

Committee Administrator: Louise Hancock (01609 767015)

Monday, 7 April 2014

Dear Councillor,

NOTICE OF MEETING

Meeting **CABINET**

Date **Tuesday, 15 April 2014**

Time **9.30 am**

Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours faithfully,

P. Morton.

Phillip Morton
Chief Executive

To: Councillors Councillors
 M S Robson (Chairman) B Phillips
 P R Wilkinson (Vice-Chairman) Mrs S Shepherd
 N Knapton

Other Members of the Council for information

AGENDA

Page No

1. MINUTES

To confirm the decisions of the meeting held on 18 March 2014 (CA.90 - CA.103), previously circulated.

2. APOLOGIES FOR ABSENCE

Overview and Scrutiny

3. SCRUTINY COMMITTEE 2 - POLICY REVIEW - AGEING POPULATION

1 - 6

This report presents the final report from the Scrutiny Committee 2 the Ageing Population for consideration.

Relevant Ward(s): All Wards

Resources Management

4. COMMUNITY INFRASTRUCTURE LEVY - DRAFT CHARGING SCHEDULE: CONSULTATION AND SUBMISSION

7 - 20

This report provides an update on the responses received during public consultation on the Community Infrastructure Levy (CIL) Draft Charging Schedule and to seek approval to submit the Schedule for public examination.

In accepting the recommendation, Cabinet will note and consider the responses to consultation on the CIL Draft Charging Schedule and approve the submission of the Schedule and supporting documents for independent public examination.

Relevant Ward(s): All Wards outside the North York Moors National Park

5. CENTRAL NORTHALLERTON MASTERPLAN - LISTING IMPLICATIONS

21 - 24

The report seeks authority for additional consultancy input to augment the Central Northallerton Masterplan to take account of the implications of the listing of a number of buildings within the site.

In accepting the recommendations, a detailed study of the listed buildings on the prison site will be undertaken and a Heritage Partnership Agreement for the listed buildings on the former prison site will be developed.

Relevant Ward(s): Northallerton Broomfield; All Wards

Policy Implementation

6. HEALTH AND SAFETY INTERVENTION PLAN 2014-16

25 - 42

This report presents for approval the Health & Safety Intervention Plan for 2014-2016 in order to meet a requirement of the National Local Authority Enforcement Code published by the Health & Safety Executive.

In accepting the recommendation, Cabinet will approve the Health and Safety Intervention Plan 2014-2016.

Relevant Ward(s): All Wards

7. PARK HOME FEES POLICY

43 - 56

This report presents the Park Homes Fees Policy and recommended levels of fees for

approval.

In accepting the recommendation, Cabinet will approve and recommend to Council the Park Homes Fees Policy and the associated initial licence fees.

Relevant Ward(s): All Wards

8. EXCLUSION OF THE PUBLIC AND PRESS

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting during consideration of item 9 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part 1 of Schedule 12A to the Act.

9. BEDALE GATEWAY CAR PARK

This report seeks consideration of further information in relation to the development of Bedale Gateway Car Park.

Relevant Ward(s): Bedale

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HAMBLETON DISTRICT COUNCIL

Report To: Cabinet
15 April 2014

From: Scrutiny Committee 2

Subject: **POLICY REVIEW – AGEING POPULATION – DRAFT FINAL REPORT**

All Wards

1.0 SUMMARY:

1.1 Between July 2013 and February 2014 the Committee undertook a review regarding an Ageing Population. This report sets out the Committee's findings, conclusions and recommendations.

2.0 INTRODUCTION:

2.1 An Ageing Population was regarded as an appropriate topic for review because people are living longer and Hambleton is expected to have the oldest population in North Yorkshire by 2035. The residents of Hambleton require access to a variety of services, not just those provided for directly by the District Council but also those services that are supported by the District Council, such as adult social care, housing, transport and voluntary organisations.

2.2 The Committee as a whole undertook the review and the terms of reference were:-

- to establish services specifically provided by Hambleton District Council (HDC) for an Ageing population;
- to gather expert evidence on the future requirements of an Ageing population;
- to examine appropriate HDC policies;
- to compare other similar Authorities' policies; and
- to examine co-ordination and working arrangements with other agencies.

2.3 The following evidence, arranged through the Enabling Officer, was provided at meetings of the Committee:

4 July 2013

- Agreed Project Plan

5 September 2013

- Evidence gathering

17 October 2013

- Evidence gathering

21 November 2013

- Evidence gathering

16 January 2014

- Evidence gathering

13 February 2014

- Concluded review

3.0 OTHER EVIDENCE

3.1 The following witnesses attended meetings of the committee to give evidence:

- David Goodwin, Director of Leisure and Health, (HDC);
- Lisa Wilson, Community Leisure Manager, HDC;
- Dr Lincoln Sargeant, Director of Public Health, North Yorkshire County Council (NYCC);
- Sue Walters-Thompson, Housing Manager, HDC;
- Jane Bennison, Broadacres;
- Paul Fisher, Hambleton Over 50s Forum; and
- Alex Bird, Age UK.

4.0 FINDINGS

4.1 Based on the written and oral evidence presented, the Committee's findings were as follows:

- 4.1.1 The Committee accepted that generally people were living longer and that by 2035 it was expected that Hambleton would have the oldest population in North Yorkshire with 33.8% of people aged over 60. As a result of this increase, there would be pressures on services such as adult social care, health care, housing, plus many other factors.
- 4.1.2 The Committee recognised that partnership working was essential in delivering the priorities and services for the needs and aspirations of older people. However, it was apparent that there was a lack of joining up with no central focus. The District Council worked closely with the Over 50s Forum, Age UK, North Yorkshire County Council, the Clinical Commissioning Group, and a wide range of agencies within the voluntary sector to help achieve this. It was considered important that the value of older people was not forgotten, particularly their potential in volunteering which could both provide benefits to the community and social and wellbeing benefits to the individual volunteer.
- 4.1.3 The Committee acknowledged that the District Council did have an Older Persons' Strategy which had been developed in 2008 with Age UK and that it may be beneficial to update this document but accepted that there may be a cost required for this. The key priority themes within the Strategy at the time were: Be Healthy; Stay Safe; Make a Positive Contribution; Achieve Economic Well-Being. In 2012 the Older People's Sub Group reviewed the original strategy and assessed what the priorities were in 2012. There were eight areas highlighted which were: Transport; Housing; Health; Benefits; Leisure; Community Involvement; Isolation and other issues (which included communication and use of technology). Joint working on the action plan for delivery of this strategy was still on-going.
- 4.1.4 The Hambleton and Richmondshire Older People Group's main role was to identify issues which were important to older people and develop action plans to try and improve services and challenge organisations on decisions made about delivery of services.
- 4.1.5 The Committee raised concern regarding vulnerability and isolation as a lot of older people lived in rural areas, as well as the general population. However, it was accepted that these problems could also be just as prevalent in towns. Schemes such as Winter Weather Prevention highlighted issues such as dealing with adverse weather conditions and the need to prepare for the winter and assistance for those who may require help. The Committee felt that more investment into Community Planning could be beneficial.

- 4.1.6 The Committee also raised concern over transport links, especially in the rural areas. The reduction in bus services could compound the isolation issue and result in more older people feeling isolated and unable to access services they consider to be vital to their wellbeing and social inclusion. Another area of concern highlighted was patient transport.
- 4.1.7 The Committee recognised that health issues were a concern for older people and would be an issue for public services in the future given the ageing population forecasts. A report "What is Public Health" had been produced by Dr Lincoln Sergeant, Director of Public Health for North Yorkshire. This report highlighted the changes to the responsibility for Public Health being transferred back to North Yorkshire County Council from the National Health Service as a result of the reforms brought about by the Health and Social Care Act (2012). This report recognised that people were living longer and that the majority were healthy and wanted to keep contributing to society. There was a minority who were vulnerable and these presented challenges and opportunities. Vibrant communities that offered a range of activities to older people helped break down barriers and could be very effective in reducing social isolation and loneliness in older people.
- 4.1.8 Public Health was working with partners to identify prevention initiatives. It recognised that low level social care could increase the need and dependency of higher levels of social care. It was an aspiration that older people only accessed social care when absolutely necessary. This meant providing support to help people maintain their independence, such as provision of equipment or reablement services.
- 4.1.9 The Committee recognised that within the District Council there was a lot of good work being done. For example, within the leisure services there were leisure programmes and discounted rates for older people, as well as the under 16s and disabled. There was a need to cater for the ageing population and the Disability Sport Officer, which was a newly established post within the District Council, could allocate 2 days a week to work on encouraging older people to keep physically active. Public Health had been working with colleagues in the District Council to identify areas of priority such as physical activity promotion through the Leisure Centres and support for winter warm initiatives.
- 4.1.10 The Committee acknowledged that housing was a priority identified within the Older Persons' Strategy and that research had showed that there was more demand for private accommodation for older people as they wished to stay living independently for as long as possible. The majority of older people within Hambleton were owner occupiers and habited larger dwellings with 7+ rooms (including the living room, kitchen and bathroom). Some homeowners may prefer to downsize and rent smaller accommodation in later life rather than purchase again.
- 4.1.11 The Committee was advised that there were hotspots of older people across the District which were generally around service centres and towards the north east corner of the District. This was possibly due to older people choosing to live near service towns for accessibility to services, bus routes, shops, transport links, etc. Migration of people wishing to retire in the District was also a factor.
- 4.1.12 The Committee expressed concern about the provision of housing for older people and that there appeared to be a shortfall in the number of houses built to meet the demand. The Committee was advised that the demand/need for social housing sheltered properties was not as great as it may be expected and that the Choice Based Lettings information indicated that there was not a great demand for these properties. It also had to be recognised that it was not just older people who had a need for these properties as there could be less able younger people more at risk and in greater need.

- 4.1.13 New homes were built in line with local housing need as identified by the District Council, but these were not just specifically for older people they could be family homes for general need. There was reluctance from Developers to build bungalows as they were not as commercially viable as larger dwellings. Negotiations took place through the provision of Section 106 monies regarding the provision of dwellings and developers were providing larger properties that accorded with the District Council's standards or HCA Qi standards.
- 4.1.14 The Committee acknowledged that the Choice Based Lettings Scheme had been reviewed and a cap regarding assets of £60,000 had been introduced in September 2013. This would be monitored and a review would take place after the policy had been in place for a year and any impacts that the policy may have had would be considered.
- 4.1.15 The Committee recognised that the work and support from the Voluntary Sector on behalf of older people was also a very valuable resource. Charitable organisations such as Age UK did not receive any Government funding so had to be self financing together with grant monies received from other organisations. The services provided from Age UK included Hambleton Strollers; social activities and combating isolation and loneliness; provision of information and advice; home from hospital service which was part of a county wide contract with REACT and the Hambleton Over 50s Forum which provided links to the District Council's Older People's Strategy. The evidence given from these organisations was that the Council's continued cash support was vital and the Officer support was crucial.
- 4.1.16 The Committee considered benchmarking information collated by the Director of Leisure and Health which illustrated the different services offered by various Unitary, County and District Council's around the country. Information was received from Lewes District Council; Scarborough Borough Council; Northumberland County Council; Manchester City Council and Devon County Council. The main services and priorities included: staying active and healthy; volunteering; fear of crime; safe and secure; housing; transport; care and support; winter maintenance; reducing loneliness and isolation and digital technology.

5.0 CONCLUSIONS:

- 5.1 The Committee concluded that the Older Persons' Strategy was out of date and required updating and suggested that consideration should be given to providing funding to enable this to take place if necessary.
- 5.2 The Committee questioned the effectiveness of partnership working as there appeared to be no central focus. The Committee accepted that achieving a central focus would be difficult as each agency had their own priorities and services to deliver. Evidence suggested that partnership working was very effective and essential in delivering all of the different services available for older people.
- 5.3 The Committee expressed concern about isolation and loneliness, not just within rural areas but within the towns. The potential reduction in bus services would affect the ability for older people to access services and support vital to their wellbeing and social interaction. Combating isolation and loneliness was not just about transport links but involved a number of services and access to voluntary groups.
- 5.4 Members recognised the issues regarding Health and accepted that changes to the responsibility for Public Health being transferred back to North Yorkshire County Council presented challenges and opportunities. People are generally living longer and are staying healthy. Promotion of positive health is relevant at all ages and prevention of ill health remains relevant in old age.

- 5.5 The Committee acknowledged that the leisure services provided by the District Council were very good. The Leisure Centres offered a wide range of activities enabling older people to maintain a healthy lifestyle and social interaction. Although at present there were only a limited number of activities specially focussed for older people, there was access to other activities generally that everybody could participate in irrespective of age or ability.
- 5.6 The Committee concluded that generally there was a gap in the market of suitable homes for owner occupiers who would not wish to consider social rented housing and that generally older people preferred to live in bungalows rather than flats. Independent living rather than communal living was also preferential for those able to remain independent and living in their own home. Downsizing to a smaller property was also considered an issue as the housing options were not available to older people. There was a greater need for partnership working with other organisations to enable older people to remain in their own homes for as long as they were able to do so. It was suggested that developers could be encouraged to explore the provision of bungalows or flexible housing through planning policy.
- 5.7 The Committee accepted that the Choice Based Lettings scheme was an indicator of local housing needs and suggested that the statistics and policies continue to be reviewed and responded to accordingly.
- 5.8 The Committee commended the work undertaken by agencies within the Voluntary Sector. Age UK and the Over 50s Forum were recognised as vital links in the chain providing services and support for older people which promote and improve the wellbeing of older people. The Committee recommended that the Council continue to support the Hambleton Strollers and the Hambleton Over 50's Forum.
- 5.9 Following analysis of the benchmarking information, the Committee concluded that Hambleton District Council provided a very comprehensive programme of activities for older people, responded well to the needs of older people and provided the environment for older people to continue to be socially inclusive and live a long, healthy and prosperous life.

6.0 RECOMMENDATIONS:

6.1 To recommend to Cabinet that:-

- (1) it be acknowledged that Leisure Services and other activities for the ageing population provided by the District Council and other partners are very good but that when opportunities for improvement are presented they be explored;
- (2) the provision of more specialist leisure activities for older people be explored by the Disability Sports Officer;
- (3) provision of housing options for the ageing population, including provision of single storey dwellings, be considered by the District Council through the relevant policies as appropriate;
- (4) Voluntary Organisations be commended for the work they do in providing services and support for older people and that continued support be given to Hambleton Strollers and the Hambleton Over 50's Forum;
- (5) it be acknowledged that current partnership working is very effective but that emphasis on the need for greater collaborative working between different agencies be encouraged and that concern be expressed about the reduction in public transport, particularly in isolated areas;

- (6) it be acknowledged that the provision of services for older people by the District Council, together with Partners and voluntary organisations, is considered by others to be best practice but will continue to be reviewed and improved if required; and
- (7) the District Council's Older Persons' Strategy be reviewed and updated; sufficient funding be provided for this if necessary and that the issue of combating vulnerability, isolation and loneliness remain a priority within the Strategy with particular emphasis on the need to support activities across the district.

COUNCILLOR D M BLADES
CHAIRMAN

Background Papers: None
Author ref: LAH
Contact: Louise Hancock
Committee Officer
Direct Line: 767015

Ageing Population

HAMBLETON DISTRICT COUNCIL

Report To: Cabinet
15 April 2014

**Subject: COMMUNITY INFRASTRUCTURE LEVY – DRAFT CHARGING SCHEDULE:
CONSULTATION AND SUBMISSION**

**All Wards outside the North York Moors National Park
Portfolio Holder for Housing, Planning and Waste Management: Councillor B Phillips**

1.0 PURPOSE AND BACKGROUND:

1.1 This report considers the responses received during public consultation on the Community Infrastructure Levy (CIL) Draft Charging Schedule and seeks approval to submit the Schedule for public examination.

1.2 The consultation period for the CIL Draft Charging Schedule ran for six weeks from 24 January to 7 March 2014 and 12 responses were received during that period. The main issues raised are summarised below and set out in more detail in Annex A, together with the proposed responses from the Council:

- the assumptions and viability assessments undertaken are challenged
- agricultural workers dwellings should be exempt from the residential CIL charge
- the residential charge remains too high
- the charge differentiation for retail development is inappropriate
- separate viability assessment should be undertaken for retirement housing
- CIL should not apply to extra care housing due to its already challenging financial model
- the base rate charge on employment uses is inappropriate
- concerns about CIL receipts that are raised in one part of the District contributing to infrastructure schemes elsewhere in the District.
- further consideration of an instalments policy in terms of releasing CIL receipts to deliver infrastructure in a timely manner.

1.3 Once the Draft Charging Schedule is submitted, the above issues will be considered by an Inspector at the public examination and will form the subject matter for the hearings along with any matters the inspector wishes to consider. From the responses received, both at this stage and the previous Preliminary Draft stage, some minor modifications to the Draft Charging Schedule are necessary prior to submission. The modifications proposed are:

- i. reduce the £10 per square metre base charge for all other development to £0 for reasons of viability;
- ii. make the CIL liability on apartments in the residential rate clear in the submission charging schedule – in that apartments will be charged under the ‘all other chargeable development’ rate; and.
- iii. refine and clarify the retail definitions in the charging schedule for clarity prior to submission.

- 1.4 These modifications should be published for a period of four weeks in a Statement of Modifications (Annex B). Comments raised will be sought from statutory consultees and parties who have previously made representations on the Charging Schedule. Such consultation forms part of the examination process and therefore will be undertaken from the date of submission of the Draft Charging Schedule. All responses received on the issues will be passed to the examiner for consideration.
- 1.5 On this basis, it is proposed that the CIL Draft Charging Schedule, the proposed Statement of Modifications, supporting evidence and background papers are submitted for public examination with a view to adoption later this year.

2.0 LINK TO COUNCIL PRIORITIES:

- 2.1 CIL will help fund infrastructure necessary to support housing and employment development and strategic recreation facilities which are Council priorities.

3.0 RISK ASSESSMENT:

- 3.1 There are no significant risks associated with approving the recommendations of this report.
- 3.2 Risks in not approving the recommendations:

Risk	Implication	Prob*	Imp*	Total	Preventative action
The introduction of changes to the CIL Regulations by Government (Feb 2014) will apply if the Draft Charging Schedule is not submitted at this stage, including, changes to the evidence required.	Should the DCS not go forward, the Council may be required to return to the Preliminary Draft Charging Schedule stage in order to meet new requirements, thus causing delay, further costs to the Council and potential CIL receipts lost.	4	4	16	Submit the Charging Schedule for examination.

Prob = Probability, Imp = Impact, Score range is Low = 1, High = 5

- 3.3 Overall, the risks related to not agreeing with the recommendations outweigh the risks of agreeing them. Therefore, the risks associated with agreeing the recommendations are considered acceptable.

4.0 FINANCIAL IMPLICATIONS:

- 4.1 The timescale for delivery of the CIL Charging Schedule has slipped but this will not have any significant impact on the costs of delivering the Charging Schedule other than officer time and resource.
- 4.2 Any further revisions to the proposed CIL rates will reduce the anticipated CIL receipts during the plan period and other sources of funding will be required to fill the funding gap.
- 4.3 The Council will need to meet the costs of the Public Examination which is now estimated to be approximately £15-20,000 following recent discussions with the Planning Inspectorate. This is provided for in the CIL project budget for 2014/15.

5.0 LEGAL IMPLICATIONS:

- 5.1 The Council will need to follow the CIL Regulations (2010) as amended to ensure that the proper legal procedures have been adhered to in developing the Charging Schedule. This includes the publication of the proposed Statement of Modifications referred to above. This will be tested at the public examination.
- 5.2 The arrangements for receiving and managing contributions may require legal mechanisms between the Council and delivery partners such as the local highways authority, NYCC Children and Young People's Services and other relevant parties. This should not be difficult to accomplish but will need to be agreed and in place prior to the CIL Charging Schedule being adopted.

6.0 EQUALITY/DIVERSITY ISSUES:

- 6.1 There are none.

7.0 HEALTH AND SAFETY ISSUES:

- 7.1 There are none.

8.0 RECOMMENDATION:

- 8.1 It is recommended that:

- (1) the responses to consultation on the CIL Draft Charging Schedule be agreed;
- (2) the proposed Statement of Modifications be agreed and published for comments; and
- (3) the modified Charging Schedule as set out in this report be submitted for examination.

MICK JEWITT

Background papers: CIL Draft Charging Schedule
CIL Viability – Addendum Report (Nov 2013) (Peter Brett Associates)
CIL Viability Technical Note (Nov 2013) (Peter Brett Associates)
Infrastructure Delivery Plan
Infrastructure Funding Gap analysis note
Projected CIL Receipts analysis
Evidence of revenue through historic Section 106 agreements
Draft Regulation 123 List
Draft Instalments Policy
CIL Exceptional Circumstances Relief Policy
CIL Exemptions Policy

Author ref: AMc

Contact: Andrew McCormack
Planning Policy & Design Officer
Direct Line: 01609 767055

150414 CIL DCS Consultation and Submission

Summary of Responses: Draft CIL Charging Schedule Consultation (January – March 2014)

Respondent	Reference	Comment	Response
Mr A McKee	DCS/HDC/001	No comment to make at this time.	Noted.
Sarah Housden: North York Moors National Park	DCS/HDC/002	NYMNP does not wish to make any comment.	Noted.
Claire Armitage: Easingwold Town Council	DCS/HDC/003	The council are concerned that monies from CIL will go towards the North Northallerton link road. The Council wish to see some of the funds go towards nursery, primary and senior school facility provision in Easingwold due to the significant number of new properties in the area.	The nature of CIL is that contributions are pooled to deliver strategic infrastructure across the District. The CIL makes provision for a proportion (15%) of CIL receipts raised in a particular community to be passed to the local town or parish council to spend on locally identified infrastructure related to development growth.
North Yorkshire County Council	DCS/HDC/004	<p>North Yorkshire County Council (NYCC) welcomes the establishment of a CIL regime across Hambleton District to assist with the delivery of essential infrastructure, and acknowledges that the work undertaken to date to underpin its establishment identifies a sizeable funding gap necessary for the introduction of the levy. The methodology and assumptions used in the Economic Viability Assessment and Addendum Report are supported.</p> <p>The County Council is satisfied that the proposed CIL rates for residential development are appropriate, i.e. set at a level whereby viability is not jeopardised by the rate being too close to the theoretical minimum. Indeed, the County Council feels that, rather than seeking to maximise its potential CIL receipt, the District Council has erred towards ensuring that the levy rate set does not undermine the viability of development. Finally, following-up previous discussions with the District Council, the County Council would stress the importance of not applying CIL charging to the County Council's Extra Care Housing programme developed in partnership with its District and Borough Council partners, even on units for outright sale, as the financial modelling for such schemes is challenging even without the additional CIL constraints. To this end, the application of CIL to private market housing only is welcomed and supported.</p> <p>The County Council supports the proposal to charge a £10 base rate on all other chargeable development. However it is noted that this is not to be applied to agricultural buildings which may be a lost opportunity to generate much needed funds to support the provision of essential infrastructure to support development and growth.</p> <p>The County Council strongly urges that detailed discussions take place between our two authorities prior to the adoption of an Instalments Policy. Whilst the County Council accepts that the Regulations allow for the District Council to introduce such an approach, it is very much the case that essential (and sometimes sizeable) pieces of infrastructure are required to be provided up-front or in the early stages of developments. The County Council would be concerned if the payment of CIL by instalments delayed the receipt of funds for the infrastructure that it is required to provide. This could result in higher borrowing costs and risks being taken on by NYCC at a time of significant budgetary pressures. Indeed it could even result in it not being possible to deliver vital infrastructure and therefore prevent development from commencing. As a result of such a Policy</p>	<p>Noted.</p> <p>Applying CIL to Extra Care developments must be determined on appropriate viability assessment of the financial modelling for such schemes.</p> <p>Where this is considered to be unviable, the Council will consider an exemption of CIL.</p> <p>The Council is reducing the £10 base charge rate to £0 for reasons of a lack of evidence that such developments will have viability.</p> <p>Regarding the charging of CIL on non-residential agricultural buildings the evidence presented on viability suggests that CIL will make the majority of such development unviable.</p> <p>The Council will be working with NYCC and others to consider the issues relating to the development of the Instalments Policy – particularly where funds are required in the early stages of development to deliver the</p>

Respondent	Reference	Comment	Response
<p>Daniel Gath: Daniel Gath Homes</p>	<p>DCS/HDC/005</p>	<p>the County Council would seek to recover directly a substantial part of the additional costs arising.</p> <p>The County Council has welcomed the opportunity to have positive and on-going discussions and joint working on the establishment of the Regulation 123 List throughout the process leading up to, and including, the preparation of Hambleton District Council's Draft Charging Schedule. The County Council is therefore able to confirm that it is satisfied with the proposed Regulation 123 List as published. Whilst having our own views about the relative priority of projects on the proposed List, we look forward to on-going collaborative discussions with the District Council in relation to the prioritisation, implementation, and future review of the Regulation 123 List. On a point of detail however, the County Council would however request that the wording in the 'Road Network and Transport, District-wide' row is changed to read: 'Junction Improvements required to mitigate the cumulative impact of housing and employment allocations.' The County Council welcomes the District Council's suggestion at paragraph 29 of the Draft Charging Schedule to review the Regulation 123 List on an annual basis.</p> <p>The County Council welcomes the fact that Hambleton District Council has progressed the establishment of a CIL charging mechanism, and has engaged the County Council proactively and positively in assessing infrastructure needs in the lead-up to this consultation. Local Authority budgetary challenges are such that the funding and delivery of key pieces of infrastructure to support growth and development is becoming increasingly difficult. CIL therefore represents an important source to contribute towards this vital purpose. The County Council agrees with the evidence identifying the scale of the infrastructure funding gap facing the District Council and recognises that it is necessary that this is overcome if development and growth is to be fully enabled across the District. CIL is necessary in contributing towards addressing this need. However the County Council is mindful that Regulations now require that at least 15% of CIL income is passed to local communities (Parish Councils), with this proportion rising to 25% where a Neighbourhood Plan is in place. Whilst local communities may choose to put their receipts towards supporting the provision of infrastructure, this cannot be guaranteed or assumed. If they choose not to do then this would of course further exacerbate the delivery challenge. The County Council looks forward to on-going collaboration with the District Council in assessing infrastructure needs to meet development. As part of this, and to further demonstrate effective collaborative working, the two authorities have commenced the joint preparation of an Infrastructure Delivery Statement (IDS) in order to maximise opportunities for unlocking and facilitating the planned growth and development that our communities and economy need. The IDS would also aim to reach solutions for meeting the shortfall on infrastructure items needing to be financed outside of the CIL regime. Meanwhile we would be pleased to attend the CIL Examination should that be deemed useful in support of the mechanism, and to clarify any comments made in this response.</p> <p>Whilst I support the rate for new out of town development, I think new retail premises within the District's towns should be encouraged with a significantly reduced rate.</p> <p>If all other development includes new development then it is ridiculous to charge a potential employer for setting up in the region.</p> <p>If we are serious about localism then 25% to local areas affected by development appears derisory.</p>	<p>necessary infrastructure. The proposed Instalments Policy is intended to be one which can be applied at the Council's discretion, where appropriate.</p> <p>The Council will continue its good working relationship with NYCC on the delivery of CIL including aligning its infrastructure priorities with NYCC's and other partners, where possible.</p> <p>Comment on the wording of an entry on the Regulation 123 list is agreed and will be amended.</p> <p>Noted. However, the viability evidence for retail suggests that CIL should only be charged at the rates set out on the types identified in the proposed charging schedule so as not to adversely jeopardise development in terms of its commercial viability.</p> <p>The proportion of CIL receipts to be passed to local communities is set by Government. A balance needs to be struck between delivering the necessary strategic infrastructure for</p>

Respondent	Reference	Comment	Response
<p>Nicola Gooch: Thomas Eggar LLP o.b.o. Asda Stores Ltd</p>	<p>DCS/HDC/006</p>	<p>Letter submitted: Issues raised relate to:</p> <ul style="list-style-type: none"> i. The financial assumptions and viability assessments contained in the Council's Addendum Report ii. State Aid implications iii. Concerns relating to the sub-division of Retail Use Classes iv. Recent DCLG CIL Consultation. <p>For the reasons set out in the submitted letter, Asda Stores Ltd asks that the Council undertakes a rethink of its position and substantially alters its Charging Schedule in so far as it relates to retail development.</p>	<p>the District's development growth and making provision for funding for local communities to spend on locally identified schemes.</p> <p>Noted.</p> <p>The assumptions and viability assessments undertaken to support the proposed CIL Charging Schedule are considered to be appropriate and reasonable.</p> <p>The Council also considers that its approach to retail development and the charging of CIL meets the requirements of the CIL Regulations.</p>

Respondent	Reference	Comment	Response																										
<p>Jane Harrison: Country Land & Business Association</p>	<p>DCS/HDC/007</p>	<p>I am pleased that the rate for agricultural related developments has now been set at £0 per sq m.</p> <p>I am concerned with the levy proposed for Residential Development. The Viability Assessment (produced by Peter Brett Associates) has failed to consider that there are a number of situations where new rural dwellings are required to accommodate those employed in agriculture, horticulture, forestry and other rural businesses. Such properties are not sold for development gain and are usually restricted by some form of occupancy condition. Indeed, in some cases a new dwelling will allow a family business to plan succession by providing accommodation for the next generation. In such cases, a charge of £65 per sq m would simply be an additional cost of construction and is likely to render many such projects unviable. As these properties are crucial to the operation of rural businesses and sustainable rural communities, I ask that they be considered separately, based on a suitable viability assessment, or classified with affordable housing for CIL purposes. Our view is that CIL should not apply to these dwellings.</p> <p>I disagree with your comments made on page 20 in the Schedule of Consultation Responses (to the Preliminary Draft Charging Schedule) that <i>"it is not possible to exempt agricultural workers dwellings from CIL. Rates may only vary by zone (?) or by different intended uses of buildings..."</i></p> <p>Councils are taking notice of comments received on publication of their Preliminary Draft Charging Schedules. Where there has been a proposal to charge a levy on agricultural/rural workers dwellings on the publication of the Draft Charging Schedule it has been reduced to £0 per sq m. Indeed, recently West Lancashire BC have made modifications to their Draft Charging Schedule as follows:</p> <p>6. <i>The Council and the Council's viability consultants have given this issue further consideration and evidence of this is set out in Appendix A to this report. The Council has modified the DCS to include an additional category to exempt agricultural workers dwellings, in line with the evidence at Appendix A. The DCS will now read as follows:</i></p> <table border="1" data-bbox="916 580 1179 1673"> <thead> <tr> <th rowspan="2"></th> <th colspan="2">Proposed CIL Rate (£ per square metre)</th> </tr> <tr> <th>Zone A</th> <th>Zone B</th> </tr> </thead> <tbody> <tr> <td>Residential dwelling house</td> <td>£85</td> <td>Nil</td> </tr> <tr> <td>Apartments (including retirement apartments)</td> <td>Nil</td> <td>Nil</td> </tr> <tr> <td>Agricultural Workers dwellings</td> <td>Nil</td> <td>Nil</td> </tr> <tr> <td>Retail – Comparison</td> <td>Nil</td> <td>Nil</td> </tr> <tr> <td>Retail – Convenience</td> <td>£160</td> <td>Nil</td> </tr> <tr> <td>Food and Drink (A3/A4)</td> <td>£90</td> <td>Nil</td> </tr> <tr> <td>All other uses</td> <td>Nil</td> <td>Nil</td> </tr> </tbody> </table> <p>I enclose a copy of the West Lancashire CIL Draft Charging Schedule – Statement of Modifications.</p> <p>Other Councils who are recommending a Nil CIL rate for rural workers dwellings are Shropshire, West Dorset and Weymouth & Portland Borough Councils.</p> <p>There are very few projects identified within the Infrastructure Delivery Plan (or the Regulation 123 list) which could be considered as specifically Green Infrastructure (GI). It is vital that the issue of GI does not get lost or side-lined as being too complex or difficult to accurately quantify. Examples of the types of GI schemes which could be provided through CIL are provided with the submission to inform the Council of what could be included.</p>		Proposed CIL Rate (£ per square metre)		Zone A	Zone B	Residential dwelling house	£85	Nil	Apartments (including retirement apartments)	Nil	Nil	Agricultural Workers dwellings	Nil	Nil	Retail – Comparison	Nil	Nil	Retail – Convenience	£160	Nil	Food and Drink (A3/A4)	£90	Nil	All other uses	Nil	Nil	<p>Noted.</p> <p>The Council considers there to be no mechanism in the CIL Regulations to vary charges for agricultural workers dwellings as opposed to standard residential development. There is not a difference in use of the buildings, by value zone or by scale and as such a differentiated charge is not possible.</p>
	Proposed CIL Rate (£ per square metre)																												
	Zone A	Zone B																											
Residential dwelling house	£85	Nil																											
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Food and Drink (A3/A4)	£90	Nil																											
All other uses	Nil	Nil																											
<p>Sara Robin: Yorkshire Wildlife Trust</p>	<p>DCS/HDC/008</p>	<p>I enclose a copy of the West Lancashire CIL Draft Charging Schedule – Statement of Modifications.</p> <p>Other Councils who are recommending a Nil CIL rate for rural workers dwellings are Shropshire, West Dorset and Weymouth & Portland Borough Councils.</p> <p>There are very few projects identified within the Infrastructure Delivery Plan (or the Regulation 123 list) which could be considered as specifically Green Infrastructure (GI). It is vital that the issue of GI does not get lost or side-lined as being too complex or difficult to accurately quantify. Examples of the types of GI schemes which could be provided through CIL are provided with the submission to inform the Council of what could be included.</p>	<p>Noted. GI schemes will be explored. Where considered appropriate and necessary these will be included in the Infrastructure Delivery Plan and possibly on the Reg 123 list.</p>																										

Respondent	Reference	Comment	Response
<p>Matthew Spilsbury:Turley Associates o.b.o. Sainsbury's Supermarkets Ltd (SSL)</p>	<p>DCS/HDC/009</p>	<p>The Draft Charging Schedule proposes a revised levy rate of £100 per sqm for 'supermarkets'. It is therefore assumed that all other convenience retail use development will fall within the proposed based charge of £10 per sqm as 'all other chargeable development'. CIL Regulation 13 permits charging authorities to set differential rates both by intended use and by scale. The CIL Guidance (February 2014) specifies that differential rates set by scale must be set by reference to floor area or number of dwellings. Crucially, differential rates must be justified by reference to economic viability. Critically, the size threshold for when a development constitutes a 'supermarket' is absent and the descriptions / definitions included within the Draft Charging Schedule remain imprecise and open to subjectivity. This raises the risk of the Council incurring challenges on state aid grounds if planning applications can be shown to have been dealt with inconsistently when CIL liability is calculated. Moreover, no locally specific evidence has been used to test and justify the differential rate and threshold between 'supermarkets' and convenience retail (assumed classified under 'all other chargeable development'). The Hambleton CIL Addendum Report (December 2013) assumes that the single appraisal for 'supermarkets' is representative of the market across the entire charging area. This is not considered 'fine-grained' viability evidence. SSL would request that the Council provides evidence to demonstrate the appropriate balance has been set in establishing the point at which a development becomes a 'supermarket' and incurs the proposed CIL liability of £110 per sqm, as opposed to falling within the 'all other chargeable development' rate of £10 per sqm. Evidence should also be presented to justify the decision for this threshold and appropriate robust definitions put in place. This is considered necessary by SSL to ensure that CIL charging is applied consistently by the Council when considering all applications. Until a sensible threshold is applied and the underpinning evidence prepared and consulted upon it is not possible for SSL, other representatives, or the Examiner to come to a decision as to whether the Council has struck an appropriate balance between the desirability of funding infrastructure through CIL and the impact upon development viability for these uses.</p> <p>SSL fundamentally disagrees with the proposed base charge of £10 per sqm for all other chargeable developments. Table 3.5 on page 10 of the Hambleton CIL Addendum Report (December 2013) demonstrates both office and industrial uses to be unviable in current market conditions prior to introducing a CIL liability. This is reinforced by statements in paragraphs 3.6.2 – 3.6.3 on page 13 of the same document SSL wishes to draw the Council's attention to the Examiner's Report to Trafford Council (PINS/Q4245/429/2) following examination of the Trafford CIL draft Charging Schedule - dated 31st January 2014. Within paragraph 38 the Examiner expresses the clear view that introduction of a base charge on development cannot be introduced where the Council's own evidence base demonstrates that the uses are unviable either without or with a CIL charge in the current market – irrespective of the 'scale' of impact. Reference is also made to paragraph 8 of the CIL Guidance (2013), and confirms that an approach that has a potentially negative economic effect is inappropriate. The relevant paragraph is presented below for the Council's reference: 'I must give greater weight to the fact that CIL examination is an evidence based process and charges cannot, in my view, be imposed where the Council's own evidence base indicates that developments are not viable. I have noted carefully the demonstration that the amount would be small but that is not the point; imposing any charge on development that has been demonstrated to be unviable, can only serve to lessen viability further. I am also mindful of paragraph 8 of the CIL Guidance (2013) which sets out the expectation that the levy will have a 'positive economic effect' and I do not consider that the Council's evidence demonstrates that the base charge, for employment development types, will achieve this. To justify such charges, the Council would need to present clear 'real world' evidence that there was a case for departing from the methodology and viability benchmarks that it has set, and which have formed the basis of its EVS. It has not done so. For these reasons, I recommend that the base charge is reduced to basis of its EVS. It has not done so. For these reasons, I recommend that the base charge is reduced to a nil charge for 'offices' and 'industry and</p>	<p>Noted.</p> <p>The Council is reducing the base charge rate for all other development from £10 to £0 in acknowledgement of the viability issues raised by respondents.</p> <p>The Council considers that its proposed Instalments Policy is fair and reasonable and also that the Council can exercise its discretion on its application.</p> <p>The Council is considering a further clarification on its definitions of types of retail development liable for CIL. This will be set out in the Statement of Modifications which will be submitted with the Draft Charging Schedule for examination.</p> <p>Under transitional arrangements, charging authorities who have published their Draft Charging Schedule prior to the publication of the 2014 CIL Regulations will be assessed on the 2013 CIL Regulations and Guidance.</p>

Respondent	Reference	Comment	Response
<p>Bob Sharples: Sport England</p>	<p>DCS/HDC/010</p>	<p>warehousing'. SSL therefore advocates that the Council removes the base rate of £10 per sqm and, in a consistent manner with the CIL Regulations 2010 (as amended), the CIL Guidance (2013) and CIL Guidance (2014), introduces a nil CIL rate for all other chargeable development.</p> <p>SSL agrees with the £0 rate for the uses specified in the DCS and wishes to make no further comment.</p> <p>SSL welcomes the Council's decision to introduce a CIL Instalments Policy. The ability to pay CIL liability by instalments is important for development cash flow, and is therefore supported by SSL and the wider development industry. SSL would request that the Council considers introducing several further instalments where the chargeable amount is £50,000 - £250,000 (b – within the proposed policy). Based on the proposed rates, a significant volume of 'residential' development and retail 'supermarket' development could fall within this instalment band. Given the likelihood that construction will extend over the 270 days from commencement, this would be likely to trigger payment of full liability prior to completion (or even significant delivery) on many schemes. Hence this may not assist cash flow as is the intention. It is therefore requested that b) is amended to reflect the 4 instalment approach proposed in c). This should give scope to assist the cash flow, and viability, of a greater proportion of development proposals.</p> <p>SSL does support the principle of the Council's decision to offer discretionary relief in exceptional circumstances. Use of an exceptions policy enables charging authorities to avoid rendering sites with specific and exceptional cost burdens unviable. However, SSL cannot support the proposal to offer relief in the circumstances cited within paragraph 9 of the Draft Charging Schedule consultation document. The Council should be aware of the changes to the CIL Regulations governing relief in exceptional circumstances and other relevant matters as stipulated within the CIL (Amendment) Regulations 2014. As these have now come into force it will be necessary for the Council to take any regulatory amendments into account in preparing the CIL Draft Charging Schedule for submission to the Examiner. As a result, this will require paragraph 9 of the CIL Draft Charging Schedule to be re-written to be in accordance with CIL Regulation 55 (as amended) and to reflect the CIL Guidance (February 2014).</p> <p>There appears to be a logical approach taken to the methodology and assumptions used.</p> <p>Agriculture is a business and therefore CIL should be applied.</p> <p>It is important that the council has a robust evidence base for seeking CIL contributions for sporting infrastructure i.e. playing pitches, changing rooms, pools, sports hall and the like. This evidence base will need to be kept up to date.</p> <p>Disappointed that here is a lack of sports facilities listed, but that may be because Hambleton has robust up to date strategies which do not indicate any short fall in provision.</p> <p>It is considered that the reports and viability evidence provided lack sufficient detail for interested parties to reach full and meaningful conclusions on the appropriateness of the viability assumptions outlined.</p> <p>There are also concerns raised in relation to the following topic areas and assumptions made in assessing viability:</p> <ul style="list-style-type: none"> - Land Acquisition Cost - Case Study Appraisal Assumptions, Density and Mix - Other Development Costs Assumptions - Marketing and Disposal Costs 	
<p>Richard Heathcote: GL Hearn o.b.o. Gladman Developments</p>	<p>DCS/HDC/011</p>		<p>Noted.</p> <p>The Regulation 123 list identifies Sport and Recreation facilities at North Northallerton, Northallerton Town Park and also several footpath and cycleway schemes which are to benefit from CIL. This will be reviewed regularly and amended as needs change over time.</p> <p>Noted.</p> <p>The assumptions and viability assessments undertaken to support the proposed CIL Charging Schedule are considered to be appropriate and reasonable.</p>

Respondent	Reference	Comment	Response
<p>Ziyad Thomas: The Planning Bureau o.b.o. McCarthy & Stone and Churchill Retirement Living</p>	<p>DCS/HDC/012</p>	<ul style="list-style-type: none"> - Discount from Marketing Prices - Development Period - Development Margin - Build Costs - External Works - Code for Sustainable Homes - Contingency - Bank Funding Costs <p>We would recommend that the residential appraisal summaries are revisited to take into account the issues raised and made available as soon as possible so that all interested parties can fully consider the revised methodology that has been applied. At present, we must conclude that the proposed CIL levy is set too high. The consequence of too high a CIL levy would be to adversely affect housing delivery rates throughout the Hambleton Council area.</p> <p>Joint representation to set out the case for housing for the elderly to be assessed for viability separately from other types of development. Given the extensive evidence now available in relation to this type of development, it is important that the imposition of CIL does not constrain land supply for such development.</p> <p>Further viability work on this type of development should be undertaken to inform the imposition of CIL and the Draft Charging Schedule should be amended accordingly.</p> <p>It is a requirement of the CIL Regulations that the imposition of CIL does not prejudice the delivery of the development plan. For this reason alone, it is of the utmost importance that charging authorities consider this form of housing when drafting charging schedules. Retirement housing brings with it many environmental, economic and social benefits. These attributes further embed the notion that retirement housing is a distinct housing market type deserving of special consideration within the Development Plan.</p>	<p>The Council is happy to clarify the definitions of residential development where the CIL Charge applies.</p> <p>Clarifications will be set out in the Statement of Modifications which will be submitted with the Draft Charging Schedule for examination. This will identify that apartments (including retirement development) will be exempt from the CIL residential charge rate and the base rate will apply.</p> <p>However, the Council is to reduce the base rate to £0.</p>

Hambleton Community Infrastructure Levy (CIL) Proposed Statement of Modifications to the Draft Charging Schedule

1. INTRODUCTION

1.1 Under the provisions of Regulation 16 of the CIL Regulations 2010 (as amended) ('the Regulations'), the Council is able to modify the CIL Draft Charging Schedule following Publication and consultation. Where changes are proposed, the Council is required to produce a statement of modification, inform consultation bodies invited to make representations on the charging schedule, and provide an opportunity to request a right to be heard by the examiner in relation to these proposed changes. .

Modifications to Draft Charging Schedule

1.2 This Statement of Modifications sets out the modifications which have been made to the Hambleton CIL Draft Charging Schedule since it was published for consultation between 24th January and 7th March 2014. The Council received representations from 12 respondents to the CIL Draft Charging Schedule within the consultation period.

Publication

1.3 As required under Regulation 19 of the Regulations, a copy of this Statement of Modifications has been sent to each of the persons that were invited to make representations under Regulation 15 and published on the Council's website at: www.hambleton.gov.uk/cil

1.4 The Statement of Modifications will also be made available at the Council's offices and in libraries across the District for inspection during business hours.

Requests to be heard

1.5 Any person may request to be heard by the Draft Charging Schedule's examiner in relation to the modification. This right to be heard applies only in relation to the modifications made as set out in the Statement of Modifications. Any request to be heard by the examiner in relation to these issues must be:

- a. Submitted to Hambleton District Council in writing before the end of the period of four weeks beginning with the day **XXXXXX [date]** on which the Draft Charging Schedule is submitted to the examiner in accordance with Regulation 19(1) i.e. before 4pm on **XXXXXX [date]**; and
- b. Include details of the modifications (by reference to this statement of modifications) on which the person wishes to be heard.

1.6 Persons requesting to be heard should indicate whether they support or oppose the modifications and explain why.

1.7 In accordance with the Regulations, a copy of each request to be heard in relation to these modifications will be forwarded to the examiner. Requests to be heard may be withdrawn at any time before the opening of the Examination hearings by giving notice in writing to Hambleton District Council.

1.8 A request to be heard by the examiner to these modifications must be made in writing by post or email to:

CIL DCS (SoM) - Planning Policy
Hambleton District Council
Civic Centre
Stone Cross
Northallerton
North Yorkshire
DL6 2UU

Email: cil@hambleton.gov.uk

2. PROPOSED MODIFICATIONS

Reduction of CIL Base Charge Rate from £10 to £0

- 2.1 As a result of a submission from Turley Associates on behalf of Sainsbury's Stores Limited (SSL) (rep: DCS/HDC/009), the Council has given further consideration to the proposed base charge rate for all other development.
- 2.2 Within the DCS which was subject to consultation, it was proposed that a £10 base charge rate be applied to 'all other chargeable development' (i.e. that which was liable for CIL but which was not already identified in the Charging Schedule).
- 2.3 Turley Associates expressed concern regarding such a rate in particular relation to retail development but also pointed to other uses being identified as unviable (i.e. office, industrial use). Although, in the Council's view, such payment of CIL represents only a small element of development costs to a developer, in order to promote and support economic growth in these sectors, the Council has reduced the base charge rate to £0.
- 2.4 In addition, a minor amendment has been made to paragraph 22 of the DCS to reflect the above change.

Clarification on CIL Liability for Apartment Developments

- 2.5 Submissions from North Yorkshire County Council (DCS/HDC/003) and The Planning Bureau (DCS/HDC/012) seek exemptions from CIL on extra care and retirement living development respectively. The Council has clarified its position on apartment developments (which include these types of development) and their CIL liability.
- 2.6 A slight inconsistency was identified between the Addendum Report provided by Peter Brett Associates and the Draft Charging Schedule regarding whether apartments would be charged the residential rate for CIL or the base charge rate. The Addendum Report refers to the residential CIL rate applying to 'private market houses' (i.e. excluding apartments) and the DCS refers to 'new residential development' (i.e. including apartments) although identifies private market housing specifically. The Council's intention was for apartment development, including retirement living and extra care facilities to be included in the base charge rate category, thus a rate of £0 is applicable.

Clarification on Retail Development Definitions

- 2.7 In response to the submission from Turley Associates (DCS/HDC/009), where reference is made to an absence within the draft charging schedule of a size threshold for supermarkets and clarification on the definition of retail developments sought, the Council now provides a size threshold for supermarkets and revised definitions for the relevant retail developments within the Charging Schedule. These are proposed as follows:

- I. Retail Warehouses:** *Retail warehouses are usually large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods. They can be stand-alone units, but are also often developed as part of retail parks. In either case, they are usually located outside of existing town centres and cater mainly for car-borne customers. As such, they usually have large adjacent, dedicated surface parking.*
- II. Supermarket:** *Supermarkets are large convenience-led stores where the majority of custom is from people doing their main weekly food shop. As such, they provide a very wide range of convenience goods, often along with some element of comparison goods. In addition to this, the key characteristics of the way a supermarket is used include:*
 - *The area used for the sale of goods will generally be above 500 sq. m.*
 - *The majority of customers will use a trolley to gather a large number of products;*
 - *The majority of customers will access the store by car, using the large adjacent car parks provided; and*
 - *Servicing is undertaken via a dedicated service area, rather than from the street.*

2.8 As a result of the amendments set out above, the DCS will now read as follows:

Development Uses	Levy Rate (per sq m)
Private Market Housing (excluding apartments)	£65
Retail Warehouses ¹	£40
Supermarkets ²	£100
Public/Institutional Facilities as follows: education, health, community and emergency services	£0
Agricultural related developments*	£0
All Other Chargeable Development ³	£0

See footnotes at bottom of page

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¹ Retail warehouses are usually large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods. They can be stand-alone units, but are also often developed as part of retail parks. In either case, they are usually located outside of existing town centres and cater mainly for car-borne customers. As such, they usually have large adjacent, dedicated surface parking.

² Supermarkets are large convenience-led stores where the majority of custom is from people doing their main weekly food shop. As such, they provide a very wide range of convenience goods, often along with some element of comparison goods. In addition to this, the key characteristics of the way a supermarket is used include: the area used for the sale of goods will generally be above 500 sq. m; the majority of customers will use a trolley to gather a large number of products; the majority of customers will access the store by car, using the large adjacent car parks provided; and servicing is undertaken via a dedicated service area, rather than from the street.

³ This means all other chargeable development as identified in Paragraphs 19 and 20 of the Guidance – industrial, office etc.

* Agricultural related developments excludes agricultural workers dwellings. These are covered by the residential charge.

3. SCHEDULE OF PROPOSED MODIFICATIONS

The table below sets out the proposed modifications to be made to the CIL Draft Charging Schedule following examination:

PROPOSED MODIFICATIONS			
Reference:	Draft Charging Schedule – published January 2014	Proposed modification following examination	Reason for modification
Paragraph 22	A low base rate (£10 per square metre) will be charged on all other chargeable development with the exception of public institutions / facilities (e.g. education, health, community and emergency services) and also on agricultural-related buildings.	A low base rate (£0 per square metre) will be charged on 'all other chargeable development'. with the exception of Public institutions / facilities (e.g. education, health, community and emergency services) and agricultural-related buildings (excluding agricultural dwellings) will also have a £0 rate.	There is currently little evidence to suggest that the viability of such developments likely to fall within this category is sufficient to support any CIL charge.
Appendix A: Rates Table	New Residential Development (Private Market Housing)	New Residential Development (Private Market Housing)	To clarify CIL liability for apartments and align the terminology within the CIL Addendum Report and the Draft Charging Schedule.
Appendix A: Rates Chargeable Development	£10	Private Market Housing (excluding apartments) £40 £0	There is currently little evidence to suggest that the viability of such developments likely to fall within this category is sufficient to support any CIL charge.
Appendix A: Explanatory Footnotes	<p>1 Retail warehouses are defined as large format stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods. They are usually located outside of existing town centres and cater mainly for car-borne customers. As such, they usually have large adjacent, dedicated surface parking.</p> <p>2 Supermarkets are defined as large format, self-service stores, usually with large adjacent dedicated car parks, that are principally used as people's main weekly food and essential consumer good shopping (although some comparison goods will often also be sold). A large proportion of supermarket customers will use a trolley, rather than a basket in the store.</p> <p>3 This means all other chargeable development as identified in Regulations and Guidance – industrial, office etc.</p> <p>* Agricultural related developments excludes agricultural workers dwellings. These are covered by the residential charge.</p>	<p>1 Retail warehouses are usually large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods. They can be stand-alone units, but are also often developed as part of retail parks. In either case, they are usually located outside of existing town centres and cater mainly for car-borne customers. As such, they usually have large adjacent, dedicated surface parking.</p> <p>2 Supermarkets are large convenience-led stores where the majority of custom is from people doing their main weekly food shop. As such, they provide a very wide range of convenience goods, often along with some element of comparison goods. In addition to this, the key characteristics of the way a supermarket is used include: the area used for the sale of goods will generally be above 500 sq. m; the majority of customers will use a trolley to gather a large number of products; the majority of customers will access the store by car, using the large adjacent car parks provided; and servicing is undertaken via a dedicated service area, rather than from the street.</p> <p>3 This means all other chargeable development as identified in Regulations and Guidance – industrial, office etc.</p> <p>* Agricultural related developments excludes agricultural workers dwellings. These are covered by the residential charge.</p>	To clarify the footnote definitions of types of retail development

HAMBLETON DISTRICT COUNCIL

Report To: Cabinet
15 April 2014

Subject: CENTRAL NORTHALLERTON MASTERPLAN – LISTING IMPLICATIONS

Northallerton Wards
Portfolio Holder for Support Service & Economic Development: Councillor Peter Wilkinson

1.0 PURPOSE AND BACKGROUND:

- 1.1 To obtain authority for additional consultancy input to augment the Central Northallerton Masterplan to take account of the implications of the listing of a number of buildings within the site.
- 1.2 The Masterplan covers a series of sites in the centre of Northallerton. It includes adjacent sites occupied by the Rural Payments Agency and Northallerton Prison which have been vacated following their closure. The Masterplanning exercise, which is nearing completion, seeks to ensure that uses for the sites are brought forward in a co-ordinated way, rather than developed piecemeal. This will ensure that they provide maximum benefit to the town and its economy for a site that is strategically important to the town.
- 1.3 During the process the Staff Tenement range, Governors House, Female Wings and link building in the northern quadrant of the prison site were given Grade 2 listed status by the Secretary of State. This presents new challenges in terms of finding economic uses for the buildings and for the viability of the site which will require more work from the Council to facilitate their re-use. The listed buildings are illustrated in the plan attached at Annex 1.
- 1.4 To enable appropriate uses to be explored for these buildings and give developers confidence about the viability of developing them it is proposed further more detailed work is done on the re-use of the buildings encompassing their protection and the extent to which they could be altered and added to. This work would have five key elements to it:
 - Technical – undertaking surveys and examining how the buildings are constructed
 - Masterplanning context and engagement including with the voluntary sector
 - Architectural and listing considerations – producing options for re-use, alterations and extensions
 - Property and financial research – including testing with operators
 - Business Planning – to assist with potential voluntary sector uses and help in gaining external investment

It is proposed that the Council leads on this work but works closely with the Ministry of Justice and English Heritage as key stakeholders. The work would be set within the framework provided by the Masterplan and would provide more detailed guidance for the northern quadrant.

- 1.5 This proposal has been arrived at through discussion with the Ministry of Justice and English Heritage. The Ministry of Justice has an imposed deadline to dispose of the site by March 2015 and aims to commence marketing in April 2014. It is therefore eager to get this work underway and has agreed that the cost of the work can be shared or that elements may be apportioned to it or the Council.

- 1.6 The Ministry of Justice has indicated strong support for a Heritage Partnership Agreement with the Council. Heritage Partnership Agreements were made possible under the recent Enterprise and Regulatory Reform Act, 2013 and in effect give prior Listed Building Consent for works of alteration to a listed building. The Act requires secondary legislation before Heritage Partnership Agreements can be fully implemented. English Heritage expect this to be in place in April 2014.
- 1.7 The Heritage Partnership Agreement would highlight key features of each building and specify what works could be undertaken without the need for separate Listed Building Consent applications. This could include works such as replacement windows, roofs, rainwater goods, the forming of new openings and internal reorganisation. The intention of such an agreement is to de-risk the project, allowing a degree of certainty in the redevelopment process.
- 1.8 Members will continue to be engaged in the project to ensure that their views and ideas are properly considered as part of the overall process.

2.0 LINK TO COUNCIL PRIORITIES:

- 2.1 The study will help deliver Council priorities for supporting local economic growth by providing additional evidence augmenting the Masterplan which will guide the development of this strategically important site in the centre of Northallerton.

3.0 RISK ASSESSMENT:

- 3.1 There are no significant risks in approving the recommendations. The significant risk in not approving the recommendations is shown in the table below:-

Risk	Implication	Prob*	Imp*	Total	Preventative action
The prison site is not successfully developed because developers consider the listed buildings are too great a risk	Public and stakeholder expectations are not met	3	4	12	Undertake a detailed study showing uses and alterations that are possible and acceptable to promote developer confidence.

4.0 FINANCIAL IMPLICATIONS:

- 4.1 The overall the revenue effects of the study and additional works required will be as follows:-

Revenue Effects	2013/14 £	2014/15 £	2015/16 £	2016/17 £
Cost of				
Masterplan	<u>30,000</u>		<u>0</u>	<u>0</u>
A detailed study of the listed buildings and suitable viable re-uses and additional consultation and engagement		<u>20,000</u>		
Financed by:				
Contribution from LEP		<u>20,000</u>	<u>0</u>	<u>0</u>
One-off Fund (approved at 3/12/13 Cabinet)	<u>30,000</u>			
	50,000	20,000	0	0

5.0 LEGAL IMPLICATIONS:

5.1 The Council will need to follow the new procedure for Heritage Partnership Agreements.

6.0 EQUALITY/DIVERSITY ISSUES:

6.1 None.

7.0 RECOMMENDATION(S):

7.1 It is recommended that:

- (1) a detailed study of the listed buildings on the prison site is undertaken; and
- (2) a Heritage Partnership Agreement for the listed buildings on the former prison site is developed.

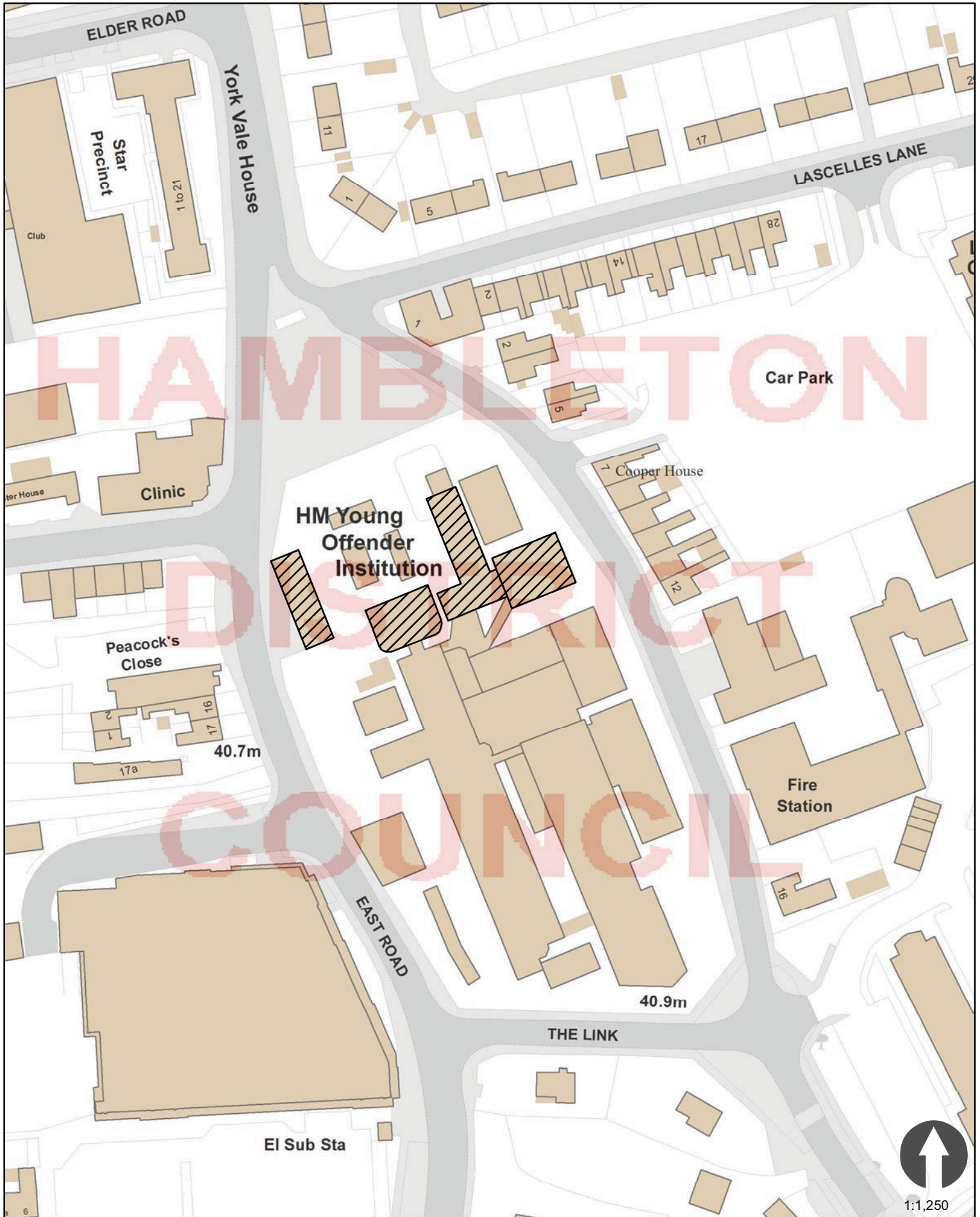
MICK JEWITT

Background papers: Nil

Author ref: MH

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Business & Community Officer
01609 767056



HAMBLETON DISTRICT COUNCIL

Report To: Cabinet
15 April 2014

Subject: HEALTH & SAFETY INTERVENTION PLAN 2014-2016

All Wards
Portfolio Holder for Leisure and Health: Councillor Mrs S Shepherd

1.0 PURPOSE AND BACKGROUND:

- 1.1 The purpose of this report is to present for approval the Health & Safety Intervention Plan for 2014-2016 in order to meet a requirement of the National Local Authority Enforcement Code published by the Health & Safety Executive.
- 1.2 The existing Health & Safety Intervention Plan was approved by the Licensing & Environmental Protection Committee at its meeting on 26th June 2012. The national guidance on service delivery was then subject to consultation resulting in the replacement of the section 18 Guidance by the National Local Authority Enforcement Code. The Code sets out what is meant by “adequate arrangements for enforcement”. The Code sets out four objectives of a LA enforcement service:-
- a) clarifying the roles and responsibilities of business, regulators and professional bodies;
 - b) outlining the risk-based regulatory approach that LAs should adopt;
 - c) setting out the need for the training and competence of LA Health & Safety regulators; and
 - d) explaining the way that LA can give an assurance on meeting the requirements of the Code.
- 1.3 The Code provides direction to Local Authorities on meeting the requirements and reporting on compliance. It is given legal effect as HSE guidance to LAs under section 18(4)(b) of the Health & Safety at Work etc. Act 1974.
- 1.4 In July 2013 the Department for Business, Innovation and Skills published the Regulators’ Code. This replaced the previous discretionary Regulators’ Compliance Code. LAs must have regard to the Regulators’ Code when developing policies and operational procedures that guide their regulatory activities. This Code sets out six standards of any regulatory service to which it applies:-
1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow;
 2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views;
 3. Regulators should base their regulatory activities on risk;
 4. Regulators should share information about compliance and risk;
 5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply;
 6. Regulators should ensure that their approach to their regulatory activities is transparent.

- 1.5 In August 2013 the Environmental Health Service amended its Business Friendly Scheme which contains details of the many ways that the Environmental Health Service can meet the needs of businesses locally and the requirements of the Regulators' Code.
- 1.6 A draft revised Health & Safety Intervention Plan was published for consultation in October 2013 based on these documents amongst other information. The draft Plan was published on the Council's website together with a brief on-line questionnaire. An email was also sent to 54 businesses business forums inviting them to comment on the draft plan. Paper copies were made available in the Customer Services areas of the three Council offices.
- 1.7 A total of 2 on-line responses were received and one paper response. The report is attached in the Appendix to this report. Paragraph 3.4, 3rd bullet point, was felt to adequately cover the response made.
- 1.8 In November 2013 the Local Government Association published its final version of a shared vision for local regulation entitled "Open for Business". A previous draft of this document had been taken into account in the preparation of the Intervention Plan and the Business Friendly Scheme.
- 1.9 In summary, the three guiding documents have the effect of requiring local authorities to move away from traditional inspections towards more supportive regulatory action. This has been adopted in the draft Intervention Plan and expanded in the Environmental Health Service's Business Friendly Scheme.

2.0 LINK TO COUNCIL PRIORITIES:

- 2.1 The implementation of this plan will contribute to the aim of putting our customers first and providing access to high quality, value for money services that meet the needs of our communities by aiming to ensure safe places of work.

3.0 RISK ASSESSMENT:

- 3.1 There are no significant risks associated with this Plan.

4.0 FINANCIAL IMPLICATIONS:

- 4.1 Implementation of the Health & Safety Intervention Plan will be within existing budgetary provisions.

5.0 LEGAL IMPLICATIONS:

- 5.1 The Local Authority has a duty to enforce the provisions of the Health and Safety at Work etc. Act 1974 and its associated legislation. This plan sets out how this Council will comply with its duty

6.0 EQUALITY/DIVERSITY ISSUES

- 6.1 The Health and Safety Intervention Plan contributes to overall service objectives to protect and improve people's living and working environment, air, food and water and our physical surrounds and contribute to the reduction in health inequalities.

7.0 RECOMMENDATION:

7.1 That the Health and Safety Intervention Plan 2014-2016 be approved.

MICK JEWITT

Background papers: Health & Safety at Work etc. Act 1974
National LA Enforcement Code. HSE. May 2013
Regulators' Code. BIS. July 2013
Open for Business. LGA. November 2013
Business Friendly Scheme. Environmental Health Service. 2013

Author ref: PM

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150414 HS intervention plan 2014-2016



HAMBLETON DISTRICT COUNCIL
ENVIRONMENTAL HEALTH SERVICE

HEALTH AND SAFETY INTERVENTION PLAN

2014 - 2016

Version Control

<i>Version No.</i>	<i>Amended by</i>	<i>Date</i>
1.0	Philip Mepham	25/7/2013
1.1	Philip Mepham	2/10/2013
1.2	Philip Mepham	9/12/2013
1.3	Philip Mepham	20/12/2013

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1. SERVICE AIMS AND OBJECTIVES

1.1 Commitment, Priorities and Interventions

Hambleton District Council is committed to improving health and safety outcomes. In particular the Council aims to improve and protect the health, safety and welfare of persons working within Hambleton and also of others affected by their work activities, by cooperating and working with other organisations and individuals to ensure risks in the changing workplace are managed properly.

Any interventions, investigations and enforcement actions taken will be determined and carried out in accordance with the Environmental Health Service Enforcement Strategy and Policy and specific Health & Safety Enforcement Policy. The Environmental Health Service is committed to helping business to improve compliance with their health & safety responsibilities.

1.2 Links to Corporate Aims and Objectives

Hambleton District Council's Business Plan 2011-2015 was revised in 2013. The Council's priorities were described in relation to five themes –

- Customer Services
- Housing & Planning
- Leisure & Health
- Corporate Services
- Resource Services

The EHS falls within the Leisure and Health service cluster. Further information is available from the Council's website.

1.3 Links to Health & Safety Executive and Yorkshire Local Authorities

- By utilising targeted enforcement and interventions, promoting sensible risk management and offering support and guidance to businesses the Health and Safety Intervention Plan directly contributes to the Health and Safety Executive's strategy 'The Health and Safety of Great Britain//Be part of the solution' which was launched in June 2009.
- This builds on previous strategies where the Council has worked in partnership with the Health and Safety Executive. This partnership arrangement took a further step in 2011 by working with the Health and Safety Executive and other Yorkshire Local Authorities under **flexible warrant** (4.3) arrangements enabling partners to take part in joint interventions to greater effect.
- The National LA Enforcement Code was launched on 29th May 2013 for implementation with immediate effect. Supplementary Guidance was published in September 2013 to help LAs to understand and meet the requirements of the Code. The guidance reinforced the principles of the Code by providing guidance on:-
 - The range of regulatory interventions and the role of inspection;
 - Dealing with matters of evident concern;
 - Delivery of local and national priorities;
 - Provision of advice and support to businesses; and
 - Identification of poor performers.

Regard has been had to the advice in the Code and Supplementary Guidance in the preparation of this Intervention plan.

1.4 Status of this Intervention Plan

This Intervention Plan meets the requirements set out in the National Local Authority Enforcement Code and Supplementary Guidance published in June 2013. The Code is given legal effect as HSE guidance to Local Authorities under section 18(4)(b) of Health and Safety at Work etc. Act 1974 and gives direction to Local Authorities on meeting the requirements and reporting on compliance.

2 **Background**

2.1 Profile of the District

87,300 population 131,117 hectares 44 Local District Councillors 177 Parishes 78 Parish Councils 5 market towns 2 Parliamentary Constituencies
--

The District is a mixed area of urban and rural landscape. Predominant employment is associated with rural/farming, tourism and the service sector.

2.2 Organisational Structure

Under the Constitution of the Council the Director has delegated authority for all enforcement including health & safety.

This Health and Safety Intervention Plan is reported to the HDC Licensing and Environmental Protection Committee whose minutes are approved by the Council.

2.3 Scope of the Health & Safety Service

The District has an Environmental Health Service based at Richmondshire which also provides services to Hambleton District Council under the terms of a Service Level Agreement. As a District Council the Authority is responsible for the enforcement of full range of duties under the Health & Safety at Work etc Act 1974 and associated legislation. The service also deals with the registration of all premises offering cosmetic treatments (ear piercing, tattooing, cosmetic piercing, semi-permanent skin colouration, electrolysis and acupuncture) and the registration of animal welfare premises (including pet shops, animal boarding establishments, riding establishments, zoos, dog breeding premises and dangerous wild animals) as these have implications for health and safety at work. The service aims to provide a comprehensive service to consumers and businesses by:

- Undertaking an annual programme of targeted risk-based Health and Safety interventions in such a way as to maximize the improvement of

health and safety outcomes and in line with the Better Regulation agenda. This includes:

- Securing action by dutyholders to manage and control the health and safety risks of their work activities
- Targeting dutyholders who are best placed to control risks, whether they be employers or others
- Targeting interventions at organisations and stakeholders who can influence risk reduction
- Targeting interventions at activities which give rise to serious risk or where the hazards are least well controlled
- Stopping those that seek economic advantage through non-compliance
- Complying with national guidance on interventions and priority programmes
- Taking part in selected local, regional and national programmes
- Carrying out investigations of accidents and incidents in accordance with the Health and Safety Executive's national selection criteria guidance
- Investigating complaints, and respond to requests for service in regards to working conditions, activities, hazards or risks in a proportionate manner.
- Responding to urgent requests for service including advice to businesses
- Investigating all statutory notifications in regards to Lifting equipment and Pressure vessels
- Investigating/advising on all notification of Asbestos works within the Districts
- Recording all notifications of cooling towers and evaporative condensers
- Providing advice and information and facilitate training to business owners, managers or stakeholders.
- Establishing the Council as an independent reliable sources of advice and information.
- Registration of certain cosmetic treatment businesses
- Licensing of animal welfare premises
- Promotion and enforcement of smokefree legislation
- Liaison with other Yorkshire local authorities and the Health and Safety Executive
- Promotion of sensible risk management in practice by example, and via newsletters and all contacts with employers
- Carrying out other interventions as a consequence of intelligence received or through local initiative such as the Business Friendly Scheme.

2.4 Demands on the H&S Service

2.4.1 There is a mix of businesses throughout the District from high street to industrial estate including retail, wholesale, warehousing and catering. There are relatively few large employers in the area and many are small and medium sized enterprises which tend to have limited support/knowledge in relation to health & safety requirements.

2.4.2 Labour Market Profile

The following information has been obtained from Nomis – official labour market statistics:-

Subject	Number of people
Total population (2008)	87,300
Working age population	50,900
Employees	33,800
Self employed	6,600
Manufacturing employees	3,700
Construction employees	2,600
Services	29,300
Tourism-related	3,700
VAT registered businesses	4,675

2.4.3 Local Requirements

The Council is responsible for the enforcement of health & safety in a range of premises and activities. The premises profile (as on 1st April 2013) was as follows:-

Type of premises	Number of premises
1. Retail shops	673
2. Wholesale	134
3. Offices	186
4. Catering, restaurants and bars	716
5. Hotels, camp sites and other short-stay accommodation	150
6. Residential care homes	35
7. Leisure and cultural services	216
8. Consumer services	256
9. Other premises (not classified above)	74
Total	2,475

2.5 Enforcement Policy and Decision Making

Hambleton has a written policy which relates to all enforcement activity. An associated policy contains the detailed approach of the health & safety service. Both are based on the HSE Enforcement Policy Statement HSE41 (rev1) (2009). Any enforcement decisions are informed by the Enforcement Management Model. The model was produced by HSE as a tool to aide consistent, proportionate and transparent responses to health and safety related issues.

2.6 Sensible Risk Management

The Council believes that risk management should be about practical steps to protect people from real harm and suffering - not bureaucratic back covering. Health and safety is not about stopping any activity that might possibly lead to harm. This is not our vision of sensible health and safety - we want to save lives, not stop them.

Our approach is to seek a balance between the unachievable aim of absolute safety and the kind of poor management of risk that damages lives and the

economy. Our approach to all facets of the service will be guided by this philosophy.

Sensible risk management is about:

- Ensuring that workers and the public are properly protected
- Providing overall benefit to society by balancing benefits and risks, with a focus on reducing real risks – both those which arise more often and those with serious consequences
- Enabling innovation and learning, not stifling them
- Ensuring that those who create risks manage them responsibly and understand that failure to manage real risks responsibly is likely to lead to robust action.
- Enabling individuals to understand that as well as the right to protection, they also have to exercise responsibility

3 **Service Delivery**

3.1 Health & Safety Premises Interventions

The Environmental Health Services operates from the following premises:

Hambleton District Council Civic Centre Stone Cross NORTHALLERTON North Yorkshire DL6 2UU Tel: 0845 12 11 555 Fax: 01609 767228 Email: ehs@hambleton.gov.uk Website: www.hambleton.gov.uk
--

The Council maintains a computer database of all premises using *Uni-form* software. The interventions are carried out in accordance with a risk rated inspection programme.

All are carried out by suitably qualified officers who are authorised and satisfy the requirements to work within the National Local Authority Enforcement Code, Approved Code of Practice, Guidelines and follow in-house procedures.

Local Authority Circular LAC 67/2 (rev4) was published in December 2013. This provides local Authorities with guidance and tools for priority planning and targeting interventions to enable us to meet the requirements of the National Local Authority Enforcement Code published in May 2013.

A Summary of national planning priorities 2014-2015 is shown in Annex A of LAC 67/2 (rev4). Annex B provides information sources to assist the development of this Intervention Plan. These sources help in the development of local priorities. Annex C gives examples of intervention types including proactive and reactive interventions.

3.1.1 Risk Rating System

The rating process consists of evaluating four different elements as they relate to a work activity and assigning and recording a score. The elements considered are:

- Confidence in management
- Safety performance
- Health performance
- Welfare compliance gap

The score is used to categorise premises into A, B1, B2 and C where A is highest and C lowest.

3.1.2 Proactive Interventions

A list of activities/sectors for proactive inspections by Local Authorities has been published by the HSE. These will be the only activities, falling within these sectors or types of organisation, which will be subject to proactive inspection. They include:-

- Premises with cooling towers/evaporative condensers
- Premises (including caravan parks) with buried metal LPG pipework
- Open farms/animal visitor attractions
- Some tyre fitters/motor vehicle repairs as part of car sales
- Warehousing/distribution
- Industrial retail/wholesale premises in relation to injuries and industrial diseases
- High volume warehousing/distribution
- Large scale public events/sports/leisure facilities e.g. motor sports
- Commercial catering premises using solid fuel cooking equipment
- Premises with vulnerable working conditions

Within these types of premises, specific high risk activities will be targeted.

3.1.3 Reactive Interventions

a) Investigation of complaints and accidents will be undertaken in accordance with the prioritisation schemes using the HSE accident selection criteria and HSE's risk based approach to complaints handling..

b) LOLER notifications will be investigated on all occasions

c) Matters of evident concern identified during food premises or other inspections or audits.

3.1.4 Revisits

Following a planned or unplanned intervention, items of evident concern may be identified within the business. This will result in a clear and unambiguous identification in writing of the legal requirements as distinct from advice or recommendation.

Where Improvement or Prohibition Notices have been served, serious risks identified or a risk of serious personal injury identified, in such circumstances an officer will revisit the premises after a reasonable period to ascertain if compliance has been achieved. If compliance has not been achieved further

action will be taken which is in accordance with the enforcement policy. In other cases the businesses will be advised to notify the relevant officer when work required for compliance has been completed.

3.2 Complaints About Work Activities

The H&S Service has a target to respond to all work related complaints in accordance with service standards. This target includes complaints or requests for service related to it including unsafe conditions, unsafe work practices, or welfare conditions

	Service requests
Requests for Service received in 2010/11	143 (HDC & RDC)
Requests for Service received in 2011/12	88
Requests for Service received in 2012/13	97

Complaints received by the service are actioned within three days and enforcement action taken in accordance with the enforcement policy and departmental procedures.

The introduction of a Whistleblowing Policy in relation to employees of businesses, where the Council has an enforcement responsibility, will be promoted to ensure employees have a voice and can raise their concerns about standards or activities at their workplace without fear. This will help provide intelligence to support work planning.

3.3 Primary Authority Scheme/Lead Authority/Local Authority Partnership Scheme

The Health & Safety Service currently has no Primary, Lead or Partnership agreements in place but will now promote this concept. There have been no local requests for such an arrangement. The service will participate in the Primary Authority arrangements managed by the Better Regulation Delivery Office, part of the Department of Business, Innovation and Skills (BIS).

3.4 Advice to Business

The District has a priority of supporting economic development and being "Business Friendly". The Environmental Health Service has developed a Business Friendly Scheme which builds on previous support and advice offered to businesses and develops further initiatives, working together with other services especially colleagues in Economic Development.

The initiatives are designed in the groups:-

- Providing information and guidance, both proactively and reactively;
- Working together
- Improving our information
- Publicising compliant businesses
- Providing or arranging training
- Improving environmental performance
- Healthy employees, healthy business
- Improving the work environment
- Helping to create a level playing field

- Helping young people new to employment

We will implement the Regulators' Code in relation to health & safety enforcement activities. We will also implement the advice and initiatives included in the Local Government Association's publication "Open for Business: A shared vision for local regulation".

We will develop and provide advice specifically for new businesses.

3.5 Asbestos Work Plans

Asbestos remains one of the highest causes of work related deaths and research indicates that it will remain so for some considerable time. Those most at risk are in the manual trades - plumbers, builders etc.

Prior to any licensable work with asbestos, contractors are obliged to notify the local authority of its intentions no later than 14 days prior to the work commencing.

The authority will vet their method statement, health records and other pertinent records. A decision to visit the site is based on the number of conditions applied to the contractor's licence which may indicate a poor performer or where evidence from examination of method statements produced by contractors shows that they may lack experience or the method statements are inadequate. There may also be evidence of lack of skills such as working without an enclosure. A report is submitted to the Asbestos Licensing Unit who use such information to determine future licence periods.

We will encourage the use of the Decision Flow Chart for non-licensed work with asbestos.

3.6 Liaison with other organisations

3.6.1 The District is a member of the North Yorkshire H&S Technical Group. This group meets regularly with the purpose of ensuring consistency of action within the County. It is a sub-group of North Yorkshire Chief Environmental Health Officers Group which approves the Annual Action Plan and monitors the delivery of those actions.

3.6.2 The Service is currently consulting with businesses in order to determine the most efficient and effective means for liaison with businesses and the voluntary sector. The concept of helping businesses to help themselves in relation to all Environmental Health functions, within the context of the Enforcement Policy, is supported by the service.

3.6.3 The Council also liaises regularly with other authorities, the Health and Safety Executive through the West and North Yorkshire Health and Safety Liaison Group, Public Health England, the Director of Public Health and other stakeholders in designing and delivering work based health interventions.

3.7 Health & Safety Promotion

Promotion of the service is undertaken alongside other services within the Council, in order to determine the needs of businesses and how the Environmental Health Service can meet those needs. We will use existing networks to communicate with businesses and ensure those legitimate needs are taken into account. This will be promoted through the implementation of the Business Friendly Scheme and through links with colleges and schools in order to access the next generation of workers.

4. **Resources**

4.1 Capacity and Performance Management

4.1.1 The current capacity of the service stands at approximately 1 f.t.e. The service is delivered alongside other services by the Commercial Team with support from EHOs in the Residential Team. This will be reinforced during 2014 to expand the resources available.

4.1.2 A monitoring system, including checks of inspection records, accompanied inspections and questionnaires to business is in place to assess compliance with statutory requirements, guidance, internal procedures, good enforcement and customer care practice. Quarterly performance reports are also produced to compare performance against service plan targets and performance indicators and these are reviewed through the Service's line management at monthly 1-1 and performance management meetings.

This is supplemented on an individual level with a corporate annual performance appraisal scheme which produces individual work plans and development plans. Progress is reviewed at 1-1 meetings as describe above.

4.1.3 Hambleton District Council operates a performance management process whereby key performance indicators are monitored. The satisfaction of businesses with the service is routinely monitored and reported via performance monitoring systems to the Council.

4.1.4 The Service Plan is displayed on the internet where achievements can be monitored by Councillors and Senior Managers.

4.2 Staff Competency

The H&S service has adopted the BRDO Regulators Development Needs Analysis Tool and utilises it as a benchmark to assess officer competency. This analysis directs development needs which are fed in to the Personal Development Review process.

All EHOs are authorised under the Health & Safety at Work etc Act 1974 and their activity restricted according to their technical competence. The ongoing staff development is undertaken in parallel with the intervention programme so they are kept up to date on the aspects of enforcement in which they are currently engaged.

Competency is monitored by a number of mechanisms including shadowing, monitoring of reports and letters. These are detailed in service procedures.

4.3 Joint Working and Partnership including Flexible Warrants

The H&S service will seek to increase capacity by utilising other agencies were possible to deliver interventions on our behalf. Such interventions may include workshops, training, healthy workplace interventions.

Flexible warranting enables officers from one Authority or Agency to be authorised to take action in the area of another Authority or Agency. We will continue to participate in this scheme but understand that the HSE intend to discontinue this initiative after 2016.

4.4 Maintenance of Database

In any process which relies on information management it is essential that such information is current, accurate and up to date. This is especially important when so much of the work undertaken by the service is risk based and targeted. This is also important as many premises may not have regular contact with us.

To ensure our information remains current the following methods are employed to gather data.

- Trawl planning applications for change of use;
- Database Challenge with local Directories i.e. Thompson & Yellow Pages;
- Monthly reports from Business Rates as to changes in ownership;
- Local Press;
- Business contact visits targeting industrial estates to identify changes in use/new builds/occupancy;
- Request for information from letting agents.

The premises database has been updated recently and this has resulted in an increase of premises for which the District has Health & Safety enforcement responsibility. This is an ongoing task which will rely on the above range of actions to keep up to date. All premises have been allocated an up to date rating.

5 Quality Assurance

- 5.1 The Environmental Health Service's Quality Management System, designed to meet the ISO 9001:2008 standard, is used to provide a framework for the management of the service. A suite of procedures and accompanying documents are being produced to cover the activities of the Health & Safety service. These are regularly reviewed to ensure that they meet the needs of the service. If practices, at any moment in time, indicate that a procedure is no longer fit for purpose it will be reviewed and amended accordingly. An internal quality auditing scheme is in place in order to verify that procedures are being complied with.

6 **Review**

6.1 **Review Against Drivers**

This plan will be reviewed annually against the identified drivers to ensure that the design of the service maintains its focus on delivering the changes in behaviours required.

6.2 **Variation to the Plan**

Changes to national priorities, national legislation and the results of the review of Local Government enforcement priorities may dictate that actual business plans and service delivery vary from that outlined in this plan. If such a situation necessitates a variation, a review and revision will be undertaken of this plan to ensure that local and national drivers remain to be best served by this plan.

6.3 **Service Improvement**

The service will investigate and implement electronic capture and storage of information to make more flexible use of the resources. This will include electronic storage of files, capture of information electronically at the point of generation i.e. inspection reports, provision of advice and information and access to services.

6.4 **Timetable for review**

This plan will be reviewed annually in the light of previous performance, feedback from businesses, other stakeholders and partners. A revised plan will be published for consultation during each autumn prior to subsequent consideration by the Licensing and Environmental Protection Committee.

7 **Reporting performance**

7.1 Official returns of local authority activity are recorded and submitted electronically to the HSE during April/May each year in accordance with Annex G of LAC 67/2 (rev4).

7.2 Illustrative information and data about health and safety activities are included in the Environmental Health Service Annual Report.

HEALTH & SAFETY INTERVENTION PLAN CONSULTATION

21 Oct-29 Nov 2013
2 online responses received

Q1	Looking at the 'Scope of the Health and Safety Service' (page 4 in the Intervention Plan), do you think there any other activities that the Council could consider to improve compliance with health and safety legislation by businesses?	
	1 (50.0%)	Yes
	0 (0.0%)	No
	1 (50.0%)	No opinion
	0 (0.0%)	No reply
	Please expand your answer below if necessary:	
	1) Need to be more proactive with Businesses, information packs or online information should be offered to help businesses improve their risk assessments. Environmental Health visits are very useful why can there not be similar scheme for Health & Safety.	

Q2	The 'Advice to Business' section (page 9 in the Intervention Plan) identifies ways we will provide support and advice to businesses. Would you like the Council to consider any other changes in relation to health, safety and welfare in the workplace?	
	1 (50.0%)	Yes
	1 (50.0%)	No
	0 (0.0%)	No opinion
	0 (0.0%)	No reply
	If you ticked 'Yes', please detail those changes below:	
	1) Again more information for businesses	

Q3	The 'Health and Safety Promotion' section (page 10 in the Intervention Plan) mentions how we propose to meet the needs of businesses. Can you suggest what needs businesses may have in relation to health and safety compliance?	
	1 (50.0%)	Yes
	1 (50.0%)	No
	0 (0.0%)	No opinion
	0 (0.0%)	No reply
	If you ticked 'Yes', please detail those needs below:	
	1) Do not know how far to go relating to risk assessments.	

Q4	Are there any further comments you would like to make about the Health and Safety Intervention Plan that have not already been covered?
	1) Local seminars would be useful

HAMBLETON DISTRICT COUNCIL

Report To: Cabinet
15 April 2014

Subject: **PARK HOME FEES POLICY**

All Wards

Portfolio Holder for Leisure and Health: Councillor Mrs S Shepherd

1.0 PURPOSE AND BACKGROUND:

- 1.1 The purpose of this report is to present for approval the Park Homes Fees Policy and recommended levels of fees.
- 1.2 The Caravan Sites and Control of Development Act 1960 (CSCDA) required site owners to obtain a site licence from the Local Authority before any land could be used as a caravan site. Certain exemptions to the scope of this requirement were specified. The Authority were not able to refuse an application.
- 1.3 The Mobile Homes Act 2013 was enacted on 26th March 2013 and amended the CSCDA to enable Local Authorities to recover the cost of licensing “relevant protected sites”. These are permanent residential sites and exclude sites used for holiday caravans and those where year-round occupation is prohibited.
- 1.4 Before any licensing fees can be charged, or fees charged for other newly introduced powers and duties, a Fees Policy must be published. The attached Park Homes Fees Policy has been produced in order to enable charges to be introduced from 1st April 2014 when the relevant sections of the Mobile Homes Act 2013 come into force.
- 1.5 In February 2014 the Department for Communities and Local Government published a Guide for Local Authorities on setting site licensing fees. This Guidance has been taken into account in setting the Fees Policy and the initial licensing fees.
- 1.6 The structure of the fee policy can vary in time. There is no requirement to charge a fee. However, by allocating costs to licences, the cost of the new regulatory system can be recovered from the licence holders, who may be able to pass on some of these costs to homeowners, without affecting the remainder of Council Tax payers.
- 1.7 As there is no relevant record upon which actual costs can be based, experience gathered by licensing other activities has been used to prepare the basis for charging. Records will be kept of costings during 2014/2015 so that future revisions of charges can be based on actual information. Any under or over charging will be balanced over subsequent years.
- 1.8 New powers exist that enable the Council to serve a compliance notice and carry out work in default. The circumstances when these powers may be used will be included in a Caravan Site Enforcement Policy, expected to be ready by summer 2014 after additional legislation and guidance has been published by the DCLG.

- 1.9 The Mobile Homes (Site Rules) (England) Regulations 2014 also empowers the Local Authority, when considering whether to grant a licence or approve a transfer of an existing licence, to have regard to both the proposed management structures that will be put into place by the new licence holder and any outstanding licensing issues with the existing one. Further guidance is expected on this subject from the DCLG.
- 1.10 Over the past year, a detailed survey has been undertaken of existing sites in order to improve our records and in order to consider the adequacy of existing site licences and licence conditions. These will be revised with a consultation exercise involving site owners, home owners and any residents' associations being undertaken in spring 2014. New site licence conditions will be produced by summer 2014. These will be tailored to individual sites during 2014/2015 in order to have regard to any site-specific circumstances. Currently we have records of 19 park home sites containing a total of 188 pitches. 11 of the sites contain 1 permanent resident.
- 1.11 The new powers of the Authority, and duties of site owners, together with the Park Homes Fees Policy, will be brought to the attention of the site owners and home owners during April 2014.
- 1.12 The Council's Environmental Health Service is working closely with Development Control colleagues, the Fire and Rescue Service and other North Yorkshire Local Authorities in order to ensure that future activity is consistent, related to risk and proportionate.
- 2.0 LINK TO COUNCIL PRIORITIES:**
- 2.1 This will contribute towards the Council's priority of financial stability by ensuring the park homes licensing service is mostly self-financing.
- 3.0 RISK ASSESSMENT:**
- 3.1 There are no significant risks associated with this report.
- 4.0 FINANCIAL IMPLICATIONS:**
- 4.1 The fees and charges recommended will enable the park home licensing service and associated administrative and enforcement functions to be largely self-financing at the earliest opportunity. Records will be kept during 2014/2015 will ensure that information is collected on which future charges can be based.
- 5.0 LEGAL IMPLICATIONS:**
- 5.1 The Local Authority has a duty to enforce the provisions of the Caravan Sites and Control of Development Act 1960 as amended by the Mobile Homes Act 2013. This Fees Policy sets out the fees and charges that will be levied while the Council carries out its duties.
- 6.0 EQUALITY/DIVERSITY ISSUES**
- 6.1 There are no equality or diversity issues associated with this report.
- 7.0 RECOMMENDATION:**
- 7.1 That Cabinet approves and recommends to Council that the Park Homes Fees Policy and the associated initial licence fees be approved.

MICK JEWITT

Background papers: Caravan Sites and Control of Development Act 1960
Mobile Homes Act 2013
Mobile Homes (Site Rules)(England) Regulations 2014
The Mobile Homes Act 2013. A Guide for Local Authorities on setting site
licence fees. February 2014.

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CAPITAL PROGRAMME

Capital Scheme :

Description of Project :

Revenue Implications and how they are to be financed :

Community/Business Benefits :

CAPITAL PROGRAMME

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Description of Project :

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Community/Business Benefits :



HAMBLETON DISTRICT COUNCIL

PARK HOMES FEES POLICY

Date of issue:-

Version Control

Version	Author	Date
1	Philip Mepham	17 th February 2014
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1. Executive Summary

The Mobile Homes Act 2013 (MHA 2013) was introduced in order to provide greater protection to occupiers of residential caravans and mobile homes. It received royal assent on 26th March 2013 and some parts were implemented on 26th May 2013. The MHA 2013 introduces some important changes to park home site licensing on 1st April 2014 by amending the Caravan Sites and Control of Development Act 1960 (the Amended Act). These changes include the ability for Local Authorities to charge site owners a fee for applying for a site licence, for amendments or transfers of existing licences, and for annual fees. In this way, a large proportion of the work related to residential caravan sites will be self-financing.

In order to be able to charge these fees the Council must publish them within a Fees Policy. This Hambleton District Council Park Homes Fees Policy has been produced so that these fees can be introduced during the financial year 2014/15 and be in compliance with guidance published by the Department for Communities and Local Government in February 2014.

Publication of this Fees Policy by 1st April 2014 will enable fee recovery by the Council at the earliest point in time and enable Site Owners to recover these costs should they opt to increase pitch fees at the next pitch fee review date.

The fees associated with applying initially for a new site licence, for transfers/standard amendments of existing licences, site expansion amendments, and for annual fees are to be set initially as follows:-

Initial Licence Fee = £50.00 per pitch

Transfer or Standard Amendment Fee = £250.00 per site/application

Site Expansion Amendment Fee = £25.00 per pitch

Annual Fee = £12.50 per pitch

Sites that are for holiday use only or are only allowed to have units stationed on them at certain times of the year are exempt from licensing fees. The Amended Act enables the Authority to fix different fees or to determine that no fee is required to be paid in certain cases or descriptions of case.

It was felt appropriate for Hambleton District Council to make single pitch sites exempt from annual fees (but not other licensing fees) as these lower risk sites are less onerous to inspect and collecting annual fees in relation to them would not be cost effective.

The MHA 2013 also enables the Authority to serve enforcement notices and to carry out works in default to remedy breaches of site licence conditions from 1st April 2014. The Council would be able to charge fees in relation to this. The fee for Housing Act 2004 enforcement notices is already set at £515 for 2014/15. Due to the similarity of Housing Act and park home site enforcement notices the latter will be set to mirror the former. The administration charge for works in default for park home site enforcement will be set at the same level as that for Housing Act enforcement works in default which is likely to remain at £50 per hour.

The Mobile Homes (Site Rules) (England) Regulations 2014 came into force on 4th February 2014 and set out the timescales (12 months from that date) in which site owners will have the duty to propose new site rules and consult with home owners and any qualifying residents' associations about these rules, which will replace any existing rules. The new rules will need to be deposited with this Authority.

The Authority is able to require a fee when site rules are deposited and will be required to publish an up to date register of site rules. The fee for depositing site rules with the Council will be set at £30.00.

The MHA 2013 also makes provision for regulations to be made requiring site owners to be "Fit and Proper Persons" and for Local Authorities to keep up to date a register of fit and proper persons to manage relevant protected sites. The Authority would be able to charge a fee for fit and proper person register applications. The fee for such applications will be set at £100.00.

2. Introduction

The Caravan Sites and Control of Development Act 1960 (CSCDA 1960) came into force on 29th August 1960. Part one of the Act introduced a licensing system, to be operated by Local Authorities, to regulate the establishment and operation of caravan sites. Section 29 of the Act defines what constitutes a caravan and caravan site, and these are commonly known as park homes and park home sites. The first schedule of the Act sets out cases where a site licence is not required, including:

- Local Authority-owned sites;
- Use incidental to a dwelling house within the same curtilage;
- Sites where a single caravan is stationed on land for not more than two nights and not more than 28 days in any 12 month period;
- Sites where caravans are stationed on land not less than five acres for not more than 28 days and no more than three caravans are stationed at any one time;
- Sites where caravans are solely for seasonal agricultural/forestry workers employed on land owned by the site owner;
- Sites where caravans are solely for workers employed in building or engineering operations on that or adjacent land;

- Sites used by travelling showmen who are members of a relevant organisation;
- Sites occupied by organisations holding a certificate of exemption.

Licences can only be issued to the owners of sites that have obtained valid planning permission. As of February 2014 the Council has records of site licences for 19 Park Home sites with the total number of units across all sites exceeding 188. The extent of work with each site varies according to size, complexity, and whether there are issues arising with residents.

The Department of Communities and Local Government (DCLG) launched a consultation in April 2012 on proposed major reforms to the relevant legislation with the aim of giving greater protection to occupiers of residential caravans and mobile homes. DCLG stated in their Impact Assessment of the consultation “A Better Deal for Mobile Home Owners - Changes to the Local Authority Site Licensing Regime” (published November 2012) that the existing legislation did not allow local authorities to charge fees for issuing and monitoring site licences, or taking enforcement action if conditions were not met. They added that, in practice, this severely limited local authorities’ resources available to provide effective scrutiny of the sector.

As a consequence the Mobile Homes Act 2013 (MHA 2013) was introduced. This received royal assent on 26th March 2013 with some parts implemented on 26th May 2013. The MHA 2013 introduces some important changes to park home site licensing on 1st April 2014 by amending the CSCDA 1960. These changes include the ability to charge site owners a fee for applying for a site licence, for amendments or transfers of existing licences, and for annual fees. Site owners may recover the annual fees through an increase in pitch fees, however, residents will benefit as these fees will help the Authority to increase our activity in an area that has historically been under-monitored. In this way a large proportion of the work in relation to park homes will be self-financing.

Section 10A (2) of the CSCDA 1960 as amended by the MHA 2013 (the Amended Act) requires the Local Authority to publish a Fees Policy before charging fees for the licensing of park home sites. The Hambleton District Council Park Homes Fee Policy (the Fees Policy) has been produced to enable the Council to begin charging these fees on 1st April 2014 and are in compliance with guidance published by the Department for Communities and Local Government in February 2014.

The MHA 2013 also introduced the ability for Local Authorities to serve enforcement notices and to carry out works in default to remedy breaches of site licence conditions from 1st April 2014. The associated fees and charges are therefore also included in the Fees Policy.

The MHA 2013 also introduced changes relating to site rules. The Mobile Homes (Site Rules)(England) Regulations 2014 came into force on 4th February 2014 and set out the timescales (12 months from that date) within which site owners will need to replace existing site rules with new ones that should be deposited with this Authority. The Authority will be able to require a fee when site rules are deposited and will be required to publish an up to date register of site rules. This Fees Policy sets out what this fee will be.

One further aspect of the MHA 2013 where the Authority would be able to require a fee is upon application from a site owner to be included in the Council's register of fit and proper persons for managing relevant protected sites. The MHA 2013 makes provisions for regulations to be made requiring site owners to be "fit and proper persons" and for the Authority to keep such register up to date, and therefore it is prudent to include the relevant fee within the Fees Policy as it is unknown when this legislation may be laid and come into force.

3. Fees for Initial Licence, Transfer/Amendment, Amendments for Site Expansion, and Annual Fees

3.1 Introduction

Subject to the exemptions detailed in the introduction there is a requirement for site owners to ensure that their park home sites are licensed. Failure to do so would be an offence under Section 1(2) of the CSCDA 1960 which can result in a fine not exceeding level 4 (currently £2500) on the standard scale upon summary conviction. Section 3 (2A) of the Amended Act enables the Authority to require a fee in respect to a relevant protected site application.

Section 5A (1) of the Amended Act enables the Authority to require an annual fee to be paid by site owners in respect of relevant protected sites. The Authority may also charge a fee for alterations to licence conditions where these are requested by a site owner or where an application to transfer the licence to another person/ organisation is received (Section 8 (1B) and Section 10 (1A) of the Amended Act, respectively).

When requiring a licence holder to pay an annual fee the Council must inform them of matters to which they have had regard in fixing the fee for the year in question, in particular the extent to which they have had regard to deficits or surpluses in the accounts for the annual fee for previous years. The costs associated with monitoring conditions on sites and dealing with licensing matters informally can be included within annual fees. However, annual fees should not take into account any costs incurred in relation to enforcement activities such as serving compliance notices, emergency action, and works in default as these costs can be recovered by other means. Costs relating to the Authority providing sites for caravans cannot be taken into account in fee determination either.

3.2. Exemptions from paying fees

Sites that are for holiday use only or are only allowed to have units stationed on them at certain times of the year are exempt from licensing fees by virtue of not falling within the definition of "Relevant Protected Sites". These are the only statutory exemptions, however, Section 10A (3) of the Amended Act enables the Authority to fix different fees or to determine that no fee is required to be paid in certain cases or descriptions of case.

It is considered that Hambleton District Council should exempt single pitch sites from annual fees (but not other licensing fees) as there are fewer issues (e.g. spacing, lower risks, tending to be owner occupied) to consider when carrying out routine monitoring compared with multiple pitch sites. In addition, collecting annual fees from

single pitch sites would not be cost effective. These sites would be monitored less frequently than those attracting an annual fee due to the lower risk generally associated with single pitch sites. The costs associated with monitoring single pitch sites would be met through existing budgets.

3.3 Fees for Initial Licence, Transfer/Amendment, Amendments for Site Expansion, and Annual Fees

In addition to setting fees for the initial licence, transfer/amendment of licence, and annual fees, an elevated level of fee is needed for amendments to site licences relating to the expansion of sites by including additional pitches. The reason for the elevated level of fees is that these applications take significantly more time to deal with than a transfer or more straightforward amendment to a site licence, as they involve elements similar to the initial licensing of a site.

The matters to be taken into consideration when determining the grant, transfer and annual licensing of sites will correspond with those included in the DCLG Guidance. In addition time will be costed in relation to the following:-

- travelling time;
- time spent consulting the site owner or licence holder and their representatives and third parties such as Planners, Fire and Rescue Service and Health & Safety Executive;
- where permanent residential pitches are included in a mixed site, only those sites containing more than 1 residential warden;
- time spent investigating complaints and monitoring compliance.

The fees shall be calculated on the basis of an annual base fee in relation to each pitch in the first year followed by a modification in the second and subsequent years based on a risk rating scheme. This would take into account the level of compliance and management of the site.

Annual Fee = £12.50 per pitch.

Amendment fees for expanding sites was calculated by estimating the total cost of for processing such an application for all existing relevant protected sites. This will then divided by the total number of pitches on these sites.

Site Expansion Amendment Fee = £25.00 per pitch.

The fee for the transfer or standard amendment of an existing licence was calculated by estimating the cost of processing such applications. As the cost is not dependant on the number of pitches a single figure per site is set.

Transfer or Standard Amendment Fee = £250.00 per site.

We cannot accurately predict what new site licence applications the Council will receive in the future. It was therefore felt appropriate to assume that new applications would broadly reflect the diversity with regard to pitch numbers of the current relevant protected sites. As a consequence the fee for processing a new application for a site licence will be calculated by estimating the total cost of

processing new applications for all the existing relevant protected sites and then dividing that cost by the total number of pitches on these sites.

Initial Licence Fee = £50.00 per pitch.

When requiring a licence holder to pay an annual fee the Council will inform them of the matters to which they have had regard in fixing the fee for the year in question, in particular the extent to which they have had regard to deficits or surpluses in the account for the annual fee for previous years. In determining the deficits or surpluses in the account any costs relating to the monitoring of conditions on sites, including informal action, will be considered by the Council unless they are specifically excluded by the Amended Act.

3.4 Time when Fees are payable

Section 10A(5) of the Amended Act states that the Fees Policy must include provision about the time at which the annual fee is payable. For the purpose of this policy the period covered by the annual fee will mirror the financial year (1st April to 31st March) and will be paid in advance. Invoices will be sent out during the month of April requiring payment within 30 days. Where a new site is licensed part way through the year an invoice with the same payment terms will be sent shortly after the licence is issued. In the first year, invoices will be sent in May in order to allow time to inform site owners beforehand.

Where a site is expanded part way through the year to include additional units the corresponding higher fee would apply from that point. In such cases an invoice with the same payment terms, covering the difference between the original and increased fee for the remainder of the financial year will be sent shortly after the amended licence has been issued.

4. Charges for Compliance Notices and Works in Default

4.1 Introduction

With effect from 1st April 2014, Section 9A of the Amended Act allows the Authority to serve a compliance notice on a site owner where the site licence conditions are breached. These notices will set out what the site owner needs to do to correct the breaches and the timescales, and the notice will attract a charge. Failure to comply with the notice would be a criminal offence, punishable by a fine at level 5 on the standard scale (currently £5000), and the site licence could be revoked upon a third or subsequent prosecution. Following a successful prosecution for breaching a compliance notice the Authority would be able to serve notice to enter the site and carry out the necessary works (Works in Default).

In addition, Section 9E of the Amended Act allows a notice to be served on site owners enabling the Authority to enter the site and take emergency action where there is an imminent risk of serious harm.

The cost of deciding whether to take action, preparing and serving the various enforcement notices and the actual work itself can be recovered by the Authority

through charges for notices and recharging for works in default. Unpaid charges can be placed as a charge against the site owner's land.

4.2 Charges for Enforcement Notices and Works in Default

As this is a new provision the Authority has little evidence on which to base our charges for park home enforcement notices. However, the processes involved are similar to those involved in the service of Housing Act 2004 enforcement notices. The level of charge for these notices was set out in the Council's Fees and Charges Schedule and stands at £515 for 2014/15 and therefore the charge for park homes enforcement notices will mirror the charge for Housing Act 2004 notices at £515

Similarly, the administration charge that is added to the cost of works when recovering expenses relating to works in default should mirror that set for Housing Act 2004 works in default at £50 per hour. As the Council cannot recharge the VAT element of the cost of work in such cases setting the admin charge any lower than £50 per hour may lead to site owners failing to comply with notices on the basis that the Council's charge would be cheaper than paying for a VAT registered contractor themselves to carry out the works.

5. Fees for Depositing Site Rules

5.1 Introduction

Site rules are different to site licence conditions in that they are neither created nor enforced by Local Authorities. They are a set of rules created by the site owner to which residents have to comply. They may reflect the site licence conditions but will also cover matters unrelated to licensing. The Mobile Homes Act 2013 makes amendments to the Mobile Homes Act 1983 Act in relation to site rules. The Mobile Homes (Site Rules) (England) Regulations 2014 came into force on 4th February 2014 and require existing site rules to be replaced with new site rules to be deposited with the Authority within 12 months from that date.

The Authority will need to satisfy itself that replacement or new rules deposited with them have been made in accordance with the statutory procedure. This prescribes how the site owner shall consult home owners and any residents' association. They will also be required to establish, keep up to date, and publish a register of site rules. In doing so the Authority may levy a fee for the depositing of site rules, or the variation or deletion of site rules.

5.2 Fees for depositing Site Rules

Once an administrative system is in place for holding and publishing site rules it is estimated that it will take approximately 1 hour for officers to undertake their duties in relation to the deposited site rules. Therefore a fee of £30.00 should be charged (based on the appropriate hourly rate) for the depositing of site rules by site owners.

6. Fees for Fit and Proper Persons Register Applications

6.1 Introduction

Section 8 of the MHA 2013 relates to “Fit and Proper Persons” in respect to relevant protected sites. However this requirement does not come into force until the Secretary of State (SoS) issues the necessary statutory instrument, for which no timetable has been published.

Should this come into force it would enable the SoS to issue regulations making it an offence for a site owner to manage a site if the Authority does not consider them to be a fit and proper person. It would also enable the SoS to issue regulations requiring the Local Authority to establish, publish and keep up to date a register of persons they are satisfied are fit and proper persons to manage protected sites in their area, and enable them to charge a fee for applications for inclusion on the register.

6.2 Fees for Fit and Proper Persons Register Applications

These checks are estimated to take 120 minutes and updating and publishing a register would take a further 30 minutes. It is therefore appropriate to set a fee of £100.00 (based on the appropriate hourly rate) for making fit and proper person applications.

7. Revising Fees

7.1 Revising Fees

The fees covered by the Park Homes Fees Policy will be reviewed annually in the Council's Fees and Charges Schedule in the light of actual costs incurred during the first year of operation of the licensing scheme. Should a significant change in fees be required then the Park Homes Fee Policy will be revised and published showing the reasons for any significant change and how any surpluses or deficits have been taken into account..