

Council

Minutes of Proceedings

At the **Ordinary Council Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Thursday, 23 February 2023**

Present

Councillors Joy Andrews, Paul Andrews, Arnold, Burr MBE, Clark, Cussons MBE, Docwra, Duncan, Frank (Vice-Chair), Goodrick, Keal, MacKenzie, Mason, Middleton, Oxley, Potter, Raine, Wass (Chair) and Windress

In Attendance

Rachael Balmer, Beckie Bennett, Bernice Elgot, Lily Hamilton, Rob Harper, Anton Hodge, Nicki Lishman and Margaret Wallace

Minutes

58 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Graham, Hope and Thackray.

59 PUBLIC QUESTION TIME

There were no public questions.

60 MINUTES

The minutes of the Ordinary Meeting of Council held on 1 December 2022 and the Extraordinary Meeting of Council held on 8 December 2022 were presented.

Resolved

That the minutes of the Ordinary Meeting of Council held on 1 December 2022 and the Extraordinary Meeting of Council held on 8 December 2022 be approved and signed by the Chair as a correct record.

Voting record

17 For

2 Abstentions

61 URGENT BUSINESS

There were no items of urgent business.

62 DECLARATIONS OF INTEREST

Councillors Burr, Duncan, Goodrick and Mason declared a personal, non-prejudicial and non-pecuniary interest as member of North Yorkshire County Council.

Councillor Potter declared a prejudicial interest in Item 10G (Reallocation of Residual Grant Funding by Pickering Town Community Interest Company from Newbridge Park to the Community Park, Pickering) as a Director of Pickering Town Community Interest Company.

Councillor Mason declared an interest in Item 10D (Ryedale District Council Annual report 2021/22) and did not vote on this item.

63 ANNOUNCEMENTS

The Chair and Councillors stood for a minute's silence in memory of Honorary Alderman and former Councillor Allin Jenkins who had recently died.

64 TO RECEIVE ANY QUESTIONS SUBMITTED BY MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 (QUESTIONS ON NOTICE AT FULL COUNCIL)

There were no Questions on Notice

65 DESIGNATION OF MONITORING OFFICER

It was moved by Councillor Keal and seconded by Councillor Burr that the following recommendation be approved;

- (i) the proposal that Bernice Elgot is appointed as the Council's Monitoring Officer for the period from 6 March 2023 to 31 March 2023.

Upon being put to the vote the motion was carried.

Resolved

That Bernice Elgot is appointed as the Council's Monitoring Officer for the period from 6 March 2023 to 31 March 2023.

Voting record

Unanimous

TO CONSIDER FOR APPROVAL THE RECOMMENDATIONS IN RESPECT OF THE FOLLOWING PART 'B' COMMITTEE ITEMS:

66 Review of Council's Statement of Principles for Gambling

It was moved by Councillor Potter and seconded by Councillor Mackenzie that the following recommendation be approved;

- (i) Members agree to the adoption of the revised Statement of Principles for Gambling 2023-2026.

Upon being put to the vote the motion was carried.

Resolved

That the revised Statement of Principles for Gambling 2023-2026 be adopted.

Voting record

Unanimous

67 Revenue and Capital Budget Monitoring Q3 2022/23

It was moved by Councillor Keal and seconded by Councillor Burr that the following recommendation be approved;

It is recommended that Council note the financial position as set out in this paper and that any over or underspend in revenue and capital will have an impact on reserves.

Upon being put to the vote the motion was carried.

Resolved

Council noted the financial position as set out in the paper and that any over or underspend in revenue and capital would have an impact on reserves.

Voting record

Unanimous

68 Delivering the Council Plan - Q2 2022/23

It was moved by Councillor Keal and seconded by Councillor Clark that the following recommendation be approved;

- (i) Policy and Resources Committee recommends to Council that the 2021-2022 Annual Report of progress against the Council Plan (2020-2024) is approved for publication.

Upon being put to the vote the motion was carried.

Resolved

That the 2021-2022 Annual Report of progress against the Council Plan (2020-2024) be approved for publication.

Voting record

Unanimous

Councillor Burr requested that her thanks to staff for their quality work and exceptional performance be recorded.

69 Ryedale District Council Annual Report 2021/22

It was moved by Councillor Keal and seconded by Councillor Burr that the following recommendation be approved;

That Council be recommended to:

- (i) Approve for publication the 2021-2022 Annual Report of progress against the Council Plan (2020-2024) subject to the changes agreed by Members of the Committee.

Upon being put to the vote the motion was carried.

Resolved

That publication the 2021-2022 Annual Report of progress against the Council Plan (2020-2024) subject to the changes agreed by Members of the Committee be approved.

Voting record

Unanimous

Having declared an interest, Councillor Mason did not vote on this item.

70 Ryedale District Council - Local Development Scheme November 2022 - March 2023

It was moved by Councillor Keal and seconded by Councillor Burr that the following recommendation be approved;

That Council be recommended to:

- (i) Agree the Local Development Scheme for use and publishing.

Upon being put to the vote the motion was carried.

Resolved

That the Local Development Scheme be agreed for use and publishing.

Voting record

18 For

1 Abstention

Councillor Goodrick wished that her gratitude to staff for their work on the Scheme be recorded.

71 North Yorkshire Council - Affordable Housing Sites

It was moved by Councillor Keal and seconded by Councillor Burr that the following recommendation be approved;

It be recommended to Council:

- (i) That the upper deck of Wentworth Street Car Park and the RDC owned site shown on the attached plan coloured green, be submitted to Ryedale District Council's Local Plan Review by RDC officers, as a site for 100% affordable housing and/or an extra care facility.
- (ii) RDC request that the new North Yorkshire Council agree to the officers negotiating the purchase of the privately owned site marked on the attached plan coloured pink, as part of the site for 100% affordable housing and/or an extra care facility, as in (i) above.
- (iii) The whole Ryedale House site in an existing allocation in the adopted Development Plan, with the principle of residential use of the site already assessed as acceptable. It is proposed that this allocation be resubmitted by RDC officers as a site for 100% affordable housing and/or an extra care facility.

Upon being put to the vote the motion was carried.

Resolved

- (i) That the upper deck of Wentworth Street Car Park and the RDC owned site shown on the plan coloured green attached to the report, be submitted to Ryedale District Council's Local Plan Review by RDC officers, as a site for 100% affordable housing and/or an extra care facility.
- (ii) RDC requests that the new North Yorkshire Council agree to the officers negotiating the purchase of the privately owned site marked on the plan coloured pink attached to the report, as part of the site for 100% affordable housing and/or an extra care facility, as in (i) above.

- (iii) The whole Ryedale House site in an existing allocation in the adopted Development Plan, with the principle of residential use of the site already assessed as acceptable. It is proposed that this allocation be resubmitted by RDC officers as a site for 100% affordable housing and/or an extra care facility.

Voting record

14 For

4 Against

1 Abstention

Recorded vote

For: Councillors J Andrews, Arnold, Clark, Cussons, Frank, Keal, Mackenzie, Mason, Middleton, Oxley, Potter, Raine, Windress and Wass.

Against: Councillors P Andrews, Burr, Docwra and Duncan.

Abstention: Councillor Goodrick

Councillor P Andrews left the meeting at 8.20 pm.

72 Reallocation of Residual Grant Funding by Pickering Town Community Interest Company from Newbridge Park to the Community Park, Pickering

It was moved by Councillor Keal and seconded by Councillor Burr that the following recommendation be approved;

That Council be recommended to:

- (i) Make available the existing grant funds to PTCIC for Newbridge Park activity totalling £61,750 of the £175,000 previously awarded to PTCIC to fund a new pump track associated signage and marketing and promotion of the facility at the Pickering Community Park.
- (ii) Draw the grant from the existing £175,000 previously allocated in capital reserves for community use in Pickering.

Upon being put to the vote the motion was carried.

Resolved

- (i) That the existing grant funds to PTCIC for Newbridge Park activity totalling £61,750 of the £175,000 previously awarded to PTCIC to fund a new pump track associated signage and marketing and promotion of the facility at the Pickering Community Park be made available.
- (ii) Draw the grant from the existing £175,000 previously allocated in capital reserves for community use in Pickering.

Voting record

16 For

1 Abstention

Having declared an interest, Councillor Potter did not vote on this item.

73 Exempt information

To consider a resolution to exclude the press and public from the meeting during consideration of the following items: Item 10e (Livestock Market Project – Request for approval to proceed) as provided by paragraph 3 of Schedule 12A of Section 100A of the Local Government Act

1972, as the information relates to the financial or business affairs of any particular person (including the authority holding that information).

Item 10f (Proposal for Capital Funding for the Circular Malton and Norton CIC Anaerobic Digester Project) as provided by paragraph 3 of Schedule 12A of Section 100A of the Local Government Act 1972, as the information relates to the financial or business affairs of any particular 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.

Resolved

That the press and public be excluded from the meeting during consideration of Items 10e and 10f.

Voting record

Unanimous

74 Livestock Market Project - Request for approval to proceed

It was moved by Councillor Keal and seconded by Councillor Burr that the following recommendations be approved;

That Council be recommended to:

- a) Express their support for progressing with the 'Core' Livestock Market project based on the estimated costs as referenced in the sixth paragraph of section 7.1 a) of either:
 - (i) incorporating climate change mitigation measures; or
 - (ii) not incorporating climate change mitigation measures;

- b) For the period of time remaining until Vesting Day confirm delegated approval for the Programme Director for Place and Resources in consultation with the S.151 Officer and the Chair of Policy and Resources Committee, to
 - (i) Apply for funding and enter into grant funding agreements (as appropriate);
 - (ii) Negotiate appropriate terms and enter into the Transaction Agreement with the landowners for the acquisition of the Livestock Market Site;
 - (iii) Approve the appointment of APP to undertake RIBA Stage 3 'Developed Design' work (including undertaking further surveys, investigations and more detailed designs) SUBJECT TO entering into the Transaction Agreement;

- c) Due to the importance of Malton Livestock Market to the local economy, and given that implementation of any Livestock Market project will fall within the purview of North Yorkshire Council, Members may wish to request formally that North Yorkshire Council continues to progress the project following Vesting Day on 01 April 2023 with a view to its implementation at the earliest possible opportunity including:
 - (i) Ringfencing the existing capital allocation of £1.65m from the District Council;
 - (ii) Supporting work to identify other funding opportunities and to secure the remaining funding as necessary;
 - (iii) Concluding site negotiations and entering into Transaction Agreement (if not already completed by 31 March);
 - (iv) Appointing APP to undertake RIBA Stage 4 'Technical Design, Preparation of Tender Information';
 - (v) Procurement and appointment of contractors to construct the facility;
 - (vi) Negotiate and enter into appropriate legal agreements with an Operator.

Councillor Mason proposed and Councillor Keal seconded the following amendment;

To remove (ii) from recommendation a)

Upon being put to the vote the amendment was carried.

Voting record

13 For

1 Against

4 Abstentions

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

Resolved

That Council;

- a) Expressed their support for progressing with the 'Core' Livestock Market project based on the estimated costs as referenced in the sixth paragraph of section 7.1 a)
 - (i) incorporating climate change mitigation measures

- b) For the period of time remaining until Vesting Day delegated approval be confirmed for the Programme Director for Place and Resources in consultation with the S.151 Officer and the Chair of Policy and Resources Committee, to
 - (i) Apply for funding and enter into grant funding agreements (as appropriate);
 - (ii) Negotiate appropriate terms and enter into the Transaction Agreement with the landowners for the acquisition of the Livestock Market Site;
 - (iii) Approve the appointment of APP to undertake RIBA Stage 3 'Developed Design' work (including undertaking further surveys, investigations and more detailed designs) SUBJECT TO entering into the Transaction Agreement;

- c) Due to the importance of Malton Livestock Market to the local economy, and given that implementation of any Livestock Market project will fall within the purview of North Yorkshire Council, Members formally requested that North Yorkshire Council continues to progress the project following Vesting Day on 01 April 2023 with a view to its implementation at the earliest possible opportunity including:
 - (i) Ringfencing the existing capital allocation of £1.65m from the District Council;
 - (ii) Supporting work to identify other funding opportunities and to secure the remaining funding as necessary;
 - (iii) Concluding site negotiations and entering into Transaction Agreement (if not already completed by 31 March);
 - (iv) Appointing APP to undertake RIBA Stage 4 'Technical Design, Preparation of Tender Information';
 - (v) Procurement and appointment of contractors to construct the facility;
 - (vi) Negotiate and enter into appropriate legal agreements with an Operator.

Voting record

13 For

3 Against

2 Abstentions

Recorded vote

For: Councillors J Andrews, Arnold, Burr, Clark, Cussons, Frank, Keal, Mason, Middleton, Potter, Raine, Wass and Windress

Against: Councillors Dowcra, Duncan and Goodrick

Abstentions: Councillors Mackenzie and Oxley

75 CIRCULAR MALTON AND NORTON ANAEROBIC DIGESTER PROJECT

It was moved by Councillor Keal and seconded by Councillor Frank that the following recommendations be approved;

That Council be recommended to:

- a) Allocate capital funding as set out in paragraph 6.60 towards the project cost for the circular Malton and Norton Anaerobic Digester;
- b) Make provision for capital being subject to all remaining match funding being in place.

Councillor Keane moved and Councillor Dowcra seconded the following amendment;

That this Item be deferred for it to be considered as part of the CIL grants application process.

Upon being put to the vote the amendment was lost.

Voting record

6 For

10 Against

2 Abstentions

Upon being put to the vote the motion was carried.

Resolved

That;

- a) Capital funding be allocated as set out in paragraph 6.60 (of the report) towards the project cost for the circular Malton and Norton Anaerobic Digester;
- b) Provision be made for capital being subject to all remaining match funding being in place.

Voting record

13 For

4 Against

Councillor Raine left the meeting at 9.15pm during consideration of this item.

76 External Auditors Annual Report

Councillor Middleton moved and Councillor Oxley seconded the following recommendation;

It is recommended to Council that:

- (i) The External Auditor's Report is noted.

Upon being put to the vote the motion was carried.

Resolved

That the External Auditor's report be noted.

Voting record

Unanimous

TO RECEIVE AND NOTE COUNCIL LEVEL DECISIONS MADE UNDER URGENCY POWERS, AS REQUIRED BY THE CONSTITUTION

77 DESIGNATION OF INTERIM MONITORING OFFICER

The decision was noted.

78 ANY OTHER BUSINESS THAT THE CHAIR DECIDES IS URGENT

There being no items of urgent business, the meeting closed at 9.40pm.