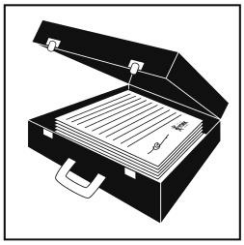

Notice of a public
Decision Session - Executive Member for Finance and Performance

To: Councillor Ayre (Executive Member)

Date: Monday, 11 April 2022

Time: 10.00 am

Venue: The Snow Room - Ground Floor, West Offices (G035)

AGENDA

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democratic Services by **4:00pm on Wednesday 13 April 2022.**

*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any items that are called in will be considered by the Customer and Corporate Services Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5:00pm on Thursday 7 April 2022.**

1. Declarations of Interest
At this point in the meeting, Members are asked to declare any disclosable pecuniary interest or other registerable interest they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.

2. Minutes (Pages 1 - 4)
To approve and sign the minutes of the Decision Session held on 16 March 2022.

3. **Council Tax Energy Rebate discretionary scheme** (Pages 5 - 24)

This paper provides the Executive Member for Finance & Performance with the discretionary council tax energy rebate scheme for approval.

4. **Application for Community Right to Bid under the Localism Act 2011 – Derwent Arms Public House** (Pages 25 - 38)

This report details an application to list the Derwent Arms, Osbaldwick, York as an Asset of Community Value (ACV), for consideration by the Council. The application has been received from Osbaldwick Parish Council.

5. **Urgent Business**

Any other business which the Executive Member considers urgent under the Local Government Act 1972.

Democracy Officer:
Name: Angela Bielby
Telephone: (01904) 552599
Email: a.bielby@york.gov.uk

For more information about any of the following, please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 **(Cantonese)**

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। **(Bengali)**

Ta informacja może być dostarczona w twoim własnym języku. **(Polish)**

Bu bilgiyi kendi dilinizde almanız mümkündür. **(Turkish)**

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ **(Urdu)**

☎ **(01904) 551550**

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Agenda Item 2

City of York Council	Committee Minutes
Meeting	Decision Session - Executive Member for Finance and Performance
Date	16 March 2022
Present	Councillor Ayre (Executive Member for Finance and Performance)
Apologies	Councillor Craghill (Executive Member for Housing & Safer Neighbourhoods)

12. Declarations of Interest

The Executive Member was asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests that he might have had in respect of business on the agenda. He confirmed he had none.

13. Minutes

Resolved: That the minutes of the Decision Session held on 13 February 2022 be approved as a correct record and signed by the Executive Member.

14. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

15. Approval of Financial Inclusion Grant Funding and Awards 2022/23

The Executive Member considered a report that sought approval of the recommended awards of grants under the Financial Inclusion Grant Funding and Awards scheme following a round of competitive bids and a selection panel process. The Director of Customer and Communities detailed the funding available noting that it fed into managing the impacts of the Covid pandemic and cost of living increases. The innovation behind the Blueberry Academy and IT reuse projects was highlighted. The Director of Customer and Communities noted that the Citizen Advice York GP surgery was not on the list as it was to be funded separately by public health.

The Executive Member welcomed the grants awards and noted that they contributed to some of the most essential work as a Local Authority. He noted the extra funding that had been secured for public health which had increased available funding for grants. He then;

Resolved: That approval be given to the award of £157,062 of grants to fund nine projects for 2022/23 as set out below to deliver a range of financial inclusion activities in the city. There is an approved budget of £150,000 for 2022/23 and a carried forward underspend from 2021/22 of £7,726 giving an available total of £157,726. All projects are of a twelve month duration.

1. £9,000 to the Blueberry Academy for the Blueberry 50/50 On Line Marketplace project to run an on line market for young people with learning difficulties to manage on line sales for recycled/reuse items generating income and acquiring skills from their enterprise activities.

2. £19,320 to Experience Counts for their 50+ Project to deliver four employment related programmes to residents aged 50+.

3. £19,479* to Changing Lives for their Financial & Social Inclusion Worker to support vulnerable and hard to reach residents to gain financial independence.

4. £13,480 to Refugee Action York (RAY) for their Advice & Support – Equal Access for All project in collaboration with CAY provide support to refugees, asylum seekers and migrants to access practical support, information and guidance relieve hardship, reduce isolation, advance education and improve integration.

5. £27,543 to the Peasholme Charity for the My Money, My Life project to continue delivery of its financial capability pathway service.

6. £5,385 to Citizens' Advice York for the Financial Inclusion in the Traveller Community project to continue project working with the Travellers Trust to deliver and co-ordinate advice services to the Gypsy & Traveller Community.

7. £18,692 to Age UK (York) for the Reaching Out to Older People in their Community project to enhance the financial stability of older people (50+) living on a low income, promoting improved health and wellbeing, reducing reliance on other services, and to help retain their independence. A partnership with OCAY (Older Citizens Advocacy York), Friends of St Nicholas Fields & York Energy Advice.

8. £26,864* IT Reuse for the IT Reuse project to provide those on low incomes with a refurbished computer to alleviate digital poverty helping to reduce financial exclusion to enable people to manage their finances, apply for benefits, learn new skills, apply for jobs, access banking and find better on-line deals. Donated unwanted IT equipment is repaired and configured by volunteers to distribute to those who experience financial and digital exclusion.

9. £17,299 to the Welfare Benefits Unit for Advice Extra to extend reach of services to underpin first tier advisors in responding to more complex cases.
   *projects part funded

Reason: To ensure that funds set aside to support the delivery of financial inclusion activity are allocated appropriately.

Cllr N Ayre, Chair
[The meeting started at 12.30 pm and finished at 12.38 pm].

Agenda Item 3

Executive Member for Finance & Performance **11 April 2022**

Report of the Director Customer & Communities

Council Tax Energy Rebate – Discretionary Scheme

Summary

1. This paper provides the Executive Member for Finance & Performance with the discretionary council tax energy rebate scheme for approval.

Recommendations

2. The Executive Member is asked to:

   a) Approve the council's discretionary council tax energy rebate scheme as set out at paragraph 6 – 10 and Annex A.

   Reason: To provide financial support in respect of the increasing utility costs to the city's financially vulnerable residents.

Background

3. The Government announced on the 3rd February 2022 measures to help households with rising energy costs including a £150 council tax energy rebate. The Government have set the rules of the scheme and will provide funding for billing authorities to give all households in England whose primary residence is valued in council tax bands A – D a one-off council tax energy rebate payment of £150. This payment will operate outside of the council tax system, using council tax lists to identify eligible households. York's allocation is £11,383k

4. The payment is a cash payment made directly into resident's accounts where they pay by Direct Debit (DD). Where they do not pay by direct debit we will invite all qualifying residents to apply for the payment through an application process. The payment is per

household not per resident. The Government scheme is attached to this paper at Annex B.

5. The council has also received funding of £250k to provide a discretionary scheme for those residents who do not meet the criteria of the core scheme but may require support with rising utility costs.

Council Tax Energy Rebate Discretionary Scheme

6. The council can determine locally how best to make use of this funding to provide payments to other households who are energy bill payers but not covered by the Council Energy Tax Rebate.

7. This includes households living in property valued in bands E – H that are on income related benefits or those where the energy bills payers are not liable for council tax. Discretionary support will not be offered to occupants of property in exemption class O, where the Ministry of Defence will provide cost of living support, or class M student halls of residence or if the property is not the claimant's main home

8. Support from the Discretionary Fund does not have to be provided in relation to the position on 1 April 2022 (as in the core scheme), but we will not provide support to any household that has already received a payment under the core Council Tax Energy Rebate scheme.

9. The support from the Discretionary Fund will be no higher than £150 per household. We will always undertake prepayment checks before providing support from the Discretionary Fund.

10. The scheme is set out at Annex A. All discretionary funding should be spent by 30 November 2022.

Consultation

11. The scheme is set by central government and although the discretionary scheme provides some latitude to the council it is capped at £150 per customer, the funding available is fixed and support is hardship based. There have been some discussions

with the third sector and they were supportive of the council's approach. They were invited to send on any further comments or ideas but nothing further has been received.

Options

12. There are no options associated with this paper.

Analysis

13. The Government has provided funding for the core scheme based upon the Band A – D properties in the council tax base. This will ensure that each qualifying household receives the £150 energy rebate. The additional discretionary funding will provide support for residents who will be in a similar financial position to those in Council Tax Band A - D. An example of this is families on income related benefits and council tax support who require larger properties due to the family size pushing them above Band D for council tax. The maximum funding under the discretionary scheme is the same as the core scheme (£150) but it is not possible to say if the funding will be adequate. It will certainly be sufficient to meet the demand of those residents above Band D and in receipt of council tax support and will provide for approx. 1,700 payments.

Council Plan

14. Approving the decision in this paper will supports the council plan in delivering good health and wellbeing, safe communities and an inclusive economy.

Implications

15.

Financial

The costs of all schemes are met in full by central government

Human Resources (HR)

There are no HR implications.

Equalities

This report will impact on all communities equally.

Legal

No implications

Crime and Disorder, Information Technology and Property

No implications

Risk Management

16. The risks to the council from this scheme are low. It is funded by central government and there will be sufficient funding for all those residents above Council Tax Band D who receive income related benefits and council tax support. All other applications will be judged on their own merits and the scheme rules. It is not possible to know the numbers that may arise other than they would be living in properties above Band D and not be in receipt of income related benefit. There is a small risk that the unknown demand could exceed the funding provided.

Author responsible for the report:	**Chief Officer responsible for the report:**
David Walker	Pauline Stuchfield
Head of Customer & Exchequer Services	Director Customer & Communities
01904 552261	

Report Approved	√	**Date**	31/03/22

Specialist Implications Officer(s):

Wards Affected: **All** √

For further information please contact the author of the report

Background Papers:

Annexes

Annex A – Council Tax Energy Rebate Discretionary Scheme

Annex B – Council Tax Energy Rebate Government Guidance

Annex A

Council Tax Energy Rebate Discretionary Scheme.

Background

1. The government recognised that billing authorities may wish to provide support to other energy bill payers who are not eligible under the terms of the Council Tax Energy Rebate core scheme. It has therefore provided City of York Council with a £250k Discretionary Fund.

2. The council can determine locally how best to make use of this funding to provide payments to other households who are energy bill payers but not covered by the Council Energy Tax Rebate.

3. This includes households living in property valued in bands E – H that are on income related benefits or those where the energy bills payers are not liable for council tax. Discretionary support will not be offered to occupants of property in exemption class O, where the Ministry of Defence will provide cost of living support, or class M student halls of residence or if the property is not the claimant's main home

4. Support from the Discretionary Fund does not have to be provided in relation to the position on 1 April 2022 (as in the core scheme), but we will not provide support to any household that has already received a payment under the core Council Tax Energy Rebate scheme.

5. The support from the Discretionary Fund will be no higher than £150 per household. We will always undertake prepayment checks before providing support from the Discretionary Fund.

6. All discretionary funding should be spent by 30 November 2022.

The Scheme

1. The scheme will provide a £150 rebate to all Households in band A – D where:

    a. The household is not liable to pay council tax but does have liability for utility bills and the household has not already benefitted through the core scheme.

2. The scheme will provide a £150 rebate to all Households above band A – D where:

    i. The household is in receipt of Council Tax Support
    ii. The household is in receipt of any other working age income related benefit.
    iii. The householder or their partner are in receipt of Pension Credit
    iv. A member of the household is in receipt of Disability Living Allowance (DLA)
    v. A member of the household is in receipt of Personal Independence Payment (PIP).

3. The scheme will provide up to a £150 rebate to Households above band A – D where:

    i. The household can prove hardship, has less than £6,000 in savings and has not received any payment from the core scheme.

    ii. No Household that has received a £150 energy rebate under the core scheme will be eligible under the discretionary scheme.

    iii. No second homes or holiday homes will receive a discretionary payment.

    iv. Empty properties will not be eligible.

    v. Students in halls of residence (class M) will not be eligible

    vi. MOD properties (class O) will not be eligible

4. The award with be provided through a direct payment to the customers bank account but can be applied to their council tax account if requested.

Review

5. There is no formal right to appeal. The council will operate an internal review process and will accept an applicant's request for an appeal of its decision. The application will be reconsidered by a senior officer, as soon as practicable and the applicant informed in writing or email of the decision.

Fraud

6. All payments made through the discretionary scheme will undergo prepayment checks. This will include the use of the Governments Spotlight system for bank account verification and checking for any multiple applications.

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Support for energy bills - the council tax rebate 2022-23: billing authority guidance

Published 21 February 2022
Last updated 21 March 2022

Contents
The Council Tax Rebate
Eligibility
Making payments
Council tax billing and communication
The Discretionary Fund
Impact of payments
Monitoring and reporting requirements
New Burdens

Print this page

Introduction

1. The government has announced a package of support known as the Energy Bills Rebate to help households with rising energy bills, with £150 rebate of £150 to:

- 6.2 million discount or free energy bills for eligible households in England, Scotland and Wales
- £140 discount to help energy bills for eligible households in Northern Ireland
- £150 discount to help eligible households in England council tax bills
- £150 million of discretionary funding for billing authorities to support households who have not been sent an eligible Council Tax Rebate, known as the Discretionary Fund.

2. This guidance covers the operation and delivery of the Council Tax Rebate and Discretionary Fund. It provides information on how billing authorities should prepare for operating and carried out the energy bill discount scheme in their local authority area.

3. We will pay grants to billing authorities in March 2022. Funding for the Council Tax Rebate will be based on the number of eligible properties recorded on the Council Tax base statistics. For eligible classes of exemption, allocations assume that the band mix is the same as for the Council Tax base. Funding for the Discretionary Fund will be allocated based on each authority's relevant Council Tax. Allocations are at Annex 1.

7. Funding paid to billing authorities for the Council Tax Rebate is to be passed on to eligible households. Billing authorities will also administer the Discretionary Fund (paragraphs 17, 18-22) and the Rebate payments should be paid as soon as possible thereafter. Payments to eligible households should be made by the end of September 2022 at the latest, assuming a order there is no, or limited, Chief Financial Officer. All payments should be made by the end of September 2022 at the latest, assuming a order there is no, or limited, Chief Financial Officer. Any local authority in billing authorities will be required to be accepted by Government and any order from billing will be settled with billing authorities following the Government.

8. Funding for the Discretionary Fund is allocated to billing authorities as set out at Annex 1. Allocations have been calculated based on the index of multiple deprivation (IMD) and the number of properties in bands A-D in each billing authority area. The methodology note is published alongside this guidance.

9. Funding paid to billing authorities for the Discretionary Fund is to be passed on to eligible households. Billing authorities will also administer the Discretionary Fund (paragraphs 17-22) and the Rebate payments should be made by the end of September 2022 at the latest, assuming a order there is no, or limited, Chief Financial Officer. All payments should be made by the end of September 2022 at the latest, assuming a order there is no, or limited, Chief Financial Officer.

The Council Tax Rebate

Eligibility

10. The government recognises that many households will need support to deal with the rising cost of energy bills. The Council Tax Rebate is a £150 payment to ease the rising costs and offset most households across the country. It is a non-means tested payment to households in Bands A-D in England, Scotland and Wales, in proportion of their income or ability.

11. To provide some immediate relief for those living costs, while targeting those most in need, the Council Tax Rebate will be paid to households in Bands A-D. Households who are liable for the Council Tax Rebate will be paid a rebate of £150 to ease the rising costs and offset most households across the country. It is a non-means tested payment to households in Bands A-D in England, Scotland and Wales, in proportion of their income or ability.

12. Billing authorities should use the Council Tax Rebate to be passed on to eligible households. Billing authorities will also administer the Discretionary Fund (paragraphs 17, 18-22) and the Rebate payments should be made by the end of September 2022 at the latest, assuming a order there is no, or limited, Chief Financial Officer. All payments should be made by the end of September 2022 at the latest, assuming a order there is no, or limited, Chief Financial Officer. All payments should be made by the end of September 2022 at the latest, assuming a order there is no, or limited, Chief Financial Officer. Any local authority in billing authorities will be required to be accepted by Government and any order from billing will be settled with billing authorities following the Government.

13. Funding for the Discretionary Fund is allocated to billing authorities as set out at Annex 1. Allocations have been calculated based on the index of multiple deprivation (IMD) and the number of properties in bands A-D in each billing authority area. The methodology note is published alongside this guidance.

14. Funding paid to billing authorities for the Discretionary Fund is to be passed on to eligible households. Billing authorities will also administer the Discretionary Fund (paragraphs 17-22) and the Rebate payments should be made by the end of September 2022 at the latest, assuming a order there is no, or limited, Chief Financial Officer. All payments should be made by the end of September 2022 at the latest, assuming a order there is no, or limited, Chief Financial Officer.

Making payments

15. Payments should be provided directly from billing authorities to eligible households in the most cost effective and simple way for households, regardless of the number of instances of rebate and discount.

Where a council holds live direct debit instructions for a liable council tax payer of an eligible household

16. Where a council holds live direct debit instructions for a council taxpayer of an eligible household, they should make an automatic payment as early as possible in the financial year 2022-23 to the council taxpayer's bank account, unless the council has been delisted from each rebate. Where multiple residents of an eligible household are liable for council tax, the rebate should be applied to the account with the live instruction for that household. No full £150 payment should be made to the direct debit payer if the payment would take the account into credit. Any remaining automated payments (and those the direct from paragraph 17 should be made to the council taxpayer's bank account, unless the council has been delisted from each rebate.

17. Council tax payers who have no instalments that the year's billing procedure in the assumption that they were a council tax payer in accordance (taken if the property were let exempt) and that the property and the criteria set out at paragraph 7 of Part 1 of Schedule 1 to the Council Tax (Exempt Dwellings) Order 1996 (S.I. 1996/2930) (the "exempt dwellings order") have first the year's billing procedure in paragraph 7 of Part 1 of Schedule 1 to the exempt dwellings order.

22. Council tax payers who have no instalments that the year's billing procedure in the assumption that they were a council tax payer in accordance (taken if the property were let exempt) and that the property and the criteria set out at paragraph 7 of Part 1 of Schedule 1 to the Council Tax (Exempt Dwellings) Order 1996 (S.I. 1996/2930) (the "exempt dwellings order") have first the year's billing procedure in paragraph 7 of Part 1 of Schedule 1 to the exempt dwellings order.

23. Council tax payers who have no instalments that the year's billing procedure in the assumption that they were a council tax payer in accordance (taken if the property were let exempt) and that the property and the criteria set out at paragraph 7 of Part 1 of Schedule 1 to the Council Tax (Exempt Dwellings) Order 1996 (S.I. 1996/2930) (the "exempt dwellings order") have first the year's billing procedure in paragraph 7 of Part 1 of Schedule 1 to the exempt dwellings order.

Where a council does not hold live direct debit instructions for a liable council tax payer

24. **Where Council Tax an eligible household** payments to an eligible household. Any government equity there to make all reasonable efforts to contact the household and provide information on how to claim the rebate and the Discretionary Fund.

25. Councils may determine an appropriate claims method locally, considering the software solutions available to them, but should include an option for residents who are not liable for council tax to apply for the Discretionary Fund. Councils should use the Discretionary Fund (DF) as a backstop, for all payments within scope of the mandatory scheme, should be made by 30 September 2022. As part of the claims process, councils can request the bank details of eligible households to make payments directly into their bank accounts.

26. Councils should use the contact to will certify that they are in receipt of the rate payment and that they are not in receipt of the rate payment. Councils should also use the DF to provide an ongoing rebate if the household is liable for council tax and is in receipt of Council Tax Reduction (CTR) or Universal Credit (UC). Local Authorities Enforcement Responsibilities HMRC is required information for the purposes of identifying fraud and error.

28. Councils should include information on how recipients can contact Fraud if they have any doubt that it is the council making contact. The government will not Subsidies Office (CMS) to provide information to the Department for Business, Energy and Industrial Strategy (BEIS) to provide information to the Department for Business, Energy and Industrial Strategy (BEIS) to provide information to the purposes of identifying fraud and error. Fraud Office (CFO) to provide information to the Department for Business, Energy and Industrial Strategy (BEIS) to provide information to the purposes of identifying fraud and error.

29. Councils should also use the DF to provide an ongoing rebate if the household is liable for council tax and is in receipt of Council Tax Reduction (CTR) or Universal Credit (UC). Local Authorities Enforcement Responsibilities HMRC is required information for the purposes of identifying fraud and error.

30. Councils should include information on how recipients can contact Fraud if they have any doubt that it is the council making contact. The government will not Subsidies Office (CMS) to provide information to the Department for Business, Energy and Industrial Strategy (BEIS) to provide information to the Department for Business, Energy and Industrial Strategy (BEIS) to provide information to the purposes of identifying fraud and error. Fraud Office (CFO) to provide information to the Department for Business, Energy and Industrial Strategy (BEIS) to provide information to the purposes of identifying fraud and error.

31. Councils should also use the DF to provide an ongoing rebate if the household is liable for council tax and is in receipt of Council Tax Reduction (CTR) or Universal Credit (UC). Local Authorities Enforcement Responsibilities HMRC is required information for the purposes of identifying fraud and error.

Council tax billing and communication

32. Councils are required to ensure that households are provided with clear and timely information about the Council Tax Rebate.

34. The Council Tax (Demand Notices and Reduction Schemes) (England) (Amendment) Regulations 2022 (SI 2022/ 0000) (the "Council Tax Rebate Regulations") provide the following explanatory amount to be included in the council tax bill issued to a taxpayer in respect of a dwelling in which a rebate is payable: "£150 rebate has been taken off Energy Bills Rebate for most households in council tax bands A-D".

35. The regulations do not prevent councils from providing more information on the rebate if they wish to do so, for example, to explain that the rebate is not a council tax rebate because a person's council tax liability is unaffected by a rebate (paragraphs 36 and 37 below).

37. Alongside the guidance the government is publishing an information pamphlet which billing authorities may choose to use to inform their residents about the Council Tax Rebate. This pamphlet includes information on the Discretionary Fund and how to apply for it. Billing authorities may also choose to use their own communications to inform residents of the Council Tax Rebate. Where communications are provided, it should be made to other households.

38. Where a billing authority has a digital channel to support a bank copy alongside the council tax demand notice, unless the council tax payer has opted for a direct debit billing arrangement in place. Where an electronic billing arrangement is in place, councils can provide information on the rebate in the electronic billing system. Where communications are requested but is in digital channel.

The Discretionary Fund

39. The government recognises that billing authorities may also wish to provide support to other energy bill payers who are not eligible under the terms of the core rebate. It will be for billing authorities to determine how they use their Discretionary Fund allocation. Funds as per the allocations at Annex 1.

37. Councils can determine long-term support to make use of the funding to provide support to those who are in most need, in accordance with the eligibility criteria set out in the Rebate. This could include households facing a significant change in income, a change in circumstances such as a bereavement, or those who are in receipt of Council Tax Support, but are not eligible for the Council Tax Rebate. Councils may also use the Discretionary Fund to provide support to those who are in most need, but are not eligible for other benefits. Discretionary support should be offered to a council tax payer who is liable for council tax and who is in receipt of Council Tax Reduction (CTR).

38. Once determined (and approved where considered appropriate by elected members), councils should publish their approach online and be ready to deliver the scheme from the start of the financial year 2022-23.

39. Support from the Discretionary Fund does not have to be provided in relation to the position on Year1 2022, and councils should take all reasonable steps to ensure they are not providing additional support to Council Tax Reduction (CTR) or Universal Credit (UC) recipients who are liable for council tax. Councils should use their discretion to provide support to those who are in most need, but who are not eligible for other benefits. Discretionary support should be offered to a council tax payer who is liable for council tax and who is in receipt of Council Tax Reduction (CTR) or Universal Credit (UC). Discretionary support from the Discretionary Fund.

40. Discretionary support should be provided by end-March 2023 at the latest, assuming funding will be required by the Department for Business, Energy and Industrial Strategy (BEIS).

Impact of payments

41. To prevent local authorities already having to pay for Council Tax Rebate payments to be passed on to eligible households, the Discretionary Fund (paragraphs 17-22) and the Rebate payments should be made by the end of September 2022 at the latest, assuming there is no, or limited, Chief Financial Officer. Any local authority in billing authorities will be required to be accepted by Government and any order from billing will be settled with billing authorities following the Government.

42. Alongside the Council Tax Rebate payments, the Discretionary Fund (paragraphs 17-22) and the Rebate payments should be made by the end of September 2022 at the latest, assuming there is no, or limited, Chief Financial Officer. Any local authority in billing authorities will be required to be accepted by Government and any order from billing will be settled with billing authorities following the Government.

43. Alongside the Council Tax Rebate payments, the Discretionary Fund (paragraphs 17-22) and the Rebate payments should be made by the end of September 2022 at the latest, assuming there is no, or limited, Chief Financial Officer. Any local authority in billing authorities will be required to be accepted by Government and any order from billing will be settled with billing authorities following the Government.

44. Alongside the Council Tax Rebate payments, the Discretionary Fund (paragraphs 17-22) and the Rebate payments should be made by the end of September 2022 at the latest, assuming there is no, or limited, Chief Financial Officer. Any local authority in billing authorities will be required to be accepted by Government and any order from billing will be settled with billing authorities following the Government.

Monitoring and reporting requirements

44. Local authorities should maintain a record of expenditure under the Council Tax Rebate and Discretionary Fund. Local authorities should be able to provide information upon request. Housing and Communities and Levelling Up (MHCLG) statistics

Leeds	1,195,200	46,264,850	48,059,850
Leicester UA	836,250	19,652,000	20,438,250
Lewes	222,150	4,987,650	5,209,800
Lewisham	890,550	17,269,650	18,160,200
Lichfield	140,700	5,148,600	5,289,300
Lincoln	196,950	6,103,200	6,300,150
Liverpool	1,612,500	32,305,050	33,917,550
Luton UA	457,950	11,446,050	11,904,000
Maidstone	396,300	7,861,050	8,257,350
Maldon	132,000	2,914,800	3,046,800
Malvern Hills	152,850	3,661,050	3,813,900
Manchester	1,626,150	32,448,150	34,074,300
Mansfield	229,800	7,059,000	7,288,800
Medway UA	604,350	14,907,600	15,511,950
Melton	73,050	2,719,050	2,792,100
Mendip	195,150	6,098,100	6,293,250
Merton	565,350	8,834,400	9,399,750
Mid Devon	143,550	4,228,800	4,372,350
Mid Suffolk	161,250	5,199,300	5,360,550
Mid Sussex	200,550	5,993,550	6,194,100
Middlesbrough UA	461,850	8,730,750	9,192,600
Milton Keynes UA	503,100	14,044,500	14,547,600
Mole Valley	236,850	2,428,800	2,665,650
New Forest	320,850	8,206,350	8,527,200
Newark and Sherwood	195,900	6,929,400	7,125,300
Newcastle upon Tyne	709,200	17,856,150	18,565,350
Newcastle-under-Lyme	206,250	7,460,250	7,666,500
Newham	1,086,300	16,883,400	17,969,700
North Devon	192,000	5,655,750	5,847,750
North East Derbyshire	162,450	6,060,900	6,223,350
North East Lincolnshire UA	375,300	10,188,300	10,563,600
North Hertfordshire	216,600	6,268,050	6,484,650
North Kesteven	121,800	6,747,150	6,868,950
North Lincolnshire UA	302,700	10,250,700	10,553,400
North Norfolk	226,350	6,216,450	6,442,800
North Northamptonshire	561,450	19,817,700	20,379,150
North Somerset UA	395,250	11,103,150	11,498,400
North Tyneside	352,800	13,761,150	14,113,950
North Warwickshire	134,100	3,572,850	3,706,950
North West Leicestershire	133,350	5,740,650	5,874,000
Northumberland UA	647,250	19,091,400	19,738,650
Norwich	292,050	9,291,150	9,583,200
Nottingham UA	947,050	19,875,600	20,722,650
Nuneaton and Bedworth	247,850	7,999,050	8,246,850
Oadby and Wigston	72,450	3,021,450	3,093,900
Oldham	605,400	13,407,900	14,013,300
Oxford	327,300	6,777,000	7,104,300
Pendle	232,200	5,439,900	5,672,100
Peterborough UA	429,000	11,757,900	12,186,900
Plymouth UA	556,500	16,633,350	17,189,850
Portsmouth UA	433,800	12,318,900	12,752,700
Preston	349,200	8,516,400	8,865,600
Reading UA	299,550	8,959,500	9,259,050
Redbridge	1,175,850	11,146,650	12,322,500
Redcar and Cleveland UA	329,400	8,789,100	9,118,500
Redditch	170,100	4,761,900	4,932,000
Reigate and Banstead	331,650	5,153,400	5,485,050
Ribble Valley	88,500	2,822,850	2,911,350
Richmond upon Thames	832,200	5,420,400	6,252,600
Richmondshire	91,350	2,197,500	2,288,850
Rochdale	591,600	12,980,250	13,571,850
Rochford	125,250	4,080,000	4,205,250
Rossendale	144,450	4,226,400	4,370,850
Rother	294,000	4,528,800	4,822,800
Rotherham	615,900	16,421,400	17,037,300
Rugby	165,450	5,632,050	5,797,500
Runnymede	169,800	3,193,050	3,362,850
Rushcliffe	130,950	5,527,500	5,658,450
Rushmoor	134,550	4,942,650	5,077,200
Rutland UA	43,050	1,688,250	1,731,300
Ryedale	110,250	2,770,800	2,881,050
Salford	711,150	17,208,300	17,919,450
Sandwell	886,650	19,187,550	20,074,200
Scarborough	254,550	6,975,600	7,230,150
Sedgemoor	241,350	6,785,400	7,026,750
Sefton	708,150	16,431,900	17,140,050
Selby	125,250	4,734,000	4,859,250
Sevenoaks	307,350	4,197,150	4,504,500
Sheffield	1,204,050	33,848,100	35,052,150
Shropshire UA	584,700	16,785,300	17,370,000
Slough UA	363,450	7,223,850	7,587,300
Solihull	503,250	9,930,000	10,433,250
Somerset West and Taunton	292,200	8,356,950	8,649,150
South Cambridgeshire	209,850	6,531,150	6,741,000
South Derbyshire	152,550	5,734,200	5,886,750
South Gloucestershire UA	337,650	14,950,950	15,288,600
South Hams	173,700	4,332,600	4,506,300
South Holland	131,250	5,854,500	5,985,750
South Kesteven	189,900	8,104,350	8,294,250
South Lakeland	191,250	5,193,450	5,384,700
South Norfolk	185,100	7,595,250	7,780,350
South Oxfordshire	214,050	5,796,750	6,010,800
South Ribble	170,850	6,481,800	6,652,650
South Somerset	298,350	8,994,450	9,292,800
South Staffordshire	186,600	5,324,550	5,511,150
South Tyneside	369,000	10,158,150	10,527,150
Southampton UA	528,150	15,267,000	15,795,150
Southend-on-Sea UA	394,650	10,260,600	10,655,250
Southwark	1,529,100	15,838,200	17,367,300
Spelthorne	309,000	3,932,400	4,241,400
St Albans	336,900	4,484,550	4,821,450
St Helens	447,600	11,530,050	11,977,650
Stafford	177,900	7,225,200	7,403,100
Staffordshire Moorlands	162,300	5,411,850	5,574,150
Stevenage	161,550	4,922,400	5,083,950
Stockport	599,100	15,898,800	16,497,900
Stockton-on-Tees UA	450,000	11,389,800	11,839,800
Stoke-on-Trent UA	647,100	16,674,600	17,321,700
Stratford-on-Avon	252,900	5,742,150	5,995,050
Stroud	166,800	5,983,350	6,150,150
Sunderland	656,400	18,234,600	18,891,000
Surrey Heath	136,500	2,760,300	2,896,800
Sutton	491,550	8,947,950	9,439,500
Swale	355,050	7,900,500	8,255,550
Swindon UA	371,400	12,482,400	12,853,800
Tameside	530,400	14,545,050	15,075,450
Tamworth	133,050	4,607,700	4,740,750
Tandridge	284,850	2,535,750	2,820,600
Teignbridge	273,300	7,107,900	7,381,200
Telford and Wrekin UA	381,300	10,386,450	10,767,750
Tendring	407,250	9,161,100	9,568,350
Test Valley	178,050	5,705,100	5,883,150
Tewkesbury	152,400	4,602,000	4,754,400
Thanet	397,350	8,738,700	9,136,050
Three Rivers	205,050	2,908,050	3,113,100
Thurrock UA	351,000	8,980,950	9,331,950
Tonbridge and Malling	288,600	5,213,100	5,501,700
Torbay UA	375,750	8,397,900	8,773,650
Torridge	143,250	4,039,050	4,182,300
Tower Hamlets	2,881,350	14,080,350	16,961,700
Trafford	371,850	12,220,200	12,592,050
Tunbridge Wells	185,100	4,839,600	5,024,700
Uttlesford	177,000	3,120,450	3,297,450
Vale of White Horse	164,100	5,718,150	5,882,250
Wakefield	735,450	21,799,500	22,534,950
Walsall	732,600	15,889,950	16,622,550
Waltham Forest	776,250	14,269,350	15,045,600
Wandsworth	1,205,100	13,376,700	14,581,800
Warrington UA	367,950	11,647,200	12,015,150
Warwick	228,900	7,013,250	7,242,150
Watford	239,850	4,824,600	5,064,450
Waverley	216,600	3,997,500	4,214,100
Wealden	327,000	6,475,950	6,802,950
Welwyn Hatfield	251,100	5,007,750	5,258,850
West Berkshire UA	195,450	6,839,250	7,034,700
West Devon	110,550	2,875,350	2,985,900
West Lancashire	259,500	6,033,450	6,292,950
West Lindsey	169,950	5,632,050	5,802,000
West Northamptonshire	701,550	21,280,800	21,982,350
West Oxfordshire	131,400	5,040,900	5,172,300
West Suffolk	270,300	9,533,400	9,803,700
Westminster	2,270,250	6,811,950	9,082,200
Wigan	667,200	20,384,250	21,051,450
Wiltshire UA	877,050	23,241,450	24,118,500
Winchester	193,200	4,666,950	4,860,150
Windsor and Maidenhead UA	294,150	4,597,950	4,892,100
Wirral	816,600	19,511,100	20,327,700
Woking	174,900	3,917,850	4,092,750
Wokingham UA	206,100	5,492,700	5,698,800
Wolverhampton	650,100	15,509,700	16,159,800
Worcester	174,300	6,018,900	6,193,200
Worthing	200,850	6,175,500	6,376,350
Wychavon	270,150	5,922,600	6,192,750
Wyre	266,100	6,592,050	6,858,150
Wyre Forest	227,850	5,924,700	6,152,550
York UA	249,600	11,382,900	11,632,500

1. A billing authority is defined at section 1(2) of the Local Government Finance Act 1992. The disabled band reduction scheme refers to reductions provided under the Council Tax (Reductions for Disabilities) Regulations 1992. A chargeable dwelling is as defined at section 4 of the Local Government Finance Act 1992. Classes N, S, U and W are set out at article 3 of the Council Tax (Exempt Dwellings) Order 1992 (as amended by the Council Tax (Exempt Dwellings) (Amendment) Order 1993, the Council Tax (Discounts and Disregards and Exempt Dwellings) (Amendment) Order 1995 and the Council Tax (Chargeable Dwellings, Exempt Dwellings and Discount Disregards) Amendment Order 1997). A local authority is as defined at section 270 of the Local Government Act 1972 and includes any authority listed at section 138(2) of that Act. ↩
2. This is consistent with the liability provisions at section 2(2) of the Local Government Finance Act 1992. ↩

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City of York Council

Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Customer & Communities
Service Area:	Customer and Exchequer Services
Name of the proposal :	Council Tax Energy Rebate Discretionary Scheme
Lead officer:	David Walker
Date assessment completed:	9th March 2022

Names of those who contributed to the assessment :

Name	Job title	Organisation	Area of expertise
Susan Wood	Welfare Benefits & Strategic Partnership Manager	CYC	Welfare Benefits
Debbie Plummer	Housing Benefits Manager	CYC	Welfare Benefits
Advice York	**N/A**	Advice York	Welfare Benefits

Step 1 – Aims and intended outcomes

1.1	**What is the purpose of the proposal?** Please explain your proposal in Plain English avoiding acronyms and jargon.
	To provide a discretionary energy rebate scheme of up to £150 per household in line with government guidance

1.2	**Are there any external considerations?** (Legislation/government directive/codes of practice etc.)
	This is a Government directive

1.3	**Who are the stakeholders and what are their interests?**
	All residents in the city who may qualify

1.4	**What results/outcomes do we want to achieve and for whom?** This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.
	To provide within the budget provided by Central Government support to those financially vulnerable families who need it.

Step 2 – Gathering the information and feedback

2.1	**What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights?** Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.
Source of data/supporting evidence	**Reason for using**
Income based benefit data	Indicates financial vulnerability
Council Tax Support Records	Indicates financial vulnerability
Advice York Partners	Stakeholder feedback

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.
Gaps in data or knowledge	**Action to deal with this**
Identifying any resident in a property above council band D who may not be in receipt of any in or out of work benefits, pension benefits but could be financially vulnerable.	The scheme will be publicised and shared with third sector partners. An application form will be available which allows any resident who believes they may qualify to make an application

Step 4 – Analysing the impacts or effects.

4.1	**Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments?** Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations**.**		
Equality Groups and Human Rights.	**Key Findings/Impacts**	**Positive (+) Negative (-) Neutral (0)**	**High (H) Medium (M) Low (L)**
Age	Will provide additional financial support for utility bills	**+**	**H**
Disability	Will provide additional financial support for utility bills	**+**	**H**
Gender	Will provide additional financial support for utility bills	**+**	**H**

Gender Reassignment	Will provide additional financial support for utility bills	**+**	**H**
Marriage and civil partnership	**n/a**		
Pregnancy and maternity	Will provide additional financial support for utility bills	**+**	**H**
Race	Will provide additional financial support for utility bills	**+**	**H**
Religion and belief	**n/a**		
Sexual orientation	**n/a**		
Other Socio-economic groups including :	**Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?**		
Carer	Will provide additional financial support for utility bills	**+**	**H**
Low income groups	Will provide additional financial support for utility bills	**+**	**H**
Veterans, Armed Forces Community	Will provide additional financial support for utility bills	**+**	**H**
Other			
Impact on human rights:			
List any human rights impacted.	**n/a**		

Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

High impact (The proposal or process is very equality relevant)	There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.
Medium impact (The proposal or process is somewhat equality relevant)	There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or cross-Unit, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights
Low impact (The proposal or process might be equality relevant)	There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	**Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?**
There are no adverse impacts of the rebate the benefit to all groups is a financial one where they qualify. The key group are those on low income in any of the categories within the EIA.	

Step 6 – Recommendations and conclusions of the assessment

6.1	**Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:**
- **No major change to the proposal** – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.	

- **Adjust the proposal –** the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.

- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty

- **Stop and remove the proposal –** if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

Option selected	**Conclusions/justification**
Continue with the proposal	This is a time limited central government rebate that provides income to low income families and individuals within the qualifying criteria.

Step 7 – Summary of agreed actions resulting from the assessment

7.1	What action, by whom, will be undertaken as a result of the impact assessment.		
Impact/issue	**Action to be taken**	**Person responsible**	**Timescale**
N/A			

Step 8 - Monitor, review and improve

8. 1	**How will the impact of your proposal be monitored and improved upon going forward?** Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?

Agenda Item 4

Decision Session – Executive Member for Finance and Performance **11 April 2022**

Report of the Director of Housing, Economy & Regeneration.

Application for Community Right to Bid under the Localism Act 2011

Summary

1. This report details an application to list the Derwent Arms, Osbaldwick, York as an Asset of Community Value (ACV), for consideration by the Council. The application has been received from Osbaldwick Parish Council.

Recommendations

2. The Executive Member is asked to consider the officer recommendation to:

   Approve the renewal of the listing of Derwent Arms, Osbaldwick, York, as an Asset of Community Value (ACV) for the reasons outlined within this report.

   Reason: To ensure the Council meets its legislative requirements of the Localism Act 2011 and promotes community access to community facilities.

Background

3. The application has been received, for a decision by the Executive Member in the Council's statutory capacity as an Asset of Community Value (ACV) listing authority.

4. According to Land Registry records the freehold of the site is owned by Punch Partnerships (PTL) Limited. However, the applicant has stated in the application that the freehold is believed to be in the ownership of Heineken UK. We trust this information is correct as we are aware of delays at the Land Registry which are resulting in

updates to transfers taking longer to process but have written to both Punch and Heineken to notify them of the application. The Derwent Arms was previously entered on the Council's list of ACV property on 14th March 2016 following an earlier ACV nomination received on 1st February 2016. Pursuant to Section 87(3) of the Localism Act 2011 land/property must be removed from the ACV list after 5 years from date of listing. This application is a request to re-add the Derwent Arms onto the Council's AVC list (for a further period of 5 years).

5. The purpose behind these provisions is to ensure that property (land and building) assets which are currently used to the benefit of the local communities are not disposed of without the local community being given a fair opportunity to bid for these assets when they are put on the open market. This right is not simply to accommodate 'public assets' but also private assets, the test is whether such assets are viewed as 'assets of community value'. These assets therefore could be currently owned by the public, private or voluntary sector.

6. The definition of 'land of community value' is set out in section 88 of the Localism Act 2011. To be considered as an asset of community value the land or property must satisfy either of the following criteria:

    a. 88(1) an actual current non-ancillary use of the building or other land furthers the well-being or social interests of the community and whether it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social well-being or social interests of the local community

    OR

    b. 88(2) there is a time in the recent past when an actual non-ancillary use of the building or other land furthered the social well-being or social interests of the local community and it is realistic to think that there is a time within the next 5 years when there could be non-ancillary use (whether or not the same use as before) that would further the social well-being or social interests of the local community

7. There is no exhaustive list of what is considered to be an asset of community value but cultural, recreational and sporting interests are included. Excluded specifically are residential type properties (such as hotels, housing in multiple occupation and residential caravan sites) and operational land of statutory undertakers.

The process

8. The regulations set out how potential assets can be listed which in brief are as follows:

- **Nomination** – this can be by a voluntary or community body with a local connection. This includes parish councils, neighbourhood forums, charities, community interest groups but excludes public or local authorities (except parish councils).

- **Consideration** – the local authority have 8 weeks to make the decision. Under the Council's procedures the Executive member is the decision maker. If the nomination is successful the asset details are entered onto the 'Community Value list' – see further details in the report – and also the local land charges register. If unsuccessful then the details are entered onto an 'unsuccessful nominations' list for a period of 5 years to prevent repeat nominations. The owner can request a review of the decision which must be completed within 8 weeks and the owner can further appeal within 28 days of the review outcome to a Tribunal. Neither the Localism Act nor the ACV Regulations give the nominating organisation any right to appeal a decision of the local authority that the nominated property is not an asset of community value/does not satisfy the necessary S.88 criteria referred to above.

- **Disposal of assets on the list** – if a building or piece of land which is on the list is going to be sold with vacant possession then the owner of the asset needs to give notice to the local authority. There is then a 6 week moratorium period for any community group to express interest in writing and if they do, then a 6 month period is provided for that group to prepare its bid. After that period the owner can market the property and any bid from the community group will be considered with bids from other interested parties. There is no guarantee that the offer from the community group will be successful as the owner of the asset will dispose of the property in accordance with its own criteria for disposal. There are a number of exceptions contained within the legislation that mean that this moratorium period does not apply and the owner does not need to give notice of its intention to sell. This includes when there is a legally enforceable requirement, which pre-dates the listing, to sell to a specific party.

- **Compensation** – the presence of the land or building asset on the community value list may result in additional expenditure or a loss to the owner and therefore the owner can apply for compensation from

the local authority. The figure is limited to costs or losses incurred only whilst the asset is on the list and could include such items as legal expenses for appeals, costs relating to the delay in the sale (such as maintenance, security, utility costs, loss of value).

Derwent Arms Public House

9. According to Land Registry records, the freehold of the Derwent Arms site is owned by Punch Partnerships (PTL) Limited. We believe however that the freehold has been transferred to Heineken UK. The Derwent Arms is currently open and trading and has been trading as a public house since at least 1970. The nomination is being made by Osbaldwick Parish Council (OPC). Legal Services have confirmed that a nomination must be considered by the Council if the nominator is someone who meets the eligibility criteria specified in the relevant legislation. OPC as Parish Council for the area in which the nominated land is situated, are an eligible body entitled to submit a nomination for the purposes of the ACV regulations.

10. In accordance with regulations requiring that the owner of nominated property be notified of a nomination, based on the details we have from the Land Registry and the information provided by the applicant both Punch Partnerships Limited (PTL) and Heineken UK have been informed in writing that the application has been made. They have been invited to make representations regarding the information. The current tenant occupier of the Derwent Arms has also been advised. No response has been received from any of the parties consulted.

11. OPC state in their nomination that the pub and field/land behind it fall within Osbaldwick Conservation Area as recognised in 2004. The pub itself is considered by OPC to be a community hub and the focal point of the village.

12. According to OPC the pub field also has a long history of community use and value. Previous uses of the field were as cricket and football pitches and included providing a base for a successful pub football team. The village gala and annual bonfires have also been held on the field. The field also previously provided allotment plots and it is considered that this could be a potential use for the field in the future. The Parish Council state that the field is used at various times of the

year by the caravan club for camping and caravanning, this benefitting the pub and other local businesses.

13. They state that the ancillary uses of the pub are as a safe children's play area and football area for customers and local residents and the building and land furthers the social and wellbeing of the local community and customers of the pub along with being a community focal point being the location of the village gala.

14. Pursuant to Regulation 3 and paragraph 3 of Schedule 1 of the ACV Regulations "Land in respect of which a site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960 ("the 1960 Act"), or would be so required if paragraphs 1, 4, 5 and 10 to 11A of Schedule 1 to that Act were omitted" cannot be classed as land of community value and so cannot be listed as ACV. However, although the field behind the pub has occasionally been used for caravanning, Legal Services consider that a site licence is not required under Part 1 of the 1960 Act (not because of the exemption provisions specified in paragraphs 1, 4, 5, 5 and 10 to 11A of the 1960 Act). Accordingly it is considered that the prohibition specified in paragraph 3 of Schedule 1 of the ACV Regulations does not apply to the site. Therefore it is open to the Council to list the entire site (both the pub and the field) as ACV.

Analysis

15. If the decision is to approve the ACV nomination application then the owner of the property has a statutory right to request a review of that decision by submitting a review request to the Council within 8 weeks of the decision date. (If the decision is to reject the ACV nomination application, the legislation does not give the nominating group any right to appeal that request though they could potentially seek a judicial review of the decision by submitting a J.R. claim to the High Court).

Options & Recommendation

16. The application to renew the listing of the Derwent Arms Public House as an Asset of Community Value can either be accepted or

rejected. There are no other options as it is considered that sufficient information has been provided to make a decision. Based upon the information provided, it is recommended to renew the listing of the ACV for this property.

Council Plan

17. A Council that listens to residents through working with communities and partners.

Implications

18. **Financial**

    Compensation may be payable by the Council to the owner of any property which is listed. The figure is limited to costs or losses incurred only whilst the asset is on the list and could include such items as legal expenses for appeals, costs relating to the delay in the sale (such as maintenance, security, utility costs, loss of value).

19. **Human Resources (HR) – none**

20. **Equalities, Crime and Disorder and IT - none**

21. **Legal** – Advice and comments have been sought from Legal Services and incorporated within this report.

22. **Property** – All property issues included in the report

23. **Other –** none

Risk Management

There is no significant risk to this application.

Contact Details

Tim Bradley
Asset Manager
Asset and Property Management
Tel No. 01904 553355

Tracey Carter
Director
Economy Regeneration and Housing
Tel. No. 01904 553419

Report Approved ✓ 29/03/2022

All ☐

Ward Affected: Osbaldwick and Derwent

For further information please contact the author of the report

Annexes

Annex 1 – Derwent Arms, Osbaldwick, York – Application to add to the list of assets of community value.
Annex 2 – Site Plan
Annex 3 – Current list of assets of community value

Abbreviations used in the report

ACV - Assets of Community Value

OPC – Osbaldwick Parish Council

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Annex 1

ASSETS OF COMMUNITY VALUE NOMINATION FORM

If you need assistance completing this form, then please refer to the guidance document which can be downloaded from the website shown below or alternatively call 01904 553360

www.york.gov.uk/assetsofcommunityvalue

Section 1
About the property to be nominated

Name of Property:	DERWENT ARMS
Address of Property:	39 OSBALDWICK VILLAGE, OSBALDWICK, YORK
Postcode:	YO10 2WF

Property Owner's Name:	HEINEKEN UK
Address:	ELSLEY COURT, 20-22 GREAT TITCHFIELD STREET, LONDON
Postcode:	W1W 8BE
Telephone Number:	0131 5381000
Current Occupier's Name:	

Section 2
About your community organisation

Name of Organisation:	OSBALDWICK PARISH COUNCIL
Title:	
First Name:	
Surname:	
Position in Organisation:	Clerk
Email Address:	osbaldwickparishcouncil@yahoo.co.uk
Address:	
Postcode:	
Telephone Number:	

Organisation type:
Click in field for options

PARISH COUNCIL

Organisation size
How many members do you have?

13

Section 3

The Derwent Arms and adjoining land is an integral and important part of Osbaldwick Conservation Area as recognised in 2004.

Aside from the value of the public house as a community hub and focal point of the village the pub field has a long history of community use and value.

Uses in the distant past were as a village cricket field and into the 1980's a successful pub football team were based there. In addition, the pub field had allotment plots which given recent housing development in the Parish with little garden space provided, would be undoubtedly be in great demand again.

The field also supported village bonfires on the 5th November and currently hosts the Osbaldwick Village Gala.

Ancillary uses to the public house are as a safe children's play area and football area for customers and local residents.

The field is also used by the caravan club for events at various times of the year when the whole field is used for camping and caravanning, a use seen as complimentary to the village and its rural past which brings benefits to the pub and other local businesses.

The Derwent Arms pub field is undoubtedly an integral part of the Osbaldwick Village Conservation Area structure and form giving the plot a social and environmental value.

The building and land furthers the social well being of the local community and in the case of the Caravan Club a much wider community as well.

The land furthers the sporting and recreational well being of the local community and customers of the pub aswell as being used as a community focal point with the Village Gala.

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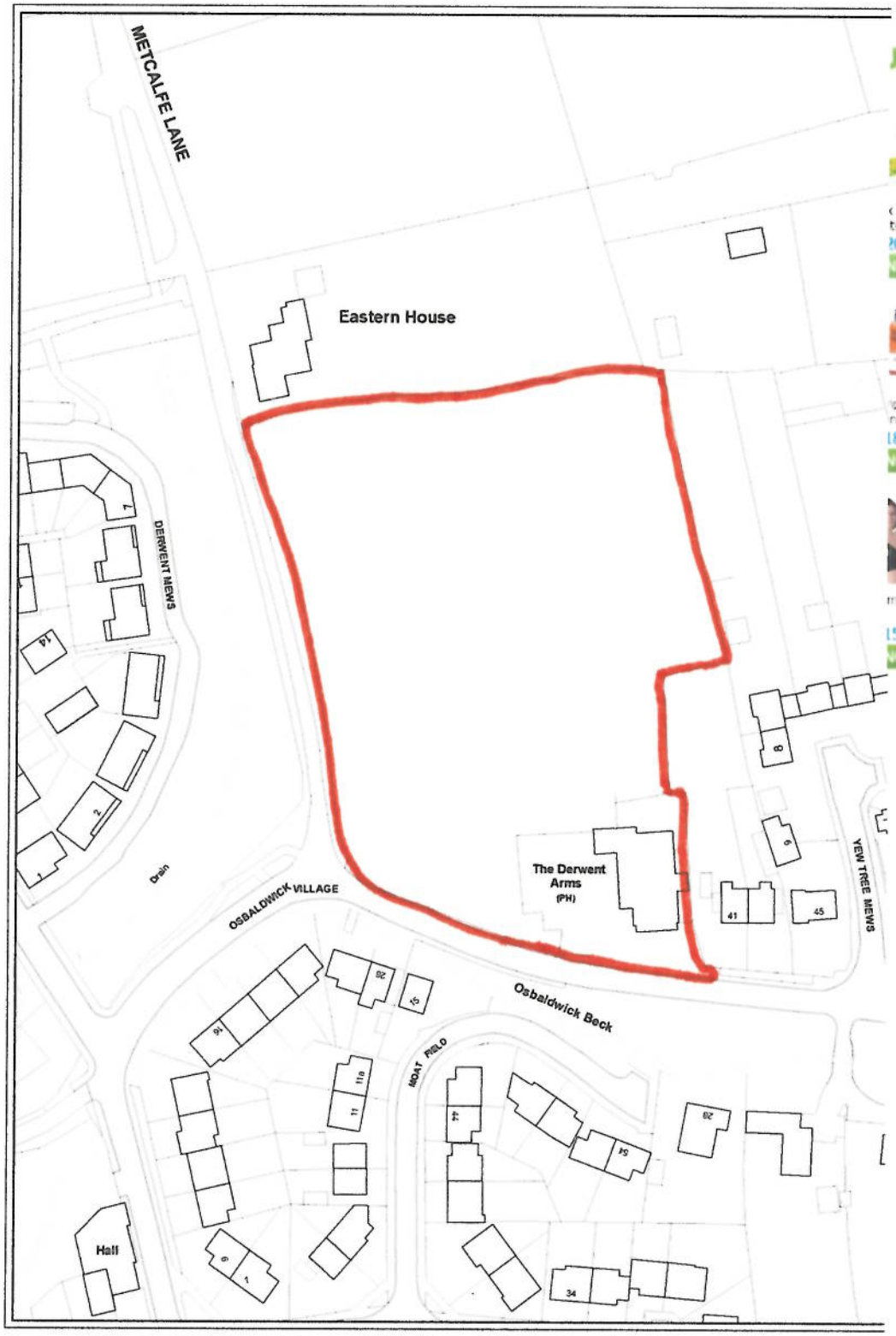

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CBSS
Asset & Property Management

The Derwent Arms, Osbaldwick

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Originating Group: Asset & Property Management

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Annex 3 - Current list of Assets of Community Value

1. The Golden Ball Public House, 2 Cromwell Road, York, YO16 6DU - approved 6th March 2014. Renewed on 15th July 2019.
2. New Earswick and District Bowls Club, Huntington Road, York, YO32 9PX – approved 6th November 2014. Renewed on 24th July 2020.
3. Holgate Allotments, Ashton Lane, Holgate, York, YO24 4LX – approved 29th June 2015. Renewed on 14th February 2022.
4. The Swan, Bishopthorpe Road, York, YO23 1JH – approved 20th October 2015.
5. The Derwent Arms, 29 Osbaldwick Village, Osbaldwick, YO10 3NP – approved 14th March 2016.
6. The Minster Inn, 24 Marygate, York, YO30 7BH – approved 11th July 2016.
7. The Wenlock Arms Public House, 73 Main Street, Wheldrake, YO19 6AA – approved 11th July 2016.
8. Costcutter Shop, 58 Main Street, Wheldrake, York, YO19 6AB – approved 11th July 2016.
9. Wheldrake Woods (owned by the Forestry Commission), Broad Highway, Wheldrake, YO19 6 – approved 11th July 2016.
10. The Blacksmiths Arms, Naburn York, YO19 4PN – approved 12th September 2016.
11. Holgate Community Garden and Play Park, Upper St Paul's Terrace, York, YO24 4BS. – approved 12th Sepyember 2016
12. White Rose House, 79 Main Street, Wheldrake, York, YO19 6AA – approved 29th September 2016.
13. The Grey Horse Public House, Main Street, Elvington, York, YO41 4AA – approved 19th December 2016.
14. The Deramore Arms Public House, Main Street, Heslington, York, YO10 5EA. – approved 13th March 2017.
15. The Carlton Tavern Public House, 104 Acomb Road, York, YO24 4HA – approved 10th April 2017.

16. The Royal Oak Public House, 1 Main Street, Copmanthorpe, York, YO23 3ST. – approved 12th June 2017.
17. The Blue Bell Public House, 53 Fossgate, York, YO1 9TF. – approved 17th October 2017.
18. The Old Ebor Public House, 2 Drake Street, York, YO23 1EQ. – approved 17th October 2017.
19. New Earswick Swimming Pool, Hawthorne Terrace, New Earswick, YO32 4TZ. - approved 12th March 2018.
20. Strensall Library, 19 The Village, Strensall, York, YO32 5XS. – approved 9th April 2018.
21. The Lord Collingwood Public House, The Green, Upper Poppleton, York, YO26 6DP. – approved 14th May 2018.
22. The Garrison Church of St Wilfrid, St Wilfrid's Road, Strensall, York, YO32 5SJ. – approved 17th September 2018.
23. Hurst Hall Community Centre, Border Road, Strensall Camp, York, B757RL. – approved 15th July 2019.
24. The Lord Nelson Public House, 9 Main Street. Nether Poppleton , York, YO26 6HS. – approved 16th September 2019.
25. The Blacksmiths Arms Public House, Shipton Road, Skelton, York, YO30 1YJ. – approved 16th September 2019.
26. The car park at rear of the former Murton Arms Public House, Main Street, Murton, York, YO19 5UQ. – approved 24th July 2020.