

Council

Minutes of Proceedings

At the **Extraordinary Meeting of the District Council of Ryedale held in the The Milton Rooms, Market Place, Malton, YO17 7LX on Tuesday 17 February 2015**

Present

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

In Attendance

Phil Long
Bridget Skaife
Janet Waggett
Anthony Winship

Minutes

78 Apologies for absence

Apologies for absence were received from Councillors Raper, Fraser and Legard.

79 Declarations of Interest

The following interests were declared:

Councillor Paul Andrews declared a personal non-pecuniary but not prejudicial interest as he is in the anti-fracking camp.

Councillor Mrs Burr declared a personal non-pecuniary but not prejudicial interest as she is a Member of the NYCC.

Councillor Clark declared a personal non-pecuniary but not prejudicial interest as he is a Member of the NYCC.

Councillor Mrs Keal declared a personal non-pecuniary but not prejudicial interest.

Councillor Mrs Sanderson declared a personal non-pecuniary but not prejudicial interest as she is Member of the NYCC and also sits on *its* the Planning Committee. *[As amended at the meeting on 24/2/15]*

Councillor Mrs Shields declared a personal non-pecuniary but not prejudicial interest as she is Member of the NYCC.

80 Fracking in Ryedale

81 To Receive Information from the Public Meeting on Fracking Held on 4 February 2015 (to follow)

Council received the information from the public meeting on fracking which was held on 4 February 2015.

Councillor Mrs Cowling moved and Councillor Arnold seconded that this information be noted.

On being put to the vote, this motion was carried.

Voting Record

27 For
0 Against
0 Abstentions

Resolved

That the information from the public meeting on fracking which was held on 4 February 2015 be noted.

82 **To Receive a Petition Relating to Fracking in Ryedale**

The Chairman reported the receipt of an ordinary petition on 19 January 2015 with 1017 signatures, stating:

We, the undersigned, demand that Ryedale District Council publicly oppose fracking and all other forms of unconventional fossil fuel extraction in the District of Ryedale, and that this anti-fracking position should be reflected in all consultations with the North Yorkshire County Council and the North York Moors National Park Authority.

Mr David Davis, the petition organiser, then addressed, under the provisions of the Council's Petitions Scheme.

83 **To Consider the Monitoring Officer's Report Under Section 5 of the Local Government and Housing Act 1989 Relating to Item (iv) on the Agenda**

The Monitoring Officer presented his report under Section 5 of the Local Government and Housing Act 1998 relating to item (iv) on the agenda.

The Monitoring Officer presented his report under Section 5 of the Local Government and Housing Act 1998 relating to item (iv) on the agenda.

Members of Council were asked to consider the Monitoring Officer's report in relation to the Motion on Notice received on Friday 21 November 2014 which was Item 4 (iv) on the agenda and part of which was as follows:

" 1. Ryedale District Council completely opposes all Fracking in Ryedale"

Council was advised that the contents of the report should not be interpreted as favouring any side in the fracking debate. The central focus of the report was on the legal constraints that the Council must comply with in its decision making process.

The Monitoring Officer advised Members of Council that the proposed motion would be unlawful for the following two reasons:

- a. It commits the Council to a rigid policy in areas where the Council is required to take into account a number of factors, of which policy may be one but cannot dictate the result to the exclusion of all other factors, before coming to a decision. Most notable is that of planning both in its role as statutory consultee on County and Park applications for minerals and waste, and as local planning authority where it has to determine applications itself. In all such cases, it must take its decision having had regard to all material considerations, and cannot decide them simply on the basis of policy.

- b. It is so absolute that it unreasonably fetters the Council's discretion when it comes to deal with any matter related to fracking.

The Monitoring Officer also advised Members of Council that in his professional opinion the adoption of an unlawful blanket policy in relation to fracking had potentially serious legal implications for both the District Council and Members of the District Council personally which were set out in the report .

The Monitoring Officer further advised Members of Council that they had a statutory duty under section 5 (5) of the Local Government and Housing Act 1989 to consider the contents of the report before voting on Councillor Clark's motion.

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

"That Council receives the Monitoring Officer's report and notes the recommendations"

Councillor Clark moved and Councillor Woodward seconded the following amendment:

"That Council receives the Monitoring Officer's report and notes the recommendations and refers the report back to the Monitoring Officer to consider amendment/deletion to those parts of his report that do not comply with the business of tonights meeting"

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

Recorded Vote

For

Councillors Joy Andrews, Paul Andrews, Mrs Burr, Clark, Collinson, Mrs Keal, Richardson, Walker, Ward, Woodward.

Against

Councillors Acomb, Arnold, Bailey, Mrs Cowling, Cussons, Mrs Frank, Mrs Goodrick, Hawkins, Hicks, Hope, Ives, Maud, Mrs Sanderson, Wainwright, Windress.

Abstentions

Councillors Mrs Hopkinson, Mrs Shields.

Upon being put to the vote the recommended resolution in relation to the Monitoring Officer's Report was then carried.

Recorded Vote

For

Councillors Acomb, Arnold, Bailey, Mrs Cowling, Cussons, Mrs Frank, Mrs Goodrick, Hawkins, Hicks, Hope, Ives, Maud, Mrs Sanderson, Mrs Shields, Wainwright, Windress.

Against

Councillors Joy Andrews, Paul Andrews, Mrs Burr, Clark, Collinson, Mrs Keal, Richardson, Walker, Ward, Woodward

Abstentions

Councillor Mrs Hopkinson

Resolved

That Council receives the Monitoring Officer's report and notes the recommendations

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Notice on Motion

It was moved by Councillor Clark and seconded by Councillor Woodward

In view of the following facts:-

- The statutory authorities have neither the people, expertise or the independently verified data to safely control fracking
- As a result, risk and prevention of dangers will depend on industry self regulation
- The worldwide evidence to date is that fracking is an unacceptably high risk strategy
- Ryedale District Council can only condone or oppose fracking

It follows that:-

- i. Ryedale District Council completely opposes all fracking in Ryedale
- ii. Ryedale District Council calls upon all Thirsk, Malton and Filey parliamentary candidates for the forthcoming general election to state clearly if they oppose or support fracking

An amendment was moved by Councillor Mrs Cowling and seconded by Councillor Windress:

Delete paragraph i

Replace with the following text :

That the District Council notes the extent of public concern about the potential damage to the environment which may be caused by fracking. The Council will only support applications for fracking or exploration preparatory to fracking if it is satisfied that all such concerns have been resolved satisfactorily. It will discharge its functions as local planning

authority on the merits of each planning application when it is asked to respond as a consultee. It will need to be satisfied that risks posed by any application are outweighed by any benefits which the proposed development would bring.

Upon being put to the vote the amendment was carried and became the substantive motion.

Recorded Vote

For

Councillors Acomb, Arnold, Bailey, Mrs Cowling, Cussons, Mrs Frank, Mrs Goodrick, Hawkins, Hicks, Hope, Ives, Maud, Mrs Sanderson, Wainwright, Windress

Against

Councillors Joy Andrews, Paul Andrews, Mrs Burr, Clark, Collinson, Mrs Keal, Richardson, Mrs Shields, Walker, Ward, Woodward

Abstentions

Councillor Mrs Hopkinson

Councillor Richardson then moved and Councillor Collinson seconded a further amendment, as follows:

1. This Council therefore resolves to oppose all fracking in Ryedale until it is satisfied :

- I. 90% of medical opinion worldwide believes that fracking is safe.
- II. 90% of all climate scientists worldwide believe that the burning gas from IPCC fracking will not harm the planet.
- III. 90% of scientific opinion believes there will be no loss to agriculture or tourism as a result of environmental damage due to fracking.

Public papers – academic and evidence based papers – peer view journals will be used to judge this criteria.

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

Recorded Vote

For

Councillors Joy Andrews, Paul Andrews, Mrs Burr, Clark, Collinson, Mrs Keal, Maud, Richardson, Mrs Shields, Walker, Ward, Woodward.

Against

Councillors Acomb, Arnold, Bailey, Mrs Cowling, Cussons, Mrs Frank, Mrs Goodrick, Hawkins, Hicks, Hope, Ives, Mrs Sanderson, Wainwright, Windress.

Abstentions

None

Councillor Woodward then moved and Councillor Joy Andrews seconded a further amendment, as follows:

2. This Council therefore resolves to oppose all fracking for the next 5 years until the science is much clearer.

i.e "A five year fracking freeze"

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

Recorded Vote

For

Councillors Joy Andrews, Paul Andrews, Mrs Burr, Clark, Collinson, Keal, Maud, Richardson, Mrs Shields, Walker, Ward, Woodward

Against

Councillors Acomb, Arnold, Bailey, Mrs Cowling, Cussons, Mrs Frank, Mrs Goodrick, Hawkins, Hicks, Hope, Ives, Mrs Sanderson, Wainwright, Windress

Abstentions

None

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

Resolved

- i. That the District Council notes the extent of public concern about the potential damage to the environment which may be caused by fracking. The Council will only support application for fracking or exploration preparatory to fracking if it is satisfied that all such concerns have been resolved satisfactorily. It will discharge its functions as local planning authority on the merits of each planning application when it is asked to respond as a consultee. It will need to be satisfied that risks posed by any application are outweighed by any benefits which the proposed development would bring.
- ii. Ryedale District Council calls upon all Thirsk, Malton and Filey parliamentary candidates for the forthcoming general election to state clearly if they oppose or support fracking.

Recorded Vote

For

Councillors Acomb, Arnold, Bailey, Mrs Cowling, Cussons, Mrs Frank, Mrs Goodrick, Hawkins, Hicks, Hope, Ives, Maud, Mrs Sanderson, Wainwright, Windress.

Against

Councillors Joy Andrews, Paul Andrews, Mrs Burr, Clark, Collinson, Mrs Keal, Richardson, Mrs Shields, Walker, Ward, Woodward

Abstentions

None

The Meeting Closed at 10.15pm