

Council

Minutes of Proceedings

At the **Ordinary Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Thursday 22 February 2018**

Present

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

In Attendance

Peter Johnson
Nicki Lishman
Clare Slater
Anthony Winship

Minutes

62 **Apologies for absence**

Apologies for absence were received from Councillors Maud and Sanderson.

63 **Public Question Time**

The following public question was submitted by Jim Tucker:

“In the light of numerous estimates, both from central government and local experts, as reported in local media recently, of the likely reduction in house prices located near Fracking sites I would like to ask Ryedale District Council the following. What is the Ryedale District Council forecast for the reduction in Council Tax revenues that will result from homeowners requesting a new valuation and re banding as a consequence of the loss in property value?”

The Chairman thanked Mr Tucker for the question and replied:

“Following a brief discussion with a senior officer of the Valuation Office Agency, he advised that any physical change to locality does allow a council taxpayer the right to submit a proposal to challenge their council tax band. However, it is impossible to determine on what scale, if any that reductions will be allowed. Factors that need to be considered are as follows:

- If located within the vicinity, is the individual property submitting the proposal affected by the site in terms of visual surroundings and noise pollution? If not, then it is unlikely that the change to the physical locality is considered detrimental.*
- Council tax bands are categorised by valuation range. If it was deemed the valuation of a property had decreased due to a physical change to the locality, then will the decrease be sufficient to shift the valuation into the range of the preceding band?*

As this is the first fracking site in the UK, there is no basis for comparison. I can also confirm that the council has not received any enquiries to date from residents with regards to reducing their council tax banding.

Based on the above, a forecast for reduction in council tax income is not possible, but I do not anticipate a significant reduction in revenue as a consequence of the site.”

Mr Tucker then asked a supplementary question:

I suppose my supplementary question would be to ask what advise you would offer to the residents of KMS who are, as this answer notes the first fracking site in the UK, trying to sell their house and can't. So if they were to accept a reduction in price because of their location, would that be a basis for a request for a reduction in banding? And if it would, to what extent would that then apply to other residents in KMS?

The Chairman agreed that a written reply would be provided.

64 Minutes

The minutes of the Ordinary Meeting of Council held on 14 December 2017 were presented.

Resolved

That the minutes of the Ordinary Meeting of Council held on 14 December 2017 be approved and signed by the Chairman as a correct record.

The minutes of the Extraordinary Meeting of Council held on 11 January 2018 were presented.

Resolved

That the minutes of the Extraordinary Meeting of Council held on 11 January 2018 be approved and signed by the Chairman as a correct record.

65 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).

66 Declarations of Interest

The Chairman declared personal non pecuniary but not prejudicial interests as Members of North Yorkshire County Council en bloc for the following:

Councillors Val Arnold, Burr, Duncan and Goodrick.

67 Announcements

The Chairman made the following announcement:

Group Leaders had been consulted on whether to make a permanent change to the seating arrangements for Full Council meetings, to use a similar layout to that at the Extraordinary Meeting of Council on 11 January 2018. As only one response had been received, the Chairman had requested that no change be implemented for this meeting, but will do so for meetings in the future, subject to any further feedback received.

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

1. Councillor Wainwright submitted the following question:

To Councillor Clark, Chairman of the Overview and Scrutiny Committee:

“Please will Cllr Clark tell members of the progress made by the Scrutiny Committee into the investigation of alleged bullying of employees of Ryedale District Council?”

The Chairman of the Overview and Scrutiny Committee, Councillor Clark replied

I thank Cllr Wainwright for his continued interest in this subject considering that he had a non-interest in it for a long time, followed by not supporting Scrutiny looking into it at this point. However, we had, as I reported to Cllr Wainwright question last time, been unable to appoint in November as the meeting was cancelled. The next possible meeting and I did try for the Scrutiny Committee was into January. At that meeting we appointed Prof Raine from Birmingham University, Local Government department and he has started work on working with the Sub Committee and the Committee to look into the allegations of bullying.

Councillor Wainwright asked the following supplementary question:

Cllr Clark you're the Chairman of the Audit Committee so naturally you must have the role of ensuring that the Council spends the public's money wisely. In the minutes of the Scrutiny Committee of the 13 July 2017 you're quoted as saying the Overview and Scrutiny Committee will report to Full Council as a matter of urgency. In the pre-meeting this evening we heard you talking about a matter on the agenda as Alice in Wonderland, if you read what you see, it isn't necessarily true. Seven months have now passed, the Council allocated a sum of up to £10,000 to undertake the review if that sum was required. Can you tell me how much of this money has already been spent in Council Officer time, is there a paper trail of the money being paid to the organisation, in this case Prof Raine doing the investigation and is there a paper trail of why Prof Raine was chosen before others and why some organisations whose names were put forward were not even interviewed?

Councillor Clark replied:

The question of urgency - I first raised this question four years ago, certainly three plus. I raised it in Full Council - was there, could there be, did anybody know? 18 months ago I brought in a motion to it because we were getting nowhere, calling upon Full Council, calling upon the Chief Executive to look into it and the vast majority of Council voted against it. That was 2 years plus to get nowhere, so down to seven months and getting somewhere strikes me as not just urgent, it strikes me as the speed of light compared with what various Councillors within the Council were voting for before i.e. it doesn't exist and we're not going to do anything and therefore by definition the speed was unbelievably slow.

Money spent so far - none, so that's been relatively cheap and hasn't required a lot of auditing because up until now we have been expecting people to pay their own travel expenses to come here and Councillor Acomb and I and other members of Overview and Scrutiny have interviewed people to find the best in our opinion to recommend to Overview and Scrutiny. There is paper trail of the appointment, it was discussed in exempt in Scrutiny that the Chair, myself and the Vice Chair signed a summary of that to go to the s151 officer in confidence because it is exempt and because we need to protect everybody in the Council - employees - because I repeat we do not know a. if there's been any bullying, hence the need for the inquiry, if anybody has been bullied right through from the key holders to the loo right through the Chief Executive, if anybody's doing the bullying from the key holders to the loo through the Chief Executive and probably the most invidious group of all, the group that are wrongly accused of bullying between those two extremes. On that basis we've done what we've done so far without involving officers so which ever one of those three categories they may or may not fit into we're not putting any pressure on them whatsoever. So we've done the absolute minimum in paper trail that was needed to approve the appointment.

We interviewed three, we would have interviewed more but we had the time delay, which we've now covered twice and on that basis the one that we didn't look into, again back to the speed, was found in August and was brought to the Committee, was brought to me after the Committee meeting on 5 October and the reason for not interviewing and not discussing with them because we couldn't do a straight tender because we didn't know what we needed. We needed to discuss with people what they would offer in relation to looking at our problem.

This particular group that had a two month delay in finding its way through to us actually had a whole range of opinions as to what was happening in Ryedale Council without having discussed it with Overview and Scrutiny or Full Council etc. On that basis we decided that somebody as biased as that, it would probably be most sensible not to proceed. I believe, though I could be wrong, that this may be the letter that you'd seen a copy of two Council meetings back. If it isn't, I did ask you at the time if you'd like to bring the letter to me I could tell you if it was the same one that I had. If it is the same one then we considered it to be biased, if it isn't the same one then I can't help you because I don't know what letter you've got that I haven't seen.

69 **Revenue and Capital Budgets and Setting of Council Tax 2018/2019**

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 58 of the Policy & Resources Committee held on 8 February 2018 and item 9 paragraph roman numeral I;
- (b) Secondly, item 9 paragraphs roman numerals II to V relating to the requisite calculations and the setting of Council Tax.

It was moved by Councillor Ives and seconded by Councillor Steve Arnold that Minute No. 58 (Financial Strategy 2018/2019) of the Policy and Resources Committee held on 8 February 2018 be noted and received by Council, that Council adopt the recommendations in the s151 Officer's report and that Council approve item 9 paragraph roman numeral I relating to the Council's revenue budget.

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

Recorded Vote

For

Councillors Acomb, P Andrews, S Arnold, V Arnold, Cleary, Cowling, Cussons, Duncan, Farnell, Frank, Gardiner, Goodrick, Hope, Ives, Jainu-Deen, Oxley, Wainwright and Windress,

Against

Councillors J Andrews, Burr, Clark, Keal, Potter, Shields and Thornton.

It was moved by Councillor Ives and seconded by Councillor Steve Arnold that item 9 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 motion was then carried.

Recorded Vote

For

Councillors Acomb, P Andrews, S Arnold, V Arnold, Cleary, Cowling, Cussons, Duncan, Farnell, Frank, Gardiner, Goodrick, Hope, Ives, Jainu-Deen, Oxley, Wainwright and Windress,

Against

Councillors J Andrews, Clark, Potter and Thornton.

Abstentions

Councillors Burr, Keal and Shields

Resolved

That Council:

- (i) Approve the Council's Financial Strategy (Annex A) which includes:
 - a. Savings/additional income totalling £436k (Financial Strategy Appendix A)
 - b. Growth Pressures totalling £151k (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 2018/19 (Financial Strategy Appendix E)
 - f. The Income Generation and Commercialisation Policy (Financial Strategy Appendix F)
- (ii) Approve a Revenue Budget for 2018/19 of £6,066,945, increasing the total charge to £190.82 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 £55,350;
- (iv) Note the financial projection for 2018/19 - 2022/23 (Annex B).

I Budget 2018/2019

That the revised revenue estimates for the year 2017/2018 and the revenue estimates for 2018/2019, as submitted in the Council's Financial Strategy and Revenue Budget 2018/2019 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 2018/19, 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 2018/19, 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**

£26,645,657.00 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)**

£21,506,475.00 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**

£5,139,182.00 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)**

£238.13 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**

£1,021,127.00 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)**

£190.82 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 2018/19 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:-

BAND £	NORTH YORKSHIRE COUNTY COUNCIL £	NYCC ADULT SOCIAL CARE £	NORTH YORKSHIRE POLICE & CRIME COMMISSIONER £	NORTH YORKSHIRE FIRE & RESCUE AUTHORITY £
A	786.78	45.78	155.21	46.13
B	917.92	53.41	181.08	53.82
C	1,049.05	61.04	206.95	61.51
D	1,180.18	68.67	232.82	69.20
E	1,442.44	83.93	284.56	84.58
F	1,704.70	99.19	336.30	99.96
G	1,966.97	114.45	388.03	115.33
H	2,360.36	137.34	465.64	138.40

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 2018/19 for each of the categories of dwellings shown.

70 **Treasury Management Strategy Statement and Annual Investment Strategy 2018/2019**

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 2018/19.

It was moved by Councillor Clark and seconded by Councillor Acomb that the following recommendations of the Overview and Scrutiny Committee, set out in minute 69 from the meeting on 25 January 2018, 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

71 Recruitment of Chief Executive

It was reported that a requisition had been received for an Extraordinary Meeting of Council on 1 March 2018 to deal with this item and it was therefore withdrawn from this agenda.

72 Referrals to Council from Overview and Scrutiny Committee

Policy and Resources Committee – 8 February 2018

Minute 60 – Thornton Road Industrial Estate, Pickering – Phase 3

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

- i. Note the views of the Overview and Scrutiny Committee
- ii. Confirm the decision of the Policy and Resources Committee

The Chairman of Overview and Scrutiny Committee pointed out that the draft minute from Overview and Scrutiny Committee held on 15 February 2018 was incorrect and should read;

- i. Note the views of the Overview and Scrutiny Committee that Part B should remain Part B as far as possible
- ii. Consider the decision of the Policy and Resources Committee as a recommendation as if it was Part B

As the result of the vote was tied, the Chairman used his casting vote and the draft recommendation was carried.

Voting record

For

Councillors Acomb, J Andrews, P Andrews, Clark, Duncan, Gardiner, Jainu-Deen, Keal, Potter, Shields, Thornton and Wainwright.

Against

Councillors S Arnold, V Arnold, Burr, Cleary, Cowling, Cussons, Farnell, Frank, Hope, Ives, Raper, and Windress

Abstention

Councillors Goodrick and Oxley

The Part B recommendation from Policy and Resources Committee was then put to the vote and the recommendation was carried.

Resolved

That:

- i. The views of the Overview and Scrutiny Committee that Part B items should remain a Part B as far as possible be noted.
- ii. Council confirm the decision of the Policy and Resources Committee as a recommendation as if a Part B.

Voting record

For

Councillors P Andrews, S Arnold, V Arnold, Burr, Cleary, Cowling, Cussons, Duncan, Farnell, Frank, Gardiner, Goodrick, Hope, Ives, Jainu-Deen, Oxley, Raper, Shields, Wainwright and Windress.

Against

Councillors Acomb, J Andrews, Clark, Potter and Thornton.

Abstention

Councillors Keal.

73 Any other business that the Chairman decides is urgent.

There being no other business, the meeting closed at 9.00 pm.