

## 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 **Tuesday 21 February 2017**

## 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  
                     Hope  
                     Ives  
                     Jainu-Deen  
                     Jowitt  
                     Di Keal  
                     Maud  
                     Oxley (Vice-Chairman)  
                     Potter  
                     Raper  
                     Sanderson  
                     Elizabeth Shields  
                     Thornton

## In Attendance

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Mandy Burchell  
Jos Holmes  
Peter Johnson  
Nicki Lishman  
Clare Slater  
Jill Thompson  
Janet Waggott  
Anthony Winship

Daniel Wheelwright - Peter Brett Associates

## Minutes

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64     **Apologies for absence**

Apologies for absence were received from Councillors Wainwright and Windress.

65 **Public Question Time**

There were no public questions.

66 **Minutes**

The minutes of the Ordinary Meeting of Council held on 8 December 2016 were presented.

**Resolved**

That the minutes of the Ordinary Meeting of Council held on 8 December 2016 be approved and signed by the Chairman as a correct record, on the understanding that the following amendment be added.

Minute 60 - To consider for approval the Recommendations in respect of the following Part "B" Committee Items

**Minute 38 - Timetable of Meetings 2017-2018**

The last two votes had to be taken again as a result of inappropriate use of a voting unit.

**Voting record**

22 For

5 Abstentions

67 **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).

68 **Declarations of Interest**

The following interests were declared:

Councillors V Arnold, Burr, Clark, Sanderson and Shields declared a personal non pecuniary non prejudicial interest in Item 13 as members of North Yorkshire County Council.

Councillor P Andrews declared a personal non pecuniary non prejudicial interest in Item 13 as a member of Malton Town Council.

Councillor Keal declared a personal non pecuniary non prejudicial interest in Item 13 as a member of Norton-on-Derwent Town Council.

Councillor J Andrews declared a personal non pecuniary non prejudicial interest in Item 13 as a member of Pickering Town Council.

69 **Announcements**

The Chairman made the following announcements:

The Chairman offered his thanks to all who had attended the recent Burns Night Supper in support of his charities.

70 **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.

71 **Business Adjourned from the Last Ordinary Meeting of Council on 8 December 2016**

**Representation on Outside Bodies**

**Resolved**

Councillor Val Arnold be appointed as the Council's representative on the Police and Crime Panel, following Councillor Hope's decision to stand down from the role.

**Voting record**

19 For  
9 Against

72 **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:

*"At our first Council meeting of 2017 I would like to congratulate those members of the Ryedale community who have been acknowledged for their public work in the New Year Honours. Right Reverend James Jones on receiving a KBE for services to Bereaved Families and Justice, having chaired the Hillsborough Independent Panel and also to Councillor David Cussons on receiving an MBE for services to Agriculture and Rural Communities in North Yorkshire particularly through the Ryedale Agricultural Show.*

*Moving to our agenda for tonight, Members will be considering the budget for 2017/18 and our financial strategy to 2021. Members of this Council were quite clear about their wishes for the future delivery of services - they wanted to achieve the savings required of this Council without reducing services. Only a far-reaching restructure of the organisation could achieve that. Thanks to the*

*hard work and commitment of all staff of the Council, savings in the region of £1m will be achieved by March 2018, no mean feat in itself, and on top of that there have been no compulsory redundancies. This has been the result of hard work and determination and made possible by Members allowing Officers to do their job. Under the direction of our Chief Executive staff are continuing to work on the redesign of Council services to maintain the range of high quality services delivered for our residents and customers, all within the budget parameters we will set this evening. I have to thank our Chief Executive for her courage and ability in implementing what has been a huge change. We are now a fit for purpose, modern council.*

*I welcome the Government's announcement that the York, North Yorkshire and East Riding area has been allocated £23.7m from the Local Growth Fund. Ryedale has been successful in attracting funding for a new employment site at Pickering (Thornton Road) to allow the expansion of the high tech engineering sector in Ryedale. This is excellent news for Ryedale and follows our previous success with funding for the Malton Business Park and Food Enterprise Zone. This continues to support the delivery of our priority of investing in better jobs in our area."*

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

1. From Councillor Potter

It's certainly good news that we've got the funding for several industrial estates and employment sites. The thing that worries me is that we have enabling development of a business park, a food enterprise zone and at least three housing estates in Malton and Old Malton specifically for a new cattle market, which is conspicuous by its absence - where is it? Have we been hoodwinked now that the A64 has been breached for development?

The Leader replied:

*Cllr Potter I don't believe so. The Livestock Market has always been an aspiration of this Council and we continue to support the people who are involved in making that happen.*

2. From Councillor Shields -

*I'm glad to see there are no compulsory redundancies but I wonder how many more staff will be leaving - say in the next month or two?*

The Leader replied:

*There's a phased programme of people leaving and by the end of March all the staff that are leaving will have left. If you have a look at the chart that we've put up in the Members' Room, you'll see what the new structure is and the staff that will be remaining after March.*

3. From Councillor Ives

*You reference the Council's restructure in your Leaders' Statement. May you confirm what the payback period is for the decision of this Council to make the previous Corporate Director redundant?*

The Leader replied:

*You've asked this question before Cllr Ives and you've had a written reply to that question and I do have the answer that you were given here. It was a bumped redundancy and that included bumping down the organisation. The total savings throughout the restructure is a salary saving of £644,000 and there is a payback period of under one year.*

4. From Councillor Thornton

*I am nearly reassured by the sentence "We are now a fit for purpose modern Council". Can we know how we are going to evidence that, how we're going to measure it please?*

The Leader replied:

*This Council has a system of continually monitoring performance. We have a set number of criteria that we look at, continuously as Members they come to Resources Working Party and they're available for any Member to log on and see on the website. So it will be through continuous monitoring.*

5. From Councillor Clark

*You say Members of the Council were quite clear about their wishes for the future delivery of services. They want to achieve the savings required of this Council without reducing services. That's real apple pie and motherhood and I can't imagine myself in a sober state asking to deliver the same services and make a couple of million pounds, or even one million in savings. So could you tell me where it was in the Council meetings and structure, where this sentence comes from that Members had expressed that wish? Some Members may have but I don't remember Members collectively doing this.*

The Leader replied:

*I think many of you who are here will remember numerous occasions when we as a Council have tried to reduce services. In fact I've seen us take a decision to reduce services, we actually took a decision once to close some public conveniences and it wasn't very long before we were back in this Council Chamber changing that decision again. So it isn't just through an actual formal decision in this Council Chamber, it's a well*

*known fact that Members of this Council have been very reluctant and found it extremely difficult to accept any reduction in services. I think we've looked at things like Pest Control and there's always a really legitimate argument about why we should continue to do it. So I think it's very clear that Members did not want to reduce services.*

Councillor Clark then asked the following supplementary question:

*The implication from the statement here which Cllr Cowling has just underlined is that there was £1 million + inefficiencies in this Council. Now that is a possibility but I actually think it is not the favourite. I think the favourite is that she should wait and see as to what the level of services are when the whole of this picture is put into place, not assume now that we've achieved something that's probably never been done before, probably won't be done in the future and that is maintaining everything the same as it was and cut people as well. On that basis does she believe that we are going to have no cuts at all, or does she believe that it was that inefficient before?*

The Leader then replied:

*I'm absolutely positive that this Council was not inefficient before. what I do think is that your cup is always half empty and my cup is always half full. I think that are a lot of things that can be done to change the processes in the back offices of this Council and that is what the staff are telling us. They believe, they are very positive that they can make these improvements. For me it isn't a case of wait and see if we are successful or not. I'm 100% certain that we shall be successful. I'm not saying that services won't be delivered differently and that things won't change in the processes that we use to deliver those services. What I am absolutely certain of is that the staff of this Council will deliver as they always have.*

6. From Councillor Burr

*As we all know, staff are the backbone of this organisation and with severe cuts to our staffing and the loss of very able staff to other organisations because of the uncertainties. I'm told that morale is very, very low in our building at this moment in time. I understand that the work load of our staff has increased. Are you concerned about the pressures that we have out on our staff and the reductions that appear in various departments?*

The Leader replied:

*I've spoken to the Member Champion about this and no one has approached the Member Champion to say that the workload is too high or that morale is low, so obviously you know something that I don't.*

Councillor Burr then asked the following supplementary question:

*Yes people do talk to me and I am not the Staff Champion anymore. I'd like to talk about the reorganisation. In early September we had a final structure agreed and our employees were asked to apply for their 3 preferences. The structure then changed after we appointed our Deputy Chief Executive and the new structure was then put in place. Why did this happen? Was that fair to the people who had actually applied for posts that didn't exist, were taken away and now new posts have been created?*

The Leader then replied:

*One thing I always wished to happen through the whole of this restructure was that it should remain flexible and that it should be responsive to the needs of the organisation, the authority and the delivery of services. I am confident that has happened.*

7. From Councillor Andrews

*The last paragraph noted that the Council has been successful in obtaining money from the LEP. What steps is the Council taking to obtain money from the LEP or elsewhere in order to deal with the antiquated drainage and sewerage system in Malton and Norton?*

The Leader replied:

*I wish you'd given me notice of that question Paul, because it's a good question. I am going to have to say that I will get you a written answer. I will speak to Julian and find out if there is money available for that type of thing.*

8. Councillor Ives asked the following supplementary question:

*Going back to my original question, I'm aware that I asked two of the same questions consecutively at Council which is what is the payback period for making the previous post holder of the Corporate Director redundant. The reason I asked that is because in the initial report it was quoted at about 18 months, it then got revised in a subsequent report to about 22 months and it was said that it was a Head of Service and yet I've not seen a Head of Service being made redundant - in fact the numbers of Heads of Service equivalent has increased as a result of this restructure. I appreciate that you have given me a payback period for the total number of staff made redundant but my question is what is the payback period for the Corporate Director position? Payback periods were quoted in the report that went before Members so what is the finalised payback period please? If I can't get a response now, I would appreciate a written answer please.*

The Leader then replied:

*It's my belief that the redundancy process can not - no single position can be looked at in isolation. Each redundancy has consequences and a knock on effect for the organisation and it's only when you've finished the whole process that you see the benefits of the bumped redundancy.*

**73 Revenue and Capital Budgets and Setting of Council Tax 2017/2018**

The Chairman of Council reported on the procedure to be adopted in considering the above item.

It was proposed that the item be dealt with in two separate parts:

- (a) Firstly, consideration of the recommendations in Minute 47 of the Policy & Resources Committee held on 2 February 2017 and item 11 paragraph roman numeral I;
- (b) Secondly, item 11 paragraphs roman numerals II to V relating to the requisite calculations and the setting of Council Tax.

It was moved by Councillor Cowling and seconded by Councillor S Arnold that Minute No. 47 (Financial Strategy 2017/2018) of the Policy and Resources Committee held on 2 February 2017 be noted and received by Council, that Council adopt the recommendations in the s151 Officer's report and that Council approve item 11 paragraph roman numeral I relating to the Council's revenue budget.

Councillor Clark proposed and Councillor Thornton seconded the following amendment;

"The addition of a line to the chart on page 80 of the Agenda to add the following details;

Post	Base salary	Expenses	Bonuses	PRP	Earn-Back	Honoraria	Ex-gratia payments	Election fees	Joint authority duties	Severance arrangements
Corporate Director	£70,000	Paid through normal authority procedures	None	None	None	None	None	Election duty fees are paid in line with normal authority procedures	None	This post was made redundant during the 16/17 year at a cost of £130,000+

Upon being put to the vote the amendment was lost.

**Recorded Vote**

For

Councillors J Andrews, P Andrews, Burr, Clark, Jowitt, Potter and Thornton

Against

Councillors Acomb, S Arnold, V Arnold, Bailey, Cleary, Cowling, Cussons, Duncan, Farnell, Frank, Gardiner, Goodrick, Hope, Ives, Jainu-Deen, Keal, Maud, Oxley, Raper, Sanderson and Shields.

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

**Recorded Vote**

For

Councillors Acomb, S Arnold, V Arnold, Bailey, Cleary, Cowling, Cussons, Duncan, Farnell, Frank, Gardiner, Goodrick, Hope, Ives, Jainu-Deen, Keal, Maud, Oxley, Raper, Sanderson and Shields.

Against

Councillors J Andrews, Clark, Potter and Thornton

Abstentions

Councillors Burr and Jowitt

It was moved by Councillor Cowling and seconded by Councillor S Arnold that item 11 paragraphs roman numerals II to V relating to the requisite calculations and the setting of Council Tax be approved and adopted.

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

**Recorded Vote**

For

Councillors Acomb, P Andrews, S Arnold, V Arnold, Bailey, Cleary, Cowling, Cussons, Duncan, Farnell, Frank, Gardiner, Goodrick, Hope, Ives, Jainu-Deen, Jowitt, Keal, Maud, Oxley, Raper, Sanderson and Shields.

Against

Councillors J Andrews, Burr, Clark, Potter and Thornton

**Resolved**

That Council:

- (i) Approve the Council's Financial Strategy (Annex A) which includes:
  - a. Savings/additional income totalling £1.081m (Financial Strategy Appendix A)
  - b. Growth Pressures totalling £328K (Financial Strategy Appendix A)
  - c. The Prudential Indicators (Financial Strategy Appendix B)
  - d. The revised capital programme (Financial Strategy Appendix D)
  - e. The Pay Policy 2017/18 (Financial Strategy Appendix E)
- (ii) Approve a Revenue Budget for 2017/18 of £6,156,794 which represents a £4.34 increase in the Ryedale District Council Tax, increasing the total charge to £186.05 for a Band D property (note that total Council Tax, including the County Council, Fire and Police is covered within the separate Council Tax setting report to Full Council);

(iii) Approve the special expenses amounting to £49,620, equivalent to £0.66 increase at band D;

(iv) Note the financial projection for 2017/18 - 2021/22 (Annex B);

(v) Approve the reserve movements as highlighted in paragraphs 6.38 to 6.40 of the report.

## **I Budget 2017/2018**

That the revised revenue estimates for the year 2016/2017 and the revenue estimates for 2017/2018, as submitted in the Council's Financial Strategy and Revenue Budget 2017/2018 Book be approved (previously circulated).

## **II Council Tax Base**

That it be noted that, in accordance with Minute No. 363(d)/2005 of the Policy and Resources Committee held on 8 December 2005, which was subsequently approved by Council at its meeting on 12 January 2006, Ryedale District Council has (pursuant to Section 101 of the Local Government Act 1972) delegated responsibility to adopt the Council Tax base to the Chief Executive and Chief Finance Officer in consultation with the Chairman of the Policy and Resources Committee. The Council calculated the amounts for the year 2017/18, in accordance with regulations made under Section 31B of the Local Government Finance Act 1992, as amended, as set out in Annex A.

## **III District/Parish Council Tax Rates**

That the following amounts be now calculated by the Council for the year 2017/18, in accordance with Sections 31A, 31B and 34 to 36 of the Local Government Finance Act 1992, as amended (the Act):

### **(a) District/Parish Gross Expenditure**

£27,723,695.00 being the aggregate of the amounts, which the Council estimates for the items, set out in Section 31A(2) of the Act.

### **(b) Income (including Government Grants and Collection Fund Surpluses)**

£22,828,335.00 being the aggregate of the amounts, which the Council estimates for the items, set out in Section 31A(3) of the Act.

### **(c) District/Parish Council Tax Requirement**

£4,895,360.00 being the amount by which the aggregate at Part III(a) above exceeds the aggregate at Part III(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year.

(d) **Basic Amount of Tax (including Parish Precepts)**

£230.08 being the amount at Part III(c) above, all divided by the amount at Part II above, calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year.

(e) **Parish Precept and Special Expenses**

£936,796.00 being the aggregate amount of all special items referred to in Section 34(1) of the Act.

(f) **Basic Amount of Tax (excluding Parish Precepts)**

£186.05 being the amount at Part III(d) above less the results given by dividing the amount at Part III(e) above by the amount given at Part II above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates.

(g) **Basic Amount of Tax in Parishes/Towns**

The details for each Parish as shown in Annex B, column headed "Aggregate amount at Band D", being the amounts given by adding to the amount at Part III(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above, divided in each case by the amount at Part II above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.

(h) **District/Parish Council Tax Rates**

The details as shown in columns "A" to "H" of Annex B, being the amounts given by multiplying the amounts at Part III(f) and Part III(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in Valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in

respect of categories of dwellings listed in different valuation bands.

#### IV **County Council, Police & Crime Commissioner and Fire & Rescue Authority Tax Rates**

That it be noted that for the year 2017/18 precepting Authorities have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, as amended, for each of the categories of dwellings shown below:-

<b>BAND</b>	<b>NORTH YORKSHIRE COUNTY COUNCIL</b>	<b>NYCC ADULT SOCIAL CARE</b>	<b>NORTH YORKSHIRE POLICE &amp; CRIME COMMISSIONER</b>	<b>NORTH YORKSHIRE FIRE &amp; RESCUE AUTHORITY</b>
<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
<b>A</b>	763.08	29.92	147.55	44.79
<b>B</b>	890.26	34.91	172.14	52.26
<b>C</b>	1,017.44	39.89	196.73	59.72
<b>D</b>	1,144.62	44.88	221.32	67.19
<b>E</b>	1,398.98	54.85	270.50	82.12
<b>F</b>	1,653.34	64.83	319.68	97.05
<b>G</b>	1,907.70	74.80	368.87	111.98
<b>H</b>	2,289.24	89.76	442.64	134.38

#### V **Total Council Tax Rates**

That having calculated the aggregate in each case of the amounts at Part III(h) and Part IV above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, as amended, hereby sets the amounts set out in Annex C as the amounts of Council Tax for 2017/18 for each of the categories of dwellings shown.

#### 74 **Treasury Management Strategy Statement and Annual Investment Strategy 2017/2018**

The Resources and Enabling Services Lead (s151) submitted a report (previously circulated) which considered the Treasury Management and Annual Investment Strategies, the Minimum Revenue Provision Policy and set the Prudential Indicators for 2017/18.

It was moved by Councillor Keal and seconded by Councillor Acomb that the following recommendations of the Overview and Scrutiny Committee, set out in minute 77 from the meeting on 26 January 2017, be approved and adopted.

That Council be recommended that:

- (i) Members receive the report;
- (ii) The Treasury Management and Investment Strategies be noted and approved by the Council;
- (iii) The Minimum Revenue Provision Policy Statement be approved by the Council and:
- (iv) That the Prudential Indicators in the report be approved by the Council.

Upon being put to the vote the motion was carried.

### **Resolved**

That:

- (i) The report be received;
- (ii) The Treasury Management and Investment Strategies be noted and approved;
- (iii) The Minimum Revenue Provision Policy Statement be approved and:
- (iv) That the Prudential Indicators in the report be approved.

### Voting Record

Unanimous

## **75 Policy for Allocation of Section 106 Monies**

Councillor Cowling moved and Councillor Acomb seconded that the following recommendations in Minute 48 from Policy and Resources Committee on 2 February 2017 and in the subsequent report to Council from the Head of Planning be approved:

- (i) That applications be invited from community groups for funding from section 106 monies collected for enhancement of or improvements to existing POS or for Sports and Recreation which will be allocated through the Resources Working Party. Recommendations will be made by the Resources Working Party to the Policy and Resources Committee for approval Local parish and town councils along with ward members to be included in the assessment process of the applications received.
- (ii) That the criteria outlined in Section 8 of the report of the Head of Planning be approved.

Councillor Ives moved and Councillor S Arnold seconded the following amendment;

*Amendment to 8.3 p 148 (of the agenda)*

*Applications will be invited initially by;*

- 1. Town or parish councils or,*
- 2. Ryedale District Council (RDC)*

*Following submission of applications to RDC (either directly or via town/parish councils), these applications will be appraised by appropriate officers and in all cases will include consultation with the relevant Town or Parish Council and Ward Members. Applications and appraisals will then be presented to Resources Working Party for recommendation to Policy and Resources Committee*

Upon being put to the vote the amendment was carried.

### **Voting Record**

For 25

Against 3

Councillor P Andrews moved and Councillor Burr seconded the following amendment;

Delete the final sentence of the amended proposal and add;

*Recommendations will be forwarded to the Council's Chief Executive for vetting for purposes of propriety, policy and legality and (subject thereto) final approval. Recommendations made to the Chief Executive will be forwarded to Policy and Resources Committee if requested by a ward member.*

Upon being put to the vote the amendment was lost.

### **Voting record**

3 For

25 Against

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

### **Resolved**

- (i) That applications be invited from community groups for funding from section 106 monies collected for enhancement of or improvements to existing POS or for Sports and Recreation which will be allocated through the Resources Working Party. Recommendations will be made by the Resources Working Party to the Policy and Resources Committee for approval. Local parish and town councils along with ward members to be included in the assessment process of the applications received.

- (ii) That the criteria outlined in Section 8 of the report of the Head of Planning be approved.

### **Voting Record**

Unanimous

76 **To consider for Approval the Recommendations in respect of the following Part 'B' Committee and Sub-Committee Items:**

### **Planning Committee - 20 December 2016**

#### **Minute 112 - Malton Food Enterprise Zone Local Development Order (LDO)**

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

That Council be recommended that the Local Development Order for the Malton Food Enterprise Zone is adopted.

Upon being put to the vote the motion was carried.

### **Resolved**

That the Local Development Order for the Malton Food Enterprise Zone is adopted.

### Voting Record

25 For

1 Against

2 Abstentions

### **Overview and Scrutiny Committee - 26 January 2017**

#### **Minute 78 - Appointment of the sector led body Public Sector Audit Appointments (PSAA) to appoint external audit services for Ryedale District Council from 1 April 2018**

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

That Council be recommended that:

Ryedale District Council accepts Public Sector Appointments Ltd PSAA) invitation to 'opt in' to the sector led option for the procurement of external auditors for a maximum of five financial years starting 1 April 2018.

Delegation be given to the Resources and Enabling Lead (s151) Officer to undertake the necessary steps to ensure the appointment of PSAA is made by 9 March 2017.

Upon being put to the vote the motion was carried.

### **Resolved**

That:

Ryedale District Council accepts Public Sector Appointments Ltd (PSAA) invitation to 'opt in' to the sector led option for the procurement of external auditors for a maximum of five financial years starting 1 April 2018.

Delegation be given to the Resources and Enabling Lead (s151) Officer to undertake the necessary steps to ensure the appointment of PSAA is made by 9 March 2017.

### Voting Record

26 For

2 Abstentions

### **Corporate Governance Standards Sub-Committee - 9 February 2017**

#### **Minute 4 - Monitoring Officer's Report Regarding Complaint Alleging Breach Of The Members' Code Of Conduct**

The Council had before it five recommendations including sanctions and improvement of procedures from the Corporate Governance Standards Sub-Committee meeting on 9 February 2017 resulting from the hearing of a code of conduct complaint against Councillor Raper. The complaint was about Councillor Raper voting twice on two votes at the Council meeting on 8 December 2016.

Council was presented with the minutes of the Sub-Committee meeting at pages 269 - 272 of the Council agenda. The minutes gave details of the finding of facts, the breach of the code and the recommendations to Council on sanctions and improvement of procedures. Council was only being asked to consider the recommendations on sanctions and improvement of procedures from the Sub-Committee.

1. Councillor Keal moved the following censure motion which was seconded by Councillor Acomb as recommended by the Corporate Governance Standards Sub-Committee meeting on 9 February 2017.

*"Council is aware that Councillor John Raper voted using two electronic voting units, on two occasions, during the meeting of Full Council on 8 December 2016.*

*Council notes that these actions constitute a breach of the requirement in the Members' Code of Conduct to behave 'in accordance with all our legal obligations, alongside any requirements contained within the authority's policies, protocols and procedures'.*

*Council notes that these actions are also contrary to a number of the principles set out in the Members' Code of Conduct, namely selflessness, integrity, openness, honesty and leadership.*

*As such these actions are wholly unacceptable and inappropriate, damaging the reputation of the Council and public trust and confidence in the integrity of its democratic decision making processes.*

*Therefore the Council hereby censures Councillor John Raper for his unacceptable behaviour and actions breaching the Members' Code of Conduct."*

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

#### **Voting record**

24 For

3 Abstentions

2. It was moved by Councillor Keal and seconded by Councillor Acomb that the remaining recommendations be adopted by Council :

- (a) That the Group Leader be asked to suspend Councillor Raper from committees for six months from the date of this censure motion.
- (b) That Councillor Raper be required to apologise to the Chairman of Council and all Members of Council for his conduct.

Additionally Council be recommended to approve that practices around electronic voting and time management at Full Council meetings be improved as follows:

- (a) Any Member leaving a meeting early, to notify the Chairman when they depart and return their voting unit to the front of the room, and the time of their departure to be recorded in the minutes;
- (b) That the O&S Review into the start times of meetings also looks at the efficient running of proceedings at Full Council to include the length of meetings.

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

*Add at the end of recommendations 2. (a) - (b):*

- i. That Councillor Raper broke the Honesty part of the Code of Conduct*
- ii. Councillor Cussons did not ask him to vote for him*
- iii. Councillor Cussons had left the room when Councillor Raper stated he was present*

Upon being put to the vote the amendment was lost.

**Voting record**

5 For

19 Against

4 Abstentions

An further amendment was moved by Councillor Jowitt and seconded by Councillor P Andrews;

*Delete the text in 2. (b)*

*Add the following text as a new 2. (b)*

*That the proposal to look at the efficient running of proceedings at Full Council to include the length of meetings be referred to the Overview and Scrutiny Committee.*

Upon being put to the vote the amendment was lost.

**Voting record**

7 For

13 Against

7 Abstentions

An further amendment was moved by Councillor Goodrick and seconded by Councillor Sanderson to:

*Following the paragraph ending ".....Full Council meetings to be improved as follows:*

*Delete points (a) and (b)*

Upon being put to the vote the amendment was lost.

**Voting Record**

12 For

12 Against

The Chairman used his casting vote against the amendment.

Upon being put to the vote the motion was carried.

## **Voting record**

14 For

7 Abstentions

### **Resolved**

#### 1. Censure of Councillor John Raper

"Council is aware that Councillor John Raper voted using two electronic voting units, on two occasions, during the meeting of Full Council on 8 December 2016.

Council notes that these actions constitute a breach of the requirement in the Members' Code of Conduct to behave 'in accordance with all our legal obligations, alongside any requirements contained within the authority's policies, protocols and procedures'.

Council notes that these actions are also contrary to a number of the principles set out in the Members' Code of Conduct, namely selflessness, integrity, openness, honesty and leadership.

As such these actions are wholly unacceptable and inappropriate, damaging the reputation of the Council and public trust and confidence in the integrity of its democratic decision making processes.

Therefore the Council hereby censures Councillor John Raper for his unacceptable behaviour and actions breaching the Members' Code of Conduct."

#### 2. Other Sanctions

(a) That the Group Leader be asked to suspend Councillor Raper from committees for six months from the date of this censure motion.

(b) That Councillor Raper be required to apologise to the Chairman of Council and all Members of Council for his conduct.

#### 3. Approved practices in the use of the electronic voting system and the Overview and Scrutiny Committee Review on time management at Full Council meetings.

Additionally Council approved the following practices around electronic voting and requested an Overview and Scrutiny Committee Review on how time management at Full Council meetings could improved:

- (a) Any Member leaving a meeting early, to notify the Chairman when they depart and return their voting unit to the front of the room, and the time of their departure to be recorded in the minutes;
- (b) That the O&S Review into the start times of meetings also looks at the efficient running of proceedings at Full Council to include the length of meetings.

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

There being no other business, the meeting closed at 10.20 pm.