation of the appeal rights (see below).
- 6.9 Discretionary relief is to be granted from the beginning of the financial year in which the decision is made or when liability begins whichever is the later. Since 1997 decisions can be made up to 6 months after the end of the financial year for which the application was made. In such cases, the Council *may* backdate its decision.
- 6.10 A decision to award discretionary relief and how much relief is given is normally only applicable to the financial year for which the application is made. However, the Council reserves the right to grant relief for any other period as appropriate.
- 6.11 A fresh application for discretionary relief will be necessary for each financial year **or** at such time-period as the Council determines.

### **Variation of a decision**

- 6.12 Variations in any decision will be notified to ratepayers as soon as practicable and will take effect as follows:
- Where the amount is to be increased due to a change in rate charge or a change in the Council's decision which increases the award - this will apply from a date determined by the Council as appropriate;
  - Where the amount is to increase for any other reason, it will take effect at the expiry of a financial year and so that at least one year's notice is given;
  - Where the amount is to be reduced due to a reduction in the rate charge or liability including any reduction in rateable value, awarding of another relief or exemption this will apply from the date of the decrease in rate charge; and
  - Where the amount is to be reduced for any other reason, it will take effect from a date determined by the Council as appropriate;
- 6.13 A decision may be revoked at any time however; a one year period of notice will be given and the change will take effect at the expiry of a financial year.

## **7.0 Scheme of Delegation**

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

- 7.1 All powers in relation to reliefs are given under the Local Government Finance Act 1988, the Local Government and Rating Act 1997, the Local Government Act 2003 and the Localism Act 2011. However section 223 of the Local Government Act 1992 allows for delegation of decisions by the Council to Cabinet, Committees, Sub-Committees or Officers.
- 7.2 The Council's scheme of delegation allows for the Taxation, Benefits and Debt Team Leader to award, revise or revoke any discretionary relief applications. However, any application which is considered to be of a significant nature will be subject to consultation with the S151 Officer of the Council.
- 7.3 Applications that are refused will, on request, be reconsidered if additional supporting information is provided or the refusal is subsequently considered to be based on a misinterpretation of the application.

### **Reviews**

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

### **Appeals**

- 7.5 Where the Council receives an appeal from the ratepayer regarding the granting, non-granting or the amount of any discretionary relief, the case will be reviewed by the Local Taxation, Benefits and Debt Team Leader. Where a decision is revised then the ratepayer shall be informed, likewise if the original decision is upheld.
- 7.6 Where the ratepayer wishes to appeal the decision of the Taxation, Benefits and Debt Team Leader, the case will be considered by the relevant Executive member whose decision on behalf of the Council will be final
- 7.7 Ultimately the formal appeal process for the ratepayer is Judicial Review although the Council will endeavour to explain any decision fully and openly with the ratepayer.

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## **8.0 Reporting changes in circumstances**

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

## **9.0 Fraud**

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

## **Appendix A**

### **Discretionary Relief - Mandatory Relief recipients**

## Discretionary Relief – Mandatory Relief recipients

### General Explanation

- A.1 S43 of the Local Government Finance Act 1988 allows mandatory relief (80%) to be granted on premises if the ratepayer is a charity or trustees for a charity and the premises are wholly or mainly used for charitable purposes. No charge is made in respect of unoccupied premises where it appears that *when next in use* it will be used wholly or mainly for those purposes.
- A.2 The legislation has been amended by the Local Government Act 2003 (effective from 1<sup>st</sup> April 2004) to include registered<sup>6</sup> Community Amateur Sports Clubs (CASC). These organisations can now receive the mandatory (80%) relief.

### Charity registration

- A.3 Charities are defined within the legislation as being an institution<sup>7</sup> or other organisation established for charitable purposes only or by persons administering a trust established for charitable purposes only.
- A.4 The question as to whether an organisation is a charity may be resolved in the majority of cases by reference to the register of charities maintained by the Charity Commissioners under s.4 of the Charities Act 1960. Entry in the register is conclusive evidence. By definition, under the Non-Domestic Rating legislation, there is no actual need for an organisation to be a registered charity to receive the relief and this has been supported by litigation<sup>8</sup>, however in all cases the organisation must fall within the following categories:
- trusts for the relief of poverty;
  - trusts for the advancement of religion;
  - trusts for the advancement of education; and
  - trusts for other purposes beneficial to the community, but not falling under any of the preceding heads.
- A.5 Certain organisations are exempted from registration generally and are not required to make formal application to the Charity Commissioners these are:
- the Church Commissioners and any institution administered by them;
  - any registered society within the meaning of the Friendly Societies Acts of 1896 to 1974;
  - units of the Boy Scouts Association or the Girl Guides Association; and
  - voluntary schools within the meaning of the Education Acts of 1944 to 1980.
- A.6 The Council will consider charitable organisations, registered or not, for mandatory relief.

<sup>6</sup> Registered with HMRC as a CASC

<sup>7</sup> S67(10) Local Government Finance Act 1988

<sup>8</sup> Income Tax Special Commissioners v Pemsell (1891)

## **Use of Premises - wholly or mainly used**

- A.7 Irrespective of whether an organisation is registered as a charity or not, the premises **must** be wholly or mainly used for charitable purposes. This is essential if any relief (either mandatory or discretionary) is to be granted. In most cases this can be readily seen by inspection, but on occasions the Council has had to question the actual use to which the premises are to be put. In some cases, it will be necessary for the Council to inspect any premises fully.
- A.8 Guidance from the Department of Communities and Local Government (DCLG) has stated that in the case of 'mainly', at least 51% must be used for charitable purposes whether of that charity or of that and other charities
- A.9 The following part of this section gives details on typical uses where relief may be given plus additional criteria that have to be satisfied. The list is not exhaustive but gives clear guidance on premises for which mandatory relief can be granted *and therefore* premises which may be equally considered for discretionary rate relief.

## **Offices, administration and similar premises**

- A.10 Premises used for administration of the Charity include:
- Offices;
  - Meeting Rooms; and
  - Conference Rooms.

## **Charity shops**

- A.11 Charity shops are required to meet additional legislative criteria if they are to receive mandatory relief. Section 64 (10) of the Local Government Finance Act 1988 provides that a property is to be treated as being wholly or mainly used for charitable purposes at any time if, at the time, it is wholly or mainly used for the sale of goods donated to a charity and the proceeds of the sale of the goods (after any deduction of expenses) are applied for the purposes of the charity.
- A.12 In order to ascertain whether an organisation meets these requirements, inspections may be made by an officer of the Council when an application is received

## **Granting of Mandatory Relief - the Council's Policy**

- A.13 Where the criteria for awarding mandatory relief are met, the rate charges shall be calculated in accordance with the legislation reducing the liability of ratepayers for each day that the criteria are met.

## **Charity Relief - Mandatory Relief recipients, the Council's Policy for granting discretionary relief.**

- A.14 The Council will consider applications for a discretionary rate relief top up from charities based on their own merits, on a case-by-case basis.
- A.15 In determining the application, the following matters will be taken in to consideration:
1. How the charity supports and links into the Council's corporate vision and priorities;
  2. The purpose of the charity and the specific activity carried out within the premises for which the relief is requested; and
  3. Whether the charity operates at a local or national level and where appropriate, the local and national funding streams and financial position of the charity.
- A.16 The Council is keen to support businesses that have a critical role to play in the local economy and to assist the Council in meeting the Corporate aims and values. The Council has decided however that no discretionary relief will be granted to educational establishments who have Academy status.
- A.17 In the case of registered Community Amateur Sports Clubs, the key criteria in determining the application will be:
1. The ratepayer occupies the whole hereditament;
  2. Relief cannot be granted in respect of premises that are occupied by the Council or precepting authority;
  3. How the CASC supports and links into the Council's corporate vision and priorities;
  4. The membership and fee structure, and whether the CASC is accessible to all residents, including whether there are concessions for certain groups, for example people on a low income or young people under 18;
  5. Membership numbers and the number and percentage of these members that are local residents;
  6. If the CASC has due regard to equality issues and if it actively encourages members from under-represented groups, for example black and minority ethnic residents, people over 50 and people with disabilities;
  7. Whether facilities are available to the wider community regardless of ability; and
  8. If the CASC runs a bar or food provision: the level of income from this activity and how this money is used; and whether the CASC operates at a local or national level and where appropriate, the local and national funding streams and financial position of the CASC.
- A.18 The Council wishes to support and enable appropriate businesses to start, develop and continue with their operations that deliver outcomes directly related to the Council's aims and vision. In the main, this will be done through other means rather than granting discretionary relief. There may be occasions where applications are made for such relief or where a package of measures, including discretionary relief, are appropriate in supporting businesses. This would need to be in accordance with any limitations in respect of state aid.

## **Appendix B**

### **Discretionary Relief - Non-Profit Making Organisations including Recreation**

## Discretionary Relief - Non-Profit Making Organisations including Recreation

### General explanation

#### Non-Profit

- B.1 The legislation<sup>9</sup> allows the Council to grant discretionary relief where the property is not an *excepted* one and all or part of it is occupied for the purposes of one or more institutions or other organisations none of which is established or conducted for profit and each of whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts.
- B.2 Relief cannot be granted to any premises occupied by the Council, or any town, parish council or major Precepting Authority (*excepted premises*).
- B.3 A number of issues arise from the term 'not established or conducted for profit'. This requires the Council to make enquiries as to the overall purpose of the organisation although if surpluses and such amounts are directed towards the furtherance or achievement of the objects of the organisation then it does not necessarily mean that the organisation was established or conducted for profit.<sup>10</sup>

#### Recreation Clubs

- B.4 Ideally all recreation clubs should be encouraged to apply for Community Amateur sports Club (CASC) status, which would automatically entitle them to 80% relief. The relief granted to CASCs is covered earlier within this policy.
- B.5 Recreation clubs can also apply to the Charity Commissioners for registration as a Charity (thereby falling under the mandatory provisions for 80% relief) where they meet the following conditions:
- The promotion of community participation in healthy recreation and by the provision of facilities for the playing of particular sports; and
  - The advancement of the physical education of young people not undergoing formal education.
- B.6 Where sports clubs do not meet the CASC requirement, and are not registered charities, discretionary relief can be granted (0-100%) where the property is not an *excepted* one, it is wholly or mainly used for purposes of recreation and all or part of it is occupied for the purpose of a club, society or other organisation not established or conducted for profit.

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<sup>9</sup> S47 Local Government Finance Act 1988

## Definition of Recreation

B.7 Recreation is clearly defined by the Sports Council as any of the following<sup>11</sup>

Aikido	Croquet	Kabaddi	Real Tennis	Tang Soo Do
American Football	Crossbow	Karate	Roller Hockey	Tenpin Bowling
Angling	Curling	Kendo	Roller Skating	Trampolining
Archery	Cycling	Korfball	Rounders	Triathlon
Arm Wrestling	Disability Sport	Lacrosse	Rowing	Tug of War
Association Football	Dragon Boat Racing	Lawn Tennis	Rugby League	Unihoc
	Equestrian	Life Saving	Rugby Union	Volleyball
Athletics	Fencing	Luge	Sailing	Water Skiing
Australian Rules Football	Fives	Modern Pentathlon	Sand/Land Yachting	Weightlifting
	Flying	Motor Cycling	Shinty	Wrestling
Badminton	Gaelic Football	Motor Sports	Shooting	Yoga
Ballooning	Gliding	Mountaineering	Skateboarding	
Baseball	Golf	Movement, Dance, Exercise & Fitness	Skiing	
Basketball	Gymnastics	Netball	Skipping	
Baton Twirling	Handball	Orienteering	Snowboarding	
Biathlon	Hang/Para Gliding	Parachuting	Softball	
Bicycle Polo	Highland Games	Petanque	Sombo Wrestling	
Billiards and Snooker	Hockey	Polo	Squash	
	Horse Racing	Pony Trekking	Skater/Street Hockey	
Bobsleigh	Hovering	Pool	Sub-Aqua	
Boccia	Hurling	Quoits	Surf Life Saving	
Bowls	Ice Hockey	Racketball	Surfing	
Boxing	Ice Skating	Rackets	Swimming & Diving	
Camogie	Jet Skiing	Raquetball	Table Tennis	
Canoeing	Ju Jitsu	Rambling	Taekwondo	
Caving	Judo			
Chinese Martial Arts				
Cricket				

## Access to clubs

B.8 Guidance issued by the DCLG also requires the Council to consider access to clubs within the community before granting discretionary relief.

B.9 Membership should be open to all sections of the community. There may be legitimate restrictions placed on membership which relate for example to ability in sport or to the achievement of a standard in the field covered by the organisation or where the capacity of the facility is limited, but in general membership should not be exclusive or restrictive.

<sup>11</sup> Definition last reviewed by Sport England in 2002

- B.10 Membership rates should not be set at such a high level as to exclude the general community. However, membership fees may be payable at different rates that distinguish the different classes of membership such as juniors, adults, students, pensioners, players, non-players, employed and unemployed. In general, the club or organisation must be prepared to show that the criteria by which it considers applications for membership are consistent with the principle of open access.
- B.11 The Council also asks the following question to help establish the level of access 'Does the organisation actively encourage membership from particular groups in the community e.g. young people, women, older age groups, persons with disability, ethnic minorities' etc.?'

### **Provision of facilities**

- B.12 Clubs which provide training or education are encouraged, as are those who provide schemes for particular groups to develop their skills e.g. young people, the disabled, retired people.
- B.13 A number of organisations run a bar. The mere existence of a bar will not in itself be a reason for not granting relief. However, the Council focuses on the main purpose of the organisation. The Council is encouraged to examine the balance between playing and non-playing members.
- B.14 Within this area, the Council also considers whether the facilities provided relieve the Council of the need to do so, or enhance and supplement those that it does provide.

### **Discretionary Relief - Non-Profit Organisations including Recreation - the Council's Policy**

- B.15 The Council will consider applications for discretionary rate relief from non-profit making organisations on their own merits on a case-by-case basis. In determining the application, the following matters will be taken in to consideration (The list is not exhaustive):
- How the organisation supports and links into the Council's corporate vision and priorities;
  - Whether the facilities provided include education and/or training for members as a whole or for special groups;
  - The extent to which the facilities provided reduce the demand for Council services or produce savings;
  - Any membership and fee structure and whether the facilities are accessible to all residents, including whether there are concessions for certain groups, for example people on a low income or young people under 18;
  - If covered by a membership scheme, membership numbers and the number and percentage of these members that are local residents;
  - If the organisation has due regard to equality issues and if its facilities are used by all members of the community, for example black and minority ethnic residents, people over 50 and people with disabilities.
- B.16 The Council will also require additional financial information including:
- If the organisation runs a bar or food provision, the level of income from this activity and how this

- money is used.; and
- Whether the organisation operates at a local or national level and where appropriate, the local and national funding streams and financial position of the organisation.

## The Points system

B.17 A Points System has been introduced to ensure that all applications have been treated fairly and in accordance with Council Policy. Details of the points system are shown below.

<b>Restriction of Membership</b>	<b>Points ( 0 - 3 )</b>
Major Restrictions	0
Average Restrictions	1
Very Limited Restrictions	2
No restrictions	3

<b>Membership Charges</b>	<b>Points ( 1 - 5 )</b>
Above Average	1
Below Average	3
Average	5

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

<b>Local Membership Level</b>	<b>Points ( 0 - 5 )</b>
Not over 25%	0
25% to 50%	1
50% to 75%	3
Over 75%	5

<b>Finances General</b> (Fund Balance as % of Yearly Expenditure) %	<b>Points ( 0 - 10 )</b>
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

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

<b>Gross Income from Bar £</b>	<b>Points (25 - 10)</b>
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

Gross Income from Bar £	Points (25 - 10)
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

**B.18** 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

## **Appendix C**

### **Discretionary Relief - Rural Rate Relief - Mandatory Relief recipients**

## **Discretionary Relief - Rural Rate Relief - Mandatory Relief recipients**

### **What are the qualifying criteria for Mandatory Relief?**

- C.1 For a Post Office or General Store to be entitled to 50% Mandatory Relief, all the following criteria must be met:
- The Rateable Value of the property must not exceed £8,500 (from 1 April 2010);
  - The property must be used as a Post Office or a General Store (see below for definition), or both;
  - The property must be the only Post Office or the only General Store within the Rural Settlement.
- C.2 For a Public House or Petrol Filling Station to be entitled to 50% Mandatory Relief, all the following criteria must be met:
- The Rateable Value of the property must not exceed £12,500 from 1 April 2010);
  - The property must be used as a Public House (see below for definition) or a Petrol Filling Station (see below for definition); and
  - The property must be the only Public House or the only Petrol Filling Station within the Rural Settlement.
- C.3 For a village food shop to be entitled to 50% Mandatory Relief, all the following criteria must be met:
- The Rateable Value of the property must not exceed £8,500 from 1 April 2010); and
  - The property must be used as a shop selling mainly food (see below for definition).

### **What rural settlements exist within the Selby District Council area?**

- C.4 All parishes in the district are rural settlements apart from Barlby, Brayton, Selby, Sherburn in Elmet and Tadcaster.

### **What is the definition of a General Store?**

- C.5 For the purposes of Rural Rate Relief, 'General Store' means a business or trade, which wholly or mainly sells by retail both food (other than confectionery) for human consumption and general household goods. Where there are two or more General Stores within the same Rural Settlement, none can qualify for Mandatory Relief on that basis, although if one of them functions as a Post Office or a Food Shop relief may be claimed independently on that ground. However, both a General Store and a Post Office in the same Rural Settlement will qualify for Mandatory Relief, provided that, they both meet the criteria. Although a General Store or a Post Office may not meet the criteria for Mandatory Relief, they may still be eligible to apply for Discretionary Relief.

### **What is the definition of a Public House?**

- C.6 For the purposes of Rural Rate Relief, 'Public House' means any premises as defined in the Licensing Act 2003, which has a premises license authorising sale by retail of alcohol for consumption on the premises. In addition, the premises must be used principally for retail sales of alcohol to members of

the public for consumption on the premises, and sales must not be subject to the condition that buyers reside at or consume food on the premises.

### **What is the definition of a Petrol Filling Station?**

- C.7 For the purposes of Rural Rate Relief, 'Petrol Filling Station' means premises where petrol or other automotive fuels are sold retail to the general public for fuelling motor vehicles intended or adapted for use on roads

### **What is the definition of a Food Shop?**

- C.8 For the purpose of Rural Rate Relief, 'Food Shop' means a trade or business consisting wholly or mainly of the sale by retail of food for human consumption (excluding confectionery and catering - in this context catering means any supply of food for consumption on the premises on which it is supplied and any supply of hot food for consumption off the premises). This definition may also include shops, which sell mainly household foods and which may partly also sell hot take away food or food consumed on the premises. But shops whose main business is a restaurant, tearoom, take-away, or confectionery sales are not food shops and so will not qualify for mandatory relief.

### **What are the qualifying criteria for Discretionary Relief?**

- C.9 The Council may grant up to 50% Discretionary Relief in respect of any property which qualifies for 50% Mandatory Relief and the Council may also grant up to 100% Discretionary Relief to any rural business which does not meet the mandatory provisions. It should be noted that for 2017 onwards Central Government has requested that Council grant 50% discretionary relief to all ratepayers who receive 50% mandatory rural rate relief.

### **Rural Rate Relief - Mandatory Relief recipients, the Council's Policy for granting discretionary relief.**

- C.10 As Central Government has requested and fully funds any additional relief granted to ratepayers who receive mandatory rural rate relief, the Council will automatically grant the additional 50% until such time as primarily legislation is changed.

## **Appendix D**

### **Discretionary Relief - Premises within Rural Settlements**

## **Discretionary Relief – Premises within Rural Settlements**

- D.1 In addition to having the ability to grant discretionary relief to those in receipt of mandatory relief, the Local Government and Rating Act 1997 allows discretionary relief of up to 100% to be granted where the rateable value is £16500 or less and:
- a. Property is used for purposes which are of benefit to the local community; and
  - b. It would be reasonable for the billing authority to award relief, having regards to the Council's Council Taxpayers.
- D.2 As with most discretionary relief, part of the cost, is met by Central Government and the balance from local sources.
- D.3 The main criteria for granting discretionary relief in respect of rural rate relief is that premises are used to benefit the local community.

### **Benefit to the local community**

- D.4 Whilst each application for the relief will be considered on its own merits, there are certain factors which weigh heavily in the decision-making process. It is this Council's belief that the spirit of the legislation is to assist businesses and amenities, which contribute significantly to the quality of life of the people who have their main home in the Rural Settlement.
- D.5 To be successful for consideration, a business must show that its existence is a significant benefit to the local community with the majority of local residents directly benefiting from services or facilities provided by that business

### **Rural Rate Relief – the Council's Policy for granting discretionary relief.**

- D.6 The Council will also consider applications for a discretionary rural rate relief from all ratepayers, not entitled to mandatory relief up to a maximum of 100%.
- D.7 In determining the application the following matters will be taken in to consideration:
- The granting of any discretionary relief will be essential in ensuring the viability of any business within the rural settlement;
  - The granting of any discretionary relief is proportionate given the level of any business rates charged compared with the overall turnover of the business;
  - The granting of any discretionary relief will assist the business in continuing to be viable and / or prevent the business from failing;
  - The business is considered by the Council to be essential to the community and that any reduction or withdrawal of the business will have a serious detrimental effect on the rural settlement;

- The granting of any discretionary relief is reasonable having regard to the effect on taxpayers of the Council;

D.8 The Council operates a percentage based system on which a decision to grant discretionary rural rate relief as follows:

	<b>Percentage Applicable</b>
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

## **Appendix E**

### **Discretionary Relief - Localism Act 2011**

## Discretionary Relief – Localism Act 2011

### General explanation

- E.1 Section 69 of the Localism Act 2011 amended Section 47 of the Local Government Finance Act 1988. These provisions allow all Councils to grant discretionary relief in **any** circumstances where it feels fit having regards to the effect on the Council Tax payers of its area.
- E.2 The provisions are designed to give authorities flexibility in granting relief where it is felt that to do so would be of benefit generally to the area and be reasonable given the financial effect to Council Tax payers.

### Discretionary Relief – Localism – the Council’s Policy

- E.3 Applications will be considered from any ratepayer who wishes to apply. However, where a ratepayer is suffering hardship or severe difficulties in paying their rates liability then relief can be granted under the existing provisions as laid down by Section 49 of the Local Government Finance Act 1988. There will be no requirement to grant relief in such cases under the Council’s discretionary relief policy.
- E.4 Any ratepayer applying for discretionary rate relief under these provisions and who does not meet the criteria for existing relief (charities, non-profit making organisations etc.) must meet **all** of the following criteria and the amount of relief granted will be dependant on the following key factors:
- a. The ratepayer **must not** be entitled to mandatory rate relief (Charity or Rural Rate Relief);
  - b. The ratepayer **must not** be entitled to Central Government funded reliefs;
  - c. The ratepayer **must not** be an organisation that could receive relief as a non-profit making organisation or as a sports club or similar;
  - d. The ratepayer **must** occupy the premises (no discretionary rate relief will be granted for unoccupied premises);
  - e. The premises and organisation **must** be of *significant* benefit to residents of the Council’s area;
  - f. The premises and organisation **must** relieve the Council of providing similar facilities;
  - g. The ratepayer **must**;
    - a. Provide facilities to certain priority groups such as elderly, disabled, minority groups, disadvantaged groups; **or**
    - b. Provide *significant* employment or employment opportunities to residents of the Council; **or**
    - c. Provide the residents of the area with such services, opportunities or facilities that cannot be obtained locally or are not provided locally by another organisation;
  - h. The ratepayer **must** demonstrate that assistance (provided by the discretionary rate relief) will be for a *short time only* **and** that any business / operation is financially viable in the medium and long term; **and**
  - i. The ratepayer **must** show that the activities of the organisation are consistent with the Council’s core values and priorities.

- 
- E.5 Where a ratepayer can demonstrate that **all** of the above criteria are met, relief will be considered for initially a short period.
  
  - E.6 A formal application from the ratepayer will be required in each case and any relief will be granted in line with State Aid requirements as specified within section 6 of this policy.

## **Appendix F**

### **Local Newspaper Relief**

## General Explanation

- F.1 This is a temporary relief for 2017-18 and 2018-19 and the Government is not changing the legislation around the reliefs available to these properties. Central Government will reimburse local authorities that use their discretionary relief powers (under section 47(3)) of the Local Government Finance Act 1988 to grant relief in line with the eligibility criteria set out in this guidance.
- F.2 The Council will be compensated by Central Government through a grant under section 31 of the Local Government Act 2003.

## Eligibility criteria

- F.3 The scheme will provide a £1,500 relief for office space occupied by local newspapers up to a maximum of one discount per local newspaper title and per hereditament, for two years from 1 April 2017.

## Local Newspapers

- F.4 The relief is to be specifically for local newspapers and by that, the Council means what would be considered a "traditional local newspaper." The relief will not be available to magazines.

## Office Space

- F.5 The hereditament **must** be occupied by a local newspaper and wholly or mainly used as office premises for journalists and reporters.

## Amount of Relief

- F.6 The amount of relief is limited to a maximum of one discount per newspaper title (e.g. per newspaper name) **AND** per hereditament. As with all discretionary rate relief, any grant will be subject to State Aid limits as defined within section 6 of this policy.

## Local Newspaper Relief - the Council's policy for granting discretionary relief.

- F.7 The Council has decided to grant relief strictly in accordance with Central Government guidelines.

## **Appendix G**

### **Supporting Small Businesses Relief**

## General Explanation

- G.1 Central Government has increased the thresholds for Small Business Rate Relief from 1 April 2017 to £12,000 for the 100% relief and £15,000 for the tapered relief. They have also allowed rural rate relief to be granted up to 100% using S47 of the Local Government Finance Act 1988 as a top up to the mandatory level of 50%, albeit that the rateable value limits have not been changes in respect of rural hereditaments (see section D of this policy). Unfortunately, despite these changes, some small businesses and businesses in rural areas may lose their entitlement to the relief due to increases in Rateable Value through the revaluation on 1<sup>st</sup> April 2017.
- G.2 The transitional relief scheme (provided under the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2016 No. 1265) does not provide support in respect of changes in reliefs. Therefore, those ratepayers who have lost some or all of their small business or rural rate relief may face large percentage increases in bills from 1 April 2017.
- G.3 In view of this, Central Government announced that a new scheme of relief would be made available to those ratepayers facing large increases as a result of the loss of small business or rural rate relief due to the revaluation. All authorities are encouraged to grant the relief in accordance with the guidelines laid down by Central Government and if granted strictly in accordance with guidance, the Council will be compensated by Central Government through a grant under section 31 of the Local Government Act 2003.
- G.4 The relief is to be known as the 'Supporting Small Businesses Scheme'

## Who is eligible for the relief and how much relief will be available?

- G.5 The Supporting Small Businesses relief will help those ratepayers who as a result of the change in their rateable value at the revaluation are losing some or all of their small business or rural rate relief and, as a result, are facing large increases in their bills.
- G.6 To support these ratepayers, the Supporting Small Businesses relief will ensure that the increase per year in the bills of these ratepayers is limited to the greater of:
- a. a percentage increase per annum. of 5%, 7.5%, 10%, 15% and 15% 2017/18 to 2021/22 all plus inflation. ( Unlike the transitional relief scheme under the Chargeable Amount regulations), for the first year of the scheme the percentage increase is taken against the bill for 31 March 2017 after small business rate relief or rural rate relief; **or**
  - b. a cash value of £600 per year (£50 per month).
- G.7 This cash minimum increase ensures that those ratepayers paying nothing or very small amounts in 2016/17 after small business rate relief are brought into paying something.
- G.8 In the first year of the scheme, this means all ratepayers losing some or all of their small business

rate relief or rural rate relief will see the increase in their bill capped at £600. The cash minimum increase is £600 per year thereafter. This means that ratepayers who in 2016/17 paid nothing under small business rate relief and are losing all of their entitlement to relief (i.e. moving from £6,000 rateable value or less to more than £15,000) would under this scheme be paying £3,000 in year 5.

- G.9 The Government has also decided that those on the Supporting Small Businesses relief scheme whose 2017 rateable values are £51,000 or more will not be liable to pay the supplement (1.3p) to fund small business rate relief while they are eligible for the Supporting Small Businesses relief scheme.
- G.10 Ratepayers will remain in the Supporting Small Businesses relief scheme for either 5 years or until they reach the bill they would have paid without the scheme (this would be the charge payable as their true rates payable or the charge calculated under the Non-Domestic Rating (Chargeable Amounts)(England) Regulations 2016).
- G.11 A change of ratepayer will not affect eligibility for the Supporting Small Businesses relief scheme **but** eligibility will be lost if the property falls vacant or becomes occupied by a charity or Community Amateur Sports Club.
- G.12 The rules for state aid (as detailed in section 6 of this policy) shall apply when considering Supporting Small Businesses Relief.

### Recalculation of relief

- G.13 The amount of relief awarded under the Supporting Small Businesses relief scheme will be recalculated in the event of a change of circumstances including the following:
  - This could include, for example, a backdated change to the rateable value or the hereditament; or
  - The awarding of another relief.
- G.14 The Council will, in effect, calculate the award on a daily basis taking into account the above, and the relief will be re-calculated if the rateable value changes.

### Other Reliefs

- G.15 Hereditaments eligible for charity or Community Amateur Sports Club relief or hereditaments which are unoccupied are not eligible for Supporting Small Businesses Relief. Likewise, the same principle applies to properties for which a Section 44A certificate has been granted (apportionment of rateable values for partly occupied properties). The presence of a section 44A certificate will not further reduce the bill found under the Supporting Small Business scheme.
- G.16 In accordance with Central Government guidelines, all other discretionary reliefs, will be considered **after** the application of Supporting Small Businesses relief.

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## **Supporting Small Businesses Relief - the Council's policy for granting discretionary relief.**

G.17 The Council has decided to grant relief strictly in accordance with Central Government guidelines

## **Appendix H**

### **Public House Relief**

## General Explanation

- H.1 This is a temporary relief for 2017-18 and the Government is not changing the legislation around the reliefs available to premises. Central Government will reimburse local authorities that use their discretionary relief powers (under section 47(3)) of the Local Government Finance Act 1988) to grant £1000 relief in line with the eligibility criteria set out in guidance to be produced by Central Government
- H.2 Central Government guidelines have been issued and it has been established that any amount granted will be reimbursed by a section 31 grant.

## Eligibility criteria

- H.3 The Council's policy, in line with Central Government requirements, will provide a relief of £1,000 relief for one year only (1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018) for all eligible public houses who have a rateable value of less than £100,000 on 1<sup>st</sup> April 2017.
- H.4 The definition of a 'Public House' means any premises as defined in the Licensing Act 2003, which has a premises license authorising sale by retail of alcohol for consumption on the premises. In addition, the premises **must** be used principally for retail sales of alcohol to members of the public for consumption on the premises, and sales must not be subject to the condition that buyers reside at or consume food on the premises.
- H.5 It will be for the Council to decide whether any premises falls within the definition give in the above paragraph. No relief shall be given where the premises are unoccupied.

## Other Reliefs

- H.4 Pubic House relief will be granted after applying any other mandatory reliefs and reductions

## Public House Relief - the Council's policy for granting discretionary relief.

- H.5 The Council has decided to grant relief strictly in accordance with Central Government guidelines.

## **Appendix I**

### **Discretionary Business Rate Relief Scheme**

## General Explanation

- I.1 In March 2017, Central Government announced that it would make available a discretionary fund of £300 million over four years from 2017-18 to support those businesses that face the steepest increases in their business rates bills as a result of the revaluation. Government determined that Councils would be best placed to determine how this fund should be targeted and administered to support those businesses and locations within their area that are in the greatest need.
- I.2 Every authority within England is to be provided with a share of a £300 million fund to support their local businesses. This is to be administered through billing authorities' discretionary relief powers under section 47 of the Local Government Act 1988.
- I.3 Government also believes that local authorities are best placed to judge the particular circumstances of local ratepayers and direct the funding where it is most needed to support local economies.
- I.4 The funding is not provided equally over the four-year period but in the following approximate proportions:
- Year 1 (2017/18) 58%
- Year 2 (2018/19) 28%
- Year 3 (2019/20) 12%
- Year 4 (2020/21) 2%
- I.5 Councils will be compensated for any relief granted under section 31 of the Local Government Act 2003. The Government is unclear at this stage as to whether any underspend can be 'vired' from one year to the next although their initial guidance is that any underspend will be returned to Treasury<sup>12</sup>.
- I.6 A key criteria of reimbursement will be that all Billing Authorities will consult with major precepting authorities when formulating their schemes.
- I.7 The financial effects to the Council of the Discretionary Business Rates Relief Scheme are shown in the following table

<b>Amount of discretionary fund awarded (£000s) - Selby District Council</b>			
2017-18	2018-19	2019-20	2020-21
185	90	37	5

<sup>12</sup> DCLG Letter 27<sup>th</sup> April 2017 – Discretionary Rates Relief Scheme – Payment of Section 31 grant to reimburse cost of relief

## Consultation

- I.8 The Council has consulted with the major preceptors in relation to this scheme and has taken their comments into account when determining the eligibility criteria. This is an essential part of the Discretionary Business Rates Relief Scheme and is in line with the grant determination issued by the Department of Communities and Local Government (DCLG) No.31/3071.
- I.9 The grant determination states that a condition of the fund is that consultation is undertaken with 'relevant authorities'. Relevant authorities for the purposes of this scheme means:
- a. Any major precepting authority; and
  - b. Any combined authority.
- I.10 In the case of Selby District Council the major precepting authorities have been consulted namely:
- a. North Yorkshire County Council
  - b. The Police and Crime Commissioner for North Yorkshire; and
  - c. North Yorkshire Fire and Rescue Service.

## State Aid

- I.11 The rules relating to State Aid (as defined within section 6 of this policy) apply. The Council will ensure full compliance in this area to ensure that relief can be given to the most deserving ratepayers.

## Decisions by the Council

- I.12 Decisions by the Council are made directly in line with the Scheme of Delegation as outlined within section 7 of this policy. Any decision to award relief under this scheme will follow the core principles of the Council's discretionary relief policy as defined by section 3.8.
- I.13 It should be noted that whilst the funding from Central Government for Discretionary Business Rate Relief Scheme is limited, the decision of the Council whether to award any relief under this scheme **will not take account** of the level of any funding.

## Discretionary Business Rate Relief Scheme- the Council's policy for granting discretionary relief.

### Applications for relief under this scheme

- I.14 The Council is keen to identify ratepayers who may qualify for the relief and as such will look to encourage certain ratepayers to apply. The Council will look to simplify the application process wherever possible, but it will expect any ratepayers to provide such information as is required by the Council to support their application.

- I.15 The Council has decided that relief under the scheme will be awarded using the following criteria:
- a. The scheme is designed to assist ratepayers who have suffered significant increases in rate liability due to the revaluation and the subsequent increase to their Rateable Value;
  - b. Relief will not be awarded where mandatory relief is granted;
  - c. In assessing any potential entitlement to an award under this scheme, the Council will compare the following:
    - i. The rate liability of the ratepayer at 31<sup>st</sup> March 2017 after any reliefs and reductions; and
    - ii. The rate liability of the ratepayer at 1<sup>st</sup> April 2017 taking into account any transitional relief or discretionary relief within this policy;
  - d. Relief will be awarded where the calculation in c. above would result in an increase of more than 12.5% **and** where the rateable value of the hereditament is less than £200,000 at 1<sup>st</sup> April 2017;
  - e. Relief will only be given to premises which are liable for occupied rates. No relief within this scheme will be granted for unoccupied premises;
  - f. Relief will only be granted to ratepayers who were in occupation at 31<sup>st</sup> March 2017 and in occupation on 1<sup>st</sup> April 2017 and for each day subsequently.
  - g. Ratepayers taking up occupation after the 1<sup>st</sup> April 2017 will **not** be eligible for relief on the basis that new ratepayers would not have suffered from increases due to a revaluation;
  - h. Relief may be awarded for more than one premises as long as **all** other criteria are met;
  - i. Relief will **not** be awarded where:
    - i. mandatory relief is awarded; or
    - ii. where the ratepayer has applied for a reduction under S44a of the Local Government Finance Act 1988; and
    - iii. the hereditament has an increase in Rateable Value after the 1<sup>st</sup> April 2017 which increases the rate charge above the 1<sup>st</sup> April 2017 value.

## Amount of Relief

- I.16 The amount of relief is tapered and will be calculated as follows:

### **2017/18**

Award = Where the increase in rate liability calculated in (I.15 c above) is greater than 12.5%, an award will be granted as follows:

- 2017/18 rate liability (after any reliefs or reductions) x 12.5%

### **2018/19**

Award = Where the increase in rate liability calculated in (I.15 c above) is greater than 12.5%, an award will be granted as follows:

- 2017/18 rate liability (after any reliefs or reductions) x 6%

### **2019/20 & 2020/21**

The Council will determine the scheme for each of these years at a later date.

## Variation and amendment of relief under the scheme

- I.17 As with all reliefs, the amount of relief awarded under the Discretionary Businesses Rates relief scheme will be recalculated in the event of a change of circumstances. This will include, for example, a

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backdated change to the rateable value or the hereditament. This change of circumstances could arise during the year in question or during a later year.

- I.18 The Non-Domestic Rating (Discretionary Relief) Regulations 1989 (S.I. 1989/1059) requires the Council to provide ratepayers with at least one year's notice in writing before any decision to revoke or vary a decision so as to increase the amount the ratepayer has to pay takes effect. Such a revocation or variation of a decision can only take effect at the end of a financial year. But within these regulations, the Council may still make decisions which are conditional upon eligibility criteria or rules for calculating relief which allow the amount of relief to be amended within the year to reflect changing circumstances.

## **Appendix J**

### **Section 49 - Hardship Relief**

## Section 49 – Hardship Relief

### General explanation

- J.1 The Council is able to exercise its discretion under Section 49 of the Local Government Finance Act 1988 to provide either partial or full relief for non-domestic rate payments in cases of hardship where it would be reasonable to do so having due regard to the interests of council tax payers in general.

### Section 49 Hardship Relief – the Council’s Policy

- J.2 The Council will consider applications for hardship relief from individuals and organisations based on their own merits on a case-by-case basis. The Taxation, Benefits and Debt Team Leader will consider applications. Application forms are available from the Local Taxation, Benefits and Debt Section.
- J.3 In making decisions on whether to award the relief the Council takes into account the following criteria (not listed in any priority):
- Any reduction or remission of rates on the grounds of hardship should be the exception rather than the rule;
  - Any reduction of the rates must be shown to be significant to the future viability of the business;
  - The business must continue to trade;
  - Cash flow forecasts for a minimum of the next twelve months must be provided together with a comprehensive Business Plan incorporating a brief history of the business;
  - The test of "hardship" is not strictly confined to financial hardship and that this, in itself, is not a deciding factor;
  - The loss of the business would reduce amenities of an area if it is the sole provider of a service in the area;
  - Details of any state aid, grants or subsidies either from central or local government over the previous three years;
  - The loss of the business would worsen the employment prospects in the area;
  - The interests of the Council Tax payers of the area would be best served by awarding the relief;
  - The business must demonstrate how it is beneficial to the local community and why it is currently suffering financial hardship;
  - The business provides employment to local residents in an area where employment opportunities are limited;
  - Independent advice given by banks or financial advisors should be sought to demonstrate the future viability of the business;
  - Applications will only be considered where signed by the ratepayer, or, where an organisation is the ratepayer, an appropriately authorised representative of the organisation; and
  - The ratepayer will provide additional information as deemed necessary by the Council to be essential in order for a fair evaluation of the application.