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Council

Minutes of Proceedings

At the **Ordinary Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Thursday 18 December 2014**

Present

Councillors Acomb
 J Andrews
 P J Andrews
 Arnold (Vice-Chairman)
 Bailey
 Mrs Burr MBE
 Clark
 Mrs Cowling
 Cussons
 Mrs Frank
 Mrs Goodrick
 Hawkins
 Hicks
 Hope
 Mrs Hopkinson
 Ives (Chairman)
 Mrs Keal
 Legard
 Maud
 Raper
 Richardson
 Wainwright
 Windress
 Woodward

In Attendance

Jill Baldwin
Simon Copley
Peter Johnson
Phil Long
Julian Rudd
Jill Thompson
Janet Waggott
Daniel Wheelwright
Anthony Winship

Minutes

66 **Apologies for absence**

Apologies for absence were received from Councillors Collinson, Fraser, Mrs Sanderson, Mrs Shields and Walker.

67 **Public Question Time**

There were no public questions.

68 **Minutes**

The minutes of the Ordinary Meeting of Council held on 9 October 2014 were presented.

Resolved

That the minutes of the Ordinary Meeting of Council held on 9 October 2014 be approved and signed by the Chairman as a correct record.

69 **Urgent Business**

There was one item 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):

Censure Motion

The special circumstances in this case which justified this matter being considered as a matter of urgency were detailed by the Chairman as follows:

- (i) The comments of Councillor Tommy Woodward about the recent death of an individual have caused a public outcry and have resulted in an unprecedented level of written complaints comprising 127 to date;
- (ii) The Council Solicitor and Monitoring Officer in consultation with the Independent person has reached the conclusion that the complaints relate to conduct in a private capacity and not as a Councillor. Accordingly the Members Code of Conduct is not engaged and therefore there will be no investigation under the Code of Conduct regime;
- (iii) Although the Members Code of Conduct is not engaged in my opinion the comments of Councillor Tommy Woodward still have an adverse impact on the reputation of Ryedale District Council and its Members;
- (iv) Against this background I consider it essential that Council be given the opportunity to debate the issue without delay to consider whether or not it wishes to censure Councillor Woodward for his comments.

A procedural motion was moved by Councillor Ives and seconded by Councillor Mrs Cowling to suspend Rules of Procedure 11.1 and 11.2 to deal with the censure motion only.

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

Resolved

That Rules of Procedure 11.1 and 11.2 be suspended to deal with the censure motion only.

NB The Censure Motion is minuted at Minute 77 below.

70 Declarations of Interest

The following interests were declared:

Councillor Paul Andrews declared a personal non pecuniary but not prejudicial interest in agenda item 8 (Questions on Notice) as a supporter of local businesses in Malton and an opponent of the Wentworth Street Car Park planning application.

Councillor Clark declared a personal non pecuniary but not prejudicial interest in agenda item 9 minute 39 (Joint Committee and/or Combined Authority for York, North Yorkshire and East Riding) as a member of North Yorkshire County Council.

Councillors Arnold, Bailey, Mrs Frank and Hawkins declared a personal non pecuniary but not prejudicial interest in agenda item 9 minute 147 (The Helmsley Plan – Land at Helmsley) as they had been involved with the Helmsley Plan.

Councillors Bailey and Mrs Frank declared a personal non pecuniary but not prejudicial interest in agenda item 11 (Notices of Motion) as members of the North York Moors National Park, which is a minerals planning authority.

Councillor Mrs Burr declared a personal non pecuniary but not prejudicial interest in agenda item 11 (Notices of Motion) as a member of North Yorkshire County Council (but not its planning committee).

71 Announcements

The Chairman updated Council on his recent engagements, as follows, and thanked those involved in these organisations for their hard work throughout the year and during the festive season:

- A visit to the Royal Mail sorting office in Malton
- Visits to public services in the District
- A Ryedale Special Families event

The Chief Executive made the following announcements:

- That the provisional financial settlement had just been received and looked slightly better than expected, but further work would be carried out looking into this next year.
- That the application for judicial review relating to the Secretary of State's decision to refuse planning permission for the East Heslerton wind farm had been dismissed.
- That the Kirkbymoorside planning appeal decision had been received and the appeal was allowed .
- That the decision from the High Court refusing permission for a Judicial Review requested by Fitzwilliam Malton Estate in relation to the challenge to the planning permission for the redevelopment of Wentworth Street Car Park Malton had been circulated to Members.

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

1. Councillor Paul Andrews submitted the following question:

To Councillor Mrs Cowling, Leader of Council:

“Has consideration been given to what is likely to happen if the Council's decision is allowed to stand? If there is no supermarket chain willing to develop a superstore there, as seems clear to most people now, what are the Council's proposals for providing certainty to potential inward investors in Malton about the future of the town's largest car park?

- a) In those circumstances will the car park be sold to GMI?
- b) If it is sold to GMI and they have no supermarket chain interested, are GMI obliged to continue its use as a public car park? And if not, what is the future of the car park in those circumstances?”

The Leader of Council, Councillor Mrs Cowling replied

“It is clear that current market conditions are very different to those which prevailed when the council entered into the agreement for sale of the land at Wentworth Street. It is also likely that the market conditions will continue to evolve and in due course there will be renewed interest in development of the land as anticipated when the agreement was put in place. The purchaser continues to have confidence, informed by specialist retail advice, that there will be demand from operators particularly where there is a proposition which has good commercial potential and is deliverable. It has been their strategy, supported by the council, to hold back from any full marketing of the site until the planning position had become clear. It is not appropriate to speculate upon any alternative outcome while the contractual arrangements with GMIHL are in place.

- a) *The agreement for sale of the land is conditional upon a development as envisaged in the application for planning consent submitted by GMIHL*

being undertaken. If such a development is not possible the agreement can be terminated..

- b) *Unless a development as envisaged by GMIHL when their offer to purchase was accepted by the council is secured no sale will be completed. Until the land is sold to GMIHL its use is determined by the council but such use must not prevent vacant possession being given.”*

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

Policy and Resources Committee – 4 December 2014

Minute 38 - Localisation of Council Tax Support 2015/2016 Scheme

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

That Council be recommended to approve:

- (i) To approve a Local Council Tax Support Scheme which was unchanged from 2014/13; and
- (ii) The Finance Manager, in consultation with the Chairman of Policy and Resources Committee be authorised to undertake the necessary consultation work to design a scheme for 2016/17, in light of the experience in previous years, to be presented to Policy and Resources Committee in December 2015.

Councillor Clark moved and Councillor Woodward seconded the following amendment:

After “Chairman of Policy and Resources Committee”, add “and Group Leaders”.

Upon being put to the vote the amendment was lost.

Voting Record

11 For
13 Against
0 Abstentions

Upon being put to the vote the motion was carried.

Resolved

That Council:

- (i) Approves a Local Council Tax Support Scheme which was unchanged from 2014/13; and
- (ii) Authorises the Finance Manager, in consultation with the Chairman of Policy and Resources Committee to undertake the necessary consultation work to design a scheme for 2016/17, in light of the experience in previous years, to be presented to Policy and Resources Committee in December 2015.

Voting Record

19 For

5 Against

0 Abstentions

Minute 39 - Joint Committee And / Or Combined Authority For York, North Yorkshire And East Riding

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

That Council be recommended to approve:

- (i) That Ryedale District Council supports the principle of and agrees to form part of a Joint Committee arrangement for economic development, regeneration, strategic planning and transport matters in York, North Yorkshire and East Riding; and
- (ii) That the potential for a Combined Authority covering parts of York, North Yorkshire and East Riding be assessed post-May 2015.

Councillor Clark moved and Councillor Woodward seconded the following amendment:

Delete “of and agrees to form part of a” and add [at the end of (i)] “enters into discussions with the other councils”.

Upon being put to the vote the amendment was lost.

Recorded Vote

For

Councillors Joy Andrews, Paul Andrews, Clark, Richardson and Woodward.

Against

Councillors Acomb, Arnold, Bailey, Mrs Burr, Mrs Cowling, Cussons, Mrs Frank, Hawkins, Hicks, Hope, Mrs Hopkinson, Ives, Keal, Legard, Maud, Raper, Wainwright and Windress.

Abstentions

Councillor Mrs Goodrick

Upon being put to the vote the motion was carried.

Resolved

That Council:

- (i) Supports the principle of and agrees to form part of a Joint Committee arrangement for economic development, regeneration, strategic planning and transport matters in York, North Yorkshire and East Riding; and
- (ii) Agrees to assess the potential for a Combined Authority covering parts of York, North Yorkshire and East Riding be assessed post-May 2015.

Voting Record

19 For
4 Against
1 Abstention

Minute 40 - Timetable of Meetings 2015-16

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

That Council be recommended to approve:

The timetable of meetings for 2015-2016, attached at Annex A to the report.

Upon being put to the vote the motion was carried.

Resolved

That Council approve:

The timetable of meetings for 2015-2016, attached at Annex A to the report.

Voting Record

21 For
0 Against
0 Abstentions

Planning Committee – 16 December 2014

Minute 145 – Ryedale Community Infrastructure Levy – Revised Draft Charging Schedule

It was moved by Councillor Windress and seconded by Councillor Mrs Frank that the following recommendations of the Planning Committee be approved and adopted.

That Council be recommended to approve:

The revised Draft Charging Schedule at Appendix 1 for formal public consultation and subsequent submission to the Secretary of State for Examination.

Upon being put to the vote the motion was carried.

Resolved

That Council approve:

The revised Draft Charging Schedule at Appendix 1 for formal public consultation and subsequent submission to the Secretary of State for Examination.

Voting Record

24 For

0 Against

0 Abstentions

Exempt Information

It was moved by Councillor Mrs Cowling and seconded by Councillor Raper that the meeting move into exempt session.

Upon being put to the vote the motion was carried.

Resolved

That under Section 100(A)(4) of the Local Government Act 1972 that the public be excluded from the meeting for the following item as there will be a likely disclosure of exempt information as defined in Paragraphs 1, 3 & 6 of Part 1 of Schedule 12A of the Act as:

- 1) Information relating to any individual;
- 2) Information relating to the financial or business affairs of any particular person;
- 3) Information which reveals that the authority proposes
 - a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b) To make an order or direction under any enactment

Minute 147 – The Helmsley Plan – Land at Helmsley

It was moved by Councillor Windress and seconded by Councillor Mrs Cowling that the following recommendations of the Planning Committee be approved and adopted.

That Council be recommended to:

- (i) Give authority for the Compulsory Purchase, pursuant to section 226(1)(b) of the Town and Country Planning Act 1990, of the land edged red shown in Annex 1;
- (ii) Agree the use of the New Homes Bonus Reserve to fund the undertaking of the Compulsory Purchase Order and associated work in line with paragraphs 6.11 to 6.17 and to subsequently reimburse the New Homes Bonus Reserve;
- (iii) Adjust the Council's Local Development Scheme to reflect the amended timetable for the Examination and eventual adoption of the Helmsley Plan.

Upon being put to the vote the motion was carried.

Resolved

That Council:

- (i) Give authority for the Compulsory Purchase, pursuant to section 226(1)(b) of the Town and Country Planning Act 1990, of the land edged red shown in Annex 1;
- (ii) Agree the use of the New Homes Bonus Reserve to fund the undertaking of the Compulsory Purchase Order and associated work in line with paragraphs 6.11 to 6.17 and to subsequently reimburse the New Homes Bonus Reserve;
- (iii) Adjust the Council's Local Development Scheme to reflect the amended timetable for the Examination and eventual adoption of the Helmsley Plan.

Voting Record

18 For

2 Against

4 Abstentions

74 Business Adjourned from the Council Meeting on 9 October 2014

At the Council meeting on 9 October 2014, consideration of the recommendations from the Policy and Resources Committee on 25 September 2014 with regards to *Minute 25 – Constitutional Changes: Electronic submission of Notices on Motion and revision of deadlines for questions on notice* were

proposed by Councillor Mrs Cowling and seconded by Councillor Arnold, and then stood adjourned to this meeting without discussion, under Council Procedure Rule 23.2.

The recommendations to Council were:

- (i) The addition of the wording shown in italics below to Council Procedure Rule 11.1:

Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by at least two Members, must be delivered to the proper officer not later than *5pm*, eight *working* days before the date of the meeting. These will be entered in a file open to public inspection.

Written notice of motions may be given by email, from a ryedale.gov.uk email address. Signatures are not required in these instances but consent must be received from each Member who has put their name to the motion by e mail from a ryedale.gov.uk email address .

- (ii) The addition of the wording shown in italics below to Council Procedure Rule 14.1:

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least one quarter of the whole number of Members of the Council.

Such notice of motions may be given by email, from a ryedale.gov.uk email address. Signatures are not required in these instances but consent must be received from each Member who has put their name to the motion by e mail from a ryedale.gov.uk email address.

- (iii) The addition of the wording shown in italics below to Council Procedure Rule 10.4:

A Member may only ask a question under Rule 10.2 or 10.3 if either:

(a) he/she has given notice in writing of the question to the Proper Officer *not later than 5pm, eight working days before the date of the meeting*; or

(b) the question relates to an urgent matter, he/she has have the consent of the chairman to whom the question is to be put and the content of the question is given to the Proper Officer by *12 noon* on the day of the meeting. *An urgent matter must be one which the Member could not have reasonably known about eight working days before the date of the meeting and which must be dealt with before the next ordinary meeting of Council.*

Councillor Clark moved and Councillor Woodward seconded the following amendment:

Add after each reference to ryedale.gov.uk "or other email address previously known and agreed by a proper officer.

Upon being put to the vote the amendment was lost.

Voting Record

5 For

15 Against

1 Abstention

Upon being put to the vote the motion was carried.

Resolved

That Council approve:

(i) The addition of the wording shown in italics below to Council Procedure Rule 11.1:

Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by at least two Members, must be delivered to the proper officer not later than *5pm*, eight *working* days before the date of the meeting. These will be entered in a file open to public inspection.

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(b) the question relates to an urgent matter, he/she has have the consent of the chairman to whom the question is to be put and the content of the question is given to the Proper Officer by *12 noon* on the day of the meeting. *An urgent matter must be one which the Member could not have reasonably known about eight working days before the date of the meeting and which must be dealt with before the next ordinary meeting of Council.*

Voting Record

16 For

5 Against

0 Abstentions

75 Notices on Motion Submitted Pursuant to Council Procedure Rule 11

1. It was moved by Councillor Mrs Burr and seconded by Councillor Maud

“It is noted that there is overwhelming public concern in the Ryedale area and nationally about hydraulic fracturing (fracking) and all other forms of unconventional fuel extraction.

Council is asked to approve the following:

Ryedale as a non decision making body agrees to facilitate an impartial public meeting on fracking to raise public awareness.

Once Members have had an opportunity to have the public meeting on fracking then the issue be reported to a future meeting of the Council.”

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

Resolved

That Council approve:

Ryedale as a non decision making body agrees to facilitate an impartial public meeting on fracking to raise public awareness.

Once Members have had an opportunity to have the public meeting on fracking then the issue be reported to a future meeting of the Council.”

Voting Record

24 For

0 Against

0 Abstentions

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

No statement was received from the Leader of Council.

77 Any other business that the Chairman decides is urgent.

There was one item of urgent business:

Censure Motion

Councillor Mrs Cowling moved and Councillor Wainwright seconded the following censure motion:

Council is aware of the widely reported comments of Councillor Tommy Woodward about the recent death of an individual. Those comments can best be described as an affront to public decency and amounting to behaviour wholly incompatible with the holding of elected office. Council is aware that the comments of Councillor Tommy Woodward have caused deep offence to the family and friends of the deceased.

This motion seeks to disassociate Ryedale District Council and its District Councillors from the comments of Councillor Tommy Woodward. This motion is also put forward to enable all Councillors at Ryedale District Council to express their profound disapproval of the comments of Councillor Tommy Woodward and to extend sincere sympathies to the family and friends of the deceased.

For this purpose Council is asked to pass the following motion:

- (i) That Council hereby censures Councillor Tommy Woodward for his unacceptable behaviour in relation to the comments he made about the recent death of an individual; and
- (ii) That Council extends sincere sympathies to the family and friends of the deceased.

Upon being put to the vote the motion of censure was carried.

Resolved

- (i) That Council hereby censures Councillor Tommy Woodward for his unacceptable behaviour in relation to the comments he made about the recent death of an individual; and
- (ii) That Council extends sincere sympathies to the family and friends of the deceased.

Recorded Vote

For

Councillors Acomb, Paul Andrews, Arnold, Bailey, Mrs Cowling, Cussons, Mrs Frank, Mrs Goodrick, Hawkins, Hicks, Hope, Mrs Hopkinson, Ives, Keal, Legard, Maud, Raper, Wainwright and Windress.

Against

None.

Abstentions

Councillors Joy Andrews, Mrs Burr, Clark, Richardson and Woodward.

There being no other business, the meeting closed at 10pm.