

Council

Minutes of Proceedings

At the **Ordinary Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Thursday 1 September 2016**

Present

Councillors Acomb
 Joy Andrews
 Paul Andrews
 Steve Arnold
 Val Arnold
 Bailey
 Clark
 Cleary
 Cowling
 Cussons
 Duncan
 Farnell
 Frank
 Gardiner (Chairman)
 Goodrick
 Hope
 Ives
 Jainu-Deen
 Keal
 Maud
 Oxley (Vice-Chairman)
 Potter
 Raper
 Shields
 Thornton
 Wainwright
 Windress

In Attendance

Simon Copley
Peter Johnson
Janet Waggott
Anthony Winship

Minutes

25 **Apologies for absence**

Apologies for absence were received from Councillors Burr, Jowitt and Sanderson.

26 **Public Question Time**

There were no public questions.

27 Minutes

The minutes of the Ordinary Meeting of Council held on 7 July 2016 were presented.

Resolved

That the minutes of the Ordinary Meeting of Council held on 7 July 2016 be approved and signed by the Chairman as a correct record, with the following amendments:

- (i) To record that Councillor Clark had requested that the notices on motion be brought forward on the agenda and that the Chairman did not agree to this request;
- (ii) To change the words "hundreds and thousand" to "hundreds of thousands" in Councillor Clark's question to the Leader on page 6 of the minutes (minute 20);
- (iii) To delete the resolved portion of the Part B item on Member Involvement of Appeal Panels (minute 22);
- (iv) To add the recorded vote for motion on Member Involvement of Appeal Panels (minute 22), as follows: For - Councillors Cowling, Cussons, Frank, Ives, Jainu-Deen, Wainwright; Against - Councillors Steve Arnold, Val Arnold, Cleary, Duncan, Gardiner, Hope, Oxley, Windress, Maud, Joy Andrews, Clark, Potter, Thornton, Keal, Paul Andrews, Burr; Abstentions - Farnell;
- (v) To note that the procedural motion which resulted in the closure of the meeting was dealt with in exempt session (minute 23).

28 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).

29 Declarations of Interest

The following interests were declared:

Councillor Farnell declared a personal non-pecuniary but not prejudicial interest in agenda item 11 minute 41 (Slingsby, South Holme and Fryton Design Statement) as a member of Slingsby, South Holme and Fryton Parish Council.

Councillor Clark declared a personal non-pecuniary but not prejudicial interest in agenda item 15 (Request for an Indemnity for Ryedale Citizens Advice

Bureau) as North Yorkshire County Council's representative on the Ryedale CAB Board.

Councillor Goodrick declared a personal non-pecuniary but not prejudicial interest in agenda item 15 (Request for an Indemnity for Ryedale Citizens Advice Bureau) as Ryedale District Council's representative on the Ryedale CAB Board.

30 **Announcements**

The Chairman made the following announcements:

- That agenda item 13 (Proposed Joint Public Assets Board for York, North Yorkshire and East Riding) would be brought forward and dealt with after agenda item 8.
- That he had been honoured to represent the Council at a number of excellent events over the past couple of months, including Yorkshire Day celebrations in Halifax and the Ryedale Show.

The Leader made the following announcement:

- To thank Phil Long, Corporate Director, for all his hard work over many years at his last meeting of Council before leaving.

The Chief Executive made the following announcement:

- That a response had been issued to the articles about bullying in the Yorkshire Post and the Mercury, and copies had been circulated to Members by email or in pigeonholes.

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

1. Councillor Potter submitted the following question:

To Councillor Cowling, the Leader of the Council:

“In September 2015 you and the Chief Executive signed the Annual Governance Statement. How many times in the next 9 months did you discuss this matter with the Chief Executive and what were the outcomes of your discussions?”

The Leader of the Council, Councillor Cowling replied

“The annual governance statement is signed by the Chief Executive and myself in my role as Leader, in line with the requirements of the Code of Practice on Local Authority Accounting and it is a very important document in providing adequate controls within this Council. As a member of the Overview & Scrutiny

Committee you will know that in its audit role the Committee has delegated responsibility to review the Council's corporate governance arrangements. An update was presented to your committee on 16 January, at which you were present I believe. In answer to your question, I do not keep a note of how often the Chief Executive and I discuss the annual governance statement. It is such an integral part of the everyday work of this Council, I doubt if we ever meet without touching on several areas that are covered by this document. I do, however, try to stick to my Member role which is policy and leave delivery to the Chief Executive."

Councillor Potter asked the following supplementary question:

"Going back to what we were doing at Scrutiny, because we were looking at this quite recently, we pay a substantial amount of money for the auditors and I hope all Members agree that this is essential to assure us of sound financial management and scrupulously accurate budgets, which you might have seen from the minutes from earlier on, that I asked last time. This annual governance statement sets out written concerns of the auditors about Council performance, including contracts that are missing, no copies of contracts, service level agreements missing, audit actions not carried out for over two years, no corporate monitoring of contracts but one specific item that I noted from Scrutiny was that regarding our payroll agreement with City of York it said last year in agreed actions bi-monthly monitoring through the Management Team to continue to 2015/16 and beyond. So could I just ask that you confirm that you have at least 6 meetings in the last year to address these issues please?"

Councillor Cowling replied that:

"I don't understand why you're asking me that. The Chief Executive and I meet far more than that, we've had far more than 6 meetings and I don't really think it's my role to be monitoring the actions in the action plan. That is for the Chief Executive and the Chief Financial Officer."

2. Councillor Potter submitted the following question:

To Councillor Keal, Chairman of the Overview and Scrutiny Committee:

"Do you consider that the draft minutes of the Overview and Scrutiny meeting on the 28th July 2016 do justice to the questioning of the Audit Report or the Annual Governance Statement?"

The Vice Chairman of the Overview and Scrutiny Committee, Councillor Acomb replied on Councillor Keal's behalf

"The draft minutes of the Overview and Scrutiny Committee meeting on the 28th July 2016 have not been approved by the Committee. The draft minutes will be considered by the Overview and Scrutiny Committee meeting on 8 September 2016. It is at the meeting on 8 September 2016 that Members of the Overview and Scrutiny Committee will be able to consider whether or not the draft minutes are a true and accurate record of the meeting. It is not the role of Full Council to consider the accuracy of the draft minutes of a committee before the committee has had an opportunity of approving them. Nor is it the

role of Council to debate the accuracy of the minutes of a Committee after they have been approved.

The minutes of a committee meeting provide a record of decisions of the meeting.

The minutes are not a verbatim record of the committee meeting.

Anyone wishing to know what questions were put to Officers by Councillors on the Committee and the answers received may listen to the audio recording of the committee meeting which is available on the website of Ryedale District Council. The local library also have equipment to facilitate this.

Against that background the short answer to your question is that it is for the Overview and Scrutiny Committee meeting on 8 September 2016 to decide if the draft minutes are an accurate record of decisions of the committee. They are not meant to be a record of all questions and answers."

Councillor Potter asked the following supplementary question:

"I was actually asking the Chair of the Overview & Scrutiny Committee if he considers that the draft minutes represent an accurate record of that occasion and he hasn't really given me an answer to that..... As I conducted a very lengthy question and answer session at that meeting, scrutinising the many weaknesses noted in writing from our internal auditors, do you consider that this line of questioning didn't warrant mentioning in the minutes or even in the draft minutes?"

Councillor Acomb replied:

"As far as I'm concerned the draft minutes list the decisions made, the detail as I explained is already recorded for you to look at and the Committee will discuss that on the 8th."

3. Councillor Clark submitted the following question:

To Councillor Cowling, the Leader of the Council:

"Do you agree with the Internal Auditors comments on Contract Management Corporate Arrangements and can you, as Leader, give an explanation as to how it has got into this 'state'?"

The Leader of the Council, Councillor Cowling replied

"First of all Councillor Clark I don't agree with you that we are in a 'state' as you put it. The audit found that the arrangements for managing risk are satisfactory. The whole purpose of carrying out an audit is to flush out any weaknesses and to identify where improvements can be made. This is what audit did and those improvements are being actioned."

Councillor Clark asked the following supplementary question:

"For once I find myself in agreement with the Leader of Council - yes - audit is designed to flush out weaknesses, so not this year, not last year but the year before, so that would be 14/15 the internal auditors flushed out a weakness with the payroll arrangements. Not a proper contract monitoring, no service level agreement in a TECKAL type arrangement - my words not theirs. Last year is was brought to Councillors by the way, last year the internal auditors said, in your words Chair, flushed out that the arrangements with York had not got proper monitoring of the contract. There was no service level agreement, in other words it wasn't good enough, more flushing. This year we have a report from the internal auditors, by the way each of those last 2 years you have signed the annual governance statement to say what this Council would be doing and on that basis what good was the flushing out of the internal auditors if for now we're into the 3rd year when under your leadership and your signature on the annual governance statement, nothing has happened to improve the situation and we are 1 level above unacceptable in internal audit, ie it's gone down since the good old days of Cllr Wainwright's stewardship."

Councillor Cowling replied:

"I'm absolutely sure I can rely on my members of Overview and Scrutiny to make sure that the action plan is implemented."

32 **Business from the Last Council Meeting on 7 July 2016**

1. It was moved by Councillor Clark and seconded by Councillor Thornton

"The proposed 2020 programme will introduce very significant changes. These changes will impact on policies and the strategy of RDC. These changes will also impact on the residents of Ryedale. The voice of these people is represented on RDC by the elected councillors. Management of the options and changes is clearly the responsibility of the management at RDC. The options and changes themselves are the responsibility of the councillors.

In order to deliver the above Full Council, this calls for a minimum of 2 special Policy and Resource meetings.

- 1. P and R information and "way forward" meeting, including e.g. the consultations*
- 2. 2nd P and R meeting to recommend to Full Council before and after any consultations (including consultations with the public)*
- 3. 3rd P and R meeting if needed*

Areas to be covered by first P and R meeting:

- Share with members the presentation made "to the Heads of Service and SUMs on the 06/06/16*
- Share with members the option appraisals*
- Present to members the tendering document which resulted in "iese consultants" being appointed*

- *Share with members the reasons for appointing iese*
- *Share with members a copy of the contract to iese*
- *Share with members the work done so far at a cost of £50,000*
- *Share with members the intended work for £90,000*
- *Share with members the intended work for the £40,000 on Human Resources*
- *Consult with members their priorities for the future of RDC*
- *Obtain agreement from members before the consultation with employees is commenced*
- *Explain to members what is meant by "behaviour based assessment"*
- *get agreement from members before any consultation or implementation of "culture change"*
- *Obtain agreement from members before "ceasing any activities"*
- *Obtain agreement from members before making any decisions on what is the "best for customers" before any consultation etc is taken*
- *Inform members of the design principles of T2020*
- *Before the process starts discuss with members what "working closely with members to support customers re present demand" means in relation to members, officers and public*
- *Explain to members what is meant by "behaviour of staff"*
- *Explain to members what is meant by "less reliance on higher paid specialists"*
- *Explain to members what is meant by "focus on demand prevention"*
- *Explain to members what is meant by need to focus on "finance and performance"*
- *Explain to members what is meant by "Town Team's"*
- *Explain to members what is meant by "combined teams wider than Ryedale"*
- *Explain to members what is meant by "growing the economy"*
- *Explain to members what is meant by "appropriate range of housing"*
- *Explain to members what is meant by "one council - members and officers - members and officers working together to concentrate on doing what matters for Ryedale""*

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

Recorded Vote

For

Councillors Joy Andrews, Paul Andrews, Clark, Potter and Thornton.

Against

Councillors Acomb, Steve Arnold, Val Arnold, Bailey, Cleary, Cowling, Cussons, Farnell, Frank, Gardiner, Goodrick, Hope, Ives, Jainu-Deen, Keal, Maud, Oxley, Raper, Shields, Wainwright and Windress.

Abstentions

Councillor Duncan.

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

"The issue of bullying has been raised at Full Council on at least three occasions. There has been no satisfactory response from the Leader of the Council. If there is bullying or a culture of bullying in any department(s) at Ryedale District Council it must be stopped. This motion will assist in the actions required. It will legitimise any necessary action by the Chief Executive.

So as to attempt to clarify the situation this council resolves:

"The Chief Executive is requested to:-

- Have discussions with the union representatives to ascertain if they believe there is a culture of bullying*
- Have discussions with managers and other employees to ascertain if they believe there is a culture of bullying*
- Carry out an impact assessment of the Harassment Policy - the following is required:-*
 - 1. Number of times people have been investigated under this policy*
 - 2. The outcome of each of these investigations*
 - 3. A list of measures taken*
- Report all of the above to the Policy and Resources committee as a part B item within one month"*

An amendment was moved by Councillor Potter and seconded by Councillor Joy Andrews:

Delete after "at least" and replace with:

"...four occasions, There has been no satisfactory response from the Leader of Council - nothing materialised.

- i. Clearly the administration has neither the ability nor the jurisdiction to address this issue*
- ii. The Leader and her group have clearly no will to have the issue examined.*

This Council therefore resolves to bring in an outside organisation to carry out an initial survey into the possibility of bullying from 1st April 2014 to date. Any such body to be acceptable to the Chief Executive, Unison and the political groups on the Council.

- i. To report back (interim or final) to RDC by the end of 2016.*
- ii. To be funded to a maximum cost of 1/20th of the final redundancy package of the 165 post.*
- iii. The report to go to Policy and Resources as a Part B item."*

Upon being put to the vote the amendment was lost.

Recorded Vote

For

Councillors Joy Andrews, Paul Andrews, Clark, Duncan, Potter and Thornton.

Against

Councillors Acomb, Steve Arnold, Val Arnold, Bailey, Cleary, Cowling, Cussons, Farnell, Frank, Goodrick, Hope, Ives, Jainu-Deen, Keal, Maud, Oxley, Raper, Shields, Wainwright and Windress.

Abstentions

None.

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

Recorded Vote

For

Councillors Joy Andrews, Paul Andrews, Clark, Duncan, Potter and Thornton.

Against

Councillors Acomb, Steve Arnold, Val Arnold, Bailey, Cleary, Cowling, Cussons, Farnell, Frank, Gardiner, Goodrick, Hope, Ives, Jainu-Deen, Maud, Oxley, Raper, Wainwright and Windress.

Abstentions

Councillors Keal and Shields.

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

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

"I hope you have all had a good summer and been able to take in some of our local agricultural shows. We have a very diverse range of shows, which all provide a magnificent showcase for our food and farming industry, but I will have to single out the Ryedale show for special mention. It was fabulous - especially looking back on the history of the show. It was great to see the Duchess of Kent attend the show in its 150th year.

Following on with the agricultural theme, I am pleased that the Government has announced that it will continue to pay farm and other subsidies currently received from Brussels after Britain leaves the European Union until 2020 .

The £40million pound fund to help tourism is also very welcome and recognises the importance of tourism to our economy - tourism was worth in excess of 22billion pounds to the country last year.

The Treasury has also promised it will fully fund structural and investment funds, which are significant to our LEP area and our growth plans, which we

have agreed in the Ryedale Economic Action Plan . This should be good news for the extension of Thornton Road Industrial Estate - which is one of the schemes which has been prioritised for progression through the application for Local Growth Deal funding.

We have quite a sizeable agenda tonight and I do not intend to talk at any great length. My last topic for tonight will be Ryedale District Council.

For more than 25 years now I've watched Ryedale develop into the successful and efficient organisation it now is. It never ceases to amaze me that every 4 years we have new Members who are prepared to put their heads above the parapet and give over their time to help make Ryedale a better place to live. Perhaps if they attended a few of our full Council meeting they would think twice.

But more than that I'm immensely proud of the staff of Ryedale District Council who continue to rise to the challenge of continuous change in order to deliver front line services to the residents of Ryedale. Their dedication and versatility is unbelievable. We are a very small organisation and many of us have known each other for many years. It makes me very sad to see Members of this Council accusing staff and Members of condoning bullying, abuse of powers of delegation and breaking the Council's Constitution. Because of the controls we have in place it would be almost impossible for this to happen without the knowledge of a considerable number of staff and Members. So it follows that Councillor Clark is accusing many of us, I've already said some of this but, that Members, if you really have knowledge of such incidents, is fully aware of the procedures to follow. I would say that he not only has a moral duty but a legal duty to report such incidents. So Councillor Clark, bring your evidence forward. I'm absolutely confident that there is no culture of bullying in Ryedale District Council. The only bullying I see is that by a certain Member towards officers of this Council, officers who have no right of reply. We've all witnessed it tonight, absolutely unacceptable behaviour. Bullying by a failed anarchist who has timed his allegations to perfection in a calculated move to try and inflict harm when our organisation is at a vulnerable stage in its development. Both Members and staff alike are feeling the strain of change. It is fairly obvious that Councillor Clark is trying to damage this Council and is prepared to go to any lengths to do so. Quite why he wants to do that I haven't yet worked out but the rest of the Members and the staff need to stand united and join me in condemning his actions."

The following question was received on the Leader's Statement:

1. From Councillor Clark

"Is this addendum to your statement going to be in the minutes, in the additional bit to the minutes or are we going to get a copy of it of not? Because if we're going to make accusations it would be nice to see what's written down. If not, don't worry about it. It would be nice through you Chair, if we knew if we were going to have a copy of this or not."

The Chairman confirmed that it would be in the minutes.

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

Planning Committee - 7 June 2016

Minute 5 - Ryedale Community Infrastructure Levy - Payment Instalment Policy

It was moved by Councillor Windress and seconded by Councillor Oxley that the following recommendations of the Planning Committee be approved and adopted.

That Council be recommended to approve:

- (i) The key elements of a CIL payment instalment policy as outlined in paragraph 6.5 of the report to Committee.

Upon being put to the vote the motion was carried.

Resolved

That Council approve:

- (i) The key elements of a CIL payment instalment policy as outlined in paragraph 6.5 of the report to Committee.

Voting Record

21 For

0 Against

3 Abstentions

Planning Committee - 2 August 2016

Minute 41 - Slingsby, South Holme and Fryton Design Statement

It was moved by Councillor Windress and seconded by Councillor Cleary that the following recommendations of the Planning Committee be approved and adopted.

That Council be recommended to:

Adopt the Slingsby, South Holme and Fryton Village Design Statement as a Supplementary Planning Document.

Upon being put to the vote the motion was carried.

Resolved

That Council:

Adopt the Slingsby, South Holme and Fryton Village Design Statement as a Supplementary Planning Document.

Voting Record

24 For

0 Against

0 Abstentions

Overview and Scrutiny Committee - 28 July 2016

Minute 22 - Counter Fraud Policy and Anti Money Laundering Policy

It was moved by Councillor Acomb and seconded by Councillor Wainwright that the following recommendations of the Overview and Scrutiny Committee be approved and adopted.

That the updated Counter Fraud and Corruption Policy and Anti Money Laundering Policy be referred to Full Council with a recommendation for approval.

Upon being put to the vote the motion was carried.

Resolved

That Council approve:

The updated Counter Fraud and Corruption Policy and Anti Money Laundering Policy.

Voting Record

24 For

0 Against

0 Abstentions

35 Treasury Management Annual Report 2015-16

The Finance Manager (s151) submitted a report (previously circulated) which presented the annual treasury management review of activities and the actual prudential and treasury indicators for 2015/16.

Councillor Keal moved and Councillor Acomb seconded the recommendations in the report.

Resolved

That Council:

- (i) Note the annual treasury management report for 2015/16; and
- (ii) Approve the actual 2015/16 prudential and treasury indicators in this report.

Voting Record

25 For

0 Against

0 Abstentions

36 Proposed Joint Public Assets Board for York, North Yorkshire and East Riding

The Head of Economy and Infrastructure submitted a report (previously circulated) which considered a proposal from the York, North Yorkshire and East Riding LEP Infrastructure Board to also take on the role of Joint Public Assets Board for the York, North Yorkshire and East Riding LEP area.

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

Resolved

That Ryedale District Council supports:

- (i) the proposal for the LEP Infrastructure Board to take on the role of Joint Public Assets Board for the YNYER LEP area and become known as the LEP Infrastructure and Joint Assets Board: and
- (ii) the draft terms of reference for the LEP Infrastructure and Joint Assets Board.

Voting Record

26 For

0 Against

1 Abstentions

37 Exempt Information

Resolved

That under Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following item as there would be a likely disclosure of exempt information relating the financial or business affairs of any particular person (including the authority holding that information).

Voting Record

23 For

0 Against

0 Abstentions

38 Request for an Indemnity for Ryedale Citizens Advice Bureau

The Chief Executive submitted a report (previously circulated) which presented a request for an indemnity from Ryedale Citizens Advice Bureau.

Councillor Cowling moved and Councillor Steve Arnold seconded the following motion:

"The Council agrees to indemnify RCAB, up to a maximum value of £20k, subject to an indemnity agreement clearly detailed as a written contract (a service level agreement)

- 1. The whole organisation to be restructured and definite plans to be put in place to merge with one or more CABs in the local area by 5th April 2017, in order to give a long term sustainable future for the CAB and to improve it's ability to attract funding.*
- 2. Frontline services being maintained at 3 drop in sessions plus 1 in Pickering*
- 3. RCAB is released from its obligation to have a paid charity worker if it is felt that this position can be filled by a volunteer.*

And that a sum of £20k be ringfenced within the New Homes Bonus reserve as funding should the indemnity be required."

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

Resolved

That Council agrees to indemnify RCAB, up to a maximum value of £20k, subject to an indemnity agreement clearly detailed as a written contract (a service level agreement)

1. The whole organisation to be restructured and definite plans to be put in place to merge with one or more CABs in the local area by 5th April 2017, in order to give a long term sustainable future for the CAB and to improve it's ability to attract funding.
2. Frontline services being maintained at 3 drop in sessions plus 1 in Pickering
3. RCAB is released from its obligation to have a paid charity worker if it is felt that this position can be filled by a volunteer.

And that a sum of £20k be ringfenced within the New Homes Bonus reserve as funding should the indemnity be required.

Voting Record

22 For

0 Against

1 Abstentions

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

There being no other business, the meeting closed at 10.12pm.