

## **Council**

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Minutes of Proceedings

At the **Extraordinary Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Thursday 14 January 2016**

## **Present**

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

## **In Attendance**

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Simon Copley  
Denise Hewitt  
Gary Housden  
Peter Johnson  
Phil Long  
Kim Robertshaw  
Janet Waggott  
Anthony Winship

## **Minutes**

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1        **Apologies for absence**

Apologies for absence were received from Councillor Jainu-Deen.

## 2 **Minutes**

The minutes of the Ordinary Meeting of Council held on 8 October 2015 were presented.

### **Resolved**

That the minutes of the Ordinary Meeting of Council held on 8 October 2015 be approved and signed by the Chairman as a correct record.

## 3 **Urgent Business**

There were two 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):

- A motion on notice from Councillors Burr and Paul Andrews regarding pumps for flooding;
- Political proportionality.

Additionally Councillor Clark referred to two Part A agenda items for the Planning Committee meeting on 19 January 2016, the Minerals and Waste Joint Plan Preferred Options Consultation and the Consultation on Proposed Changes to National Planning Policy, and asked the Chairman if these could become Part B items and be considered by Council.

The Chairman replied that the Chairman of Planning Committee would ask Planning Committee if they wished to refer these items to a future meeting of Council.

## 4 **Declarations of Interest**

The following interests were declared:

Councillors Val Arnold and Clark declared personal non-pecuniary but not prejudicial interests in the items raised under urgent business relating to flooding and to the North Yorkshire Mineral and Waste Plan, as North Yorkshire County Councillors.

## 5 **Announcements**

There were no announcements.

## 6 **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.

7 **To Receive Statements from the Leader of the Council Provided for the Council Meetings on 8 October 2015 and 10 December 2015 and to Receive Questions and Give Answers on those Statements**

Councillor Cowling, the Leader of the Council, presented the following statements:

From 8 October 2015:

***"Derwent Training Association - 14 September 2015***

*I have attended the opening of the new "Mechatronics" teaching room at Derwent Training Association. You will recall that we gave a grant of 30k towards the construction of this. It is a much needed addition to the facilities at DTA.*

*Mechatronics is a fusion of several strands of engineering - electronics, hydraulics, robotics and computer engineering. DTA will now be able to help train apprentices in these skills, which helps to address the shortage of employees in the engineering industry and helps our young people into well paid jobs. This will be particularly important when the Whitby Potash Mine comes to fruition.*

***Yorkshire Water - 16 September 2015***

*The CE and I had our annual meeting with Yorkshire Water. We discussed ways we might work together including inspection of private water supplies. I took the opportunity to remind Yorkshire Water that there was still a problem at Butcher Corner, Malton and undertook to forward any complaints I received to Yorkshire Water. No major projects are planned in the Ryedale district in the period up to 2020. It was good to learn about YW's plans for replanting their woodlands with native species to replace the existing conifers. A couple of interesting statistics are that YW have to maintain some 55,000 kilometres of sewer on our behalf and have taken approximately 250,000 water samples to ensure the safety of our water supply.*

***LEP Infrastructure Board - 17 September 2015***

*After close work with the LEP and the developers, Ryedale DC was successful in bringing forward funding for the Malton Agribusiness Park at Old Malton. The project was awarded £2.1m towards infrastructure costs by Government following a proposal from this Council and the LEP - the funding was not available until 2016/17.*

*However, persistence has paid off and - following under spends elsewhere - some of the funding has been released to bring forward a start on this exciting development to around November 2015 and road works are now expected to begin before Christmas.*

*A strong emphasis from this meeting was the importance of working up economic and development projects for future delivery through LEP funding. It was recognised that had the plans for the Malton Agri-Business Park not been progressed by RDC and the developers we would not have been successful in attracting funds for this project. So we need to support the work of our officers in progressing appropriate plans for future bids in Ryedale. The current focus is on bringing forward employment land at Pickering and enhancing access to advanced engineering companies at Kirkbymoorside. However the business case for a series of smaller scale improvements on the A64 between Malton and Scarborough can be advanced with the appropriate investment, in combination with the working up of potential proposals east of Hopgrove by Highways England.*

### **P&R - 24 September 2015**

*At the meeting of Policy & Resources on the 24 September, the first tranche of Community Grants to local projects were approved. A second set of applications will be considered later in this financial year.*

*I am also pleased to be able to tell you that support for our creative economy was agreed. The creative economy in Ryedale is an important tourism attraction.*

*Unfortunately the meeting went on rather too long and we adjourned at 10.30pm with some items to be carried forward to the next meeting of P&R.*

*Our Community Infrastructure Levy charging regime was the subject of examination by an Inspector for one day last week. Approval of our CIL will be an important step forward for this Council. We expect a draft version of the Inspector's report by 16 October.*

*We shall soon be considering the sites documents for our local plan. This stage of our local plan, when approved, will give us certainty of where development is to take place in Ryedale.*

### **LGNY&Y - 2 October 2015**

*On Friday 2nd October I attended a meeting of Local Government North Yorkshire & York. You will have heard that a combined authority for Sheffield has been agreed - as yet there is no firm news of a deal that includes Ryedale.*

*We had an update on the progress to date on broadband provision. It is my opinion that progress is far too slow - we are looking at another 4 years before we have 95% cover. That cannot be good for economic development in Ryedale."*

From 10 December 2015:

*"Flooding*

*I would like to start by expressing my heartfelt sympathy for the residents of Cumbria and other parts of the country who have been so badly affected by flooding over the last week. What a timely reminder of how lucky we are to have our flood defences completed in Pickering.*

#### *Combined Authorities*

*As yet no consensus has been reached despite the most recent meeting of the APPG being held in Leeds on Friday 4 December 2015. A meeting is planned for the new year for Leaders to meet to discuss and agree the geographical footprint for our Combined Authority area. Proposed amendments in the Cities and Local Government Devolution Bill could have far reaching effects for us as, in exceptional circumstances, those amendments could allow some of our District Councils in North Yorkshire to effectively become part of a West Yorkshire combined authority.*

*Director of Public Health's Annual report is available now on the NYCC website. It contains some interesting information and I am sure our Health & Wellbeing Board will be concentrating on the recommendations from that report.*

#### *Comprehensive Spending Review*

*Much of the detail from the CSR will not become evident until our local settlement is announced later in December. We expect the announcement on either 17 or 23 December which will be reflected in our Budget.*

*The main issues for this Council are:-*

- 1. The move to 100% retention of business rates - which would come with additional responsibilities*
- 2. There will be an extension to the doubling of small business rate relief for the 12 months to April 2017*
- 3. Possible reforms to NHB*
- 4. The ability for NYCC to increase council tax to cover Social Care*
- 5. Of course from my point of view the increase in the state pension had to be good news - the largest real term increase in 15 years.*

*We had some good news and some bad news around the announcements on Enterprise Zones. The news that Fera have been awarded Enterprise Zone Status and investment of 50 million pounds is very good news but it was disappointing that the Coast & Country Enterprise Zone application was unsuccessful. This of course included the Malton proposal, but does not affect the Food Enterprise Zone status which was successful earlier this year.*

*Tonight on our agenda, as well as other items, we shall be looking at our safeguarding policy, hopefully confirming the increase in wages to our lowest paid employees and at long last we are in a position to adopt our CIL Charging schedule.*

*Looking ahead to the new year we shall be confirming our budget for 2016/17 and starting work on challenges including working on our Medium Term Financial Strategy and the Towards 2020 transformation programme.*

*Finally, I wish you a Merry Christmas and a Happy New Year."*

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

1. From Councillor Keal

*"I'd like to ask a question with regard to your meeting with Yorkshire Water, basically to ask if as Leader of the Council if you'll be having another meeting with Yorkshire Water in view of what's happened over the last 3 weeks? We've just had the Motion that's been referred back to P&R and a fair amount of the problems that we suffer from in Norton are - a big part of the problem is to do with Yorkshire Water and I read with some dismay that they're not planning any major projects in Ryedale up to 2020. They need to plan a major project in Norton and sooner than that. I would appreciate if you could arrange an urgent meeting with Yorkshire Water to that effect."*

The Leader replied:

*"The point I'd like to make here is that - I know that Cllr Burr was ill but there was actually a meeting which I believe you attended and this work has already started towards trying to resolve the issues throughout Ryedale. It isn't just about Malton and Norton and Brawby. We need to pick up all the issues that have occurred and there has been a call for information so that we know where all the flooding has occurred throughout Ryedale. We need a plan that covers all those areas and looks at solutions. Some of those solutions will be as simple as digging out ditches or grits at the side of the road where roads were blocked with water across them and things like that. There were a number of villages that I tried to get through and you either couldn't get to the village or you couldn't get through the centre of the village. What I am hoping Di is that this will build into all the agencies attending these meetings - Yorkshire Water will be one of those agencies along with the Environment Agency, North Yorkshire County Council and we need to find out what the solutions are throughout the whole district, whose got some money and it has to fit in with the flood plan that has been drawn up by North Yorkshire County Council."*

Councillor Keal then asked the following supplementary question:

*"Thank you for that and yes I did attend the meeting and found it a helpful start. I have to say that I do share Cllr Andrews view that this doesn't go back to another round of meetings, another report. We've waited for 3 years since 2012 for the County Council to produce its flood report and I know it covers a big area but we have solutions on the table for quite a lot of the things that need doing in Ryedale. All we need to do now is to pull those partners together and arrange the funding. Yorkshire Water have committed some funding, I believe the Environment Agency*

*have also committed some funding. I don't think it'll be enough but what we don't want to happen and people out there that were affected over the Christmas period don't want to happen is months and months and months of delay. There are some quick wins that Yorkshire Water and the other partners could get on and do and I was very pleased to see that they did do one of those temporary solutions in Church Street over the Christmas period in horrendous weather but they did dig the gully under Church Street which was a good start. As Cllr Andrews and Cllr Burr have said what we need is a permanent solution, that solution is there, the plans are drawn, we need them to put their hands in their pocket. So it's an appeal to that really."*

The Leader then replied:

*"I'm hoping Di that you will continue to be part of those meetings and I bow to your superior knowledge about flooding in Malton, I know you know a lot more about it than I do. I think that it will be a lot that this Council can do will be about putting pressure on people. We're not always successful when we try to put pressure on other agencies but all we can do is try and be aware of what the solution is. I though it was really timely that the flood report had been to the area committee in December of last year. If we'd been sat here waiting for that report still to come through, I think I would have been really disappointed. So at least we've got somewhere to start."*

2. From Councillor Paul Andrews

*"When is the next meeting of the Drainage Liaison Group and when we have that meeting, could we have referred to it the report of Arup on the drainage situation in Malton and Norton? As well as the matters that Cllr Keal was talking about. And the second questions concerns this meeting that took place early this month. The meeting was called as I understand it, the day after New Year, members of this Council were notified by email - those of you who are allowed to be notified by email. The email was sent the day after New Year right in the festive season. I don't know how many Councillors actually had their computers open to look at it at that time. The clerk and the Chairman of Malton Town Council were not notified at all, although 2 new members of Malton Town Council were so notified and really what I'm asking is, if we have an urgent meeting of this kind that should be of interest to a lot of Councillors, could we please be sure that officers notify the members concerned by telephone?"*

The Leader replied:

*"The first thing to say is that the meeting was called by Kevin Hollinrake and I had no control whatsoever over who was invited to that meeting. Kevin wanted some information bringing up to date on what was going on in the area. He asked officers if they were willing to meet with him. I'm sorry you didn't get the notification but you choose not to have an iPad, I*

*have an iPad, it was switched on. When I went to bed on Christmas Day night you know that it was going to be flooding so it was switched on. I'm sorry the flooding was bad timing for you but it rained when it rained."*

Councillor Paul Andrews then responded:

*"If this was a matter that was solely in the control of the MP could this Council draw to the MP's attention the protocol that one goes through when one organises meetings of this kind and advise him of the people am going to come back about choosing not to have an iPad, yes I do choose not to have an iPad but I do choose to have a computer and I can be notified on the computer. I think the view that the Council has that only some members should be informed of some things in some way and other members not informed at all, I think is against the law."*

3. From Councillor Ives

*"Would the Leader of Council agree with me that the items on her statement in relation to Derwent Training and the LEP Board in relation to the Malton Agricultural Business Park, highlight why the people of Ryedale trusted us, the Conservatives, with the economy in May last year?"*

The Leader replied:

*"Thank you for this - if you'd given me a bit of notice I'm sure I could have talked for half an hour on this. We tend to get hung up in this Council on the things that go wrong - I am going to talk about the elephant in the room and that is Wentworth Street car park and yes that hasn't been one of our best hours but look at the things that we do do. We support Derwent Training, we support apprentices. If it wasn't for this Council we wouldn't have the Brambling Fields junction. If it wasn't for this Council we wouldn't have the flood defences at Pickering. We also put a lot of support into the flood defences at Malton, we're putting more support into the flood defences at Malton, Norton, throughout the whole district. This Council tends to know what matters to the people out there, the whole of Ryedale is our consideration and I think there is a lot to be proud of and you're too busy being political some of you, knocking the Council all the time. In fact we are a very good Council."*

Councillor Ives then asked the following supplementary question:

*"I just want to echo the Leaders comments by saying that we are a very good Council and it's run very well under the Conservatives evident by the election results last May. So does the Leader agree with me, yes we may get things wrong but we get an awful lot right?"*

The Leader then replied:



*"I absolutely do agree with you Luke."*

4. From Councillor Steve Arnold

*"I'd just like to mention - and I think you'll all shout me down - that it says here that you were very pleased to see that the woodlands were replanted with native trees instead of existing conifers. It is a proven fact that fast growing conifers drink up more water than native trees."*

The Leader replied:

*"I'm very sorry that I didn't pick up on that. I might have known that I'd get some stick from our resident forester about that! I'm not a lover of conifers and I do like native species but that is an important fact that you've raised if we're looking at slowing the flow."*

5. From Councillor Clark

*"There is not mention in your statement of racism, homophobia or other bullying activities at all. On 6 October 2015 David Cameron called for an end to racism, homophobia and sexism. Does our supreme leader agree with her supreme leader that, and I quote "Opportunity in Britain is meaningless unless people are really judged equally", furthermore in view of the alleged bullying by, I think it was Darren Clark and the tragic death of I think it was Elliott Johnson, what action has she taken against the Islamophobia, homophobia and bullying within her own group?"*

The Leader replied:

*"Firstly I do think that's an abuse of a question on the Leader's statement. Yes I am going to answer it. It would be easier to sit down and say I'm not to answer it. You're talking about John Raper's Facebook page aren't you and I would refer you back to what you said when ex-Councillor Woodward put some rather unpleasant remarks on a Facebook page. You said it was nothing to do with the Liberals, it was done on a private Facebook page and not in the name of the Liberals so you didn't need to do anything about it. Well I didn't take that view and I have done something about it and that's private because it's within my group. Ex-Councillor Woodward also chose not to apologise for what he had done when asked in this Council Chamber. Councillor Raper apologised immediately and fully and yes, I do agree with David Cameron."*

Councillor Clark then asked the following supplementary question:

*"Well that appears to be fine then. I don't remember Cllr Raper's, if it was Cllr Raper's apology to the homosexual community of Great Britain, to the ethnic minorities of Great Britain and the Muslims of Great Britain but putting that aside lets assume that it has been done the way that it's implied that it's been done. But because it has been done at such a low*

*key, it is creating a leadership position that allows a culture that appears to be prevalent across many sections of Ryedale Council. What is she going to do to bring this culture of bullying and unacceptable behaviour to an end?"*

The Leader then replied:

*"If I thought there was a culture of bullying within this Council I'd be the first at the front of the queue but I know that there isn't."*

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

**Overview and Scrutiny Committee – 5 November 2015**

**Minute 48 – Treasury Management Mid Year Review**

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

That Council be recommended to approve:

That the report be received and the mid year performance of the in-house managed funds to date be noted.

Upon being put to the vote the motion was carried.

**Resolved**

That Council approve:

That the report be received and the mid year performance of the in-house managed funds to date be noted.

Voting Record

28 For

0 Against

0 Abstentions

**Policy and Resources Committee – 26 November 2015**

**Minute 46 – Ryedale District Council's Safeguarding Policy**

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

That Council be recommended to approve:

The adoption of the Safeguarding Children and Adults at Risk Policy and Procedures.

Upon being put to the vote the motion was carried.

**Resolved**

That Council approve:

The adoption of the Safeguarding Children and Adults at Risk Policy and Procedures.

Voting Record

28 For

0 Against

0 Abstentions

**Minute 47 – Local Council Tax Support 2016/17 Scheme**

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

That Council be recommended to approve:

- (i) a Local Council Tax Support Scheme for 2016/17 to include a minimum payment of 8.5%, and with the charges proposed to limit the backdating of claims to one month instead of six months and to remove the family premium from 1 May 2016.
- (ii) to authorise the Finance Manager in consultation with the Chairman of Policy and Resources Committee to undertake the necessary consultation work to design a scheme for 2017/18, in light of the experience in previous years, to be presented to Policy and Resources Committee in December 2016.

Upon being put to the vote the motion was carried.

**Resolved**

That Council approve:

- (i) a Local Council Tax Support Scheme for 2016/17 to include a minimum payment of 8.5%, and with the charges proposed to limit the backdating of claims to one month instead of six months and to remove the family premium from 1 May 2016.

- (ii) to authorise the Finance Manager in consultation with the Chairman of Policy and Resources Committee to undertake the necessary consultation work to design a scheme for 2017/18, in light of the experience in previous years, to be presented to Policy and Resources Committee in December 2016.

#### Voting Record

27 For

0 Against

0 Abstentions

#### **Minute 49 – Living Wage Motion**

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

That Council be recommended:

- A That the following motion not be approved:

Ryedale Council has an objective of increasing the average wage level in Ryedale.

So as to set an example and show sound leadership this Council resolves to:

- i) "Pay all RDC employees, excluding apprentices, at the Living Wage or above";

and

- ii) "That preference will be given to external contracts where the applicant pays the Living Wage or above."

Any cost of the above to be financed in 2015/16 year from the reserves.

- B
  - i. To pay RDC employees, excluding apprentices, who currently earn less than the living wage at the rate of £7.85 hr with effect from 1 November 2015 retrospectively until such time as this is naturally overtaken by the National Living Wage.
  - ii. Not to sign up to the Living Wage Foundation concept for the reasons outlined in the report.

Councillor Clark moved and Councillor Thornton seconded the following amendment:

*"To delete the reference to the living wage in part i of B, so that it reads, 'To pay RDC employees, excluding apprentices, who currently earn less than £7.85 hr,*

*£7.85 hr with effect from 1 November 2015 retrospectively until such time as this is naturally overtaken by the National Living Wage."*

Upon being put to the vote the amendment was carried.

### **Recorded Vote**

#### For

Councillors Acomb, Joy Andrews, Paul Andrews Steve Arnold, Val Arnold, Bailey, Clark, Cleary, Cowling, Cussons, Duncan, Farnell, Frank, Gardiner, Goodrick, Hope, Ives, Jowitt, Maud, Oxley, Potter, Raper, Shields, Thornton, Wainwright and Windress.

#### Against

None.

#### Abstentions

Councillor Sanderson.

Upon being put to the vote the motion was carried.

### **Resolved**

That Council agree:

A That the following motion not be approved:

Ryedale Council has an objective of increasing the average wage level in Ryedale.

So as to set an example and show sound leadership this Council resolves to:

i) "Pay all RDC employees, excluding apprentices, at the Living Wage or above";

and

ii) "That preference will be given to external contracts where the applicant pays the Living Wage or above."

Any cost of the above to be financed in 2015/16 year from the reserves.

B i. To pay RDC employees, excluding apprentices, who currently earn less than £7.85 hr, £7.85 hr with effect from 1 November 2015 retrospectively until such time as this

is naturally overtaken by the National Living Wage;

- ii. Not to sign up to the Living Wage Foundation concept for the reasons outlined in the report.

#### Voting Record

27 For  
0 Against  
1 Abstentions

#### **Minute 50 – Timetable of Meetings 2016/17**

It was moved by Councillor Cowling and seconded by Councillor Steve 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 2016-17.

Councillor Cowling moved and Councillor Steve Arnold seconded the following amendment:

"To change the date of the Annual Meeting of Council in 2016 to 17 May 2016."

Upon being put to the vote the amendment was carried.

#### Voting Record

20 For  
0 Against  
8 Abstentions

Upon being put to the vote the motion was carried.

#### **Resolved**

That Council approve the timetable of meetings for 2016-17, as amended with the Annual Meeting of Council in 2016 to be held on 17 May 2016.

#### Voting Record

28 For  
0 Against  
0 Abstentions

#### 9 **CIL Adoption**

The Head of Planning and Housing submitted a report (previously circulated) which sought Council agreement to the introduction of the Community

Infrastructure Levy (CIL) charge.

Councillor Windress moved and Councillor Cleary seconded the recommendations in the report.

**Resolved**

That Council agree:

- (i) To the introduction of the CIL charges as outlined in the Ryedale CIL Charging Schedule (Appendix 1 of the report) from 1 March 2016.

Voting Record

28 For

0 Against

0 Abstentions

10 **Any other business that the Chairman decides is urgent.**

There were two items of urgent business:

Motion on notice

Proposed by Councillor Burr and seconded by Councillor Paul Andrews:

*"In the light of recent floods, we call upon the Council to commit reserves to install permanent pumps at Brawby, Old Malton, and Castlegate, Malton/Church Street, Norton."*

The Chairman of Council referred this motion on notice to the Overview and Scrutiny Committee and the Policy and Resources Committee for consideration.

Political proportionality

A proposal for the division of main committee seats and committee membership was circulated.

**Resolved**

That the division of main committee seats between political groups and committee membership be approved, as recorded in appendices 1 & 2 of these minutes.

Voting Record

23 For

0 Against

0 Abstentions

There being no other business, the meeting closed at 9pm.

