

Council

Minutes of Proceedings

At the **Ordinary Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Thursday 13 January 2011**

Present

Councillors Hemesley OBE (Chairman)
 Acomb
 Andrews
 Arnold
 Mrs Arnold
 Bailey
 Clark
 Cottam
 Mrs Cowan
 Mrs Cowling
 Mrs Frank
 Hawkins
 Mrs Keal
 Keal
 Knaggs
 Maud
 Raper
 Mrs Shields
 Spencer
 Wainwright
 Ms Warriner MBE
 Mrs Wilford
 Windress
 Woodward

In Attendance

Paul Cresswell
Janet Waggott
Anthony Winship
Jill Baldwin
Susan Shuttleworth (Secretary)

Minutes

66 Public Question Time

There were no public questions.

67 **Apologies for absence**

Apologies for absence were received from Councillors Mrs Burr, Cussons, Mrs De Wend Fenton, Mrs Hodgson, Hope and Legard.

68 **Minutes**

The minutes of an Ordinary Meeting of Council held on 4 November 2010 and the minutes of an Extraordinary Meeting of Council held on 17 November 2010 (previously circulated) were submitted.

Resolved

- (a) That the minutes of an Ordinary Meeting of the Council held on 4 November 2010 be approved and signed by the Chairman as a correct record.
- (b) That, subject to the inclusion of Councillor Clark in the list of Members present, and to the inclusion of Councillor Knaggs in the list of those Members who voted against the first motion, as detailed on page 28 of the minutes, the minutes of an Extraordinary Meeting of Council held on 17 November 2010 be approved and signed by the Chairman as a correct record.

69 **Urgent Business**

The Chairman reported that there were no items to be considered under urgent business.

70 **Declarations of Interest**

In accordance with the Members' Code of Conduct, the following declarations of interest were received.

Councillors Mrs Arnold and Clark declared personal interests, as North Yorkshire County Councillors, in item 14 – Property Acquisition – Norton.

Councillors Mrs Keal, Spencer and Mrs Wilford declared personal interests in item 10 Minute No 44 - Items Referred from the Commissioning Board – Malton Museum Future Options) as representatives of the Malton Museum Foundation.

Councillors Mrs Keal and H Keal declared personal interests in item 10 Minute No 43 of the Policy & Resources Committee held on 9 September 2010 – Householder Flood Resistance Grant Scheme – as members of the Pickering Flood Defence Group.

Councillor S Arnold declared a personal interest in item 14 – Property Acquisition – Norton – as a representative of CAB.

Councillor Mrs Cowling declared a personal and prejudicial interest in item 10 - Minute No 43 of the Policy & Resources Committee held on 9 September 2010 – Householder Flood Resistance Grant Scheme – as a property owner who could benefit from the scheme and in Minute No 44 – Items referred from the Commission Board held on 8 December 2010 – Fees and Charges – as a member of her family owns a motor car salvage business.

Councillor Wainwright declared a personal interest in Item 14 – Property Acquisition – Norton – as a Trustee of RVA.

71 **Announcements**

The Chairman made the following announcements:

1. Ryedale District Council would like to congratulate Mrs Pauline Foster on receiving an MBE in the New Year Honours for services to the community in Thixendale, which included raising £350,000 for the restoration of the village hall and church organ.
2. Ryedale District Council would like to thank Ryedale staff for their efforts to keep services going during the bad weather.

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

Councillor Wainwright submitted the following question:

“Would the Chairman of the Overview & Scrutiny Committee please update Members on the work of that Committee?”

Councillor Mrs Shields replied:

“The last meeting of the Overview & Scrutiny Committee was held on 16 December 2010 and, in spite of the difficult weather conditions at the time, most Members were able to be present.

We welcomed Alistair Lince from Deloitte, Gary Housden (Head of Planning) and Phil Long (Head of Environmental Services) who were dealing with their relevant agenda items.

After checking the Minutes of the previous meeting, the Annual Audit Letter was introduced by Alistair Lince and comments made by Members were noted. The Head of Planning dealt with the Service Risk Register and, once again,

satisfaction was expressed for the very clear way in which the different aspects of Risk were set out in the report.

The Corporate Director (s151) introduced the Treasury Management Mid-Year Review and Members had the opportunity to comment and ask questions. The report was, like the previous one, received and the management of both in-house and external funds noted. Mr Cresswell also presented the Internal Audit report which was noted by all Members.

The Head of Transformation, Clare Slater, reported on the Risk Management Strategy, a copy of which was included with her introduction. This was a very informative document and Members commented on the clearly detailed sections of the report, which made it both easily comprehensible and interesting. Clare next described the progress achieved in respect of the two reviews currently being undertaken by the Committee. Terms of reference were set out and details provided on the way forward with each topic. The Task Group on Healthy Weight had subsequently met with Mr Greg McGrath, Health Improvement Manager for the NHS North Yorkshire and York, who covered several widely differing areas of the subject and the focus of the next meeting will be to determine on which particular aspects to concentrate.

Our last item was to receive decisions from other Committees. Following this, as I had no further business, the meeting closed at 8.30pm.

As a postscript may I add that, subsequently, the Task Group reviewing Post office closures and the consequent effects in our District, had a very interesting discussion with the Rillington Postmaster. He explained some of the advantages as well as the problems encountered in rural areas, this was most enlightening and was a fascinating and extremely useful session. I would also like to record here our thanks to Mr Molloy for his time and indeed his commitment to the service that he provides for the community.”

Councillor Wainwright submitted a further question:

“Would the Chairman of the Commissioning Board please update Members on the work of that Committee?”

Councillor Mrs Cowling replied:

“The Board has been busy through its working parties progressing the two commissioning projects. The last meeting of the Board received feedback from the tourism stakeholder consultation event in October. This was an informal focus group attended by 43 tourism businesses and has enabled the Board to agree a set of principles for the future operation of the service. A further event will be held with tourism services providers this month which will help to inform a set of service delivery options for agreement at the next meeting of the Board on 27 January. The Board also heard how this year’s “Where to Stay Guide” has been successful for the first time by the local association (TANY).

Councillor Mrs Arnold replied:

“The Active and Environment Group has met to progress work on the development of the Sport and Active Leisure Strategy. The Board were advised that the scope of this project will cover Active Living, Active Recreation and Sport.

The Board also agreed the final North Yorkshire Housing Strategy, options for children’s play and the Health and Safety Action Plan. Recommendations were made to Policy & Resources Committee in relation to the relocation of Malton Museum and the introduction of kerbside plastics recycling, both of which are to be considered tonight as Part B items.”

73 To Receive a Statement from the Leader of the Council and to Receive Questions and Give Answers on that Statement (to follow)

Councillor Knaggs, Leader of the Council, submitted the following statement, which was circulated to Members during the course of the meeting:

“At the start of a new year, it is right to welcome the award of an MBE to Pauline Foster of Thixendale for community service, and to celebrate the success of Ryedale businesses in winning tourism awards and in the short-listing for the Countryside Alliance awards for rural life, business and heritage. This is testimony to the vitality of Ryedale people and it is our job to support and encourage that vitality.

The new year also follows the most severe weather for many years. After two bad winters on the trot, it may be that winter weather is reverting, after many mild winters, to what was normal in the mid 20th century. Perhaps we should be thinking about what winter resilience means for this Council? Public conveniences have suffered. After snow often comes flooding, which is a continuing concern. The flood mitigation grants will help but there are areas of repeated localised flooding, such as the Manor Vale area of Kirkbymoorside, which deserve our attention. In the week beginning 4 March there will be a large-scale emergency flood exercise, Exercise Watermark, to test the ability to cope with severe flooding. It seems woefully under-publicised, particularly as it is intended for parish councils, community groups and business as much as for larger public bodies. I hope we as a council are taking a lead in encouraging groups to participate in this exercise.

Flooding is just one potential demand on the council’s capital. In 2011, as we look at what we can do to save libraries across the district, to save the livestock market, to save Malton Hospital (which I think will be a huge challenge for Ryedale) and all the other things we want to do, it will become clear that we do NOT have a bottomless pit of capital and there will be difficult decisions ahead about priorities.

In the next cycle of meetings, the Commissioning Board is due to complete the first major commissioning project, on tourism, and to look at housing-related issues such as the impact of changes in housing finance, and the roles of the rural housing enabler and the housing development officer. The Policy Committee will have its hands full with the council's budget, but there will also be a revised safeguarding policy to consider including a new adult policy. There will also be some planning policy issues and it is because of the need to timetable those issues against the background of continuing vulnerability to speculative applications outside development limits that this statement appears later than normal. I have had detailed discussions with officers in the last few days, reflecting the concerns that members have, which reached a conclusion yesterday evening. It goes without saying that everything will be subject to the will of council.

With 2500 consultation responses being analysed, it is clear that the publication draft of the core strategy will not come to council before the May elections. Selby took 11 months to get from draft LDF to publication version. In any case I suggest to members that any appearance of rushing something through just before an election should be avoided. We have been able to use the evidence gained through the core strategy process to, for example, give consent for a large business development at York Road, Malton and a large housing development at Westfield Nurseries, Norton, to start on site this spring. Together these will generate 65 new affordable homes and contributions of £1.4million towards road improvements, public open space, education and affordable housing. In February the Policy Committee will consider the "Conservation Deficit" approach put forward by Castle Howard; I believe this is an area of uncertainty that can be resolved. At full council in March, we will be asked to agree a methodology to be used for site selection. Not only will this be used to select sites as we move beyond the core strategy, it will also be used to help determine applications outside the old development limits, until the Development as a whole is approved. There are no perfect answers to what remains, whatever Eric Pickles may be saying, is a monstrous bureaucratic obstacle course, but this goes some way towards keeping the planning authority in control of development in Ryedale."

Councillor Andrews asked the following questions:

1. "Is Councillor Knaggs saying that the only way of allocating new sites is through the LDF?"
2. "Is he saying that is it not possible for a Council to top up the 5 year supply without going through the LDF process?"
3. "If building completion rates are lower than 200 houses per annum, is it not possible to use a lower building rate for determining the 5 year supply?"
4. "If that is not possible, how is that councils in the south of England have been able to resist building rates imposed on them by the RSS and the Secretary of State has pledged his support for them?"

Councillor Knaggs responded firstly on the point about the south of England resisting targets imposed by the RSS and pointed out that the target of 200 was not imposed on the Council but was, in fact, agreed by the Council.

With regard to the point about the possibility of the Council using a lower building rate for determining the 5 year supply, Councillor Knaggs pointed out that members have had a briefing note on this, which he did not propose to repeat. There had to be a basis for the 200 per year that was selected and this was in the evidence compiled for the original spatial strategy. He pointed out that, whilst it could be argued that since the local plan was based on the county structure plan target of 180 per annum that figure could be used, it would not alter the fact that the shortfall would increase every time a new house was built. This could not be avoided because the local plan is out of date. He said that we have run out of sites that will be developed in next 5 years and altering the target would not help.

With regard to questions 1 and 2 about allocating new sites without going through the LDF process, Councillor Knaggs repeated what officers had said many times that “you cannot make things stick unless you have been through a proper process of consultation”.

He considered that the best solution that was available was to agree the criteria for selecting new sites and considering speculative applications in the period that would elapse until the development plan is agreed. He pointed out that the public were entitled to their say and we had to consider what they said.

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

**(a) Commissioning Board – 8 December 2010
Minute No 44 Fees and Charges**

It was moved by Councillor Mrs Arnold and seconded by Councillor Mrs Frank that the following recommendation of the Commissioning Board Minute No. 44 – Fees and Charges – be approved and adopted:

“That Council is recommended to approve the following fees and charges:

- i. An increase of 1.5% in Ryecare charges;
- ii. Environmental Health
 - An increase in Wasp Control charges of 2.8%
 - An increase in the Pest Control Concessionary charge of 2.24%
 - An increase in the Water Sampling charge of 14%
 - An increase of the Health License Variation of Registration 7.1%
 - An increase in the Motor car Salvage Certified Copy of Public register charge of 11.1%
 - An increase in Market Stalls rate of 4.8%

- iii. No increase in Taxi Licensing fees”

Resolved

That the following fees and charges be approved:

- i. An increase of 1.5% in Ryecare charges;
- ii. Environmental Health
 - An increase in Wasp Control charges of 2.8%
 - An increase in the Pest Control Concessionary charge of 2.24%
 - An increase in the Water Sampling charge of 14%
 - An increase of the Health License Variation of Registration 7.1%
 - An increase in the Motor car Salvage Certified Copy of Public register charge of 11.1%
 - An increase in Market Stalls rate of 4.8%
- iii. No increase in Taxi Licensing fees”

Upon being put to the vote the motion was carried

NB Councillor Mrs Cowling, having declared a personal and prejudicial interest as a member of her family owns a motor car salvage business, withdrew from the meeting and took no part in the discussion or vote on this item.

NB Councillor Andrews requested that his abstention from the vote be recorded.

(b) Policy & Resources Committee – 9 December 2010 Minute No 43 – Householder Flood Resistance Grant Scheme

It was moved by Councillor Wainwright and seconded by Councillor Knaggs that the following recommendation of the Policy & Resources Committee Minute No 43 – Householder Flood Resistance Grant Scheme be approved and adopted:

“That the Council is recommended to approve:

- i. The establishment of a Householder Flood Resistance Grants Scheme which:
 - a. Is eligible to all Domestic Properties within the District which have previously suffered flooding from rovers or surface water and continue to be classified as “at risk within the defended situation” by the Environment Agency;
 - b. Provides 50% of eligible expenditure up to a maximum grant of £2,500 per property;
 - c. Provides grants towards flood resistance works;

- d. Is administered by the North Yorkshire Building Control Partnership; and
 - e. ensures all products must be in accordance with BSI Kitemark or equivalent
- ii. An initial £50K be allocated from unapplied capital resources in 2011/12; and
 - iii. An evaluation report be brought back on the scheme to members once the majority of funding is committed.

Upon being put to the vote the motion was carried

Resolved

“That approval be given to:

- i. The establishment of a Householder Flood Resistance Grants Scheme which:
 - a. Is eligible to all Domestic Properties within the District which have previously suffered flooding from rovers or surface water and continue to be classified as “at risk within the defended situation” by the Environment Agency;
 - b. Provides 50% of eligible expenditure up to a maximum grant of £2,500 per property;
 - c. Provides grants towards flood resistance works;
 - d. Is administered by the North Yorkshire Building Control Partnership; and
 - e. ensures all products must be in accordance with BSI Kitemark or equivalent
- ii. An initial £50K be allocated from unapplied capital resources in 2011/12; and
- iii. An evaluation report be brought back on the scheme to members once the majority of funding is committed.

NB Councillors Keal and Mrs Keal declared a personal interest in this item as they are members of the Pickering Flood Defence Group.

Councillor Mrs Cowling, having declared a personal and prejudicial interest as a property owner, who may benefit from the scheme, withdrew from the meeting during discussion of this item.

(c) Policy & Resources Committee – 9 December 2010
Minute No 44 Items Referred from the Commissioning Board

(a) Malton Museum Future Options

It was moved by Councillor Wainwright and seconded by Councillor Knaggs that the following recommendation of the Policy & Resources Committee Minute No 44 – Items Referred from the Commissioning Board - Malton Museum Future Options be approved and adopted:

“(ii) that Council is requested to consider including the Malton Museum Relocation Project in the Council’s Capital Programme, with an allocation of £60,000, subject to an appropriate investment contract with the Foundation.”

Upon being put to the vote the motion was carried.

Resolved

That the Malton Museum Relocation Project with an allocation of £60,000, subject to an appropriate investment contract with the Foundation, be included in the Council’s Capital Programme.

NB Councillors Mrs Keal, Spencer and Mrs Wilford declared a personal interest as they are members of the Malton Museum Foundation

(b) Replacement Recycling Vehicles and Kerbside Recycling Options

It was moved by Councillor Wainwright and seconded by Councillor Knaggs that the following recommendation of the Policy & Resources Committee Minute No 44 – Items Referred from the Commissioning Board – Replacement Recycling Vehicles and Kerbside Recycling Options be approved and adopted:

“That Council is recommended to approve:

- a. The introduction of the collection of plastic bottles and cardboard from the kerbside of every domestic property in the District as part of their multi-material recycling collection service, utilising a three box/bag system at an estimated additional net ongoing full year annual revenue cost ranging from £64K to £88K;
- b. The Revenue cost implication above be managed through the budget strategy process from 2011/2012 and 2012/2013;
- c. To approve the inclusion of £135K in the Council’s Capital Programme for 2011/12 for additional recycling equipment;
- d. That the policy be revised for extra residual refuse capacity only be provided for a family of over seven plus all replacement bins for residual refuse would be changed to a smaller bin; and

- e. Further consultation is carried out on the possibility of applying an annual charge for the kerbside collection of garden waste from domestic properties and a report be brought back to members following that consultation.

An amendment, moved by Councillor Knaggs and seconded by Councillor Bailey, that part (e) be deleted and replaced by :

“consultation takes place on how to encourage more home composting”

was, upon being put to the vote, carried.

A further amendment was moved by Councillor Keal and seconded by Councillor Spencer, that the wording of (d) be amended to read:

“that the policy be revised for extra residual refuse capacity only to be provided for a family of over seven plus. All replacement bins for residual refuse would be changed to a smaller bin except for families of five and above. The bins for families of five and above will continue to be exchanged on a like for like basis.”

Members requested that a recorded vote be taken on the amendment

Recorded Vote

For the Amendment

Councillors Andrews, Arnold, Mrs Arnold, Bailey, Cottam, Mrs Frank, Hawkins, Mrs Keal, Keal, Knaggs, Maud, Raper, Mrs Shields, Spencer, Wainwright, Mrs Warriner and Mrs Wilford (17)

Against the Amendment

Councillors Acomb, Clark, Mrs Cowan, Mrs Cowling, Windress and Woodward (6)

Abstained

Councillor Hemesley

The amendment was, therefore, carried.

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

Resolved

Approval be given to:

- a. The introduction of the collection of plastic bottles and cardboard from the kerbside of every domestic property in the District as part of their multi-material recycling collection service, utilising a three box/bag

- system at an estimated additional net ongoing full year annual revenue cost ranging from £64K to £88K;
- b. The Revenue cost implication above be managed through the budget strategy process from 2011/2012 and 2012/2013;
 - c. To approve the inclusion of £135K in the Council's Capital Programme for 2011/12 for additional recycling equipment;
 - d. That the policy be revised for extra residual refuse capacity only to be provided for a family of over seven plus. All replacement bins for residual refuse would be changed to a smaller bin except for families of five and above. The bins for families of five and above will continue to be exchanged on a like for like basis
 - e. Consultation takes place on how to encourage more home composting

75 **Representation on Outside Organisations**

It was noted that Councillor Mrs Keal had resigned as the Council's representative on the Malton and Norton Area Partnership Board. Councillor Mrs Cowling reported that Councillor Legard (who was not present at the meeting) had expressed an interest in filling the vacancy, subject to receipt of further information. It was explained that meetings were generally held each quarter, usually on a Wednesday.

Resolved

That, subject to confirmation of his willingness to fill the vacancy, Councillor Legard be appointed as the Council's representative on the Malton and Norton Area Partnership Board.

76 **Timetable of Meetings 2011-2012**

The Head of Organisational Development submitted a report (previously circulated), which presented for approval a draft timetable of meetings for 2011-2012 based on the meeting cycle used in 2010-2011 and taking account of particular reporting requirements relating to the Annual Governance Statement and Statement of Accounts.

Informal consultation had been undertaken with Members during December 2010 on meeting start times and details of other Authorities' start times and other issues had been included in the consultation.

The draft timetable proposed that all public meetings (excluding Annual Council and Licensing Committee), Member Development and Member Training Sessions start at 6.00pm, Parish Liaison Meetings to remain at 7.00pm and Working Parties to remain unchanged.

It was moved by Councillor Wainwright and seconded by Councillor Ms Warriner that the proposed timetable be approved.

An amendment, moved by Councillor Mrs Arnold and seconded by Councillor S Arnold that the recommendation in the report be amended by the addition of:

“2.2 no change shall be made to the start times of public meetings and Annex A will be altered accordingly”

was, upon being put to the vote, carried.

An amendment, moved by Councillor Clark and seconded by Councillor Woodward, that:

“(i) Members Briefings/training be changed to 6.30pm

(ii) Planning Committee be changed to 6.30pm”

was, upon being put to the vote, carried.

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

Resolved

That the timetable of meetings for 2011-2012 be approved and that

(a) No change shall be made to the existing start times of public meetings except for Planning Committee which shall commence at 6.30pm

(b) Member Briefings/Training shall commence at 6.30pm

77 Exempt Information

Resolved

That the press and public be excluded from the meeting during consideration of Item 14 (Property Acquisition – Norton) as provided by paragraph 3 of Schedule 12A of Section 100A of the Local Government Act 1972 (as amended) as the report contained information relating to the financial or business affairs of the Council and a third party

Reason

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.

78 **Property Acquisition - Norton**

The Corporate Director (s151) submitted a report (previously circulated), the purpose of which was to seek approval of up to £1.2m to purchase Stanley Harrison House, Norton for the primary purpose of relocating Ryedale Voluntary Action and Citizens' Advice Bureau and to consider joint arrangements with North Yorkshire County Council regarding a potential relocation of library services.

The report gave full details of the proposal, including significant risks, financial and legal implications and also consultations that had taken place.

It was moved by Councillor Knaggs and seconded by Councillor Wainwright that the recommendations in the report be approved.

It was moved by Councillor Clark and seconded by Councillor Woodward that part (iv) of the recommendation be amended by the addition of the words "in this event the item be brought back to full Council".

The report was discussed in detail, with the majority of Members present expressing support for the proposals contained therein.

It was moved by Councillor Wainwright and seconded by Councillor Mrs Cowling that the vote on the amendment be now taken and upon being put to the vote the closure motion was carried.

Members requested that a recorded vote be taken on the amendment.

Recorded Vote

Votes for the Amendment

Councillors Andrews, Clark, Mrs Cowan and Woodward (4)

Votes Against the Amendment

Councillors Acomb, Arnold, Mrs Arnold, Bailey, Mrs Cowling, Mrs Frank, Mrs Keal, Knaggs, Maud, Raper, Spencer, Wainwright, Mrs Warriner and Mrs Wilford. (14)

Abstentions

Councillors Hemesley and Keal (2)

The amendment was, therefore, lost.

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

Resolved

That approval be given to:

- (i) The acquisition of Stanley Harrison House, Norton;
- (ii) The allocation of up to £1.2m from unallocated reserves to finance the acquisition and associated capital works;
- (iii) Entering into formal negotiations with North Yorkshire County Council to determine the occupancy and title arrangements for the property and for the final agreement to be delegated to the Corporate Director (s151) in consultation with the Chairman of Policy & Resources Committee; and
- (iv) That in the event that NYCC determine not to proceed with the joint occupancy, officers seek to secure additional alternative tenants as required.

NB Councillor Andrews requested that his vote against the motion be recorded.

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

There being no urgent business, the meeting closed at 10.00pm