

Council

Minutes of Proceedings

At the **Ordinary Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Thursday 8 March 2012**

Present

Councillors Acomb
 Andrews
 Arnold (Chairman)
 Bailey
 Mrs Burr MBE
 Clark
 Mrs Cowling
 Cussons
 Mrs Denniss
 Mrs Frank
 Fraser
 Hawkins
 Hicks
 Hope
 Mrs Hopkinson
 Ives
 Knaggs
 Mrs Knaggs
 Legard
 Maud
 Raper
 Richardson
 Mrs Sanderson
 Mrs Shields
 Wainwright
 Walker
 Ward
 Windress
 Woodward

In Attendance

Simon Copley
Paul Cresswell
Janet Waggott
Anthony Winship

Minutes

105 **Apologies for absence**

Apologies for absence were received from Councillor Mrs Goodrick.

106 **Public Question Time**

There were no questions from members of the public.

107 **Minutes**

The minutes of the Ordinary Meeting of Council held on 20 February 2012 were presented.

Resolved

That the minutes of the Ordinary Meeting of Council held on 20 February 2012 be approved and signed by the Chairman as a correct record.

108 **Urgent Business**

There was one item of urgent business which the Chairman considered should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972 (as amended).

It was an exempt report from the Corporate Director (s151) regarding Community Leisure Limited (CLL). The reason for urgency was that the CLL Board meeting, from which the issue had arisen, had taken place after the despatch of the Council agenda.

109 **Declarations of Interest**

The following interests were declared:

Councillor Mrs Frank declared a personal interest in agenda item 10, Commissioning Board minute 46 (Empty Properties), as she had an empty property.

Councillor Mrs Cowling declared a personal interest in agenda item 11 (Proposed Charges for Housing Enforcement Notices) as a landlord.

Councillor Fraser declared a personal interest in agenda item 14 (Urgent Business: Community Leisure Limited) as the Council's representative on the CLL Board.

Councillor Knaggs declared a personal interest in agenda item 14 (Urgent Business: Community Leisure Limited) as he had attended meetings with the Chief Executive of CLL, although not regarding this matter.

Councillor Ives declared a personal interest in agenda item 14 (Urgent Business: Community Leisure Limited) as a gym member.

Councillor Mrs Burr declared a personal interest in agenda item 14 (Urgent Business: Community Leisure Limited) and left the room and took no part in the discussion or the decision on the item.

110 **Announcements**

The Chairman made the following announcements:

- Civic Service to be held at Helmsley Methodist Church at 2pm on 11 March 2012;
- £120 raised for the Chairman's charities at the Civic Dinner.

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

There was one question pursuant to Council Procedure Rule 10.2 (questions on Notice at Full Council).

Councillor Andrews submitted the following question to the Chairman:

The contract to build Brambling Fields interchange improvements was to take 6 months. There is a rumour that the works will not be finished until August - 2 months late. Is this rumour true, and if so, what will the additional cost be of the extension of the contract?

The Chairman replied:

"I am pleased to clarify this situation. Your understanding that the Brambling Fields project is running 5 weeks behind schedule is incorrect. The project is now eight weeks into its construction. Based on progress thus far and current information, it will be completed in June 2012, as was planned and publicly stated, and the cost of the Brambling Fields project will be within the budget allocated by Ryedale District Council and North Yorkshire County Council."

Councillor Andrews asked a supplementary question regarding the approved budget and it was confirmed that the total approved budget was approximately £5.4m, of which Ryedale's contribution was approximately £2.37m. Exact figures would be circulated to Members by email.

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

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

"Since the last statement, we have set our budget and frozen council tax for the third year in succession, without touching the new homes bonus which will go entirely to local communities and organizations. And work on the Brambling

Fields interchange, the biggest improvement to Ryedale's infrastructure for many years, has begun.

In the next cycle of meetings we can expect to consider the economic strategy action plan further. Work on the implementation of the business hub internal reorganization and on round 3, looking ahead to the 2013/14 financial plan, will continue. We have the use of commuted sums from affordable housing to decide, and there may be more to come relating to the progressive updating of our personnel policies.

Perhaps more importantly, we will need to look at the capital programme again as we move into the summer and autumn. Do we believe that the Environment Agency is going to come up with something both deliverable and worth delivering in respect of Pickering flood defences? Do we see the Milton Rooms as an asset or a liability in the light of the artistic activity now taking place there? And what will the impact of decisions on supermarket applications in Malton have, directly or indirectly, on our programme?

We are only weeks away from a decision on the Livestock Market and Wentworth Street sites. All I will say about them is that whatever the decisions, there will be an afterwards, in which all the protagonists will need to draw a line under the past and try to work together for the future."

There were four questions on the Leader's Statement:

Councillor Walker sought clarification on the comment made regarding the Milton Rooms and the Leader explained that some successful artistic activity was taking place there under the new management but the state of the building was still a liability, and that a decision would need to be taken in the next two years regarding its long term future.

Councillor Woodward sought clarification on the comment made regarding Pickering Flood Defences, expressing concern that the Leader thought nothing would be delivered by the Environment Agency and that the money would be spent elsewhere. The Leader explained that the Council had to form a view soon if the Environment Agency would deliver on something worth paying for and could not hold the money indefinitely on the off chance. He pointed out that the money was Ryedale's, not the Environment Agency's, and had originally been given as leverage for further funding, which had not been forthcoming, and that there was no project for consideration yet.

Councillor Andrews drew attention to a suggestion made at the Land Drainage Liaison Group that Chris Bowles be asked to assist with dealing with water retention above Pickering and asked if that had been followed up. The Leader confirmed that he could not answer the question but that the comments made would be considered.

Councillor Richardson asked if the commuted sums for affordable housing would be spent on affordable housing and the Leader confirmed that this was a decision for the Commissioning Board.

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

Commissioning Board – 26 January 2012

Minute 46 – Empty Properties

It was moved by Councillor Mrs Cowling and seconded by Councillor Mrs Frank that the following recommendations of the Commissioning Board be approved and adopted:

That Council be recommended to approve:

- (i) that the North Yorkshire Empty Property Strategy and the Ryedale Empty Property Action Plan be adopted; and
- (ii) that the principle of a recyclable capital resource of £100k, to be made available to pursue legal powers against owners of empty properties and to undertake works in default on properties, be supported and be considered through setting the Council budget for 2012/13.

Councillor Mrs Cowling confirmed that she would ask the Planning Department if the 14 restrictions on use of empty properties, referred to in paragraph 8.1 of the report, could be temporarily lifted, and circulate the answer to Members.

Upon being put to the vote the motion was carried.

Resolved

- (i) that the North Yorkshire Empty Property Strategy and the Ryedale Empty Property Action Plan be adopted; and
- (ii) that the principle of a recyclable capital resource of £100k, to be made available to pursue legal powers against owners of empty properties and to undertake works in default on properties, be supported and be considered through setting the Council budget for 2012/13.

114 Proposed Charges for Housing Enforcement Notices

The Head of Economy and Housing submitted a report (previously circulated) which sought Member approval for charges to be levied for the serving housing enforcement notices.

Councillor Mrs Cowling moved and Councillor Mrs Frank seconded the recommendations in the report.

Councillor Mrs Cowling then moved and Councillor Raper seconded an amendment to delete the words “to a maximum of £300 per notice” from the motion. On being put to the vote, this amendment was carried.

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

Resolved

That Council approves the levying of charges for the serving of housing enforcement notices from 1 April 2012, based upon an hourly charge of £45.

115 Amendments to the Constitution - Form of Minutes and Recording of Meetings

The Head of Organisational Development submitted a report (previously circulated) which sought approval to amend Council Procedure Rule 24 in the Constitution, so that Council Procedure Rule 16.3, regarding the form of minutes, does not apply to Committees. The report also sought approval to replace Council Procedure Rule 21, regarding recording and other equipment, to allow members of the public to record, photograph or film meetings without requiring the prior consent of the proper officer.

Councillor Acomb moved and Councillor Ives seconded the recommendations in the report and the item then stood adjourned to the next Ordinary Meeting of Council, in line with Council Procedure Rule 23.2.

116 Pay Policy Statement

The Chief Executive submitted a report (previously circulated) which sought approval of the Council’s 2012/13 Pay Policy Statement in accordance with section 38 (1) of the Localism Act 2011.

Councillor Raper moved and Councillor Knaggs seconded the recommendations in the report.

Councillor Mrs Burr moved and Councillor Andrews seconded an amendment to paragraph 7 of the Pay Policy Statement to replace “£100k” with “£50k”, so it read, “...any salary package for any post that is in excess of £50k will be considered by Full Council”. On being put to the vote, this amendment was lost.

Councillor Woodward then moved and Councillor Clark seconded a further amendment to add a recommendation (ii) to read, “Review the Pay Policy with particular reference to the widening pay ratio”. On being put to the vote, this amendment was lost.

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

Recorded Vote

For the motion – Councillors Acomb, Arnold, Bailey, Mrs Cowling, Cussons, Mrs Denniss, Mrs Frank, Fraser, Hawkins, Hicks, Hope, Mrs Hopkinson, Ives, Knaggs, Mrs Knaggs, Legard, Raper, Mrs Sanderson, Wainwright and Windress.

Against the motion – Councillors Andrews, Mrs Burr, Clark, Maud, Richardson, Mrs Shields, Walker, Ward and Woodward.

Abstentions – none.

Resolved

That Council approves the 2012/13 Pay Policy Statement attached at Annex A to the report.

117 Any other business that the Chairman decides is urgent.

There was one item of urgent business – an exempt report from the Corporate Director (s151) (previously circulated) regarding Community Leisure Limited.

As the report was exempt, it was

Resolved

That the press and public be excluded from the meeting under Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Councillor Mrs Cowling moved and Councillor Mrs Frank seconded the recommendations in the report.

Councillor Knaggs then moved and Councillor Fraser seconded the following amendment:

That Council approve:

- (i) a one off payment of £55k to CLL in 2011/2012, paid before the 14 March 2012, financed from the Council's Improvement Contingency and Emergency fund and that a condition of the additional payment is that:
 - (a) the CLL Board provide quarterly written budget reports to Officers of the Council in 2012/2013 within one month of each quarter end which is then presented as a report to the following Commissioning Board; and
 - (b) the CLL Board meet with the Council's nominated member for Community Leisure and the Corporate Director (s151) to provide a full understanding of their financial position.

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

Councillor Ward then moved and Councillor Clark seconded a further amendment, to add an additional point to read, "Appoint a Sports Development Officer to increase the use of CLL facilities". On being put to the vote, the amendment was lost.

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

Recorded Vote

For the motion – Councillors Acomb, Andrews, Arnold, Bailey, Mrs Cowling, Cussons, Mrs Denniss, Mrs Frank, Fraser, Hawkins, Hicks, Hope, Mrs Hopkinson, Knaggs, Mrs Knaggs, Legard, Maud, Raper, Mrs Sanderson, Mrs Shields, Wainwright and Windress.

Against the motion – Councillors Clark, Ives, Richardson and Woodward.

Abstentions – Councillors Walker and Ward

Resolved

That Council approve:

- (i) a one off payment of £55k to CLL in 2011/2012, paid before the 14 March 2012, financed from the Council's Improvement Contingency and Emergency fund and that a condition of the additional payment is that:
 - (a) the CLL Board provide quarterly written budget reports to Officers of the Council in 2012/2013 within one month of each quarter end which is then presented as a report to the following Commissioning Board; and
 - (b) the CLL Board meet with the Council's nominated member for Community Leisure and the Corporate Director (s151) to provide a full understanding of their financial position.

There being no further items of business, the meeting closed at 9.10pm.