

Council

Minutes of Proceedings

At the **Ordinary Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Thursday 6 July 2017**

Present

Councillors Acomb
 Joy Andrews
 Steve Arnold
 Val Arnold
 Bailey
 Burr MBE
 Clark
 Cleary
 Cowling
 Cussons MBE
 Duncan
 Farnell
 Frank
 Gardiner
 Goodrick
 Ives
 Jainu-Deen
 Jowitt
 Di Keal
 Maud
 Oxley (Chairman)
 Potter
 Sanderson
 Elizabeth Shields
 Wainwright (Vice-Chairman)
 Windress

In Attendance

Simon Copley
Peter Johnson
Clare Slater
Janet Waggott
Anthony Winship

Minutes

16 **Apologies for absence**

Apologies for absence were received from Councillors Paul Andrews, Hope and Thornton.

17 **Public Question Time**

The following public question was submitted by David Summers:

"The North Yorkshire Building Control Partnership have Investors in People Gold Standard. The District Council were accredited with Investors in People for a number of years, however it would appear that the Council is no longer able to claim Investors in People accreditation. My question therefore is when and why did this accreditation cease?"

The Chairman thanked Mr Summers for his question and replied:

"The accreditation to Investors in People ceased in July 2016. This is because the Investors in People standard changed and the Head of Paid Service decided to take a break From IiP accreditation for the period of transformation and until the new standard had time to be established."

Mr Summers then asked a supplementary question:

"The Investors in People reassessment was due in August 2016 and was cancelled by the District Council in the full knowledge that this would result in the organisation no longer being recognised by Investors in People. Was the inspection cancelled because senior management was concerned that the reassessment would reveal the extensive alleged bullying that has been ongoing within this organisation over a number of years?"

The Chairman replied:

"No it wasn't - that's not the reason why it was cancelled."

18 **Minutes**

The minutes of the Ordinary Meeting of Council held on 6 April 2017 were presented.

Resolved

That the minutes of the Ordinary Meeting of Council held on 6 April 2017 be approved and signed by the Chairman as a correct record.

The minutes of the Extraordinary Meeting of Council held on 18 May 2017 were presented.

Resolved

That the minutes of the Extraordinary Meeting of Council held on 18 May 2017 be approved and signed by the Chairman as a correct record.

19 **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).

20 **Declarations of Interest**

The following interests were declared:

Councillors Val Arnold, Goodrick and Sanderson declared personal non-pecuniary but not prejudicial interests as members of North Yorkshire County Council.

Councillor Bailey declared a personal non-pecuniary but not prejudicial interest in agenda item 10 (Notices on Motion), in relation to the Joint Minerals and Waste Plan motion, as the chairman of the North York Moors National Parks Authority.

Councillor Burr declared a personal non-pecuniary but not prejudicial interest in agenda item 9, Policy and Resources Committee minute 7 (Business Rates Discretionary Rate Relief Policy), as she pays small business rates.

21 **Announcements**

The former Chairman, Councillor Gardiner, presented each of his charities, the Yorkshire Air Ambulance and Ryedale Charities Together, with a cheque for £2,224.79. He also thanked Kirkbymoorside Brass Band for their help running his Band Night, which had been a major event contributing to the charities.

The Chairman made the following announcements:

- That the Council had been on the shortlist for the most improved Council at the Municipal Journal (MJ) Awards, being chosen as runner up with a high commendation;
- That he had attended the reopening of Huttons Ambo Village Hall, for which the new curtains had been funded from the community grants scheme;
- That he had been getting out into the community, with invitations to lots of events following an email circulated to schools. He recounted that young people were thinking about politics and government, as evidenced by a question he had received on how the County, District and Town Councils could work together more effectively.

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

1. Councillor Joy Andrews submitted the following question:

To Councillor Clark, Chair of Overview and Scrutiny:

"Could you please update the council on the proceedings of the Overview and Scrutiny Committee."

The Chair of Overview and Scrutiny, Councillor Clark replied

"I was going to now still be in the position of having to point out that I was hoping that the Scrutiny Committee's main topic would be looking into bullying but as we have that later on the agenda, I don't think there's any point in dwelling on that too long. Other than to make the general point that I would make after that debate and, if it goes the way I suspect it will go, is that it is something that we have to look into very very seriously. We have to look into it because we need to know whether it's happening. The staff survey shows that it may well be. We need to know which parts of the Council in which it is happening. We need to know if people are being accused of bullying and aren't bullies. So it's a very large piece of work to be doing. I'm delighted to be Chairing the Committee that is liable to be looking into it but I don't think that we can expect a quick result out of it. I realise that I want to save other things for the debate but as the Chair I'll be delighted to look into it. The other issue that came out of that meeting, we looked at air quality, which I hope now goes below looking into the bullying one and the third one was dog fouling and that is changing the way it is handled in the Council, if that's the right phrase for it, and on that basis I'm hoping that's dealt with number three. The other issue that was raised in the meeting is the question, we still appear in Ryedale to be able to have sewage in a street in a village and it's not been unknown in other parts of Ryedale and they're asking us to which organisations deal with the sewage - not what causes it - this Council's done flooding with others to great depth. But what happens when there is sewage in the street, who deals with it, how's it disinfected etc. and on that basis if anybody has any incidence of sewage arriving in Ryedale, please let the Scrutiny Committee know."

2. Councillor Clark submitted the following question:

To Councillor Ives, Chair of Policy and Resources:

"In view of your questionable decision not to allow Councillor Potter questions at Policy and Resources could you please inform council:

- i. Which organisations are associated with these referred to in Policy and Resources (15/06/17)?*
- ii. a) Which of these companies have done work for RDC?
b) Have you examined the tendering process?*
- iii. How much has been spent with each organisation?*
- iv. What work has been done so far?*
- v. What commitments have already been given for future work and payments?"*

The Chair of Policy and Resources, Councillor Ives replied

"I outlined at the P&R Committee why I believe that it is only right that Members ask questions in advance of meeting to Officers and not at the meeting, so I do not intend to revisit that. First of all you asked which organisations are associated with these referred to in Policy and Resources (15/06/17)? The following associates have done work for the Council; Inner Circle Consulting in

relation to the asset review, Work Folk Limited which have provided HR support and Waste Consulting which have helped with the Streetscene review. All the organisations that I've just listed have done work for this Council and therefore that answers your next question in relation to which ones have done work. You then asked have I examined the tendering process? I have not examined the tendering process as the work has been undertaken through iESE and therefore no tender process was required. You then asked how much has been spent on the organisation to date? In the 2015/16 fiscal year £41234 was spent, (I will provide a copy of this answer afterwards if you prefer) and in the 2016/17 £160,456 has been spent. You then asked what work has been done so far? The expenditure covers the delivery of the transformation programme achieving savings of over £1 million to date and includes the delivery of a new operating model, service redesign and the delivery of the use of technology for the future. You then asked what commitments have already been given for future work and payments? So far there is an outstanding payment of iESE in relation to the review of the Council assets for the sum of £28,000. Members may remember there was a briefing at the beginning of June - that briefing and the work done cost £12,000 roughly and subsequent to that briefing work has continued and a further £28,000 has been spent but that invoice has not been paid yet."

Councillor Clark asked the following supplementary question:

"I wonder if the Chair of P&R would agree with me that these are large sums of money and he may have skirted round, or he may not have, whether or not this is value for money because the question was how much has been spent and what work has been done so far? If the presentation that we had in January is £12,000 worth of presentation, then I have grave doubts about the rest of it. It also leaves me in the sad position of wondering why some of the rewards we've got and, would Councillor Ives agree with this, that are sponsored by iESE? Is it not surprising that they are prepared to sponsor this Council getting awards when they have that sort of amount of money coming in with no tendering process?"

Councillor Ives replied:

"I do agree that these are large sums of money and as the custodians of the public purse we have a duty to ensure that every penny piece of tax payers money is spent wisely and well. In my capacity as Chairman of P&R, subsequent to the Members' briefing, I have asked questions of Officers in relation to spend and the value that we gain from that. So, such discussions have taken place. Like you I will ensure that full scrutiny is given to every penny piece that this Council spends."

3. Councillor Potter submitted the following question:

To Councillor Ives, Chair of Policy and Resources:

"In view of your questionable decision not to allow questions to officers at Policy and Resources could you please produce for all councillors:

- i. All charges for services over each of the last 6 years*

- ii. *The calculation and hence justification for increasing charges for any services by an inflation busting 5.4%*"

The Chair of Policy and Resources, Councillor Ives replied
"You have just been provided with a copy of all fees and charges which you have a paper copy in front of you now. In relation to the justification for the 5.4% increase which is the 4.5% plus VAT which you alluded to. The reason for that officer recommendation is that it's in accordance with an amendment made by Members in October 2014 as part of the decision making process on the budget strategy for 2015/16. Of course it is the gift of this Council to review that rate and that will be part of the debate that we have later on this evening."

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

Policy & Resources Committee - 15 June 2017

Minute 6 - Budget Strategy 2018/19

It was moved by Councillor Ives and seconded by Councillor Steve Arnold that the following recommendations of the Policy and Resources Committee be approved and adopted.

That Council be recommended to approve the following strategy for the preparation of the 2018/19 budget

- (i) Proposals to be brought forward for a £5 increase in Council tax;
- (ii) Increases in fees and charges to be to a maximum of 4.5% on a cost centre heading basis excluding VAT and only those charges officers recommend above this figure to be considered by the relevant policy committee;
- (iii) Efficiencies to be maximised;
- (iv) The use of New Homes Bonus in line with the revised medium term financial plan;
- (v) Options for service cuts to be provided if necessary. These proposals to be considered by the Resources Working Party and brought to the Policy and Resources Committee and Council;
- (vi) That the Council ceases the special levy arrangement for street lighting in Malton, Norton and Pickering Rural with effect from 1st April 2018.

An amendment was moved by Councillor Potter and seconded by Councillor Clark:

To insert after (ii):

*"(iii) A budget to be produced based on both 1% pay inflation and 3.3% pay inflation."
(and renumber thereafter.)*

Upon being put to the vote the amendment was lost.

Recorded vote

For - Councillors Joy Andrews, Burr, Clark, Jowitt, Keal, Potter and Shields.
Against - Councillors Steve Arnold, Val Arnold, Bailey, Cleary, Cowling, Cussons, Duncan, Frank, Gardiner, Goodrick, Ives, Jainu-Deen, Maud, Oxley, Sanderson, Wainwright and Windress.
Abstention - Councillors Acomb and Farnell

An amendment was moved by Councillor Ives and seconded by Councillor Steve Arnold:

Add the following provision:
"Green waste charges will be frozen at the price of £38."

Upon being put to the vote the amendment was carried.

Voting Record

24 For
2 Against
0 Abstentions

An amendment was moved by Councillor Ives and seconded by Councillor Steve Arnold:

"Amend the financial plan to take into account that no decisions regarding the review of Council assets be taken in the 2017 calendar year."

Upon being put to the vote the amendment was carried.

Voting Record

12 For
11 Against
2 Abstentions

[Councillor Jainu-Deen then left the meeting.]

Upon being put to the vote the motion was carried.

Resolved

That Council approve the following strategy for the preparation of the 2018/19 budget

- (i) Proposals to be brought forward for a £5 increase in Council tax;
- (ii) Increases in fees and charges to be to a maximum of 4.5% on a cost centre heading basis excluding VAT and only those charges officers recommend above this figure to be considered by the relevant policy committee;
- (iii) Efficiencies to be maximised;
- (iv) The use of New Homes Bonus in line with the revised medium term financial plan;
- (v) Options for service cuts to be provided if necessary. These proposals to be considered by the Resources Working Party and brought to the Policy and Resources Committee and Council;
- (vi) That the Council ceases the special levy arrangement for street lighting in Malton, Norton and Pickering Rural with effect from 1st April 2018;
- (vii) Green waste charges will be frozen at the price of £38;
- (viii) Amend the financial plan to take into account that no decisions regarding the review of Council assets be taken in the 2017 calendar year.

Voting Record

14 For

11 Against

0 Abstentions

Minute 7 - Business Rates Discretionary Rate Relief Policy

It was moved by Councillor Ives and seconded by Councillor Steve Arnold that the following recommendations of the Policy and Resources Committee be approved and adopted.

That Council be recommended to approve:

- (i) The Discretionary Business Rates Policy at Appendix A subject to the following revision of the appeals provisions:

Delete existing paragraph 7.7 and replace with new paragraphs 7.7 and 7.8 as follows:

- 7.7 If a ratepayer wishes to appeal against a decision made by the Senior Revenues Officer under this policy, the application will be reconsidered by the Resources and Enabling Services Lead (S 151) .

7.8 If a ratepayer wishes to appeal against a decision made by the Resources and Enabling Services Lead (S 151), the application will be reconsidered by the Policy and Resources Committee whose decision will be final.

(ii) That officers be delegated to approve the new revaluation element of Discretionary Business Rates Relief in cases where the business rates rateable value is less than £20,000.

Upon being put to the vote the motion was carried.

Resolved

That Council approve:

(i) The Discretionary Business Rates Policy at Appendix A subject to the following revision of the appeals provisions:

Delete existing paragraph 7.7 and replace with new paragraphs 7.7 and 7.8 as follows:

7.7 If a ratepayer wishes to appeal against a decision made by the Senior Revenues Officer under this policy, the application will be reconsidered by the Resources and Enabling Services Lead (S 151) .

7.8 If a ratepayer wishes to appeal against a decision made by the Resources and Enabling Services Lead (S 151), the application will be reconsidered by the Policy and Resources Committee whose decision will be final.

(ii) That officers be delegated to approve the new revaluation element of Discretionary Business Rates Relief in cases where the business rates rateable value is less than £20,000.

Voting Record

20 For

0 Against

3 Abstentions

24 Notices on Motion Submitted Pursuant to Council Procedure Rule 11

1. At the Extraordinary Meeting of Council on 18 May 2017 the following motion had been moved by Councillor Burr and seconded by Councillor Paul Andrews:

"Bearing in mind that

- *the Council has sent its comments on the Joint Minerals and Waste Plan (JMWP) and these comments include a request to exclude the Vale of Pickering and the Yorkshire Wolds from the area where fracking is to be permitted;*
- *the potential developers are challenging the requirement in the JMWP to keep AONB's and National Parks free from fracking by seeking to amend the definition of fracking in the JMWP;*
- *fracking will completely industrialise the areas where it is allowed;*
- *RDC has no planner with experience in mineral planning on its payroll,*

This Council resolves to task Officers with the preparation of a brief for consultants to represent the Council at the JMWP Examination in Public. This will help to gauge the availability of consultants and the level of potential cost. The brief shall be drafted by the Head of Planning and will be consistent with the representations made by this Council to the Plan. The brief will be agreed in consultation with group leaders. It is also resolved that the Head of Planning, in consultation with group leaders be given authority to appoint suitable consultants."

A report from the Monitoring Officer on the implications of the above notice on motion was included on the agenda as requested at the Extraordinary Meeting of Council on 18 May 2017.

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

Voting Record

6 For

16 Against

3 Abstentions

2. It was moved by Councillor Ives and seconded by Councillor Steve Arnold

"In view of the results of the recent Staff Survey, which was instigated by the Staff Champion, this Council asks the Overview & Scrutiny Committee to conduct a full investigation into the seriously worrying indication of the bullying of employees within Ryedale District Council and to establish whether full Council has previously been misled on this matter.

Officers will comply with all requests for information that the Committee makes in relation to the investigation. A budget of £10,000 will be provided - if required - to the Committee in order to conduct the investigation and procure expert assistance, which will be funded using general reserves.

The Overview & Scrutiny Committee will report to full council as a matter of urgency."

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

Voting Record

20 For

3 Against

2 Abstentions

[Councillors Burr, Cleary, Cowling, Farnell, Jowitt, Keal, Maud, Shields, Wainwright and Windress left the meeting.]

25 Options for the Future Arrangements for the Post of Chief Executive and Possible Interim Arrangements

The Chief Executive tabled a report which set out options for the future arrangements for the post of Chief Executive and possible interim arrangements.

Councillor Ives moved and Councillor Steve Arnold seconded that the item be deferred.

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

Resolved

That the item be deferred.

Voting Record

14 For

0 Against

0 Abstentions

26 Representation on Outside Organisations

Council considered who would fill the vacancy left by the decision to not appoint a Council Leader on the following outside body:

- Local Government North Yorkshire & York

Council was advised that there was no vacancy to fill on the following outside body, where Councillor Cowling remained the appointed representative:

- York, North Yorkshire and East Riding Local Enterprise Partnership Board (All Wards) inc.
 - Infrastructure Programme Board
 - Joint Committee
 - Spatial Planning and Transport Board

Council also considered who would fill the vacancy on North Yorkshire County Council - Ryedale Area Committee left by Councillor Goodrick becoming a County Councillor.

Resolved:

That the following representatives be appointed to outside bodies:

- Local Government North Yorkshire & York - the Leader of Council or, if there is no Leader, the Chairman of the Policy and Resources Committee, with the Vice Chairman of the Policy and Resources Committee as substitute
- North Yorkshire County Council - Ryedale Area Committee - Councillor Clark

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

There being no other business, the meeting closed at 9.40pm.