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Policy and Resources Committee

Held at Council Chamber, Ryedale House, Malton
on Thursday 24 June 2010

Present

Councillors Acomb, Bailey, Mrs Burr MBE, Mrs Hodgson, Keal, Knaggs, Wainwright (Chairman) and Woodward

Substitutes: Councillor Mrs L Cowling and Councillor E Hope

By Invitation of the Chairman:

Overview & Scrutiny Committee Observers: Councillors Clark, Mrs de Wend Fenton and Mrs Shields

In Attendance

Nicki Lishman, Jill Baldwin, Simon Copley, Paul Cresswell and Janet Waggott

Minutes

1 Apologies for absence

Apologies for absence were received from Councillors Legard and Arnold.

2 Minutes of the Meeting Held on 1 April 2010

Resolved

The minutes of a meeting of the Policy and Resources Committee held on 1 April 2010 be approved and signed by the Chairman as a correct record.

3 Urgent Business

The Chairman reported that there were no items of urgent business to be considered at the meeting.

4 Declarations of Interest

Councillor Mrs Burr declared a personal interest in Item 13 Wentworth Street Car Park, Malton as the owner of property in Malton and Item 15 Pickering Flood Storage Proposals as the owner of property in Pickering that had been flooded in the past.

Councillor Mrs Cowling declared a personal interest Item 15 Pickering Flood Storage Proposals as the owner of property in Pickering that had been flooded in the past.

Councillor Knaggs declared a personal interest in Item 13 Wentworth Street Car Park and Item 15 Pickering Flood Storage Proposals as he had discussions with people and organisations regarding these matters.

5 Minutes of a Meeting of the Resources Working Party held on 8 June 2010

Resolved

That the minutes of the Resources Working Party held on 8 June 2010 be approved and signed by the Chairman as a correct record.

6 Appointment of Working Parties/Sub-Committee

Resolved

a) Senior Management Contracts Working Party

Chairman of the Council, Group Leaders, Committee Chairmen and the Staff Champion.

b) Resources Working Party

It was agreed that Councillor Legard was to stand down from the Resources Working Party and be replaced with Councillor Hope.

Members also agreed that any Councillor unable to attend a meeting of the working party may be replaced with a substitute from the same political party and any such substitutions be notified the day before the date of the meeting.

After consultation with the Council Solicitor regarding the political balance of the Working Party, it was agreed that Councillor Woodward be appointed to the Resources Working Party.

3 Conservative members, Councillors Mrs Cowling, Knaggs and Hope

2 Liberal Democrat Members, Councillors H Keal and Mrs Hodgson

1 Independent Member – Councillor Wainwright.

1 Liberal member – Councillor Woodward

c) Constitution Review Working Party

Group leaders and the Chairman of the Council.

d) Sub-Committee – Appeals Panel

Chairman of Policy and Resources, Staff Champion and Vice Chairman of Policy and Resources.

In the absence of any of these Members, the panel to consist of 3 Members to be appointed by the Chief Executive in Consultation with the Chairman of Policy and Resources, or in the Chairman's absence, the Vice Chairman, from the current membership of the Policy and Resources Committee (including any substitute members). The Panel to meet as and when required. Such a panel to consist of one Member of the Conservative Group, one Member of the Liberal Democrat Group and one Member of the Independent Group.

7 Annual Statement of Accounts and Annual Governance Statement (to follow)

The Corporate Director (Section 151) submitted a report which provided Members with a summary of the Council's Accounts for the year 2009/10 as required under the Accounts and Audit Regulations 2003 together with the Annual Governance Statement as approved by the Overview and Scrutiny Committee.

Details of the Overview and Revenue Accounts showed the Council's Income and Expenditure Account showed the net cost of services to be £8.949m. less than the original budget of £9.478m. Details of the expenditure and income for each service were included in the report.

The Council spent £1.589m on capital projects compared to an original estimate of £4.563m. The reduction was due primarily to delays with external projects that the Council are to grant fund.

The balance of individual reserves were included in the report. In the view of the Chief Finance Officer (Corporate Director (s151)), the Council's reserves were in a healthy position and were sufficient to cover emergencies and unforeseen liabilities.

The Annual Governance Statement and an action plan to improve certain aspects during 2010/11 were included in the report.

The Statement of Accounts and the Annual Governance Statement had been reviewed by the Council's Overview and Scrutiny Committee on 21 June 2010.

Resolved

Members agreed that;

- i. The Statement of Accounts for 2009/10 be approved
- ii. The Annual Governance Statement as reviewed by the Overview and Scrutiny Committee be agreed; and
- iii. The levels of reserves be noted

8 Draft Oswaldkirk Conservation Area Assessment and Management Plan Supplementary Planning Document

The Head of Planning submitted a report (previously circulated) in connection with the Draft Oswaldkirk Conservation Area Assessment and Management Plan, a copy of which was appended to the report, to approve for formal consultation.

Any comments received were to be reported back to a future meeting of this Committee, when appropriate amendments would be made and the appraisal recommended for adoption as a Supplementary Planning Document (SPD).

The draft SPD was intended to provide detailed background information about the existing character of the Oswaldkirk Conservation Area and to advise on new development, management and enhancement proposals.

The draft appraisal amplified the policies and statements contained within PPS 5 – Planning for the Historic Environment. The production of this appraisal emphasised the importance placed upon retaining the historic built environment in Ryedale and on enhancing our villages with good quality new design, as prioritised in the Ryedale Community Plan ('Landscape and Environment' Theme).

Resolved

That the Draft Oswaldkirk Conservation Area Assessment and Management Plan be approved for consultation.

9 ICT Printer Rationalisation

The Head of Transformation submitted a report, the purpose of which was to seek Members approval to procure a managed network printer service for Ryedale District Council. This had been approved by the Council's ICT Programme Board, however the total contract value of the solution approved by the ICT Programme Board is beyond the level of officer delegation.

Resolved

- i. A 5 year managed print service with Alto Digital, costing £23,263 a year, total contract value of £116,316 was agreed.
- ii. The contract to be called-off the national Buying Solutions framework contract for multifunction printing, subject to approval by the Councils Section 151 Officer and Solicitor as per the Council's Standing Orders was agreed.
- iii. That this project will produce cashable savings £22,467 per year, £112,332 over the 5 years of the contract was noted.

10 ICT Programme Approvals

The Corporate Director (Section 151) submitted a report (previously circulated) to seek Members' approval of the recommendations of the ICT Programme Board for projects outside the scheme of officer delegation.

The Council's ICT Programme Board reviewed the Council's ICT applications in the light of the ICT Strategy drawn up by a Socitm consultant in September 2008 and developed an ICT Programme Plan.

The Council agreed a provisional expenditure in the capital programme 2009/2012 to upgrade key infrastructure and systems to provide longer-term efficiency savings.

The ICT Programme Plan has been further developed into a workstream schedule, drawing upon Council priorities and from this a number of projects requiring approval by Members, being of a value greater than delegated limits, are presented for Member approval.

Approval was requested for the procurement of the following systems;

- Cash Receipting and E-payment
- Financial Management System Replacement

The report included a Risk Matrix which concluded that failure to implement the upgrades would leave the Council at risk of financial loss and unable to ensure the efficient delivery of services.

Resolved

- i. That the report be received
- ii. The procurement of a Cash Receipting and E-payment system and a Financial Management System Replacement be approved.

11 Exempt Information

Resolved

That the press and public be excluded from the meeting during consideration of the following items:

Annex B of item13 (Wentworth Street Car Park, Malton) as provided by paragraph 3 of Schedule 12A of Section 100A of the Local Government Act 1972.

16 (Vivis Lane Realignment – Position Statement) as provided by paragraphs 2 & 3 of Schedule 12A of Section 100A of the Local Government Act 1972.

17 (Application for Hardship Relief) as provided by paragraph 3 of Schedule 12A of Section 100A of the Local Government Act 1972.

The public interest test has been considered and, in all the circumstances of the case, the public interest in maintaining the exemption is considered to outweigh the public interest in disclosing the information.

12 **Wentworth Street Car Park, Malton**

The Head of Economy and Housing presented a report (previously circulated) to advise Members of the outcomes of market testing into the prospective sale for redevelopment of Wentworth Street Car Park, Malton and to approve the disposal of the land through the tendering process as detailed in the report.

A market testing exercise was approved by Council on 9 July 2009 and showed that there was healthy market interest in purchase of the Wentworth Street Car Park and adjoining District Council-owned land for redevelopment, in tandem with provision of a sizable car park to serve both the development and the wider town centre.

The sale would lead to a significant capital receipt. This could be used by this Authority to fund capital projects, including regeneration and community projects in Malton and Norton and across Ryedale. This approach was consistent with the efficient use of Council assets and was in line with asset management good practise.

The expressions of interest received suggested that the site could accommodate forms of development that would strengthen Malton's role as the rural capital of Ryedale, however these and other planning issues would be assessed through an entirely separate planning analysis of any application submitted for this site.

Members discussed the report in detail and raised a number of issues, including the potential for redevelopment that included free parking or low rate parking for users of other facilities in the town centre, in addition to users of facilities on the site. Members were of the view that the assessment of bids should include a review of the proposed provision of all forms of parking, including that available for visitors and traders of the Livestock and Saturday Markets.

It was moved by Councillor Wainwright and seconded by Councillor Knaggs that the recommendations detailed in the report now submitted be approved for approval.

An amendment, moved by Councillor Knaggs and seconded by Councillor Mrs Cowling to delete the word car in paragraph 9.19 was, upon being put to the vote, carried.

It was moved by Councillor Knaggs and seconded by Councillor Mrs Cowling to amend the recommendation 2.1 (i) (c) that

“with the following amendment in paragraph 9.19 under “Criteria” bullet point two, delete the word car and add after the word parking “and on the objectives of the emerging LDF.”

Section 9.19 Bullet point two will now read;

“Development proposals: what is the nature of the proposal and how likely is it to get planning permission? This will also involve a consideration of the effect of the bidder’s scheme on the provision of public parking and on the objectives of the emerging LDF.”

Upon being put to the vote the amendment was carried.

The substantive motion, as now agreed, was upon being put to the vote, carried.

Resolved

That Council is recommended to approve:

- i. An invitation to a restricted list of the 7 parties who had expressed an interest in the purchase and development of Wentworth Street Car Park and adjoining land to submit informal tenders for a purchase of Wentworth Street Car Park and adjoining land (as shown at Annex C) on the following basis:
 - a) a 250 year leasehold interest will be offered;
 - b) the timetable detailed in the report will be adopted for the process;
 - c) the overarching criteria against which the tenders will be judged will be as detailed in the report;
 - d) the Head of Economy and Housing be given delegated authority to draw up the detailed Invitation to Tender document based on the terms outlined in the report.
- ii. submission of a further report to a Special meeting of Council, following receipt and appraisal of the tenders by an officer panel, recommending a preferred tender and seeking final authority to proceed to sale.

NB In accordance with the Members Code of Conduct Councillor Andrews and Knaggs declared personal interests in the above item as they partake in discussions with the business community, Councillor Mrs Burr declared a personal interest in the item as the owner of property in Malton.

13 Changes to the Constitution - Contract Procedure Rules

The Corporate Director (Section 151) presented a report (previously circulated) of revised Contract Procedure Rules as considered by the Constitution Review Working Party.

It is a requirement on the Authority that the Council's constitution is kept up to date. In addition national and local changes to contracting practices necessitate changes to the Council's current rules. Each Authority has their own rules, with no national or sub group of Authority standard set in existence. It should however be noted that most are similar in content.

Included in the report were the Revised Contract Procedure Rules together with the financial limits as part of the financial Procedure Rules as approved by the Constitution Review Working Party.

The revised rules included a significant simplification to the financial limits in operation at the Authority. Once approved revised officer guidance and training for relevant officers would be undertaken.

Resolved

That Council be recommended to approve the revised Contract Procedure Rules and financial limits which form part of the Financial Regulations.

14 Pickering Flood Storage Proposals (to follow)

The Corporate Director (Section 151) presented a report to consider proposals from the Environment Agency (EA) for a capital scheme to reduce the incidence and impact of flooding in Pickering.

The new proposals for Pickering involved a Bunded storage option. This involved the creation of strategically placed bunds which created upstream water storage, which was then released at a controlled rate through an appropriately sized culvert. During low level flood events, the water would then be stored upstream of Pickering and depending on the size of the bunds and culvert may prevent flooding to certain properties.

The proposals were the result of an initial suggestion by the Ryedale Flood Research Group, which includes representatives from Oxford University, Durham University, the University of East Anglia and members of the public from Pickering.

This proposal was further advanced by the EA and detailed modelling of potential sites. The first part of the work was to establish the volume of water which needed to be stored. Following the 'near miss' in December 2009 the 'safe flow' has been established as 12 m³/s, this is the flow that can pass through Pickering without causing flooding to property. Above this level flooding starts. Prior to this event it was thought that the 'safe flow' was 21 m³/s.

As part of this development, detailed discussions had taken place with the North Yorkshire Moors Railway (NYMR) as the river runs close to the railway in many areas, and any proposals for water storage considered any impact on the railway and its foundations.

Following consideration of the options available, 2 bunds with a cross bund was considered the most effective and cost efficient option, at £250,000 less than options offering similar levels of protection.

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|-------------------------------------|-----------------------|-----------------------|
| Culvert Flow | 12 m ³ /s | 15 m ³ /s |
| Volume of Water Stored | 85,000 m ³ | 85,000 m ³ |
| Flow in Pickering m ³ /s | 16 down to 12 | 20 down to 15 |
| Level of Protection against | 1 in 15 year event | 1 in 25 year event |

The project did not qualify for significant funding through the EA Grant In Aid process. The EA has a maximum contribution of £150,000 available to put towards the scheme. It will be delivered by them through their in house workforce and any responsibility for overspend in the works would rest with the EA. Subject to confirmation of funding it was possible that the bunds could be built in Autumn 2010. The EA confirmed that they would take on the maintenance for the bunds, including responsibilities under the Reservoirs Act. Aesthetically the bunds would be less than 2 metres in height, of clay core and grassed. When not flooded, the land would be usable as farmland.

Undertaking either of the options does not preclude further improvement works being undertaken in the future should funding become available.

Resolved

That Council be recommended to approve:

- i. Support for Pickering flood storage proposals for two bunds and a cross bund incorporating a 15 m³/s culvert in the Pickering Beck catchment area; and
- ii. A maximum contribution of £800,00 to be included in the Council's Capital programme for 2010/2011.

NB In accordance with the Members Code of Conduct Councillor Mrs Burr and Mrs Cowling declared personal interests in the above item as owners of property in Pickering, Councillor Keal declared a personal interest in the item as a Member of the Pickering Flood Defence Group and Councillor Knaggs declared a personal interest in the item as he has held discussions with people and organisations regarding the subject.

15 Vivis Lane Realignment - Position Statement

The Head of Economy and Housing presented a report (previously circulated) to update members on the proposed Vivis Lane junction realignment scheme at Pickering.

The report followed the successful appeal by Lidl against the refusal of planning consent for a supermarket on the former coal yard adjacent to Vivis Lane and a subsequent request from the Resources Working Party for an outline of current intelligence relating to the proposed junction realignment.

Resolved

That the report and the current position within the capital scheme be noted.

16 **Application for Hardship Relief (to follow)**

Members considered a report which considered an application for non-domestic rates hardship relief.

Resolved

That no non-domestic rates hardship relief for 2010/2011 be awarded to the application detailed in the report.

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

The Corporate Director (Section 151) reminded Members that the Government had announced that funding for free swimming for the over 60's was to end on 31 July 2010.

The Council had resolved to fund this programme for the years 2009/10 and 2010/11.

In the circumstances, a report considering the provision of free swimming for the over 60's was to be brought to Full Council on 29 July 2010.

The meeting closed at 9.10 p.m.