

## **Council**

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Minutes of Proceedings

At the **Ordinary Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Thursday 6 October 2016**

## **Present**

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

## **In Attendance**

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Beckie Bennett  
Simon Copley  
Gary Housden  
Peter Johnson  
Clare Slater  
Janet Waggott  
Anthony Winship

## **Minutes**

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40     **Apologies for absence**

Apologies for absence were received from Councillor Hope and for late arrival from Councillors Clark and Thornton.

**41 Public Question Time**

The following public question was submitted by John David Summers:

*"If a member of the public believes that there is bullying and/or harassment in a local authority do you believe that they should report this to the local authority?"*

The Chairman thanked Mr Summers for his question and replied:

*"The subject matter of the question has been the subject of private and confidential correspondence in the past between the questioner and the Chief Executive of the District Council.*

*The questioner is advised to refer to the correspondence he has received from the District Council to answer his question.*

*In terms of any concerns regarding bullying and harassment, Ryedale District Council is a supportive employer and would always be concerned and act accordingly if any member of staff indicated any such issues in the workplace.*

*We have in place clear policies and guidance to address these serious issues and any employee with a concern is encouraged to raise it at the earliest opportunity, through a number of appropriate routes.*

*Confidentiality is assured and support is available through HR and union representatives."*

Mr Summers then asked a supplementary question:

*"What action would you expect the Council to take if bullying and/or harassment is reported to the Chief Executive?"*

The Chairman agreed that a written reply would be provided.

**42 Minutes**

The minutes of the Ordinary Meeting of Council held on 1 September 2016 were presented.

**Resolved**

That the minutes of the Ordinary Meeting of Council held on 1 September 2016 be approved and signed by the Chairman as a correct record.

**43 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):

- To designate the Senior Management Contracts Working Party as the appointments committee and give it the authority to appoint a Deputy Chief Executive.

#### 44 **Declarations of Interest**

The following interests were declared:

Councillors Burr, Clark, Potter and Thornton declared personal non-pecuniary but not prejudicial interests in agenda item 12 (H.M. Treasury: Shale Wealth Fund Consultation) as they resided and owned property/land in Ryedale.

#### 45 **Announcements**

The Chairman announced that he had attended the following events:

- The flag raising ceremony on Merchant Navy Day, with the Leader of Council;
- Yorkshire in Bloom in York, with a suggestion that entries from Ryedale be encouraged next year;
- The RAF parade and service at York Minster for the training establishment at Linton On Ouse;
- Beating Retreat at Catterick Garrison with the Gurkha Regiment.

#### 46 **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.

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

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

*"It is only 5 weeks since our last full council meeting - so I don't have a lot to report to you.*

*All the outside meetings I have attended have been around the subject of housing - the LGNY&Y Housing Board and Forum. Steve and I also attended a conference on rural housing.*

*It is increasingly clear that there is funding out there to aid the delivery of an increased supply of new homes, we just have to be ready to grasp the opportunities.*

*The new buzz word is community led housing. Funding for CLH is being made available, particularly in rural and coastal villages and small towns that have a high proportion of second homes. Work is ongoing to encourage communities to take up this opportunity. so I have asked Peter Duncan, who works for the consultants promoting this concept, if he would attend our Parish Liaison Meeting on the 19th October. I am pleased to say he has confirmed he can come to Ryedale - so I would be very grateful if you could encourage the parishes that you represent to attend that meeting.*

*At the conference and at the LGNY&Y meeting, building firms both large and small told us of the frustrations they face in being able to deliver new build housing. The problems range from lenders being unwilling to fund development, lack of skilled labour, the intricacies of the planning system and not least the cost added to open market housing by the provision of affordable homes.*

*I would like to remind you that in two weeks time we shall be in the middle of our Local Government Association Corporate Peer Challenge (information sent out to you on the 28th September) and we shall be looking forward to the preliminary findings of the Peer Challenge. All Members are invited to the feedback session on Friday the 21st of October at 1pm. It would be good to see as many of you as possible there.*

*Tonight on our agenda we are being asked to agree a policy for our property assets. Our O&S committee have provided us with an excellent piece of background work to help us make that decision.*

*Lastly, when we get to item 12 - the Shale Wealth Fund Consultation - I hope we shall not start reliving the debate about fracking. We need to concentrate on giving relevant responses to the consultation."*

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

1. From Councillor Burr

*"Tonight we're being asked to agree a policy for our property assets and this work has been done extremely quickly. Could the Leader tell me why a motion from Councillor Andrews and myself put forward to have more pumps around Brawby and Malton/Norton re: flooding has not even come back to Full Council as yet? It's 12 weeks to the end of December and last December we suffered severe flooding. What if this happens again? Don't you think we've let our residents down and not progressed this piece of work quickly enough?"*

The Leader replied:

*"No, I'm absolutely certain that we haven't let our residents down. It would have been silly to have charged headlong into a very isolated piece of work. What we decided as a Council to do was to review the*

*flooding situation as a whole in Ryedale and that piece of work is nearing completion as I'm sure you already know. We will be able to make a sensible decision that gives us the best results for the whole of Ryedale."*

2. From Councillor Paul Andrews

*"Perhaps Councillor Cowling would elaborate on that explanation because I understood that the general situation regarding flooding in Ryedale was being dealt with on a quarterly basis with ongoing discussions between all the relevant authorities, including this authority, at the Drainage Liaison Group. I can't remember the Council ever deciding that our motion should be widened in the way in which she says it has been widened. I am aware that the Scrutiny Committee in their infinite wisdom decided to do that but it was not the decision of this Council. So I would like to know why it is that her group has used these delaying tactics in order to put back consideration of a motion which we put forward in January or February and which the whole Council accepted was urgent and was on a very limited front in regard to pumps only?"*

The Leader replied:

*"I think it is quite a ridiculous thing to say that my group has used delaying tactics - they most certainly haven't and also if I can refer back Lindsay to your saying that we're coming up to December when the flooding happened again. I think we're all well aware of that. But can I also remind you that some of the worst flooding we've had in Ryedale was in June, not in December, so it doesn't matter what time of year it is - it can flood at any time of year. If we're going to spend public money on flood prevention and alleviation in Ryedale, it has to be a considered decision and it has to be the right decision for the whole of Ryedale. As somebody who suffers personally from a property that floods, do you really think that I would condone any delays in spending this money for the benefit of the rest of Ryedale?"*

3. From Councillor Ives

*"At the Policy and Resources Committee it was agreed that this Council would fund a feasibility study into improving congestion at the railway crossing in Malton and Norton, which is urgently needed as the number of trains will double in 2018. Does the Council agree with me that Councillor Burr's delaying tactic in April which pushed back that feasibility study for several months is going to create additional pressure when we've already got a very tight deadline to meet?"*

The Leader replied:

*"Yes, I would agree that that was absolutely appalling to delay that. I think we're all well aware how difficult the situation is there and what*

*damage is being done, the pollution that's being caused. I'll take this opportunity to say this again, I'm very disappointed with what North Yorkshire County Council is proposing. We need that weight limit and we need it implementing soon."*

4. From Councillor Raper

*"Recently Leeds City Council has been criticised, I don't know if the criticism is justified, for too many houses proposed to be built. There's evidence apparently that they're trying to build too many houses. Are we going to suffer such a similar criticism?"*

The Leader replied:

*"That absolutely wouldn't happen in Ryedale. We have a housing - it's called SHMA and I can never remember what it stands for - which quantifies our housing needs. What we do need is affordable housing and that is where a lot of the government money is aimed at the moment. The Conservatives are very keen to support the delivery of affordable homes, particularly in rural areas."*

5. From Councillor Paul Andrews

*"The question I have relates to the third paragraph of her statement which is talking about rural housing and making land available for building rural housing. This is a very welcome statement and music to my ears. What I don't understand is how this is consistent with the district plan which prescribes and imposes 90% of all new housing on the towns in, what I have always said to this Council, a most unfair way. Perhaps you could explain that and following that she could also explain how it is that small builders find themselves in the state that they have done, where they have no sites for small building because this Council has followed a deliberate policy of insisting that all new building should be big estates which only big builders can carry out?"*

The Leader replied:

*"I can't say that the ruling group really imposed the Plan on Malton. I think it was an informed decision made in the light of Malton being the capital town of Ryedale. It has the rail connections, it has the road connections, it has public transport connections. It's quite obvious that Malton is the most sustainable place for development in Ryedale. As for you saying where will the land come from in the rural areas, I think you know enough about planning to know that exception sites can provide windfall sites in the villages. If Members as a whole aren't happy with the policies that we have in the local plan on rural sites, non service villages etc, then it's for you to make that known and do something about it. Quite a number of councils are doing that now. Probably that explains to you about the lack of sites - the second part of your question."*

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

**Policy and Resources Committee - 22 September 2016**

**Minute 26 - Scrutiny Review - Council Property Assets**

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 Members agree the policy for the future management of the Council's property portfolio as recommended in the report of the Scrutiny review of Council assets.

Policy and Resources Committee recommends that Council consider a change to the final bullet point of Principles (page 2 of the Report) to say;

"That the proceeds of the sale of any of the assets be used to support the delivery of the Council's priorities."

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

The addition of a further bullet point to the Principles to read:

*"For disposal of any Council owned asset used for car parking, decisions should be made in the context of a car parking policy."*

Upon being put to the vote the amendment was carried.

Voting Record

15 For

6 Against

4 Abstentions

Councillor Clark then moved and Councillor Joy Andrews seconded a further amendment as follows:

This item is referred back to the Committees for further consideration.

Upon being put to the vote the amendment was lost.

Voting Record

6 For

14 Against

3 Abstentions

The Chief Executive reassured Members that officers would not dispose of any major assets without coming back to Council if the policy was adopted.

Upon being put to the vote the motion was carried.

### **Resolved**

That Council agree the policy for the future management of the Council's property portfolio as recommended in the report of the Scrutiny review of Council assets, with a change to the final bullet point of Principles (page 2 of the Report) to say:

"That the proceeds of the sale of any of the assets be used to support the delivery of the Council's priorities."

And the addition of a further bullet point to the Principles to read:

"For disposal of any Council owned asset used for car parking, decisions should be made in the context of a car parking policy."

### **Recorded Vote**

#### For

Councillors Steve Arnold, Val Arnold, Burr, Cleary, Cowling, Cussons, Frank, Gardiner, Ives, Jainu-Deen, Jowitt, Keal, Oxley, Raper, Shields, Wainwright and Windress.

#### Against

Councillors Joy Andrews, Paul Andrews, Clark, Duncan, Potter and Thornton.

#### Abstentions

None.

### **Licensing Committee - 27 September 2016**

#### **Minute 5 - Deregulation Act 2015: Changes to Hackney Carriage and Private Hire Licensing Policy including Review of Fees**

It was moved by Councillor Maud and seconded by Councillor Windress that the following recommendations of the Licensing Committee be approved and adopted.

1. That Council approves the fees set out in Appendix 1 to this report and they be introduced on 1 December 2016.
2. That a proposed new budget structure of three separate accounts for each licence type (1) dual drivers licence (2) hackney carriage vehicle and (3) private hire vehicle and operators be approved and adopted.
3. That a 3 year dual hackney carriage / private hire drivers licence be

introduced and that licensing officers use the Department for Transport Best Practice Guidance when considering whether a licence should be issued for a lesser period and that policy be amended to reflect this.

4. That a 5 year private hire operators licence be introduced and that licensing officers use the Department for Transport Best Practice Guidance when considering whether a licence should be issued for a lesser period and that policy be amended to reflect this.

5. That the associated changes affecting school transport licences be phased in linked to the expiry dates of current NYCC contracts.

Upon being put to the vote the motion was carried.

### **Resolved**

1. That Council approves the fees set out in Appendix 1 to this report and they be introduced on 1 December 2016.

2. That a proposed new budget structure of three separate accounts for each licence type (1) dual drivers licence (2) hackney carriage vehicle and (3) private hire vehicle and operators be approved and adopted.

3. That a 3 year dual hackney carriage / private hire drivers licence be introduced and that licensing officers use the Department for Transport Best Practice Guidance when considering whether a licence should be issued for a lesser period and that policy be amended to reflect this.

4. That a 5 year private hire operators licence be introduced and that licensing officers use the Department for Transport Best Practice Guidance when considering whether a licence should be issued for a lesser period and that policy be amended to reflect this.

5. That the associated changes affecting school transport licences be phased in linked to the expiry dates of current NYCC contracts.

### Voting Record

24 For

0 Against

3 Abstentions

### **49 Notices on Motion Submitted Pursuant to Council Procedure Rule 11**

A procedural motion was moved and seconded that this item be dealt with now (rather than putting it back to later in the meeting) and upon being put to the vote, this item was carried.

It was moved by Councillor Potter and seconded by Councillor Joy Andrews:

*"The Staff Champion is important not only to the employees of Ryedale District Council but also to the running of the council. So as to make this relationship even better and more democratic, the employees at Ryedale District Council should have the opportunity to elect their champion.*

*This council therefore resolves:*

- 1. To agree in principal that future Staff Champions should be elected by the employees of Ryedale District Council.*
- 2. That the Policy and Resources committee, after consultation with Unison and others, produces a structure and arrangements so that this process can take place.*
- 3. The result of Policy and Resources deliberations be recommended to Full Council for decision."*

A procedural motion was moved and seconded that Councillor Paul Andrews no longer be heard on this item and upon being put to the vote this motion was carried.

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

#### **Recorded Vote**

##### For

Councillors Joy Andrews, Paul Andrews, Burr, Clark, Jowitt and Potter.

##### Against

Councillors Steve Arnold, Val Arnold, Bailey, Cleary, Cowling, Cussons, Duncan, Farnell, Frank, Gardiner, Goodrick, Ives, Jainu-Deen, Maud, Oxley, Raper, Sanderson, Wainwright and Windress.

##### Abstentions

Councillors Acomb, Keal and Shields.

#### **50 H.M. Treasury: Shale Wealth Fund Consultation**

The Head of Planning and Housing submitted a report (previously circulated) which sought agreement to a response to the consultation on the Shale Wealth Fund.

Councillor Cowling moved and Councillor Steve Arnold seconded the recommendations in the report.

An amendment was moved by Councillor Clark and seconded by Councillor Thornton:

*"Group Leaders" be replaced by "Group Leaders and 1 Conservative".*

Upon being put to the vote the amendment was carried.

### **Recorded Vote**

#### For

Councillors Joy Andrews, Paul Andrews, Burr, Clark, Frank, Jowitt, Keal, Maud, Oxley, Potter, Shields, Thornton and Wainwright.

#### Against

Councillors Acomb, Steve Arnold, Val Arnold, Cleary, Cowling, Cussons, Farnell, Goodrick, Jainu-Deen, Raper, Sanderson and Windress.

#### Abstentions

Councillors Duncan, Gardiner and Ives.

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

### **Resolved**

That Council delegates approval of the response to the consultation to the Head of Planning and Housing, in liaison with the Group Leaders and 1 Conservative.

#### Voting Record

22 For

1 Against

6 Abstentions

### **51 Any other business that the Chairman decides is urgent.**

Councillor Cowling moved and Councillor Steve Arnold seconded that Council to designate the Senior Management Contracts Working Party as the appointments committee and give it the authority to appoint a Deputy Chief Executive.

Councillor Ives moved and Councillor Goodrick seconded an amendment to make the motion read as follows:

*"That the post of Corporate Director be changed to Deputy Chief Executive and that the post be recruited internally as it relates to a bumped redundancy. That the Senior Management Contracts Working Party be designated the appointments committee and given the authority to appoint a Deputy Chief Executive. If there is not a suitable internal candidate there will be no appointment and the process will be referred back to Council to consider an external advertisement."*

Upon being put to the vote the amendment was carried.

#### Voting Record

19 For

6 Against

2 Abstentions

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

**Resolved**

That the post of Corporate Director be changed to Deputy Chief Executive and that the post be recruited internally as it relates to a bumped redundancy. That the Senior Management Contracts Working Party be designated the appointments committee and given the authority to appoint a Deputy Chief Executive. If there is not a suitable internal candidate there will be no appointment and the process will be referred back to Council to consider an external advertisement.

**Recorded Vote**

For

Councillors Steve Arnold, Val Arnold, Cleary, Cowling, Cussons, Farnell, Frank, Gardiner, Goodrick, Ives, Jainu-Deen, Keal, Maud, Oxley, Raper, Shields, Wainwright and Windress.

Against

Councillors Joy Andrews, Paul Andrews, Clark, Duncan, Jowitt, Potter and Thornton.

Abstentions

Councillor Burr.

There being no other business, the meeting closed at 10.05pm.