

Council

Minutes of Proceedings

At the **Ordinary Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Thursday 28 June 2018**

Present

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

In Attendance

Beckie Bennett, Simon Copley, Jane Graham, Anton Hodge, Jos Holmes, Mike James, Angela Jones, Clare Slater and Anthony Winship

Minutes

12 Apologies for absence

Apologies for absence were received from Councillors Acomb, Hope and Jowitt.

[Note:

Councillor Bailey was only present at the meeting for agenda items 1-2 and 10;
Councillor Wainwright was only present at the meeting for agenda items 1-8 and 10;

Councillor Sanderson was only present at the meeting for agenda items 1-10.]

13 Public Question Time

There were no public questions.

14 Minutes

The minutes of the Ordinary Meeting of Council held on 12 April 2018 were presented.

Resolved

That the minutes of the Ordinary Meeting of Council held on 12 April 2018 be approved and signed by the Chairman as a correct record.

15 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):

- A notice of motion from Councillors Di Keal and Elizabeth Shields, which had not been received by the Proper Officer in time for inclusion on the agenda.

16 **Declarations of Interest**

The following interests were declared:

Councillor Bailey declared a personal non-pecuniary but not prejudicial interest in agenda item 10 (Scrutiny Review – Final Report – Provision of Swimming Lessons at RDC Pools) as a customer of the swimming clubs.

Councillor Ives declared a personal non-pecuniary but not prejudicial interest in agenda item 10 (Scrutiny Review – Final Report – Provision of Swimming Lessons at RDC Pools) as family members used the swimming clubs.

The Chairman also noted that all Members had been lobbied regarding agenda item 10 and that there were a number of Members who were also North Yorkshire County Councillors.

17 **Announcements**

The Chairman made the following announcements:

- To congratulate:
 - Peter Lawrence who had been awarded an OBE for services to the families of missing people;
 - Sir William Worsley who had been appointed as the government's Tree Champion;
 - Bramhall Blenkarn Architects who had won a Building Control Award;
- To send best wishes to Mrs Daphne Hope, wife of Councillor Eric Hope, who had been injured in a riding fall.

18 **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:

“Would Councillor Clark please inform Members of the progress made by his Scrutiny Committee into the investigation of alleged bullying of Officers at Ryedale District Council?”

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

“This question has caught me a little bit by surprise, I wasn't really expecting it. Well I am Chair very pleased that Councillor Wainwright is showing a continued interest in this subject, considering he had three opportunities to support it when his vote was required and he voted against looking into it on all three occasions. From that background to asking at every Council meeting what the progress is, I think it's commendable. The answer to his question specifically is that we have looked at it and can let him have the wording from the draft minutes this really brings you completely up to date – ‘That Members,’ and this is in relation to the staff survey, ‘continue the Scrutiny review into the staff survey results and that we will be continuing the progress from now on’.”

Councillor Wainwright asked the following supplementary question:

“Almost a year ago now this Council agreed to support this investigation with a sum of £10,000. We still don't know whether there was any bullying at this Council or whether there wasn't any bullying at this Council. Is it not time that we had a report that was available to us and that was available to all Members so that we can either reprimand those that have been proven guilty, if that's what we may do, or we can offer an unreserved apology to those if there wasn't any bullying proved at this Council? It seems very strange that 20 Members of this Council have no idea what's going on with your investigation, whereas your 10 Members of the Scrutiny Committee have had the report. Is the only way left for me now to make a Freedom of Information request to the Council to find out where you've got to so far?”

Councillor Clark replied:

“I wish this whole issue was as simple as you would like it to be. Let us look at the two possibilities. One - we have found bullying at Ryedale Council. I don't think that there's anything in the rule book that says what Members can do in the, what you were saying, reprimand the people so you're suggesting that Members go round reprimanding officers of the Council. Now I think that's a little bit outside the rules of local government, probably outside the Code of Conduct and probably totally inappropriate in every respect that we could have. Could amount to bullying? Yes I suppose that could take the thing round. So on that basis the Committee is at the stage of looking at. How we deal with it is just about as big a problem as finding out if we have and I would ask Councillor Wainwright to use his logic if we're looking into how to deal with the report - his question at last Full Council I said we were looking at the report and what action to take etc - if we were doing that it would seem likely that we've got something to look at. But then Councillor Wainwright's solution of reprimanding somebody, I don't think would work but I'm sure if you give him time Chair, Councillor Wainwright would be able to say how in HR terms, Code of Conduct terms, legal terms etc how we go out and reprimand those who might have done this. This is why Chair, 3 years ago, I raised this subject with the Chief Executive in private - 3 years plus. 2 years ago I started asking questions at Full Council and still got nowhere. If Councillor Wainwright had supported me at those points, we would have been at least a year, if not 2 years further down the track now and I would love to be in the position that he is wanting to be in terms of handling and I wish him luck. I don't like being threatened and I've no problem with him putting the Freedom of Information request as often and as frequently as he

likes but it doesn't answer the question of how we deal with it and how we deal with it professionally. I hope that's probably a slightly fuller answer than Councillor Wainwright was expecting and if he has a further question to come I'd prefer for his sake, the Council's sake and for the 13 Members of Scrutiny that've seen it - the 3 that were on Scrutiny and now the 3 that are new onto Scrutiny and the 3 that are new onto Scrutiny have sort of blinked and gone "What?" and on that basis I'm more than happy with any suggestions that he has to make as to how we could speed things up and it has to be done without officers support, we've got an external he's right, it is a serious issue but please rather than saying we shouldn't be doing it, tell us how we should be doing it because I don't think you can go round reprimanding officers if that is what is required as simply and easy as that. I think you've got to decide how to handle it properly. Now that's making an assumption in that, that assumption may or may not be right."

19 **Appointment of Chief Executive**

Appointments Sub-Committee – 8 June 2018

Minute 5 – Recruitment of Chief Executive

It was moved by Councillor Ives and seconded by Councillor Steve Arnold that the following recommendations of the Appointments Sub-Committee be approved and adopted.

That Council be recommended to approve:

1. That Stacey Burlet be appointed to the following posts:
 - Chief Executive
 - Returning Officer
 - Electoral Registration Officer
2. That Stacey Burlet be designated as the Council's Head of Paid Service;
3. That the salary for the role of Chief Executive be £100,000 per annum with the provision to increase to £105,000 per annum subject to performance appraisal;
4. That the District Council enter into a secondment agreement with North Yorkshire County Council (NYCC) and that NYCC pay the pro-rata proportion of the salary cost (including on-costs).

Upon being put to the vote the motion was carried.

Resolved

That Council approve:

1. That Stacey Bulet be appointed to the following posts:
 - Chief Executive
 - Returning Officer
 - Electoral Registration Officer
2. That Stacey Bulet be designated as the Council's Head of Paid Service;
3. That the salary for the role of Chief Executive be £100,000 per annum with the provision to increase to £105,000 per annum subject to performance appraisal;
4. That the District Council enter into a secondment agreement with North Yorkshire County Council (NYCC) and that NYCC pay the pro-rata proportion of the salary cost (including on-costs).

Voting Record

23 For

0 Against

1 Abstentions

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

Policy and Resources Committee – 12 June 2018

Minute 8 – Scrutiny Review – Final Report – Provision of Swimming Lessons at RDC Pools

The Chairman allowed representations by Helen Robinson, Chairman of Derwent Valley Swimming Club, on behalf of both swimming clubs.

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

That Members agree the final report attached as Appendix 1, which included the following recommendations:

1. Ryedale Swimming Club (RSC) and Derwent Valley Swimming Club (DVSC) are allowed to continue their Learn To Swim (LTS) lessons for the people of Ryedale during the hours agreed in the Leisure Specification.
2. Everyone Active (EA) and the swimming clubs work together to ensure a smooth transition pathway from Everyone Active lessons to Club sessions.

3. Council considers an incremental increase in the specified hire charge per hour to the swimming clubs.

Councillor Clark proposed and Councillor Thornton seconded the following amendment:

“To add:

4. *In the event of any negotiations to do with E.A. no commitment or decisions will be taken without reference to Overview and Scrutiny and its relevant knowledge.”*

Upon being put to the vote the amendment was carried.

Recorded Vote

For

Councillors Joy Andrews, Paul Andrews, Steve Arnold, Val Arnold, Bailey, Burr, Clark, Cleary, Cowling, Cussons, Duncan, Farnell, Frank, Gardiner, Goodrick, Ives, Jainu-Deen, Di Keal, Maud, Oxley, Potter, Raper, Sanderson, Elizabeth Shields, Thornton and Wainwright.

Against

None.

Abstentions

Councillor Windress.

Upon being put to the vote the motion was carried.

Resolved

That Council agree the final report attached as Appendix 1, which included the following recommendations:

1. Ryedale Swimming Club (RSC) and Derwent Valley Swimming Club (DVSC) are allowed to continue their Learn To Swim (LTS) lessons for the people of Ryedale during the hours agreed in the Leisure Specification.
2. Everyone Active (EA) and the swimming clubs work together to ensure a smooth transition pathway from Everyone Active lessons to Club sessions.
3. Council considers an incremental increase in the specified hire charge per hour to the swimming clubs.

4. In the event of any negotiations to do with E.A. no commitment or decisions will be taken without reference to Overview and Scrutiny and its relevant knowledge.

Voting Record

27 For

0 Against

0 Abstentions

21 **Any other business that the Chairman decides is urgent**

The following notice of motion was dealt with as urgent business:

Proposed by Councillor Di Keal and seconded by Councillor Elizabeth Shields

This council has a proud history of being at the forefront of recycling over many years, but is now falling behind many other authorities in the national league tables.

We have fallen from a position of 16th in these national tables in 2005/6 to 132 in 2015/16 and even though our recycling rates are comparable with other councils in North Yorkshire, we are dropping behind many local authorities around the country because of the limited recycling that we do.

In the current climate we need to strive to ensure that everything that is recyclable is recycled – for the benefit of residents, the environment and ultimately the planet on which we live. There is real commitment amongst the public to recycle as many waste items as possible and this council should be responding to that demand.

After much campaigning by the green lobby, supermarkets are finally listening and slowly starting to take steps to reduce single use plastic and packaging – although there is still a very long way to go – and this council also needs to up its game.

While applauding our recent ‘Don’t be a Waster’ campaign, we believe that as a council we can do more. The North Yorkshire Minerals and Waste plan is currently being revised and will be informed by new government directives on waste and recycling, so it is timely to address these important issues now.

We therefore call on the council to:

1. *work with neighbouring authorities through the North Yorkshire Minerals and Waste Plan to increase the materials that we recycle to include a wider range of household plastics
and*
2. *to expand our doorstep collections to include these additional materials within a two year period
and*

3. *in the interim introduce a resident awareness programme to encourage more recycling, both on the doorstep and at household recycling centres, to reduce levels of waste going to landfill.*

Having been moved and seconded, this motion stood automatically referred to the Policy and Resources Committee under Council Procedure Rule 11.4.

Under Council Procedure Rule 13.7(a), Councillor Di Keal, as proposer of the motion, altered the motion, with the consent of the meeting, to accept in the following suggested amendment from Councillor Clark and Councillor Potter:

“To add

4. *To include the examination of recycling of food waste as agreed at the Commissioning Board.”*

Councillor Paul Andrews moved and Councillor Burr seconded a procedural motion to suspend Council Procedure Rule 11.4 to allow the motion to be debated at the current meeting.

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

Voting Record

3 For

15 Against

4 Abstentions

There being no other business, the meeting closed at 8.15pm.