

Council

Minutes of Proceedings

At the **Ordinary Meeting of the District Council of Ryedale** held in the **Main Hall, The Milton Rooms, Malton** on **Thursday 10 September 2020**

Present

Councillors Arnold, Bailey, Brackstone, Burr MBE, Clark, Cleary (Chairman), Delaney, Docwra, Duncan, Frank (Vice-Chairman), Garbutt Moore, Goodrick, Graham, Hope, Di Keal, King, MacKenzie, Mason, Middleton, Oxley, Potter, Raine, Raper, Riby, Thackray, Wass and Windress

In Attendance

Stacey Bulet, Simon Copley, Christine Phillipson and Ellen Walker

Minutes

94 Apologies for absence

Apologies for absence were received from Councillors P Andrews, Cussons and J Andrews.

Apologies for late arrival were received from Councillor Clark, who arrived at 6:50pm.

95 Public Question Time

There were no public questions.

96 Minutes

The minutes of the Ordinary Meeting of Council held on 20 February 2020 were presented.

Resolved

That the minutes of the Ordinary Meeting of Council held on 20 February 2020 be approved and signed by the Chairman as a correct record.

Voting record

22 For

4 Abstentions

97 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).

98 Declarations of Interest

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

99 **Announcements**

The Chairman made the following announcements:

Thanks were given to the people of Ryedale, and Officers and Members of Ryedale District Council for their work during the COVID-19 pandemic.

On behalf of the Council, the Chairman congratulated Simon Copley on his appointment to the post of Head of Corporate Governance.

Statements of apology were received from Councillors Raper and Thackray.

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

To Councillor Goodrick, Chair of the Planning Committee, from Councillor Potter

To Councillor Goodrick, Chair of the Planning Committee, from Councillor Potter:

Councillor Potter submitted the following question:

“Do you agree with the points made in a letter from the cabinet member for planning and leader of Cheshire East Council to the Secretary of State for Housing, Robert Jenrick, after he allowed a planning appeal, despite a clear conflict with local development plan policies and sufficient 5 year land supply. The letter claims this decision ‘undermines the principles of effective plan making’ and will ‘likely lead to a further scramble for developers to seek permission for other unplanned sites’.”

Councillor Goodrick, Chair of the Planning Committee, replied:

“Councillor Potter, thank you for your question. As you are aware – this is what you've already been advised by Officers – that this question relates to planning policy, and as such it would be best and most appropriate for this question to be directed to the Chairman of the Policy and Resources Committee.”

Councillor Potter then asked a supplementary question:

“This item, I believe, relates to actual decisions under planning policies, not of planning policy itself, because this was a decision made on a planning application and was overruled by the Secretary of State for Housing. So it's not actually about planning policy as such, this is absolutely about a planning decision. So, I would expect an answer from the Chair of Planning, as the Chair of Policy and Resources is actually only responsible for strategic planning in the powers that he took unto himself.”

Councillor Potter confirmed that he wished to repeat the same question and requested a response from the Chair of Planning.

Councillor Goodrick, Chair of the Planning Committee, replied:

“I think I was fairly forthright in what I said. It’s quite clear. The group decided that this is how it’s best to be handled and that is where I leave it.”

101 **Exempt information**

Resolved

To exclude the press and public from the meeting during any consideration of the reports marked exempt for the following item 10 (‘To Receive all Committee and Council level decisions made under urgency powers, as required under the Constitution’) as provided by paragraph 3 of Schedule 12A of Section 100A of the Local Government Act 1972, as they contain information relating to the financial or business affairs of any person (including the authority holding that information).

The public interest test has been considered and, in all the circumstances of the case, the public interest in maintaining the exemption is considered to outweigh the public interest in disclosing the information.

102 **To Receive all Committee and Council level decisions made under urgency powers, as required under the Constitution**

The Committee and Council level decisions made under urgency powers were received and the Constitutional requirement was met.

103 **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 since the Covid-19 pandemic began. Lots has happened, and it would be impossible to mention everything, but I will endeavour to give the headline points and take your questions.

I could not be prouder of this council, and in particular the way our officers have gone above and beyond to stand by our residents during one of the toughest period in the district’s history. Despite everything, we’ve seen the very best of what our council can do.

But it’s not just our officers worthy of thanks, I would like to congratulate councillors too for coming together, across the political divide, to join forces with hundreds of volunteers in all corners of our district. I hope this cooperation can continue in the uncertain months ahead, as we play our role in the ongoing Covid-19 recovery and face up to the prospect of big changes to local government in North Yorkshire.

Covid-19

Our key priority, from the outset of the emergency, was to protect lives and livelihoods. I’m immensely proud that we’ve been able to help do this on behalf of our residents, communities and businesses. And that is what we will need to do during the uncertain times ahead by working together.

Delivering services

Our teams worked around-the-clock to deliver frontline services for our communities. Most of our normal services operated throughout the emergency period, despite increased demand and capacity constraints. We also played a key and significant role in supporting those shielding and in need, working closely with town/parish councils, volunteers and partners such as North Yorkshire County Council.

Business support

We are at forefront of efforts to support the local economy. We've led the way in getting grants out of the door to those who need it - fast. In total, we distributed over £23.5m in grants to more than 2,000 local businesses. That includes £1.1m of discretionary business grants targeted at small and micro businesses unable to access other assistance. A huge amount of work has gone on behind-the-scenes to develop and deliver these grants. Without them, it is certain that many businesses in Ryedale would not have been able to survive.

On top of this, we played a key role in getting businesses back open. We issued over 200 'back to business packs' to help them reopen and operate safely. We also provided particular advice and guidance to hospitality and tourism businesses about how to reopen safely, with 185 businesses registered for Visit England's 'We're Good to Go' industry mark.

Voluntary and community groups

We've also been supporting our important voluntary, community and arts groups. The council created a £40,000 emergency grants fund available to voluntary and community organisations. This provided a lifeline cash injection so they could continue supporting local people during this difficult time. Most recently, we also launched a £5,000 arts grant scheme.

Budget

While all of this is happening, we're of course keeping an eye on costs. The financial impact of COVID-19, in a worst case scenario, is a 20/21 year end overspend of £3m. So far, we have been provided with around £700k in financial support by Government. And although we are very well placed to meet the extra costs from reserves, we are continuing to lobby for additional funds. Our focus now is on tight financial management, with heads of service working to contain costs and revise their plans for the year.

Local Government Restructure

As if dealing with Covid-19 was not enough, we're now facing another challenge. Government will soon invite councils in North Yorkshire to submit proposals for unitary local government in the county ahead of a devolution deal involving City of York. North Yorkshire County Council has confirmed it will submit a plan to replace our current councils (including Ryedale) with a 'mega unitary' authority. This means that change now seems inevitable.

Covering 8,000km² and encompassing 620,000 people, the County plan would be England's largest ever unitary - and its generated significant public alarm and concern. So reflecting on this mood, the leaders of North Yorkshire's seven district and borough leaders came together, across party lines, to work together on finding the best option for unitary authorities across the county.

KPMG is now working to provide an independent and objective analysis of the options. From a long list of 10, they have identified that an east/west model would deliver much better in terms of finance and democracy, while complying with the Government's indicated "optimal" population threshold of 400,000 residents.

Our plan would create two brand-new councils across North Yorkshire and York, large enough to be efficient into the future, but small enough to keep connected with our communities:

- Ryedale, Scarborough, Selby and York in the east, with a population of 465,375
- Craven, Hambleton, Harrogate and Richmondshire in the west, with a population of 363,297

It is almost certain that change is coming. And if it is, then the seven district and borough leaders - Conservative, Labour and Independent - stand united and determined to work together to get this change right. I would like to ask councillors here in Ryedale too to work together, on a cross-party basis, to develop the very best model for local government in North Yorkshire. It may be the last, and most important, thing we do.

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

1. From Councillor Potter

"Before we get stuck into the Leader's Statement, can I just move back to page 13, which is part of the minutes of the last meeting, and question three from myself to the Leader about cattle market development and a livestock market. I had raised this issue at the December Council, had a little gentle reminder at the 20th February meeting and the Leader's response was, 'thank you, Councillor 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'. Now, in the intervening period I may have missed that written answer over the seven months or so that it's been, but if not, how is the answer coming along, please?"

The Leader replied:

"Thank you, Councillor Potter. It was my understanding that a written response had been given to your question. I will follow that up and I will assure you that you will get a full answer to that question. I'm trying to familiarise myself, yet again with what happened on the 20th of February, given it's such a long time ago. But I can give you an assurance that you will receive a full and written answer to your question."

2. From Councillor Clark

"You say under Covid-19, that our key priority – now, I don't know whether you moved up from the Leader of this Council, through the post of Chief Executive when I first arrived, and you've now landed in the royalty with the 'we' phrase, because I don't remember any discussions around Council as to what we had decided our priorities was – from the outset, was to 'protect lives and livelihoods'. And that seems a worthy claim that I suspect we collectively could

all support. However, people on the shielding list were contacted by you – if you're claiming the credit for the whole of this – contacted by you on the 17th and 18th and 16th, etc. of May to check if they had enough food. Now that strikes me, if somebody hasn't had enough food from the 23rd of March, as something of a delay. And it's hard to see if that was the priority, protecting lives, I really do wonder what you'd have done if it hadn't been a priority. I want you to give me an explanation for that please.”

The Leader replied:

“Thank you, Councillor Clark, for your question. The priority of this Council has been to protect lives and livelihoods and I feel that we have done a phenomenal job of doing that, as Ryedale District Council. That has required us working in partnership with a range of organisations – the County Council, public health authorities, central Government – and also a team of volunteers in all corners of this district. Ryedale District Council has done a phenomenal job. Our partners have done a phenomenal job. And what I'm not going to allow you to do in this forum, on the return to Full Council, is in any way disrespect the work of this Council. And the word 'we' has been used because this has been a joint effort, not just by the Officers of this Council, not just by individual Members of this Council, but the community as a whole and the partners which we've worked with. I'm proud of what we've been able to do as a Council. I've never been prouder of this Council. And I would like to think, Councillor Clark, that you can share that sentiment of pride in this district and in this Council.”

Councillor Clark then asked the following supplementary question:

“I am proud of this Council, but I'm not proud of the Leader's arrogance in approach that what we have done is superb. There has been no scrutiny over that time. If you look through the decision notices – which I understand we're going to go through next – there isn't a criticism from you at any point in there. No challenge whatsoever. Now that may be fine, but it does mean that if people were eight weeks potentially without food, it ought to be something that you are looking into. For if – and I think that 'if' is getting a very small word – a second peak arrives, as to what we would do better rather than pride. Because I think, and I could be entirely wrong, but I think pride comes before something. And the problem is that if that is protecting lives and livelihoods and the welfare of people, I don't think we should be having that fall in their direction. And there is, would you not agree with me, absolutely nothing in here to say what you – and if you're carrying the can that's absolutely fine by me – not a criticism of what you have achieved, not a statement in here as to what you have done in terms of the mechanics of it and what it should be, but just a well done to everybody. It is of course well done to everybody, is it not? But it's not perfect and if it is perfect then it goes along with the attitude that's coming from the top. So the highest death rate per 1000 – the highest death rate in the world virtually per number of population – is not something to be proud of or ashamed of. It's something we need to work at to improve. Do you not agree?”

The Leader then replied:

“Thank you once again, Councillor Clark, for your supplementary question. You mentioned there about pride in this Council, I've made very clear that I'm proud of this Council. I did not say that we had done a perfect job. And there

certainly are lessons in an unprecedented situation that we can learn and that we have learnt. I did not say that we'd done a perfect job. I said we've done a good job and a job that we can all be proud of. You mentioned two important words that stood out for me, Councillor Clark. 'No scrutiny'. You, Councillor Clark, are the Chairman of the Scrutiny Committee and I've had no positive engagement from you whatsoever in the past six months. No contact, no engagement, no questions, no challenge, no scrutiny. This Council voted – I think unanimously, but I'll have to check that – to put its faith into you, to be the Chairman of the Overview and Scrutiny Committee. They put their faith in me to be the Leader of this Council and I've taken that responsibility on in extremely difficult circumstances. This Council expected you to do the same, yet I can see no evidence whatsoever for how you have been able to try to improve our response throughout this, to provide that challenge, to provide that scrutiny. And I think it's important to make that point. I've tried my best as the Leader of this Council. Our Officers, from the Senior Officers downwards, have tried their best to give the very best response possible. I have not seen that from you and I think that's a great shame.”

Councillor Clark was offered the opportunity to a personal right of reply. Councillor Clark replied:

“Councillor Duncan, there was a motion put in asking to share the consultation from the Chief Executive with you. That motion has still not been heard. And we were quite happy to have scrutinised as a Scrutiny Committee, whatever. But the Scrutiny Committee was abolished and the only consultation and scrutiny in this was from yourself. And on that basis, we were told that we could have no part in it as such – all the Committees. You made the decision as to who you consulted with. If you like, I'll do a deal with you if you're that unhappy – you resign as Leader of Council and I'll resign as Chair of Scrutiny. How's that, through you Chair, to ease the tensions and make things a little easier.”

The Leader then replied:

“I think Councillor Clark has asked his question, has asked his supplementary question. I think I've said all I need to at this point, Mr Chairman.”

3. From Councillor Keal

“I'd just like to ask the Leader of the Council if he agrees with me, that this is the first meeting of this Council, as we are all aware, for some time and if this is not the time to attack our Officers and also the huge numbers of volunteers out there? The Members of this Council have actually supported Council Officers and supported the community, and Councillor Clark may feel that there were people that weren't getting assistance from this Council for a period of time – I can assure you, as a member of the Ryedale volunteer network, they were getting support from other people within the community. It's been a joint effort and I do not agree that this is the time to start making accusations. And I have to say that perhaps when Scrutiny does meet again then that is the time to talk about this. But I am very disappointed that there are certain Members of this Council that have chosen to absent themselves from the democratic process. But I do not think this is the time for comments like those and I ask the Leader of Council whether that is not a reasonable approach?”

The Leader replied:

“Thank you, Councillor Keal. I think that is an entirely reasonable approach to take. I think it's the approach that most Members of this Council are taking and I would just like to point out that there have been, in the past six months, 42 email briefings sent to Members. A significant amount of information has flowed around the Council. There's also been 16 briefings or consultation meetings, which is actually more meetings and briefings than would usually take place. I recognise from looking around this Council Chamber, almost everybody's face attending at least one, but in most cases, all of those meetings or briefings. There is one face which I do not recognise from attendance at any of those 16 meetings or briefings. It's been a very difficult time, a very busy time, a very chaotic time. And it's not unreasonable to think that someone could miss a single meeting or some of the meetings. But I think that perhaps for a Member of this Council not to have attended one of those 16 meetings or briefings is not acceptable and I think we have to ask what role that Member was performing in the past six months. So thank you very much, Councillor Keal for your question. I endorse what you've said fully.”

4. From Councillor Delaney

“Can I please ask the Leader why Anton Hodge, our Section 151 Officer, will be withdrawn from working for Ryedale District Council by North Yorkshire County Council? Especially after he's done such a good job and he's very well thought of by many Members of this Council. Thank you.”

The Leader replied:

“Thank you, Councillor Delaney, for your question. The Section 151 Officer performs an important role in the Council. He's performed an extremely important role during recent months. I think it's very rare for us to have an Officer that I think has respect from every single Member of this Council across political groups, and our Section 151 Officer manages to accomplish that. I think we like Anton, I think Anton likes us, but as we know this is a partnership arrangement. This is a service which we pay for from North Yorkshire County Council. They are contractually obliged to provide us with a Section 151 Officer. We've been extremely lucky that we've not just had a Section 151 Officer. We've had a phenomenal Section 151 Officer that has recognised the problems that we've had with our finances in the past and been able to assist us as Members to getting to where we want to be. It'll be a great shame to see him leave this Council and I can't tell Members at this point in time specifically when he will be leaving us, but I know that all Members will be disappointed with that. As for the reason I think, Councillor Delaney, it would be best if I seek further information from North Yorkshire County Council and share that with you and other Members and maybe just leave Members to think about potentially some of the reasonings there could be for that this evening.”

5. From Councillor Garbutt Moore

“Firstly, can I give my personal thanks to all the Council staff, Ryedale Volunteer Network and the community groups that have worked very hard during this turbulent time. My question to the Leader is, given that working practices have changed dramatically during COVID-19 for many people,

including myself and the Council staff here at Ryedale, does the Leader still plan to spend millions of pounds on a new Council headquarters for Ryedale District Council?"

The Leader replied:

"Thank you, Councillor Garbutt Moore. I think that is an important question and I think it's something which the Council needs to give due consideration to. As you have mentioned, we have set aside in our capital programme, millions of pounds earmarked for the construction of a new Ryedale House. This has been a project ongoing for many years with many twists and turns. We need to do something about the condition of Ryedale House, which is not getting any better. I think the changes that we've had with our workforce at Ryedale District Council have shown that we can work effectively in different ways into the future. And I think it does raise a question about the future of the project, the Public Services Hub Project. And I think it's something which we need to bring forward to Policy and Resources at the earliest opportunity for an update and to decide on a way forward."

6. From Councillor Oxley

"I think we've already seen the fact that we have suffered by not having as many meetings as we used to. I might be the minority – a very small minority – but I've actually missed our meetings. They are my social life in many ways, which is a sad case. Anyway, my question for the Leader is, this evening we are meeting in person, but with uncertain times ahead what is the strategy for ensuring the situation continues like this for Council and Committee meetings?"

The Leader replied:

"Thank you, Councillor Oxley for your question. I think it's best if I don't comment on whether I enjoy Council Meetings or not. But what I will say is that I think it's important that we are here this evening, setting an example to our district as we go forward into the future that it's important that business as usual continues safely. And I think it wouldn't seem very genuine of us as Members to be saying that business should be continuing as usual, people should be going to work, people should be going to the shops, people should be spending money, if the civic duties of this Council are not fulfilled. So, I think it's important that we are here. My personal view is that we should, subject to the advice of our Officers, continue to meet in person where possible, to hold socially distanced meetings. I think that's best for Council business to proceed effectively into the future and I think also it does send that important symbolic message to our district that if we can do it, everybody can do it. And we need to ensure that we do carry on as best as possible but in a safe way."

7. From Councillor Potter

"Just a comment first on something that the Leader said about democratic processes during the last few months. Can I just remind him that democratic processes were suspended and the decision-making powers were put into the hands of the unelected Chief Executive? Just a little reminder. Going back to the Leader's statement, in the last paragraph regarding local government restructure, it begins 'It's almost certain that change is coming'. Now, I've seen

or received no documentation, no evidence, no written proposals from Government. What I have heard is hearsay and word about private phone calls. I'm interested to know why this Council is spending taxpayer's money on changes that are almost certain to be coming via hearsay and private phone calls. Why have we got no evidence? Thank you."

The Leader replied:

"Thank you, Councillor Potter for your questions. The first one around the decision-making process – as you can see in the 300 pages that precede my Leader's statement, all the decisions that have been taken by the Chief Executive as urgent decisions. The Constitution makes clear the process by which those decisions can be taken. They have to be urgent – genuinely urgent – and there has to be relevant consultation with Members. In most cases, that's been the Leader of Council, but it's also been Chairmen of Committees and Ward Members as appropriate. You, Councillor Potter, have been involved in one of those decisions that was taken, and other Members have also been involved in those as well. The Chief Executive has only made decisions that are genuinely urgent, and those where feedback has been received from Members that they are not genuinely urgent and should go through the democratic process, those decisions were not taken and there are examples within the 300 pages before the Leader's Statement. For me as a Leader, it's been important that although we haven't had meetings, we've still been able to respond to the needs of the community. If those decisions were not taken, then we would not have been able to have allocated millions of pounds of grant funding to local businesses, tens of thousands of pounds of grant funding to community and voluntary organisations. We would not have been able to have had the capacity and the resources which we needed to respond to the Coronavirus situation. So I am confident and happy to say, hand on my heart, to all Members of this Council, that the decisions taken by the Chief Executive were the right ones and the most appropriate ones. And where there was potentially a decision that could have been taken, that wasn't taken and was deferred for the democratic process, some of those items are on the agenda tonight.

"The second part of your question, which is around the local government restructure – you mentioned about hearsay, you mentioned about private phone calls. I was invited along with the other Leaders of North Yorkshire and York local authorities to a meeting on July the 7th with the Minister of State for Local Government, Simon Clarke, where he stated that he would be writing to local authorities in York and North Yorkshire inviting proposals for unitary local government. It is not hearsay to hear direct from the mouth of a Government Minister, his intention. The letter which was promised to us has not yet arrived to the local authorities. But the intention, I believe, is for that letter to come. And given the short timescales that are likely to be at play here, it was vital that we had a proposal ready to submit. We held a briefing with Members where all this information was shared and there was a strong feeling from Members that the proposal that was coming forward from North Yorkshire County Council was not the right proposal for this district and for its residents. That was shared across political groups and therefore the Chief Executive made the decision that we should allocate funding to the preparation of a proposal. The preparation of that proposal has been based on evidence throughout. We have not decided that we want to go with one option or another option, from the outset. We went

from a long list of options down to a short-listed option and a final option, which performed most strongly. And I think this Council has got to ask itself a question, which is: we can sit and bury our head in the sand and hope that this does not happen, and then when it does happen regret that we didn't try to do anything about it, or we be proactive in preparing a proposal which can come back through Policy and Resources potentially, certainly to this Council, for approval or for rejection. I personally feel that we should submit a plan to local government that it is the best plan that we can possibly do for Ryedale. I am hopeful that when that plan comes forward, it will be approved by this Council. But in the meantime, consultation and engagement is ongoing with the public, with businesses and with Members of this Council to try and shape that proposal to be the very best that it possibly can be. But I would just like to give the assurance that that proposal will come to this Council and it will be up to Members to decide whether to approve or reject it.”

Councillor Potter then asked a supplementary question:

“As Councillor Clark alluded to, just prior to the lockdown I submitted a motion to Full Council – I haven't heard a single thing since – which asked that any consultation that was going to happen should be between the Chief Executive, the Leader of the Council and Leaders of the various groups. That, I feel, would have been appropriate consultation which would have covered all Members. But that motion unfortunately disappeared without trace, which seems to be a little bit out of order. So, does that cover the full democratic process, even when powers have been suspended? Thank you.”

The Leader then replied:

“Thank you, Councillor Potter. I have not seen your motion. I don't know who you submitted it to – presumably Democratic Services. You would need to ask them about the motion and the procedure for dealing with it. I am the Leader of this Council. I'm not the Chairman of the Council. I'm not the Chief Executive. I'm not the Monitoring Officer. That motion has been submitted and it should be dealt with in accordance with the procedure laid out within the Constitution.”

8. From Councillor Graham

“In the light of the financial strain COVID-19 has put on us at the Council, does the Council Leader still believe that it was right to call for a freeze on council tax earlier this year?”

The Leader replied:

“Thank you, Councillor Graham, for your question. You are right to recognise that there has been financial pressure placed on this Council. The total cost that we're looking at at the moment is £2.9 million pounds and you'll see later in the documents this evening further details on that, and you will see a request there to plug the shortfall of £1.9 million pounds from our reserves. It's important to point out that this Council does have almost £16 million pounds in its reserves. It added last year to those reserves – £854,000 in the last financial year. That's £854,000 more than we spent, to go into reserves. And I think it's important to recognise that the decision was taken by this Council to increase council tax and that was roughly £108,000 that was added to reserves. I

personally feel that we have a responsibility as a Council to spend those reserves when required and on projects that local people want us to spend it upon. We can place the financial burden onto the taxpayer of this district at what is an extremely difficult time for everybody. Or we can use the money which we saved up for a rainy day – and I don't think there's any rainier day than this one – to spend on plugging that shortfall. We have got more than enough money in the bank to plug the expenditure which we have incurred, and I think that's the right thing to do when people are facing financial difficulties in all corners of this district.”

9. From Councillor Burr

“Our Leader and Chairman have thanked our staff for their work during the last five months and I also thank them as well. And I also thank our voluntary groups. However, would you agree with me that it's the good people of Ryedale who need our collective and sincere thanks and huge gratitude for sticking to the rules and doing the right thing by all? By doing this Ryedale had an extremely low COVID infection rate. Moving on to the pandemic that we are still in, which has caused so much heartache, worry, loss of jobs, financial ruin for some, closure of business and uncertainty for all. Would our Leader agree that during a pandemic, it is absolutely crazy, ridiculous, unnecessary and not the right time to be thinking about reorganisation, potentially imposed on us by Government? It's totally unnecessary during the pandemic. And following on, if reorganisation is forced upon us, it's vitally important that we keep our taxpayers money secure and spent in Ryedale for all the benefits of Ryedale residents. Would do you agree it needs to spent and kept here, and we must draw up a plan immediately, to ensure that we don't let our money go to anyone else other than our Ryedale residents? It must be spent for Ryedale ratepayers. I apologise, there was about three questions in there for you.”

The Leader replied:

“Thank you, Councillor Burr for your question. I would agree there is a lot going on at this point in time. There was already a significant amount of things going on before. I think the bombshell was dropped about unitary and potential reorganisation. It was not something which I had expected and I don't think it was something which the other Leaders across York and North Yorkshire had expected either. But nonetheless, this is the situation and I do believe that change is going to come to local government in York and North Yorkshire. And I believe it's the right thing that we are part of that process, whether we like it or not. It's important that we shape it and, as I say, if we bury our head in the sand, all that's going to happen is something is going to be decided for us. We have an opportunity to shape the future of local government and I think it's important that we take that opportunity. In terms of our reserves, as I've alluded to, we do have significant amounts in our reserves and I think it is fair enough for us to identify projects which we may like to earmark for the expenditure of those reserves and hopefully that is something which our Officers are able to do and present to us as Members.”

Councillor Burr then asked a supplementary question:

“I do understand that we have to be proactive as a Council and that's something that we are very, very good at. But do you agree with me that it's unnecessary for the Government to force this reorganisation upon us at this time?”

The Leader then replied:

“Thank you, Councillor Burr. Just for the avoidance of any doubt, I am not a spokesman for the Government, but what I can say is that the Government have ruled out completely top-down reorganisation. They will only move to unitary arrangements where there is a proposal that has been presented by a local authority. What that means for us in North Yorkshire is that any one Council, North Yorkshire County Council or the seven district and boroughs, or even the City of York, can present a proposal. That proposal goes forward to the Minister. It's on his desk for his consideration. And that means the Government can say that they are not doing top down reorganisation because they have had a proposal from a local authority made up of elected councillors within the area of York and North Yorkshire. So it means that as North Yorkshire County Council have confirmed they are going to submit a proposal, that will be on the Minister's desk and he would have the option to say yes to it, if he wanted, or no if he wanted to do that. Which puts us in a bit of a catch 22 situation. The proposal is heading there, it could be the only proposal on the table, or we say as a district council or as a group of district and borough councils, we want to prepare an alternative proposal which can reach the Minister at the same time and allow him to do something different, which we may not necessarily think is the preferred option, but it may well be better than the North Yorkshire County Council proposal, which is going forward. So, we are in a catch 22 situation. We can do nothing, the North Yorkshire County Council plan will reach Government and they have the option to approve it, or we prepare an alternative proposal. That I think is the right course of action, that's what I think we should do and I think that all members should be part of that process.”

10. From Councillor Mackenzie

“Councillor Duncan, at a previous Council meeting a motion was raised regarding the Dog Warden position. Could you update the Council on where we've got to with that please?”

The Leader replied:

“Thank you, Councillor Mackenzie, for your question and for reminding the Council about the motion which you submitted in conjunction with Councillor Garbutt Moore, calling for us to look at the Dog Warden functions. I'm pleased to be able to tell the Council that we now do have two new Enforcement Officers that I believe have started this week and which will be able to tackle a range of enforcement issues, will receive specialist training in the area of Dog Warden duties, and will be able to respond to enforcement, animal welfare concerns and complaints from the public. I believe that this is a positive move forward for us as a Council. I think it will help us have the capacity which we need to deal with the issues raised by members of the public, not just in animal welfare, not just in Dog Warden duties, but in a whole range of functions outside of that. And I would like to think that if the two new posts prove successful, we

will be able to expand these posts and recruit more of the Enforcement Officers into the future.”

11. From Councillor Clark

“Councillor Duncan, you appear to believe that a briefing meeting – i.e. telling people what is happening – is either democracy or scrutiny. It is neither. So on that basis, we have had no democracy in relation to unitary systems, to which way we'd like to go. Oh, we will be getting a vote but we haven't even got an item on the agenda tonight as such. So, on that basis that you are consulting with us and telling us which way you'd like this, us, to go and then your basis that is democracy and somebody scrutinised it somewhere, I wonder if you could tell me, because we will be moving, will we not – if your recommendations and your favoured option were to happen – from North Yorkshire, from the Health and Adult Services in North Yorkshire – and I haven't heard your criticisms of Health and Adult Services of North Yorkshire or the Children and Young People Services of North Yorkshire, which you believe we can do better than – all in the middle of a pandemic, what are your questions and criticisms of North Yorkshire's Public Health? Because if we don't hear that lot, how do we know why you're wanting to go along and change things. And you put in here, as a final little bit in that area of the question, you describe it as a 'mega-unitary', but the mega-unitary is in quotes. Who are you quoting here as describing it as a mega-unitary, or is that just quoting yourself? Thank you, Chair.”

The Leader of Council replied:

“Thank you, Councillor Clark, for your question. Without getting too involved in punctuation marks around the words mega-council, what I would like to say is to confirm what is in my statement. And that is that the plan which North Yorkshire County Council are devising is to create the largest council in England. In geographical terms that's 8,000 km². That's 3,000 km² larger than the largest existing unitary authority, which is Northumberland, who have a population of 620,000 people. Again, that is significantly bigger than the largest existing unitary on the basis of population. This would be the largest council ever to have been created in England and I do not feel that that is going to be able to suit and respond to the needs of all areas of North Yorkshire. Delivering county services – strategic county services – at scale, is very different to delivering the services which we deliver as a District Council. The proposals being put forward, the east / west model, would allow some of those strategic services to be delivered at smaller scale than they are at the moment. We have to recognise that the district and the borough services will be delivered at greater scale. But overall, what we would be creating is an authority that I feel will be able to better respond to the needs of the people in Ryedale and the people of North Yorkshire as a whole.”

Councillor Clark then asked a supplementary question:

“Thank you, Chair. It's interesting, as the hub of my question was on why we wanted to move out of a council of 600 and something thousand that we are in now for Health and Adult Services, for Children and Young People, and in the middle of a pandemic, move out of the Public Health run by that authority? Of course, we're going to have different arrangements, a unitary, in relation to bin

collection and planning and / or whatever. But I'm asking you before we change – and you appear to be going along with this change unless I can see a copy of the Leader of this Council's letter to the- I think the guy who told you all this has gone hasn't he, and if he has then, how much can we rely on the non-written word that hasn't been even written, let alone said, by somebody? – so on that basis, through you Chair, are you going to tell me what improvements York would have in relation to Health and Adult Services, Children and Young People, and Public Health? Because if you don't answer that, all you are talking about is power out of it. And all this lot is consultation – it is not democracy. We as a Council should, through you Chair, have been deciding what we wanted to do. You should not be wandering around on our behalf, waving a cheque book and spending thousands of pounds that aren't mentioned in the decision lists – no mention of this spending in there. I haven't got a clue where that was spent and why, apart from what was said earlier – that it was a discussion from a briefing. That is not the way for a Democratic Council or a Council that accepts challenge. And on that basis, either do some explaining or can we do it properly? Thank you, Chair.”

The Leader then replied:

“What I will reiterate is that we have a choice to make. The County Council plan is going to go forward. We may well support and like the County Council plan. But the feedback from across political groups in this Council that I have heard, and the feedback from members of the public, is that the County Council plan is the wrong plan for this district and for the county as a whole. So, what we've decided to do, district and borough Leaders across seven local authorities, is come together across the political divide – Labour, Independent, Conservative – commission a piece of work to look at what is the best way of delivering council services across York and North Yorkshire. We didn't say draw up a proposal for an east / west model. We didn't say draw a proposal to create County Council 2.0. What we said is find the very best way of structuring local government in line with the parameters set by the Government and in line with objective criteria. And we will then take that back to our Councils, go out to public consultation, and hopefully submit that to the Government so the Minister can consider it as part of this piece of work. I think that is the right course of action and the only course of action open to us at this point in time. If we bury our head in the sand on this, if we don't do anything for weeks or months on end, we will get nowhere. We will not have a proposal. So, I think this is the right course of action.”

12. From Councillor Riby

“I've listened carefully to the discussion and the questions that have been answered, questions made to our Leader. I would like to remind you – it's been covered again and again – but in the virtual meeting in July Councillor Duncan said about we had until the end of August to come up with a solution or a proposal. He also emphasised the financial gain to Ryedale area would be in the region of, I think, £2 billion over the next 30 years. And I sometimes wonder where some of these ideas come from? And I can only say that it's quite regular for central Government to put out or leak what their wanting to do to gauge what reaction the public and the electorate are going to give to what they're leaking. And it seems to me we've gone right down that line where we've got no option of saying we want to stay as we are. That's not mentioned

at all. We have no option, it would appear, but we only have to make proposals that we want to change. Under the leaked system if we said 'no, we don't want to change' they would perhaps listen. But we've fallen into the trap of saying, oh, yes, we will do this or we'll do that and I am not sure that that would be a good thing at all. In fact, the people I represent and the people I've spoken to, they wonder why we want to change. It seems kind of like it's moving power away from the people, not bringing it closer to them, which is what you all suggest. Would you agree with what I say?"

The Leader replied:

"Thank you, Councillor Riby, for your question. I'll start off my answer by saying that I agree with unitary local government. I believe that unitary is a clearer, less confusing and more efficient way of running local government services. However, what I do not like, as I think is abundantly clear, is the proposal that's come forward from the County Council to create an extremely large unitary authority. The Government have given parameters around the size and the scale of the unitary authorities and the North Yorkshire proposal goes 200,000 in population above that. The proposal that we come with complies completely with the government requirements for unitary authorities into the future. The option of staying as we are – I think it's worth pointing out that many of the district and borough Leaders feel passionately about district councils. They feel passionately about the two-tier system. They would, if they could, choose the status quo – no change. But what I think it says when you can see around the table of the seven of us, the Leader of Hambleton District Council, who is perhaps one of the most vocal and strongest critics of unitary local government. When you look at the leader of Selby District Council, who is on the board of the District Councils Network and who feels passionately about the work of district councils. When you see those two individuals sat around a table of seven, across party lines, working up a proposal, I think it perhaps makes very clear what is happening. The inevitability, I feel, of what is happening. They are actually saying we'd like to stay as we are is not an option. What we have said is that many of us would rather stay as we are, but failing that we have to come up with a proposal that can rival what is going to be on the table from the County Council. I would expect that if North Yorkshire County Council withdrew their bid, then the seven district and borough councils would withdraw theirs. The proposal we're drawing up is to counter that proposal and to come up with something which I feel is much more efficient and much better for local people and for local residents. So, it's not really a choice of staying as we are. We can say that but I think we recognise as districts and borough Leaders, that change is, I think, almost certainly going to happen and therefore it's vital, as I've said many times, that we draw up a proposal that we can submit if this Council wants to do so."

Councillor Riby then asked a supplementary question:

"We were in a similar situation, as I understood it, more or less in the mid-90s when John Prescott and his crew were wanting to do something similar, as I understood it, and there was no option then but to do that. You couldn't stay as you were. I would suggest that failed because they couldn't agree amongst themselves and I would suggest to you now that the letter that you were promised that we are to fulfil an answer, is delayed because there's dithering

and they're waiting to see which they can get away with rather than what we want them to do."

The Leader then replied:

"I think, Councillor Riby, I can agree with you that we need clarity and we deserve clarity from the Government."

13. From Councillor Frank

"In your east / west divide proposal, where will the headquarters of the East and where will the West headquarters be based? It will make a huge difference to the dynamics of the new council and for people accessing the services. And if I can ask, how will you get the expert recruitment to deliver the 80% of services that County currently deliver when we already struggle to recruit skilled mid to senior level staff?"

The Leader replied:

"Thank you, Councillor Frank, for your questions. The first one around the location of headquarters. That is not a decision which we have taken as district and borough Leaders, it's not a decision which this Council can take. It would be a decision that would need to be taken by a shadow authority or shadow authorities that would be responsible for implementing and delivering on the new local authorities that will be created. It's not a decision for this Council, so I can't give you an answer on that at this point in time. The second question is around recruitment of staff. One of the things that KPMG is looking at within its report is around workforce – attracting skilled members of staff, retaining the skilled members of staff. That is one of their considerations and one of the things that they will look at and that will be reported back within the KPMG report. I think it's worth pointing out, however, with senior and mid-level staff there will be a reduction in the number of posts, which means there is likely to be a competition for posts within the new unitary authorities. I would expect that the pool of applicants for those jobs would exceed the number of posts and therefore, I think that I'm confident in whatever arrangement there might be with unitary authorities that we would get excellent leaders, excellent members of staff, to guide us forward into the future."

Councillor Frank then asked a supplementary question:

"Do you not agree that the headquarters are going to be of the utmost importance to the new council and therefore needs to be part of the proposal?"

The Leader then replied:

"Thank you, Councillor Frank. I do agree that it is clearly an important decision that needs to be taken. What I'm trying to say is that we could put something into a proposal. County could put something into their proposal. We could put something into our proposal if approved. But we can't tie the hands of the future authorities. That has got to be a decision for the future authorities. I think whatever happens there needs to be local access points across York and North Yorkshire where people can access local government services. I think whatever model emerges that is going to be a requirement, something within

the proposals. One thing that I think we're pretty confident about is that the location of a North Yorkshire unitary will be the existing headquarters of the County Council, which is based in Northallerton. And I have to say that I don't feel that for anybody in North Yorkshire, Northallerton is a particularly convenient point to locate a local authority, perhaps even for the people living in Northallerton given some of the traffic issues and congestion problems that they've got. So, I think careful consideration does need to be given, but I do not feel that Northallerton would be a logical place for a unitary authority to be based for us here in Ryedale. I think we can look perhaps somewhere more convenient. But as I say, that is a decision for the new unitary authority to take."

104 **Revenue and Capital Budget Monitoring - Outturn 2019-20**

It was moved by Cllr Duncan and seconded by Cllr Arnold that the following recommendations be approved and adopted:

- i) The Council notes the contents of the report and that the Surplus Balance of £32k has been transferred to the General Reserve.
- ii) The Council approves a carry forward of £1.301m from the Capital Programme.

Councillor Clark moved and Councillor Potter seconded the following amendment:

Delete the recommendations and replace with:

- i) The Council notes the contents of the report.
- ii) The report is referred to the Policy and Resources Committee and the Audit Committee to be considered at the earliest convenient date.

Upon being put to the vote the amendment was lost.

Recorded vote:

For: Councillors Brackstone, Burr, Clark, Potter, Thackray and Wass

Against: Councillors Arnold, Bailey, Cleary, Delaney, Docwra, Duncan, Frank, Garbutt Moore, Goodrick, Graham, Hope, Keal, King, Mackenzie, Mason, Middleton, Oxley, Raine, Raper, Riby, Windress

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

Resolved

- i) The Council notes the contents of the report and that the Surplus Balance of £32k has been transferred to the General Reserve.
- ii) The Council approves a carry forward of £1.301m from the Capital Programme.

Voting record

25 For
2 Abstentions

105 **Revenue and Capital Budget Monitoring - Q1 2020/21**

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

That Council:

- i) Endorses the actions of officers and note the contents of the report.
- ii) Agrees that an amount from reserves will be required to offset the net additional costs arising from COVID.

Councillor Clark moved and Councillor Potter seconded the following amendment:

In recommendation i) delete “Endorses” and replace with “Notes”; delete “note”.
In recommendation ii) replace “Agrees” with “Notes”.
Insert “iii) Refers the report to the next available meeting of the Policy and Resources Committee.”

Upon being put to the vote the amendment was lost.

Recorded vote:

For: Councillors Brackstone, Burr, Clark, Frank, Mason, Potter, Raine, Riby, Thackray and Wass

Against: Councillors Arnold, Bailey, Cleary, Delaney, Docwra, Duncan, Garbutt Moore, Goodrick, Graham, Hope, Keal, King, Mackenzie, Middleton, Oxley, Raper and Windress

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

Resolved

That Council:

- i) Endorses the actions of officers and note the contents of the report.
- ii) Agrees that an amount from reserves will be required to offset the net additional costs arising from COVID.

Voting record

Unanimous

106 Ryedale's Financial Strategy 2020-2024

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

The Council is asked:

- to note the content of this report, and
- to agree the proposed approach in pulling together the financial plan, and
- to agree the timescales as set out in the report

Upon being put to the vote the motion was carried.

Resolved

That Council:

- notes the content of the report, and
- agrees the proposed approach in pulling together the financial plan, and
- agrees the timescales as set out in the report

Voting record

Unanimous

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

108 **Minute 122 - Council Plan 2020-2024**

It was moved by Councillor Duncan and seconded by Councillor Oxley that the following recommendation be approved and adopted:

That the Council Plan 2020-2024 is approved, which is attached as Appendix 1 to the report.

Upon being put to the vote the motion was carried.

Resolved

That the Council Plan 2020-2024 is approved, which is attached as Appendix 1 to the report.

Voting record

23 For

4 Abstentions

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

Proposed by Councillor Keal and seconded by Councillor Mason

[Please note that this item was considered at Policy and Resources Committee on 19 March 2020 and subsequently as part of a Decision Notice issued under urgency powers.]

“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 explore the possibility of a roundabout at the Huttons Ambo junction on the A64 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, we call on Ryedale District Council to support a HGV ban between the Peasey Hill Road junction and Hawthorn Avenue.

We request that Officers be asked to enter into negotiations with North Yorkshire County Council to follow the process required to introduce this ban."

Councillor Duncan proposed and Councillor Docwra seconded the following amendment:

Delete the motion and replace with:

"The Council welcomes the commitment from North Yorkshire County Council to undertake work to develop proposals for a junction that allows for all-direction managements between York Road and the A64, near the western end of the Malton Bypass. It is understood that the intention is to develop proposals to a stage whereby bids for funding the junction could be submitted at short notice.

Further, officers will continue discussions with colleagues at North Yorkshire County Council with the aim of identifying options and developing proposals for a junction or slip roads between Broughton Road and the A64."

Upon being put to the vote the amendment was carried.

Voting record

21 For
2 Against
3 Abstentions

Councillor Keal proposed and Councillor Mason seconded the following amendment:

After "between York Road and the A64," insert "and the alternative option for a roundabout adjacent to the Huttons Ambo junction".

Upon being put to the vote the amendment was lost.

Voting record

4 For
16 Against
6 Abstentions

Councillor Mason proposed and Councillor Keal seconded the following amendment:

Insert "ii) The District Council welcomes the proposed part-time HCV prohibition on Highfield Road and calls for it to remain in place until the detailed schemes for A64 junctions have been developed, the implications for the internal highways network have been assessed and the implementation is due to go ahead (subject to NYCC seeking to minimise the potential for HCVs to simply divert via the AQMA)."

Upon being put to the vote the amendment was lost.

Recorded vote:

For: Councillors Brackstone, Burr, Clark, Keal, Mason, Potter, Raine, Riby, Thackray and Wass

Against: Councillors Arnold, Bailey, Cleary, Delaney, Docwra, Duncan, Frank, Garbutt Moore, Goodrick, Graham, Hope, King, Mackenzie, Middleton, Oxley and Windress

Abstain: Councillor Raper

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

Resolved

That Council welcomes the commitment from North Yorkshire County Council to undertake work to develop proposals for a junction that allows for all-direction movements between York Road and the A64, near the western end of the Malton Bypass. It is understood that the intention is to develop proposals to a stage whereby bids for funding the junction could be submitted at short notice.

Further, officers will continue discussions with colleagues at North Yorkshire County Council with the aim of identifying options and developing proposals for a junction or slip roads between Broughton Road and the A64.

Voting record

Unanimous

110 Appointment of a Representative to the Milton Rooms Management Committee

This item was deferred.

111 Any other business that the Chairman decides is urgent

There being no items of urgent business, the meeting closed at 9:45pm.