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Council

Minutes of Proceedings

At the **Extraordinary Council Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton on Thursday, 8 December 2022**

Present

Councillors Joy Andrews, Paul Andrews, Arnold, Burr MBE, Clark, Cussons MBE, Docwra, Duncan, Goodrick, Graham, Hope, Keal, King, MacKenzie, Mason, Potter, Raine, Riby, Thackray, Wass (Chair) and Windress

In Attendance

Beckie Bennett, Lily Hamilton, Elizabeth Heath, Anton Hodge, Nicki Lishman and Phillip Spurr

Minutes

55 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cleary, Middleton and Oxley.

56 DECLARATIONS OF INTEREST

The Chair advised that it was taken as given that Councillors J Andrews, Burr, Duncan, Goodrick and Mason declared personal non-prejudicial and non-pecuniary interests as North Yorkshire County Councillors and that they had been lobbied.

Councillor P Andrews declared a personal non-prejudicial and non-pecuniary interest due to his associations with the Fitzwilliam Estate and that he had been lobbied.

Councillor Raine declared a personal non-prejudicial and non-pecuniary interest as the owner of not-for-profit business in Malton and that she had been lobbied.

Councillor Mason declared a personal non-prejudicial and non-pecuniary interest as the owner of a business in Malton and that he had been lobbied.

Councillors Arnold, Clark, Cussons, Docwra, Duncan, Graham, Goodrick, Keal, King, Mackenzie, Potter, Riby, Thackray and Windress declared personal non-prejudicial and non-pecuniary interest as they had been lobbied.

MOTIONS ON NOTICE SUBMITTED PURSUANT TO COUNCIL PROCEDURE RULE 11

57 Motion on Notice Proposed by Councillor P Andrews and seconded by Councillor Burr

Councillor P Andrews proposed and Councillor Burr seconded the following motion;

“That Council enter into negotiations with Fitzwilliam Malton Estate (FME) to sell Wentworth Street Car Park to FME, subject to the use being restricted to car parking only and the sale price to be approved by the District Valuer.”

During the debate, Members considered an email submitted by a member of the public, who had asked that their comments be considered by Elected Members and included in the

minutes of the meeting. Councillor P Andrews had submitted a response to the issues raised in that email and both are attached at Appendix A.

Upon being put to the vote the motion was lost.

Resolved

That Council does not enter into negotiations with Fitzwilliam Malton Estate (FME) to sell Wentworth Street Car Park to FME, subject to the use being restricted to car parking only and the sale price to be approved by the District Valuer.

Recorded vote

For: Councillors P Andrews, Burr, Potter, Raine, Riby, Thackray and Wass

Against: Councillors J Andrews, Arnold, Clark, Cussons, Duncan, Frank, Graham, Goodrick, Keal, King, Mackenzie, Mason and Windress

There being no other business, the meeting closed at 8.30pm.

APPENDIX A

-----Original Message-----

From: Cathy Whittington

Sent: 06 December 2022 20:52

To: Democratic Services <democraticservices@ryedale.gov.uk>

Subject: Sale of Wentworth Street Car park

Dear Nicki

I note with interest, the proposal to sell the Wentworth Street car park in the centre of Malton to a private Estate. The reason being given for this proposed sale, is that the current District councillors do not trust the new democratically elected representatives of Malton, on the North Yorkshire Council and feel that they would sell this space for development.

[REDACTED]

Why not simply put a covenant on the car park and keep it as an asset of the Council to pass onto the protection of the new Council.

Is there a clear reason why these councillors feel that the new council cannot be trusted with safeguarding Malton's assets?

If it is to be sold, why is it only the Fitzwilliam Estate being asked to pay a sum for the car park? Why is it not being put out for tender for other enterprises to bid, if the District Councillors consider that the members of the new Council cannot be trusted to take care of the car park? Isn't there government policy that best value be obtained?

Alternatively, could it not go into a Trust to protect its future use as a car park?

[REDACTED]

[REDACTED]

This is of course removing the car park charges revenue from Council ownership.

Could the new owners increase the parking charges substantially? I assume any covenants with the sale agreement would not be able to prevent this from happening.

This just feels wrong.

Why is it that the District Council are rushing to give away a prime asset that is in its protection, just before handing over the responsibility for the management and safeguarding of its assets to the new representatives of the residents of Malton, the Councillors of the new North Yorkshire Council?

Please, can these points be heard and considered at the Extraordinary General Meeting on 8 December and included in the minutes?

Email from: Cllr Paul Andrews Thu 08/12/22 at 16:33

Re: Sale of Wentworth Street Car park

Dear colleagues,

I have to reply to this email as I won't have time in a three minute speech to address all the issues - which is why I have had no alternative but to produce so much written material myself.

Nicki, please ensure that paper copies of this email are also put on members desks.

In answer to the points made:

1. The new council, being 100 miles away from Malton will have no interest in Malton. They are strapped for cash and it is already clear that they want to include WSCP in their asset stripping programme. FME on the other hand have a clear financial interest in managing the car park as a public car park.
2. Malton has only one representative on North Yorkshire - what is one against 89 others? Our single councillor would have little influence and no control over what happens in Malton.
3. It is not possible for Ryedale to impose a covenant on the property without the agreement of North Yorkshire and, even if they did, Ryedale would be unable to enforce it as Ryedale will have ceased to exist. Ryedale can impose a covenant on the land if it is sold to another party (ie not North Yorkshire) such as FME, and this is what the motion seeks.
4. As regards "best value", I refer to previous emails I've sent members. As regards offering the property on the open market as a car park, officers have made it clear that this is not an option: if it is put on the open market, officers insist it will be sold without any restriction whatsoever.
5. WSCP could be sold to the Malton Community Interest Company which is already established as a public trust, but it would take far too long to set up another trust and do a conveyance before 1st April.
6. FME obviously have a financial interest in purchasing the car park. This comes in two parts: (a) providing car parking for customers of the businesses in Malton, particularly their own tenants and (b) preventing the wrong kind of development of the site which could adversely affect their financial interest in the town. All car parking currently provided by FME in town is free, but I can't speak for them in regard to the future. On the other hand, Ryedale has charged fees for car parking since 1987 in the car parks it owns.
7. There will be no financial loss by Ryedale, as FME are willing to pay market value for the land as a car park and this is usually calculated by capitalising the fees received.

Regards

Paul Andrews