

Council

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

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

Paul Cresswell
Nicki Lishman
Janet Waggott
Anthony Winship

Minutes

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 youI'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.