Minutes of Proceedings

At the Ordinary Meeting of the District Council of Ryedale held in the Council Chamber, Ryedale House, Malton on Thursday 14 April 2016

Present

Councillors Acomb

Joy Andrews Paul Andrews Steve Arnold

Val Arnold (Chairman)

Bailey
Burr MBE
Clark
Cleary
Cowling
Cussons
Duncan
Farnell
Frank

Gardiner (Vice-Chairman)

Goodrick Hope Ives

Jainu-Deen

Jowitt
Keal
Maud
Oxley
Potter
Raper
Sanderson
Shields

Thornton
Wainwright
Windress

In Attendance

Simon Copley Peter Johnson Phil Long Julian Rudd Bridget Skaife Janet Waggott

Minutes

90 Apologies for absence

No apologies were received.

91 Public Question Time

There were no public questions.

92 Minutes

The minutes of the ordinary meeting of Full Council held on 25 February 2016 were presented.

Resolved

That the minutes of the ordinary meeting of Full Council held on 25 February 2016 be approved and signed by the Chairman as a correct record.

Voting record 28 For 0 Against 2 Abstentions

93 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).

94 Declarations of Interest

The following interests were declared:

Councillors V Arnold, Clark, Sanderson, Burr, Goodrick, and Shields declared a personal non-pecuniary but not prejudicial interest in agenda item 11 - Notices on Motion Submitted Pursuant to Council Procedure Rule 11), as North Yorkshire County Councillors.

Councillor Cleary declared a personal non-pecuniary but not prejudicial interest in item 11 as Chairman of Ryedale Cycle Forum.

Councillor Bailey declared a personal non-pecuniary but not prejudicial interest in item 10. Minute 72 (Devolution - towards a way forward for York, North Yorkshire and the East Riding) as a Member of the North York Moors National Park Authority.

95 Announcements

The Chairman made the following announcements:

 Congratulations to Les Chapman of North Yorkshire Building Control on receiving the LABC Superstars Award for the Yorkshire Region. These awards have been set up to celebrate and recognise members of staff who go the extra mile in their day to day work, to ensure their performance is above and beyond the expected targets and provide excellent levels of staff support and public service.

- That the Civic Service had taken place on 10 April 2016 at Nunnington Church followed by afternoon tea at Nunnington Hall.
- That there is a fundraising event for the two Chairman's charities, Air Ambulance and Macmillan Cancer Support to be held on Sunday 8 May 2016 at Tantara Lodge, Middleton. Invitations will be sent out shortly.

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

Councillor Clark submitted the following question to the Leader of the Council.

"On the basis that our supreme leader doesn't seem to follow things like staff surveys or looking into bullying I thought it would probably be helpful if I asked under Council Procedure Rule 10.2 so she had plenty of time to find out what the answer was. The question is does the Leader of Council agree with the Council's policy on bullying and how effective does she believe the policy to be in practice?"

The Leader of the Council, Councillor Cowling, replied:

"In so far as I am able to judge as I am not a HR professional we do have a Harassment Policy and that covers bullying so that is the policy that would deal with bullying. It isn't for me personally to agree with that policy, it went to committee and was accepted by committee. There is only one thing in it that I think is missing which I will speak about later if necessary. As for the "does she believe the policy is effective?", I believe it to be. In practice it's not for me to deliver how effective the policy is, in practice that is for Officers of this Council."

Councillor Clark asked a supplementary question to the Councillor Cowling, Leader of the Council:

"Well I would have thought that it was for you to agree or disagree with the policy, as for how effective it is, that is surely the whole role of the controlling group in general and the Leader in particular because the welfare of our employees is the responsibility of the Council, so it is for her to know how effective it is. So let's narrow it down a little bit more, how many times has the harassment policy been used in say the last year or two years which ever period she looked at and how many times has it been found that somebody has broken that policy and ideally what action was taken".

The Leader of the Council, Councillor Cowling, replied:

"The welfare of the employees of RDC, yes it is our responsibility and we set policies and that is where our role ends. It is then for the staff of this Council to deal with the implementation of those policies, we don't get to dibble into dealing with staff matters, that is not part of our role nor do I believe that it is my job to be monitoring how many times the harassment policy has been used. I don't want to know personal matters to do with staff. If we had a problem then I am sure the Chief Executive would soon be telling me, but it is for the Chief Executive and appropriate staff to deal with those matters, it is not for me or any other Members to deal with those."

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

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

"We have a very full agenda tonight so I do not intend to make a long statement.

I attended the Leaders meeting of Local Government for North Yorkshire and York on March 11th. The major item on the agenda was the progress on a devolution deal for York, North Yorkshire and East Riding of Yorkshire. The possibility of the inclusion of Hull in the deal was also discussed. The same presentation was given to Members of our Policy and Resources committee on the 31st March by James Farrar — the CEO of our LEP. That power point presentation has been circulated to all Members for information. This topic features on our agenda tonight — if after that Members feel that a further presentation would be useful, then we can arrange a Member Briefing on the subject.

On Tuesday of last week, along with other local representatives, I met the Chairman of the National Flood Resilience Review and the Chief Executive of the Environment Agency at the flood defences in Pickering. We were able to put various points about the way forward to continue to improve flood protection in our district. The slowing the flow project continues to generate a lot of interest nationally. It was a great opportunity for us to push for support to roll out the wider Derwent catchment scheme and promote the excellent community and partnership work this project has delivered. Undoubtedly this scheme has helped businesses in Pickering to thrive and the project has been a superb example of what this council can do to help grow the economy in our district.

Our transformation programme is underway and we are working Towards 2020, (this is referred to as the mandate for change). The purpose of the transformation is to build on what we have achieved, work through the financial reductions and changes to Local Government funding in order to create a viable authority for the future which can deliver the services the residents of Ryedale need, now and in the future. Some of the decisions we will make tonight are a part of that process and are necessary to deliver the transformation.

So, back to our agenda which is has a great emphasis on economic growth. The range of the work we can deliver is well illustrated in the items we shall be discussing tonight. From the community grants that we give, through Ryedale's Economic Action Plan to the even wider concept of the Northern Power House and the part we shall play in that through a Combined Authority.

Finally I would like to add my congratulations to Les Chapman. Les has been the driving force in the North Yorkshire Building Control Partnership for 15 years. Without his vision it would not be the brilliant organisation that it is now."

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

1. From Councillor Potter

"I think it is worth noting that yesterday the Slowing the Flow Partnership put an official report to approve that the flood defences above Pickering were effective on Boxing Day, so that's actually quite a significant relevance to both Pickering, that the fact that it definitely did protect Pickering from flooding, and that it is also evidence that this District Council funding was well worthwhile and that's a little bit of the money that was spent, and it is also significant for a lot more communities around the Country, I would rather hope it will be anyway".

The Leader replied:

"I think what we saw as residents in Pickering was that it worked undoubtedly, what I thought, it was nice to see that they agreed with us officially."

2. From Councillor Paul Andrews

"The Leader talks about rolling out the Derwent Catchment Plan. Now I have been aware of more than one Derwent Catchment Plan and the one Derwent Catchment Plan that I have a great issue with is the River Derwent Catchment Flood Management Plan now the emphasis that I would put on that title is the word management as opposed to prevention, it has a lot in it as she knows, the taking down of flood defences and allowing the river to return to its natural flood plain. Now we have been through all this before so I would like the Leader to tell me exactly what she is referring to and I am hoping she is not going to say that it's the Flood Management Plan and I hoping that she will be able to give some assurance that the Flood Management Plan is not the one which the Council is supporting because of the iniquitous proposal in regard to taking down flood defences".

The Leader replied:

"I wasn't referring to any particular plan, what I was referring to was an overall scheme which is yet to be identified, what we are hoping will come out of this review that is being carried is some funding to allow us

to continue and try and improve flood management, further down I can't say how that will be, I am sure farmers would have a lot to say about their land being flooded."

Councillor Paul Andrews then asked the following supplementary question:

"The Leader refers to Flood Management, can she please confirm that she will be entrusted in perusing flood defences as opposed to flood management?"

The Leader then replied:

"For me flood management is flood prevention."

3. From Councillor Ives

"I note that in his statement, Cllr Potter's question, he eluded to the £950,000 grant that this Council contributed to the Slow the Flow Scheme, which note was a Conservative controlled Council that agreed that grant, does the Council Leader agree with me that that grant was only made possible through the sound financial management that this Conservative Group had at the Council at that time and that if another group was in charge which was it a bit more profligate with the spending it may not have been possible?"

The Leader replied:

"Like a lot of other things that have happened in the time that Conservative have been in control of this Council they have been made possible by the sound financial management of this group."

4. From Councillor Burr

"As the Leader of the Council you are very aware that Fracking is a serious subject within Ryedale and of interest to many residents. At the March Planning Committee myself and Councillor Farnell proposed astrong letter of objection to be sent to NYCC on behalf of this Council and I do think that this was a unanimous decision, forgive if I am wrong but I think it was nearly unanimous. So in recent light of the statement made by the Environment Agency to say that a licence has been granted to Third Energy is concerning and worrying and confusing, to residents could you report to us and residents the implications of the Environment Agency's statement to just help everyone to understand this?"

The Leader replied:

"I understand the decision wasn't totally unanimous but nevertheless it was a strong, it was 7 for that's quite a strong majority. The position on fracking of this Council has been reported to sometime in March I believe and I think we are all aware that the application was not supported. I don't think there will be anybody in this room who didn't know that, you are right there has been some confusion as I have been approached by several people over the last few days who said the fracking has been given planning permission and I had to say no it hasn't and they say what's all this that's been on the radio then and what has actuallybeen granted is a Environmental Permit and an Environmental Permit simply says that the Environment Agency believe that all the measures are in place which allow fracking to take place safely, however fracking cannot take planning permission is granted and that grant of permission would be by North Yorkshire County Council, there is a lot of confusion and I hope that clarifies the situation it was Environment Permit that was granted not planning permission."

Councillor Burr then asked the following supplementary question:

"Isn't that rather disappointing, that a government agency has issued this licence prior to the County Council's decision that's a little disappointing?"

The Leader then replied:

"Whilst it maybe disappointing it is normal practice Environmental Permits are often issued prior to planning permission being granted."

5. From Councillor Clark

"I would like to ask the Leader a question in relation to sound finances, does she not agree with me that the finances could have been a little more appropriate and sound, if having the bulk of the capital that came from the sale of Council houses, not to anybody's clever handling and management and a great chunk of that was used to build a small motorway so that as to reduce the pollution in Norton and Malton which eventually maybe one day, before long, we will get around too, some was spent on buying a building that we don't seem to need, some was squandered on Wentworth Street car park and now we are in the position that there is none of that capital left so there is nothing there to put into affordable housing, I don't want to be too negative but would it not have been possible to have used some of the money that came from housing for housing before we start crowing about how well we have managed the funds?"

The Leader replied:

"Actually I have no doubt John that you remember as well as I do that the sale of the Council housing allowed this Council to reinvest that money time after time again in housing and it was like magic money because you kept getting it back, unfortunately that isn't the case nowadays. The motorway that you refer that we built I think anybody who supports the economy in Ryedale cannot help but agree that will benefit. I think that was looking into the future it was a really good move and it will benefit the whole of Ryedale We bought a building that we don't need, that's a matter of opinion and the cost of Wentworth Street Car Park I have said it before and I will say it again, yes the costs were regrettable and what I don't like and what I don't agree with is the way it keeps being reported and that some political groups like to keep saying that it's a cost of £1.5 or is it £1.4 million that you keep trotting out and actually included in that is the cost of the building that vou refer to. is that magic money too?"

Councillor Clark then asked the following supplementary question:

"I have never mentioned a million or £1.5 million so I know not to whom she refers but as for the motorway the main driving reason given for that was to reduce the traffic and the pollution at Butcher Corner what it developed into was, oh dear, won't it be in the future good for the economy of Ryedale, that's not the reason we were sold it in the first place. She still hasn't answered my question does she not think that it would have been a good idea because when the magic money stopped capital has disappeared and none of it brings into housing, does she not think affordable housing would have been better than carrying on polluting the people in Malton, wasting in excess of half a million my figure, or has she got some other thoughts on the matter?"

The Leader then replied:

"It was a multi stranded reason for building the Brambling Fields Junction, air quality being a main driving factor, also the economy was very important to us. I think you also know John exactly how important affordable homes are to me and that I have looked at all sorts of way of trying to deliver and it's no good you pretending that we have no money because we do have money in our New Homes Bonus."

6. From Councillor Keal

"Does the Leader remember who actually proposed the funding towards the Pickering Flood defences and which party that was because my view is that in order for this Council to achieve anything there were some subjects that rise above party politics, flooding being one of them, Fracking being one of them and there are others, and we should stop revisiting history and actually and look to the future which I hope my motion this evening will do."

The Leader replied:

"If my memory serves me correctly either you or your husband

7. From Councillor Burr

"I just wanted to bring up the proposed weight restriction consultation papers, it's relevant tonight because the papers are actually on your desk or have been sent out by e-mail, I aren't sure if all members are aware on Tuesday night at the Planning Committee we voted unanimously to support to 7.5 tonne weight restriction of heavy lorries in central highways network of Malton and Norton and this request came from the area committee myself as NYCC Member, Cllr Shields, Cllr Sanderson. Cllr Goodrick it was agreed from the Area Committee that it had actually come down and we all agreed to support that at the Planning Committee so it is prudent that I ask this question and in doing so the ban was going to improve the air quality of Butcher Corner and Castlegate which is the worst polluted corner in Ryedale, and in addition we talked about the safety aspects and the pushchairs and the buggies and the cyclists and the people walking up and down Malton, so we had a very very thorough debate at the planning, so as Leader of Council could I ask if we could have maybe your support for us sending that up to Richard Marr at County Council?"

The Leader replied:

"Yes".

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

Policy and Resources Committee - 31 March 2016

Minute 69 - Ryedale Economic Action Plan

It was moved by Councillor Cowling and seconded by Councillor Arnold that the following recommendations of the Policy and Resources Committee be approved and adopted.

That Council be recommended to approve:

i. That the Ryedale Economic Action Plan 2016-20 at Annex C be adopted;

ii. That the proposed 'Priority Economic Projects' for 2016-20 and 2020+ be agreed and highlighted within the REAP as follows;

Priority Economic Projects for delivery 2016-20

- Northern Ryedale employment sites (Pickering, Kirkbymoorside Kirkby Mills and Ings Lane, Helmsley)
- Delivery of Malton Food Enterprise Zone
- Delivery of National Agri-Food Innovation Campus
- Marketing of Ryedale both to potential investors and to visitors
- Norton south-east link road
- Skills initiatives
- Enhanced communication links including cycle, high speed broadband and mobile phone connectivity.
- Supporting the development of the Creative Hub in Malton.
- Enhance rail parking and measures to reduce congestion at the rail crossing, Norton.

Priority Economic Projects - for delivery 2020 onwards

- A64 dualling Hopgrove-Barton Hill
- A64 Norton Scarborough selective improvements
- A64 Crambeck Musley Bank dualling
- Malton/Norton new river and rail crossing / Derwent Park
- iii. That Council conduct a feasibility study funded from the New Homes Bonus reserve to look into delivering the final bullet point under "Priority Economic Projects for delivery 2016-20" above.

Councillor Burr moved and Councillor Paul Andrews seconded the following amendment to an amendment:

"iii. That prior to Council conducting a feasibility study funded from the New Homes Bonus reserve Officers undertake an option appraisal to look into delivering the final bullet point under "Priority Economic Projects for delivery 2016-20"

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

Voting Record

14 For

12 Against

4 Abstentions

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

Resolved

Council

- i. That the Ryedale Economic Action Plan 2016-20 at Annex C be adopted;
- ii. That the proposed 'Priority Economic Projects' for 2016-20 and 2020+ be agreed and highlighted within the REAP as follows;

Priority Economic Projects for delivery 2016-20

- Northern Ryedale employment sites (Pickering, Kirkbymoorside Kirkby Mills and Ings Lane, Helmsley)
- Delivery of Malton Food Enterprise Zone
- Delivery of National Agri-Food Innovation Campus
- Marketing of Ryedale both to potential investors and to visitors
- Norton south-east link road
- Skills initiatives
- Enhanced communication links including cycle, high speed broadband and mobile phone connectivity.
- Supporting the development of the Creative Hub in Malton.
- Enhance rail parking and measures to reduce congestion at the rail crossing, Norton.

Priority Economic Projects - for delivery 2020 onwards

- A64 dualling Hopgrove-Barton Hill
- A64 Norton Scarborough selective improvements
- A64 Crambeck Musley Bank dualling
- Malton/Norton new river and rail crossing / Derwent Park
- iii. That prior to Council conducting a feasibility study funded from the New Homes Bonus reserve Officers undertake an option appraisal to look into delivering the final bullet point under "Priority Economic Projects for delivery 2016-20"

Recorded Vote

For

Councillors Val Arnold, Acomb, Steve Arnold, Bailey, Burr, Cleary, Cowling, Cussons, Duncan, Farnell, Frank, Gardiner, Goodrick, Hope, Ives, Jainu-Deen, Keal, Maud, Oxley, Raper Sanderson, Shields, Wainwright, Windress.

Against

Councillor Paul Andrews

Abstentions

Councillors Joy Andrews, Clark, Jowitt, Potter, Thornton

Minute 71 - Fuel Poverty Scrutiny Review

It was moved by Councillor Wainwright and seconded by Councillor Acomb that the following recommendations of the Policy and Resources Committee be approved and adopted.

- That the Policy and Resources Committee discuss each recommendation and provide a view on each of those numbered 1 to 5 within the report.
- ii. That, in relation to the Overview and Scrutiny Committee recommendation 5, the cost of commissioning a stock control survey be kept to a minimum whilst upholding statutory obligations.

Upon being put to the vote the motion was carried.

Resolved

- i. Recommendations 1-5 are agreed.
- ii. That, in relation to the Overview and Scrutiny Committee recommendation 5, the cost of commissioning a stock control survey be kept to a minimum whilst upholding statutory obligations.

Voting record 26 For 4 Against 0 Abstentions

Minute 72 - Devolution - towards a way forward for York, North Yorkshire and the East Riding

It was moved by Councillor Cowling and seconded by Councillor Arnold that the following recommendations of the Policy and Resources Committee be approved and adopted.

That support be given to officers to continue discussions with government on a devolution deal based on a York, North Yorkshire and East Riding geography on a formal basis alongside other options.

Councillor Clark moved and Councillor Thornton seconded the following amendment:

"To add to the recommendation the following":

"We also request that the size of the benefits from a combined authority and guarantees for the future are clarified".

Upon being put to the vote the amendment was lost.

Voting Record

6 For

21 Against

1 Abstention

Upon being put to the vote the motion was carried.

Resolved

That support be given to officers to continue discussions with government on a devolution deal based on a York, North Yorkshire and East Riding geography on a formal basis alongside other options.

Recorded Vote

For

Councillors Val Arnold, Acomb, Steve Arnold, Bailey, Cleary, Cowling, Cussons, Duncan, Farnell, Frank Gardiner, Goodrick, Ives, Jainu-Deen, Keal, Maude, Raper, Sanderson, Shields, Wainwright, Windress

Against

Councillors Joy Andrews, Clark, Potter, Thornton

Abstentions

Councillors Paul Andrews, Burr, Jowitt

Councillor Raper moved and Councillor Cleary seconded a Procedural Motion to suspend Procedure Rule 8 so the meeting could continue beyond 3.5 hours duration.

This was put to the vote and carried.

Vote Record

18 For

6 Against

0 Abstentions

Minute 73 - Exempt Information

Resolved

That under Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following item as there would be a likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information).

Voting Record

20 For

3 Against

0 Abstentions

Minute 74 - The future of Ryedale House

It was moved by Councillor Cowling and seconded by Councillor Arnold that the following recommendations of the Policy and Resources Committee be approved and adopted.

That Members agree in principle to the disposal of Ryedale House, and that a request be made that the site be considered for inclusion in the Local Plan Sites Document. (Option 2). The final decision to dispose, or not, will be made after the final recommendations arising from the Scrutiny Review of Council Assets have been considered.

Upon being put to the vote the motion was carried.

Resolved

That Members agree in principle to the disposal of Ryedale House, and that a request be made that the site be considered for inclusion in the Local Plan Sites Document. (Option 2). The final decision to dispose, or not, will be made after the final recommendations arising from the Scrutiny Review of Council Assets have been considered.

Recorded Vote

For

Councillors Val Arnold, Acomb, Steve Arnold, Cowling, Duncan, Farnell, Gardiner, Ives, Jainu-Deen, Raper, Wainwright, Windress

Against

Councillors Joy Andrew, Paul Andrews, Burr, Clark, Jowitt, Potter, Thornton

Abstentions Councillor Cleary

Overview and Scrutiny Committee - 7 April 2016

No appointment has been made for the Independent Person, this will be considered at an alternative meeting.

99 Notices on Motion Submitted Pursuant to Council Procedure Rule 11

It was moved by Councillor Keal and seconded by Councillor Mrs Shields.

In view of the fact that

- a) Despite the opening of the Brambling Fields junction many roads in Norton and Malton and especially Castlegate are clogged with traffic, including HGVs far too large for the size of these roads, spewing pollutants into the air on a daily basis
- b) pollutants recorded at Butcher Corner in Malton have been proven to exceed the recommended levels in Air Quality (England) Regulations 2000, The Air Quality (England) (Amendment) Regulations 2002 on atmospheric pollution (Nitreous Dioxide) which inevitably has a detrimental impact on the health and wellbeing of residents in this area of the town, pedestrians and motorists in the area.

This council commit to:

- i) Lobbying North Yorkshire County Council to implement a complete HGV ban through Malton and Norton town centres (except for access) as soon as possible.
- ii) Request that the current consultation on a HGV ban over County Bridge represents the views of local people, especially residents in Castlegate, Malton and Church Street, Norton.
- iii) Urgently revisit plans to realign traffic through the Castlegate, Yorkersgate and Norton Road areas of the town to reduce pollutant levels, ease traffic flow and improve the street scene
- iv) Improve access for pedestrians and cyclist between the twin towns by developing designated cycle ways and improved walking routes

Councillor Ives moved and Councillor Duncan seconded the following amendment.

"Remove iii)
Amend iv) Delete 'Improve', Add 'Support improved'

Add v) A report be produced for the Policy and Resources Committee on the progress of the Air Quality Action Plan".

Upon being put to the vote the amendment was carried

Voting Record

19 For

2 Against

5 Abstentions

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

Voting Record

Unanimous

Resolved

In view of the fact that

- a) Despite the opening of the Brambling Fields junction many roads in Norton and Malton and especially Castlegate are clogged with traffic, including HGVs far too large for the size of these roads, spewing pollutants into the air on a daily basis
- b) pollutants recorded at Butcher Corner in Malton have been proven to exceed the recommended levels in Air Quality (England) Regulations 2000, The Air Quality (England) (Amendment) Regulations 2002 on atmospheric pollution (Nitreous Dioxide) which inevitably has a detrimental impact on the health and wellbeing of residents in this area of the town, pedestrians and motorists in the area.

This council commit to:

- i) Lobbying North Yorkshire County Council to implement a complete HGV ban through Malton and Norton town centres (except for access) as soon as possible.
- ii) Request that the current consultation on a HGV ban over County Bridge represents the views of local people, especially residents in Castlegate, Malton and Church Street, Norton.
- iii) Support improved access for pedestrians and cyclist between the twin towns by developing designated cycle ways and improved walking routes
- iv) A report be produced for the Policy and Resources Committee on the progress of the Air Quality Action Plan.

Any other business that the Chairman decides is urgent.

There being no other business, the meeting closed at 10.45pm