

## 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 September 2018**

## Present

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

## In Attendance

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Beckie Bennett, Stacey Bulet, Simon Copley, Anton Hodge, Mike James and Anthony Winship

## Minutes

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### 22 Apologies for absence

Apologies for absence were received from Councillor Burr.

### 23 Public Question Time

The following public question was submitted by Simon Thackray:

*“HGV livestock traffic currently entering Malton from the B1257 Broughton Road, in order to access Malton livestock market on Horsemarket Road, travels along Mount Crescent, Middlecave Road and Victoria Road.*

*Assuming that the same HGV livestock traffic, that currently enters Malton from the B1257 Broughton Road, re-routes along Newbiggin and Wheelgate to Butcher Corner, in order to travel through Old Malton to the new livestock market at Eden Camp, how will the council prevent further increases in the concentration of NO2 in the Malton AQMA, and on Wheelgate in particular?”*

The Chairman thanked Mr Thackray for his question and replied:

*“At present, livestock market traffic from the majority of the approaches to Malton access the existing Livestock Market site through the town centre and Air Quality Management Area.*

*The relocation of the market to Eden Camp would result in a redistribution of livestock market traffic across the local highway network. The location of the new facility would mean that users of the market which travel from the east, north and south would be able to access the facility without the need to drive through the central network and the Air Quality Management Area. In addition Livestock Market traffic from the B1257 would have a choice of accessing Eden Camp via Highfield Road and could avoid Wheelgate and Butcher Corner.*

*It is not unreasonable to assume that the location of the new facility would remove a significant proportion of the existing livestock market traffic in the Air Quality Management Area.*

*The Council will continue to monitor air quality within the Air Quality Management Area and will work with partners to continue to implement the air quality action plan in order to improve air quality.”*

Mr Thackray then asked a supplementary question:

*“A new livestock market on land adjoining Eden Camp could result in the rerouting of HGV livestock transport vehicles from the B1257 Broughton Road onto Pasture Land and Highfield Road, passing a junior school and a primary school. In light of the concerns of members including Cllr Duncan, well photographed in the Gazette last week, about the disastrous knock on effects and negative impact of the Norton level crossing HGV restriction, what additional measures, I think the answer you've already given me is no, will the Council put in place to restrict and/or prevent the rerouting of HGV livestock vehicles along unsuitable roads and through highly sensitive town centre locations? Would I be right in assuming you're not going to do anything?”*

The Chairman agreed that a written reply would be provided.

## 24 **Minutes**

The minutes of the Ordinary Meeting of Council held on 28 June 2018 were presented.

### **Resolved**

That the minutes of the Ordinary Meeting of Council held on 28 June 2018 be approved and signed by the Chairman as a correct record.

## 25 **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).

## 26 **Declarations of Interest**

The following interests were declared:

Councillor Paul Andrews declared a personal non-pecuniary but not prejudicial interest in the first motion under agenda item 10 as he was taking legal action regarding the government proposals to change the mineral planning process.

Councillor Bailey declared a personal non-pecuniary but not prejudicial interest in the first motion under agenda item 10 as the Chairman of the North York Moors National Park Authority, which was one of the partners in the Minerals and Waste Joint Plan.

The Chairman also noted that there were a number of Members who were North Yorkshire County Councillors.

## 27 **Announcements**

The Chairman made the following announcements:

- To thank Clare Slater for her work as Chief Executive (Interim) and look forward to her return to work as Deputy Chief Executive;
- To announce that the Council had been awarded the Armed Forces Bronze Certificate.

Councillor Hope passed on his wife's thanks for Members' good wishes and support following her riding accident.

The Chief Executive made the following announcement:

- That the briefing on the Local Fund for Ryedale was to be moved from Wednesday 12 September 2018 to be part of the Resources Working Party on Thursday 13 September 2018 unless Members had any objections. (There were no objections.)

## 28 **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:

*"Maybe to improve his question over the years it really is not "his committee", i.e. my committee, it is Ryedale District Council's committee of which I chair. The answer to your question unfortunately is, I am unable to answer that question at this point."*

Councillor Wainwright asked the following supplementary question:

*"At the Full Council meeting in June of last year you allocated £10,000 to investigate any bullying at RDC and you stated at that time that you would report back to Full Council as a matter of urgency. 16 months have passed and no report. Don't you think Councillor Clark that you're being grossly unfair and unsupportive of those alleged to have been bullied by not producing an open*

*report with some suggestions as to how the bullying can be prevented. From past experience you're very good at putting off decisions, perhaps you'll not produce a full report by the next Council in October or even the next Full Council after that in December and by then you'll have the good excuse of not producing the report because it's too near the election of Councillors in May and then you'll say we'll put off a decision to produce a report for the next Full Council. When will a final report be published and when will it be made available to Council Members, the press and the general public?"*

Councillor Clark replied:

*"I probably need to expand a little bit on my previous answer for you then. You are aware of the exempt items that prevent me from telling you more - that's the first part. The second part is this report, I didn't say it would be done urgently - no I did not - the request came from Full Council to do it as a matter of urgency and I accept that it has to be done as quickly as possible but it has to be done according to due process. It cannot be done ignoring rules on exempt, it cannot be done in a hurry, because if you do that you're not doing it properly and for someone who voted against it being looked into and for someone who denied there could be anything remotely like that subject for 2 years in Full Council before we got to this stage, it is smileable that you wish it to be done quickly whatever the cost. It will be done properly and you Councillor Wainwright, are aware of two of the holding up factors with it. Both are in exempt - I cannot say more, I do not intend to say anymore, you are aware of that and on that basis I look forward to your question next Council meeting. I hope we have got further, we will get further when it is possible to do so."*

2. Councillor Wainwright submitted the following question:

To Councillor Ives, Chairman of the Policy and Resources Committee:

*"Would the Chairman of P & R update members on the Streetscene Review including recruitment and the procurement of new refuse and recycling vehicles?"*

The Chairman of the Policy and Resources Committee, Councillor Ives replied:

*"The Streetscene review is now complete. All staff have been issued with their appointment letters and there are now several vacancies within the Streetscene area. There have been no redundancies as a result of the review and we've got several vacancies, I think we've got 3 at the moment so, I don't know if the press are taking notice of this, but we need people and we need them fast because we have got vacancies. No new refuse vehicles have been purchased. However 3 new recycling vehicles have been procured. However at present only one of the vehicles is being used and is currently in a testing phase due to technical difficulties. We are working with the supplier to work through those technical difficulties, while we are doing that we are not paying for the vehicles and within the contract there will be penalties if they do not come online soon, so we'll be refunded when we eventually start to pay for them. Members will be updated as soon as possible once there is an update on the implementation of those new vehicles."*

Councillor Wainwright asked the following supplementary question:

*“Do you believe our new vehicle procurement has been a mistake this year and we've gone for the cheapest option and not the best value for money option, which may have been more expensive in the short term but at least the vehicles would have been more reliable?”*

Councillor Ives replied:

*“Once the new vehicles come online we will be able to reduce the overall number of vehicles from 5 down to 4, which should lead to significant savings, simply because the new vehicles should be able to compact a lot more recycling materials. The supplier is working very hard to correct the issues and they are a long standing supplier of the Council. I have asked that question about the service that they deliver and have been informed that they are trying their utmost and they've got a long standing history of doing this Council well and actually when we went out to procure those vehicles it was built into the contract that there would be a penalty if they didn't come online, so there was actually some foresight when that contract was determined. If the issues cannot be resolved in the long term this Council will not hesitate to take some difficult decisions including the potential procurement of new vehicles which will come at no penalty to this Council because the current aren't working. So no, I do not believe there has been an issue in terms of the procurement and actually I think there was quite a bit of foresight to begin with.”*

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

### **Licensing Committee – 8 May 2018**

#### **Minute 29 - Gambling Act 2005 - Updated Statement of Principles**

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

That the Gambling Act Updated Statement of Principles be submitted to Full Council and be recommended for adoption.

Upon being put to the vote the motion was carried.

#### **Resolved**

That the Gambling Act Updated Statement of Principles be adopted.

#### Voting Record

27 For

0 Against

2 Abstentions

### **Licensing Committee – 3 July 2018**

## **Minute 6 - The Licensing Act 2003 - Updated Statement of Licensing Policy**

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

- (i) That the Licencing Act 2003 – the Statement of Licencing Policy (as amended) be approved for adoption which will become effective from 1 March 2019;
- (ii) That Members approve the setting up of a feasibility study to investigate the possibility of excluding certain categories of premises from the need for a Late Night Refreshment Licence.

Upon being put to the vote the motion was carried.

### **Resolved**

- (i) That the Licencing Act 2003 – the Statement of Licencing Policy (as amended) be approved for adoption which will become effective from 1 March 2019;
- (ii) That Members approve the setting up of a feasibility study to investigate the possibility of excluding certain categories of premises from the need for a Late Night Refreshment Licence.

### Voting Record

29 For

0 Against

0 Abstentions

## **Policy and Resources Committee – 26 July 2018**

### **Minute 20 – Malton and Norton Infrastructure and Connectivity Improvements Study**

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 Council:

- (i) Endorses the Malton and Norton Infrastructure and Connectivity Improvements Study and agrees to working in partnership with NYCC, and other stakeholders as appropriate, to prioritise and develop the recommended work streams via the Malton and

Norton Connectivity Working Group (cross-authority officer working group);

- (ii) Authorises Officers to immediately progress work, in partnership with NYCC Highways Area Office, to develop and implement the proposals for potential 'quick wins' (see Annex 2) in advance of additional rail services commencing in December 2019;
- (iii) Agrees that the above Working Group considers any supplementary proposals from the public and partners, which were not considered during development of the Connectivity Study, as part of its on-going work stream;

Defers points (iv) and (v) until a later Committee meeting, pending further information from North Yorkshire.

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

*"The Officer Group report on a quarterly basis to a politically proportionate working group of Members."*

Upon being put to the vote the amendment was lost.

#### **Recorded Vote**

##### For

Councillors Joy Andrews, Paul Andrews, Clark, Jowitt, Di Keal, Maud, Potter, Elizabeth Shields and Thornton.

##### Against

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

##### Abstentions

Councillors Acomb, Duncan and Gardiner.

[Councillor Cowling left the meeting at 8.20pm.]

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

#### **Resolved**

That Council:

- (i) Endorses the Malton and Norton Infrastructure and Connectivity Improvements Study and agrees to working in partnership with NYCC, and other stakeholders as appropriate, to prioritise and develop the recommended work streams via the Malton and

Norton Connectivity Working Group (cross-authority officer working group);

- (ii) Authorises Officers to immediately progress work, in partnership with NYCC Highways Area Office, to develop and implement the proposals for potential 'quick wins' (see Annex 2) in advance of additional rail services commencing in December 2019;
- (iii) Agrees that the above Working Group considers any supplementary proposals from the public and partners, which were not considered during development of the Connectivity Study, as part of its on-going work stream;

Defers points (iv) and (v) until a later Committee meeting, pending further information from North Yorkshire.

#### Voting Record

28 For

0 Against

0 Abstentions

[Councillor Sanderson left the meeting at 8.23pm.]

#### **Minute 21 – Malton Livestock Market**

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 the Council approves in principle to lead the development of a relocated Livestock Market for Ryedale conditional upon:

- a) the preparation of a business case for the new Malton Livestock Market and
- b) the preparation of a detailed specification for the new Malton Livestock Market, to include additional facilities to support sustainability and deliver a return to the Council and a revised cost plan based upon this.

That £150,000 to be made available to support the development of a business case, specification and procurement exercise for the preferred Option 2.

Councillor Paul Andrews proposed and Councillor Jowitt seconded the following amendment:

*“That before any action is taken the auctioneers be invited to submit a business plan and the Council engage consultants to examine the business plan.”*

Upon being put to the vote the amendment was lost.

Voting Record

2 For

25 Against

0 Abstentions

Councillor Ives then proposed and Councillor Clark seconded the following amendment:

*“That this item is referred back to the Policy and Resources Committee.”*

Upon being put to the vote this amendment was carried.

Voting Record

26 For

0 Against

1 Abstentions

Upon being put to the vote the motion was carried.

**Resolved**

That this item is referred back to the Policy and Resources Committee.

Voting Record

27 For

0 Against

0 Abstentions

**30 Notices on Motion Submitted Pursuant to Council Procedure Rule 11**

1. It was moved by Councillor Potter and seconded by Councillor Joy Andrews

*“The government has put forward proposals via a Written Ministerial Statement (WMS) to allow the exploration phase of hydraulic fracturing (fracking) to be allowed under Permitted Development (PD), therefore requiring no planning permission. They also propose to bring the production phase of fracking under Nationally Significant Infrastructure Projects (NSIP), to be decided centrally by government and the planning inspectorate, thus taking decisions away from local control. These proposals would over-ride local plans, local planning and local democratic decisions, including those within North Yorkshire.*

*The Minerals and Waste Joint Plan (MWJP) was jointly produced by NYCC, CYC and NYMNP with considerable expenditure and officer time over several years. The plan was subject to extensive consultation with all stakeholders and the public. It was judged by a government appointed independent planning*

*inspector to be sound, legal and compliant with national policy at an Examination in Public (EIP).*

*Therefore:*

- 1. This council endorses local control of fracking by Mineral Planning Authorities;*
- 2. This council supports the current North Yorkshire MWJP and the definitions within it;*
- 3. Council instructs our planning officers to respond to the government consultation accordingly, by rejecting the changes proposed for PD and NSIP as inappropriate and with the view that the North Yorkshire MWJP should have primacy for all planning decisions at all stages of fracking;*
- 4. Ryedale District Council requests NYCC to support this opposition to government policy.”*

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

#### **Recorded Vote**

##### For

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

##### Against

None.

##### Abstentions

Councillor Raper.

#### **Resolved**

1. This council endorses local control of fracking by Mineral Planning Authorities;
2. This council supports the current North Yorkshire MWJP and the definitions within it;
3. Council instructs our planning officers to respond to the government consultation accordingly, by rejecting the changes proposed for PD and NSIP as inappropriate and with the view that

the North Yorkshire MWJP should have primacy for all planning decisions at all stages of fracking;

4. Ryedale District Council requests NYCC to support this opposition to government policy.

2. It was moved by Councillor Clark and seconded by Councillor Thornton

*“There is increasing doubt about the environmental and health safety of glyphosate. A recent case related to the use of glyphosate resulted in a fine of £200m+.*

*On this basis it would seem prudent for the Council to cease any further use.*

*This Council therefore resolves:*

- i. To stop with immediate effect all use of glyphosate on its properties including car parks, roads and pavements.*
- ii. Call upon NYCC to not use glyphosate on NYCC properties, roads and pavements.”*

The following alteration was made with the consent of the meeting and the seconder:

To add

- iii. “Calls upon all Ryedale Town and Parish Councils to not use glyphosate on their properties, roads and pavements.”*

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

### 31 **Representation on Outside Bodies**

Council considered the appointment of a representative and a substitute to attend Malton Community Sports Centre Finance and Premises Governors Meetings, as recommended at the Resources Working Party meeting on 12 July 2018 and ratified at the Policy and Resources Committee meeting on 26 July 2018.

#### **Resolved**

That Councillor Cleary be appointed as the representative to the Malton Community Sports Centre Finance and Premises Governors Meetings;

That Councillor Farnell be appointed as the substitute to the Malton Community Sports Centre Finance and Premises Governors Meetings.

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

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