

Council

Minutes of Proceedings

At the **Annual Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Thursday 17 May 2012**

Present

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

In Attendance

Audrey Adnitt
Simon Copley
Paul Cresswell
Janet Waggott
Anthony Winship

Minutes

118 **Chairman**

It was moved by Councillor Knaggs and seconded by Councillor Acomb that Councillor Hope be elected Chairman of the Council for the ensuing year.

Resolved

That Councillor Hope be elected Chairman of the Council for the ensuing year until his successor becomes entitled to act as Chairman.

Councillor Hope thereupon took the Chair, having first made the Declaration of Acceptance of Office as Chairman of Ryedale District Council, and thanked Members for his election.

119 Vote of Thanks to Retiring Chairman

The Chairman proposed and Councillor Raper seconded a vote of thanks to Councillor Arnold.

Upon being put to the vote the motion was carried.

The Chairman then thanked the retiring Chairman, Councillor Arnold, for the efficient, able and courteous manner in which he had carried out his duties and highlighted the excellent work he had done for his charities. The Chairman concluded by presenting a Past Chairman's Badge to Councillor Arnold.

Councillor Arnold responded and thanked his Chaplain, Reverend David Emison, and Members and Officers of the Council for their support during his term of Office as Chairman of the Council.

Mrs Arnold then invested Mrs Hope with the Chairman's Consort's chain and badge of office.

120 Vice Chairman

It was moved by Councillor Knaggs and seconded by Councillor Mrs Cowling that Councillor Mrs Frank be appointed Vice Chairman of the Council for the ensuing year.

Resolved

That Councillor Mrs Frank be appointed Vice Chairman of the Council for the ensuing year.

Having first made the Declaration of Acceptance of Office, as Vice Chairman of the Council, Councillor Mrs Frank thanked Members for her appointment. The Chairman then invested Councillor Mrs Frank with the Vice Chairman's Chain and Badge of Office. Councillor Mrs Frank announced that her consort was to be her daughter Carolyn Frank. The Chairman then invested Carolyn Frank with the Vice Chairman's consort's chain and badge of office.

121 Apologies for absence

Apologies for absence were received from Councillors Mrs Denniss, Fraser, Legard and Mrs Shields.

122 Minutes

The minutes of the last Annual Meeting of Council held on 19 May 2011 (previously circulated) were presented.

Resolved

That the minutes of the last Annual Meeting of Council held on 19 May 2011 be approved and signed by the Chairman as a correct record, with an amendment to Annex A to show Councillors Richardson and Ward as Liberal Group substitutes for the Overview and Scrutiny Committee.

123 Urgent Business

The Chairman reported that there were no items of urgency to report by virtue of Section 100B(4)(b) of the Local Government Act 1972.

124 Declarations of Interest

There were no declarations of interest.

125 Announcements

The Chairman announced:

- (a) That his Chaplain was to be Sister Margaret Ann
- (b) That the Civic Service was to be held on a date to be announced in early 2013, possibly at the end of March
- (c) That his Charities for the year were to be Ryedale Stroke Association and Macmillan Cancer Care.

126 Leader of the Council and Deputy Leader of the Council

It was reported that in accordance with the Council Constitution (Part 4 - Rules of Procedure) the Council may at its Annual Meeting elect a Leader of the Council and a Deputy Leader of the Council for the ensuing year.

It was proposed by Councillor Mrs Cowling and seconded by Councillor Acomb that Ryedale District Council elect a Leader of the Council for the ensuing year.

Upon being put to the vote the motion was carried.

Councillors Andrews and Clark requested that their votes against the motion be recorded.

It was proposed by Councillor Mrs Cowling and seconded by Councillor Acomb that Councillor Knaggs be elected Leader of the Council.

Upon being put to the vote the motion was carried.

Councillors Andrews and Clark requested that their votes against the motion be recorded.

It was moved by Councillor Mrs Cowling and seconded by Councillor Acomb that Ryedale District Council does not appoint a Deputy Leader for the ensuing year.

Upon being put to the vote the motion was carried.

Resolved

- (a) That a Leader of the Council be appointed
- (b) That Councillor Knaggs be appointed Leader of the Council for the ensuing year
- (c) That a Deputy Leader of the Council be not appointed.

127 The Localism Act 2011 - The Amended Local Ethical Framework

It was moved by Councillor Knaggs and seconded by Councillor Cussons that the following recommendations from paragraph 2 a-p of minute 20 of the Standards Committee meeting on 3 May 2012 be approved and adopted:

- 2. That Full Council be recommended that:
 - a) The Authority's duty to promote and maintain high standards of conduct be discharged as listed below and from time to time in such other ways as the Monitoring Officer, in consultation with any Standards Committee established by the Authority, may deem appropriate:-
 - i. Appoint a non-statutory Standards Committee.
 - ii. Adopt new/revise existing ethical statements.
 - iii. Continue to promote ethical issues through planned and monitored Member training, including Member induction training.
 - iv. Produce Standards Bulletins.
 - v. Monitor wider policies, protocols and indicators which point to the ethical health of the Authority.
 - vi. Use of the Authority's website to promote the standards regime ultimately put in place.
 - vii. Publicise when the new/revised Code and supporting standards regime is established by the Authority and from time to time as appropriate.

- viii. Work together with neighbouring authorities, where possible and appropriate, in order to discharge the statutory duty.
- b) The Council establish a politically balanced Standards Committee, meeting not less than twice per annum, with a panel of Members from the Committee meeting on an ad hoc basis to deal with any alleged breach of the new Members' Code of Conduct (with effect from 1 July 2012).
 - c) The draft new Members' Code of Conduct for the Council attached at Appendix 3 to the report, as amended, be approved and effective from 1 July 2012; and that such Code be revised as necessary in the future once the relevant regulations are in force regarding the new statutory interests regime.
 - d) Under the new standards regime effective from 1 July 2012, Members and any co-opted Members should be required to sign an undertaking to comply with the Code before acting in such capacity.
 - e) The Council publicise its adoption of the new Code on the Council's website and Intranet and in any other ways the Standards Committee deems appropriate.
 - f) Provision be included in the Council Procedure Rules requiring Members to withdraw from the meeting room when they have a disclosable pecuniary interest.
 - g) The complaint handling procedure as amended attached to the report at Appendix 6 be approved and effective from 1 July 2012.
 - h) Two Independent Persons be appointed, to be involved on a rota basis;
 - i) The Independent Persons be invited to meetings of the new Standards Committee but not formally co-opted on to the new Committee.
 - j) The Independent Persons be paid expenses in accordance with the Council's Members' Allowances Scheme and that this be considered by the Independent Remuneration Panel in due course.
 - k) The Independent Person vacancies be advertised on the Council's website and through a press release via the Council's arrangements with the local press (and in any other way the Council considers appropriate) and that the Chairman of the Standards Committee with the Monitoring Officer should undertake short-listing of applicants.
 - l) All functions in respect of the publication of Standards Committee Independent Person vacancies be delegated to the Standards Committee and that the Committee then delegates such functions to the Monitoring Officer in consultation with the Chair of the Committee.

- m) The power to assist in the recruitment of Standards Committee Independent Persons (but not to approve individual appointments) be delegated to the Standards Committee.
- n) The Monitoring Officer be designated as Proper Officer to receive written requests for a dispensation by Members and voting co-opted Members, effective from 1 July 2012.
- o) The power to grant dispensations to Members and voting co-opted Members be delegated to the Standards Committee, after consultation with the Independent Person; and that power be delegated to the Monitoring Officer to grant dispensations (after consultation with the Independent Person) where the timescales are such that a Standards Committee meeting cannot be convened and where the Monitoring Officer has consulted every available Member of the Standards Committee, all of whom consent to the granting of the dispensation (all with effect from 1 July 2012).
- p) That the Council Solicitor be authorised to carry out any consequential amendments to the Council's Constitution.

An amendment was moved by Councillor Knaggs and seconded by Councillor Cussons:

To delete paragraph 2 a) i. and 2 b) and replace with "The functions of the Standards Committee shall be performed by the Overview and Scrutiny Committee meeting as a corporate governance committee. Officers are authorised to make such resulting amendments to other recommendations as are necessary."

Upon being put to the vote the amendment was carried.

Councillor Raper then moved and Councillor Mrs Knaggs seconded a further amendment:

"That the template Code of Conduct on pages 51-52 be adopted as our Code of Conduct."

Upon being put to the vote the further amendment was carried.

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

Resolved

That Full Council approve:

- a) The Authority's duty to promote and maintain high standards of conduct be discharged as listed below and from time to time in such other ways as the Monitoring Officer, in consultation with the Overview and Scrutiny Committee established by the Authority, may deem appropriate:-

- i. The functions of the Standards Committee shall be performed by the Overview and Scrutiny Committee meeting as a corporate governance committee. Officers are authorised to make such resulting amendments to other recommendations as are necessary.
 - ii. Adopt new/revise existing ethical statements.
 - iii. Continue to promote ethical issues through planned and monitored Member training, including Member induction training.
 - iv. Produce Standards Bulletins.
 - v. Monitor wider policies, protocols and indicators which point to the ethical health of the Authority.
 - vi. Use of the Authority's website to promote the standards regime ultimately put in place.
 - vii. Publicise when the new/revised Code and supporting standards regime is established by the Authority and from time to time as appropriate.
 - viii. Work together with neighbouring authorities, where possible and appropriate, in order to discharge the statutory duty.
- b) That the template Code of Conduct on pages 51-52 of the agenda be adopted as the Code of Conduct for Members of Ryedale District Council and any co-opted Members with effect from 1 July 2012; and that such Code be revised as necessary in the future once the relevant regulations are in force regarding the new statutory interests regime;
- c) Under the new standards regime effective from 1 July 2012, Members and any co-opted Members should be required to sign an undertaking to comply with the Code before acting in such capacity.
- d) The Council publicise its adoption of the new Code on the Council's website and Intranet and in any other ways the Overview and Scrutiny Committee deems appropriate.
- e) Provision be included in the Council Procedure Rules requiring Members to withdraw from the meeting room when they have a disclosable pecuniary interest.
- f) The complaint handling procedure as amended attached to the report at Appendix 6 be approved and effective from 1 July 2012.
- g) Two Independent Persons be appointed, to be involved on a rota basis;
- h) The Independent Persons be invited to meetings of the Overview and Scrutiny Committee but not formally co-opted on to the Committee.
- i) The Independent Persons be paid expenses in accordance with the Council's Members' Allowances Scheme and that this be considered by the Independent Remuneration Panel in due course.
- j) The Independent Person vacancies be advertised on the Council's website and through a press release via the Council's arrangements with

the local press (and in any other way the Council considers appropriate) and that the Chairman of the Overview and Scrutiny Committee with the Monitoring Officer should undertake short-listing of applicants.

- k) All functions in respect of the publication of Overview and Scrutiny Committee Independent Person vacancies be delegated to the Overview and Scrutiny Committee and that the Committee then delegates such functions to the Monitoring Officer in consultation with the Chair of the Committee.
- l) The power to assist in the recruitment of Overview and Scrutiny Committee Independent Persons (but not to approve individual appointments) be delegated to the Overview and Scrutiny Committee.
- m) The Monitoring Officer be designated as Proper Officer to receive written requests for a dispensation by Members and voting co-opted Members, effective from 1 July 2012.
- n) The power to grant dispensations to Members and voting co-opted Members be delegated to the Overview and Scrutiny Committee, after consultation with the Independent Person; and that power be delegated to the Monitoring Officer to grant dispensations (after consultation with the Independent Person) where the timescales are such that an Overview and Scrutiny Committee meeting cannot be convened and where the Monitoring Officer has consulted every available Member of the Overview and Scrutiny Committee, all of whom consent to the granting of the dispensation (all with effect from 1 July 2012).
- o) That the Council Solicitor be authorised to carry out any consequential amendments to the Council's Constitution.

128 **The Allocation of Seats on Committees Between Political Groups and the Appointment of Members to Committees**

The Chief Executive submitted a report (previously circulated) which detailed the following:

A. Committees for 2012-2013

In accordance with the Council's Constitution, the Council was requested to appoint the Committees as indicated in Annex B/1 as presented to the Council by the Chief Executive.

B. The allocation of seats on Committees between political groups and the appointment of Members to Committees

Ryedale District Council was to be treated as being divided into different political groups for the purposes of the Local Government & Housing Act

1989, because at least one political group had been constituted in the prescribed way.

The Local Government & Housing Act 1989 required the distribution of seats on committees and sub-committees to be on the basis of political proportionality so far as 'reasonably practicable' unless different provision is made in such manner prescribed by regulations and without any Member voting against them.

The terms of reference of the Policy & Resources Committee, Commissioning Board, Licensing Committee, Overview & Scrutiny Committee and the Standards Committee were those as set out in Part 3 of the Council's Constitution.

A revised Annex B/1 was tabled at the meeting.

The first matter for Council to consider was which of two options it wished to adopt with regards to a Community Investment Fund Committee:

1. The first option was Annex A of the report with the Community Investment Fund Committee;
2. The second option was Annex B/1 of the report without a Community Investment Fund Committee.

It was moved and seconded that the Community Investment Fund Committee be replaced by a Community Investment Fund Panel as a working party of the Policy and Resources Committee with a membership of 4 Conservatives, 1 Liberal, 1 Independent and 1 Liberal Democrat.

Upon being put to the vote the motion was carried.

Members then considered the recommendations in the report.

Recommendation 1

With reference to recommendation (1) it was moved and seconded that the Council's Committees be those as specified in Annex B/1, previously circulated, with the Standards Committee ceasing to exist on 1 July 2012. Upon being put to the vote the motion was carried.

Recommendation 2

With reference to recommendation (2) of the report it was moved and seconded that the size of the Council's Committees be as specified in Annex B/1, previously circulated. Upon being put to the vote the motion was carried.

Recommendation 3

With reference to recommendation (3) of the report, it was moved and seconded that the Council divide Committee seats between political groups in accordance with the allocation shown at Annex B/1, previously circulated. Upon being put to the vote the motion was carried.

Recommendation 4

Annex C, which set out the nominations to Committees received from the Political Groups was circulated at the meeting.

Although the Liberal Group had been allocated 2 seats on the Planning Committee, Councillor Clark reported that the Liberal Group wished to make only one nomination to the Planning Committee and that accordingly the Council could appoint a Member outside the Liberal Group to that seat on the Planning Committee. It was moved by Councillor Clark and seconded by Councillor Mrs Burr that the unfilled seat be allocated to Councillor Andrews. It was also moved by Councillor Mrs Goodrick and seconded by Councillor Raper that the unfilled seat be allocated to Councillor Fraser. Upon being put to the vote, the seat was allocated to Councillor Fraser.

It was moved and seconded that Annex C as circulated and amended at the meeting be approved. Upon being put to the vote the motion was carried.

Recommendation 5

With reference to recommendation (5) of the report, it was moved and seconded that the Membership of the Licensing committee be the same as appointed to the Commissioning Board. Upon being put to the vote, the motion was carried.

Recommendation 6

With reference to recommendation (6) of the report, Members were reminded that the Annual Meeting of Council elected the Chairmen and Vice Chairmen of Committees, with the exception of the Standards Committee and the Licensing Committee.

It was recommended that the Standards Committee and the Licensing Committee appoint their own Chairmen and Vice-Chairmen at their next meetings in June 2012.

Nominations were then sought for the Chairmen and Vice Chairmen of Committees.

Recommendations 7 to 11

It was moved and seconded that recommendations (7) to (11) of the report be approved

Resolved

- (a) That the Community Investment Fund Committee be replaced by a Community Investment Fund Panel as a working party of the Policy and Resources Committee with a membership of 4 Conservatives, 1 Liberal, 1 Independent and 1 Liberal Democrat.
- (b) That the Council appoints those Committees indicated at Annex B/1 of the report with the Standards Committee in Part 2 ceasing to exist on 1 July 2012;
- (c) That the size of Committees be as specified at Annex B/1, previously circulated;
- (d) That the Council divides Committee seats between political groups as set out in Annex B/1, previously circulated;
- (e) That membership of Committees be as indicated at Annex A to these minutes;
- (f) That the membership of the Licensing Committee be the same Members as appointed to the Commissioning Board;
- (g) That, with the exception of the Standards Committee and the Licensing Committee Chairmen and Vice Chairmen, who were to be appointed at the respective Committee meetings in June, the Chairmen and Vice-Chairmen of Committees be appointed as follows:

Policy & Resources Committee

- (i) Chairman Councillor G Acomb
- (ii) Vice-Chairman Councillor E Legard

Commissioning Board

- (i) Chairman Councillor Mrs L Cowling
- (ii) Vice-Chairman Councillor Mrs J Frank

Overview & Scrutiny Committee

- (i) Chairman Councillor C R Wainwright
- (ii) Vice-Chairman Councillor Mrs E L Shields

Planning Committee

- (i) Chairman Councillor J R Raper
- (ii) Vice-Chairman Councillor J Windress

- (h) That Mrs Gill Baker, Mr Ian Hamilton and Mr Colin Langley (Independent Members) be co-opted to the Standards Committee;
- (i) That Mrs S Butler, Mr B Cole and Mr H Spencer (Parish Council Representatives) be co-opted to the Standards Committee;
- (j) That the size and the terms of reference of the Policy & Resources Committee, Licensing Committee, Commissioning Board, Overview & Scrutiny Committee, Planning Committee and Standards Committee and the Scheme of Officer Delegation be those as set out in Part 3 of the Council's Constitution;
- (k) That the existing Resources Working Party meeting with its existing membership be established to meet on 6 June 2012;
- (l) That the Chief Executive be authorised to make consequential amendments to the Constitution arising from the changes referred to above.

129 Appointment of Representatives on Outside Organisations

Members considered a list of outside organisations and the appointment or nomination of representatives to serve on the various bodies.

Resolved

That the appointment or nomination of representatives to serve on outside organisations be as indicated in Annex B to these minutes.

130 Appointment of Member Champions

A list of the current appointments was submitted for consideration.

Resolved

That Member Champions be appointed as follows:

<u>Subject/Service</u>	<u>Member</u>
Children & Young People	Councillor Mrs Sanderson
IT	Councillor Ives
Older People/Adult Safeguarding	Councillor Mrs Knaggs
Equalities	Councillor Walker
Staff Issues	Councillor Mrs Burr
Waste Management	Councillor Mrs Cowling

Parish/Town Councils
Sport & Physical Recreation
Health & Safety Enforcement

Councillor Acomb
Councillor Fraser
Councillor Hope

131 **Police and Crime Panel Arrangements**

The Council Solicitor submitted a report (previously circulated) which enabled the establishment of a Police and Crime Panel with other Councils for North Yorkshire to support and scrutinise the work of the Police and Crime Commissioner for North Yorkshire as required by the Police Reform and Social Responsibility Act 2011.

Councillor Mrs Goodrick moved and Councillor Mrs Burr seconded recommendation A in the report.

Upon being put to the vote, the motion was carried.

Councillor Mrs Goodrick then moved and Councillor Raper seconded that Councillor Hope be nominated as the Council's representative on the Panel.

Upon being put to the vote, the motion was carried.

Resolved

- A. That the Council agrees the proposed arrangements for the North Yorkshire Police and Crime Panel as a joint committee of Craven District Council, Hambleton District Council, Harrogate Borough Council, North Yorkshire County Council, Richmondshire District Council, Ryedale District Council, Scarborough Borough Council, Selby District Council and City of York Council; and
- B. That the Council appoints Councillor Hope to the panel.

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

There being no urgent business, the Chairman declared the meeting closed at 5.12 pm.