

Council

Minutes of Proceedings

At the **Ordinary Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Thursday 14 December 2017**

Present

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

In Attendance

Beckie Bennett
Simon Copley
Peter Johnson
Angela Jones
Clare Slater
Anthony Winship

Minutes

48 **Apologies for absence**

Apologies for absence were received from Councillors Keal and Maud.

49 **Public Question Time**

The following public question was submitted by David Cragg-James:

“In the event of a catastrophic explosion at KM8 or any other of the dozens of fracking sites envisaged, or of a major leakage of gases affecting the safety or lives of workers at these sites and the public at large, what emergency plans does the council have in place immediately to address these contingencies and within how many minutes? How would the ensuing environmental pollution be addressed?”

The Chairman thanked Mr Cragg-James for his question and replied:

“Having taken advice from the Principal Specialist – Environment and the Council Solicitor, I can confirm that the JMWP is the responsibility of the County Council and that the response to any explosion or leakage of gas would be led by the Environment Agency, supported by the Oil and Gas Authority, the Health and Safety Executive and Public Health England.”

50 Minutes

The minutes of the Ordinary Meeting of Council held on 12 October 2017 were presented.

Resolved

That the minutes of the Ordinary Meeting of Council held on 12 October 2017 be approved and signed by the Chairman as a correct record, subject to an amendment to Councillor Cleary’s declaration of interest, under Minute 42, to read that he was Chairman of the Ryedale Cycling Forum, not the North Yorkshire Cycling Forum.

51 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).

52 Declarations of Interest

The following interests were declared:

All Members declared that they had been lobbied significantly regarding the first notice on motion under agenda item 10.

Councillors Val Arnold, Burr, Duncan, Goodrick and Sanderson declared personal non-pecuniary but not prejudicial interests as North Yorkshire County Councillors, particularly in relation to the first notice on motion under agenda item 10.

Councillor Bailey declared a personal pecuniary and prejudicial interest in relation to the first notice on motion under agenda item 10, as Chairman of the North Yorks Moor National Park Authority, which was a minerals and waste authority. He advised that he would partake in the discussion on the procedural part of the motion but not the substantive part.

53 **Announcements**

The Chairman made the following announcements:

- To congratulate and recognise the work of Councillor Elizabeth Shields who had been awarded the Freedom of Norton on Derwent;
- To congratulate and recognise the work of Councillor Di Keal who had received a community champion award at an event for women enabling change;
- To report that the Vice Chairman and himself were enjoying attending a range of school Christmas events and meeting the young people there.

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

1. Councillor Wainwright submitted the following question:

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

“Please will Cllr Clark tell Members of the progress made by the Scrutiny Committee into the investigation of alleged bullying of employees at Ryedale District Council?”

The Chairman of the Overview and Scrutiny Committee, Councillor Clark replied that the meeting scheduled on 30 November 2017 had been cancelled owing to snow and that an update would be available at the next meeting in January.

Councillor Wainwright asked the following supplementary question:

Following on from your comments at the recent scrutiny training, where you invited all Members to attend scrutiny meetings and scrutiny task group meetings, when will you circulate the dates for these meetings?

Councillor Clark replied that he had said something slightly different at the training session, that all Members were invited to Overview and Scrutiny Committee meetings and that all Overview and Scrutiny members were invited to task group meetings.

2. Councillor Frank submitted the following question:

To Councillor Ives, Chairman of the Policy and Resources Committee:

“How much money has been spent on paper copies of the agendas since we were issued with the tablets? We were told that the tablets would save £15,000 per year. How has that turned out? Have we made the savings promised?”

The Chairman of the Policy and Resources Committee, Councillor Ives replied that there had been a reduction of approximately £14k in the cost of copying and printing agendas. The current cost of copying and printing is approximately £1k and the time taken to produce the paper agendas is estimated to be the equivalent of one week for one member of staff every year, spread over 42 meetings. The overall costs of printing within the authority had reduced over a five year period from £48k in 2012/13 to £20k in 2016/17, bringing about both a cost saving and a positive environmental impact. Whilst, as the amount of paper around Ryedale House illustrated, further work was required to achieve truly paperless working, big improvements had been made in this area following initiatives by the Chief Executive (Interim) over the last few months.

Councillor Frank asked the following supplementary question:
How much did it cost to provide Members who didn't use the tablets with paper agendas?

Councillor Ives replied that The current cost of copying and printing is approximately £1k and the time taken to produce the paper agendas is estimated to be the equivalent of one week for one member of staff every year, spread over 42 meetings. He also highlighted that there may be legitimate reasons why some Members required a paper agenda and not to provide them would be discriminatory under the Equalities Act 2010.

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

Overview and Scrutiny Committee – 2 November 2017

Minute 55 – Treasury Management Mid-Year Review

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

That Council agree the recommendations within the report.

Upon being put to the vote the motion was carried.

Resolved

That Council agree the recommendations within the report.

Voting Record

27 For

0 Against

0 Abstentions

Policy and Resources Committee – 23 November 2017

Minute 42 – Timetable of Meetings 2018 - 2019

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, subject to the consent of the Chairman of the Overview and Scrutiny Committee.

That Council be recommended to approve the timetable of meetings attached as Annex A to the report.

The Chairman of the Overview and Scrutiny Committee confirmed his consent, subject to an amendment being agreed.

The amendment was then moved by Councillor Clark and seconded by Councillor Acomb:

To add

“That the Scrutiny and Audit rows of the timetable be combined as a single row for the Overview and Scrutiny Committee (including Audit).”

Upon being put to the vote the amendment was carried.

Voting Record

28 For

0 Against

0 Abstentions

Upon being put to the vote the motion was carried.

Resolved

(i) That Council approve the timetable of meetings attached as Annex A to the report.

(ii) That the Scrutiny and Audit rows of the timetable be combined as a single row for the Overview and Scrutiny Committee (including Audit).

Voting Record

27 For

0 Against

0 Abstentions

Minute 43 – Localisation of Council Tax Support 2018/2019 Scheme

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 is recommended to;

- (i) approve a Local Council Tax Support Scheme for 2018/19 which is unchanged from 2017/18; and
- (ii) authorise the Finance Manager in consultation with the Chairman of Policy and Resources Committee to undertake the necessary consultation work to design a scheme for 2019/20, in light of the experience in previous years, to be presented to Policy and Resources Committee in December 2018.

Upon being put to the vote the motion was carried.

Resolved

That Council:

- (i) approve a Local Council Tax Support Scheme for 2018/19 which is unchanged from 2017/18; and
- (ii) authorise the Finance Manager in consultation with the Chairman of Policy and Resources Committee to undertake the necessary consultation work to design a scheme for 2019/20, in light of the experience in previous years, to be presented to Policy and Resources Committee in December 2018.

Voting Record

27 For

0 Against

0 Abstentions

Minute 45 – Application to the Department for Communities and Local Government for a North Yorkshire and East Riding 100% Business Rates Retention Pilot in 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.

2.1 That Council agrees with the action taken that Ryedale District Council, as a member of the North Yorkshire Business Rates Pool, be part of the North Yorkshire & East Riding submission to the Department for Communities and Local Government to become a 100% Business Rates Pilot in 2018/19.

2.2 Should the application be successful, delegated authority be given to

the s151 Officer in conjunction with the Chair of the Policy and Resources Committee to formalise the pilot pool governance arrangements highlighted within the application.

Upon being put to the vote the motion was carried.

Resolved

- 2.1 That Council agrees with the action taken that Ryedale District Council, as a member of the North Yorkshire Business Rates Pool, be part of the North Yorkshire & East Riding submission to the Department for Communities and Local Government to become a 100% Business Rates Pilot in 2018/19.
- 2.2 Should the application be successful, delegated authority be given to the s151 Officer in conjunction with the Chair of the Policy and Resources Committee to formalise the pilot pool governance arrangements highlighted within the application.

Voting Record

27 For

0 Against

0 Abstentions

Minute 47 – Combined Authority Update

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.

- 2.1 That Council supports the development of a combined authority to include Ryedale, with officers attending any future discussions, on the principle of a partnership of the willing.
- 2.2 That the preferred geography for a Combined Authority to include Ryedale to be that which includes as great a portion of the Yorkshire Region as possible and including as a minimum, York, North Yorkshire and East Riding.

Upon being put to the vote the motion was carried.

Resolved

- 2.1 That Council supports the development of a combined authority to include Ryedale, with officers attending any future discussions, on the principle of a partnership of the willing.
- 2.2 That the preferred geography for a Combined Authority to include Ryedale to be that which includes as great a portion of the

Yorkshire Region as possible and including as a minimum, York, North Yorkshire and East Riding.

Recorded vote

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

Against - Councillors Joy Andrews, Clark, Potter and Thornton.

Abstentions – Councillors Paul Andrews, Burr and Jowitt.

56 Notices on Motion Submitted Pursuant to Council Procedure Rule 11

1. Submitted by Councillor Paul Andrews and Councillor Jowitt

1. Standing Order 14.2 be waived so as to allow the following motion to be debated notwithstanding that a similar motion was not approved by Ryedale District Council at its meeting on 6th July last and notwithstanding that unless Standing Orders are waived, the six months rule will apply.
2. This Council resolves to task Officers with the preparation of a brief for consultants to represent the Council at the Examination In Public of the Joint Minerals and Waste Plan. 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.

The reasons for the motion are as follows:

- a) Ryedale District Council has made representations on the plan. Some of the representations have been taken into account to a greater or lesser extent: others, not. Members should wish to vigorously support all the comments made which have been taken into account and to vigorously pursue all those comments which have not been taken into account.
- b) Ryedale District Council will be expected to provide full professional representation at the Examination In Public. This would normally mean the attendance of officers. However, the Council's officers do not have the experience of highly skilled specialists in minerals planning. The Council could therefore be at a disadvantage if it does not engage consultants who are experienced specialist mineral planners.

- c) The Examination In Public into the Joint Minerals and Waste Plan is imminent and an urgent decision is required as this may be the last Council meeting before the Examination In Public commences.

A report from the Monitoring Officer on the implications of the above notice on motion was included on the agenda. This report had previously been presented to Council at its meeting on 6 July 2017.

The procedural part of the motion (part 1) to suspend Council Rule of Procedure 14.2 for the duration of the debate on this item was moved by Councillor Paul Andrews and seconded by Councillor Jowitt. On being put to the vote, the procedural part of the motion was lost.

Recorded vote

For - Councillors Joy Andrews, Paul Andrews, Burr, Clark, Hope, Jowitt, Potter, Elizabeth Shields and Thornton.

Against – Councillors Steve Arnold, Val Arnold, Cleary, Cowling, Cussons, Duncan, Farnell, Frank, Gardiner, Goodrick, Ives, Jainu-Deen, Oxley, Raper, Sanderson, Wainwright and Windress.

Abstentions – Councillor Acomb.

As the procedural motion fell, the substantive part of the motion (part 2) was not debated.

Exempt Information

A procedural motion to move into exempt was proposed by Councillor Wainwright and seconded by Councillor Elizabeth Shields.

Upon being put to the vote the motion was carried.

Resolved

That under Paragraph 1 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 it contains information which relates to an individual.

Recorded vote

For - Councillors Acomb, Steve Arnold, Val Arnold, Bailey, Burr, Cleary, Cowling, Cussons, Farnell, Frank, Gardiner, Hope, Ives, Jowitt, Oxley, Raper, Elizabeth Shields, Wainwright and Windress.

Against – Councillors Joy Andrews, Clark, Duncan, Potter and Thornton.

Abstentions – Councillors Paul Andrews, Goodrick, Jainu-Deen and Sanderson.

2. It was moved by Councillor Ives and seconded by Councillor Burr

Recruitment and appointment of a Chief Executive – Proposal to recruit and appoint a Chief Executive internally from amongst the Council's existing officers

Motion on notice submitted under Council Procedure Rule 14.1, signed by at least one quarter of the whole number of Members of the Council, to rescind a previous decision made by Council in the past six months.

Background

Council notes the following decisions made at its meeting on 31 August 2017:

Minute 35 - Options for the Interim Arrangements for the Post of Chief Executive

That Council approve:

(i) That the Deputy Chief Executive be appointed as the Interim Chief Executive of Ryedale District Council and Head of Paid Service for up to 6 months, with the option to extend on a month by month basis, if necessary, by the Senior Management Contracts Working Party sitting as the Appointments Sub-Committee;

(ii) That the reassignment of the statutory duties of Electoral Registration Officer and Returning Officer be approved, in the interim, to the following Officer:

(a) Electoral Registration Officer - Principal Specialist - Democracy

(b) Returning Officer - Principal Specialist - Democracy

Minute 37 - Recruitment and Selection for the Permanent Chief Executive Post

That the following future arrangements be agreed for the job specification for the post of Chief Executive:

(i) Hours from a minimum of 3 days a week to a maximum of full time;

(ii) The existing job description and person specification;

(iii) A salary band of £80-95k pa, with no car allowance.

That the following arrangements be agreed for the recruitment process for the post of Chief Executive:

- (i) That quotes be sought from North Yorkshire County Council and from recruitment agencies for running the process;*
- (ii) That if the County Council was a third or more cheaper than the recruitment agencies, they be selected to run the process, and if not a quote from an agency be accepted;*
- (iii) That the quotes be shared with Members of the Working Party;*
- (iv) That the recruitment process be started immediately and the organisation appointed be asked to distribute the suggested timetable by email/post;*
- (v) That the Appointments Sub-Committee meet to review the applications received and be involved in all aspects and stages of the selection process for the post of Chief Executive.*

Proposals Going Forward

- a) That Council rescind the resolution in Minute 37 - Recruitment and Selection for the Permanent Chief Executive Post;
- b) That the Council seek to make the appointment of the Chief Executive from amongst its existing officers in accordance with the officer Employment Procedure Rules by internal process;
- c) That the Appointments Sub-Committee meet to review the applications received and be involved in all aspects and stages of the selection process for the post of Chief Executive with a view to making a recommendation to Council;
- d) That the following future arrangements be agreed for the job specification for the post of Chief Executive:
 - (i) Hours - full time;
 - (ii) The existing job description and person specification as revised and updated as necessary by the Appointments Sub-Committee;
 - (iii) A salary band of £80-95k pa, with no car allowance;
 - (iv) That the Appointments Sub-Committee decide whether or not the Chief Executive post should include the Returning Officer and Electoral Registration Officer roles.

Reasons for proposal:

- (i) The motion on notice is made on the grounds of cost and value for money. This is in addition to the rationale of maintaining organisational stability following a period of significant change.
- (ii) The Council needs to satisfy a legal requirement that the appointment is based on merit: therefore an advertisement and a selection process is still required to demonstrate that an assessment has been made and that any internal candidates meet the specified requirements of the role.

The notice on motion was signed by at least one quarter of the whole number of Members of the Council:

Councillors Ives, Burr, Acomb, Steve Arnold, Val Arnold, Bailey, Cowling, Frank, Elizabeth Shields and Wainwright.

Councillor Goodrick had withdrawn her signature.

A report from the Monitoring Officer was included on the agenda.

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

That the motion be deferred until the views and reasoning of the SMCWP on the structure re: Chief Executive and Deputy Chief Executive are received.

Upon being put to the vote the amendment was lost.

Recorded vote

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

Against – Councillors Acomb, Steve Arnold, Val Arnold, Bailey, Burr, Cleary, Cowling, Cussons, Duncan, Farnell, Frank, Gardiner, Goodrick, Hope, Ives, Jainu-Deen, Oxley, Raper, Sanderson, Elizabeth Shields, Wainwright and Windress.

Abstentions – Councillor Jowitt.

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

Resolved

- (a) That Council rescind the resolution in Minute 37 - Recruitment and Selection for the Permanent Chief Executive Post being a decision made at the Council meeting on 31 August 2017;
- (b) That the Council seek to make the appointment of the Chief Executive from amongst its existing officers in accordance with the Officer Employment Procedure Rules by internal process;
- (c) That the Appointments Sub-Committee meet to review the applications received and be involved in all aspects and stages of the selection process for the post of Chief Executive with a view to making a recommendation to Council;
- (d) That the following future arrangements be agreed for the job specification for the post of Chief Executive:
 - (i) Hours - full time;
 - (ii) The existing job description and person specification as revised and updated as necessary by the Appointments Sub-Committee;
 - (iii) A salary band of £80-95k pa, with no car allowance;
 - (iv) That the Appointments Sub-Committee decide whether or not the Chief Executive post should include the Returning Officer and Electoral Registration Officer roles.

Reasons for decision:

- (a) The decision is made on the grounds of cost and value for money. This is in addition to the rationale of maintaining organisational stability following a period of significant change.
- (b) The Council needs to satisfy a legal requirement that the appointment is based on merit: therefore an internal advertisement and a selection process is still required to demonstrate that an assessment has been made and that any internal candidates meet the specified requirements of the role.

Recorded vote

For – Councillors Acomb, Steve Arnold, Val Arnold, Bailey, Burr, Cowling, Cussons, Frank, Gardiner, Hope, Ives, Raper, Elizabeth Shields, Wainwright and Windress.

Against – Councillors Joy Andrews, Paul Andrews, Clark, Cleary, Duncan, Farnell, Goodrick, Jainu-Deen, Potter and Thornton.

Abstentions – Councillors Jowitt, Oxley and Sanderson.

57 Changes to Committee Membership

Resolved

That the following changes to committee membership be approved:

For Councillor Burr to be appointed as the New Independent Group's member of the Policy and Resources Committee, with Councillor Paul Andrews as substitute.

For Councillor Paul Andrews to be appointed as the New Independent Group's member of the Planning Committee, with Councillor Burr as substitute.

58 Any other business that the Chairman decides is urgent.

There being no other business, the meeting closed at 9.36pm.