



## COUNCIL

### Council Summons and Agenda

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You are hereby summoned to attend an **Ordinary Meeting of Ryedale District Council** to be held in the **Council Chamber, Ryedale House, Malton** on **Thursday, 7 March 2013 at 6.30 pm** in the evening for the transaction of the following business:

#### Agenda

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**1 Emergency Evacuation Procedure**

The Chairman to inform Members of the Public of the emergency evacuation procedure.

**2 Apologies for absence**

**3 Public Question Time**

**4 Minutes** (Pages 1 - 26)

To approve as a correct record the minutes of the Ordinary Meeting of Council held on 10 January 2013 and the Budget Meeting of Council held on 26 February 2013 (to follow).

[Note: the written answers to supplementary questions from the Ordinary Meeting of Council held on 1 November 2012 are attached for information as requested on 10 January 2013.]

**5 Urgent Business**

To receive notice of any urgent business which the Chairman considers 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.

**6 Declarations of Interest**

Members to indicate whether they will be declaring any interests under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.

**7 Announcements**

To receive any announcements from the Chairman and/or the Head of Paid Service.

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

**From Cllr Wainwright to the Leader of Council**

We (RDC) have spent almost £1million on the purchase and improvements to Harrison House.

What is the anticipated annual income for the site?

**From Cllr Wainwright to the Leader of Council**

At the Full Council meeting this time last year we approved increased funding for Community Leisure subject to their regular financial reports being submitted to the Commissioning Board.

In a reply given to me by Councillor Fraser at the Full Council meeting in September 2012 we were told “ Quarterly reporting is now in place and the first quarter report will go to the Commissioning Board imminently”

Did this happen?

Has the second quarterly report been to the Commissioning Board?

If not why not?

**From Cllr Woodward to the Leader of Council**

Could the Leader of Council please confirm that the Tories have voted to fund all CCTV in all towns?

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

**10 To consider for Approval the Recommendations in respect of the following Part 'B' Committee Items:** (Pages 27 - 28)

**Policy and Resources Committee – 14 February 2013**

Minute 114 – Ryedale Development Fund (page 27)

Minute 115 – Committee Responsibility for Planning Policy Recommendations (page 27)

Minute 116 – Member Information and Communication (page 28)

**Commissioning Board – 28 February 2013**

Minute 101 – Procurement of Leisure Services Contract (to follow)

**11 Notices on Motion Submitted Pursuant to Council Procedure Rule 11**

Proposed by Councillor Clark and seconded by Councillor Woodward

So as to comply with the policies of this Council

In reference to the following planning applications/ plots of land

- i. Land to the east of No.8 East Terrace, Wombledon, Kirkbymoorside
- ii. Land at Hillside Way, West Lutton, Malton
- iii. Land east of No.7 Risewood, Gate Helmsley, Sand Hutton
- iv. Land adjacent to Red House, Salents Lane, Duggleby, Malton
- v. Land adjacent to 8 East Bank Main Road, Weaverthorpe, Malton

Each of these sites to be treated as Exception Sites. The result to be that the housing built is affordable for local needs.

**Reports of Officers of the Council**

**12 Appointment of an Independent Remuneration Panel** (Pages 29 - 32)

**13 Appointment of Substitutes**

To appoint substitutes from the Liberal Democrat Group to the following Committees:

Planning Committee – one substitute

Commissioning Board – two substitutes

Policy and Resources Committee – one additional substitute

**14 Exempt Information**

To consider a resolution to exclude the press and public from the meeting during consideration of the following item:

15 (Write Offs) as provided by paragraph 1 of Schedule 12A of Section 100A of the Local Government Act 1972.

As the information provided relates to individuals.

**15 Write Offs**

Documentation to be distributed at the meeting.

**16 Any other business that the Chairman decides is urgent.**

**Background Papers- (Pages 33 - 62)**

**Policy and Resources Committee – 14 February 2013**

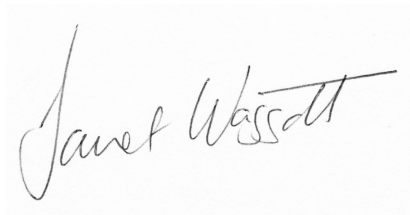
Minute 114 – Ryedale Development Fund (page 33)

Minute 115 – Committee Responsibility for Planning Policy Recommendations (page 43)

Minute 116 – Member Information and Communication (page 49)

**Commissioning Board – 28 February 2013**

Minute 101 – Procurement of Leisure Services Contract (page 57)

A handwritten signature in black ink, reading "Janet Waggott". The signature is written in a cursive style with a long horizontal stroke at the end.

Janet Waggott  
Chief Executive

## Council

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Minutes of Proceedings

At the **Ordinary Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Thursday 10 January 2013**

## Present

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

## In Attendance

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Paul Cresswell  
Nicki Lishman  
Janet Waggott  
Anthony Winship

## Minutes

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187     **Apologies for absence**

There were no apologies for absence.

**188 Public Question Time**

There were no questions from members of the public.

**189 Minutes**

The minutes of the Ordinary Meeting of Council held on 1 November 2012 were presented.

Councillor Clark requested that any written answers to supplementary questions from Members be included as an appendix to the minutes with subsequent agendas.

**Resolved**

That the minutes of the Ordinary Meeting of Council held on 1 November 2012 be approved and signed by the Chairman as a correct record.

**190 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).

**191 Declarations of Interest**

The following interests were declared:

Councillor Knaggs declared a personal non pecuniary but not prejudicial interest in Item 11 Minute 96 (Committee Responsibility for Economic Development) as a member of the Local Economic Partnership.

Councillor Mrs Cowling declared a personal pecuniary and prejudicial interest in Item 11 Minute 96 (Pickering Flood Storage proposals) as the owner of a property in Pickering which has been subject to flooding and left the room during the debate and vote on the item.

Councillor Mrs Knaggs declared a personal non pecuniary but not prejudicial interest in Item 11 Minute 88 (Scrutiny Report – Support for the Voluntary & Community Sector) as a trustee of RVA.

Councillor Clark declared a personal non pecuniary but not prejudicial interest in Item 11 Minute 95 (Localisation of Council Tax Support 2013/2014 Scheme) as a member of North Yorkshire County Council.

Councillor Mrs Sanderson declared a personal non pecuniary but not prejudicial interest in Item 11 Minute 95 (Localisation of Council Tax Support 2013/2014 Scheme) as a member of North Yorkshire County Council.

Councillor Mrs Burr declared a personal pecuniary and prejudicial interest in Item 11 Minute 96 (Pickering Flood Storage proposals) as the owner of a property in Pickering which has been subject to flooding.

Councillor Mrs Keal declared a personal interest which is not a declarable pecuniary interest in Item 11 Minute 95 (Localisation of Council Tax Support 2013/2014 Scheme).

Councillor Andrews declared a personal non pecuniary but not prejudicial interest in Item 9 (Questions on Notice at Full Council) as he worked closely with businesses in Malton.

Councillor Raper declared a personal non pecuniary but not prejudicial interest in Item Minute 96 (Pickering Flood Storage proposals) as a member of Land Drainage Board.

## 192 **Announcements**

The Chairman congratulated David Waring who was awarded an MBE for services to Drive Alive and to the community in Pickering.

The Chairman announced that the Council had gained charter Status for Member Development. Lesley Whiting from Local Government Yorkshire and Humber attended the meeting and presented the Chairman with the award and a certificate.

The Chairman thanked all the agencies involved in the recent flooding incidents.

The Chairman reminded Members that his Civic Service would be held on 28 February 2013 at 2.00 pm at Foston Church followed by refreshments at Thornton le Clay Village Hall.

## 193 **Election of Leader of the Council**

At the meeting of Annual Council held on 17 May 2012 the principle of having a Leader of the Council was agreed.

Following the resignation of Councillor Knaggs it was proposed by Councillor Cussons and seconded by Councillor Bailey that Councillor Linda Cowling be elected Leader of the Council for the ensuing year.

Councillor Mrs Cowling made the following statement;

“Yes I would like to speak actually.

Cllr Wainwright asked me today what I would do for Ryedale. More I would say to you .....I'd like to turn round your question Robert and ask what do you want to achieve for Ryedale. When as a group of 30 people we decided what we want to achieve for Ryedale then I'll do my very best to get you the information and knowledge that you need to make informed decisions and to do the very best for Ryedale.

I'm about bottom up leadership. Your leadership will never come from the top from me. It will be what you decide that you want to do best for this council. I'd like to talk about a few things that are going to be important to us. Our LDF that seems nearly all the time I've been on this council is getting very close to adoption and that is going to be really important to us. It sets the scene for development in Ryedale. Partnership working - we have partners in sectors that we do. We have Community Leisure, we have the County Council, we have other district councils, we have the voluntary sector. Too many to go into all of them.

I've already opened a dialogue with the Fitzwilliam Estate who want to draw a line under things and move forward with us, which I think is a very good thing for us to do.

I'm also looking forward to working very closely with other group leaders because I think that for a small district council like Ryedale, politics aren't terribly important. Doing the best for Ryedale is what is important and I don't think that your aspirations are different to ours. There will be things that we will disagree on, there will be some times when it is political but on the whole the delivery of services and what is going to be best for Ryedale is a common aim among all of us.

Our budget is another very important factor for us. Now you may think that I'm a bit sad but I spent a great deal of last summer working on a simplified form of the budget because I happen to think that understanding local government budgeting is very difficult. I believe the form that I've put the budget into will make it much easier for you to understand the budget. Peter Johnson from our Finance department is helping me to put next year's figures into the same form and then we'll sit down and look where we can save more money for Ryedale District Council. There's no doubt that we need to continue the process that we've started of cleaning out our cupboards, making sure that there's no waste in there, no overspending left in our organisation, no waste whatsoever. because if we are to continue to deliver the services that we continue without cuts then we can't afford any waste at all. Just how deep those cuts will go in the future we don't know yet but at this moment in time it looks as though they will get worse than they are now.

The Community Infrastructure Levy, which we don't talk about lot, it is going to be really important to Ryedale because the way we collect and



use the Community Infrastructure Levy is how we provide the infrastructure for the future of Ryedale, which allows development to go ahead in a good way for the whole of Ryedale.

I've been on this Council I believe it's 22 years but front line services I think have always been important to the people out there and I think it's the one thing as a Council is to maintain the frontline services. There are things which are statutory and we have no option but to spend the money that we spend on those and the only thing we can do about that is make sure that we deliver those statutory services in the most cost effective way that we can and if that be in partnership or doing it by a different method then that's how we shall do it.

You all know what the Council's aims and objectives are.... and that's what we as a Council need to continue to try and deliver. Housing, the economy and jobs have to be the top three things on there followed very closely by the environment, encouraging active lifestyles - I'm sure lots is going to come out in the near future about the importance of exercise - I think quite a lot of interesting figures coming out from the census, which will help us to make decisions and transforming Ryedale District Council into a modern council which delivers services slick, efficiently and cost effectively.

So Robert - that's what I'm about."

Upon being put to the vote the motion was carried.

### **Resolved**

That Councillor Linda Cowling be appointed Leader of the Council for the ensuing year.

### **Recorded Vote**

#### For

Councillors Acomb, Arnold, Bailey, Mrs Cowling, Cussons, Mrs Frank, Fraser, Mrs Goodrick, Hawkins, Hicks, Hope, Mrs Hopkinson, Ives, Mrs Knaggs, Knaggs, Legard, Raper, Mrs Sanderson, Wainwright and Windress.

#### Against

Councillors Clark, Ward and Woodward.

#### Abstentions

Councillors Andrews, Mrs Burr, Mrs Keal, Maud, Richardson, Mrs Shields, Walker.

### **Vote of Thanks**

Following the election of the new Leader Councillor Clark proposed and Councillor Richardson seconded a vote of thanks to Councillor Knaggs for his service as Leader.

Upon being put to the vote the motion was carried.

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

- A. Councillor Legard submitted the following question to the Chairman of the Policy and Resources Committee and the replies were provided by the Chairman of the Policy and Resources Committee, Councillor Acomb:

“Could the Chairman of the Policy and Resources Committee please give members an approximate indication as to the following:

- Q1. The legal costs (including, but not limited to, legal representation, advice and Counsel’s opinion) incurred by RDC in relation to Fitzwilliam Estate appeal?

£10,325

- Q2. The legal costs (including, but not limited to, legal representation, advice and Counsel’s opinion) incurred by RDC in connection with the Wentworth Street car park and Livestock market planning applications?

£600

- Q3. Any other professional costs (including, but not limited to, expert advice and assistance) incurred by RDC in relation to both (1) and (2) above?

£30,229

- Q4. The amount of legal costs claimed by (or, if the matter has progressed by then, paid to the Fitzwilliam Estate against/by RDC arising out of or in connection with the Estate’s successful Livestock market appeal?

*By a letter dated 14 December 2012 Pinsent Masons Solicitors for the Fitzwilliam (Malton) Estate have made a claim for costs amounting to £251,505.00 of which £131,726.94 relate to the legal fees from Pinsent Masons Solicitors, Mr Peter Village QC and Mr James Strachan of Counsel.*

*Unusually, £41,917.90 of the total costs relates to VAT. This VAT sum is being claimed from the Council because Pinsent Masons have stated that the Fitzwilliam (Malton) Estate is not registered for VAT purposes and cannot, therefore, reclaim VAT.*

*The Council does not accept the value of this claim and is taking action to challenge it.*

- Q5. The number of RDC 'officer' hours given over to both the Wentworth Street and Livestock market planning applications as well as the subsequent Fitzwilliam appeal (together with an approximate value thereof)?

*In common with the vast majority of Councils RDC does not maintain a timesheet based recording for its services therefore this information is not available. The introduction of a timesheet recording system would carry a significant cost.*

Councillor Legard was then allowed to make the following comment;

"It's in the interests of compromise. What is done is done. I'm looking forward, I'm in the business of looking forward - I don't look back but I do believe there are important lessons to be learnt and the way I see it is as follows.

We should never allow ourselves again in this Council to politicise a planning decision and we should never, ever allow ourselves to be seduced by money when it comes to planning decisions of this nature. We should never ostracise or attempt to silence those who are genuinely committed to acting in the best interests of those they represent. It's ironic that it took an independent person, an independent planning inspector to determine what some of us long suspected, that the planning decision was flawed and that followed an open and transparent quasi-judicial process where the evidence was properly tested and analysed, Counsel on both sides and that was all that I ever wanted. I think that was all that Lindsay Burr ever wanted and nothing more than that.

In future when we get planning decisions that set the town against the Council where there are vested interests at heart, where there is a real risk of bias - sub conscious or otherwise - then please let's not be afraid to call for an independent person to cast his or her expert eye over it because otherwise we have a problem with wood and trees.

Now looking to the future and echoing Councillor Mrs Cowling's excellent speech, one of the key things that we should be trying to achieve for the capital of Ryedale, for Malton, is to sort out the centre of this great town of ours and we have a fantastic opportunity to leave a lasting legacy for future generations and by paving the way for a sympathetic, integrated and proportionate development. I sincerely hope that this Council can achieve that by the end of its term."

- B. Councillor Andrews submitted the following question to the Leader of Council and the replies were provided by the Leader of the Council, Councillor Mrs Cowling:

“In regard to the Livestock Market Appeal decision:

In his decision letter awarding costs against the Council, the Inspector states that the Council misapplied the sequential test, and “had no excuse for its incorrect interpretation and application”. Bearing in mind that the officers’ report actually recommended this incorrect interpretation, could you please explain:

Q1. How this incorrect advice came to be given?

*The case officer believed the recommendations in the report to Members of the Planning Committee were correct at the time they were made having due regard to the relevant representations, advice, guidance and a range of material considerations.*

*The interpretation and application of retail planning policy is undoubtedly one of the most complex and complicated areas in planning.*

*The District Council employed experienced Planning Officers and took advice from an expert Retail Planning Consultant to draft the reports to the Planning Committee meeting on 29 March 2012.*

*Matters relating to retail planning policy were set out in fifty paragraphs in the report on the Livestock Market application.*

*The Case Officer had due regard to relevant advice from consultees, Forward Planning and the retail consultant and made the recommendations for refusal in the report in good faith.*

*The Case Officer considered the approach set out in the report to be the correct interpretation of national retail planning policy at the time of drafting in March 2012.*

*This analysis was contested by the appellants on appeal and was clearly an area of disagreement which was not conceded until cross examination at the Inquiry by an expert Planning QC.*

*Whilst Mr Wildsmith, the Planning Inspector did find that the Council misapplied the sequential test and made a partial award of costs against the Council he did make the following significant observation in his Costs Decision dated 29 October 2012:*

*I do not consider that the Council acted unreasonably in declining to grant a conditional approval, in view of its strong opposition to the proposal on several grounds as detailed above and in my appeal decision.”*

- Q2. Whether the advice came from officers or consultants and if so, whether the officers' or consultants' report reflected a balanced impartial view or was designed to reflect the wishes of the Council's ruling group?

*The reports to the Planning Committee meeting on 29 March 2012 on the major retail planning applications at the Livestock Market site and Wentworth Street Car Park, Malton were the responsibility of the Case Officer.*

*The reports were drafted having due regard to relevant representations and advice including those from the Forward Planning Team, the Retail Consultants and legal advice.*

*Members of the ruling political group on Ryedale District Council did not influence the recommendations in the officer report.*

- Q3. If the report was so designed, could you explain whether the officers were pressurised to give inappropriate advice, and how this was done? Was it through meetings of the ruling group, confidential meetings of the Resources "Working Party", or simply through personal contact either direct, or through the Chief Executive?

*The report was not designed to reflect the wishes of the District Council's ruling political group.*

- Q4. Bearing in mind that the report was written by the officers of another authority who were recommended as experts in retail matters, can you please explain how they came to be influenced to make an incorrect recommendation for which the Inspector says there was no excuse?

*The Case Officer was not influenced to make an incorrect recommendation and did not believe they were making an incorrect recommendation at the time the report was drafted in March 2012.*

- Q5. Would you please name the officers, consultants and/or Members who bear responsibility and indicate if any action is being taken against them in respect of this?

*The Case Officer had responsibility for drafting the reports for the Planning Committee meeting on 29 March 2012.*

*The names of the Case Officer and the retail consultants involved in drafting the Committee report are a matter of public record and were:*

- 1. The Case Officer was Emma Lancaster*
- 2. The Retail Consultants were Roger Tym and Partners*

*Members of Ryedale District Council were not party to the recommendations in the officer report.*

*No action is being taken.*

- Q6. The Inspector's finding that there is no excuse for the incorrect advice which was given to Committee suggests that the professional judgement of officers and consultants may have been influenced by political considerations. Will any steps now be taken to ensure that officers and consultants are, in future, allowed to give their own independent professional advice to Members without political interference? If so, could Members please know what these steps are?

*The professional judgement of officers and consultants were not influenced by political considerations and are guided by professional Codes of Conduct.*

*The Planning Inspector did not find that officers and consultants acting for the Council were the subject of political influence.*

*Accordingly, no steps suggested need to be taken.*

- Q7. Would the leader consider favourably proposals to make all meetings between political groups or working parties which are attended by officers open to the press and the public, so as to minimise the risk of any public perception that officers' recommendations might be subject to political pressure?

*No.*

*Meetings of political groups are not under the control of the Council. Open access to meetings of Council Committees and Sub-Committees is safeguarded by law under the Local Government Act 1972 as amended.*

*Working Parties are not normally open to the press or public. In any case planning applications are not discussed by Members at Working Parties.*

- Q8. Over the last six years, I have analysed the various officer and consultant reports which have been made in regard to retail matters. I published my views in e-mails and in newspaper articles, but no notice was taken of them. Many of my views have now been vindicated. Why were they ignored?

*Like every Member you had the opportunity to make representations on the two major retail planning applications in Malton and did so.*

*Your views were taken into account.*

- Q9. The Inspector's statement that there was no excuse for the incorrect interpretation and misapplication of policy suggests that a risk may have

been taken with public money and a gamble may have been made on the Council's decision not being challenged. What guarantees can be given that in future the Council will follow due process and will not gamble with taxpayers' money?

*Your allegations of the Council taking risks with public money and gambling on decisions not being challenged is not an accurate characterisation of the actual position.*

*All of the Council's planning decisions are taken in the knowledge that they are open to legal challenge.*

*The assumptions in the question are incorrect and need no reply.*

Q10. Has the deposit on the sale of Wentworth Street Car Park been used? If so, how? Was it used to purchase Harrison House?

No.

*The deposit on the sale of Wentworth Street Car Park has not been used and is still held by the Council.*

Q11. Bearing in mind how important the livestock market re-development has been proved to be to Malton Town Centre, will you ensure that this matter is dealt with expeditiously by the Council and that no more obstacles are put in its path?

*The District Council will process any reserved matters applications it receives as expeditiously as possible.*

*The successful re-development of the Malton Livestock Market site is contingent on a number of matters outside the District Council's control which includes:-*

- (i) The Fitzwilliam (Malton) Estate or developer submitting a reserved matters application in relation to the Livestock Market site.*
- (ii) Finding a retail operator willing to operate from the Livestock Market site.*

Councillor Andrews was allowed to make the following comment;

"The answers that were given Chairman are the sort of answers I would expect, it's what in the legal world we would call a general denial. However I would just emphasise the point that the inspector in his report said that the recommendation that went forward was one for which there was no excuse. so it's all very useful having general denials - they're on paper and can't be held against you and so on - but how this Council can possibly expect the public to believe that is quite beyond my imagination.

Going on to what Councillor Legard said about the future, I really do hope that under a new Leader a new leaf can be turned. Councillor Mrs Cowling does represent a town, Malton and Pickering are different towns, they do have their differences but I'm sure she understands the situation of businesses in towns and the needs and requirements of towns. I do hope that she will work closely with Malton so that Ryedale becomes a stakeholder in the process of revitalising Malton and doesn't become a block as it has been."

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

Councillor Mrs Cowling made a verbal statement as follows:

"Councillor Clark you've pre-empted some of this and I haven't prepared a written statement to hand out to you because that would have been presumptuous but I have worked on a few things that I would like to say.

One was that Councillor Knaggs had expressed that he didn't want a great deal of thanks said, so what I am going to talk about is the benefits of having a Leader Looking back - and I know that perhaps some of you won't agree with me - but I think that with our priorities have been housing, the economy and jobs and I think that on the housing front that we've done very well and especially over the last couple of years given the economic climate that we're living in at the moment. We've built award winning homes at Sherburn, we've built affordable homes at Rillington and we have residents at Nawton/Beadlam living in affordable homes which we've been a partner in providing - the partnership working which is so important to us.

On of the main things that I think we've done on the economic front which has been so important to us was the completion of the Brambling Fields junction upgrade. I drive through Malton quite frequently and without a doubt the benefits of that are being felt. I think that some members on many sides of this chamber were a bit frightened of the amount of money that we were spending at Brambling Fields. Keith always had faith in it and he always knew that we had to have that improvement to Malton because if we're going to provide new jobs, new housing you cannot do it without the infrastructure and that was one of the keys things that we had to provide to Malton.

There are other things and over years to come we'll do our best to try and provide those because - be sure of one thing - you're not important to anyone else but ourselves. We aren't big enough and if we want the infrastructure that makes life pleasant and good for us and means that we can have development in the future then we're going to end up paying for things that aren't necessarily our duty to pay for. I think had this been in the south of England then you would have had the Highways Agency funding it but because we're a little backwater in North Yorkshire we had to find some of the funding for that.



Another thing that I really, really enjoyed was the Opportunity Knocks event, which this year was held at Lady Lumley's School in Pickering which I was very pleased about. The opportunities and the type, it was only a small percentage... of the people who have businesses round Pickering but I think it's apparent that there are opportunities there for young people and I think that what we need to do is use our New Homes Bonus to maximise those opportunities and that is one of our key decisions for the future.

I'd just like to list some of the things that have been really exciting in Pickering and the rest of the district over the last years. The Olympic Torch through Pickering, the Harrison Exhibition at Hutton le Hole museum, the National Road Race Championships at Ampleforth, record entries at the Ryedale Art Exhibition, the attractions and accommodation providers in Pickering have won White Rose Awards because they are so good at what they do, we had the Mountain Bike Championships at Dalby, we had the Jubilee celebrations which I think were fantastic throughout the district and something which is only a small thing to some people but seems terribly important to our visitors is the Food Hygiene Awards. The number of times that is mentioned to me, the scores on the doors which tell you how clean it is. The other thing I really can't go without mentioning is the work that our staff have done during the flooding in Malton, we were very frightened in Pickering, the villages, Brawby, Sinnington, Marton and Normanby. It's been pretty awful throughout the district and I think I'm going to nominate them for the Radio York award."

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

**Commissioning Board – 22 November 2012**

**Minute 75 – Exempt Information**

That under Section 100(A)(4) of the Local Government Act 1972 that the public be excluded from the meeting for the following item as there will be a likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act as the information relates to any business or financial affairs of a company.

**Minute 76 – Supported Accommodation Facility**

The Council Solicitor advised Members that, following further investigation, it was recommended that the Council purchase the freehold of Buckrose House. This would be financially beneficial to the Council in the long term, instead of leasing the property from Yorkshire Housing as stated in paragraph 3.5 of the report.

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

That Council be recommended to approve:

- a) The purchase and conversion of Buckrose House, Norton in partnership with Yorkshire Housing, to provide a supported accommodation facility to replace Bridge House; and
- b) To reduce the Mortgage Rescue capital programme allocation to £20k and allocate £100,000 of funding released to contribute to the costs of purchase and conversion of Buckrose House, Norton in partnership with Yorkshire Housing, to provide a supported accommodation facility for Ryedale.

Upon being put to the vote the motion was carried.

### **Resolved**

That Council approved:

- a) The purchase and conversion of Buckrose House, Norton in partnership with Yorkshire Housing, to provide a supported accommodation facility to replace Bridge House; and
- b) To reduce the Mortgage Rescue capital programme allocation to £20k and allocate £100,000 of funding released to contribute to the costs of purchase and conversion of Buckrose House, Norton in partnership with Yorkshire Housing, to provide a supported accommodation facility for Ryedale.

### **Policy and Resources Committee – 6 December 2012**

#### **Minute 88 Scrutiny Report – Support for the Voluntary and Community Sector**

It was moved by Councillor Acomb and seconded by Councillor Legard that the following recommendation of the Policy and Resources Committee be approved and adopted:

That Council be recommended to receive the report.

It was moved by Councillor Clark and seconded by Councillor Woodward that the recommendation be amended as follows;

That Council receives the report. It calls upon the Policy and Resources Committee, the Commissioning Board and the management team each to consider the recommendations applicable to them. Could each decision to adopt / defer / reject be given with the requisite reasons. This is to be achieved by the July Full Council or preferably sooner.

Upon being put to the vote the amendment was carried.

Upon being put to the vote the motion was carried.

### **Resolved**

That the report be received and that the Policy and Resources Committee, the Commissioning Board and the management team each consider the recommendations applicable to them. Each decision to adopt / defer / reject be given with the requisite reasons. This is to be achieved by the July Full Council or preferably sooner.

### **Minute 93 – Fees and Charges**

It was moved by Councillor Acomb and seconded by Councillor Legard that the following recommendation of the Policy and Resources Committee be approved and adopted:

That Council be recommended to approve the following fees and charges exceptions;

- i. No increase in Local Land Charge fees (Annex B)
- ii. No increase in Development Management Discretionary Charges (Annex C)
- iii. No increase in Street Naming and Numbering Charges (as set out in Annex D).

Upon being put to the vote the motion was carried.

### **Resolved**

That the following fees and charges exceptions be approved;

- i. No increase in Local Land Charge fees (Annex B)
- ii. No increase in Development Management Discretionary Charges (Annex C)
- iii. No increase in Street Naming and Numbering Charges (as set out in Annex D).

### **Minute 94 – Committee Responsibility for Economic Development**

It was moved by Councillor Acomb and seconded by Councillor Legard that the following recommendation of the Policy and Resources Committee be approved and adopted:

That Members recommend to Council that economic development duties transfer from the Commissioning Board to Policy and Resources Committee and that the Constitution be amended accordingly.

Upon being put to the vote the motion was carried.

## **Resolved**

That economic development duties transfer from the Commissioning Board to Policy and Resources Committee and that the Constitution be amended accordingly.

## **Minute 95 – Localisation of Council Tax Support**

It was moved by Councillor Acomb and seconded by Councillor Legard that the following recommendation of the Policy and Resources Committee be approved and adopted:

That Members recommend to Council

- (i) A Local Council Tax Support Scheme for 2013/14 which replicates the existing Council Tax Benefit scheme and accepts the Government's transitional funding with the following changes:
  - (a) Maximum Eligible Council Tax Support of 91.5%; and
  - (b) Removal of the Second Adult Rebate;
- (ii) To commit to remove the 10% second homes discount and make changes to exemptions as part of the 2013/2014 budget strategy of at least £196k to mitigate the Government cut in Council Tax funding, the detail of which being determined as part of the budget setting process; and
- (iii) To authorise the Corporate Director in consultation with the Chairman of Policy and Resources Committee to undertake the necessary consultation work to design a scheme for 2014/2015, in light of the experience in 2013/2014, to be presented to the Policy and Resources Committee in December 2014; and
- (iv) The implementation of a 150% Council Tax charge for long term empty properties.

It was moved by Councillor Clark and seconded by Councillor Woodward that the recommendation be amended as follows:

- That recommendation (i) (a) be amended to 100%
- That recommendation (ii) be amended from £196k to £327k
- Add recommendation (v) Reduction of Class C Exemption from 6 months down to 1 month (if necessary)

Upon being put to the vote the amendment was not carried.

## **Recorded Vote**

### For

Councillors Acomb, Arnold, Bailey, Mrs Cowling, Cussons, Mrs Frank, Fraser, Mrs Goodrick, Hawkins, Hicks, Hope, Mrs Hopkinson, Ives, Mrs Knaggs, Knaggs, Legard, Maud, Raper, Mrs Sanderson, Wainwright and Windress,

### Against

Councillor Clark

Abstentions

Councillors Andrews, Mrs Burr, Mrs Keal, Richardson, Mrs Shields, Walker, Ward and Woodward.

Upon being put to the vote the motion was carried.

**Resolved**

That Council approved;

- (i) A Local Council Tax Support Scheme for 2013/14 which replicates the existing Council Tax Benefit scheme and accepts the Government's transitional funding with the following changes:
  - (a) Maximum Eligible Council Tax Support of 91.5%; and
  - (b) Removal of the Second Adult Rebate;
- (ii) To commit to remove the 10% second homes discount and make changes to exemptions as part of the 2013/2014 budget strategy of at least £196k to mitigate the Government cut in Council Tax funding, the detail of which being determined as part of the budget setting process; and
- (iii) To authorise the Corporate Director in consultation with the Chairman of Policy and Resources Committee to undertake the necessary consultation work to design a scheme for 2014/2015, in light of the experience in 2013/2014, to be presented to the Policy and Resources Committee in December 2014; and
- (iv) The implementation of a 150% Council Tax charge for long term empty properties.

**Minute 96 – Pickering Flood Storage Proposals**

It was moved by Councillor Acomb and seconded by Councillor Legard that the following recommendation of the Policy and Resources Committee be approved and adopted:

That Council be recommended to approve support for a maximum funding contribution of £950k for the revised "Pickering Flood Defence" scheme utilising the £950k designated in the Council's capital programme.

Upon being put to the vote the motion was carried.

**Resolved**

That support for a maximum funding contribution of £950k for the revised "Pickering Flood Defence" scheme utilising the £950k designated in the Council's capital programme be approved.

197 **Size and Political Composition of Committees**

The Chief Executive submitted a report (previously circulated) which reviewed the political composition of Committees following the bye-election held in the Norton West Ward on 15 November 2012, the subsequent receipt of a Notice of Wish to join a political group from Councillor Mrs Keal and request for a review of the political proportionality of Committees.

The review sought to achieve minimal change and reflect as closely as lawfully possible, the political composition of Committees most recently agreed at the Annual General Meeting of Council on the 17 May 2012.

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

It was suggested that recommendations 1 – 3(v) were dealt en bloc, as each Group had put forward names for the vacancies and the Members to be removed from Committees.

Councillor Clark moved and Councillor Woodward seconded an amendment that point (vi) be deleted from the recommendation.

Upon being put to the vote the amendment was carried.

Due to the consequent vacancy on the Planning Committee caused by the previous decisions, nominations were sought for the vacant post.

Councillor Mrs Cowling nominated and Councillor Mrs Goodrick seconded Councillor Mrs Sanderson for the appointment.

Councillor Walker nominated and Councillor Woodward seconded Councillor Andrews for the appointment.

Upon being put to the vote Councillor Mrs Sanderson was appointed to the Planning Committee.

Upon being put to the vote the motion was carried.

### **Resolved**

1. That the size of the Committees was that specified in New Annex A/1;
2. That the Council divided Committee seats between political groups in accordance with the allocation shown at the attached New Annex A/1;
3. That the membership of the Committees remained the same as appointed at the Council's Annual Meeting on 17 May 2012 subject to the following changes:
  - (i) The appointment of Councillor Arnold of the Conservative Group to the Commissioning Board;

- (ii) The appointment of Councillor Mrs Keal of the Liberal Democrat Group to the Commissioning Board;
  - (iii) The removal of Councillor Arnold of the Conservative Group from the Overview and Scrutiny Committee;
  - (iv) The appointment of Councillor Mrs Shields of the Liberal Democrat Group to the Planning Committee;
  - (v) The removal of Councillors Mrs Sanderson and Fraser of the Conservative Group from the Planning Committee;
  - (vi) The appointment of Councillor Mrs Sanderson of the Conservative Group to the Planning Committee
4. That the membership of the Licensing Committee be the same Members as appointed to the Commissioning Board as amended above.
  5. The Chairmen and Vice-Chairmen of Committees remained the same.
  6. That the Chief Executive was authorised to make consequential amendments to the Constitution arising from the changes referred to above.

## 198 **Timetable of Meetings 2013/14**

The Council Solicitor submitted a report (previously circulated) which presented a draft timetable of meetings for 2013 – 2014 for approval (Annex A off the report).

Members' attention was drawn to the following issues;

- The meeting of the Overview and Scrutiny Committee to be held on September 24 be changed to 25 September 2013 (clashed with Planning Committee)
- The meeting of Overview and Scrutiny Committee to be held on 4 July be changed to 27 June 2013 (to accommodate Full Council)
- The meeting of Full Council to be held on 11 July be changed to 4 July 2013.

It was moved by Councillor Raper and seconded by Councillor Cussons that the draft timetable be approved subject to the changes discussed.

It was moved by Councillor Mrs Cowling and seconded by Councillor Raper that Annual Council should start at 3 pm, not 2 pm as recommended in the report.

Upon being put to the vote the amendment was carried.

Upon being put to the vote the motion was carried.

**Resolved**

That the draft timetable of meetings for 2013 – 2014 be approved subject to the following amendments;

- The meeting of the Overview and Scrutiny Committee to be rescheduled from September 24 to 25 September 2013
- The meeting of Overview and Scrutiny Committee to be rescheduled from 4 July to 27 June 2013
- The meeting of Full Council to be rescheduled from 11 July to 4 July 2013.
- That Annual Council start at 3 pm.

199 **Localisation of Council Tax Support - Impact on Parish Councils**

The Corporate Director (s151) submitted a report (previously circulated) which considered the issues around parish funding arising from the Localisation of Council Tax Support from 1 April 2013.

Councillor Acomb moved and Councillor Cussons seconded the recommendations in the report.

**Resolved**

It was approved that;

Those parishes who provided their 2013/2014 precept information before 29 January 2013, unless otherwise agreed with the Corporate Director (s151), were provided with a grant as detailed in Annex A of the report for 2013/2014 (column "Reduced Parish Income") to reflect the changes to the Council Tax Base arising from the localisation of Council Tax Support and freedom and flexibilities over Council Tax discounts and exemptions.

200 **Treasury Management Mid Year Review**

The Corporate Director (s151) submitted a report (previously circulated) which reported on the treasury management activities to date for the financial year 2012/13 in accordance with the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (the Code).

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

**Resolved**



That;

- i. The report be received; and
- ii. The mid-year performance of the Council's funds be noted.

201 **Representation on Outside Organisations**

Councillor Burr, seconded by Councillor Walker, nominated Councillor Mrs Shields to represent the Council at Community and Police Consultation groups – Malton Norton (Town).

Councillor Goodrick, seconded by Councillor Ives, nominated Councillor Mrs Hopkinson to represent the Council at Ryedale Voluntary Action - Central

**Resolved**

1. Councillor Mrs Shields to represent the Council at Community and Police Consultation groups – Malton Norton (Town).
2. Councillor Mrs Hopkinson to represent the Council at Ryedale Voluntary Action - Central

202 **Any other business that the Chairman decides is urgent.**

There being no items of urgent business, the meeting closed at 10:00 pm.

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## Written Answers to Supplementary Questions at Full Council held on 1 November 2012

### Future Arrangements for Payment of Bills issued by the Council (Questions from Cllr Ward)

1.a. What savings are being made and where are they coming from?

The savings are being made as follows and all relate to the withdrawal of the Council from the area offices:

	Savings
Staff costs	£35,000
Rent	£19,000
Misc. costs such as Securicor, internet,	£10,500
Maximum savings as referred to in report	£64,500

1.b. If staff are being redeployed, surely there are no staff savings?

We currently have a number of posts which have been filled on a temporary basis in anticipation of any decision on this matter, and which could provide a reasonable alternative in line with the application of the Councils redundancy and redeployment policy.

2. What consultation has taken place with others which share the buildings, eg: NYCC, Town Council?

Meetings have taken place following the meeting of P and R and prior to the meeting of Council as follows:

- With officers from NYCC who lead on the provision of library services
- with representatives of Kirkbymoorside Town Council

Further meetings have been arranged with Kirkbymoorside representatives following the decision made at Council and ongoing liaison.

3. What impact will there be on accessibility as current staff are trained to know exactly what services are available from the Council?

The skills of the staff will continue to be utilised by RDC to support access to services to the whole of Ryedale not just Helmsley, Kirkby and Pickering. Accessibility will be maintained through the telephone and website and by payment services being extended through the use of Post office outlets and Paypoint. All of the members of the Access to Services team are trained to know exactly what services are available from the Council. An equality Impact assessment was drafted as part of the preparation of the business case for this report. We will continue to develop this as we work with partners on the transition to the withdrawal of area office services.

### Ryedale Indoor Bowls Clubs (Questions from Cllr Ward)

#### **Supplementary Question:**

“Some marketing had been done a year and half ago, why had more not been done?”

#### **My response is as follows:**

Since that initial marketing there had been a number of discussions with the Bowls Club. At that time they were paying £20k per year and obviously this reduced to £10k to keep the club going late in 2011. The further reduction in rental income highlighted

the need to consider the future of the site and this was discussed at Resources Working Party. The only options remaining were to undertake a full marketing of the site to identify a tenant to work with the bowls club or sell the asset, these were the options officers placed before members.

**Supplementary question**

“Given that very little had been done and the By Election date was not then known can you explain why this was rushed through the last full Council and if it would have been better to go through the committee structure like other similar decisions?”

**My response is as follows:**

The decision had to be made at that meeting as, if members had chosen the option to market the site, that work needed to start immediately so that the Bowls Club could have some certainty of their future before the end of the ‘bowling year’, which is April 2013.

Ryedale Indoor Bowls Clubs (Questions from Cllr Mrs Shields)

**Supplementary question**

“Why had the very few people who brought this to the meeting at short notice not had the courtesy to inform Ward Members or Norton Town Council?”

**My response is as follows:**

[This report is not included in the minutes due to its confidential nature]

I am contacting you following one of your questions at full council and a response I said I would give to your supplementary question around the history of the decision to sell the Bowls Club. I am sorry for the lateness of my reply, although I am sure you will appreciate there has been a lot going on recently!

I said I would provide a history of the decision around the sale.

I have attached a report which was considered by the Resources Working Party at its meeting in January 2012. This sets out some of the history around the club. The report in January last year was in response to the Bowls Club approaching the Council being unable to pay the £20,000 rent at that time.

This was discussed as a potential budget issue at a previous meeting. You will recall that the rent reduction was approved by members as part of the 2012/2013. At that time if the reduction in rent had not been agreed the club would have folded.

As part of the growth items in last years budget it was discussed at the Member Briefing in January 2012, as well as Policy and Resources Committee in February and again at Full Council when the budget was set on the 20 January 2012. The options for the club were subsequently discussed again at the Resources Working Party prior to consideration by Council in September.

It is clear that the situation at the Bowls Club had been considered in detail and if anything the position had worsened since many of these discussions, as the membership had fallen further.

Council in September was the time when a decision over the future was required and the two options were presented to members.

I have had a number of letters expressing concern regarding the sale of the bowls club. However I personally cannot support the annual cost to this council of supporting the bowls club. We do not give revenue support to any other sports clubs, village halls or community centres.

Ryedale Indoor Bowls Clubs (Questions from Cllr Richardson)

**Supplementary question**

“Could you clarify, does the income figure include feed-in tariff and where has this money gone?”

**My response is as follows:**

As an update to one of your questions from the November meeting of the Council, the situation regarding Feed-in-Tariff from the solar PV panels at RIBC is as follows;

We now have confirmation and apologies from Scottish Power regarding their mis-administration of our account and they have confirmed that the payment due to us is £1597.92 as the FiT. They said this would be paid into our nominated account in “mid-January”.

In addition to the FiT, the panels will have generated in the region of £350 worth of electricity to the benefit of the current tenant by way of reduction in energy bills (as a rough approximation based on the p /kWh rates we assume they are on). This is from the date of commencement on 08/12/2011 until the reading was sent to Scottish Power on 05/11/12.

Having checked last week, we have not yet received this payment, so will follow up yet again! However, once we have received the payment, the intention is to put this money back into energy efficiency to invest in more energy efficient lighting for which there is an ongoing programme of replacement. This will complete the virtuous circle by assisting in reducing the revenue burden and reducing our CO<sub>2</sub> emissions.

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**REPORT TO:** FULL COUNCIL

**DATE:** 7 MARCH 2013

**SUBJECT:** PART 'B' REFERRALS FROM POLICY AND RESOURCES COMMITTEE ON 14 FEBRUARY 2013

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**114 Ryedale Development Fund**

Considered – Report of the Head of Economy and Infrastructure.

**Recommendation to Council**

That Council is recommended to approve that:

- (i) RDF funding be allocated for the following:
  - a) Ryedale Employment Initiative £150K
  - b) RDC Apprentice Scheme £100K
  - c) Ryedale Business and Skills Initiative £20K
  - d) Ryedale Major Projects £100k;
- (ii) the distribution of funds under the 'Ryedale Employment Initiative' be made by the Council following an assessment of applications by the Policy and Resources Committee;
- (iii) that the RDC apprentice scheme (subject to further detailed information being placed before this committee at its next meeting) and 'Ryedale Business' and 'Skills Initiative' as outlined in the report be implemented; and
- (iv) RDF funding towards the development of 'Ryedale Major Projects' be considered through a report to a future meeting of the Policy and Resources Committee, with a recommendation to Council.

**115 Committee Responsibility for Planning Policy Recommendations**

Considered – Report of the Head of Planning and Housing.

**Recommendation to Council**

That Members recommend to Council the changes to the Constitution outlined in Annex A to transfer responsibility for making recommendations to Council on Planning Policy from the Policy and Resources Committee to the Planning Committee.

Considered – Report of the Council Solicitor and Head of Health and Environment.

**Recommendation to Council**

That Council be recommended to approve that:

- (i) all Members who wish to communicate electronically via e mail with the Council must use Ryedale issued equipment and Ryedale email addresses with effect from 15 May 2013 provided that each member, by that time, has been issued with a laptop hybrid.
- (ii) subject to sufficient funding being identified, all members will be issued with laptop hybrids before the start of new civic year;
- (iii) all papers for meetings, committees and working parties of Council will be sent to members electronically, if possible, with effect from 1 October 2013; members should avoid the printing of such documents where possible, and may choose to receive papers electronically before the deadline;
- (iv) officers to organise the procurement, testing, and training of the new equipment in consultation with the member Champion for IT; and
- (v) a report will presented to the policy and resources committee on the 26 September 2013 detailing the future IT strategy and investment of the Council





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<b>REPORT TO:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>7 MARCH 2013</b>
<b>REPORT OF THE:</b>	<b>COUNCIL SOLICITOR ANTHONY WINSHIP</b>
<b>TITLE OF REPORT:</b>	<b>APPOINTMENT OF AN INDEPENDENT REMUNERATION PANEL</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 To recommend to Council the appointment of an Independent Remuneration Panel to make recommendations about the allowances to be paid to Councillors .

### **2.0 RECOMMENDATIONS**

- 2.1 It is recommended that Council approves:
- (i) that an Independent Remuneration Panel be established in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003;
  - (ii) that Ms Gill Baker, Mr John Richardson and Mr Colin Langley be appointed to serve on the Independent Remuneration Panel;
  - (iii) the Term of Office for Members of the Panel be until 8 March 2018;
  - (iv) that an allowance of £20 be payable for each meeting; and
  - (v) the Constitution be updated accordingly.

### **3.0 REASON FOR RECOMMENDATIONS**

- 3.1 To comply with the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003 .

### **4.0 SIGNIFICANT RISKS**

- 4.1 There are no significant risks associated with the appointment of the Independent Remuneration Panel.

## **5.0 POLICY CONTEXT AND CONSULTATION**

- 5.1 Appointing an independent remuneration panel and determining a scheme of allowances is not directly relevant to the corporate policies or priorities of the Council. However it is considered that since Parliament requires local authorities to have a Members Allowance Scheme it is important that the scheme is updated and reviewed when required.
- 5.2 No consultation has been undertaken on this report.

## **REPORT**

### **6.0 BACKGROUND AND INTRODUCTION**

- 6.1 Regulation 20 of The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) requires the District Council to establish an Independent Remuneration Panel to make recommendations to the Council about allowances payable to Members of Ryedale District Council .
- 6.2 The panel shall not include any member who is also a member of an authority in respect of which it makes recommendations or is a member of a committee or sub-committee of such an authority.
- 6.3 On 12 July 2012 Council appointed Ms Gill Baker and Mr Colin Langley as Independent Persons for the purposes of the Localism Act 2011. It is considered that these persons are suitable for membership of the Independent Remuneration Panel. Mr John Richardson has been a Member and Chairman of the Independent Remuneration Panel since the inception of the panel in 2001.
- 6.4 As the Scheme for Members Allowances needs to be reviewed it is necessary to request the Independent Remuneration Panel to review the whole Scheme of Members Allowances.
- 6.5 Council has also previously requested that the allowances for the Chairman and Vice Chairman of Council be considered by the Panel.

### **7.0 IMPLICATIONS**

- 7.1 The following implications have been identified:
- a) Financial  
There are no material financial implications of appointing an Independent Remuneration Panel
  - b) Legal  
None
  - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)  
None

### **8.0 NEXT STEPS**

- 8.1 The Independent Remuneration Panel will meet to undertake its work.
- 8.2 It will be necessary to undertake research of neighbouring and other local authorities

Members Allowances' Schemes as a standard of comparison to help the Independent Remuneration Panel make informed decisions about the level of Members Allowances

- 8.3 Research will also be needed on the arrangements for Chairmans and Vice-Chairmans allowances at neighbouring and other local authorities.

**Anthony Winship  
Council Solicitor**

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**Background Papers:**  
None.

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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>14 FEBRUARY 2013</b>
<b>REPORT OF THE:</b>	<b>HEAD OF ECONOMY AND INFRASTRUCTURE JULIAN RUDD</b>
<b>TITLE OF REPORT:</b>	<b>RYEDALE DEVELOPMENT FUND</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 To consider the allocation of the £370K Ryedale Development Fund (RDF).

### **2.0 RECOMMENDATIONS**

- 2.1 That Council is recommended to approve that:

- (i) RDF funding be allocated for the following:
  - a) Ryedale Employment Initiative £150K
  - b) RDC Apprentice Scheme £100K
  - c) Ryedale Business and Skills Initiative £20K
  - d) Ryedale Major Projects £100k;
- (ii) the distribution of funds under the 'Ryedale Employment Initiative' be made by the Council following an assessment of applications by the Policy and Resources Committee;
- (iii) that the RDC apprentice scheme and 'Ryedale Business' and 'Skills Initiative' as outlined in the report be implemented; and
- (iv) RDF funding towards the development of 'Ryedale Major Projects' be considered through a report to a future meeting of the Policy and Resources Committee, with a recommendation to Council.

### **3.0 REASON FOR RECOMMENDATIONS**

- 3.1 The re-convened meeting of Council on 20 November resolved in relation to the use of the 2012/13 allocation of New Homes Bonus:

'That Council approve in principle that the entire allocation, subject to making

provision for continuation of CCTV and Norton Skateboard Park, of £439,779 is ringfenced into a Ryedale Development Fund for spending on projects which deliver or protect employment within Ryedale. The allocation of this funding to be made by Council based on recommendations from the Policy and Resources Committee.'

- 3.2 The 6 December 2012 meeting of the Policy and Resources Committee considered the outline details of a range of potential projects for inclusion within the Ryedale Development Fund (RDF). It resolved that:

'That following consideration of the potential uses for the Ryedale Development Fund, the following projects were prioritised:

- a. Development and investigation of potential economic projects.
- b. Derwent Training Association expansion
- c. Apprenticeship Development + expanded RDC employment package (combined).
- d. Youth Enterprise
- e. Ryedale Economic Focus

Detailed reports on these priorities would be brought to future meetings of the Committee, in order to make recommendations to Council on the allocation of part of the fund.'

- 3.3 The uses for funding that are detailed in Annex A reflect this resolution, taking account of the recently agreed Ryedale Economic Action Plan and discussions with potential partner organisations. These also take account of national and local initiatives and opportunities, including the role of this Council as a significant employer in Ryedale.

#### **4.0 SIGNIFICANT RISKS**

- 4.1 These proposals for use of the RDF are based upon the REAP and discussions with partner organisations and local businesses. They reflect the priority areas identified by the 6 December 2012 meeting of this Committee. These factors, together with the measurable outcomes and timescales and risk levels identified in Annex A, plus the planned reviews after Years 1 and 2, mean that there are no significant risks associated with the report.

#### **5.0 POLICY CONTEXT AND CONSULTATION**

- 5.1 The Council has a corporate aim of creating the conditions for economic success. The detailed approach of the Authority is set out in the Ryedale Economic Action Plan 2012-15 (REAP). This identifies a range of actions under the headline objectives of 'To have economic structure and supporting infrastructure in place' and 'Opportunity for people and business; ensuring Ryedale businesses are at the centre of economic development and local people are equipped with the skills required by our businesses'. The actions from the REAP are attached at Annex B. The REAP was informed by the outcome of consultations with local businesses and organisations during 2012.
- 5.2 The proposed target areas of spend in Annex A take account of the priorities in the REAP, together with those of the York and North Yorkshire and East Riding Local Economic Partnership (LEP).

## REPORT

### 6.0 REPORT DETAILS

- 6.1 To identify the most effective and efficient uses of a 'Ryedale Development Fund' officers held discussions with the York, North Yorkshire and East Riding Local Economic Partnership (LEP) and other key economic partners and considered funding and other initiatives that are currently available for economic development purposes, such as the 'Growing Places' fund. Consideration was also given to lessons learnt through earlier initiatives, such as the Council's Business Grants Scheme in 2010.
- 6.2 The resulting list of options for the use of the Ryedale Development Fund were presented to the December 2012 meeting of this Committee and five priority areas (listed in 3.2 above) were identified for further investigation and development.
- 6.3 Officers have considered these priority areas and have taken account of Member's views. Further discussions have been held with a number of partners and with some local businesses, and some expressions of interest were received for potential projects. Officers have sought to develop a flexible approach that takes account of risk and of the expected outcomes and rate of delivery.
- 6.4 The table at Annex A sets out four proposed strands for the Ryedale Development Fund, three of which are recommended to be put to Council for approval at this stage. The fourth strand, Ryedale Major Projects, is recommended for further consideration through a report to a future meeting of this Committee.
- 6.5 Annex A identifies the detail of the proposed streams, their timeframe, expected outputs, proposed budget, expected spend profile and the risk to delivery. The four proposed streams are:

#### **a) Ryedale Employment Initiative £150K**

- This initiative is a competitive process whereby companies and organisations bid for funding in return for a guaranteed delivery of employment, including apprenticeships, over a specified period of time. The funding could be used to support the costs of an apprentice or employee - or could be used to fund equipment or capital expenditure (such as proposals for additional training space that this Committee supported in December 2012) - that could be shown to deliver comparable benefits, in terms of a guaranteed job / apprenticeship over a specified minimum period of time.
- Applicants would be able to seek further support through the National Apprenticeship Scheme, where applicable. Officers would work with companies and organisations to assist in their appraisal of each application and recommend those that delivered the best value for money, taking account of the number and quality of posts being provided, together with any other material factors identified in the agreed criteria for the scheme.
- Companies and organisations from across Ryedale District could apply, including those in the North York Moors National Park.
- Officers have been in discussion with colleagues at other authorities regarding the detail of similar schemes offered. It is proposed that, should Members support the principle of the Ryedale Employment Initiative, that the criteria and detailed approach to be followed be agreed at the 4 April 2013 meeting of this Committee. This will allow additional weighting to be given to appropriate

factors e.g. opportunities for younger people, including recent graduates, and / or specific sectors etc.

- Member should note that under employment law it is not possible to restrict the take up of posts to people living in Ryedale – however, locational factors tend to mean that apprentice posts in particular will be taken up by local people.

#### **b) RDC apprentice scheme £100K**

- A variant of the RDC employment package that was supported by this Committee in December 2012. This expanded £100K scheme will see the employment of up to 10 apprentice posts within the Authority over a two year period.
- In addition, in order to deliver streams a), c) and d) to full benefit, a 2-year graduate placement (£28K per annum) is required within economic development. This graduate post is not included within the proposed RDF package of £370K but could be given consideration when Members allocate the 2013/14 NHB income of £707K.

#### **c) Ryedale Business and Skills Initiatives £20K**

- To support the following events and actions and initiatives resulting from these activities:
  - § Ryedale Skills Summit in Spring 2013 e.g. mentoring support, with business planning, investigate potential for short-term use of empty premises to accommodate new businesses.
  - § Ryedale Business week
  - § Rural Innovation Summit, in partnership with FERA and the LEP

#### **d) Ryedale Major Projects**

- Working in cooperation with partner organisations, to undertake the necessary investigatory work and project development to advance major capital projects (to provide employment and economic growth) to the point of construction. This detailed information is required in order to establish the costs, viability, deliverability and value of major projects and is also essential in order to make robust bids for funding sources such Growing Places and, if available, the District Council's capital programme. This would fund technical studies and investigations, including transport and highways studies, architectural and design work, site investigations into issues such as ground conditions, ecology, arboriculture, flood risk. It would also be used to fund feasibility investigations, where required. Wherever available, officers would utilise external funding sources to cover such costs, in preference to drawing upon this pot.
- The prospective projects to be advanced are identified in Annex A. Given the extensive list of potential projects is considered that these should be refined through a further report to a future meeting of this Committee, with a recommendation to Council then made on the spend in relation to this work area.

## **7.0 IMPLICATIONS**

### **7.1 The following implications have been identified:**

#### **a) Financial**

These proposals, once implemented, would utilise the £370K of NHB that was allocated to the RDF. The £370K is drawn from the 2012/13 NHB allocation of £439,779. A further allocation of £707,942 will be available for allocation and utilisation from April 2013.



<b>RDC NHB Allocations</b>	<b>2011/2012 NHB</b>	<b>2012/2013 NHB</b>	<b>2013/2014 NHB</b>
Year 1	214,540	214,540	214,540
Year 2	-	225,239	225,239
Year 3	-	-	268,163
Total Received/Due	<b>214,540</b>	<b>439,779</b>	<b>707,942</b>

- b) Legal  
Compliance with employment law is an important consideration in setting the criteria of the Ryedale Employment Scheme.
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)  
These initiatives seek to enhance employment and training opportunities in Ryedale to the benefit of both Ryedale employers and residents, including the vulnerable and isolated.

**Julian Rudd**  
**Head of Economy and Infrastructure**

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**Background Papers:**  
None.

ANNEX A

Ref	Project	Project Timeframe	Output	Budget	Spend Profile		Risk to delivery
					2013/14	2014/15	
	To be considered at Council 7 March 2013						
a	Ryedale Apprenticeship and Employment Scheme: <ul style="list-style-type: none"><li>Revenue and capital projects that will deliver apprenticeships and jobs</li><li>Competitive bidding process assessment criteria to include cost per apprentice place, security, prospects of employment.</li><li>Criteria and process to be agreed at 4 April 2013 P&amp;R.</li><li>Companies and organisations from across Ryedale District could apply – including those in the North York Moors National Park.</li></ul>	2013 to 2015	Minimum of 7 apprentice places a year (14 in total)	£150k	£75k	£75k	Medium
b	RDC Apprentice Scheme – up to 10 apprentice posts	2013 to 2015	Up to 5 apprentices in each year	£100K	£50k	£50k	Low
c	Ryedale Business and Skills Initiatives: <ul style="list-style-type: none"><li>Skills summit</li><li>Influencing schools enterprise agenda</li><li>Addressing skills gaps in Ryedale</li><li>Rural Innovation Conference with FERA</li><li>Ryedale Business Week</li></ul>	2013 to 2015	<ul style="list-style-type: none"><li>Skills summit</li><li>Innovation</li><li>Conference</li><li>Increased participation in vocational training</li><li>Alignment between training providers and employers</li></ul>	£20K	£10k	£10k	Low
	Total			£270k	£135k	£135k	

To be considered following further project development work – to be considered at Council 16 May 2013							
d	Ryedale Major Projects: <ul style="list-style-type: none"> <li>• Bring forward Derwent Park as major mixed use site</li> <li>• Expansion of Derwent Training to support engineering sector – potential to add managed workspace</li> <li>• FERA Applied Innovation Campus</li> <li>• Further A64 improvements – junctions/safety/journey time</li> <li>• High speed broadband to Ryedale Business Parks</li> <li>• KMS engineering park</li> <li>• Malton Livestock Market</li> <li>• Malton Public Realm</li> <li>• Milton Rooms as a hub for the creative economy</li> <li>• Provision of employment land at Pickering</li> <li>• Public transport facilities at Malton and Norton</li> </ul>	2013 to 2015	At least 3 major schemes in progress by 2015	£100K	£30k	£70k	High
	Total			£100k	£30k	£70k	

Items a,b and c will be evaluated after year one with a report to Policy and Resources Committee. Item d will be evaluated after year two.

## The Ryedale Economic Action Plan – Aims, Objectives and Actions

Ryedale District Council's aim is to create the right conditions for economic success in Ryedale. We translate this into two key objectives;

- A) To have economic structure and supporting infrastructure in place;
- B) Opportunity for people and business; ensuring Ryedale businesses are at the centre of economic development and local people are equipped with the skills required by our businesses.

*Objective A: To have economic structure and supporting infrastructure in place;*

### A1 Provision of employment land

- Through the LDF Employment Land Review, to ensure that business have sufficient room for development and growth. Provision of information to potential investors.
- Employment land at Pickering. Investigating potential for investment in industrial site development.
- Supporting key strategic employers to expand and develop.
- Supporting the development of mixed use development on key sites in Ryedale to promote economic development and reduce the housing affordability gap.

### A2 Provision of Work space:

- Provision of information to investors and businesses regarding availability of workspace, across all sectors in Ryedale.
- With partners, ensure the provision of a range of industrial letting units and office type accommodation around Ryedale, including quality accommodation and sites suitable for technology and office sectors. (These may be provided by the private sector).
- Develop managed workspace and training services at York Road (Malton) potentially in partnership with Derwent Training Association.
- Woolgrowers / Derwent Park project for employment and mixed use.
- Connections with Science City York & Food and Environment Research Agency – provision of quality commercial scientific laboratories.

A3 Housing: to consider the implications of new housing development to the local economy in terms of provision of accommodation for skilled people and local workers.

### A4 Communications and Transport Infrastructure:

- Brambling Fields – Norton. Continued development of the A64 junction to open up employment land in Norton.
- Further A64 improvements to unlock development potential in key employment areas.
- Lobby and develop high speed broadband and mobile phone coverage to Ryedale's business parks and rural communities and promoting the benefits of this to business.
- Recognise the importance of the Malton rail link and to improving public transport facilities to support the role of Malton and Norton as a transport hub for Ryedale.

### A5 Malton public realm improvements

*Objective B: Opportunity for people and business; ensuring Ryedale businesses are at the centre of economic development and local people are equipped with the skills required by our businesses.*

B1 Maintain economic intelligence through data management and Key Account Management – supporting our key employers and horizon scanning for new economic

strengths and threats.

B2 Ryedale Work and Skills Partnership projects

- Apprenticeships development.
- Addressing skills gaps for local business (new starters to graduate recruitment).
- Preparing for economic drivers (such as the Off Shore Wind Farm project).
- Influencing schools' enterprise agenda.
- Skills Summit (linking employers with schools).

B3 Supporting the business life cycle

- Supporting new business start ups and improving business survival rates.
- Support business growth – research, inward investment and export.

B4 Developing the RDC Corporate approach to businesses – “Ryedale’s a great place to do business”

- Corporate Business Group to provide a proactive approach to business support.
- Ryedale Business Week.
- Link to existing “Engineering Week”.
- Supporting businesses through the planning application process and to understand the Local Development Framework.

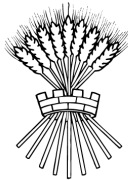
B5 Sector specific support:

- High Technology Manufacturing – link to employment land provision and skills provision.
- Visitor and Creative Economy – supporting business led initiatives, product development and community owned facilities. Creative Economy Commissioning project.
- Social Economy – supporting the Coalition Government’s localism agenda through social enterprise.
- Agri Food – local food promotion and food manufacture support.
- Land-based Industries - working with partners to support businesses in the land-based sector.

B6 Market Towns - promotion of vital and viable town centres, through engaging with local businesses and supporting private sector initiatives. Working with businesses and residents on their local initiatives, particularly those aspirations identified in the LDF such as promotion of local heritage, retailing or social enterprise facilities.

B7 Sustainable business – promoting the ‘green’ economy for business growth.

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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>14 FEBRUARY 2013</b>
<b>REPORT OF THE:</b>	<b>HEAD OF PLANNING AND HOUSING GARY HOUSDEN</b>
<b>TITLE OF REPORT:</b>	<b>COMMITTEE RESPONSIBILITY FOR PLANNING POLICY RECOMMENDATIONS</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 This report seeks approval for changes to the Constitution to transfer responsibility for the Planning Policy function from Policy and Resources Committee to Planning Committee.

### **2.0 RECOMMENDATION**

- 2.1 That Members recommend to Council the changes to the Constitution outlined in Annex A to transfer responsibility for making recommendations to Council on Planning Policy from the Policy and Resources Committee to the Planning Committee.

### **3.0 REASON FOR RECOMMENDATION**

- 3.1 The Planning Committee is primarily responsible the determination of planning applications. The transfer of responsibility for the Council's Planning Policy function to the same group of Members (who have received specialist Planning training) will assist in the development of emerging policy and assist in the consistent delivery of planning policy through individual planning decisions made by the same committee.
- 3.2 The Council's Planning Committee is comprised of 15 Members and is the largest of the Council's committees. The transfer of responsibility for the Planning Policy function to this committee will enable more Members to be involved in the debate concerning planning policy recommendations to Full Council.

### **4.0 SIGNIFICANT RISKS**

- 4.1 There are no significant risks associated with this re-allocation of responsibilities. Policies and proposals will still be subject to the same level of rigorous debate and

any new policy will still be referred to Council as the final decision maker.

## **5.0 POLICY CONTEXT AND CONSULTATION**

5.1 Planning Policy affects all five of the Council's priorities.

5.2 Consultation has taken place with the Chairmen of both the Planning Committee and the Policy and Resources Committee. Both are supportive of the approach set out in this report.

## **REPORT**

### **6.0 REPORT DETAILS**

6.1 This report proposes a transfer of responsibility for the Planning Policy function from Policy and Resources Committee to Planning Committee. In accordance with the Constitution, all final decisions on the Policy Framework will be taken by Full Council, based on recommendations from Committee, in Part B minutes.

6.2 For the reasons set out in paragraphs 3.1 and 3.2 above it is considered that the responsibility for the council's Planning Policy functions should transfer from Policy and Resources Committee to the Planning Committee.

6.3 The allocation of the responsibilities for committees is detailed in the Council's constitution. Minor changes are required and these are set out in Annex A.

### **7.0 IMPLICATIONS**

7.1 The following implications have been identified:

a) Financial  
None

b) Legal  
The recommendations within this report and the suggested terms of reference incorporating a referral to Council in respect of Development Plan Documents are in accordance with the Council's constitution and the Council's general powers and duties under the Local Government Acts and the Local Authorities (Committee System) (England) Regulations 2012.

c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)  
None

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**Background Papers:**  
None

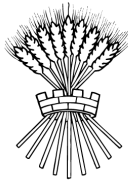


Constitutional Reference	Change
Part 1 – How Decisions Are Made	To remove the words in italics below: “The Council has a Policy and Resources Committee responsible for policy including <i>Planning Policy</i> and budget formulation...” To add the words in italics below: “The Planning Committee deals with planning applications and related matters, <i>and Planning Policy</i> .”
Part 2 – Article 7 para 7.1	To remove the words in italics below: “The Council will appoint a Policy and Resources Committee responsible for policy including <i>Planning Policy</i> and budget formulation...”
Part 2 – Article 7 para 7.2	To add the words in italics below: “The Council will appoint a Planning Committee which will be responsible for dealing with planning applications and related matters, <i>and Planning Policy</i> .”
Part 3 – Responsibility for Council Functions para 1.0(e)	To add the words in italics below: “receiving reports and recommendations from the Policy and Resources Committee, Commissioning Board, <i>Planning Committee</i> , Overview and Scrutiny Committee and any other Committee.”
Part 3 – Terms of Reference: Planning Committee	To add under the heading “Functions” the following words: “Planning Committee (Regulatory).”
Part 3 – Terms of Reference: Planning Committee	Delete the following words from Functions paragraph 1: “with the exception of” Add the following word to replace the words deleted from paragraph 1: “including”
Part 3 – Terms of Reference: Planning Committee	To add a function 3: “Planning Committee (Policy) 3. (a) To make recommendations to Council in relation to the approval or adoption of a plan or strategy comprising plans or alterations which together constitutes the Development Plan.  (b) To determine all matters in the following stages of the production of Development Plan Documents in the Local Plan:

	<ul style="list-style-type: none"> <li>(i) Preparation Stage – the evidence base and arrangements for community involvement; publication of preparatory draft documents and associated public consultation.</li> <li>(c) To advise and make recommendations to Council upon the following stages of production of Development Plan Documents: <ul style="list-style-type: none"> <li>(i) Approval of any full draft development plan document for initial consultation.</li> <li>(ii) Approval of any Proposed Submission Document prior to submission to the Secretary of State.</li> <li>(iii) Adoption of Development Plan Documents following the Inspector's report and recommended modifications after the Examination.</li> </ul> </li> <li>(d) In relation to the Neighbourhood Planning documents and the CIL charging schedule: <ul style="list-style-type: none"> <li>(i) To determine all matters as relevant in the preparation, production, publication of Neighbourhood Planning documents and to advise Council as to the subsequent adoption of Neighbourhood Planning documents as covered by the Neighbourhood Planning Regulations 2012 (Neighbourhood Areas; Neighbourhood Forums; Community Right to Build Organisations; Neighbourhood Development Plans; Neighbourhood Development Orders and Community Right to Build Orders).</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>(ii) To advise and make recommendations to Council in respect of the preparation, consultation and production of the CIL preliminary draft charging schedule.</li> <li>(iii) To advise and make recommendations to Council in respect of the preparation, production, consultation and approval of the draft CIL charging schedule to be submitted for examination and thereafter subsequent adoption.</li> <li>(e) To consider and make recommendations to Council on the adoption of Supplementary Planning Documents.</li> <li>(f) To determine matters upon related projects and studies to the Local Plan or to make recommendations to Council.</li> <li>(g) To consider and comment on behalf of the Council in respect of the Regional Strategy Local Development Frameworks, Neighbourhood Planning documents and other relevant plans or consultation exercises by Government, local authorities or other relevant bodies.</li> <li>(h) To give detailed consideration and to make recommendations to Council in respect of all other planning policy matters such as the designation of Conservation Areas and amendments to their boundaries and the designation of locally listed buildings.”</li> </ul>
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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>14 FEBRUARY 2013</b>
<b>REPORT OF THE:</b>	<b>COUNCIL SOLICITOR - ANTHONY WINSHIP HEAD OF HEALTH AND ENVIRONMENT – PHIL LONG</b>
<b>TITLE OF REPORT:</b>	<b>MEMBER INFORMATION AND COMMUNICATION</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 To review arrangements for Member information and communication in the light of changes to security compliance requirements, and also, as part of this review, to consider the need to replace IT equipment and consider options for paperless meetings.

### **2.0 RECOMMENDATIONS**

- 2.1 That Council be recommended to approve that:
- (i) all Members must use Ryedale issued equipment and Ryedale email addresses for transacting Council business electronically with effect from 1 October 2013;
  - (ii) subject to sufficient funding being identified, the Members of the Overview and Scrutiny Committee pilot the use of hybrid laptops for all Council meetings they attend during 2013; and
  - (iii) a report on the pilot to be considered by Council in January 2014, with a view to full implementation for all members on or before the start of the 2014/15 civic year.

### **3.0 REASON FOR RECOMMENDATIONS**

- 3.1
- (i) To meet security and data protection compliancy requirements, removing a significant risk.
  - (ii) To provide replacement equipment which is both secure and portable, with a wide range of functionality, and remove current inefficiencies involved in supporting many different products.

- (iii) To support the delivery of the financial and environmental benefits associated with paperless meetings.

#### **4.0 SIGNIFICANT RISKS**

- 4.1 GCSX compliancy – The GCSX (Government Connect Secure Extranet) is a secure, private network. All local authorities in England and Wales and other public sector organisations that have a requirement for sharing information securely with local and central government departments are currently connected to GCSX. Not using it would compromise the ability to deliver key services, particularly within Revenues and Benefits in their ability to communicate with the DWP. Annual compliancy testing is undertaken by the GCSX to ensure that our local network infrastructure meets the increasingly strict GCSX security guidelines with ad-hoc compliancy assessments possible at any time in between. All of which can attract considerable financial penalties for Ryedale, as demonstrated elsewhere. Compliancy requirements, relating to the Code of Connection (CoCo) for the Department of Work and Pensions (DWP), have recently been tightened and the Council will at some point be inspected in regards to its compliancy.
- 4.2 Compliancy and data protection issues to be addressed around a number of areas of Members IT provision:
  - (i) Ryedale.gov.uk email addresses must not be auto-forwarded to a non-Ryedale email address under any circumstances.
  - (ii) Connectivity into the Ryedale network should be undertaken using a Ryedale issued device only.
  - (iii) Members not using the Council remote working connection are putting themselves and the Council at risk by storing Council data on their 'local' machines.
  - (iv) Connecting to 'public' wifi access points with mobile devices is not recommended, Mobile connectivity should be provided using closed network 3G instead.
  - (v) Council issued equipment must be used only for Council business.
- 4.3 Reputational risk around data protection breaches is high and the financial penalties issued are increasing, some being as much as £0.5m. Additionally failure to comply with CoCo and other data protection requirements could result in the removal of the link to the DWP, preventing the authority from undertaking its benefits function and also the proposed new electoral registration function, when individual registration is introduced from 2014 onwards.

Case Study 1. Worcestershire County Council fined £80,000 for an incident in March 2011 where a member of staff emailed highly sensitive personal information about a large number of vulnerable people to 23 unintended recipients. The Council failed to take appropriate measures to guard against the unauthorised processing of personal data. The council had also failed to properly consider an alternative means of handling the information, such as holding it in a secure system that could only be accessed by members of staff who needed to see it.

Case Study 2. Cheshire East Council fined £80,000 after it failed to use a secure mail system to pass on sensitive information. The breach occurred in May 2011 and involved a member of the council team sending an email to a voluntary worker on her personal email account, rather than using the councils secure system. While the employee at the council may have believed they were acting in good faith, a lack of training and appreciation of data protection regulations forced the data watchdog to issue the fine.

- 4.4 As the proposed approach in this report represents a considerable change to the way of working for Members, to mitigate against risk it is essential that adequate testing and training takes place and that the implementation of change is not rushed. The timescales proposed represent a flexible and pragmatic plan for the pilot to ensure the approach is the right one, facilitating compliance and supporting adaptation by Members.

## **5.0 POLICY CONTEXT AND CONSULTATION**

- 5.1 The relevant policy context is the national security compliance requirements set out in the Code of Connection for the DWP, and the data protection requirements set out in the Data Protection Act 1998 and the Council's Data Protection Policy and other related policies.
- 5.2 The financial and environmental benefits of a move to paperless meetings support corporate aim 3 (to have a high quality, clean and sustainable environment) and corporate aim 5 (to transform Ryedale District Council).
- 5.3 There have been two meetings with the Group to discuss the approach to the issues outlined in this report and to demonstrate equipment. Separate meetings and discussions have also taken place with the Member Champion for IT.

## **REPORT**

### **6.0 REPORT DETAILS**

- 6.1 The tightening of security and data protection compliance requirements is a key driver for a review of Member information and communication. In order to comply with these requirements and avoid the risks detailed in section 4 of this report, all Members should use Ryedale issued equipment and Ryedale.gov.uk Email addresses to undertake all Council related business. This would in turn provide the following enhanced functionality for all Council Members:
1. Provides Members with access to Office 2007 enabling full compatibility with documents produced by the Council.
  2. Access to the Council's intranet, including exempt committee papers.
  3. Secure storage and back up of Members' data.
- 6.2 Additionally the current Member IT equipment is nearing the end of its lifespan and is due for replacement. The specification of equipment used by Members varies considerably, making support from the IT Helpdesk time consuming and sometimes inefficient. Standardisation would address this enabling a more efficient Help Desk

service to members. Similar issues exist with printers and print cartridges.

6.3 There are three basic options relating to renewal of hardware:

(i) Laptop

This is the most cost effective and robust option providing the opportunity to develop mobile and paper free working options.

(ii) Tablet – Touch screen device

This option offers the greatest portability with an increasing number of devices available and a rapidly changing market. This type of device is the most portable but the lack of a traditional keyboard (all input is undertaken using the touch screen) may restrict everyday usability.

(iii) Laptop Hybrid – Touch screen device with traditional keyboard

The hybrid laptop option, consisting of a tablet style touch screen with detachable traditional keyboard has the benefits of portability and up to 10 hours battery life. The addition of a traditional keyboard will enable full functionality for use with email and Microsoft Office.

It is the Windows 8 based hybrid laptop option which is recommended. The overall cost of each option is very similar, with a £650 budget per member, covering the investment in hardware, software and associated warranty.

6.4 There are connectivity considerations, no cost would be involved for connectivity of WIFI enabled devices (ie any of the hardware options) at Ryedale House or from Members' homes where personal wireless broadband arrangements are already in place. If mobility is a key factor, connectivity away from the above locations would incur an additional cost of £120 per year, per Member.

6.5 The replacement of equipment also provides the opportunity to allow Members to consider moving to a paperless approach to meetings. In the financial year 2011/12, £13,648 was spent on printing agendas and £2,084 on postage. Therefore even a partial move to paperless meetings would deliver financial savings.

6.6 In addition there are environmental benefits associated with this proposal. Approximately 3,410,000 sheets of paper were used for Council and committee papers in 2011/12 (1,364 boxes), so there would be a significant impact on paper use. Ink for the printers in reprographics is included as part of the service and support contract with the suppliers, rather than purchased separately, but toner cartridges would last 13% longer if all meetings went paperless as Council and committee agendas accounted for 13% of the copying carried out in 2011/12. An energy saving would also be achieved from the use of hybrid laptops rather than printing and postage of hard copy agendas. These devices use the latest Intel Atom processor which is particularly low in energy use and lends itself to the extended battery life seen in these machines. In addition where agendas are recycled after use, rather than retained, there would be a further energy saving.

6.7 Hybrid laptops would be used to facilitate the paperless meetings, with links to the agendas and reports being emailed to Members and officers when the documents are published online, through the modern.gov committee management system. Exempt documents could only be accessed by individuals with specific enhanced permissions, managed as part of the back office part of this system. A username and password would be required to enable access and maintain security.



- 6.8 Before any move to paperless working, a significant amount of set up and testing work would need to take place, both with the modern.gov system and the devices themselves. Additionally there would need to be extensive training for Members and officers around use of the new hybrid laptops, the use of Microsoft Office 2007 and how to use the devices for paperless meetings. Therefore it is not feasible for this to go live at the start of the 2013/14 financial or municipal year. Group Leaders proposed that the Overview and Scrutiny Committee pilot the use of hybrid laptops for paperless meetings and this could take place during 2013, with the possibility of going live across the board on or before the start of the 2014/15 Civic year.

## **7.0 IMPLICATIONS**

- 7.1 The following implications have been identified:

a) Financial

An estimated cost for purchasing a hybrid laptop for each Member would be £650. The total cost would be £20k. At this time there is no budgetary provision. The 2013/2014 draft budget being considered by this Committee and then Council on the 26 February 2013 includes revenue funding to enable this project to go forward.

Recurrent savings could be delivered in relation to printing and postage costs. These would depend on how Members are provided with meeting papers.

b) Legal

It is essential for the Council to fully comply with security compliance requirements. A breach of these duties exposes the Council to significant risk.

c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)

There are no equalities implications associated with the proposals. Adaptive equipment could be provided for anyone requiring it.

**Anthony Winship - Council Solicitor**

**Phil Long – Head of Health and Environment**

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**Background Papers:**

None

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Member Information and Communication - RISK MATRIX – ANNEX A

Issue/Risk	Consequences if allowed to happen	Likeli-hood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
Continued failure to comply with security requirements	Possible reputational damage.  Fines up to £0.5m.  Loss of connection to DWP, used for the benefits service and required for individual electoral registration.	See below (score before mitigation) 3	See below (score before mitigation) D	All Members use Ryedale issued kit and the logon to the Ryedale network.	See below (score after mitigation) 1	See below (score after mitigation) A
Failure of current hardware due to age	Operational issues for Members	3	C	All members are provided with new hardware	1	A
Technical or user problems during implementation due to inadequate testing or training	Problems at meetings, delays within the implementation process, dissatisfaction with the product and way of working, and adverse publicity	4	C	Timescales proposed allow time for all necessary training and testing, including a pilot with Overview and Scrutiny Members.	2	B

Score	Likelihood	Score	Impact
1	Very Low	A	Low
2	Not Likely	B	Minor
3	Likely	C	Medium
4	Very Likely	D	Major
5	Almost Certain	E	Disaster

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<b>PART B:</b>	<b>RECOMMENDATION TO COUNCIL</b>
<b>REPORT TO:</b>	<b>COMMISSIONING BOARD</b>
<b>DATE:</b>	<b>28 FEBRUARY 2013</b>
<b>REPORT OF THE:</b>	<b>CHIEF EXECUTIVE JANET WAGGOTT</b>
<b>TITLE OF REPORT:</b>	<b>PROCUREMENT OF LEISURE SERVICES CONTRACT</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 The purpose of the report is to seek Member approval for the allocation of up to £60,000 which is the necessary amount of money required to enable the Head of Environment to undertake the procurement of Ryedale's Leisure Services contract.
- 1.2 To comply with European Union (EU) rules (due to the value and nature of the work) it is necessary to undergo this procurement process. Members of the Commissioning Board and Full Council will be involved as appropriate during the process.

### **2.0 RECOMMENDATION**

- 2.1 That Council is recommended to approve the allocation of up to £60k from the operational reserve for the Leisure Contract procurement.

### **3.0 REASON FOR RECOMMENDATION**

- 3.1 The existing Leisure agreement with Community Leisure Limited (CLL) runs out in September 2014. The current grant was extended in 2009 for a period of five years which takes the agreement to September 2014 with an option to extend for a further two years.
- 3.2 Due to changes in procurement rules the Council are not advised to extend this grant arrangement without going through a competitive process. To enable this to take place the allocation of up to £60,000 is required to buy the relevant expertise. This will allow RDC, to consider the various options available and ensure that best value for the provision of Leisure services is delivered.
- 3.3 Based on experience elsewhere such an exercise typically takes 18 months. Approval is required to be able to let this contract in September 2014.

- 3.4 Market testing services through competitive tendering will ensure maximum potential for efficiency savings, service improvements and value for money.

#### **4.0 SIGNIFICANT RISKS**

- 4.1 Undertaking any procurement process can entail risk. This risk can be mitigated by allocating an appropriate resource to allow the Council to buy the necessary skill to do the work as there is no internal expertise or capacity within the Council.
- 4.2 There are a number of options available to the Council, each with a differing level of risk. The Council could choose to bring the work back in house, it could buy the service from the voluntary sector, private sector or another Authority. All of these options carry some degree of risk and all must follow the procurement rules.
- 4.3 The above options are explored further in the report.

#### **5.0 POLICY CONTEXT AND CONSULTATION**

- 5.1 Council Aim 2: To create the right conditions for economic success in Ryedale:
- Opportunity for people; increasing wage and skill levels.

Council Aim 4: Active Communities where everyone feels welcome and safe:

- To help all residents to achieve a healthy weight by encouraging an active lifestyle, in communities where everyone feels welcome and safe

Council Aim 5: Transform Ryedale District Council

- Building our capacity to deliver through collaboration and working in Partnership.

- 5.2 Consultation with key stakeholders, sports clubs and the general public has taken place. Additional consultation will take place through the tender process.

#### **6.0 REPORT DETAILS - BACKGROUND**

- 6.1 Ryedale District Council currently provides an annual grant to CLL to manage and operate two swimming pools on behalf of the Council and to carry out the Council's responsibilities, under a joint use and community use agreement with NYCC, of the leisure facilities attached to a Lady Lumley's school (Northern Leisure Contract). Pursuant to the provisions of Section 19 Local Government (Miscellaneous Provisions) Act 1976
- 6.2 The leisure management arrangement currently operated by CLL has been running since 1997 when the Council transferred its swimming pools and running of Ryedale Leisure Centre to Ryedale Sport and Recreation an Independent Provident Society (IPS) now renamed Community Leisure Limited (CLL) which is a company limited by guarantee and an Industrial and Provident Society regulated by the FSA. Since 1997 an annual grant has been provided to operate leisure facilities under basic grant conditions.
- 6.3 CLL have operated and managed the Council's Leisure facilities for the last 15 years. In March 2009 Community Services and Licensing Committee agreed to extend CLL grant funding arrangement for a further five years to the end of September 2014. There is no contract with CLL it is a grant arrangement. A detailed specification does not exist. CLL are willing to continue to work with RDC to resolve any outstanding issues to make sure the service is in the best possible position prior to going to the

market. This continued cooperation and reassurance should enable the contract to be let within the 18 months expected.

- 6.4 The decision 15 years ago to outsource this service means that there is no in-house leisure expertise within the Council. It is therefore necessary for external support to be bought in so that RDC can meet the timescales required to let a contract from September 2014.
- 6.5 The officer recommendation puts in place long term arrangements to procure a contractor to manage the Council's Leisure service from 2014. Procurement in 2014 will provide the Council with sufficient time to develop its requirements across its leisure service and go to the market with a leisure management package.
- 6.6 Officers will consider all types of support available to get the best Value for Ryedale; this will include using the procurement partnership, exploring the possibility of sharing resources from other Authorities, the private sector providers and specialist support. In addition there will be the need to finance expert legal advice in Leisure contracts.
- 6.7 Between now and 2014 CLL will continue to provide the Leisure Services on behalf of the Council.
- 6.8 There are two key issues leading to the officer recommendation rather than continuing with Community Leisure through extension to the existing contract or a new grant agreement; Taxation and EU Procurement Law.

#### **Taxation Issues**

- 6.9 Grant funding and contracts for services is a complex area for both local Councils and Her Majesty's Revenue and Customs (HMRC). This has resulted in a HMRC setting out their interpretation of "contracted out" local authority leisure services. The Council has sought expert VAT advice on this issue which is summarised below.
- 6.10 If RDC continues to treat the funding as grant funding and this is successfully challenged by HMRC, CLL would be regarded as a taxable person making taxable supplies in respect of which it receives consideration from RDC. The amount of funding exceeds the VAT registration threshold.
- 6.11 Such a situation would have significant consequences:
  - 1. CLL would have an obligation to register for VAT, which would mean that if they did not increase their prices they would lose 1/6 of their income as VAT. They would also be able to claim VAT on their taxable inputs.
  - 2. CLL would charge RDC in respect of the output VAT due. This has no net effect on either CLL or RDC.
- 6.12 In addition to this if, on a review, HMRC conclude that previous arrangements between RDC and CLL should have been treated as a supply of services by CLL to RDC, HMRC has the power to insist on an earlier registration date, which could result in a financial penalty and restitutional interest, as well as an increased VAT liability for CLL. In such circumstances it is likely that CLL would liquidate unless the Council provided significant financial support.
- 6.13 At that point the Council would have to tender the contract and arrange an interim provider. Such an arrangement would create a cost to RDC and it is likely that there could be a period where the facilities are not open. Depending on the length of this period it is possible that long term damage to the income stream of the Leisure activities would take place.

- 6.14 The advice received stated that  
'Where leisure facilities have been developed owned and operated by the local authority and the authority then contracts out the operation of those facilities – imposing conditions on the contractor – any payments made by the authority to the contractor are more likely to be consideration for the contractor's supply of agreeing to take over the provision of leisure services under conditions imposed by the authority'.

### **Procurement Issues**

- 6.15 Prima facie a contract for the management of leisure services is a Part B services contract and therefore not subject to the full EU procurement rules. Nevertheless the Council would need to consider the extent to which such a contract would be of interest in the European Market and if that were the case advertise accordingly. Leisure management is generally a service which does attract interested bidders and is generally procured unless a service concession arrangement is used.
- 6.16 The Council's constitution, primarily the Contract Procedure Rules, also provides the way in which procurement should be undertaken even if the EU Procurement rules do not apply.
- 6.17 Since the implementation of the Remedies Directive (2010) the procurement climate has been one of caution. The risk for non compliance with the procurement regulations is now more severe and is directed solely at the relevant contracting authority and allows a longer time for challenges to be raised. If there is a breach of the procurement regulations the remedies available to the court are:
- Setting aside of any decision
  - Ordering the amendment of any document (i.e. procurement document)
  - Award of damages to an Organisation which has suffered loss or damage as a result of the breach
- 6.18 If the breach is held to be a ground for "ineffectiveness" and a contract has been entered into, a court must award penalties payable to the Treasury and declare the contract ineffective (i.e. terminated). The court may also order compensation to the organisation which had been awarded the contract as a result of the breach of procurement regulations if it can show it has suffered loss or damages as a consequence of the breach. Should this situation occur it is likely that the Council's auditors would review the actions of the Council.
- 6.19 New draft directives from the European Commission are set to change public procurement law. The Commission wants to bring the procurement rules up to date, simplify them and make them more flexible. One of the key changes proposed is the removal of the distinction between Part A and Part B Services. Leisure Services currently fall under Part B and are currently subject only to limited EU regulation, this is likely to change with the new rules due to be implemented by June 2014 and could affect the tender process. In effect not following EU procurement rules as currently written would be a significant risk, which may result in additional cost and time delays.

### **Other Options**

#### **1. RDC takes the service back In-house**

No procurement work would be required, however the Council would need to ensure that the decision was able to demonstrate best value. There would however still be



significant work to be undertaken and unbudgeted costs incurred to ensure such a decision was properly implemented. The Council would be in control of the service it provides; however there are a number of financial disadvantages of such a decision:

- RDC is VAT registered therefore one sixth of the Leisure income would be lost in VAT (c£65k)
- RDC would transfer the CLL staff under TUPE legislation – this transfer would incur an increase in payroll costs of c£60k
- RDC would need to appoint a manager c£40k
- RDC would take the financial risk of the operations
- RDC would need to take on existing contracts of CLL
- RDC would be liable for business rates (less 20% it would gain through the business rates retention model) c£32k
- RDC has no internal capacity or expertise to manage this process. Consultancy and increase costs would be incurred up to the point of taking on the contract are estimated at £30k

## **2. Sharing with another Authority**

RDC would still need to carry out a procurement exercise to choose/ partner with another authority. All other Authorities would have the same VAT and Pension costs as above. Other Authorities could bid as part of any open procurement exercise the Council ran. In many cases Authorities have already outsourced their Leisure Management and it is likely that their provider would consider bidding.

### **The commissioning / procurement process**

- 6.20 It takes approximately 9 months from advertising the tender to contract signature, followed by a period of mobilisation prior to the start of the contract. Around 3 - 6 months should be allowed for at the beginning of the process, to prepare the tender and contractual documentation and appoint external advisors to facilitate and support the process. All principles regarding transparency, non discriminatory, equality of treatment, and the extent of negotiations will be identified and limitations defined. In brief the procurement process will include:

- Feasibility and preparation
- Determine specification, evaluation criteria, option appraisal
- Advertise and invite expressions of interest i.e. Pre Qualification Questionnaire (PQQ) to the open market.
- Shortlist, bid preparation and evaluation
- Negotiations and select preferred bidder
- Final negotiations and contract signature
- New service preparation and commence contract

### **Conclusions**

- 6.21 There are a significant number of uncertainties relating to the existing grant agreement, the taxation position and the procurement position. This creates risk for the Council in its choices.
- 6.22 Other Authorities which have recently been through a full procurement exercise have seen sufficient interest and ultimately cost savings.
- 6.23 The least risk option for the Council and the Officer recommendation is to undertake an EU compliant procurement exercise. This would also generate the creation of a detailed specification for the service, allow the Council to have greater control over the levels of service and may either generate savings in service delivery or investment in services by the successful contractor.

## **7.0 IMPLICATIONS**

7.1 The following implications have been identified:

- a) Financial  
The costs of the external support are estimated to be up to £60k. This cost can be met from the operational reserve.
- b) Legal  
As listed in the main body of the report  
Further advice on staffing implications will be undertaken as part of the consultation process, with specialist advice being sought with regards to any TUPE implications.
- c) Other  
There no significant other implication to consider at this stage in the process.

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**Background Papers:**  
None.