

Summons and Agenda for the
Council Meeting

to be held on

Tuesday, 17 July 2018

at

6.00 pm





To: All District Councillors

cc: Chief Officers

You are hereby summoned to a meeting of the Council to be held in the Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT on **TUESDAY, 17 JULY 2018** starting at **6.00 pm**. The Agenda for the meeting is set out below.

Janet Waggott

Janet Waggott
Chief Executive

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to:- (i) the recording being conducted under the direction of the Chairman of the meeting; and (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact, prior to the start of the meeting, Palbinder Mann – Democratic Services Manager via pmann@selby.gov.uk or 01757 292207. Any recording must be clearly visible to anyone at the meeting and be non-disruptive.

AGENDA

Opening Prayers.

1. **Apologies for Absence**

To receive apologies for absence.

2. **Disclosures of Interest**

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

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

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

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

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

3. **Minutes (Pages 1 - 6)**

To approve as a correct record the minutes of the meeting of the Council held on 15 May 2018.

4. **Communications**

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

5. **Announcements**

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

6. **Petitions**

To receive any petitions.

7. **Public Questions**

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

8. Councillors' Questions

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

9. Reports from the Executive (Pages 7 - 24)

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

10. Reports from Committees (Pages 25 - 30)

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

11. Motions

To consider any motions.

12. Community Governance Review - Thorpe Willoughby Parish Council (Pages 31 - 60)

To consider a report on the Community Governance Review for Thorpe Willoughby.

13. Scrutiny Review 2018 (Pages 61 - 84)

To consider a report concerning the scrutiny review.

14. Review of Byelaws for Pleasure Grounds, Public Walks and Open Spaces (Pages 85 - 112)

To consider a report, which outlines a review of byelaws for pleasure grounds, public walks and open spaces.

15. Urgent Action

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

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Agenda Item 3



Minutes

Council

Venue: Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT

Date: Tuesday, 15 May 2018

Time: 4.00 pm

Present: Councillor J Chilvers in the Chair

Councillors D Buckle (Vice-Chair), K Arthur, J Cattanach, I Chilvers, M Crane, J Deans, S Duckett, K Ellis, M Hobson, D Hutchinson, M Jordan, C Lunn, D Mackay, J Mackman, B Marshall, C Metcalfe, R Musgrave, W Nichols, R Packham, C Pearson, I Reynolds, J Shaw-Wright, R Sweeting, P Welch and D White

Officers Present: Janet Waggott, Chief Executive, Julie Slatter, Director of Corporate Services and Commissioning, Dave Caulfield, Director of Economic Regeneration and Place, Gillian Marshall Solicitor to the Council and Palbinder Mann, Democratic Services Manager.

Press: 1

Public: 15

1 APOLOGIES FOR ABSENCE

Apologies were received from Councillors McCartney, Peart, Sage and Thurlow.

2 DISCLOSURES OF INTEREST

There were no declarations of interest.

3 ELECTION OF CHAIRMAN

It was moved by Councillor Crane and seconded by Councillor Mackman and unanimously agreed that Councillor Buckle should be elected as Chairman of Selby District Council for the 2017/18 Municipal Year.

Investiture of Chairman

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The newly elected Chairman was invested with the Chairman's Chain of Office by the retiring Chairman.

Declaration of Acceptance of Office

Councillor Buckle read and signed the Statutory Declaration of Acceptance of Office, in accordance with the provisions of the Local Government Act 1972. This was then countersigned by the Chief Executive.

Councillor Buckle was now chairing the meeting.

Retiring Chairman's Valedictory Address

Councillor J Chilvers gave her valedictory address.

Councillor Buckle presented Councillor J Chilvers with a Silver Salver and a past Chairman's badge to mark her term of office as Chairman of the Council.

On behalf of Council, Councillors M Crane and R Packham expressed their thanks to Councillor J Chilvers for her year in office.

Investiture of Chairman's Consort

The retiring Chairman's Consort, Councillor I Chilvers invested the newly elected Chairman's Consort, Mrs Susan Buckle with the Chairman's Consort's Chain of Office and presented her with a gift. .

The newly elected Chairman's Consort then presented the retiring Chairman's Consort with a gift.

Newly Elected Chairman's Address

Councillor Buckle addressed the meeting.

The Council was informed that the charities that would be supported by the Chairman for 2018/19 would be:

- Peter Pan Nursery
- Save the Children

4 ELECTION OF VICE CHAIRMAN

It was moved by Councillor Crane and seconded by Councillor Mackman and unanimously agreed that Councillor White be elected as Vice Chairman of Selby District Council for the 2018/19 Municipal Year.

Investiture of Vice Chairman

The newly elected Vice Chairman was invested with the Vice Chairman's Chain of Office by the Chairman.

Declaration of Acceptance of Office

Councillor White signed the Statutory Declaration of Acceptance of Office, in accordance with the provisions of the Local Government Act 1972. This was then countersigned by the Chief Executive.

Investiture of Vice Chairman's Consort

The Chairman's Consort invested the newly elected Vice Chairman's Consort, David White with the Vice Chairman's Consort's Chain of Office and presented him with a gift.

5 MINUTES

The Council considered the minutes of the meeting of meeting held on 24 April 2018. Concern was raised that the Leader's comments regarding carbon monoxide detectors had not been included under the update from the Executive Lead Member for Housing, Leisure, Health and Culture.

It was agreed to replace the final sentence in the update with the following:

'The Leader of the Council informed Council that while he was leader of the Council, no carbon monoxide detectors would be removed from council properties',

RESOLVED:

To approve the minutes of the Council meeting held on 24 April 2018 with the above amendment for signing by the Chairman.

6 COMMUNICATIONS

There were no communications.

7 THE LEADER'S REPORT ON THE EXERCISE OF EXECUTIVE FUNCTIONS

Councillor Crane, Leader of the Council presented the report which informed Council of the way in which executive functions were to be discharged in the forthcoming year.

It was noted that the only change from the 2017/18 portfolios was that the remit of leisure would be moved under the portfolio of the Leader of the Council.

RESOLVED:

To receive and note the Leader's Report to Council on the discharge of Executive functions.

REASON FOR DECISION

To meet the obligations set out in the Executive Procedure Rules within the Council's constitution.

8 APPOINTMENTS TO THE COMMITTEES OF THE COUNCIL, CHAIRS OF THE COMMUNITY ENGAGEMENT FORUMS AND THE CALENDAR OF MEETINGS FOR THE 2018/19 MUNICIPAL YEAR.

Councillor Crane, Leader of the Council presented the report which provided for approval, the calendar of meetings, the group nominations for the appointment of Councillors to Committees and the appointment of Community Engagement Forum (CEFs) Chairs.

It was noted that some Planning Committee meetings clashed with Member Seminar meetings at North Yorkshire County Council and it was agreed that this would be looked into.

The Labour Group proposed that Councillor Welch would fill the substitute position on the Audit and Governance Committee.

RESOLVED:

- i) To appoint the Chairs, Vice Chairs, Committee Members and CEF Chairs as outlined above and in Appendix A to the report for the 2018/19 Municipal year.**
- ii) To approve the Calendar of Meetings for 2018/19 as outlined in Appendix B.**

REASON FOR DECISION

To meet legislative requirements and to enable the proper functioning of the Council in the 2018/19 municipal year.

9 COUNCIL APPOINTMENTS TO OUTSIDE BODIES

Councillor Crane, Leader of the Council presented the report which proposed representatives to be appointed on outside bodies for 2018/19.

It was proposed and seconded that Councillor Marshall would be the Council representative on Selby District Association of Voluntary Service (AVS)

RESOLVED:

- i) To make appointments to outside bodies as outlined**

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above and in Appendix A to the report.

- ii) **To authorise those appointed to act on behalf of the Council in accordance with the legal and constitutional requirements of both the Council and the outside body.**

The meeting closed at 4.27 pm.

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Councillor Mark Crane

Leader of the Council

Report to Council on Tuesday 17th July 2018

This report covers the period from the Council meeting on 24 April 2018. During this period I have attended Executive and Executive Briefings. Reporting on key items:

Olympia Park, Selby

Following the Housing and Regeneration Team's successful £8.878 million bid for funding from the Homes and Communities Agency's (now Homes England) Housing Infrastructure Fund to support the delivery of the Olympia Park strategic mixed use development site, the Council is continuing to work closely with landowners to develop detailed proposals for the site. A revised planning application for the comprehensive development of the whole site is expected later this year.

Leisure

We recently received the 8th annual review of the leisure contract covering performance, asset management and health and safety during the previous financial year. Key highlights included the achievement of 1500 swimmers registering for the learn to swim programme, the success of the community based move it and lose it adult weight management project and the lifestyles membership continuing to exceeding target.

Attendance remains high and this continues to be a successful partnership for the Council.

Police Co-Location

I am pleased to report all the necessary legal agreements are now signed and the project is due to start on site in very near future.

LGA Annual Conference/District Council Network

At the time of writing this report I am preparing to attend the LGA Conference on the 3rd to 5th of July. I will update Council on any relevant matters on 17th July.

The District Council AGM will take place during the LGA conference and I will also feedback any relevant matters at Council.

Selby Railway Station

The District Council has been asked if we will help to pay towards step free access at Selby railway station with lift shafts either side. I understand that the costs of the scheme are likely to be very significant.

I hope that Council will be supportive of these facilities being provided as they would much improve Selby station for our residents and visitors and have indicated that the Council would consider contributing a reasonable amount towards the costs. I would expect this to be alongside contributions from other parties such as Network Rail who have primary responsibility for the facilities and national and regional transport bodies.

Lord Lieutenant Barry Dodd CBE

Colleagues will have been saddened to hear of the death of Barry Dodd CBE, Lord-Lieutenant for North Yorkshire who sadly died in a helicopter crash on 30 May 2018, Barry was a successful entrepreneur and he dedicated a lot of his time to public sector activities in North Yorkshire, I have offered condolences on behalf of the Council to Barry's wife Frances and their family at this sad time. There will be a Memorial Service to be held at York Minster on Friday 20 July.

Councillor Mark Crane
Leader



Councillor John Mackman

Deputy Leader of the Council

Report to Council on Tuesday 17 July 2018

This report covers the period from the Council meeting on 24 April 2018. During this period I have attended Executive and Executive Briefings and represented the Council at local and regional meetings including deputising for the Leader as required.

Reporting on the key items:-

1) Planning Service Review

A significant amount of progress has been made in the following areas:

The number of major and minor applications determined 'in time' still remains high for majors. In quarter one between 01.04.2018 to 30.06.2018, 88% of majors were determined within the statutory period or agreed extension of time compared with 91% in the same period last year. 87% of minors were determined within the statutory period or agreed extension of time compared with 90% in the same period last year. The figures are also higher than the national designation targets set by the Government which are 60% for majors and 70% for minors.

8 appeals were determined in quarter one between 01.04.2018 to 30.06.2018 of which 25% were allowed and 75% dismissed. Furthermore, we are continuing to consistently meet and exceed our pre-application fee income target and overall planning fees are increasing reflecting the number of applications and major schemes that have been submitted.

Pre-application discussions have continued to take place on major strategic schemes such as Gascoigne Wood and Olympia Park and we continue to work on the joint Planning Performance Agreement with North Yorkshire County Council for the Drax NSIP. There are a number of major strategic applications that we are expecting to be submitted imminently which include Church Fenton Media Village and also Gascoigne Wood.

In terms of the Planning Policy Team a new Planning Policy Officer and Senior Planning Policy Officer have now joined the team. In addition three Planning Officers have been recruited to the Development Management Team as well as a Principal Planning Officer

Currently we have 21 Parishes who are consulted electronically; this has risen from the initial 4 Parishes. We will continue to work with the remaining Parishes who have not yet signed up so that eventually all Parish Councils will be electronically consulted.

Work is continuing to install a new IT case load management tool/package which will be of great benefit to Planning Officers in managing their workloads. We will be visiting Leeds City Council to

look at how they use Enterprise and particularly in terms of how this can help to support the Planning Enforcement Section.

We continue to engage with the CEF's and planning officers have recently attended the Southern and Western CEF Forums. The aim of this has been to continue to build on and improve ongoing relationships with Parish Councils and the wider community.

We have consulted on our Validation checklist which is a key document helping to ensure that planning applications are processed and determined in an efficient and timely manner. The responses that we have received are currently being reviewed and a final draft, taking into account responses to the consultation, will be recommended to the Director of Economic Regeneration & Place for adoption.

Work has also started on developing a Conditions Manual which will ensure that we have model planning conditions that can be consistently applied across all approved planning applications. All Planning Officers have recently had training on the use of planning conditions attached to decision notices to improve the decision making process subject to the necessary approval.

2) PLAN Selby – next steps

Work continues on the preparation of the Publication version of the Site Allocations Local Plan and this will be informed by the final pieces of evidence work due for completion this month. The Publication version of the plan will essentially be the final version of the plan and will be subject to public consultation in October subject to Executive and Council approval.

We have recently undertaken a successful recruitment exercise which means that from the beginning of July the team will be fully staffed.

3) Neighbourhood Plans

The Planning Policy Team are continuing to provide support to the five designated Neighbourhood Plan Areas of Selby Town, Brayton, Church Fenton, Escrick and Ulleskelf. This includes attendance at meetings, reviewing documents and providing evidence to inform the preparation of the plans.

4) Eggborough Power Station DCO

The independent Examination for Eggborough Power Station DCO has been completed and it is expected that a decision will be issued by the Planning Inspectorate by September 2018.

5) Drax Power Station DCO

The Drax Repower project that was received by the Planning Inspectorate (PINS) on 29 May has now been 'accepted' (26 June) by PINS for 'Examination'.

The examining authority (a Planning Inspector or Inspectors) will now be appointed to 'Examine' the application...to basically hold a series of meetings almost in the form of a Public Inquiry. The applicant must now publicise that the application has been accepted and this authority will be given the opportunity, with the County Council to register as a relevant authority that wishes to make representations to and take part in the Examination.

PINS have a period of three months to make arrangements for the Examination and to arrange the 'pre-examination meeting' which also must be convened within that first three month period. The timescale requires that the Examining Authority must have concluded its Examination within six

months of acceptance so we now know that all Examination hearings will have concluded by the end of December 2018.

6) 5YHLS Appeals

We have greatly improved our approach to monitoring the progress of sites with residential planning permission. Importantly this has led to success at four recent appeal hearings where Planning Inspectors have concluded that the Council is able to demonstrate that it has a 5 year supply of deliverable land. The Council has not received any further appeals which relate to the 5 year housing land supply.

The next base date for 5 year land supply calculation is at 31 March 2018 and work is being finalised on this report.

7) Judicial Review of the approval for Lidl Supermarket and Pub on Staynor Hall

Planning Committee granted approval for a Lidl Supermarket and pub on Bawtry Road near the Staynor Hall development in October 2017. The decision was challenged by way of Judicial Review. A hearing was scheduled in the High Court in Leeds in July. However in advance of that hearing the Claimant has agreed to withdraw the claim and pay the Council's costs.

This now means that works can commence including infrastructure works to Bawtry Road to accommodate the development which will be partly funded by the Council through the use of CIL receipts.

8) Selby and District Housing Trust

The scheme to construct 5 family homes for the Trust at Landing Lane, Riccall is progressing well and in accordance with the 37 week build-out period. The Trust is working with Selby District Council to identify tenants for these properties, which are due to be handed over in September 2018.

Construction has also commenced on the 12 affordable homes on Ousegate in Selby and these properties are due to be handed over in January 2019.

Following the Council's approval of an updated Affordable Housing Development Programme in January 2018, an update on progress is being presented to the Council's Executive on the 12th July 2018. This will outline the proposed sites in the second phase of development on smaller sites owned by the Council and the next steps in the process to achieve additional family homes starting on site in early 2019.

The Trust has agreed to acquire 12 family homes on a site at Orchard Park Ulleskelf that is now under construction. The first three properties are due to be handed over in August 2018 with the remaining homes completed by December 2018.

John Mackman
Deputy Leader of the Council

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Councillor Cliff Lunn

Executive Member for Finance and Resources

Report to Council on 17 July 2018

Final Results and Budget Exceptions Report to 31 March 2018

Overall 2017/18 was another successful year – the general fund ended the year in surplus by £414k allowing us to set-aside resources to support future spending plans.

There were a number of variance reported at the year-end - staff savings due to natural turnover, vacancies and efficiencies have generated an underspend although this is partly offset by an increase in specialist advice fees in Development Management where increased external resource has been required. In addition, buoyant cash balances have resulted in higher interest returns. It has been a successful year for the commercial waste service and bin round efficiencies have been delivered to avoid increase costs this year, despite new bins coming on stream from new developments. Key carry forward budgets on the general fund include Local Plan and PLAN Selby, the new housing system delivery project and homeless initiatives all of which are expected to deliver in 2018/19.

The General Fund capital programme showed some savings and slippage during the year principally due to a number of ICT projects being rolled up into the broader Digital Strategy Project which will deliver process and service improvements in 2018/19. There was also lower spend on Disabled Facilities Grants but planned changes to this service in the coming year will have a substantial positive impact on our delivery going forward.

A number of projects will continue to be delivered in 2018/19 and their budgets have been carried forward. This includes the budget for loans to the Selby District Housing Trust which will be spent as and when acquisitions occur, the rolling car park improvement programme which is underway, the police co-location programme which is progressing and Portholme Road culvert where works are delayed as a result of the police relocation.

The HRA generated a £734k surplus in the year with lower external borrowing requirements and lower demand on revenue to support the capital programme being the key contributors. In addition the HRA also benefitted from higher cash balances and thus increased interest returns, generated higher savings from the pension deficit reduction and did not require any spend from contingency in the year.

Meanwhile, £2.7m was spent on the HRA capital programme in 2017/18 resulting in an underspend of £523k in the year. A substantial part of this was from reduced boiler repairs following the successful boiler replacement programme. There was also lower requirement for the estate enhancements budget this year and damp proofing works were in lower demand than anticipated.

Some HRA projects will now deliver in 18/19 and as a result the budgets have been carried forward. These include the Byram Park Housing Development which is well underway and expected to complete in January 2019. Also the roofing and pointing schemes will run over

two years and the budget for the housing system implementation will also continue to spend in 18/19.

The target for planned savings in the year has been exceeded due to higher savings than expected from the pension deficit reduction in the HRA. However, the General Fund savings fell short of target by £34k, mainly from delays to the police co-location project and the loans to the Housing Trust commencing later in the year than originally budgeted. Additional ongoing savings were generated that were not in the plan, including providing services to another council and savings generated from the retender of the insurance contract.

Programme for Growth continued to progress in the year, £666k was spent on a number of projects including, the Sherburn all weather pitch and due diligence carried out across a number of strategic sites. The remaining budget in 17/18 has been carried forward as part of the latest approved programme taken to Executive in May 2018.

Treasury Management - Annual Review 2017/18

Average Investment returns were 0.51% for the year. The Bank of England base rate increased from 0.25% to 0.5% in November, but interest rates continue to be low. However, buoyant cash balances did mean that income exceeded budget by £148k.

Portfolio Issues

Police Co-location - This has now been finalised. Work will start within 4-6 weeks.

Closedown of the Council's accounts - The audit is progressing well and we are on track to submit to Audit and Governance Committee for sign-off later this month.

Cliff Lunn

Councillor Chris Metcalfe

Executive Member for Communities and Economic Development

Report to Council on Tuesday 17 July 2018

This report covers the period from the Council meeting on 24 April 2018

Campervan Cafes

Campervan Cafes is an initiative that started in summer 2017 with North Yorkshire Fire and Rescue Service. The fire service wanted to speak to residents in the rural villages of the district to be sure they were reaching as many people as possible with their Safe and Well checks. The Community, Partnerships and Customers team have facilitated these events and so have had an opportunity to engage with the community alongside the fire service. The purpose of engagement is to get a local understanding of our more rural areas and their needs.

Other organisations that are attending are the Parish Nurses, Kate Urwin the Energy Doctor and SDC's Neighbourhood Officer Team. The Parish Nurses will be offering their services, such as blood pressure testing; Kate Urwin will be answering questions on energy bills and giving out advice and leaflets where needed; and the neighbourhood officers will be supporting engagement and community feedback through their local knowledge.

Community Activists Project

The Community, Partnership and Customer team have been central to supporting our community and voluntary sector organisations to increase their capacity and to focus on how communities can deliver for themselves on local issues. A 6 week Community Activist programme is being delivered by Selby District AVS in the South Selby area to help local groups to establish themselves and to deliver sustainable activities that make a difference to local residents. A programme was delivered in February and a further course is currently in progress. The sessions include guest speakers and sessions on finance, IT, as well as discussion and plans to tackle social themes that people have raised as issues such as isolation and transport. The project has been aired on York TV and can be seen on YouTube.

Third Sector Leaders

SDC Community, Partnership and Customers team have supported the re-establishment of a Third Sector Leaders group in the district which encourages community and voluntary organisations to work together and collaborate on planning to deliver alternative services for residents in the district. The first focus of the group is to understand the issue of social isolation and loneliness, a national topic at present. The group have circulated a survey for residents and this is available on line and in paper copy. Selby District AVS will lead further developments for the group.

Community Engagement Forums

The Community Engagement Forum chairs and I are currently looking at how we use CEFs to best effect. Forums are showing increased interest from the community. In the majority of forums there is now a steady attendance of approximately 30-40 residents and we are looking at how we encourage this to continue, better using our local intelligence to ensure forums focus on the right things. Recent examples have included information presented by the Planning team in areas with planned development and local GPs highlighting their services to local people. The annual reports on the previous year's CEF activity will be presented at the December Full Council meeting. The forums move around within the CEF areas to ensure that the diverse communities of our district can have a say. If you would like forums to consider a particular issue or to be hosted in a particular area then please speak with the Community, Partnerships and Customers team or Democratic Services.

Prevent

The Prevent agenda remains a high profile national topic and a recent review of the CONTEST strategy has been completed. This has four main pillars:

- Prevent: to stop people becoming terrorists or supporting terrorism
- Pursue: to stop terrorist attacks
- Protect: to strengthen our protection against a terrorist attack
- Prepare: to mitigate the impact of a terrorist attack

SDC is the lead authority for local collaboration on the Prevent agenda. Whilst the local message is one of low risk if we remain vigilant to this agenda.

We have had a successful prosecution in the district in the last month which relates to racial abuse and harassment. The offender received a nine month prison sentence and 5 year Criminal Behaviour Order which shows we will not tolerate such behaviour. Many thanks to our local services and operational teams for their work in this.

We must continue to support each other in raising the awareness of Prevent. A series of awareness sessions will be delivered to front line staff and to councillors from August 2018.

Selby Town Centre Pop Up Realm

The Selby Town Enterprise Partnership have worked on a project that will enhance our town centre. A small series of "Pop Up" street furniture has been commissioned and is currently in production. It will be used around the town to create additional pedestrian areas and to test local interaction with our shopping 'dwell' spaces.

The idea of the furniture is that it is temporary, placed in situ for several months before being either relocated or removed for a short time and then brought back into the town to differing locations. The first installations aim to bring a brighter atmosphere and particularly to help minimise disruption during road maintenance work on Finkle Street. We hope they encourage residents to continue to support our high streets. We will be monitoring local response to the pieces and will look to build on the idea throughout 2019 to complement the Selby 950 celebrations and to support our other towns in the

district. Items such as seating, way-finder stencilling and giant planters will be part of the first stage of the initiative.

Strategic Employment Sites

Following on from the last update to Council, significant progress continues to be made to bring forward 'strategic employment sites' in Selby District:

Sherburn2

Cromwell Polythene is the first occupier to be signed for Sherburn2, the 1.25 million sq. feet employment site adjacent to Sherburn Enterprise Park. Cromwell Polythene will be relocating from their current site on the existing enterprise park.

The developer Glentool is in detailed discussions with a number of investors interested in occupying the site, with a second occupier expected to be signed imminently. The Council's Economic Development team is continuing to work closely with the developer to attract new investors to the District.

Gascoigne Rail Freight Interchange

The planning application for Gascoigne Rail Freight Interchange will soon be submitted, with a decision expected to be made around October/November. The Council's Economic Development team has led a partnership set up between the Council, NYCC and landowner Harworth Estates to bring the currently under developed employment site forward. The aim is to develop the site to exploit the extensive rail infrastructure for advanced manufacturing with emphasis being on engineering sub-assembly. Potential employment figures range from 1,500-2,000 FTEs.

Create Yorkshire - Church Fenton Airfield

The Council's Economic Development team have also led a partnership between the Council, Makin Enterprises, Screen Yorkshire and YNYER LEP for the planning development and delivery of a dedicated creative hub – "Create Yorkshire". The process is designed to provide a coordinated approach to delivering a new, major growth sector to this strategic employment site with the long term potential to create up to 2,000 new, high skilled jobs within the district.

The planning application for the site has been submitted with a decision expected to be made around September/October.

SME Support

Over 100 SMEs in Selby District have been supported in 2017/18, with 87 SMEs supported through face to face meetings – with time ranging from 1 hour upwards.

20 SMEs have been supported to date in 2018/19.

Business Support Programmes

5 businesses are on Leeds City Region's AD:VENTURE support programmes, with another 4 on Strategic Business Growth Programme.

A SME grant application has been submitted for both Let's Grow and Business Growth Programme, with a SME grant application also in the pipeline for PAPI (Product and Process Innovation) which is delivered by the University of York in conjunction with YNYER LEP.

Events

The Council's Enterprise Café, our monthly SME networking event, is well attended with an average attendance of 30 SMEs over the last few months.

35 delegates attended the PAPI event in April which provided information on the support and funding available to businesses that are looking at implementing new processes to enable them to get new products to the market. Funding from this programme offers businesses 40% of the total value up to £20K.

25 delegates attended the Council's joint event with the Department for International Trade in May which focused on exporting and the support available to businesses, including up to £5K for trade trips overseas.

There are a number of SME support events taking place over summer including YNYER LEP's Pop Up Business Advice Cafe in Selby (5th July), the Council's Cyber Crime event in partnership with Barclays (10th July) and AD:VENTURE's marketing workshop (9th August).

The Council's Senior Business Advisor is also in discussion with a range of partners (Selby College, YH Training, NatWest and Crombie Wilkinson) to deliver targeted joint events for the benefit of Selby District businesses.

Partnership Working

Arriva Buses and local employers on Sherburn Enterprise Park

The Council's Economic Development team is focussed on resolving the access to labour challenges faced by local employers on Sherburn Enterprise Park. Positive discussions have been held with local bus provider Arriva and local employers over the feasibility of an express bus service to connect areas with strong employment demand (East Leeds, Five Towns and Doncaster) to Sherburn Enterprise Park. This express service would look to mirror shift patterns and ultimately aim to be self-sustaining. Discussions are ongoing with a view to getting an express bus service that caters for Sherburn Enterprise Park up and running by the autumn.

DIT/WYCA Inward Investment Enquiries

Recent months have seen the Council's Economic Development team receive a number of foreign direct investment enquiries from investors looking to locate in Yorkshire. These have come to us from the Department for International Trade through WYCA, with Kellingley and Gascoigne Rail Freight Interchange being promoted as possible sites for these investments.

North Yorkshire County Council

Initial discussions have been held with the County Council on how Selby District Council can work closer together on the development of infrastructure/transport related solutions so that they align with the economic development objectives of both organisations, as well as ensuring a strategic fit with the objectives of wider regional and pan-regional infrastructure-led economic growth agendas.

The aim of this work is to develop a joint Selby District Development & Transport Prospectus that sets out our key strategic development opportunities and identifies a set of high level transport and infrastructure asks to enable these opportunities to be realised. This would provide a starting point for establishing the detailed transport

measures/infrastructure improvements that will then be further developed through appropriate business cases and funding bids.

A joint SDC/NYCC officer-workshop will take place late September to drive forward this piece work.

Equality Objectives Progress

Good progress has been made against the two new equality objectives approved in October 2017. One notable area of progress is improved data - both in terms of our workforce and the district. Two documents have been produced which will enable us to improve our understanding of the diversity of our customers and our workforce in order to better meet their needs.

- A Picture of Diversity provides a snapshot of the workforce in relation to the nine protected characteristics of equality set out in law – such as gender, age and ethnic background – and compares it against the make-up of the district as a whole. It shows that our workforce is broadly representative of the district.
- A Workforce Metrics report provides data in terms of the protected characteristics for starters, leavers, top grades etc. one of the things it has identified is that we have more than doubled the number of 16-24 year olds working for us, compared to the previous year.

In April we published our gender pay gap in line with government requirements. Selby DC employs significantly more women than men but the results showed that on average women are paid less per hour than men – and the gap is slightly higher at Selby DC than across local government as a whole. As a sector, we have much to do to close the gap.

These results do not give the whole picture – for example many of Selby DCs functions are outsourced and therefore not included. Nor does it show the difference between part time and full time staff.

Through both our recruitment and employment policies, we continue to promote equality and our robust systems ensure we recruit and employ the best people for the job, regardless of their background.

Chris Metcalfe

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Councillor Christopher Pearson - Executive Member for Housing, Health, & Culture

Report to Council on Tuesday 17th July 2018

Selby District Council Tree Policy

A tree policy governing the management of our tree stock was approved in June that provides clear guidance for our approach to managing and maintaining a healthy tree stock. Key issues within the policy include:-

- Effective tree pruning and management rather than felling
- Effective risk management
- A commitment to increasing the District's tree stock, maximising the benefits that trees deliver

Shortly after our tree policy was approved the Government announced the appointment of a tree champion, Sir William Worsley. His broad objectives are too:-

- Increase tree planting and woodland creation
- The commitment to strengthen the protection of ancient woodlands through the planning system
- Supporting the introduction of a new duty for local councils to consult before felling

The objectives of the governments tree champion support and strengthen the aims of our new tree policy.

Visitor Economy

The Visitor Economy Strategy Action Plan is in progress and has seen the successful recruitment of a Culture, Visitor and Creative Economy Project Manager. Final checks are in place and the post should be filled in early Autumn. The next 3 years agreed funding from Programme For Growth on this agenda will see the district council support local groups and businesses to develop their attractions for local residents as well as tourists from further afield. We want to help raise awareness of the great assets we have here and acknowledge some of the great work our communities and businesses already do. Some of the great things our communities and businesses have done over the last few months include the Royal Wedding Garden Party at Carlton Towers, the Sportive at Tadcaster and the Great Selby Bike Ride from Barlby and Stillingfleet Gardens Wildlife Day: not to mention all the activity town and parish councils put in with fun days, galas and fetes. We endeavour to help promote local activities so please do encourage any organisers to get in touch with our communications team.

Other activity has included engaging in a Discover England £1.2million project for an East of England Touring Route promoting to the German markets: led by Newcastle Gateshead

this is a 300 mile route from Newcastle including partners from areas such as Northumberland, York, Leeds, Lincolnshire, the Peaks and Nottingham. Subject to local engagement, the focus of promotion will be on Selby Abbey, Towton Battlefield and Drax Visitor Centre and surrounding hospitality businesses. The project supports a range of development support and marketing initiatives for our tourist attractions. Our position on the main road and sea travel routes is at the heart of the journey for the German and Scandinavian markets who are looking for 'hidden gem' experiences; something we can offer in abundance across the district.

Selby 950 project

Planning for the Selby Abbey 950th Anniversary is well underway alongside the Selby Abbey Trust, Selby Civic Society, Inspiring Healthy Lifestyles, Drax Power, Selby College and Selby Town Council. A key emphasis of the project is to raise civic pride and encourage participation and to celebrate our rich past and present arts, culture and heritage. Artistic direction is currently being taken to deliver a timeline for events and a costed plan for 2019. As agreed at the last Full Council, the district council has earmarked £50,000 through Programme For Growth to support the marking of the occasion and a further £150,000 subject to potential hosting of the Tour de Yorkshire in 2019. The fund will be used to support the development of events as well as unlock wider investment in the occasion and in the town's legacy. Further details on the calendar of events for 2019 will emerge in the autumn. However emerging plans include a civic dinner in the Abbey, a gala concert, a new icon for the Abbey, reading and literature events and a larger scale illumination event.

Health

The Council has supported the establishment of a community sector led mental health forum in the district. This has been developed in partnership with Selby Big Local and as part of finalising the Selby Health Matters local action plan with North Yorkshire County Council Public Health to establish local community networks to deliver services differently. The forum is being led by Brighter Futures, a service user led and organised group supporting anyone experiencing emotional and mental distress. The official launch of the forum will be on 24th July from 4.30pm – 6pm at Selby Town Hall.

Selby ParkRun has been supported by the district council and the Central and Southern Community Engagement Forums. Since its start in December 2017 this has been a great success and has seen over 1000 participants in just 6 months with 'first timers' accounting for 6% of each event's numbers. The run is at Burn Airfield and attracts both local and touring runners from around the country.

Countryside Management Hambleton Hough

The annual report for Hambleton Hough has been received from the Wildlife Habitat Protection Trust (WHPT) and there have been some really positive steps taken here in the last year.

1500 trees have been planted between November and April which include Birch, Oak, Beech and Douglas Fir.

By the end of March 2019 it is expected that there will be 3000 trees planted.

A local villager has made and installed bird boxes across the Hough and seats have been constructed to allow people to sit and enjoy the scenery.

The WHPT continue to communicate to residents by Parish newsletters. The Community, Partnerships and Customers team have also secured a three year agreement with the University of York to use the site as an ecological study site which will give us rich information on understanding the nature of the place.

Barlow Common

The Yorkshire Wildlife Trust (YWT) have seen a modest increase in group membership for the site in the last year and the Common remains a great community space with active use of the area by Scouts, the Forest School, fishing as well as open public access. It is estimated that there are now between 10-15,000 visitors per annum.

Work has focused on bringing some of the natural land back into access which has resulted in a 15% expansion of the grasslands.

Bird and Butterfly surveys continue to be undertaken and there have been 6 public events on the site which saw an average of 20 people at each.

Housing Delivery Programme

Work continues to bring forward several sites as part of the Housing Delivery Programme, approved by the Executive on the 4th January 2018

- Work is progressing well on the construction of 13 new homes for Selby District Council at Byram Park Road in Byram, and in accordance with the agreed programme that will see the properties handed over in January 2019.
- The construction of 5 new family homes, delivered in partnership with the Selby and District Housing Trust on a former Council owned garage site at Landing Lane Riccall are progressing well and are due to be handed over to the Trust in September 2018
- The construction of 12 family homes for the Selby and District Housing Trust has also commenced on a site at Ousegate in Selby. These properties are due to be handed over in January 2019
- As part of an updated report to the Council's Executive on the 12th July on the Housing Development Programme a preferred approach is outlined for the Council to enter into a Joint Venture Agreement with a development partner to develop the Edgerton Lodge site in Tadcaster site for housing. As a first stage the Housing and Regeneration Team has sought Expressions of Interest in developing the site on a joint venture basis.
- Following the Council's approval of an updated Affordable Housing Development Programme in January 2018, an update on progress is being presented to the Council's Executive on the 12th July 2018. This will outline the proposed sites in the second phase of development on smaller sites owned by the Council and the next steps in the process to achieve additional family homes starting on site in early 2019.
- Following on from a successful seminar held on the 12th June 2018, the Council's Housing and Regeneration Team is hoping to progress discussions with individuals and organisations interested in developing Community Led Housing in the District.

Gambling Act 2003 Review

Selby District Council is the Licensing Authority responsible for the licensing of certain gambling premises licences and all types of gaming machine permits in Selby District. As part of this role the Council must have regard to the statutory licensing objectives and issue a statement of licensing principles (the Gambling Policy) which must be reviewed every 3 years. The next review is due by January 2019. The existing policy was adopted in 2017 and the regulatory regime is unchanged. For that reason it is considered that the only changes required are to update the area's population and to add a footnote under stakes and prizes which states that these may change.

After the report has gone to the Executive in July the public consultation will run for 4 weeks commencing mid July, to ensure that the policy can be considered and adopted by the Council and come into force in January 2019.

Taxi Consultation

The Licensing Authority will shortly commence a Taxi Trade consultation regarding a number of changes proposed to the current Taxi Policy:

Discreet licensing on Executive Private Hire Vehicles, which allows proprietors to apply to the Council for permission to remove the condition to display the vehicle licence plate. This is a potential safeguarding issue and it proposed to make the application procedure more robust for the Licensing Authority to make a decision, and will include adding further conditions to the Discreet licence.

The consultation will also cover what the definition of what Wheelchair Accessible Vehicle (WAV) is, as the Authority looks to implement the wheelchair accessible vehicle requirements of the Equality Act 2010, which allows the Council to produce a list of designated Wheelchair Accessible Vehicles. It is proposed that the vehicle must have WAV status recorded on its V5 certificate, or have been issued with an official certificate of conformity to highlight WAV status. A list of WAV should be compiled by officers and consideration should be given to the make-up of Selby District Council's fleet of licensed vehicles in terms of WAV / non-WAV ratio, to ensure that enough vehicles were available to allow all passengers to travel throughout the District. If a designated WAV did not meet the criteria upon renewal of the licence, that vehicle should be removed from the Council's WAV list. To agree the procedure for exempting drivers on physical / medical grounds from their obligations to help passengers in wheelchairs. It is proposed that drivers wishing to apply for medical exemptions would need to request an application form from the Council, which ask specific questions to ensure that the Licensing Authority has all the information required to make a decision on the application.

Councillor Christopher Pearson
Executive Member for Housing, Health and Culture

Agenda Item 10



Councillor Wendy Nichols – Chair of Scrutiny Committee

The Scrutiny Committee has met once since the previous update given to Council in April 2018.

27 June 2018

The main items of business on the agenda for this meeting were the Annual Report of the Committee 2017-18, the Committee's Work Programme for 2018-19, Corporate Performance, Treasury Management and Financial Results reports, the current review of scrutiny, and updates on the Programme for Growth and Housing Tenant Services.

The Committee discussed a number of issues across the agenda items:

- The work of the Committee in the previous 2017-18 year was discussed, as well as the work planned for the 2018-19 year. Members noted the planned attendance of Nigel Adams MP at a future meeting of the Committee (January 2019), and the special transport themed meeting taking place in October 2018. Members queried the progress of the co-location with the Police at the Council Offices and the sale of Newby Wiske Hall in Northallerton, and asked that the Police and Crime Commissioner for North Yorkshire and a senior Police Officer be invited to the November meeting of the Committee, to which the Chair of the North Yorkshire Police and Crime Panel had been invited.
- The Committee were supportive of the review of scrutiny and the suggested actions for strengthening scrutiny at Selby; Members also discussed the importance of the Committee getting 'out and about' in the community and promoting their work.
- In relation to the Quarter 4 corporate performance report, there were some concerns around the targets for time taken to re-let empty properties, and staff sickness levels. Officers explained that some of the void properties required more work than anticipated to ensure they were in a good condition before re-letting, and that work to reduce levels of sickness was progressing. The Committee suggested that the delays in re-letting of empty properties may be an issue the Executive would want to look into in more detail.
- The Committee received a report on the work of Housing Tenant Services. Officers explained that each application for housing was dealt with on its own merits, but that the local knowledge of Members could be useful with regard to other matters that required attention, for example, streetlight repairs or highways issues. Members were pleased to hear that area 'walkabouts' were being reintroduced and that different ways to get tenants involved were also being explored, for example, the current garden competition. Officers explained that Housing had a budget for estate improvement and were currently looking for ideas for longer term improvements that

could be made; Members were asked to submit any ideas to the department for consideration. Members were also pleased to note that the Committee would be consulted on the review of the Housing Revenue Account Business Plan.

- Members enjoyed an interesting discussion on the Programme for Growth and heard about upcoming projects and plans to strengthen and grow the economy of the District. The Committee emphasised the importance of improving local infrastructure and encouraging town regeneration. Officers reassured Members that they understood that the majority of businesses in the District were small and medium sized enterprises, and explained that the Council was keen to support them through encouraging long term investment and job creation.

The next meeting of the Committee will be held on Thursday 27 September 2018.

Councillor W Nichols
Chair, Scrutiny Committee



Councillor Jim Deans – Chair of Policy Review Committee

The Policy Review Committee has met once on 17 April 2018 since the previous update given to Council in April 2018.

The Policy Review Committee is scheduled to meet again on 24 July 2018. The meeting to be held on 12 June 2018 was cancelled as the item due for consideration (Plan Selby) was not ready; this will be considered at a special meeting later in the year (October).

14 April 2018

The main items of business on the agenda for this meeting were an impact report on Universal Credit, Parks and Open Spaces Byelaws, the Annual Report of the Policy Review Committee 2017-18 and the Committee's Work Plan for 2018-19.

Universal Credit

The Committee discussed a range of issues across the Universal Credit item, including:

- Concerns regarding the lack of integration between Council systems and software and that used by the DWP; therefore, the resulting manual inputting that would be required when the DWP notified the Council of changes to individuals' circumstances was unavoidable. It was noted that this was also an issue of concern across the country for all local authorities.
- The Committee was pleased to note that Selby District Council had been proactive in preparing for the implementation of UC, and had planned for the support that would be required by some recipients, such as personal budgeting support. Digital support and advice would be offered to those who needed to apply for UC but weren't used to using computers, and individuals or families with complex debt issues would be referred on to the Citizens Advice Bureau and other organisations that would be best placed to assist them.
- Some Members felt that information on UC should be available in hard copy form, perhaps as a leaflet, that could be delivered or given out by the Council staff, such as Neighbourhood Officers. Officers confirmed that they would raise the matter with the DWP at an upcoming meeting, and that if such leaflets were available, they would endeavour to make these available to residents.
- In general, the Committee were pleased with the level of preparation undertaken by the authority and complimented Officers on the work done so far.

Review of Parks and Open Spaces Byelaws

The Committee considered the following points in relation to the Parks and Open Spaces Byelaws Review:

- Officers confirmed to the Committee that the byelaws only applied to the five named parks owned and managed by Selby District Council, but that should Parish Councils wish to adopt byelaws for their own parks and open spaces, they could follow the same process.
- The Committee was pleased to note that the Council would be publicising the change to the byelaws in a number of ways, such as newspaper adverts, social media, press releases and signage. Copies of the new byelaws would be deposited at the Council Offices, Contact Centre and North Yorkshire County Council.
- Members also noted that the signage in Selby Park would be replaced as part of the wider investment and improvement work.

Annual Report of Policy Review Committee 2017-18

The Committee agreed their 2017-18 Annual Report, and authorises the Chair to agree the final version of the Annual Report 2017/18 following the inclusion of details from the current meeting.

Work Programme 2018-19

The Committee also considered and agreed the work plan for 2018/19.

The Chair emphasised the importance of Members suggesting items for inclusion on the Work Programme, and asked that suggestions be sent to both himself and the Democratic Services Officer.

Members identified a review of the Council's Planning Enforcement Policy as a piece of work that they would be interested in undertaking.

Councillor J Deans
Chair, Policy Review Committee



Councillor Mike Jordan – Chair of Audit and Governance Committee

Update to Council 17 July 2018

The Audit and Governance Committee has met once since the last update provided to Council on 22 February 2018. The Committee held a meeting on Wednesday 18 April 2018.

Audit and Governance Committee – 18 April 2018

The Audit and Governance Committee had a very busy agenda at the last meeting of the municipal year on 18 April 2018. I would like to extend my thanks to the Committee and Officers for their support and comments, along with the Lead Executive Member for Finance and Resources, Councillor Cliff Lunn for attending.

A number of items were considered, including three reports submitted by the Solicitor to the Council which were not on the original Committee Work Programme. These consisted of a progress update in relation on the Council's preparations for the new General Data Protection Regulation (GDPR); a report related to a public stakeholder consultation on Local Government Ethical Standards; and an update report on the Council's recent data breach, which was considered in private session.

The Committee was satisfied with progress made in terms of GDPR preparations, and requested that a further update report be brought to the Committee at the subsequent meeting in July 2018. It was agreed that the Council should participate in the consultation on Local Government Ethical Standards, and the Solicitor to the Council was asked to draft a response for approval by the Committee. The Committee was satisfied with the contents of the data breach report, and fully agreed with the actions implemented by Officers in response to the incident to avoid a repeat occurrence.

The internal auditor's (Veritau) Audit Plan for 2018/19 was considered, and it was confirmed that the Audit Plan aligned with the Council's main strategic risks; particular emphasis was placed on savings delivery, Programme for Growth, the Economic Development Framework and Capital Accounting.

The work of the external auditors (Mazars LLP) was also considered, and the Committee approved the Audit and Governance Committee Work Programme for 2018/19.

Councillor M Jordan
Chair, Audit and Governance Committee

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Report Reference Number: C/18/01

To: Council
Date: 17 July 2018
Ward(s) Affected: Thorpe Willoughby and Hambleton
Author: Palbinder Mann, Democratic Services Manager
Lead Executive Member: Councillor Mark Crane, Leader of the Council
Lead Officer: Gillian Marshall, Solicitor to the Council

Title: Community Governance Review – Thorpe Willoughby Parish Council

Summary:

Selby District Council received a request from Thorpe Willoughby Parish Council to amend the parish boundary to include the land up to the Selby Bypass. This can only be done through a Community Governance Review and following approval at Full Council on 12 December 2017, a review was undertaken into the request. A final report on the proposal was taken to Full Council on 24 April 2018 where Council resolved the following:

To approve the request from Thorpe Willoughby Parish Council to amend the Parish boundary as outlined in their request subject to final agreement from Hambleton Parish Council and to give delegated authority to the Solicitor to the Council to make a Selby District Council (Reorganisation of Community Governance) Order in accordance with the request.

Following the Council meeting, Hambleton Parish Council was contacted to clarify their final agreement and a response was received from them which is attached at Appendix E. The response does not state a final agreement has been reached and therefore the proposal has been brought back to Full Council for a decision.

Recommendations:

To select one of the following options:

- i) To approve the request from Thorpe Willoughby Parish Council if Council feels that the proposal meets the criteria as outlined in section 2.8 of this report.**
- ii) To refuse the request from Thorpe Willoughby Parish Council if Council feels that the proposals do not**

meet the criteria as outlined in section 2.8 of this report.

Reasons for recommendation

To ensure Selby District Council complies with legislation.

1. Introduction and background

1.1 Selby District Council received a request from Thorpe Willoughby Parish Council to amend the parish boundary to include the land up to the Selby Bypass. Any amendments to parish boundaries can only be undertaken through a Community Governance Review. Under Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2017, the Council has to consider any requests for a review.

1.2 At its meeting on 12 December 2017, Council decide to commence a Community Governance Review to consider the request. A consultation exercise was commenced on 15 January 2018 and closed on 9 March 2018. A further period of consultation was undertaken with the residents in the affected areas. An overview of the consultation responses and other issues affecting the review are outlined in this report.

1.3 At the Council meeting on 24 April 2018, Council passed the following resolution with regard to the review:

To approve the request from Thorpe Willoughby Parish Council to amend the Parish boundary as outlined in their request subject to final agreement from Hambleton Parish Council and to give delegated authority to the Solicitor to the Council to make a Selby District Council (Reorganisation of Community Governance) Order in accordance with the request.

1.4 The response from Hambleton Parish Council is attached at Appendix E. In the response, they have clarified that they do not agree with the proposal outlined by Thorpe Willoughby Parish Council however have outlined a separate proposal to be considered.

1.5 Thorpe Willoughby Parish Council are set to consider the request at their next meeting Monday 9 July which will be after this report is despatched. They have the option of withdrawing their original request and making a new one with different proposed boundaries. A verbal response on their decision concerning the new proposal will be provided to Council. Any new proposal if submitted, must be considered as a fresh request through a new Community Governance Review. Due to this, Council is still required to make a decision on the original proposal.

2. Community Governance Review

- 2.1 A Community Governance Review is a review that can take place for the whole or part of the District area to consider one or more of the following:
- Creating, merging, altering or abolishing parishes.
 - The naming of parishes and the style of new parishes
 - The electoral arrangements for parishes (the ordinary year of election, council size, the number of councillors to be elected to the council and parish warding) and
 - Grouping parishes under a common parish council or de-grouping parishes.
- 2.2 The Local Government and Public Involvement in Health Act 2017 outlines the legal framework within which council must undertake these reviews.
- 2.3 The request from Thorpe Willoughby Parish Council is attached at Appendix A and a map demonstrating the affected area is attached at Appendix B.
- 2.4 In conducting the review, the Council has to consult local government electors for the area under review and any other person or body who appears to have an interest in the review and to take the representations that are received into account.

Consultation Responses

Following the agreement to proceed with a review by Council, a consultation on the proposed boundary change was carried out commencing on 15 January and closing on 9 March 2018. It was decided to consult the residents living in the area which would be affected by the possible boundary change. In total, six consultation responses were received and these are attached at Appendix C. The responses can be summarised as follows:

Respondent	Response
Hambleton Parish Council	<p>The following points were made by Hambleton Parish Council during the initial consultation:</p> <ul style="list-style-type: none"> • Raised concerns over not being approached by Thorpe Willoughby Parish Council. • Do not wish to be liable for any costs to do with the proposals. • All concerns of residents of Hambleton must be taken into account. <p>An updated response from Hambleton Parish Council is attached at Appendix E.</p>
Gateforth Parish Council	<ul style="list-style-type: none"> • Raise no objections to the proposal.

<p>Resident of Hambleton</p>	<ul style="list-style-type: none"> • Reasons given for the review are misleading and insufficient to justify the expense. Hambleton and Thorpe Willoughby both maintain similar facilities and residents from each village use both facilities. There are also a number of facilities which are privately owned. • The increase in population would make little difference to the current facilities that Thorpe Willoughby Parish Council currently maintains. • Hambleton Burial Authority maintains a graveyard for the Hambleton parish residents only and there is no such graveyard in Thorpe Willoughby. The proposed boundary change would mean potential residents would lose the benefit of a local graveyard. If the application is allowed, it should be on the condition that Thorpe Willoughby Parish Council create their own burial authority and graveyard within Thorpe Willoughby.
<p>Resident of Hambleton</p>	<ul style="list-style-type: none"> • Previous requests to amend the boundary have been turned down by Hambleton Parish Council. No correspondence has been sent to Hambleton Parish Council by Thorpe Willoughby Parish Council notifying them of their intention to request a review. • There is no valid reason for the change to the boundary which predates 1797. No reasons have been supplied by Thorpe Willoughby Parish Council and the services and amenities referred to, are not administered by Thorpe Willoughby Parish Council but instead by private companies. • There is still a connection between the two villages via the A1238 and Fox Lane which residents and businesses use on a regular basis. • Thorpe Willoughby Parish Council would gain additional precepts receipts from the current properties and from any new developments. Hambleton Parish Council would lose these precepts. Any new and current residents in the affected area would also the protected burial rights and burial costs available only to the

	<p>residents of Hambleton along with other benefits that are available only to Hambleton residents.</p> <ul style="list-style-type: none"> • The area under review only contains a small number of dwellings which are some distance apart from the centre of Thorpe Willoughby. As Hambleton is a rural village, it is common to have outlying dwellings close to any part of its parish boundary and these residents receive the benefits enjoyed to those in the centre of the village. Using the proximity of these dwellings to those within the present Thorpe Willoughby area is not a strong enough reason to justify a boundary change. • Hambleton Parish Council is able to facilitate the needs of the present residents and any future residents in the areas concerned. # • No justification for the boundary line chosen. • The full financial costs should be met by Thorpe Willoughby Parish Council. • Wish to retain the current boundary line.
<p>Residents in affected area</p>	<ul style="list-style-type: none"> • Currently equal distances between Thorpe Willoughby and Hambleton and use the amenities in both areas. Cannot see any good reason to move this boundary. • The only reason the move is proposed is because of possible financial implications and not to the benefit of residents. • Developers are already putting a strain on the facilities of Thorpe Willoughby, so moving the boundary to the bypass would eventually increase the strain and not improve it.
<p>Thorpe Willoughby Sports Association</p>	<ul style="list-style-type: none"> • Support the proposal to amend the parish boundary. Feel it is ludicrous that the land we lease, which is owned by Thorpe Willoughby Parish Council, is part of Hambleton Parish. • The centre of the village of Hambleton is around two miles away and we have no affinity whatsoever with Hambleton.

- Hambleton Parish Council have not shown any interest in the playing fields or Sports Association in the past 10 years.

2.5 Council Tax

2.5.1 Amending the boundary will result in land taken away from Hambleton Parish and Gateforth Parish. It would also result in residents living in the amended boundary areas paying a different rate of council tax to the rate they currently pay. As an example, the band D changes for 2018/19 for each area are as follows:

	Gateforth	Hambleton	Thorpe Willoughby
Parish Precept	£47.13	£41.50	£50.95
Total Council Tax including County, Police and Fire	£1773.22	£1767.59	£1777.04

2.5.2 As Thorpe Willoughby has the higher charge, this would mean any affected residents in Hambleton and Gateforth pay a slightly higher council tax charge. From current analysis, there appears to be around 10 properties in total who would fall into Thorpe Willoughby as a result of the change from both areas.

2.6 Planning/Local Plan

2.6.1 The area requesting to be moved is also affected by current planning applications and designation in the Council's Local Plan as potential development sites as outlined in Appendix D. This has issues relating to future precept and Community Infrastructure Levy (CIL) funding. The current factors affect the area:

- Planning approval has been refused for an outline application for residential development for up to 68 dwellings with all matters reserved in the area noted as THRP-U.
- The areas THRP-U and THRP-N have failed the initial sift of site assessments by the Council due to them being considered to not be part of the settlement and are in the country side.
- A planning application has been submitted for the area noted as THRP-I with all matters reserved for a residential development following the demolition of the existing buildings within the site. A decision has not yet been made on this application.

- Planning permission was refused for an outline application for the area noted as THRP-M with all matters reserved for a residential development. The applicant's appealed this decision but the appeal was dismissed by an inspector.

2.6.2 A change of Parish may result in sites being counted against a different settlement in setting the base line for Plan Selby. Thorpe Willoughby and Hambleton are Designated Service Villages (DSVs). Gateforth is a secondary village. Thorpe Willoughby is identified as one of the most sustainable DSVs capable of accommodating growth and complementing the expected growth of Selby Town.

2.7 Hambleton Burial Authority

2.7.1 As a result of the consultation, it has been identified that Hambleton Burial Authority maintains a graveyard for the residents of Hambleton parish only and if any residents were to fall under Thorpe Willoughby as a result of the boundary change then may lose that right and would come under the Brayton Burial Authority. Following discussions with the Hambleton Burial Authority, it has been agreed that should the boundary change be approved, any residents currently living in the properties in the affected area would still maintain the right to purchase a plot in Hambleton cemetery. The Burial Authority has stated that this would only apply to current residents and not new residents who move into those properties. The Hambleton Burial Authority has provided provide a formal notice to the Council to that effect.

2.8 Factors for Consideration

2.8.1 Under the Local Government and Public Involvement in Health Act 2007 and the guidance issued by the Secretary of State on Community Governance Reviews, the Council must comply with various duties when undertaking a community governance review. These include the following:

- The Council must ensure that the community governance for the area reflects the identities and interests of the community in that area and that it is effective and convenient.
- Community Governance arrangements should reflect, and be sufficiently representative of people living across the whole community and not just a discrete cross section or small part of it.
- Principal Councils should be able to decline to set up such community governance arrangements where they judge that to do so would not be in the interests of either the local community or surrounding

communities, and where the effect would be likely to damage community cohesion.

- Size, population and boundaries of a local community or parish should be considered.
- The Council must take into account other arrangements, apart from those relating to parishes and their institutions, that have already been made, or that could be made for the purposes of community representation or community engagement in respect of the area under review.
- The Council must consider the impact on community cohesion of community governance arrangements
- The Council must take into account any representations received in connection with the review.

3. Alternative Options Considered

A decision must be made by Council on the proposal.

4. Implications

4.1 Legal Implications

The Local Government and Public Involvement in Health Act 2017 outlines the legal framework within which council must undertake these reviews.

4.2 Financial Implications

These have been outlined in the report.

4.3 Policy and Risk Implications

None

4.4 Corporate Plan Implications

None

4.5 Resource Implications

None

4.6 Other Implications

None

4.7 Equalities Impact Assessment

None

5. Conclusion

- 5.1 The Council is asked to consider the proposal by Thorpe Willoughby Parish Council to change their parish boundary.

6. Background Documents

Guidance on Community Governance Review issued by the Secretary of State.

7. Appendices

Appendix A – Request from Thorpe Willoughby Parish Council

Appendix B - Map of area requested to be moved and of Gateforth, Hambleton and Thorpe Willoughby Parishes.

Appendix C – Consultation responses.

Appendix D – Local Plan Sites

Appendix E – Response from Hambleton Parish Council

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THORPE WILLOUGHBY PARISH COUNCIL

Clerk/RFO: Mr Steven M Peters
49 Dane Avenue
Thorpe Willoughby
Selby YO8 9NU
Tel: 01757 700970
Email: stevepeterstwpc@hotmail.co.uk



18 May 2017

Dear Sirs

Parish Boundary at Thorpe Willoughby

I write on behalf of Thorpe Willoughby Parish Council to request an extension of the parish boundary to include land up to the Selby Bypass.

The bypass is a natural barrier and in fact cuts off the road which originally connected Thorpe Willoughby with Hambleton.

Development of housing is proposed and some planning consent given for houses in this area of land. The CII and section 106 monies will go to other parishes as will the income from precepts, even though occupiers of these houses will expect to use Thorpe Willoughby's facilities, school, village green, doctors etc.

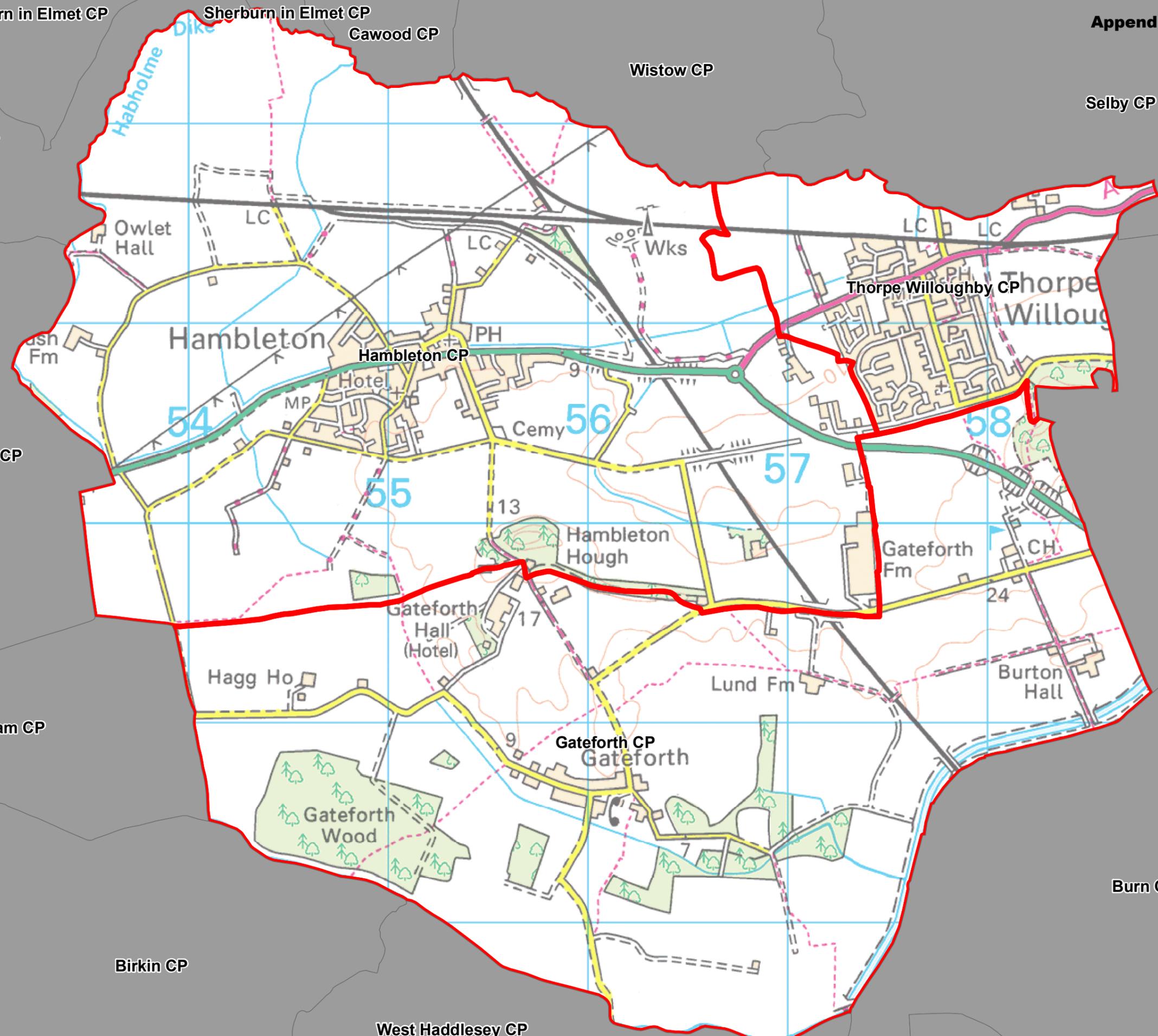
We understand that Hambleton is more receptive to this transfer than before and also request conversations with Gateforth about developments on their land.

Yours sincerely



Mr Steven M Peters
Clerk/RFO to Thorpe Willoughby Parish Council
Tel: (01757) 700970

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Sherburn in Elmet CP

Sherburn in Elmet CP

Cawood CP

Wistow CP

Selby CP

South Milford CP

Owlet Hall

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Thorpe Willoughby CP

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Brayton CP

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Hambleton Hough

Gateforth Fm

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Gateforth Hall (Hotel)

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Burton Hall

Hillam CP

Gateforth CP

Gateforth

Gateforth Wood

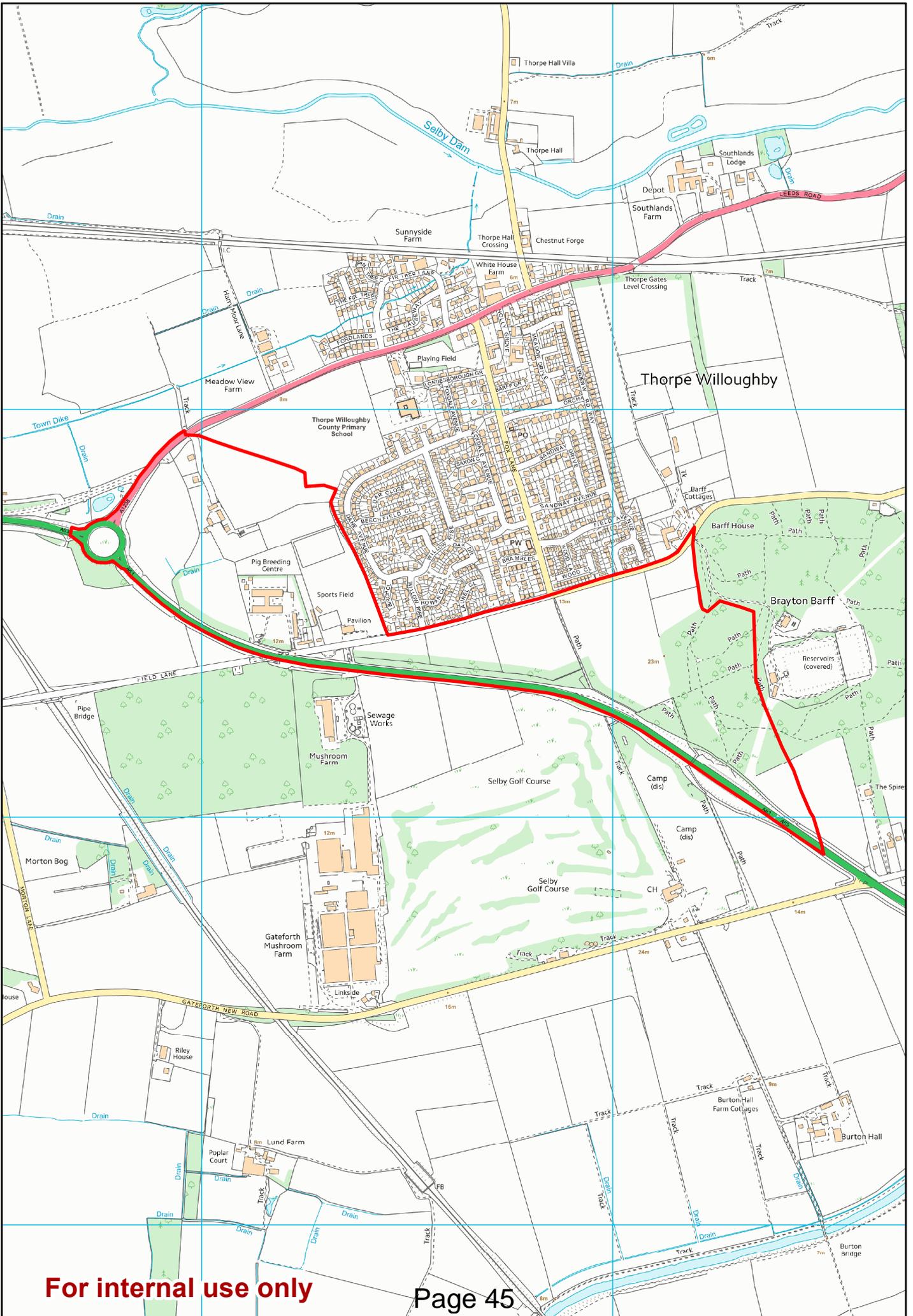
Burn CP

Birkin CP

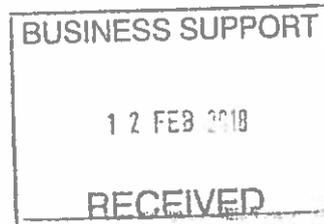
West Haddlesey CP

Chapel Haddlesey CP

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9 February 2018
Democratic Services
Selby District Council
Civic Centre
Doncaster Road
Selby
YO8 9FT

Dear Sir,

Ref: Community Governance Review of Thorpe Willoughby Parish

I have the following comments to make on the proposed boundary review between Thorpe Willoughby and Hambleton Parishes.

1. Thorpe Willoughby Parish Council has attempted on several occasions over the years, since the Selby By-pass was built, to secure agreement between the Parishes for a boundary change from both Hambleton Parish Council and the residents within the area concerned. Hambleton Parish Council and the residents have turned down each informal approach. This new formal application to Selby District Council has been made without any prior written notification of its intention to request a a Community Governance Review from Thorpe Willoughby Parish Council to Hambleton Parish Council. Courtesy on the part of Thorpe Willoughby by informing Hambleton by letter, as they have done on previous informal occasions, would not have resulted in this application being viewed by Hambleton residents as an antagonistic bid to expand an already densely populated Parish that has already been built up to its boundary in this area.

2. The historic boundary between Hambleton and Thorpe Willoughby Parishes predates the 1797 Enclosure Act maps and there is no valid reason for this to change. Thorpe Willoughby's letter states that the Selby By-pass should now be considered as the boundary between the two Parishes but does not supply any valid reasons to substantiate such a change. The letter continues by stating that the residents within the area concerned benefit from services and amenities provided by Thorpe Willoughby but that their precepts are paid to Hambleton Parish, implying that the said services and amenities are provide by the Parish Council out of annual precept receipts. Most of the services and amenities mentioned are not within the remit of, or admininstered by, Thorpe Willoughby Parish Council. They are either privately run organisations and businesses or services provided by North Yorkshire County Council or the National Health Service via G.P. practices. The amenities provided by Thorpe Willoughby

Parish Council listed in the letter are the Village Green and the childrens' Play Area. Residents may or may not use these facilities or may use similar facilities in different parishes but a boundary is a fixed status and should not be changed simply because a new road has been constructed and one Parish Council believes the land at their side of the new road should then be taken into their Parish through a boundary change.

3. The letter also states that the road between Thorpe Willoughby and Hambleton is no longer accessible to motorised traffic between the two villages. Field Lane, as this road is known, may have stopped this type of traffic but it has not stopped the regular delivery of Hambleton's bi-monthly newsletter to the several dwellings via the A1238 and Fox Lane. Nor can the residents in this area have felt that the stopping up of the road was an issue as they have previously informed Thorpe Willoughby Parish Council they wish to remain within Hambleton Parish regardless. Walkers, dog walkers and cyclists regularly cross the Selby Bypass, at the designated crossing point to access the woodland areas and quiet country walks now made available and with the added bonus of not encountering speeding traffic along the carriage-way of Field Lane. Access to Hambleton by motorised transport is via Fox Lane and the A1238, which residents and businesses have been using regularly, without any problems.

4. The request letter states that Hambleton Parish Council are more amenable to a boundary review but I understand that no such amenability has been conveyed by letter, to Thorpe Willoughby Parish Council, to substantiate such a claim.

5. Should any review consider the gain or loss of benefits to each Parish then Thorpe Willoughby would gain additional precept receipts from the present dwellings within this location plus further additional precept receipts from the proposed development that is to be built adjacent to the present dwellings. Hambleton would lose these precepts receipts. The residents of any present or future dwellings within the area concerned would also lose the protected Burial Rights and Burial costs available only to the residents of Hambleton Parish and other benefits that are currently only available to Hambleton residents through organisations other than the Parish Council.

6. The area being considered for review contains, at present, only a small number of dwellings and these are some distance apart from the centre of Thorpe Willoughby. Those with direct access onto the A1238 have a large arable field that separates them from the new large Thorpe Willoughby estate that is built close to the Parish boundary and the dwellings on Field Lane have the Sports Club and Grounds separating them from the dwellings that are, again, built up to this section of the Thorpe Willoughby/Hambleton Parish boundary. As Hambleton is a rural village it is common to have outlying dwellings close to any part of its Parish boundary and these dwellings and their occupants receive the benefits enjoyed and entitled to on the same basis as those who live close to the centre of the village. Using the proximity of these dwellings to those within the present Thorpe Willoughby is not a strong enough reason to justify a boundary change.

7. The Terms of Reference advise that the District Councillor and County Councillor will be consulted on the review. Cllr. Chris Pearson is both the District Councillor and County Councillor for the Hambleton Parish. He is also a Thorpe Willoughby Parish Councillor who will have had some input at a Parish Council meeting into the discussion, decision and submission of the letter requesting a boundary review. He is also aware of the previous informal requests made by Thorpe Willoughby Parish Council and the position held by Hambleton Parish Council and residents on those occasions. Does his position, as a Thorpe Willoughby Parish Councillor place him in conflict with his position as the District and County Councillor for Hambleton Parish in trying to support both Parishes and Hambleton residents at the same time.

8. Hambleton Parish Council is well able to facilitate the parochial and democratic needs of the present residents and any potential future residents in the area concerned, as it does with all the outlying dwellings of the Parish, providing similar amenities, services and benefits as Thorpe Willoughby but also the other protected benefits only available to Hambleton residents.

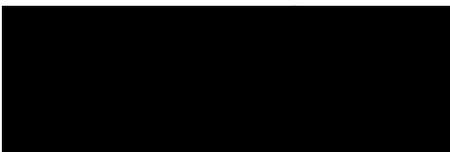
9. The Terms of Reference refer to a boundary up to the Selby By-pass but the area marked on the proposed boundary change map includes the A63 Roundabout and the full carriageway of the By-pass along to where the boundaries of Hambleton, Gateforth and Thorpe Willoughby would meet. How and why this line was chosen makes no sense and there is no justification in such a proposition other than to presume that at some time in the future the East Coast railway line could become the next target boundary for Thorpe Willoughby.

10. It is stated that there will be a financial cost incurred in carrying out a review and as this issue has not been agreed or initiated by Hambleton Parish then the full financial burden should be carried by Thorpe Willoughby, without prejudice to the outcome of a review carried out by Selby District Council.

In conclusion Hambleton Parish and the present and future residents in this location would not benefit from a boundary change, losing precept receipts for the Parish and protected amenity rights for the residents. Thorpe Willoughby, who have not supplied a list of any amenities these residents would gain over those of Hambleton, would gain present and future precept receipts. There is no justification in allowing boundary change based on just pecuniary interest by one party and the ease of movement of people between Parishes, which is all a re-alignment of this boundary would secure especially since the present boundary has been intact since before 1797.

I would be grateful if you would consider my comments and retain the historic boundary line between Thorpe Willoughby and Hambleton.

Yours faithfully



Gina Mulderrig

From: Hambleton Parish Council
Sent: 17 February 2018 16:14
To: Democratic Services
Cc: [REDACTED]

Subject: Community Governance Review: Thorpe Willoughby boundary change

Follow Up Flag: Follow up
Flag Status: Flagged

Hello there,

Hambleton Parish Council have the following observations on the

"Community Governance Review: Thorpe Willoughby - Request to amend parish boundary"

1. Hambleton Parish Council were never formally approached by Thorpe Willoughby Parish Council, and would have expected a letter of intent at least, before it being reported officially that 'Hambleton is more receptive than before'.
2. Hambleton PC will not be liable for any costs incurred by the process; the request was made by Thorpe Willoughby PC and is to their benefit alone.
3. Affected Hambleton residents must have their concerns taken into account, seriously considered and addressed before any decision is made.

Kind regards,

[REDACTED]

Hambleton Parish Council

Democratic Services
Selby District Council
Doncaster Road
Selby



Objection to application for boundary change: Thorpe Willoughby / Hambleton

I own properties in both villages.

1 Reasons given are misleading and insufficient to justify expense – which I presume will be funded by Thorpe Willoughby PC as they have requested the change. Thorpe PC is only responsible for the maintenance of the village green/play area/ green areas – the other facilities mentioned in the application are either private or NYCC. Hambleton PC maintains similar facilities to those in Thorpe ie play area and recreation/football field/Hough etc and there are in addition private and NYCC provisions. There is a lively interchange of residents between both villages using each other's assets due to proximity and ease of access. Neither village makes the other worse off.

2 The current number of residents in the area under review is small and unlikely to make any significant difference either way. There is potential for future housing, but this possible increase in population would make little difference to the current facilities that Thorpe PC already maintain and is not a valid reason for boundary change. Access to both Hambleton and Thorpe schools is a matter for NYCC – not the Parish Councils. Urban sprawl is not a reason for boundary change.

3 Hambleton Burial Authority provide and maintain a local graveyard for the benefit of past and present residents of Hambleton Parish only. There is no graveyard in Thorpe Willoughby whose residents are only able to use the facilities provided by Brayton which is several miles away and the opposite side of Thorpe Willoughby to the area of land under review.

Current and potential Hambleton residents are within walking distance of the graveyard making it sustainable. The suggested new boundary of the A63 bypass does not form a barrier between the villages, as is implied, as the land in question is linked to Hambleton by road and directly across the A63 to the graveyard by a bridleway for walkers. **The proposed boundary change would mean potential residents will lose the benefit of a local graveyard. It would particularly penalise the elderly who are the most likely group to need this provision and are the least mobile and need proximity for visiting.**

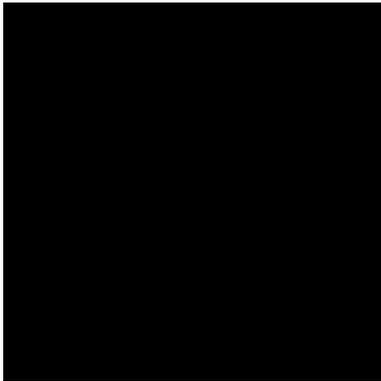
Therefore, if this application is allowed, it should only be on condition that Thorpe Willoughby create their own village burial authority and graveyard within the parish of Thorpe Willoughby. This would replace lost rights to a local graveyard, provide a new valuable asset for the village and put the potential extra income to good use.



Gina Mulderrig

From: Gateforth Parish Council
Sent: 05 March 2018 08:53
To: Democratic Services
Subject: COMMUNITY GOVERNANCE REVIEW - THORPE WILLOUGHBY PARISH COUNCIL

I refer to the Community Governance Review relating to a request from Thorpe Willoughby Parish Council to amend the parish boundary to include the land up to the Selby Bypass. This proposal has been considered by Gateforth Parish Council and I can advise that the Council does not wish to raise any objections to this proposal.



Gateforth Parish Council

From: [REDACTED]

Sent: 22 March 2018 12:56

To: Palbinder Mann

Subject: Community Governance Review of Thorpe Willoughby Parish

Dear Palbinder,

I am writing with regard to your letter dated 20th March 2018, which I received today 22nd March 2018.

I would like to know what, exactly, are going to be the benefits of having our boundary changed.

From looking back at my records up until 2015/2016 and 2016/2017 council tax bills we paid Thorpe Willoughby it is only in the last two years we have paid towards Hambleton, so does the Thorpe Willoughby Council now owe these payments to Hambleton?

We are practically equal distance from Thorpe Willoughby and Hambleton, we can use the shops and public houses in both, we vote in Hambleton, and I cannot see any good reason to move this boundary.

I believe the reasons T/W parish council wish to move the boundary is because of the building which is likely to be passed on JSR land which falls into the Hambleton parish, is there a financial implication? if so the motive for the boundary move would be just that, and for no other reason, it would not benefit us, or the houses at the top of Field Lane.

Linden Homes and Miller Homes are already putting a strain on the facilities of Thorpe Willoughby, so moving the boundary to the bypass would eventually increase the strain, and not improve it.

I do not want the boundary to change, however, I am not sure my opinion matters much in this case.

Yours Faithfully,

[REDACTED]

From: [REDACTED]

Sent: 26 March 2018 11:04

To: Democratic Services

Subject: Thorpe Willoughby Parish Boundary

Dear Sirs,

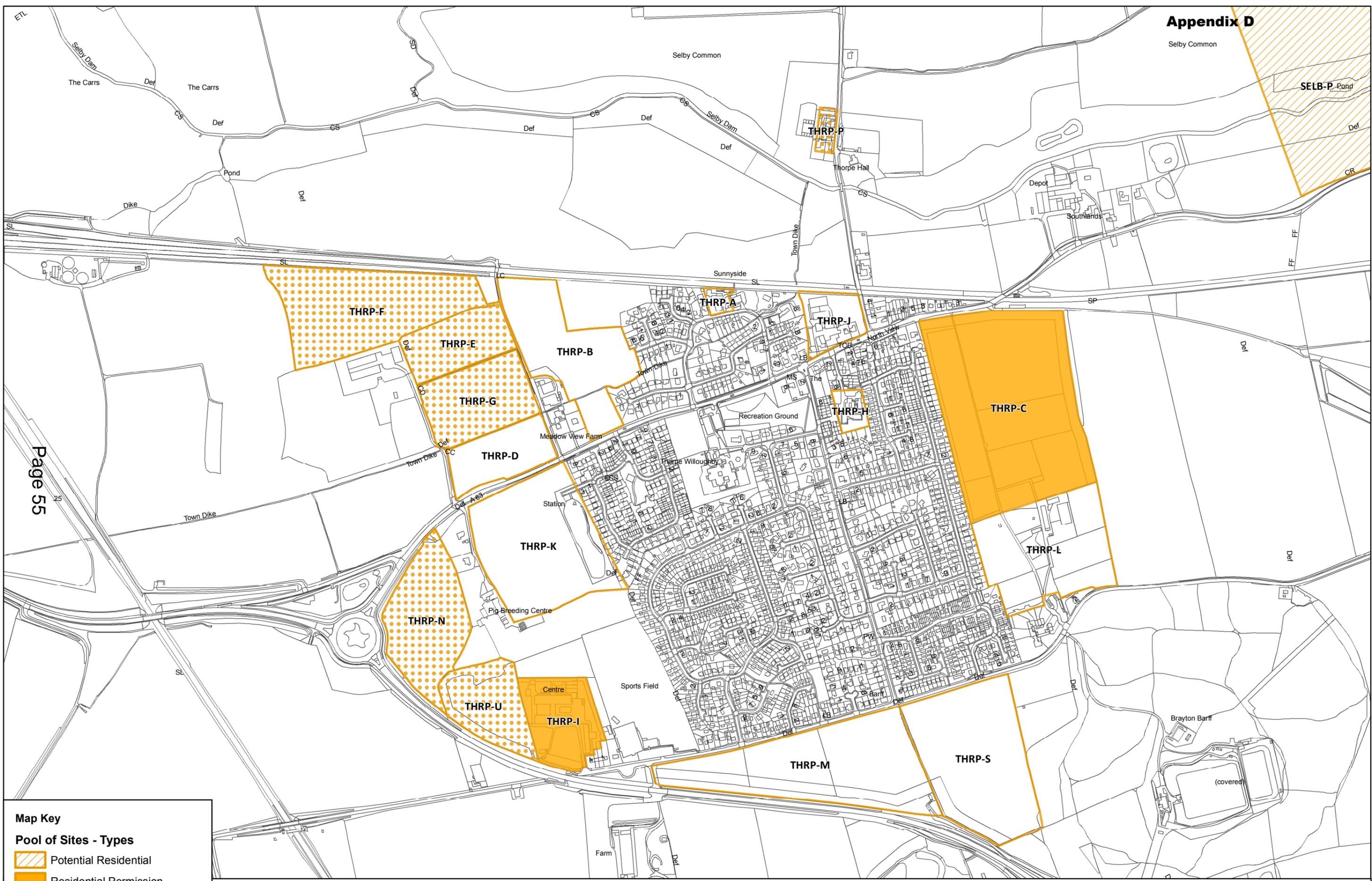
I write on behalf of Thorpe Willoughby Sports Association regarding the above.

We completely support the proposal to amend the parish boundary. We feel that it is ludicrous that the land which we lease, which is owned by Thorpe Willoughby Parish Council, is part of Hambleton Parish. The centre of the village of Hambleton is around two miles away and we have no affinity whatsoever with Hambleton. In fact Hambleton Parish Council have not shown any interest in the playing fields or Sports Association in the past 10 years that I've been closely associated with the facilities on Field Lane.

For your information we are not the only tenants of the playing fields at Field Lane. West Selby Miners Welfare Scheme hold a lease over the majority of the playing fields and may also have a view. Their Chair is [REDACTED] who can be reached at [REDACTED]

Regards,

[REDACTED]



Map Key

Pool of Sites - Types

-  Potential Residential
-  Residential Permission
-  Residential not required
-  Residential - Failed Initial Sift
-  Employment - Failed Initial Sift



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Hambleton Parish Council



Chairman: Councillor Mike Brown
Clerk: Mrs Juvina Janik
43 Chapel Street, Hambleton, YO8 9JG
Telephone: 01757 229885
Email: jjhambletonpcclerk@gmail.com

Monday 18 June 2018

Dear Palbinder Mann

Re: Thorpe Willoughby Community Governance Review

Many apologies for the delay.

Please find enclosed the final requests regarding the Community Governance Review for Thorpe Willoughby Parish Council's request to change the boundary. The letter has been addressed and sent to Gill Marshall as the Solicitor to Selby District Council because it was believed that this is to whom delegated authority was given. As my initial discussion was with yourself, I have provided a copy for you to be able to carry out the necessary administration.

Yours sincerely,



Juvina Janik
Clerk, Hambleton Parish Council

Chair: Councillor Mike Brown
Clerk: Mrs Juvina Janik
43 Chapel Street, Hambleton YO8 9JG
Telephone: 01757 229885
Email: jjhambletonpcclerk@gmail.com

Monday 18th June 2018

Gill Marshall,
Solicitor to Selby District Council
Selby District Council,
Civic Centre,
Doncaster Road,
Selby,
YO8 9FT

Dear Gill Marshall

Thorpe Willoughby Community Governance Review

This matter was on the agenda of the Parish Council Meeting held on the 17th May 2018.

Councillors were aware of press reports concerning this and also had available copies of the District Council Minutes of the Meeting held at 6.00pm on the 24th April 2018 when the matter was considered. As a result the Parish Councillors were aware of the resolution at **item 86** of those minutes, but the Council has received no formal request as a result of that resolution.

Notwithstanding that I am able to write to you that Hambleton Parish Council is aware that Thorpe Willoughby Parish Council made a request for an extension of their Parish Boundary to include land up to the Selby Bypass. The reasons given being:

"The bypass is a natural barrier and in fact cuts off the road which originally connected Thorpe Willoughby with Hambleton.

Development of housing is proposed and some planning consent given for houses in this area of land. The CIL and section 106 monies will go to other parishes as will the income from precepts, even though occupiers of these houses will expect to use Thorpe Willoughby's facilities, school, village green, doctors etc..."

and that in connection with the subsequent **Thorpe Willoughby Community Governance Review**, Selby District Council resolved, on the 24th April, 2018 :

"To approve the request from Thorpe Willoughby Parish Council to amend the Parish Boundary as outlined in their request subject to final agreement from Hambleton Parish Council and to give delegated authority to the Solicitor to the Council to make a Selby District Council (Reorganisation of Community Governance) Order in accordance with the request.'

Knowing the terms of that resolution and having further considered the matter, including having listened to concerns raised by residents directly affected by the proposed change, Hambleton Parish Council has resolved that, **SUBJECT** to there being no liability for any costs arising from the review, the Parish Council **AGREES** that the Thorpe Willoughby Parish Boundary should be extended such that the boundary line between the A1238 and Field Lane should be moved west towards the A63 Bypass in such a way that the existing dwellings, together with the land occupied by Portland House Veterinary Centre, remain within the Parish of Hambleton.

Hambleton Parish Council **DOES NOT AGREE** that *it is necessary* to move the boundary to the line of the Selby By-Pass.

For the avoidance of doubt Hambleton Parish Council fully understands that the final decision in this matter is with Selby District Council.

Yours Sincerely,

A large black rectangular redaction box covering the signature of the sender.

Jovina Janik
Clerk, Hambleton Parish Council

Cc Palbinder Mann



Report Reference Number: C/18/02

To:	Council
Date:	17 July 2018
Ward(s) Affected:	All
Author:	Victoria Foreman, Democratic Services Officer
Lead Executive Member:	Councillor Mark Crane, Leader of the Council
Lead Officer:	Gill Marshall, Solicitor to the Council

Title: Scrutiny Review 2018

Summary:

An effective scrutiny function in local government is essential to fair and transparent decision making. The Corporate Peer Challenge undertaken in November 2017 by the Local Government Association (LGA) outlined that the scrutiny arrangements at the Council “appeared weak and are in need of review”.

At the scrutiny training provided by Kirklees Council, a number of themes, actions and goals were identified from the work of Members present at the sessions, which have been subsequently presented to the Scrutiny Working Group for consideration. Initial work on the review has since been undertaken and was agreed by the Executive on 24 May 2018.

The recommendations for the Council, as set out below, are a reflection of the discussions had at the Kirklees training on 12 April 2018, the meeting of the Working Group on 24 April 2018, at Executive on 24 May 2018 and Scrutiny Committee on 27 June 2018.

Recommendations:

The Council is asked to agree:

- i) To adopt role profiles for the Chairs of Scrutiny Committee, Policy Review Committee and Audit and Governance Committee (as set out at Appendices A, B and C of the report) for inclusion in the Council’s Constitution at Part 3 – Responsibility for Functions.**
- ii) That the arrangements for scrutiny at Selby be reviewed again after the 2019 elections, following work to improve scrutiny during the 2018-19 year, for implementation in the 2019-20 municipal year.**

Reasons for recommendations

Council is asked to note and agree the recommendations above in order to ensure that the work to improve scrutiny, as recommended by the Peer Challenge Team and set out in the Council's Peer Challenge Improvement Plan and agreed by the Executive on 24 May 2018, is progressed.

1. Introduction and background

- 1.1 The Corporate Peer Challenge undertaken at Selby in November 2017 by the Local Government Association outlined that the scrutiny arrangements at the Council '...appeared weak and are in need of review'. The Peer Challenge Team identified the need for improvement as one of their key recommendations, and further on in their report, expanded on the reasons for this assessment:

'4. Review and improve scrutiny arrangements to ensure that there is healthy and adequate challenge within the Council to help with improvements.

Scrutiny arrangements in the Council appear weak and are in need of review. Clearly, as in many local authority areas, there is work to be done on thinking this through. We therefore recommend that you explore ways to provide support to the Scrutiny Committee to consider the benefits of aligning and coordinating its work plan with the Corporate Plan. This will enable it to scrutinise the delivery and impacts of the priorities of the Plan. It can do this by scrutinising work through commissions and deep-dives around key work programme areas, strategic priorities, and critical issues impacting on Selby district's citizens.'

- 1.2 As a response to the LGA's report, the Council produced an Improvement Plan to address the issues highlighted by the Peer Challenge, including the scrutiny arrangements. The Improvement Plan was agreed by both Executive and Council in February 2018. The Council would review existing scrutiny arrangements, report recommendations to the Executive and Council, and develop proposals for revised arrangements for implementation. The work on the review of scrutiny began with the Kirklees training on 12 April 2018, as a result of which shorter and long term actions were identified. These actions were refined by the Scrutiny Working Group at its meeting in April 2018, and developed into recommendations for the Executive.
- 1.3 At its meeting on 24 May 2018, the Executive agreed the following recommendations:
- That Terms of Reference for 'deep dives' or 'scrutiny in a day' reviews be developed, starting by looking at planning enforcement, housing, antisocial behaviour and the Safer Selby Hub.
 - That officers would work with the Chair of Scrutiny to understand what kind of support would be most appropriate for scrutiny at Selby.
 - To establish a liaison group between the Chairs of Scrutiny and the Executive, to meet on a quarterly basis to discuss the Executive's Forward Plan and the Committee's work programme.

- That the 2018/19 Executive meeting dates would be circulated at the next meeting of the Scrutiny Committee to ensure that a member of the committee attends each Executive meeting.
- That role profiles for the Chairs of Scrutiny would be developed.
- That further scrutiny training would be arranged for Members.

The current progress against these agreed actions is set out at paragraphs 2.11 to 2.14 below.

1.3 A national review on the effectiveness of scrutiny has also recently been undertaken by central government. The Communities and Local Government Select Committee published their report in December 2017, and made various points and recommendations, a number of which could be considered when reviewing the scrutiny arrangements at Selby:

- All responsible council leaderships should recognise the potential added value that scrutiny can bring, and heed the lessons of high profile failures of scrutiny such as those in Mid Staffordshire and Rotherham.
- Executive Members should attend meetings of Scrutiny Committees when invited to do so but only as witnesses and to answer questions from the Committee.
- It is vital that the role of scrutiny chair is respected and viewed by all as being a key part of the decision-making process; effective and impartial scrutiny chairs are essential. Chairs must be appointed in a way as to ensure that the independence of scrutiny committees is maintained.
- Transparency and a Committee's ability access to information (even commercially sensitive information) are essential.
- External experts should be encouraged to play a greater role in scrutiny, and engagement with service users and the public when forming understanding of a given subject is to be commended.
- Scrutiny members should have enough prior subject knowledge to prevent meetings becoming information exchanges at the expense of thorough scrutiny, e.g. listening and questioning skills are essential and capacity to constructively critique the Executive rather than following party lines.
- Scrutiny committees must be able to monitor and scrutinise the services provided to residents, including services provided by public bodies and commercial organisations, including Local Enterprise Partnerships (LEPs).

1.4 The Government responded to the Select Committee's report in March 2018; it plans to issue new guidance on scrutiny (the last guidance of any kind having been issued in 2006) and is open to further discussion on the election of scrutiny chairs by other councillors (rather than their appointment).

1.5 The importance of good scrutiny has also been emphasised in the recent inspection report into budgetary issues at Northamptonshire County Council (NCC):

'The Inspection team challenged the scrutiny process and noted that there had been no attempt to review either successful or unsuccessful budget inclusions in past years to learn lessons as to why things went well or failed to be delivered. The inspection team noted that this year's draft budget had been subject to scrutiny albeit to a very compressed timetable and that this had

resulted in the removal of a number of items as they were still red rated or unachievable. Given that the budget process in NCC starts in the autumn it would have been possible to release some topics for examination much earlier which might have resulted in better proposals which could have been deliverable.'

- 1.6 In order to change the scrutiny arrangements at Selby and ensure its effective operation, some consideration needed to be given as to how the current arrangements were working and what changes could be made to improve them.

2. The Report

Current Arrangements at Selby

- 2.1 Selby District Council currently has two scrutiny committees and an Audit and Governance Committee. The 2018-19 work programmes for the committees are attached at appendices D, E and F of this report.
- 2.2 Previous work has been undertaken with Scrutiny Members on developing techniques to select topics for its work programme, and external training has been provided on developing scrutiny and improving Members' questioning skills. However, the peer challenge findings suggest that more work is still required in these areas.

Training from Kirklees

- 2.3 On 12 April 2018, Kirklees Council delivered training sessions for members of the Executive and the Policy Review, Scrutiny and Audit and Governance Committees. The training's aims were to refresh Members' understanding of scrutiny, identify what effective scrutiny looked like, how it currently operated at Selby, areas of improvement and development of work programmes. The training was well received by those that attended, and through discussion and group work in both the Executive and Scrutiny sessions, a number of common themes were identified. These common themes are set out below:

- A more defined/stronger role for the Chair of Scrutiny through development of a role profile.
- More attendance by external partners, i.e. Police, Fire, MP etc.
- Better Member-led work programming, taking into consideration officer priorities, the Forward Plan, the Corporate Plan and Service Plans, including more pre-decision scrutiny and officer consultation with Scrutiny.
- Training for Scrutiny Members on scrutiny and its role, but also on technical aspects such as finance.
- Developing a better working relationship between the Executive and Scrutiny, such as communication and feedback on Scrutiny recommendations, and looking at how Scrutiny reports back to the Council and Executive.

- More task and finish groups/'deep dives' into specific issues, appropriately scoped and timetabled (e.g. Better Together, Planning Enforcement).
- Investigate the potential of co-opted members on the committee.
- Better communications and promotion around the work of Scrutiny to boost its profile, across the Council and externally, linking through to encouraging public involvement.

2.4 The themes set out above informed the development of a number of actions, both immediate and for the longer term, for strengthening scrutiny at Selby. The immediate actions identified were as follows:

- Develop a role profile for the Chair of Scrutiny.
- Work programming workshops with input from officers and Corporate, Forward and Service Plans.
- Identify the external partners Members are interested in hearing from.
- Identify and arrange training sessions.
- Place work planning at the top of agendas.
- Identify issues for 'deep dives' (linked to work programming).
- Develop a better working relationship between Executive and Scrutiny through meetings between the Executive and the Chair of Scrutiny.

2.5 The longer-term goals identified were as follows:

- Review structure of Scrutiny for potential implementation from May 2019.
- Develop the communications around Scrutiny and raising its profile both inside and outside the organisation.
- Develop public engagement in scrutiny and investigate the co-option of members of the public.
- Examine how Scrutiny reports back to Council and the Executive.

2.6 At the training event, some Members of the Scrutiny Committee also suggested that there should be a dedicated Scrutiny Officer who solely worked on supporting scrutiny at the Council. However, this would not be feasible for financial reasons and due to the Council's size and current number of scrutiny committees. Additionally, aside from City of York Council and North Yorkshire County Council, no other North Yorkshire authority employs officers solely dedicated to scrutiny and nationally, such officers tend to be employed at larger authorities. However there are resources available within the Council who are able to support Scrutiny. It is therefore suggested that officers work with Scrutiny to put in place a package of support for the scrutiny function.

Moving Forward and Next Steps

2.7 As a result of the training outcomes outlined above and the view expressed by the Peer Review team, it is clear that changes are required to the scrutiny arrangements at the Council to ensure they perform the duties and the role that is required of them.

- 2.8 Members have expressed an interest in being involved in reviewing the scrutiny function. The Scrutiny Working Group, which had previously been convened to examine different options at the last review of scrutiny in 2016, was reconvened and met on 24 April 2018. The Working Group considered the outcomes, actions and goals from the Kirklees training, as set out above, and subsequently made a number of recommendations as to the practical 'next steps' in the current review of scrutiny.
- 2.9 The Executive endorsed and noted the recommendations of the Scrutiny Working Group at their meeting on 24 May 2018. The recommendations agreed by the Executive are set out earlier in this report at paragraph 1.3.
- 2.10 The Scrutiny Committee considered the Executive report at its meeting on 27 June 2018:
- Under the agenda item dealing with its work programme for 2018-19, the Scrutiny Committee noted the Executive meeting dates for 2018-19, in order to arrange Scrutiny Committee member attendance at these meetings.
 - The Committee supported the review of scrutiny, and felt that the report and recommendations were comprehensive and sensible. The Committee emphasised the importance of the promotion of the work of scrutiny, including encouraging the Committee to get out into the community more as part of their work.

Current progress against the recommendations

- 2.11 The role profiles for the Chairs of Scrutiny have now been developed and agreed in conjunction with the Chairs of the Scrutiny, Policy Review and Audit and Governance Committees. Council is asked to formally agree these role profiles for adoption into the Council's Constitution at Part 3 – Responsibility for Functions.
- 2.12 The dates for the liaison meetings between the Executive and Chairs of Scrutiny have also been established; the meetings will take place on a quarterly basis throughout the year in July, October, January and April.
- 2.13 Officers have started to investigate further scrutiny training for Members, as well as drafting the terms of reference for 'deep dives' or 'scrutiny in a day' reviews looking initially at planning enforcement, housing, antisocial behaviour and the Safer Selby Hub. Officers will continue to work with the Chair of Scrutiny on understanding appropriate support for scrutiny at Selby.
- 2.14 The Scrutiny Working Group will continue to meet and consider the work of improving scrutiny throughout 2018-19. It is anticipated that by using the 2018-19 year to develop and enhance scrutiny, the need for any further substantial changes will be identified by Members in time for implementation in the 2019-20 municipal year, following the elections in May 2019. Council is asked to agree this ongoing approach to the scrutiny review.

3. Alternative Options Considered

- 3.1 For completeness officers considered the option to leave scrutiny arrangements as they were, but this was quickly discounted. There is a clear need and appetite to improve scrutiny arrangements as captured in feedback from the LGA Peer Review, the Kirklees workshop, the Scrutiny Working Group, Executive and Scrutiny Committee.

4. Implications

4.1 Legal Implications

Effective Scrutiny arrangements form part of the governance framework of the Council.

4.2 Financial Implications

Travel expenses may be incurred for Councillors attending meetings.

4.3 Policy and Risk Implications

Not applicable.

4.4 Corporate Plan Implications

The Council's Corporate Plan sets out long term plans to make Selby District a great place to do business, enjoy life, make a difference, supported by the Council delivering great value. An effective scrutiny function is essential to fair and transparent decision making, which underpins the work of the Council.

4.5 Resource Implications

Through improving the work of scrutiny at Selby there may be some minor resource implications for officers in supporting the work of the Committees, such as reviews or 'deep dives' into specific subjects. It is anticipated that these will be contained within existing budgets.

4.6 Other Implications

Not applicable.

4.7 Equalities Impact Assessment

Not applicable.

5. Conclusion

- 5.1 In order to ensure the Peer Challenge Team's recommendations (and subsequent actions on the Council's Improvement Plan) are progressed, the Council is asked to agree the recommendations set out at the start of the report. The efforts to strengthen scrutiny at Selby District Council will be

ongoing, and the agreement of the recommendations in this report by Council is required in order to progress the work.

6. Background Documents

Northamptonshire County Council Best Value Inspection Report - January to March 2018, Ministry of Housing, Communities and Local Government
<https://www.gov.uk/government/publications/northamptonshire-county-council-best-value-inspection>

7. Appendices

Appendix A – Role Profile, Chair of Scrutiny Committee

Appendix B – Role Profile, Chair of Policy Review Committee

Appendix C – Role Profile, Chair of Audit and Governance Committee

Appendix D – Scrutiny Committee Work Programme 2018-19

Appendix E – Policy Review Committee Work Programme 2018-19

Appendix F – Audit and Governance Committee Work Programme 2018-19

Contact Officer:

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Democratic Services Officer
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Role Profile: Chair of Scrutiny Committee

In addition to the broader role of a District Councillor, the main duties fall into 3 areas:

1. Providing leadership and direction

- Provide confident, effective leadership and management of the Committee
- Promote and publicise the role of Scrutiny both inside and outside of the Council, liaising effectively within the Council and externally with the Council's partners to build understanding of its role
- Maintain effective liaison with the Executive and the Leadership Team to ensure that Scrutiny contributes to effective decision making in Selby
- Develop a balanced work programme with the Committee that includes pre-decision scrutiny, performance monitoring and investigative Scrutiny on issues of benefit to the local community
- Maintain an overview of Scrutiny in order to ensure the effective progress of all work, and learn from best practice elsewhere
- Represent Scrutiny in Council meetings and relevant board and panel meetings, and be accountable for the actions of Scrutiny
- Evaluate the impact and added value of Scrutiny activity and identify areas for improvement
- Encourage the involvement of all interested parties and stakeholders in Scrutiny matters
- Be responsible for personal development, encourage high performance from all Committee Members, assess individual and collective performance and oversee training and development of all involved in the work of Scrutiny
- Demonstrate an objective and evidence based approach to Scrutiny

2. Effective meeting management

- Set agendas containing clear objectives and outcomes for the meeting
- Chair meetings of the Scrutiny Committee and manage the progress of business at meetings, ensuring that meeting objectives are met and the Code of Conduct, Standing Orders and other Constitutional requirements are adhered to
- Ensure that the necessary preparation is done before a meeting
- Ensure that all participants have an opportunity to make an appropriate contribution
- Be responsible for the constitutional arrangements relating to the waiving of call in where decisions are "urgent" and / or not on the forward plan

3. Holding the Executive to account

- Consider Executive reports the Chairman deems appropriate prior to an Executive meeting
- Evaluate Executive decisions and where appropriate challenge decisions through call-in

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Role Profile: Chair of Policy Review Committee

In addition to the broader role of a District Councillor, the main duties fall into 2 areas:

1. Providing leadership and direction

- Provide confident, effective leadership and management of the Committee
- Promote and publicise the role of Policy Review both inside and outside of the Council, liaising effectively within the Council and externally with the Council's partners to build understanding of its role
- Maintain effective liaison with the Executive and the Leadership Team to ensure that Policy Review contributes to effective decision making in Selby
- Develop a balanced work programme with the Committee that contributes to the development of new Council policy and reviews the effectiveness of existing Council policy
- Maintain an overview of Policy Review in order to ensure the effective progress of all work, and learn from best practice elsewhere
- Represent Policy Review in Council meetings and relevant board and panel meetings, and be accountable for the actions of Policy Review
- Evaluate the impact and added value of Policy Review activity and identify areas for improvement
- Encourage the involvement of all interested parties and stakeholders in Policy Review matters
- Be responsible for personal development, encourage high performance from all Committee Members, assess individual and collective performance and oversee training and development of all involved in the work of Policy Review
- Demonstrate an objective and evidence based approach to Policy Review

2. Effective meeting management

- Set agendas containing clear objectives and outcomes for the meeting
- Chair meetings of the Policy Review Committee and manage the progress of business at meetings, ensuring that meeting objectives are met and the Code of Conduct, Standing Orders and other Constitutional requirements are adhered to
- Ensure that the necessary preparation is done before a meeting
- Ensure that all participants have an opportunity to make an appropriate contribution

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Role Profile: Chair of Audit and Governance Committee

In addition to the broader role of a District Councillor, the main duties fall into 2 areas:

1. Providing leadership and direction

- Provide confident, effective leadership and management of the Committee
- Promote and publicise the role of Audit and Governance within the Council and externally with partners to build understanding of its role
- Maintain effective liaison with the Executive and the Leadership Team to ensure that Audit and Governance contributes to effective decision making in Selby
- Develop a balanced work programme with the Committee that includes scrutinizing and monitoring the Council's control systems, procedures and risk management systems
- Maintain an overview of Audit and Governance in order to ensure the effective progress of all work, and learn from best practice elsewhere
- Maintain a clear focus on the role of the committee and lead it in line with good governance principles
- Represent Audit and Governance in Council meetings and relevant board and panel meetings, and be accountable for the actions of Audit and Governance
- Evaluate the impact and added value of Audit activity and identify areas for improvement
- Encourage the involvement of all interested parties and stakeholders in Audit and Governance matters
- Liaise and maintain a positive working relationship with both the Council's Internal and External Auditors
- Be responsible for personal development, encourage high performance from all Committee Members, assess individual and collective performance and oversee training and development of all involved in the work of Audit and Governance
- Demonstrate an objective, apolitical and evidence based approach to Audit and Governance

2. Effective meeting management

- Set agendas containing clear objectives and outcomes for the meeting
- Chair meetings of the Audit and Governance Committee and manage the progress of business at meetings, ensuring that meeting objectives are met and the Code of Conduct, Standing Orders and other Constitutional requirements are adhered to
- Ensure that the necessary preparation is done before a meeting
- Ensure that all participants have an opportunity to make an appropriate contribution
- Ensure that meetings have a focus on improvement and securing agreement on actions

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Scrutiny Committee Work Plan for 2018/19

Please note that any items 'called in' will be considered at the next available meeting. Councillor Call for Action will also be considered at the next available meeting. **PROVISIONAL DATES FOR 2018/19** – 25 October 2018, 21 February 2019, 25 April 2019.

Date of meeting	Topic	Action required
27 June 2018 (moved from 5 July 2018)	Annual Report 2017/18	To consider and approve the Scrutiny Committee Annual report for 2017/18.
	Work Programme 2018/19	To consider the Scrutiny Committee's Work Programme for 2018/19.
	Corporate Performance Report – Q4	To provide a progress update on delivery of the Council's Corporate Plan 2015-20 as measured by a combination of progress against priority projects/high level actions and performance against key performance indicators.
	Treasury Management Monitoring Report - Q4	To consider the Council's Treasury Management Activity for Q4 and the performance against the prudential indicators.
	Financial Results and Budget Exceptions - Q4	To consider the financial results and budget exceptions report for Q4.
	Programme for Growth Update	To consider the changes made to the Programme for Growth as part of the Corporate Plan refresh and as a response to the LGA Peer Challenge recommendations.
	Scrutiny Review 2018	To consider and comment on the report on the Scrutiny Review 2018.
	Housing Matters Report	To consider a report into Housing issues.

Thursday 27 September 2018	Work Programme 2018/19	To consider the Committee's work programme for 2018/19.
	Olympia Park Development	To receive an update on the Olympia Park Development.
	Corporate Performance Report - Q1	To provide a progress update on delivery of the Council's Corporate Plan 2015-20 as measured by a combination of progress against priority projects/high level actions and performance against key performance indicators.
	Financial Results and Budget Exceptions - Q1	To consider the financial results and budget exceptions report for Q1
	Treasury Management - Monitoring Report - Q1	To consider the Council's Treasury Management Activity for Q1 and the performance against the prudential indicators.
	Leisure Annual Review	To discuss the Annual Review of the Council's leisure services.
PROVISIONAL DATE (CONFIRMED) 25 October 2018	Transport Matters – Single Issue Meeting	<p>To consider transport matters in the District and surrounding Leeds City Region ('City Region Connectivity'). Invited are:</p> <ul style="list-style-type: none"> - Arriva (Paul Flanagan, General Manager) - Northern Rail (Pete Myers, Stakeholder Manager) - West Yorkshire Combined Authority (Dave Pearson, Director of Transport Services) - Transpennine Express/First Group (Graham Meiklejohn, Regional Development Manager) - NYCC (David Bowe Corporate Director, Business and Environmental Services and Andrew Bainbridge, Team Leader for Transport Planning) - North Yorkshire and East Rising LEP (James Farrar, Chief Operating Officer – to be confirmed)
Thursday 22 November 2018	Corporate Performance Report - Q2	To provide a progress update on delivery of the Council's Corporate Plan 2015-20 as measured by a combination of progress against priority projects/high level actions and performance against key performance indicators.

	Housing Development Programme	To receive an update on the Housing Development Programme.
	Financial Results and Budget Exceptions - Q2	To consider the financial results and budget exceptions report for Q2.
	Treasury Management - Monitoring Report - Q2	To consider the Council's Treasury Management Activity for Q2 and the performance against the prudential indicators.
	Work Programme 2018/19	To consider the Committee's work programme for 2018/19.
	North Yorkshire Police – Chairman of Police and Crime Panel	To receive an update from the Chairman of the Police and Crime Panel on current issues in the county and Selby District.
	Car Parking Strategy – Review after 6 – 12 months of operation	To consider the effects of new tariffs from the Car Parking Strategy after 6 – 12 months operation
	Economic Development Framework – One Year On	To receive an update on the Council's Economic Development Framework.
Thursday 24 January 2019 – (move to Friday 25th if MP attends)	Nigel Adams MP - TBC	The MP for Selby and Ainsty will be in attendance at the meeting to discuss local issues.
	6-monthly Emergency Planning Incidents Update	To receive an update on incidents to which the Council's Emergency Response Team have dealt with.
	Corporate Performance Report – Q3	To provide a progress update on delivery of the Council's Corporate Plan 2015-20 as measured by a combination of progress against priority projects/high level actions and performance against key performance indicators.
	Financial Results and Budget Exceptions – Q3	To consider the financial results and budget exceptions report for Q3.
	Treasury Management - Monitoring Report – Q3	To consider the Council's Treasury Management Activity for Q3 and the performance against the prudential indicators.
	North Yorkshire Safeguarding Adults Board Annual Report 2017/18	To consider the annual report of the North Yorkshire Safeguarding Adults Board for 2017/18.
	Scrutiny Committee Work Programme Planning for 2018/19	To consider and plan the Committee's work plan for the 2018/19 municipal year.

Thursday 21 March 2019	Programme for Growth	To receive an update on the Programme for Growth.
	Tour de Yorkshire	To consider the Council's approach to future Tour de Yorkshire events.
	Olympia Park Development	To receive an update on the Olympia Park Development.
	Scrutiny Committee Work Programme for 2018/19	To consider and agree the Committee's work plan for the 2018/19 municipal year.

Other issues to be added to the work plan as appropriate:

- Council Funded Community Centres
- Police Co-location – add to plan when co-location agreed and implemented
- Visitor Economy Strategy Annual Review
- Scrutiny Committee Annual Report 2018/19 – add to first meeting of 2019-20 year

'Deep Dives'/'Scrutiny in a Day' Reviews

- Review of Planning Enforcement
- Review of Safer Selby Hub and Anti-Social Behaviour
- Review of Housing



Policy Review Committee Work Programme 2018/19

Date of Meeting	Topic	Action Required
12 June 2018 – CANCELLED	Work Programme 2018/19	To consider the Work Programme for 2018/19.
Tuesday 24 July 2018	Planning Enforcement Policy	To review the Enforcement Policy for Selby District Council.
	Work Programme 2018/19	To consider the Work Programme for 2018/19.
Tuesday 11 September 2018	Universal Credit/Welfare Reform Rollout – Update	To consider an update on the rollout of Universal Credit in Selby District.
	PLAN Selby	To consider and comment on the draft PLAN Selby.
	Gambling Policy Refresh	To consider and comment on the refresh of the Gambling Policy.
	Review of Taxi Licensing Policy	To reconsider the Council's Taxi Licensing Policy following consultation.
	Work Programme 2018/19	To consider the Work Programme for 2018/19.

13 November 2018 (PROVISIONAL DATE)	Planning Enforcement Policy	To consider the new Planning Enforcement Policy.
Tuesday 15 January 2019	Work Programme 2018/19 and Work Programme Planning for 2019/20	To consider the current Work Programme for the rest of 2018/19 and begin to plan the Committee's Work Programme for the 2019/20 year.
	Financial Budget 2019-20	To review the Council's Budget.
Tuesday 16 April 2019	Work Programme Planning for 2019/20	To finalise and agree the Committee's Work Programme for the 2019/20 year.
	Annual Report of the Policy Review Committee 2018-19	To consider the Annual Report 2018-19 of the Policy Review Committee.

The following **provisional** dates are also in the Democratic Services calendar for provisional meetings if required: **13 November 2018** and **12 March 2019**.

Other potential items for 2018/19:

- Empty Homes Strategy
- Air Quality Action Plan
- Digital Strategy and Transformation Plan
- GDPR Impacts and Implementation



Audit Committee Work Programme 2018/19

Date of Meeting	Topic	Action Required
<i>All meetings will be preceded by a training / briefing session for Councillors. These sessions will start 30 minutes before the meeting.</i>		
25 July 2018	Member briefing (4pm)	To receive training from officers in relation to the Statement of Accounts and Annual Governance Statement (one hour)
	Meeting start times	To agree the start time of Audit and Governance Committee meetings for 2018/19
	Review of Action Log	To consider the latest Action Log
	GDPR Update	To review an update in relation to the Council's data protection policies and information asset register following the enforcement of the GDPR
	Annual Report of the Head of Internal Audit 2017/18	To consider the Annual Report of the Head of Internal Audit 2017/18
	Internal Audit Charter	To review the Internal Audit Charter
	Risk Management Annual Report 2017/18	To consider the Risk Management Annual Report for 2017/18
	Corporate Risk Register	To review the Corporate Risk Register
	Consideration of internal audit reports	To consider any Internal Audit Reports that have concluded 'Limited Assurance' or 'No Assurance'
External Audit Completion Report 2017/18	To receive the Audit Completion Report from the external auditors	

	Statement of Accounts 2017/18	To approve the Statement of Accounts 2017/18
	Annual Governance Statement 2017/18	To approve the Annual Governance Statement 2017/18
24 October 2018	Review of Action Log	To consider the latest Action Log
	Local Government and Social Care Ombudsman Annual Review Letter 2017/18	To receive the Local Government and Social Care Ombudsman Annual Review Letter 2017/18
	Internal Audit and Counter Fraud Progress Report	To review progress against the Internal Audit and Counter Fraud Plan
	Consideration of Internal Audit Reports	To consider any Internal Audit Reports that have concluded 'Limited Assurance' or 'No Assurance'
	External Annual Audit Letter 2018	To review the Annual Audit Letter 2018
	External Audit Progress Report	To review the progress of the external auditor

30 January 2019	Review of Action Log	To consider the latest Action Log
	Information Governance Annual Report 2018	To approve the Information Governance Annual Report
	External Audit Progress Report	To review the progress of the external auditor
	Risk Management Strategy	To review the Risk Management Strategy
	Corporate Risk Register	To review the Corporate Risk Register
	Internal Audit and Counter Fraud Progress Report	To review progress against the Internal Audit and Counter Fraud Plan
	Consideration of Internal Audit Reports	To consider any Internal Audit Reports that have concluded 'Limited Assurance' or 'No Assurance'
	Review of Annual Governance Statement Action Plan 2017/18	To review the Annual Governance Statement Action Plan 2017/18
	Counter Fraud Policy Review	To review the Counter Fraud Policy

24 April 2019	Review of Action Log	To consider the latest Action Log.
	External Audit Strategy Memorandum	To review the external Audit Strategy
	External Audit Progress Report	To review the progress of the external auditor
	Internal Audit and Counter Fraud Progress Report	To review progress against the Internal Audit and Counter Fraud Plan
	Internal Audit and Counter Fraud Plan 2019/20	To approve the Internal Audit and Counter Fraud Plan 2019/20
	Constitutional Amendments	To consider any proposed amendments to the Constitution.
	Consideration of Internal Audit Reports	To consider any Internal Audit Reports that have concluded 'Limited Assurance' or 'No Assurance'.
	Annual Report 2018/19	To approve the 2018/19 Annual Report of the Audit and Governance Committee
	Work Programme 2019/20	To approve the Audit and Governance Committee Work Programme for 2019/20



Report Reference Number: C/18/03

To: Council
Date: 17 July 2018
Status: Non Key Decision
Ward(s) Affected: Selby East and Selby West
Author: Aimi Brookes, Contracts Team Leader and Jade Reynolds, Solicitor / Legal Officer
Lead Executive Member: Cllr Chris Pearson, Executive Lead Member for Housing, Health and Culture
Lead Officer: Julie Slatter, Director of Corporate Services and Commissioning

Title: Review of Byelaws for Pleasure Grounds, Public Walks and Open Spaces

Summary:

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 have been through a prescriptive legal process to update them to ensure they reflect how we currently use our open spaces.

The Council has chosen to use a set of model byelaws titled "Model Byelaws 2: Byelaws for Pleasure Grounds, Public Walks and Open Spaces", as published by the Department of Communities and Local Government (DCLG).

The new Byelaws will cover the existing four sites:

- 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

The purpose of this report is to set out the proposed byelaws for discussion and formal adoption at Full Council.

Recommendations:

- i. **To approve and adopt the new set of Byelaws for Pleasure Grounds, Public Walks and Open Spaces.**

- ii. **To revoke the existing Byelaws adopted by the Council in 1899, including the amendment on 21 January 1925, upon the new Byelaws coming into effect.**

Reasons for recommendation

To ensure that the Council has byelaws in place which are fit for purpose and reflect how the parks are currently used.

1. Introduction and background

- 1.1 Selby has a number of public open spaces that directly act as a leisure facility. Over time, the way these open spaces are used has changed. The Council wants to be able to manage the open spaces in a way that meets the diverse needs of users and encourages residents and visitors to use its open spaces responsibly.
- 1.2 The existing byelaws are outdated and do not correspond with how Selby's residents and visitors are now using or wish to use the open spaces.

2. The Report

- 2.1 Byelaws are local laws set by Local Authorities (and certain other public bodies) which are designed to deal with local issues. Generally, byelaws prohibit certain behaviours in a specific location, where it may cause a nuisance to others.
- 2.2 Byelaws are accompanied by a sanction or penalty for non-compliance and if validly made, breach of a byelaw can attract an offence which can be prosecuted in the Magistrates Courts.
- 2.3 Whilst Local Authorities can draft byelaws they are currently subject to the approval of the Secretary of State (SoS) before they can come into effect. The rationale for this is that byelaws create criminal offences and should therefore be subject to scrutiny by central government.
- 2.4 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 11th October 1899 and initially just covered Selby Park. The byelaws were extended on 21st 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). 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 are clear and fit for purpose.

- 2.5 The Council has chosen to use a set of model byelaws developed by the 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.

The Procedure for Adopting the Model Set of Byelaws

- 2.6 There is a prescriptive process that the Council needs to follow in order to make a new set of byelaws and a summary of the steps we have undertaken / will undertake 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

*Subject to approval from Full Council

- 2.7 An initial application was made to the SoS in 2016. This application was refused. 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.

- 2.8 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.

- 2.9 Following discussions with the Executive Member for Housing, Leisure, Health and Culture it was agreed to submit a second application removing the above amendments. This was done in November 2017,

Consultations

- 2.10 Public consultations were held prior to the submission of each application to the SoS.

- 2.11 Following the first consultation 17 consultation responses were received in total. Some of the comments received related to the lack of reference to drug and alcohol misuse, dog fouling and the use of drones.

- 2.12 14 consultation responses were received following the second consultation. 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.

2.13 No amendments were made to the proposed byelaws as a result of either consultation, for the following reasons:

- 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 already 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.

SoS Approval and Policy Review Committee

2.14 On 9 February 2018 we received formal notification from the SoS that our application had been approved and the Council gave notice of its intention to adopt new byelaws on 22 February 2018.

2.15 The Council received one response to this notice relating to dogs and dog fouling. The byelaws do not include issues such as dog fouling as there is already sufficient legislation that covers this.

2.16 On 17 April a report was taken to Policy Review to provide them with the assurance that the prescribed legal process has been followed (including public consultation), thereby mitigating the risk of a challenge to any future enforcement activity. At this meeting, Policy Review endorsed the referral of the revised park byelaws to Council for formal adoption.

2.16 The proposed byelaws are now being brought before Council for adoption.

3. Consultation

3.1 See sections 2.10 to 2.13

4. Implications

4.1 Legal Implications

4.1.1 A general power for making byelaws is set out in the Local Government Act 1972. There are other statutory powers to make byelaws on specific matters. In this instance, the Council is making the byelaws under sections 12 and 15 of The Open Spaces Act 1906 and Section 164 of the Public Health Act (1875).

4.1.2 Whilst Local Authorities can draft byelaws they are currently subject to the approval of the Secretary of State.

4.1.3 The Council has followed the procedure for the adoption of the model set of byelaws as specified in The Byelaws (Alternative Procedure) Regulations 2016.

4.2 Financial Implications

4.2.1 None

4.3 Policy and Risk Implications

4.3.1 The current byelaws do not reflect how our parks and open spaces are currently used. If they were to remain unchanged this would limit the Councils ability to improve these areas and meet customer expectations.

4.4 Corporate Plan Implications

4.4.1 The review of the existing byelaws supports the Councils Corporate Plan priority 'to enjoy life' by ensuring its parks and open spaces are accessible to everyone.

4.5 Resource Implications

4.5.1 None

4.6 Other Implications

N/A

4.7 Equalities Impact Assessment

4.7.1 Due consideration has been given to equality, diversity and community issues, and a screening document has been completed.

4.7.2 The existing byelaws do not allow the use of mobility scooters and similar motorised vehicles in some of our parks and open spaces. The screening acknowledges that the new byelaws will address this issue allowing all residents to have access to these sites.

5. Conclusion

5.1 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.

6. Background Documents

None

7. Appendices

Appendix A Existing byelaws

Appendix B Proposed model byelaws

Appendix C Summary of changes between existing and proposed byelaws

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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.

BYELAWS

MADE BY

The Urban District Council of Selby

WITH RESPECT TO THE

Regulation of a Pleasure Ground.

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 in 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,

Ministry of Health.

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SELBY DISTRICT COUNCIL

BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

ARRANGEMENT OF BYELAWS

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34. Obstruction
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- 36. Removal of offenders
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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