

Council

Minutes of Proceedings

At the **Ordinary Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Thursday 5 September 2013**

Present

Councillors Acomb
 J Andrews
 P J Andrews
 Arnold
 Bailey
 Mrs Burr MBE
 Clark
 Collinson
 Mrs Cowling
 Cussons
 Mrs Frank (Chairman)
 Fraser
 Mrs Goodrick
 Hicks
 Hope
 Ives
 Mrs Keal
 Maud
 Richardson
 Mrs Sanderson
 Mrs Shields
 Wainwright
 Ward
 Windress
 Woodward

In Attendance

Simon Copley
Paul Cresswell
Julian Rudd
Jill Thompson
Janet Waggott
Anthony Winship

Minutes

49 Apologies for absence

Apologies for absence were received from Councillors Hawkins, Mrs Hopkinson, Legard, Raper and Walker.

50 **Public Question Time**

There were no public questions.

51 **Minutes**

The minutes of the Ordinary Meeting of Council held on 4 July 2013 were presented.

Resolved

That the minutes of the Ordinary Meeting of Council held on 4 July 2013 be approved and signed by the Chairman as a correct record.

52 **Urgent Business**

There were no items of urgent business which the Chairman considered should be dealt with as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972 (as amended).

53 **Declarations of Interest**

The following interests were declared:

Councillor Joy Andrews declared a personal non-pecuniary but not prejudicial interest in agenda item 8 (Ryedale Indoor Bowls Club – Licence to Occupy) as a member of the Ryedale Indoor Bowls Centre.

Councillor Bailey declared a personal pecuniary and prejudicial interest in agenda item 11 – Policy & Resources Committee Minute 17 (Ryedale Apprenticeship Project) as chairman of the National Parks Authority, which had submitted an application. He left the room during consideration of this item and took no part in the discussion or vote thereon.

Councillor Mrs Burr declared a personal pecuniary and prejudicial interest in agenda item 11 – Policy & Resources Committee Minute 17 (Ryedale Apprenticeship Project) as her business had submitted an application and agenda item 13 (Adoption of the Ryedale Local Plan Strategy) as she had business interests in the local area. She left the room during consideration of these items and took no part in the discussions or votes thereon.

Councillor Clark declared a personal non-pecuniary but not prejudicial interest in agenda item 8 (Ryedale Indoor Bowls Club – Licence to Occupy) as the chair of the group bidding, in agenda item 11 – Planning Committee Minute 20 (Settrington Consultation Statement) as a farmer of a riparian area, and in agenda item 11 – Policy & Resources Committee Minute 17 (Ryedale

Apprenticeship Project) as a North Yorkshire County Councillor given that a school had applied.

Councillor Mrs Cowling declared a personal pecuniary and prejudicial interest in agenda item 15 (Scrap Metal Dealers Act 2013) as her son owned a scrap yard and she did the books for him. She left the room during consideration of this item and took no part in the discussion or vote thereon.

Councillor Fraser declared a personal non-pecuniary but not prejudicial interest in agenda item 11 – Planning Committee Minute 20 (Settrington Consultation Statement) as a resident of Settrington.

Councillor Ives declared a personal non-pecuniary but not prejudicial interest in agenda item 11 – Policy & Resources Committee Minute 17 (Ryedale Apprenticeship Project) as a regular user of Graze sandwich shop.

Councillor Mrs Keal declared a personal non-pecuniary but not prejudicial interest in agenda item 8 (Ryedale Indoor Bowls Club – Licence to Occupy) as a member of the Ryedale Community & Leisure Centre Steering Committee.

Councillor Mrs Sanderson declared a personal non-pecuniary but not prejudicial interest in agenda item 11 – Policy & Resources Committee Minute 17 (Ryedale Apprenticeship Project) as a North Yorkshire County Councillor given that a school had applied.

Councillor Mrs Shields declared a personal non-pecuniary but not prejudicial interest in agenda item 11 – Policy & Resources Committee Minute 17 (Ryedale Apprenticeship Project) as a North Yorkshire County Councillor given that a school had applied, and as she had had conversations with the school concerned.

54 **Announcements**

There were no announcements from the Chairman.

55 **Ryedale Indoor Bowls Club - Licence to Occupy**

The Corporate Director (s151) submitted a report (previously circulated) which presented to Members a request for a licence to occupy the Council property formally leased to the Ryedale Indoor Bowls Club to a new organisation the Ryedale Indoor Bowls Centre for the period 6 September to the 26 December 2013.

Councillor Mrs Cowling moved and Councillor Mrs Shields seconded the following motion:

“This Council welcomes and supports moves by a community interest group to purchase the former Ryedale Indoor Bowls Club.

In view of this Full Council resolves to:

- 1. Provide reasonable officer support to the Ryedale Community and Leisure Centre (RCLC) that wishes to purchase the building. This may include (but is not limited to) support with applications for grant funding, business planning and legal advice. Officers and the local ward members are to work with the RCLC throughout this process.*
- 2. To authorise the Corporate Director (s151) in consultation with the Chairman of Policy and Resources to grant a licence to occupy the building up to the 26 December 2013.”*

Councillor Mrs Keal moved and Councillor Ives seconded the following amendment:

“The RCLC steering committee is working on plans to secure the long term future of the building and is fully supportive of retaining indoor bowls as a major part of the facility going forward. To ensure consistency in planning the future of the building as a community facility and in order for bowling to resume from September to December 2013, the licence to operate be offered to the Ryedale Community and Leisure Centre steering committee subject to the submission of a suitable application including a business plan.”

Upon being put to the vote, the amendment was carried.

Councillor Clark moved and Councillor Woodward seconded a further amendment:

“To refer back to the Policy & Resources Committee for a full report on the RCLC licence to occupy and comparison of the two bids.”

Upon being put to the vote, the amendment was lost.

The substantive motion was then put to the vote and carried.

Resolved

This Council welcomes and supports moves by a community interest group to purchase the former Ryedale Indoor Bowls Club.

In view of this Full Council resolves to:

1. Provide reasonable officer support to the Ryedale Community and Leisure Centre (RCLC) that wishes to purchase the building. This may include (but is not limited to) support with applications for grant funding, business planning and legal advice. Officers and the local ward members are to work with the RCLC throughout this process.

2. To authorise the Corporate Director (s151) in consultation with the Chairman of Policy and Resources to grant a licence to occupy the building up to the 26 December 2013.

The RCLC steering committee is working on plans to secure the long term future of the building and is fully supportive of retaining indoor bowls as a major part of the facility going forward. To ensure consistency in planning the future of the building as a community facility and in order for bowling to resume from September to December 2013, the licence to operate be offered to the Ryedale Community and Leisure Centre steering committee subject to the submission of a suitable application including a business plan.

56 To Receive any Questions submitted by Members Pursuant to Council Procedure Rule 10.2 (Questions on Notice at Full Council)

There were no questions on notice.

57 To Receive a Statement from the Leader of the Council and to Receive Questions and Give Answers on that Statement

Councillor Mrs Cowling, the Leader of the Council, presented the following statement:

I am pleased that we have been able to consider the Ryedale Indoor Bowls Club this evening. The report on the agenda tonight has offered a way forward in terms of keeping the bowling activities going until the end of this year. It is my intention that we should give as much assistance to the Ryedale Community and Leisure Centre (RCLC) as reasonably possible to enable them to put together a successful bid to buy the building.

One of the main reasons I felt able to support the temporary licence was the financial benefit to the tax payer. Occupation of the building until 26th December is dependant on the rent and bills for the premises being paid.

I am also committed to ensuring that the council can sell the site with vacant possession after the 26 December 2013 should the RCLC be unable to acquire the building.

It is a great relief to finally be able to say that the Inspector has found our local plan sound, subject to agreeing some minor modifications. As you are aware this has been a laborious and demanding piece of work for a number of years and I wish to thank both Officers and Members for their hard work during this lengthy task. It is rather ironic that on the very day that former Councillor, Keith Knaggs, is to be made an Honorary Alderman of this council we are at last able to consider adopting our very own local plan. During his time as Leader of this

council he was tremendously supportive of the process. We can now turn our full attention to the sites document which has a separate examination process.

I am equally pleased to report that we have made good strides in getting apprenticeships into Ryedale. Our Council has appointed 8 apprentices who have already started work and are settling in throughout the Council. In addition to that and on the agenda this evening we have the opportunity to help create a number of new apprenticeship posts within businesses in Ryedale.

Turning our attention to finances we are preparing our plans for the budget round. You will be aware that there is a consultation about transferring a % of the new homes bonus to the LEP this could be as much as £400,000 per annum to Ryedale from 2015/16. We will send our response to the consultation which in summary attempts to limit the amount of New Homes Bonus to the LEP and protect the housing spend. This is an important issue, our medium term financial plan assumed some use of the NHB from 2015 would support the Revenue account as further cuts in Government Grants are made. Later this month the Policy and Resources Committee considers the budget strategy for 2014/15, when difficult decisions will be a necessity in order to balance the books.

I have been working with the Local Government Association and Local Government Yorkshire and the Humber plus experts in the housing field to host a housing event in Ryedale, the purpose of which is to find innovative ways of building low cost and affordable homes in Ryedale. The invitations will include Local Authorities and developers who have some examples of best practise to share as well as financiers. I have invited Mark Prisk, the Housing Minister, to attend and hope that he will be able to find the time to visit us.

Finally, I am sure we are relieved to learn that the Fitzwilliam Malton Estate has agreed to extend the licence for the livestock market operation subject to sufficient funds being in place. The existing operators will continue and plans for a relocated livestock market site are expected to come to the Planning Authority later this year. There is still a lot of work to do but at least the real threat of having no market after 4 October has been removed.

The following questions were received on the Leader's Statement:

1. From Councillor Wainwright

Which departments in Ryedale District Council are the new apprentices working in?

The Leader replied:

One in the canteen, one at the depot and six in the Business Hub.

2. From Councillor Woodward

You say you have been assured that RCLC can match the RIBC offer. What if it cannot match the funds when it comes up with the figures?

The Leader replied:

That would be extremely disappointing.

Councillor Woodward then asked the following supplementary question:

Would you still give them a licence to bowl?

The Leader then replied:

I would think about that when and if it happens.

3. From Councillor Woodward

Are you aware that the price of building land is more restrictive on the provision of affordable housing than the cost of building the houses themselves?

The Leader replied:

Yes.

Councillor Woodward then asked the following supplementary question:

Will you ensure the housing event looks at innovative ways of supplying building land?

The Leader then replied:

We already do that but it will be a point to consider.

4. From Councillor Wainwright

With regards to the £400k of New Homes Bonus that will transfer to the LEP, what percentage is that of our total New Homes Bonus, have you had discussions with other Leaders about this and are they better or worse off than us?

The Leader replied:

We are better off than other authorities, many of whom are using their New Homes Bonus funding for revenue. The percentage transfer could be up to 35%.

5. From Councillor Richardson

How long do you see it taking for the sites allocation document to come to Council for consideration?

The Leader replied:

15 months.

58 To consider for Approval the Recommendations in respect of the following Part 'B' Committee Items:

Planning Committee – 2 July 2013

Minute 20 – Settrington Consultation Statement

It was moved by Councillor Fraser and seconded by Councillor Mrs Goodrick that the following recommendations of the Planning Committee be approved and adopted:

“That Council be recommended to approve:

That the Settrington Village Design Statement is adopted as a Supplementary Planning Document.”

Councillor Woodward moved and Councillor Clark seconded the following amendment:

“To ask Settrington to consider adding this amendment – Insert the words “habitat destruction, agricultural intensification and” after the words “due to” and before the words “mink predation”.”

Upon being put to the vote, this amendment was lost.

Upon being put to the vote the motion was carried.

Resolved

That Council approve:

That the Settrington Village Design Statement is adopted as a Supplementary Planning Document.

Policy & Resources Committee – 29 August 2013

Minute 15 - Living Wage Motion

It was moved by Councillor Mrs Cowling and seconded by Councillor Acomb that the following recommendations of the Policy & Resources Committee be approved and adopted:

“That Council be recommended to approve:

Ryedale Council has an objective of increasing the average wage level in Ryedale. So as to set an example and show sound leadership this Council resolves to, subject to the agreement of the recognised trade unions;

- (i) Pay all RDC permanent posts at the living wage or above;*
- (ii) That preference be given to external contracts over £50,000 where the applicant pays the living wage or above; and*

Any cost of the above to be financed in 2013/14 year from the unallocated provision and in the event of any increases in the living wage the issue be brought back to Council to consider the implications and whether to apply the increase.”

Councillor Clark moved and Councillor Woodward seconded the following amendment:

“To delete the word “permanent” from (i) and insert the words “except apprentices”.”

Upon being put to the vote, this amendment was lost.

Councillor Clark then moved and Councillor Woodward seconded a further amendment:

“To delete all wording after “unallocated provision”.”

Upon being put to the vote, this amendment was lost.

Recorded Vote

For

Councillors Joy Andrews, Paul Andrews, Clark, Mrs Keal, Richardson, Mrs Shields, Ward and Woodward

Against

Councillors Acomb, Arnold, Mrs Cowling, Cussons, Mrs Frank, Fraser, Mrs Goodrick, Hicks, Hope, Ives, Maud, Mrs Sanderson and Wainwright

Abstentions

Councillors Bailey, Collinson and Windress

Upon being put to the vote the motion was then lost.

Recorded Vote

For

Councillors Acomb, Joy Andrews, Paul Andrews, Clark, Richardson, Ward and Woodward

Against

Councillors Arnold, Bailey, Collinson, Mrs Cowling, Cussons, Mrs Frank, Fraser, Mrs Goodrick, Hicks, Hope, Ives, Maud, Mrs Sanderson, Mrs Shields, Wainwright and Windress

Abstentions

Councillor Mrs Keal

Minute 16 – Exempt Information

It was moved by Councillor Mrs Cowling and seconded by Councillor Acomb that the press and public be excluded from the meeting during consideration of Item 8 (Ryedale Apprenticeship Project) as provided by paragraph 3 of Schedule 12A of Section 100A of the Local Government Act 1972.

Recorded Vote

For

Councillors Acomb, Joy Andrews, Paul Andrews, Arnold, Clark, Mrs Cowling, Mrs Frank, Hope, Mrs Keal, Richardson, Mrs Shields, Wainwright and Woodward

Against

Councillors Collinson, Mrs Goodrick, Hicks, Ives, and Mrs Sanderson

Abstentions

Councillors Fraser and Ward

Resolved

That the press and public be excluded from the meeting during consideration of Item 8 (Ryedale Apprenticeship Project) as provided by paragraph 3 of Schedule 12A of Section 100A of the Local Government Act 1972.

Minute 17 - Ryedale Apprenticeship Project

It was moved by Councillor Clark and seconded by Councillor Mrs Shields that the following recommendations of the Policy & Resources Committee be approved and adopted:

“That Council be recommended to approve:

- (i) The distribution of funding to companies and organisations to support new apprenticeships in Ryedale, as set out in Annex B, taking account of any updated information received;*
- (ii) The distribution of funding to Ryedale training providers towards equipment costs to deliver the minimum specified increases in apprentices and training delivered, as set out in Annex B;*

- (iii) *That final grant offers (based upon Annex B) and management of the RAP grants be delegated to the Head of Economy and Infrastructure in consultation with the Chairman of the Policy and Resources Committee.”*

Councillor Mrs Cowling moved and Councillor Mrs Goodrick seconded the following amendment:

“To delete from Annex B amounts allocated to Norton Primary School, Suddabys, The Yard and Goodys Group, and delete the £13,500 allocation to the Academy as training provision.”

Upon being put to the vote, this amendment was carried.

Councillor Paul Andrews then moved and Councillor Woodward seconded a further amendment:

“To refer the matter back to the Policy & Resources Committee.”

Upon being put to the vote, this amendment was lost.

Upon being put to the vote the substantive motion was then carried.

Resolved

That Council approve:

- (i) The distribution of funding to companies and organisations to support new apprenticeships in Ryedale, as set out in Annex B, taking account of any updated information received, with the deletion of amounts allocated to Norton Primary School, Suddabys, The Yard and Goodys Group;
- (ii) The distribution of funding to Ryedale training providers towards equipment costs to deliver the minimum specified increases in apprentices and training delivered, as set out in Annex B, with the deletion of the £13,500 allocation to the Academy as training provision;
- (iii) That final grant offers (based upon Annex B) and management of the RAP grants be delegated to the Head of Economy and Infrastructure in consultation with the Chairman of the Policy and Resources Committee.

59 Notices on Motion Submitted Pursuant to Council Procedure Rule 11

1. The following motion was moved by Councillor Clark and seconded by Councillor Woodward:

“In view of:

- i. The potential for fracking in Ryedale*
- ii. The general lack of knowledge of householders, farmers and other landowners as to who owns the mineral rights under their properties*
- iii. The recent actions by the Church of England to make massive mineral rights claims*

This Council resolves to ask:

- a) North Yorkshire County Council*
- b) The Land Registry*
- c) Any other appropriate organisations*

To supply as much information as is possible of the mineral rights in the District of Ryedale and who owns them.”

An amendment was moved by Councillor Mrs Sanderson and seconded by Councillor Mrs Goodrick:

“To supply an information page on the Ryedale web site in a simple Q&A format taken from NYCC published material appertaining to mineral rights in the District of Ryedale. Links to be included to NYCC full reports and policies.

And to ensure that members are involved in the consultation process of the emerging joint plan with regard to the exploration, appraisal and production of shale gas.”

Upon being put to the vote the amendment was carried.

A further amendment was then moved by Councillor Clark and seconded by Councillor Woodward:

“All information comes to the councillors as it becomes available and definitely 2 weeks before mineral rights register ends.”

Upon being put to the vote the amendment was carried.

Upon being put to the vote, the substantive motion was then carried.

Resolved

In view of:

- i. The potential for fracking in Ryedale
- ii. The general lack of knowledge of householders, farmers and other landowners as to who owns the mineral rights under their properties
- iii. The recent actions by the Church of England to make massive mineral rights claims

- This Council resolves to ask:
- a) North Yorkshire County Council
 - b) The Land Registry
 - c) Any other appropriate organisations

To supply as much information as is possible of the mineral rights in the District of Ryedale and who owns them.

To supply an information page on the Ryedale web site in a simple Q&A format taken from NYCC published material appertaining to mineral rights in the District of Ryedale. Links to be included to NYCC full reports and policies.

And to ensure that members are involved in the consultation process of the emerging joint plan with regard to the exploration, appraisal and production of shale gas.

All information comes to the councillors as it becomes available and definitely 2 weeks before mineral rights register ends.

60 **Adoption of the Ryedale Local Plan Strategy**

The Head of Planning & Housing submitted a report (previously circulated) which presented the Ryedale Plan - Local Plan Strategy (LPS) for Council to formally adopt as the Development Plan for the District.

Councillor Windress moved and Councillor Mrs Goodrick seconded the following revised recommendations from the report:

“That

- (i) The Council accepts the Report of the Inspector received on 14 August 2013 following the Examination in Public of the Local Plan Strategy;*
- (ii) Council agrees to adopt the Ryedale Plan – Local Plan Strategy as the Development Plan for Ryedale as set out in Annex 1 to this report and that formal notices be published to complete the statutory requirements; and*
- (iii) Authority be delegated to the Head of Planning and Housing to finalise the presentation of the document, including for example, page layouts, font detailing and the positioning of photographs and tables.”*

Councillor Andrews proposed and Councillor Clark seconded the following amendment:

“To defer for public consultation on the final document as set out in the agenda.”

Upon being put to the vote, this amendment was lost.

Councillor Clark proposed and Councillor Ward seconded a further amendment, to p53 of the LPS:

“That all development in Kirkbymoorside and Helmsley be extremely large.”

Upon being put to vote, this amendment was lost.

Councillor Clark proposed and Councillor Ward seconded a third amendment, to p53 of the LPS:

“That development in Kirkbymoorside be outside the development limits.”

Upon being put to the vote, this amendment was lost.

A procedural motion that the question now be put was moved, seconded and carried upon being put to the vote.

Upon being put to the vote, the motion was then carried.

Recorded Vote

For

Councillors Acomb, Arnold, Bailey, Collinson, Mrs Cowling, Cussons, Mrs Frank, Fraser, Mrs Goodrick, Hicks, Hope, Ives, Mrs Keal, Maud, Mrs Sanderson, Mrs Shields, Wainwright and Windress

Against

Councillors Joy Andrews, Paul Andrews, Clark, Richardson, Ward and Woodward

Abstentions

None

Resolved

That

- (i) The Council accepts the Report of the Inspector received on 14 August 2013 following the Examination in Public of the Local Plan Strategy;
- (ii) Council agrees to adopt the Ryedale Plan – Local Plan Strategy as the Development Plan for Ryedale as set out in Annex 1 to this report and that formal notices be published to complete the

statutory requirements; and

- (iii) Authority be delegated to the Head of Planning and Housing to finalise the presentation of the document, including for example, page layouts, font detailing and the positioning of photographs and tables.

A procedural motion to continue the meeting was then moved, seconded and carried upon being put to the vote.

61 **Community Grant Scheme**

The Head of Economy & Infrastructure submitted a report (previously circulated) which outlined the priorities for the establishment of a new community grant scheme including eligibility criteria, intervention rates and approval processes.

Councillor Mrs Keal moved and Councillor Mrs Shields seconded the following recommendations in the report:

“It is recommended that Members approve the implementation of a new Community Grant Scheme for 2013/2014 of £50k, financed from the Council’s General Reserve, with grant criteria as outlined in the report (para 6.3).”

Councillor Mrs Cowling moved and Councillor Mrs Goodrick seconded the following amendment:

“To reduce the amount allocated to community grants to £35k.”

Upon being put to the vote, this amendment was lost.

Councillor Mrs Cowling moved and Councillor Mrs Goodrick seconded a further amendment:

“Next year’s allocation be considered as part of the total grants budget identified on p369 of the agenda, which should be subject of a report to the next appropriate meeting of the Commissioning Board.”

Upon being put to the vote, this amendment was carried.

Upon being put to the vote, the motion was then carried.

Resolved

- (i) That Members approve the implementation of a new Community Grant Scheme for 2013/2014 of £50k, financed from the Council’s General Reserve, with grant criteria as outlined in the report (para 6.3);

- (ii) That next year's allocation be considered as part of the total grants budget identified on p369 of the agenda, which should be subject of a report to the next appropriate meeting of the Commissioning Board.

62 **Scrap Metal Dealers Act 2013**

The Head of Environment submitted a report (previously circulated) which recommends, following the introduction of the Scrap Metal Dealers Act 2013, that delegated powers be given to the Licensing Committee in order that it can provide a more robust licensing regime and be allowed to approve proposed fees charged under that process.

Councillor Hope moved and Councillor Arnold seconded the recommendations in the report.

Upon being put to the vote, the motion was carried.

Resolved

That the Council give delegated powers to the Licensing Committee to allow the implementation of the provisions contained within the Scrap Metal Dealers Act 2013 and to seek the approval of that Committee for proposed fees to be charged under that process.

63 **Business Rates Pooling**

The Corporate Director (s151) submitted a report (previously circulated) which considered the proposals for the Council to join a Business Rates Pooling arrangement with other Authorities. Such an arrangement would relate to the 'retained' element of the business rates which was now part of the Local Government Finance System. It also sought officer delegation to respond to consultation on changes to New Homes Bonus from 2015/16.

Councillor Paul Andrews moved and Councillor Mrs Cowling seconded the recommendations in the report:

"That:

- (i) delegated authority be given to the Corporate Director (s151) in consultation with the Chairman of the Policy and Resources Committee to join a business rate pool for 2014/15 should he be satisfied that such an arrangement is likely to be in the financial interests of the Council; and*
- (ii) delegated authority be given to the Corporate Director (s151) in consultation with the Resources Working Party to respond to the consultation document 'New Homes Bonus and the Local Growth Fund'"*

Councillor Clark moved and Councillor Woodward seconded the following amendment:

“To delete “Chairman of the Policy and Resources Committee” in (i) and replace with “Group Leaders”.

To add that a report on business rates proposals be brought to January Full Council.”

Upon being put to the vote, the amendment was carried.

Upon being put to the vote, the substantive motion was then carried.

Resolved

That:

- (i) delegated authority be given to the Corporate Director (s151) in consultation with the Group Leaders to join a business rate pool for 2014/15 should he be satisfied that such an arrangement is likely to be in the financial interests of the Council;
- (ii) delegated authority be given to the Corporate Director (s151) in consultation with the Resources Working Party to respond to the consultation document ‘New Homes Bonus and the Local Growth Fund’;
- (iii) a report on business rates proposals be brought to January Full Council.

64 Any other business that the Chairman decides is urgent.

There being no other business, the meeting closed at 1am.