

# Public Document Pack

## Council

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Minutes of Proceedings

At the **Ordinary Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Thursday 20 February 2020**.

Items 1-12 and 15b (minutes 78 to 88 and 91b refer) were considered on 20 February 2020. The meeting then stood adjourned at 10:40pm.

The meeting was reconvened on 27 February 2020 to complete the outstanding business.

## Present

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Councillors     Joy Andrews  
                     Paul Andrews  
                     Arnold  
                     Bailey  
                     Brackstone  
                     Burr MBE  
                     Clark  
                     Cleary (Chairman)  
                     Cussons MBE  
                     Delaney  
                     Docwra  
                     Duncan  
                     Frank (Vice-Chairman)  
                     Garbutt Moore  
                     Goodrick  
                     Graham  
                     Hope  
                     Di Keal  
                     MacKenzie  
                     Mason  
                     Middleton  
                     Oxley  
                     Potter  
                     Raper  
                     Riby  
                     Thackray  
                     Wass

## In Attendance

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Will Baines, Stacey Bulet, Simon Copley, Andrew Ellis, Anton Hodge, Barry Khan, Nicki Lishman, Phillip Spurr, Margaret Wallace and Louise Wood.

## Minutes

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### 78     **Apologies for absence**

Apologies for absence on 20 February were received from Councillors Delaney, Frank, King, Raine and Windress.

Apologies for absence on 27 February were received from Councillors Hope, King, Raine, Riby and Windress.

79 **Public Question Time**

Council took the following public question, submitted by Mr D Summers, in relation to historic issues of bullying at Ryedale District Council:

*“The Council's Overview & Scrutiny Committee have concluded their investigations into the questions of bullying and intimidation at the Council. Disturbingly, the investigation found clear evidence that bullying and intimidation has taken place. Assuming that the report is accepted by Full Council at this meeting, what further actions in connection with this matter are proposed?”*

The Chairman thanked Mr Summers for his question and replied:

*“You will appreciate from the agenda that there are two items that Council will be hearing this evening in connection with this report therefore my answer now is very brief but I will allow you a supplementary if you require it. The answer to the question is in the report from the Chief Executive, issued with the agenda, sets out the actions taken in connection with this matter. Do you wish to ask a supplementary?”*

Mr Summers then asked a supplementary question:

*“The Raine Dunstan report refers to disgraceful bullying and intimidation events in the Council's recent [sic] history and there was clearly been a lack of action from those in senior positions [at the time] who should have been aware of what was occurring. In this connection I asked a public question at Full Council in 2016 about bullying and was told "We have in place clear policies and guidance to address these serious issues". There was also extensive press coverage at the same time on that subject. As the Council has a duty of care towards staff affected by the bullying and intimidation uncovered in the Raine Dunstan report what action is the Council going to take in respect of those former members of staff who did not have the benefit of voluntary redundancy payments or an NDO and were bullied out of their jobs and suffered a number of serious problems? Including which, I'll draw your attention to the following. There would be a financial impact on people who were bullied out of their jobs, they'd have reduced occupational pension and reduced state pension contributions, as well as suffering a sudden loss of current earnings. They would also have difficulty in securing another job, related to skills, experience, age and reference issues. A number of members of staff who left the authority suffer from mental health issues.”*

The Chairman replied that he would take the question as what actions the Council had put in place and what future actions it might put in place. The Chairman offered a written answer if required, but highlighted that these matters would be covered later under that item on the agenda.

80 **Minutes**

The minutes of the Ordinary Meeting of Council held on 5 December 2019 were presented.

**Resolved**

That the minutes of the Ordinary Meeting of Council held on 5 December 2019 be approved and signed by the Chairman as a correct record.

**Voting record**

23 For

1 Abstention

81 **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).

82 **Declarations of Interest**

The Chairman advised that the declarations of all members of North Yorkshire County Council would be taken as given.

The following interests were declared:

Councillor P Andrews declared a personal non-pecuniary but not prejudicial interest in Item 12 as Chairman of the Milton Rooms Management Committee.

Councillor Thackray declared a personal non-pecuniary but not prejudicial interest in Item 12 as a Trustee of the Milton Rooms.

83 **Announcements**

The Chairman made the following announcements:

Thanks were given to Tony Galloway, former Deputy Chief Executive, who had left the Council to take up a senior post at Swindon Borough Council.

On behalf of the Council, the Chairman offered condolences and sincere sympathy to Councillor Raine on her recent bereavement.

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

**To Councillor Clark, Chair of Overview and Scrutiny Committee, from Councillor Joy Andrews**

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

Councillor J Andrews submitted the following question:

*“In view of the fact that the bullying and follow up investigation has spanned three Councils, could the chair of O&S please give this new council the history and background so as to put the report into context.”*

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

*The investigation into bullying by the Overview & Scrutiny Committee has taken an unbelievable two and a half years. My own involvement goes back 6 years. Employees of RDC made contact alleging bullying, they usually asked for help and advice. On each occasion I advised that they spoke to their line manager, the manager's manager and the union. None of this appeared to reduce, let alone stop the alleged bullying. I was contacted by more than ten cases and heard of as many again.*

*The biggest impact was on mental health. Three examples; left 2017 not worked since; serious mental issues still ongoing in 2020. one person was going to ring me in the new year 2017, told me she had panic attacks over Christmas and the New Year though had never had panic attacks before. Handed in her notice with no job to go to.*

*I raised bullying several times with the Chief Executive at that time in 2014 and 2015, I asked her to investigate. In my opinion nothing happened and the phone calls from employees continued. In 2016 I raised the issue in Full Council, the Chief Executive said no Councillors had raised the question of bullying with her. One other Councillor had raised the issue with her, again, nothing done. I therefore moved a motion of no confidence in the Chief Executive at the time, this was ruled out of order by the Chief Executive and the Monitoring Officer.*

*In 2017 the Health & Wellbeing Group, in conjunction with the then Staff Champion, carried out a survey into bullying and other issues. In June 2017 Overview & Scrutiny agreed to look into the alleged bullying starting with the Health & Wellbeing Group/Staff Champion survey. The Deputy Chief Executive said "I'll see if the Chief Executive will let the Committee see it". In my opinion, once again senior management at that time tried to block any moves to resolve the issue.*

*Overview & Scrutiny commissioned an independent academic survey to be carried out by Professor John Raine, this gave the same results as the Health & Wellbeing survey, however the Raine report is academically sound, independent and more rigorous. The Raine report was given to the new Chief Executive in January 2019 for her to use in management terms, her report is attached in the item later this evening.*

*One question for Council to consider is what course of action should a Councillor take if the senior management is possibly acting inappropriately. If this is non-financial but concerns welfare etc of employees, what is the equivalent to the external auditor? The problem of bullying should not have taken six years to resolve.*

*The second question for RDC to consider is its duty of care to employees and I put duty of care as my words in inverted commas because I believe it has a technical time limit to it. Those who've been bullied in the past may still be our responsibility and I use the word responsibility in the same tone. The new Chief Executive has looked into and is in contact with many of those and I think we must make absolutely sure that we've picked up every case of where our behaviour, and I say our collective behaviour in the past has allowed people to be ill-treated, some of the who have been suffering for all that time since."*

Councillor Cleary , Chairman of the Council stated:

*"We have a partial answer to your questions Mr Barry Khan, our legal advisor this evening who will answer in part, those questions."*

Mr B Khan, Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer, North Yorkshire County Council, advised:

*"I'm grateful for the advanced notice of the question. As a local authority there's usually a whole series of checks and balances that apply to local authorities, so you have the ombudsman, which is an external independent organisation which looks at whether the authority has created any mal-administration, so a member of the public can make a complaint to an independent party. As Councillor Clark has said, finance matters go to external audit. Also if there's an employment matter then individual employees can refer the matter to an Employment Tribunal, so ultimately it will have a judicial hearing.*

*I think the question that's been raised now though is if those processes don't fit the exact circumstances whereby an authority has legitimate concerns, or where a member of staff or a member of the public has legitimate concerns, how can that be raised? Because I've had advanced notice of that, what I've said is that I would write on behalf of this Council to the relevant central government department to ask for answers to those questions where things slip through the gaps."*

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

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

## **LEADER'S STATEMENT**

This is our first full Council meeting of 2020 – and it marks the start of both a new year, and a new decade. I hope we can work together to make this a year of progress and achievement as we deal with a number of key issues. I would like to brief members on some important progress that has been made through the Policy & Resources Committee and its various cross-party working groups.

### **Public Services Hub**

P&R agreed to proceed with the development of a business case for a Public Services Hub. This will involve exploring how we can bring essential public services together into a single, modern, fit-for-purpose facility. We are able to draw down £70k of funding from the Cabinet Office to support this work. Construction work has already begun for the Jobcentre to move into Ryedale House, and tonight we will consider a request for North Yorkshire Police's neighbourhood team to also move in. This represents many months of hard work from our officers and will greatly improve the service we give to the public.

### **Refugee resettlement**

P&R agreed that the council should once again participate in the Government's refugee settlement scheme. The scheme will involve housing 18 people by 2024. There is no direct cost to the council and it is welcomed by our housing team.

### **Milton Rooms**

We have held three meetings of the cross-party working party looking at how the council can best support the Milton Rooms into the future. These have been interesting and positive discussions, involving a number of different contributors. At the next meeting, which takes place later this month, we will hear from trustees of the Milton Rooms Committee. The findings of the working group will be collated and taken to a future meeting of P&R for consideration.

### **Car parking strategy**

We are making significant progress with the cross-party car parking working party, where we are examining the findings of the consultant's report. We have already reviewed district-wide recommendations, and we are now in the process of looking at specific measures for each of the five towns. This is an important issue for the people and businesses of Ryedale, and members are playing a full role in making sure we take the right decisions for the future strategy. It is hoped that the final strategy will be ready for approval by council in June.

## Housing

An independent review of our approach to tackling homelessness resulted in the council receiving the highest mark of any council reviewed so far. For the third year running, we have received the top rating for our administration of housing benefit, something no other North Yorkshire local authority has achieved. We have also been successful in attracting additional funding to address fuel poverty in our district. These are all testimony to the commitment of the officers delivering these services, and I would like to record my thanks to the staff for their work.

And finally, I would like to once again express my thanks to members for their contributions to the important work of this council. By working together in a constructive way I am confident that we will be able to make significant achievements by the end of our term.

The following questions were received on the Leader's Statement:

1. From Councillor Burr

*"I'd like to ask a question regarding the bullying report. Firstly sincere apologies to any staff and former staff who were bullied and not listened to. It was very sad to read the report conducted in 2017. After reading the report it's sad to see in the staff survey that 46.5%, just under half of our staff said that morale was quite low and then it followed on to 60.6% who said it had become even lower. T2020 was implemented with force, a lack of compassion and total disregard for what was needed in staff terms to deliver good services. Our staff work tirelessly but staff do need to be happy, thriving and a less stressed workforce. In the summary, it was heartening to see that the severity and frequency of such behaviours has now diminished and I know that our new Chief Executive has put in place a much happier, productive and pleasant place to work. I feel we must learn from this and we must move forward. Serious bullying cannot be tolerated, so I ask my Leader, would you with me thank Councillor Clark for all the work that he has done to bring this bullying report into the public realm and we can now move forward and be a good Council?"*

The Leader replied:

*"Thank you Cllr Burr for your question. It isn't a question that relates to my statement however, given the topic that has been raised I'm happy to answer the question and extend my thanks to Cllr Clark and the Overview & Scrutiny Committee. At the very start of the bullying enquiry I was a member of Overview & Scrutiny so I was there at the start of that and I'm pleased that we have now finally got to the point where we are reporting the findings of that enquiry. I would like to, while we're on this topic, stress some of the points that you've raised Cllr Burr, about that fact that we now have new procedures and new*

*policies in place, which I feel mean that we're in a very different place to where we were 2 years ago, 3 years ago, 4 years ago. I'm also conscious however that there is still more that we need to do as a Council, that includes Members and also officers of the Council. So I hope that answers your question, obviously the bullying item is coming later but I am happy to extend my thanks to all the Members of the Overview & Scrutiny who have worked on the report."*

2. From Councillor P Andrews

*"My question why is there no mention in the Leaders statement in regard to flooding issues and rising water issues in view of the recent downpours and I do have a supplementary question Chair."*

The Leader replied:

*"Thank you Cllr Andrews for your question. Strictly speaking I suppose you could say that is a question on the statement and the absence of something within it. All I would say as I've said previously, my statement cannot include all of the work that this Council does and every single issue and item. It tries to reflect the key items which are coming forward from the work of the Policy and Resources Committee. Obviously we have had stormy weather over the past few weeks and that has had an impact on Ryedale communities but as I say, the statement is there and I can't include everything."*

Councillor P Andrews asked the following supplementary question:

*"My question is something that I have actually raised with Cllr Duncan and the Chief Executive not so very long ago and that is when are we going to have the next meeting of the Flooding Liaison Group and why have we not had quarterly meetings of that group for the last year?"*

The Leader then replied:

*"Again, I've tried to be generous in allowing questions which do not relate to my statement and when I did that at the last meeting I gave an inch and I felt like people took a mile. What I will do is I will provide you with an answer to that question outside of this meeting because it does not relate to the contents of my statement."*

Councillor P Andrews requested:

*"Could I ask that in your written answer you actually tell me a date for the next meeting of that group."*

3. From Councillor Potter

*“With regard to housing, at the last meeting I asked a question about the enabling development for the Fitzwilliam Trust Corporation with regard to the Cattle Market and the reply from the Leader referred to such enabling development 227 houses on Showfield Lane, 35 houses in Old Malton, another 50 in Rainbow Lane, plus and I quote “Commercial development at Eden Camp”. Now would Cllr Duncan agree that for accuracy and I include for the accuracy of the Ryedale public, he should be quite clear that this about providing a livestock market and not merely commercial development, because if he was to look at the actual planning application, that is exactly what it says - erection of new livestock market blah, blah and business park.”*

The Leader replied:

*“Thank you Cllr Potter. I don't want to give you an answer when I haven't been able to check the full details and information, so what I will do is provide you with a written answer to your question.”*

4. From Councillor Clark

*“Trying to help you with your Leader's statement as I usually do and the last one being very fulsome in political and leadership terms wishing us Christmas and very little else, I'd like to point out that it is the Leaders' statement, not the Chair of P&R's statement and we have got here Public Service Hub - P&R, Refugee Settlement - P&R, Milton Rooms - P&R, Car Parking Strategy - P&R, Housing - P&R. On that basis you said that you weren't going to have any questions that weren't on your statement and your Leader's statement says nothing that Leader has done at all, makes it a little difficult. Now I'm sure that's an administrative error on your part and on that basis I wonder if you could, rather than tell Council what Council was perfectly able of watching and seeing what you did in full display at P&R, what you may have done since the last Full Council in the more translucent areas of meeting that the Leader may have throughout the county, throughout the country, however far your wings have spread?”*

The Leader replied:

*“Thank you Cllr Clark for your question. I feel that it's important that all Members of the Council have the opportunity to ask myself, who is Leader and Chairman of P&R, questions on important issues which are being discussed by Policy and Resources, some of which have not come to this Council for decision. I felt that I was hopefully helping out and being constructive and giving people the opportunity to ask me about some of things that Policy and Resources has been working on even if they are not members of the Policy and Resources Committee. That's why the statement is framed as it is. My last Leader's statement was doing what I thought again was quite a nice thing to do, which is trying to wish everybody Merry Christmas and say thank you to*

*Members for their hard work in the year that was just passing by. I'll keep working on my Leader's statement Cllr Clark and try to reflect on the comments that are raised but I would also stress that it is the Leader's statement and it is written by the Leader of this Council and what I put in there and what I don't put in there is down for Leader to decide."*

Councillor Clark then asked the following supplementary question:

*"I'm not sure whether other members are flattered by the fact that they're whether not capable of being on P&R, attending P&R, listening to the tape or reading the minutes. But never mind - I did ask you a question on what you've done as Leader and you then proceeded to justify that the Leader's statement, the clue is in the name, was all the things you've done and why you've covered everything to do with P&R. And then a blank space, nothing has happened as the Leader. I think that's a clear indication that what we need is a very good, which I'm sure we have, Chair of P&R and have no need for a Leader of Council at all."*

The Leader then replied:

*"Thank you Cllr Clark for your question. In my answer previously I didn't say that no work has taken place in my role as the Leader of this Council. What I would like to stress again to all Members is that this statement is here and people have the chance to ask me questions on the statement, points of clarification, additional points on the issues that are there but increasingly people seem to be using it as an opportunity to ask me a whole host of questions and that is not what this space of time is meant to be for. This is a statement by myself to the Council which goes on the record of the agenda papers and I do try and be flexible, I do try to be reasonable in answering the questions but I do wonder sometimes how constructive this session may be with some of the questions that are being asked. Just picking up on one of the points that you raised Cllr Clark, there are some people who attend Policy and Resources who are there, listen to what's going on yet still fail to understand what has happened on some occasions."*

5. From Councillor Burr

*"This question you'll be happy to hear is related to your Leader's statement. I'd like it to be put on record that I personally support the Hub and I support Ryedale District Council remaining in this building. Yes, money needs to be spent on the building but I feel that will be far cheaper than spending £5-6 million on new Council buildings. I think we have a duty to protect Council Tax payers money. I think the Job Centre must move into Ryedale District Council building and should have been done years ago and I'm happy for some North Yorks County Police to work from this building but what I strongly disagree with is the closing of Malton Police Station and the glossing over of the*

*hugely important matter by saying some of the Police are moving into RDC. Government has promised more Police on our streets, so why would we close the Police Station in Malton. My question is would you agree with me that we need to keep Malton Police Station open at all cost, we cannot allow it to close. Austerity is now over, we are going to get more Police and we need Malton Police Station.”*

The Leader replied:

*“Thank you Cllr Burr for your question. There's several different angles to that. The first one is that with regards the work that we are doing as a Council in terms of the Public Services Hub, you mentioned there about the relative costs of different options for this building and this site. What Policy and Resources has commissioned is experts in these matters to draw up all of the options and compare the costs, the benefits of all the options, so that we're making the right decision. Obviously neither me or you are expert surveyors or anything along those lines so this is going to arm us with the information we need to make an informed decision with regards to what we do with our building. Turning to the Police, you are right to reference that obviously I believe that the Police have been looking for quite some time at their assets and one of their assets is the current Malton Police Station. We are not in charge of the Police Service in North Yorkshire, there is a completely separate governance arrangement and it's for them to decide how best to use their assets and the Police and Crime Commissioner obviously is involved with that. I don't think it would be right for me at this point in time, without more information, to discuss the future of that building but it's important that we recognise the messages that we have had, they want to move into this building and we have the opportunity tonight later in the debate to allow that to happen and secure a publically accessible police office, which the people of Malton, Norton and the surrounding area are going to be able to use. So I'm hoping that Council will endorse that and give it's backing to what I think will be a really positive and constructive move for this Council and also for North Yorkshire Police. I know that you'd voiced opposition to that at Policy and Resources but our staff here, the Communities Team, the Customer Services team and also the staff at North Yorkshire Police think that is going to be a really positive move for both organisations and allow us to work more closely together on some of the issues where there is a cross over eg anti-social behaviour, rural crime, animal welfare and other items, so I see it as a real positive and I would like to think that Members of this Council, in particular Members that represent Malton and Norton will give their backing to what I think is a really positive and important move for Ryedale District Council and North Yorkshire Police.”*

Councillor Burr then asked the following supplementary question:

*“My question to you was would you agree with me that we need to try to keep Malton Police Station open and I don't think you quite answered that. What I don't object to is the Communities team being here and I think that's really good that we work together and move forward together but my initial worry is that we are actually closing the Police Station.”*

The Leader then replied:

*“What I would say all public sector organisations in this particular era need to be looking less I think at their assets and their buildings that the own and focus increasingly more so on the way that we are delivering services and dealing with the public. I think that's the really crucial thing is ensuring that we're meeting the needs of the Ryedale population, the North Yorkshire population, not focussing on particular buildings and particular assets. So that's what I would say on that and with regards to your last point that we are closing Malton Police Station, we - as Ryedale District Council - are not closing Malton Police Station. It is an issue for North Yorkshire Police and they have got to make fundamentally, as we do as Ryedale District Council, the right decisions for the taxpayers of North Yorkshire, which fundamentally they fund North Yorkshire Police.”*

6. From Councillor Thackray

*“Didn't expect to be commenting on the Leader's statement tonight but as we're talking about things that are missing, I must mention the sculpture of Henry Moore who was as you probably all know was famous for the big holes that were in his sculpture and indeed Henry Moore himself considered those to be just as important as the actual metal part of the works themselves. I look upon Cllr Duncan, the Leader's statement as being similar in that the bits that are missing and not there are vitally important. I'd just like to reference as Cllr Duncan likes to quote things I've written, I'd like to quote what he has said in the Gazette & Herald in respect of a new baby for me and something that I intend to see come to fruition, a new roundabout at the Musley Bank end of the A64 and slip roads at the B1257 Broughton Road. An article appeared in the Gazette on the basis that I wrote to all members of Council, including the press, to advocate that we make this a Council priority. Cllr Duncan with his great generosity, responded to the article in the Gazette by saying "Cllr Thackray seems to think he's invented the wheel with his proposal for new roundabouts but this idea has in fact been on the cards for decades. I'm a big supporter of all direction access at York Road and I believe the public are too". He added "Anyone and everyone can shout about it but we actually need to work to make it happen." and this is the key hole in Henry Moore's sculpture "And RDC is working very productively with North Yorkshire County Council to do so as quickly as possible." For members of the public who don't understand the way this Council*

*works, which includes me, there is a Notice on Motion tonight which Cllr Duncan has squirrelled away, he's not going to let us talk about it. However, I am told, I have it reliably have been told, in respect of the work that has been very productively progressing with North Yorkshire County Council, there are no minutes of any meetings having taken place, so could Cllr Duncan please explain to the Members and to the members of the public precisely what you're talking about?"*

The Leader replied:

*"Cllr Thackray. Again your question does not relate to the Leader's statement and again the Leader's statement is not an opportunity for Members to make speeches. It is supposed to be an opportunity to ask questions. There are quite a lot of elements to your question. I think the key point there is about North Yorkshire County Council and Ryedale District Council working together to help improve the traffic situation in Malton and Norton and you know as well as I do the work that has been happening through the joint study that has taken place that has reviewed all sorts of options looking at the traffic situation. You may or may not also be aware that North Yorkshire County Council has established a steering group looking at traffic congestion in Malton and Norton and the County Councillors of those two areas, of which I am one, are members of that steering group. So work has been taking place, there are minutes of that steering group but that's not myself as Leader of this Council that's been taking part, it is in my role as a County Councillor for Norton. We are all determined I believe to improve the traffic situation in Malton and Norton but there are processes which we have to go through to get there. It takes time, it's frustrating I think for everybody that's involved but we nevertheless have to go through that process and I feel that we are making progress. On another point that you raised about the motion being squirrelled away, this meeting is not my meeting, it is the Chairman of Council's meeting and I have taken no action whatsoever with regards to that motion. It's on the agenda papers and it will follow the course as dictated in the Constitution."*

**86 Designation of Monitoring Officer and Deputy Electoral Registration Officer for the Council**

The Chief Finance Officer (s151) submitted a report (previously circulated) which recommended that Council approve;

- (i) The proposal that the Council's Monitoring Officer function will transfer from the current Council Solicitor role to the new role of Head of Corporate Governance, and therefore that
- (ii) The current delegations for the Council Solicitor post be transferred to the Head of Corporate Governance post.

- (iii) The proposal that the Council's Deputy Electoral Registration Officer function will transfer from the current Democratic Services Manager role to the new role of Head of Corporate Governance

Councillor Duncan moved and Councillor Burr seconded the recommendations in the report.

Upon being put to the vote the motion was approved.

### **Resolved**

- (i) That the Council's Monitoring Officer function will transfer from the current Council Solicitor role to the new role of Head of Corporate Governance, and therefore that
- (ii) The current delegations for the Council Solicitor post be transferred to the Head of Corporate Governance post.
- (iii) That the Council's Deputy Electoral Registration Officer function will transfer from the current Democratic Services Manager role to the new role of Head of Corporate Governance

### **Voting record**

20 For

5 Abstentions

#### **87 Overview and Scrutiny Committee - 3 January 2020: Minute 85 - Raine-Dunstan Report**

The report was received by the Council and endorsed by consensus.

#### **88 Revenue and Capital Budgets and Setting of Council Tax 2020/21**

The Chairman of Council reported on the procedure to be adopted in considering the above item.

It was proposed that the item be dealt with in two separate parts:

- a) Firstly, consideration of the recommendations in Minute 107 of the Policy & Resources Committee held on 6 February 2020 (excluding the agreement of council tax rate) and item 12 paragraph roman numeral I;
- b) Secondly, item 12 paragraphs roman numerals II to V relating to the requisite calculations and the setting of Council Tax.

It was moved by Councillor Duncan and seconded by Councillor Garbutt Moore that Minute No. 107 of the Policy and Resources Committee held on 6 February 2020 (excluding discussion of Council Tax rate, which would follow, with amendments being submitted) be noted and received by Council, that

Council adopt the recommendations in the s151 Officer's report and that Council approve item 12 paragraph roman numeral I relating to the Council's revenue budget.

Upon being put to the vote the motion was carried.

### **Voting record**

Unanimous

#### **Recorded vote**

Councillors J Andrews, P Andrews, Arnold, Bailey, Brackstone, Burr, Clark, Cleary, Cussons, Docwra, Duncan, Garbutt Moore, Goodrick, Graham, Hope, Keal, Mackenzie, Mason, Middleton, Oxley, Potter, Raper, Riby, Thackray and Wass.

There then followed a discussion on setting the rate of Council Tax.

***Councillor Duncan moved and Councillor Oxley seconded that Council adopt the remaining recommendations in Item 12, revised Paragraphs roman numerals II, III, IV (as revised) and V which relate to the requisite calculations and setting the Council Tax for 2020/2021.***

Councillor Clark moved and Councillor J Andrews seconded the following amendment:

“2.1 (ii) Increase Council Tax by £4.91.”

Upon being put to the vote the amendment was carried.

### **Voting record**

12 For

11 Against

2 Abstentions

#### **Recorded vote**

##### For

Councillors J Andrews, P Andrews, Arnold, Brackstone, Clark, Cussons, Hope, Potter, Raper, Riby, Thackray and Wass.

##### Against

Councillors Bailey, Burr, Cleary, Docwra, Duncan, Garbutt Moore, Goodrick, Graham, Mackenzie, Middleton and Oxley.

##### Abstention

Councillors, Keal and Mason

Councillor Clark moved and Councillor J Andrews seconded the following amendment:

“The increase of £108,000+ is spent on climate change issues.”

Upon being put to the vote the amendment was lost.

### **Voting record**

10 For

14 Against

1 Abstention

#### **Recorded vote**

##### For

Councillors J Andrews, Brackstone, Burr, Clark, Keal, Mason, Potter, Raper, Thackray and Wass.

##### Against

Councillors P Andrews, Arnold, Bailey, Cleary, Cussons, Docwra, Duncan, Garbutt Moore, Goodrick, Graham, Hope, Mackenzie, Middleton and Oxley.

##### Abstention

Councillor Riby

The s151 Officer then clarified that revised figures would be set out in the minutes in line with the amended motion. These included the changes to District/Parish Council Tax Rates (as at III below) and noted that the overall budget would increase by £108k elsewhere.

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

### **Voting record**

17 For

8 Against

#### **Recorded vote**

##### For

Councillors J Andrews, P Andrews, Arnold, Bailey, Brackstone, Burr, Clark, Cleary, Cussons, Hope, Keal, Mason, Potter, Raper, Riby, Thackray and Wass.

##### Against

Councillors Docwra, Duncan, Garbutt Moore, Goodrick, Graham, Mackenzie, Middleton and Oxley.

### **Resolved**

That Council:

- (i) Approves the following, in addition to the amended recommendations from Policy and Resources Committee.

#### **I Budget 2020/2021**

That the revised revenue estimates for the year 2019/2020 and the revenue estimates for 2020/2021, as submitted in the Council's

Financial Strategy and Revenue Budget 2020/2021 Book be approved (copy enclosed).

## II **Council Tax Base**

That it be noted that, in accordance with Minute No. 363(d)/2005 of the Policy and Resources Committee held on 8 December 2005, which was subsequently approved by Council at its meeting on 12 January 2006, Ryedale District Council has (pursuant to Section 101 of the Local Government Act 1972) delegated responsibility to adopt the Council Tax base to the Chief Executive and Chief Finance Officer in consultation with the Chairman of the Policy and Resources Committee. The Council calculated the amounts for the year 2020/21, in accordance with regulations made under Section 31B of the Local Government Finance Act 1992, as amended, as set out in Annex A.

## III **District/Parish Council Tax Rates**

That the following amounts be now calculated by the Council for the year 2020/21, in accordance with Sections 31A, 31B and 34 to 36 of the Local Government Finance Act 1992, as amended (the Act):

### (a) **District/Parish Gross Expenditure**

£27,488,551.00 being the aggregate of the amounts, which the Council estimates for the items, set out in Section 31A(2) of the Act.

### (b) **Income (including Government Grants and Collection Fund Surpluses)**

£21,914,405.00 being the aggregate of the amounts, which the Council estimates for the items, set out in Section 31A(3) of the Act.

### (c) **District/Parish Council Tax Requirement**

£5,574,146.00 being the amount by which the aggregate at Part III(a) above exceeds the aggregate at Part III(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year.

### (d) **Basic Amount of Tax (including Parish Precepts)**

£252.66 being the amount at Part III(c) above, all divided by the amount at Part II above, calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year.

(e) **Parish Precept and Special Expenses**

£1,145,626.00 being the aggregate amount of all special items referred to in Section 34(1) of the Act.

(f) **Basic Amount of Tax (excluding Parish Precepts)**

£200.73 being the amount at Part III(d) above less the results given by dividing the amount at Part III(e) above by the amount given at Part II above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates.

(g) **Basic Amount of Tax in Parishes/Towns**

The details for each Parish as shown in Annex B, column headed "Aggregate amount at Band D", being the amounts given by adding to the amount at Part III(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above, divided in each case by the amount at Part II above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.

(h) **District/Parish Council Tax Rates**

The details as shown in columns "A" to "H" of Annex B, being the amounts given by multiplying the amounts at Part III(f) and Part III(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in Valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

IV **County Council, Police & Crime Commissioner and Fire & Rescue Authority Tax Rates**

That it be noted that for the year 2020/21 precepting Authorities have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, as amended, for each of the categories of dwellings shown below:-

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<b>BAND</b> £	<b>NORTH YORKSHIRE COUNTY COUNCIL</b> £	<b>NYCC ADULT SOCIAL CARE</b> £	<b>NORTH YORKSHIRE POLICE &amp; CRIME COMMISSIONER</b> £	<b>NORTH YORKSHIRE FIRE &amp; RESCUE AUTHORITY</b> £
<b>A</b>	829.07	79.91	177.18	48.46
<b>B</b>	967.25	93.22	206.71	56.54
<b>C</b>	1,105.43	106.54	236.24	64.61
<b>D</b>	1,243.61	119.86	265.77	72.69
<b>E</b>	1,519.97	146.50	324.83	88.84
<b>F</b>	1,796.33	173.13	383.89	105.00
<b>G</b>	2,072.68	199.77	442.95	121.15
<b>H</b>	2,487.22	239.72	531.54	145.38

#### V **Total Council Tax Rates**

That having calculated the aggregate in each case of the amounts at Part III(h) and Part IV above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, as amended, hereby sets the amounts set out in Annex C as the amounts of Council Tax for 2020/21 for each of the categories of dwellings shown.

#### 89 **Treasury Management Strategy Statement and Annual Investment Strategy 2020/2021**

It was moved by Councillor Duncan and seconded by Councillor Arnold that the following recommendations be approved and adopted.

That Council approve:

- i) Members receive this report;
- ii) The Operational Borrowing Limit for 2020/21 is set at £6m;
- iii) The Authorised Borrowing Limit for 2020/21 is set at £11.5m;
- iv) Councillors delegate authority to the Chief Finance Officer to effect movement within the agreed authorised boundary limits for long-term borrowing for 2020/21 onwards.
- v) Councillors delegate authority to the Chief Finance Officer to effect movement within the agreed operational boundary limits for long-term borrowing for 2020/21 onwards.
- vi) The treasury management strategy statement 2020/21 be approved.

- vii) The minimum revenue provision policy statement for 2020/21 be approved.
- viii) The treasury management investment strategy for 2020/21 be approved.
- ix) The prudential indicators for 2020/21 which reflect the capital expenditure plans which are affordable, prudent and sustainable be approved.
- x) The Capital Strategy for 2020/21 be approved

Upon being put to the vote the motion was carried.

### **Resolved**

That Council approve:

- i) Members receive this report;
- ii) The Operational Borrowing Limit for 2020/21 is set at £6m;
- iii) The Authorised Borrowing Limit for 2020/21 is set at £11.5m;
- iv) Councillors delegate authority to the Chief Finance Officer to effect movement within the agreed authorised boundary limits for long-term borrowing for 2020/21 onwards.
- v) Councillors delegate authority to the Chief Finance Officer to effect movement within the agreed operational boundary limits for long-term borrowing for 2020/21 onwards.
- vi) The treasury management strategy statement 2020/21 be approved.
- vii) The minimum revenue provision policy statement for 2020/21 be approved.
- viii) The treasury management investment strategy for 2020/21 be approved.
- ix) The prudential indicators for 2020/21 which reflect the capital expenditure plans which are affordable, prudent and sustainable be approved.
- x) The Capital Strategy for 2020/21 be approved

### **Voting record**

Unanimous

90 **Member Allowances Scheme - Report of the Independent Remuneration Panel**

It was moved by Councillor Duncan and seconded by Councillor Arnold that the following recommendations from the Independent Remuneration Panel be approved and adopted.

The Panel recommends the continuance of the index to staff pay for the annual adjustment of Member allowances until such a time as a full review of the Member Allowances Scheme has taken place.

Councillor Clark moved and Councillor J Andrews seconded the following amendment:

Delete “until such a time as a full review of the Member Allowances Scheme has taken place” and replace with “until January 2023”

Upon being put to the vote the amendment was carried.

**Recorded vote:**

For: Councillors J Andrews, P Andrews, Arnold, Bailey, Burr, Clark, Cleary, Cussons, Delaney, Docwra, Duncan, Frank, Garbutt Moore, Goodrick, Graham, Keal, Mackenzie, Mason, Oxley, Potter, Raper, Thackray and Wass.

Against: Councillor Middleton

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

**Resolved**

That Council approve:

The Panel recommends the continuance of the index to staff pay for the annual adjustment of Member allowances until January 2023.

**Voting record**

Unanimous

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

**POLICY AND RESOURCES COMMITTEE - 6 FEBRUARY 2020**

**Minute 104 - HR Policy Revision**

It was moved by Councillor Duncan and seconded by Councillor Oxley that the following recommendations be approved and adopted.

- a) The revised policies are agreed for implementation, subject to an amendment to the Staff Volunteering Policy to reflect that volunteering must be undertaken within Ryedale.
- b) Administrative amendments to implemented policies: That the appropriate officer, under direction from SMB be able to make any minor administrative amendments to implemented policies; such as updating references, refreshing any forms attached as appendices as part of improving workflow. These changes will be documented as part of document control and will not result in a change of the policy itself.

Councillor Clark moved and Councillor Keal seconded the following amendment:

“Defer subject until O&S has considered Equalities”

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

**Voting record**

8 For

17 Against

0 Abstentions

Councillor Paul Andrews moved and Councillor Burr seconded the following amendment:

“That each policy be voted on separately no debate”

Upon being put to the vote the amendment was lost.

**Voting record**

10 For

15 Against

0 Abstentions

Councillor Frank moved and Councillor Burr seconded the following amendment:

Insert

- e) Able to undertake one day a year unpaid volunteering for a charitable organisation

Upon being put to the vote the amendment was lost.

**Voting record**

3 For

20 Against

2 Abstentions

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

### **Resolved**

That Council approve:

- a) The revised policies are agreed for implementation, subject to an amendment to the Staff Volunteering Policy to reflect that volunteering must be undertaken within Ryedale.
- b) Administrative amendments to implemented policies: That the appropriate officer, under direction from SMB be able to make any minor administrative amendments to implemented policies; such as updating references, refreshing any forms attached as appendices as part of improving workflow. These changes will be documented as part of document control and will not result in a change of the policy itself.

### **Voting record**

16 For

1 Against

8 Abstentions

Councillors J Andrews, Brackstone, Clark, Potter and Wass requested that the reason for their votes to abstain on the motion be noted. They supported some of the policies, particularly the Staff Volunteering Policy, but not all of the policies presented.

Councillors P Andrews, Burr and Thackray requested that the reason for their votes to abstain on the motion be noted. They supported all of the policies presented except the Staff Volunteering Policy.

Councillor Frank requested that the reason for her vote against the motion be noted. She supported all of the policies presented except the Staff Volunteering Policy.

### **Minute 99 - Request to Lease Office Space at Ryedale House**

It was moved by Councillor Duncan and seconded by Councillor Arnold that the following recommendations be approved and adopted.

- a) A 10 year lease for office space at Ryedale House, with a break at 5 years or to align with a new PSH, is offered as detailed in the report.
- b) Any future PSH rent costs (assuming this is delivered before the 10

year term and no more space is taken) are set at or around the rental offer for the transitional space. Those requesting the office space, reaffirm their funding position which is a guaranteed 10 year lease rental income. Implementation remodelling costs will be carried by those requesting the office space.

Upon being put to the vote the motion was carried.

### **Resolved**

That Council approve:

- a) A 10 year lease for office space at Ryedale House, with a break at 5 years or to align with a new PSH, is offered as detailed in the report.
- b) Any future PSH rent costs (assuming this is delivered before the 10 year term and no more space is taken) are set at or around the rental offer for the transitional space. Those requesting the office space, reaffirm their funding position which is a guaranteed 10 year lease rental income. Implementation remodelling costs will be carried by those requesting the office space.

### **Voting record**

17 For

5 Against

3 Abstentions

### **Recorded vote**

#### For

Councillors Cleary, Arnold, Bailey, Cussons, Dowcra, Duncan, Garbutt Moore, Goodrick, Graham, Hope, Keal, Mackenzie, Mason, Middleton, Oxley, Raper and Riby.

#### Against

Councillors J Andrews, Brackstone, Clark, Potter and Wass.

#### Abstentions

Councillors P Andrews, Burr and Thackray.

### **Minute 102 - Timetable of Meetings 2020-2021**

It was moved by Councillor Duncan and seconded by Councillor Arnold that the following recommendations be approved and adopted.

That Council is recommended to approve the timetable of meetings, subject to the amendments requested by Policy and Resources.

Upon being put to the vote the motion was carried.

### **Resolved**

That Council approve the timetable of meetings, subject to the amendments requested by Policy and Resources.

### **Voting record**

Unanimous

### **Minute 103 - Corporate Enforcement Policy**

It was moved by Councillor Duncan and seconded by Councillor Arnold that the following recommendations be approved and adopted.

- (i) That the Council approves the Corporate Enforcement Policy (appendix 1 of the report).
- (ii) That the Corporate Enforcement Policy is uploaded to the website and included in publication lists for the authority.
- (iii) That the Corporate Enforcement Policy and Department Policies continues to be reviewed on a regular basis or as the need arises from factors such as changes to legislation.
- (iv) That under the Council's scheme of delegation, delegated authority is given to the Heads of Service to undertake the enforcement duties within the Corporate Enforcement Policy.
- (v) That delegated authority is given to the Chief Executive to approve minor modifications and updates to the policy.

Upon being put to the vote the motion was carried.

### **Resolved**

That Council approve:

- (i) That the Council approves the Corporate Enforcement Policy (appendix 1 of the report).
- (ii) That the Corporate Enforcement Policy is uploaded to the website and included in publication lists for the authority.
- (iii) That the Corporate Enforcement Policy and Department Policies continues to be reviewed on a regular basis or as the need arises from factors such as changes to legislation.
- (iv) That under the Council's scheme of delegation, delegated authority is given to the Heads of Service to undertake the enforcement duties within the Corporate Enforcement Policy.

- (v) That delegated authority is given to the Chief Executive to approve minor modifications and updates to the policy.

**Voting record**

Unanimous

**Minute 105 - Budget Monitoring - Q3 2019/20**

It was moved by Councillor Duncan and seconded by Councillor Arnold that the following recommendations be approved and adopted.

It is recommended that Council notes the contents of the report.

Upon being put to the vote the motion was carried.

**Resolved**

That Council notes the contents of the report.

**Voting record**

Unanimous

92 **Motions on Notice Submitted Pursuant to Council Procedure Rule 11**

**Proposed by Councillor Keal and seconded by Councillor Mason**

[Please note that some minor amendments were made to the motion between the agenda publication and the meeting]

*“In view of the continuing calls for west east access to the A64 from York Rd, we call on Ryedale District Council to work with North Yorkshire County Council and the Highways Agency to deliver a roundabout at the Huttons Ambo junction on the A64 and slip roads on / off the A64 at the B1257 Broughton Road to help alleviate the traffic congestion levels in Malton and Norton.*

*The roundabout would allow access to the A64 east from York Road, reducing the level of traffic, including HGVs, that have to pass through Malton and Norton to access the A64 and create east/west access at both ends of the Malton bypass.*

*Furthermore, with the concern widely expressed for the safety of children and parents accessing Malton County Primary School and St Mary’s RC School on Highfield Lane, Malton, thereafter, we call on Ryedale District Council to support a HGV ban between the Peasey Hill Road junction and Hawthorn Avenue.”*

Under Council Procedure Rule 11.4, the motion stood automatically referred to the Policy and Resources Committee.

93 **Any other business that the Chairman decides is urgent**

There being no other business, the meeting closed at 8:45pm.

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