

# Public Document Pack

## 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 4 July 2013**

## Present

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Councillors    Acomb  
                    J Andrews  
                    P J Andrews  
                    Arnold  
                    Mrs Burr MBE  
                    Clark  
                    Collinson  
                    Mrs Cowling  
                    Cussons  
                    Mrs Frank (Chairman)  
                    Fraser  
                    Mrs Goodrick  
                    Hawkins  
                    Hicks  
                    Mrs Hopkinson (Vice-Chairman)  
                    Ives  
                    Mrs Keal  
                    Maud  
                    Richardson  
                    Mrs Sanderson  
                    Mrs Shields  
                    Wainwright  
                    Walker  
                    Ward  
                    Windress  
                    Woodward

## In Attendance

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Simon Copley  
Paul Cresswell  
Janet Waggott  
Anthony Winship

## Minutes

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### 30      **Apologies for absence**

Apologies for absence were received from Councillors Bailey, Hope, Legard and Raper.

31 **Public Question Time**

There were no public questions.

32 **Minutes**

The minutes of the Ordinary Meeting of Council held on 16 May 2013 were presented.

**Resolved**

That the minutes of the Ordinary Meeting of Council held on 16 May 2013 be approved and signed by the Chairman as a correct record, subject to an amendment to add the wording “and make a commitment to retain a facility in Norton-on-Derwent” to part (iii) of the recommendation of the Commissioning Board and the resolution under minute 23 (Part B Items) – minute 113 (Sport and Active Lives Strategy).

33 **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).

34 **Declarations of Interest**

The following interests were declared:

Councillor Acomb declared a personal non-pecuniary but not prejudicial interest in agenda item 10 – minute 9 (Ryedale Development Fund – Major Projects) as the Council’s representative on the Milton Rooms Management Committee.

Councillor Paul Andrews declared a personal non-pecuniary but not prejudicial interest in agenda item 10 – minute 9 (Ryedale Development Fund – Major Projects) as a member of the Milton Rooms Management Committee.

Councillor Clark declared a personal non-pecuniary but not prejudicial interest in agenda item 10 – minute 8 (Tour de France – Financial Contribution) as North Yorkshire County Councillor and in agenda item 10 – minute 9 (Ryedale Development Fund – Major Projects) as a user of the current livestock market and a potential user of any future livestock market.

Councillors Cussons declared a personal non-pecuniary but not prejudicial interest in agenda item 10 – minute 9 (Ryedale Development Fund – Major Projects) as a user of the livestock market.

Councillor Fraser declared a personal non-pecuniary but not prejudicial interest in agenda item 10 – minute 13 (Capital Funding for Derwent and Ryedale

Pools) as the Council's representative on the Board of Community Leisure Limited (CLL).

Councillor Hicks declared a personal non-pecuniary but not prejudicial interest in agenda item 10 – minute 9 (Ryedale Development Fund – Major Projects) as a user of the livestock market.

Councillor Mrs Hopkinson declared a personal non-pecuniary but not prejudicial interest in agenda item 10 – minute 9 (Ryedale Development Fund – Major Projects) as a member of the Milton Rooms Management Committee.

Councillor Ives declared a personal non-pecuniary but not prejudicial interest in agenda item 10 – minute 13 (Capital Funding for Derwent and Ryedale Pools) as a user of Derwent Pool.

Councillor Mrs Keal declared a personal non-pecuniary but not prejudicial interest in agenda item 10 – minute 9 (Ryedale Development Fund – Major Projects) as a member of the Milton Rooms Management Committee.

Councillor Mrs Sanderson declared a personal non-pecuniary but not prejudicial interest in agenda item 10 – minute 8 (Tour de France – Financial Contribution) as a North Yorkshire County Councillor.

Councillor Woodward declared a personal non-pecuniary but not prejudicial interest in agenda item 10 – minute 8 (Tour de France – Financial Contribution) as his wife ran a bed and breakfast business.

## 35 **Announcements**

The Chairman made the following announcements:

- To remind Members of the York Potash presentation at 6.30pm on Tuesday 9 July 2013.

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

1. Councillor Wainwright submitted the following question:

To Councillor Mrs Cowling, Leader of Council:

“Cllr Mrs Cowling, would you agree with me that the almost £800,000 of the Council's scarce resources used to purchase Harrison House and the £300,000 which will be required to refurbish the building and divide the interior into four separate work units will be money well spent?”

The Leader of Council, Councillor Mrs Cowling replied

*“Yes, Cllr Wainwright, I certainly would agree with you. The reasons why we bought Harrison House and have refurbished the interior to divide it into 4 separate units are still as valid today as they were then.*

*The Council has an agreement to sell WSCP with vacant possession – the tenants of Community House are relocating to Harrison House. Harrison House will be a much more accessible venue for the CAB and the RVA – it is next to the Railway Station, very close to the bus station and has car parking near by.*

*We had hoped that the library would join us at Harrison House but that proved not to be possible.*

*However there is interest in the remaining two units and it is expected that, once the work is completed, we shall have no problems finding tenants. We are already very close to finalising agreement with a tenant for the upper floor of the new part of the building.”*

Councillor Wainwright asked the following supplementary question:

Given the proposal to spend £400k on pools refurbishment and £25k on the Milton Rooms, in addition to what was spent in 2009, why cannot we stop the sale of the Bowling Club and split it into two units to provide a more user friendly facility for the general public?

Councillor Mrs Cowling promised a full written reply but gave a brief initial verbal response:

*The decision to sell the Bowling Club with vacant possession could not be changed. Ball park figures suggest that the cost of sub-dividing the building would be almost as much as the Club was worth.*

2. Councillor Clark submitted the following question:

To Councillor Mrs Cowling, Leader of Council:

“Is the Leader of Council aware that:

“Regulations of Investigatory Powers Act 2000 allows legitimate interceptions of communications if the controller has made reasonable efforts to inform potential users that interceptions may be made and thus they have no reasonable expectation of privacy in relation to their communications.”?

Does she believe that RDC complies with this regulation?”

The Leader of Council, Councillor Mrs Cowling replied

*“I have taken Officer advice in replying to this question.*

*I am not aware of the existence of the quote .*

*Ryedale District Council does comply with the Regulation of Investigatory Powers Act 2000.*

*Local authorities have no power to intercept communications.*

*Local authorities can only acquire communications data under Part I Chapter 2 of Regulation of Investigatory Powers Act 2000 and, even then, there are restrictions prescribed by Parliament, on the statutory purposes for which local authorities may acquire data; on the type of data local authorities may acquire; which senior officials within local authorities may exercise the power to obtain data; and which individuals within public authorities may undertake the work to acquire the data.*

*Local authorities are only permitted to acquire subscriber data or service use data under Sections 21(4) (c) and (b) respectively, but they cannot acquire traffic data under Section 21(4) (a) and they CANNOT intercept the content of any communications.*

*Local authorities may only use their communications data powers where they have a clear statutory duty and responsibility to conduct a criminal investigation. Generally the trading standards departments are the principal users of communications data within local authorities, although the environmental health departments and housing benefit fraud investigators also occasionally make use of the powers. Local authorities enforce numerous statutes and use communications data to identify criminals who persistently rip off consumers, cheat the taxpayer, deal in counterfeit goods, and prey on the elderly and vulnerable. The environmental health departments principally use communications data to identify fly-tippers. There is no requirement in Part I Chapter 2 of RIPA to inform individuals when their communications data has been acquired, and indeed to do so could prejudice an investigation.*

*In terms of usage of communications data powers - Ryedale Council has reported a NIL return every year in response to the annual statistics letter. So Ryedale District Council have never even used these powers under Part I Chapter 2 of RIPA.”*

Councillor Clark requested a copy of the answer to his question in writing for all Members and asked the following supplementary question:

Why do we tell people that their emails may be monitored and recorded after they have entered into correspondence with us rather than beforehand? Is the Leader confident that this is legal and right?

Councillor Mrs Cowling replied that a written answer would be provided.

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

Councillor Mrs Cowling, the Leader of the Council, presented the following statement:

*“Perhaps the first things you will be waiting to hear about tonight are the implications of the recent spending review on Ryedale.*

*To date we know that we shall be approximately 10% worse off although the implications on Ryedale’s financial position will not be known in detail for some time. However the bad news is that our New Homes Bonus (NHB) will be topsliced by 35% to fund our Local Economic Partnership (LEP) from 2015/16 which will be a loss of income to this council of approximately £440k each year from then on. So we need to work with the LEP to make sure that this money is not lost to Ryedale residents, but ends up being a benefit, perhaps linked to the schemes which will form part of our Community Infrastructure Levy (CIL) program of work, or that the LEP must now do a lot more for housing in our district. There is a meeting of our LEP tomorrow and I am attending that meeting as the substitute member representative for Scarborough and Ryedale.*

*Increasingly the disparity between the sparse and urban area spending is becoming a problem – as is the divide between North and South spending per head of population. To some extent this is being addressed by the Rural Services Network and a Sparsity differential has been introduced.*

*Analysis by the Special Interest Group of Metropolitan Authorities (SIGOMA), for example, has shown that the cumulative pressures on local government funding between 2010 and 2012 has already amounted to a cut per person in Yorkshire and Humber of around £140; almost double the average cut per person across England of around £80; and even compares to an overall funding increase in London of around £45 per person.*

*SIGOMA is also forecasting that the cumulative impact by 2017-18, of all these various changes, shows a total funding reduction of £2.7billion across Yorkshire and Humber – or around £502 per head of population. This compares to an equivalent of only £352 per head in London and just £256 per head in the wider South East.*

*These increased cuts are bound to have the effect of bringing forward plans for collaborative working with existing and new partners and the voluntary and community sector. We are going to have to focus on what is really important to Ryedale. There is a direct link to this on our agenda tonight – the Council Plan which we shall be reaffirming or changing - as the case may be – tonight. I am really pleased with the information in this plan – it is a strong reflection of what can be achieved with dedicated and loyal staff. And they remain just that – dedicated, loyal and hard working – despite all that has been thrown at them and all the difficult times that they know are in front of us. I think it says a lot for member/officer working relationships that we continue to maintain an optimistic outlook for the future for Ryedale.*

*This is reflected in the items that are on our agenda tonight*

- 1. Investment in our swimming pools*
- 2. Investment in the Tour de France*

3. *Investment in schemes to support businesses – funded from The Ryedale Development Fund –*
  - a. *The Milton Rooms*
  - b. *The Livestock Market*
  - c. *Fera*

*At this point I would like to give you a brief update on where we are with some of our current schemes.*

1. *Livestock Market – we have two organisations ready to continue the market when the current operation ceases in October – the last piece of the jigsaw is the decision by the Fitzwilliam Estate to grant a short term lease to one of these organisations*
2. *Ryedale Indoor Bowls Club (RIBC) – the registration of the building as a community asset was completed on the 26<sup>th</sup> June and we now await an application by a community group to register an interest in purchasing the building/site, that would put the sale on hold to next year.*
3. *Wentworth Street Car Park (WSCP) – hopefully the re-submitted planning application from GMI Holbeck will be with us soon and we will be able to move on to the next stage*

*Looking ahead to the forward plan we shall be considering the adoption of our Local Plan, deciding if we want to continue to support our Local Communities through grants and last but not least continuing with our work on making ends meet with an ever decreasing budget!*

*Unfortunately the Local Plan process has been delayed because of the need to re-consult briefly because of the new statement on renewable energy.”*

The following questions were received on the Leader’s Statement:

1. From Councillor Clark

*“Yes Chair I have one or two questions. Would you not agree with me, our Leader, that it is in fact, this document and statement, that it is facing in two directions at the same time? We have your penultimate paragraph on the first side - We need to focus on what is really important to Ryedale - yet we're putting money into the Tour de France.*

*You are saying we need an optimistic outlook for the future, at the same time as we have a government that is making massive cuts that you've laid out above. How can you be optimistic when the health and wellbeing of our people is being attacked?”*

The Leader replied:

*“You said that the document is facing in two directions, well of course I wouldn't agree with that would I. I think it is an optimistic document and*

*we have to focus on what is important to Ryedale and I happen to think that the Tour de France is important to Ryedale. We're not an island, we're not here in isolation, we are part of Yorkshire and the Tour de France is a massive chance for the whole of Yorkshire. The amount of money is, I think, fairly well published - I think it's running in the order of £20 million that we're expected to benefit from it and I'm quite sure that some of that will end up in Ryedale.*

*Yes there are massive cuts coming and there have been massive cuts and this Council is coping with them very well."*

2. From Councillor Ward

"As the Conservative Leader of a Conservative controlled Council and the Conservative Group, could you please tell the Council what you are doing to lobby the Conservative Government about making these cuts, which are going to impact on our services and our staff, or whether you are just accepting the top-slicing of our New Homes Bonus (NHB) and the scale of the cuts as something that's perfectly OK?"

The Leader replied:

*"Thank you for that question. Yes I absolutely agree with you Sarah. Yes we do need to do something and I don't think we can do it in isolation. I think that the top-slicing of the NHB, what we've got to do is make sure that the money that we put into the LEP comes back into Ryedale and comes back with extra cash with it. The LEP has quite a large budget and, again, I hope I shall find out more about that tomorrow and have good news to report back.*

*As for lobbying, it's something we've talked about as a group recently and yes, I do agree with you but the thing that I'm particularly interested in lobbying on is the disparity in the funding that the South of England gets and that we get. Nothing can convince me that that disparity is correct."*

3. From Councillor Richardson

"Just two questions on this. With regard to the NHB - when was this agreed and who agreed it for Ryedale? I'm unaware of that one and, ahead of the curve, on the new statement on renewable energy, could you clarify what that's about? Is it to do with 10% that we had binned in the local plan originally or is it something else?"

The Leader replied:

*"The top slicing of the NHB was part of the recent spending review (26 June) and we are still working through the effects that will have on the*



*Council. The statement on renewable energy, I will get Jill to send you a copy of why we had to..... It was to do wind farms, I'm pretty sure...?"*

4. From Councillor Clark

"You've reassured us that this document doesn't face in two directions, yet you say in the penultimate paragraph that we want to continue to support our local communities through grants. I wonder if you could explain to me how, if that is the case, the grants budget was shoved into the slush fund? Or, as you call it, the unallocated, which means slush to everyone else."

The Leader replied:

*"The money that was remaining in the Community Investment Fund was moved to the "slush fund" for future allocation and this Council is going to consider whether or not it wishes to continue with community grants or not - as the decision may come from the Council. I can't make that decision."*

Councillor Clark then asked the following supplementary question:

"Is there not an area of inaccuracy in there? It wasn't just the money from the CIF fund - I think we're all agreed that the CIF money had to go somewhere - but wasn't it other grants money as well, because I think it was Cllr Ives that moved this and he moved it down to that last tuppence ha'penny because we had a joyful thing of quoting how many single pounds it was, £49,049.02 or whatever? That is the money I'm asking about, not the money from the CIF fund. I might be wrong but I don't think so."

The Leader then replied:

*"That was exactly the amount of money that was in the CIF fund."*

5. From Councillor Woodward

"Going back to doing things that are important to the people of Ryedale - focussing I think was the word - focussing on what is really important to the people of Ryedale. Cllr Cowling referred to £20 million of investment coming because of the Tour de France. Is this extra investment? Where are those figures from? How much of that is going to be spent in Ryedale? She says she hopes that some of it is but how much of it? Where is the proof of how much of it's going to be spent in Ryedale? Is that extra money that again would be spent on top of a normal July weekend in Ryedale? Could we have a few more figures than plucking £20 million from somewhere, that she can't remember where and she doesn't know how much of it's going to come to Ryedale?"

The Leader replied:

*“You know very well that I can't answer those questions. How can I say how much will be spent in Ryedale, how much we shall benefit from the Tour de France?”*

Councillor Woodward then asked the following supplementary question:

“Where did you get those figures from?”

The Leader then replied:

*“I believe the £20 million was in the Yorkshire Post.”*

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

**Commissioning Board – 6 June 2013**

**Minute 13 – Capital Funding for Derwent and Ryedale Pools**

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

That Council be recommended to approve the sum of £365,000 in the Capital programme for works to Ryedale and Derwent Pools for the period up to 31 March 2017.

Councillor Mrs Cowling moved and Councillor Fraser seconded the following amendment:

That this item is referred back (with the exception of essential works to replace the flat roof at Derwent Pool which will be delegated to the Head of Environment in consultation with the Chairman of Commissioning Board) to Commissioning Board for further information. This information to include costs of the essential works in order of priority to enable an informed decision to be made regarding the future of Derwent Pool.

Upon being put to the vote the amendment was carried.

Councillor Clark then moved and Councillor Woodward seconded a further amendment to delete the following wording:  
(with the exception of essential works to replace the flat roof at Derwent Pool which will be delegated to the Head of Environment in consultation with the Chairman of Commissioning Board)

Upon being put to the vote the amendment was lost.

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

### **Resolved**

That this item is referred back (with the exception of essential works to replace the flat roof at Derwent Pool which will be delegated to the Head of Environment in consultation with the Chairman of Commissioning Board) to Commissioning Board for further information. This information to include costs of the essential works in order of priority to enable an informed decision to be made regarding the future of Derwent Pool.

## **Policy and Resources Committee – 20 June 2013**

### **Minute 8 – Tour de France – Financial Contribution**

It was moved by Councillor Mrs Cowling and seconded by Councillor Mrs Shields that the following recommendations of the Policy and Resources Committee be approved and adopted.

That Council is recommended to approve a contribution of £10,000 to the Tour De France Grand Départ staging costs in 2014 financed from the unallocated revenue provision.

Upon being put to the vote the motion was carried.

### **Recorded Vote**

#### For

Councillors Acomb, Paul Andrews, Arnold, Collinson, Mrs Cowling, Cussons, Mrs Frank, Fraser, Mrs Goodrick, Hawkins, Hicks, Mrs Hopkinson, Maud, Mrs Sanderson, Mrs Shields, Wainwright and Windress

#### Against

Councillors Joy Andrews, Clark, Ives, Richardson, Walker, Ward and Woodward

#### Abstentions

Councillors Mrs Burr and Mrs Keal

### **Resolved**

That Council approve a contribution of £10,000 to the Tour De France Grand Départ staging costs in 2014 financed from the unallocated revenue provision.

### **Minute 9 – Ryedale Development Fund – Major Projects**

The following recommendations of the Policy and Resources Committee were considered for approval and adoption:

That Council is recommended to approve that:

- i. Subject to the specified conditions being met, delegation be granted to the Head of Economy and Infrastructure, in consultation with the Chairman of the Policy and Resources Committee, to award up to £25k of the RDF Major Projects funding towards the progression of each of the following initiatives:
  - a) Malton Livestock Market – (This award to be as an interest free loan)
  - b) Milton Rooms Improvement
  - c) Fera Applied Innovation Campus; and
- ii. That a report be presented to a future meeting of this Committee to consider the remaining funding for the deferred projects; Employment Land at Pickering, Investigation of a Kirkbymoorside Engineering Park, High Speed Broadband to Ryedale Business Parks, Expansion of Derwent Training and A64 Improvements.

These moved, seconded, debated and voted on in parts.

Councillor Mrs Cowling moved and Councillor Acomb seconded recommendation i.a). Upon being put to the vote, the motion was then carried.

Councillors Mrs Cowling moved and Councillor Mrs Burr seconded recommendation ii.b).

Councillor Mrs Goodrick moved and Councillor Clark seconded the following amendment:

To add at the end of b) Milton Rooms improvement

that the result of that options appraisal is considered by the P&R committee, together with information of the work necessary to progress the preferred option prior to the implementation of the delegated approval.

Upon being put to the vote the amendment was carried.

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

Councillor Mrs Cowling moved and Councillor Acomb seconded recommendation i.c). Upon being put to the vote, the motion was then carried.

Councillor Mrs Cowling moved and Councillor Acomb seconded recommendation ii. Upon being put to the vote, the motion was then carried.

### **Resolved**

That Council approved:

- i. Subject to the specified conditions being met, delegation be granted to the Head of Economy and Infrastructure, in consultation with the Chairman of the Policy and Resources Committee, to award up to £25k of the RDF Major Projects funding towards the progression of each of the following initiatives:
  - a) Malton Livestock Market – (This award to be as an interest free loan)
  - b) Milton Rooms Improvement - that the result of that options appraisal is considered by the P&R committee, together with information of the work necessary to progress the preferred option prior to the implementation of the delegated approval.
  - c) Fera Applied Innovation Campus; and
- ii. That a report be presented to a future meeting of this Committee to consider the remaining funding for the deferred projects; Employment Land at Pickering, Investigation of a Kirkbymoorside Engineering Park, High Speed Broadband to Ryedale Business Parks, Expansion of Derwent Training and A64 Improvements.

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

1. It was moved by Councillor Mrs Goodrick and seconded by Councillor Clark

It is proposed that a Special Meeting of Council be arranged to confer the honour of Honorary Alderman on Keith Knaggs in recognition of 22 years distinguished service as a Member of Ryedale District Council.

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

2. It was moved by Councillor Clark and seconded by Councillor Woodward

Ryedale Council has an objective of increasing the average wage level in Ryedale. So as to set an example and show sound leadership this council resolves to:

- i) “Pay all RDC employees at the living wage or above”

and

- ii) “That preference will be given to external contracts where the applicant pays the living wage or above.”

Any cost of the above to be financed in 2013/14 year from the unallocated provision.

The Chairman referred the motion to the Policy and Resources Committee under Council Procedure Rule 11.4.

40 **Delivering the Council's Priorities 2013-2017**

The Chief Executive submitted a report (previously circulated) which presented the delivery against the Council's priorities in 2012/13 to Council, summarised the challenges facing the Council for the next 12 months and reaffirmed the Aims and Strategic objectives of the Council Plan for 2013/14 within this context.

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

**Resolved**

- (i) That Members note the progress made by the Council in delivering its priorities in 2012/13 and agree the challenges to be faced in 2013/14.
- (ii) That Members agree the Aims and Strategic Objectives of the Council Plan for 2013/17.

[Note – Councillor Paul Andrews requested that his abstention in the vote on the recommendations be recorded.]

41 **Treasury Management Annual Report 2012/13**

The Corporate Director (s151) submitted a report (previously circulated) which, as required by regulations issued under the Local Government Act 2003, provided an annual treasury management review of activities and the actual prudential and treasury indicators for 2012/13.

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

**Resolved**

That Council:

- (i) Note the annual treasury management report for 2012/13; and
- (ii) Approve the actual 2012/13 prudential and treasury indicators in this report.

42 **Changes to Committee Membership**

**Resolved**

That the following changes to committee membership be approved:

(i) Councillor Mrs Goodrick to replace Councillor Mrs Frank on Planning Committee.

(ii) Councillor Cussons to replace Councillor Hicks on Overview and Scrutiny Committee.

43 **Representation on Outside Organisations**

**Resolved**

That the Deputy Leader of Council be appointed as the substitute on Local Government York and North Yorkshire.

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

There being no other business, the meeting closed at 9.25pm.

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## 4 July 2013 – Responses to Supplementary Questions

### **Supplementary Question to the Leader from Cllr Wainwright**

Councillor Wainwright asked the following supplementary question:

Given the proposal to spend £400k on pools refurbishment and £25k on the Milton Rooms, in addition to what was spent in 2009, why cannot we stop the sale of the Bowling Club and split it into two units to provide a more user friendly facility for the general public?

Councillor Mrs Cowling promised a full written reply but gave a brief initial verbal response:

*The decision to sell the Bowling Club with vacant possession could not be changed. Ball park figures suggest that the cost of sub-dividing the building would be almost as much as the Club was worth.*

### **Further to the above response I would like to add the following.**

Harrison House is a very different building to the Bowls Club. It has natural separation between the floors and new and old parts of the building having been used as office accommodation. As a result the costs of separating Harrison House so that it can be let as four separate units are not high. The main costs are around the separation of utility supplies. The total cost of the works to separate the units at Harrison House are expected to be under £10,000.

Officers have met with the representatives of the new organisation who are forming to consider bidding to buy the club, involving former members of the bowls club. This group have stated that the costs of converting and separating the bowls club could be as much as the purchase price itself.

If the Council spent this money to split the Bowls Club it would be reasonable to expect a market rent for the site, which would include the value derived from the conversion costs. I do not believe that such tenants would be forthcoming.

Spending money on the pools will ensure their sustainability, if money is not invested Ryedale District Council will not be providing two pools as it stated it wanted to in the approved sports strategy, and a service provided by the Council would be cut. The Milton Rooms are the Council's responsibility under long lease. Any proposed investment by the Council is to help it manage the costs of the obligations under the lease and achieve the Council's objectives. Pools provision and the Milton Rooms are the Council's responsibility, Indoor Bowls provision is not the Council's responsibility.

### **Supplementary Question to the Leader from Cllr Clark**

I must advise you that I have relied on officer advice in replying to your question.

The supplementary question you have asked is as follows:-

*“Why do we tell people that their e-mails may be monitored and recorded after they have entered into correspondence with us rather than beforehand? Is the Leader confident that this is legal and right?”*

Your supplementary question is believed to relate the District Council’s standard footer on e mail communications with local residents and others which includes the following statement:-

*“All GCSx traffic may be subject to recording and/or monitoring in accordance with relevant legislation.”*

You appear to be concerned about why the Council informs people that their emails may be monitored and recorded after they have entered into correspondence with the District Council rather than beforehand.

As you will be aware, in order to comply with the first principle of the Data Protection Act 1998, data controllers need to consider whether their proposed processing of personal data will fall within the reasonable expectations of the data subject(s). If they believe that it may fall outside of reasonable expectations, then the Information Commissioner would expect that fair processing information should be provided to the individuals concerned. Fair processing information should generally be provided at the earliest possible opportunity, that is, when the individual’s personal data are first gathered or as soon as is practicable thereafter. This requirement is explained further in the interpretation of the first principle which is set out in Schedule I Part II Sections 1-4 which is available from the following link:-

<http://www.legislation.gov.uk/ukpga/1998/29/schedule/1>

In particular, you will note from the above that the interpretation refers to the need for fair processing information to be provided *“before the relevant time or as soon as practicable after that time.”* The relevant time is defined in the interpretation and generally means the time when the data controller first processes the data.

Clearly, data controllers can explore all available means of providing fair processing information before they actually start processing an individual’s personal data (eg through the use of privacy statements, website statements etc). Nevertheless, there will be occasions when their first contact with an individual may be upon receipt of an email from that person in which case the email disclaimer may be the first opportunity to provide fair processing information. This is why the interpretation allows for the possibility that fair processing information can be provided *“as soon as is practicable thereafter.”*

It must be made clear that the monitoring of GCSx traffic is only used in specific circumstances and therefore, a data controller, could in each case consider whether they could rely on one of the exemptions in the Data Protection Act 1998, even if fair processing information had not been provided to the individuals concerned (as may be the case with the first piece of correspondence received from an individual). As you will be aware, exemptions such as Sections 29 (Crime and Taxation) and 35(1) (Disclosures required by law or made in connection with legal proceedings) of the Data Protection Act 1998 can be used on a case by case basis if the data controller believes they can satisfy the conditions of the exemption.

Finally it must be pointed out that the statement that goes on the District Council's e-mails are referring to lawful business monitoring and not Part I Chapter 1 of the Regulation of Investigatory Powers Act 2000 relating to interception of communications which was the subject of your main question.

I have been advised that the District Council is acting in accordance with the law in relation to the above.

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