

Council

Minutes of Proceedings

At the **Ordinary Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Thursday 21 February 2019**

Present

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

In Attendance

Stacey Bulet, Tony Galloway, Anton Hodge, Nicki Lishman, Ellen Walker and Anthony Winship

Minutes

55 Apologies for absence

Apologies for absence were received from Councillors Jainu-Deen, Oxley and Raper (for the meeting held on 21 February 2019). For the reconvened meeting (held on 28 February 2019) apologies were received from Councillors Cowling, Keal and Maud.

56 Public Question Time

The following public question was submitted by Paul Emberley:

“Does the Council agree that the recommendation by Policy & Resources Committee was based on a mis-representation of the facts and no small measure of hypocrisy, and should the Council now overturn their recommendation and agree to Malton's request for a further two councillors at the upcoming elections, which in all likelihood will be contested?”

The Chairman thanked Paul Emberley for his question and replied:

“The matter of the Community Governance Review for Malton Town Council will be considered later on this evening.”

Members of Policy and Resources Committee on 7 February 2019 agreed not to recommend an increase of 10 to 12 Councillors for Malton Town Council to Full Council.

The background to and outcomes of the Community Governance Review are contained in the Committee report. Since the meeting of Policy and Resources Committee, Members have received further information from you as Malton Town Councillor and the Deputy Mayor of the Town Council, in a letter dated 18 February 2019 to all District Councillors you provide supporting information for the proposed increase in size of Malton Town Council from 10 to 12 Town Councillors for Members of Ryedale District Council to consider.

This supporting information lists a number of activities and projects in which the Town Council is involved and puts forward the view that the continued increase in population of Malton, due to development in the town, will continue to impact on the resources required to deliver these and all services successfully.

I believe your reference in your question to mis-representation of the facts and hypocrisy, is mistaken.”

57 Minutes

The minutes of the Ordinary Meeting of Council held on 6 December 2018 were presented.

Resolved

That the minutes of the Ordinary Meeting of Council held on 6 December 2018 be approved and signed by the Chairman as a correct record.

58 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).

59 Declarations of Interest

The following interests were declared:

The Chairman noted that there were a number of members who were North Yorkshire County Councillors and that all Members had been lobbied about Item 11 minute 78 (Proposed increase in the number of Malton Town Councillors).

Councillor P Andrews declared a personal non-pecuniary but not prejudicial interest in Item 11 minute 78 (Proposed increase in the number of Malton Town Councillors) as he was Mayor of Malton.

Councillor Burr declared a personal pecuniary and prejudicial interest in Item 11 minutes 80 (Council Tax Empty Homes) and 81 (Business Rates Relief) as she was a landlord and business owner.

Councillor Cowling declared a personal pecuniary and prejudicial interest in Item 11 minutes 80 (Council Tax Empty Homes) and 81 (Business Rates Relief) as she was a landlord and business owner.

Councillor Goodrick declared a personal non pecuniary but not prejudicial interest in Item 12 (Howardian Hills Management Plan 2019-2024) as a Member of the Howardian Hills AONB Joint Advisory Committee.

Councillor Ives declared a personal non pecuniary but not prejudicial interest in Item 11 minute 80 (Council Tax Empty Homes) as he was a landlord.

Councillor Wainwright declared a personal non pecuniary but not prejudicial interest in Item 12 (Howardian Hills Management Plan 2019-2024) as Chairman of the Howardian Hills AONB Joint Advisory Committee.

60 Announcements

There were no announcements.

61 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.

62 Revenue and Capital Budgets and Setting of Council Tax 2019/20

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 83 of the Policy & Resources Committee held on 7 February 2019 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. 83 (Financial Strategy 2019/2020) of the Policy and Resources Committee held on 7 February 2019 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.

Councillor Clark moved and Councillor J Andrews seconded the following amendment:

“If the contract with Malton School reduces the payment by £30,000 at the end of 2018/19. This sum should be moved to the “Capacity Building” heading.”

Upon being put to the vote the amendment was lost.

Voting record

6 For
21 Against

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

Recorded Vote

For

Councillors Acomb, J Andrews, S Arnold, V Arnold, Bailey, Cleary, Clark, Cowling, Cussons, Duncan, Farnell, Frank, Gardiner, Goodrick, Hope, Ives, Maud, Potter, Sanderson, Thornton, Wainwright and Windress

Abstention

Councillors P Andrews, Burr, Jowitt, Keal and Shields.

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, J Andrews, S Arnold, V Arnold, Bailey, Cleary, Clark, Cowling, Cussons, Duncan, Farnell, Frank, Gardiner, Goodrick, Hope, Ives, Jowitt, Keal, Maud, Potter, Sanderson, Thornton and Windress

Abstentions

Councillors P Andrews and Burr.

Resolved

That Council:

- (i) Approve the Council's Financial Strategy (Annex A) which includes:
 - a) Savings/additional income totalling £528k (Financial Strategy Appendix 3);
 - b) Growth Pressures totalling £1,275k (Financial Strategy Appendix 4);
 - c) The revised capital programme (Financial Strategy Appendix 6);
- (ii) Approve a Revenue Budget for 2019/20 of £8,197k increasing the total charge by £5 to £195.82 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 £49,870;
- (iv) Note the financial projection for 2019/20 – 2021/22;
- (v) Agree that the Council's reserves will be redefined as set out in the report (paragraph 6.9) for 31.03.18;

I Budget 2019/2020

That the revised revenue estimates for the year 2018/2019 and the revenue estimates for 2019/2020, as submitted in the Council's Financial Strategy and Revenue Budget 2019/2020 Book be approved (copy enclosed).

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 2019/20, 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 2019/20, 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**

£32,476,950.00 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)**

£27,097,445.00 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**

£5,379,505.00 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)**

£246.63 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**

£1,108,322.00 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)**

£195.82 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 2019/20 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	811.68	62.43	170.51	47.51
B	946.96	72.83	198.93	55.43
C	1,082.24	83.24	227.35	63.35
D	1,217.52	93.64	255.77	71.27
E	1,488.08	114.45	312.61	87.11
F	1,758.64	135.26	369.45	102.95
G	2,029.20	156.07	426.28	118.78
H	2,435.04	187.28	511.54	142.54

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 2019/20 for each of the categories of dwellings shown.

63 **Treasury Management Strategy Statement and Annual Investment Strategy 2019/2020**

The Chief Financial Officer (s151) submitted a report (previously circulated) which considered the Treasury Management, Annual Investment and Capital Strategies, the Minimum Revenue Provision Policy and Prudential Indicators for 2019/20.

It was moved by Councillor Clark and seconded by Councillor Jowitt that the following recommendations of the Overview and Scrutiny Committee, set out in minute 71 from the meeting on 21 February 2019, be approved and adopted.

That Council be recommended that:

- (i) Members receive this report;
- (ii) The Operational Borrowing Limit for 2019/20 is set at £5.5m;
- (iii) The Authorised Borrowing Limit for 2019/20 is set at £11m;
- (iv) Councillors delegate authority to the Chief Finance Officer to effect movement within the agreed authorised boundary limits for long-term borrowing for 2019/20 onwards;
- (v) Councillors delegate authority to the Chief Finance Officer to effect movement within the agreed operational boundary limits for long-term borrowing for 2019/20 onwards;
- (vi) The treasury management strategy statement 2019/20 be approved;
- (vii) The minimum revenue provision policy statement for 2019/20 be approved;
- (viii) The treasury management investment strategy for 2019/20 be approved;
- (ix) The prudential indicators for 2019/20 which reflect the capital expenditure plans which are affordable, prudent and sustainable be approved;
- (x) The Capital Strategy for 2019/20 be approved.

Upon being put to the vote the motion was carried.

Resolved

That:

- (i) Members receive this report;
- (ii) The Operational Borrowing Limit for 2019/20 is set at £5.5m;
- (iii) The Authorised Borrowing Limit for 2019/20 is set at £11m;
- (iv) Councillors delegate authority to the Chief Finance Officer to effect movement within the agreed authorised boundary limits for long-term borrowing for 2019/20 onwards;
- (v) Councillors delegate authority to the Chief Finance Officer to effect movement within the agreed operational boundary limits for long-term borrowing for 2019/20 onwards;
- (vi) The treasury management strategy statement 2019/20 be approved;

- (vii) The minimum revenue provision policy statement for 2019/20 be approved;
- (viii) The treasury management investment strategy for 2019/20 be approved;
- (ix) The prudential indicators for 2019/20 which reflect the capital expenditure plans which are affordable, prudent and sustainable be approved;
- (x) The Capital Strategy for 2019/20 be approved.

Recorded Vote

For

Councillors Acomb, J Andrews, S Arnold, V Arnold, Cleary, Clark, Cowling, Cussons, Duncan, Farnell, Frank, Gardiner, Goodrick, Hope, Ives, Jowitt, Keal, Maud, Potter, Sanderson, Thornton and Windress

Abstentions

Councillor Frank

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

POLICY AND RESOURCES COMMITTEE - 7 FEBRUARY 2019

- 65 **Minute 76 - Update on the Experimental 7.5 T Weight Restriction at Norton Level Crossing**

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 be recommended:

That the contents of this report are noted and that an officer report will be presented to a future meeting of the Policy and Resources Committee in order to give a member-level response to the further consultation from North Yorkshire County Council (NYCC).

Councillor Duncan proposed and Councillor Ives seconded the following amendment:

Ryedale District Council notes with serious concern:

- NYCC data showing no overall reduction in HGV movements through Butcher Corner so far
- The major displacement of HGV traffic through Malton, Norton and surrounding villages
- The Malton and Norton Air Quality Assessment, produced by Systra, in support of the Ryedale Local Plan, which found there would be “no significant benefit” of introducing the restriction

Upon being put to the vote the amendment was lost

Recorded vote

For

Councillors Bailey, Duncan, Gardiner and Ives

Against

Councillors Acomb, J Andrews, P Andrews, S Arnold, V Arnold, Burr, Clark, Cleary, Cowling, Cussons, Farnell, Frank, Hope, Jowitt, Keal, Maud, Potter, Sanderson, Shields, Thornton and Windress.

Abstention

Councillor Goodrick

Upon being put to the vote the motion was carried.

Resolved

That the contents of this report are noted and that an officer report will be presented to a future meeting of the Policy and Resources Committee in order to give a member-level response to the further consultation from North Yorkshire County Council (NYCC).

Voting Record

24 For

2 Abstentions

Minute 77 - Polling Districts, Polling Places and Polling Stations Review

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 be recommended to:

- (i) approve the relocation of polling places and polling stations as set out in Annex 1;
- (ii) delegate authority to the Democratic Services Manager, in consultation with the Chief Executive and Ward Members, to make any changes to polling places and polling stations arising from any approved venues being unavailable for use.

Upon being put to the vote the motion was carried.

Resolved

That Council:

- (i) approve the relocation of polling places and polling stations as set out in Annex 1;
- (ii) delegate authority to the Democratic Services Manager, in consultation with the Chief Executive and Ward Members, to make any changes to polling places and polling stations arising from any approved venues being unavailable for use.

Voting Record

Unanimous

Minute 78 - Proposed Increase in the Number of Malton Town Councillors

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 be recommended to approve:

That no change be made in the current number of councillors for Malton Town Council.

Upon being put to the vote the motion was lost

Recorded vote

For

Councillors Acomb, S Arnold, V Arnold, Duncan, Farnell, Goodrick, Ives, Sanderson and Wainwright

Against

Councillors P Andrews, Burr, Cowling, Cussons, Frank, Hope, Jowitt, Keal, Maud, Shields, Thornton and Windress

Abstention

Councillors J Andrews, Bailey, Clark, Cleary, Gardiner, Potter,
Councillor Clark requested that the reason for his abstention was that this is not the business of this Council

Councillor P Andrews proposed and Councillor Burr seconded the following motion:

Malton Town Council should increase its number from 10 to 12.

Upon being put to the vote the motion was carried

Resolved

- 1) The number of town councillors for the Malton Town Council be increased from 10 to 12 members;
- 2) That a Reorganisation of Community Governance Order be laid to reflect the increase in the number of councillors
- 3) That the Council Solicitor be authorised to implement the Order attached at Appendix 1 to the report with any necessary variations to bring the changes into effect for the elections being held on 2 May 2019.

Voting record

13 For

7 Against

7 Abstentions

Minute 79 - Council Tax Penalties

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 is recommended to incorporate into current fees and charges policy the inclusion of Council Tax Penalties, which can be imposed in accordance with Local Government Finance Act 1992.

Councillor Clark moved and Councillor Thornton seconded the following amendment;

“To refer back to Policy and Resources Committee for more information.”

Upon being put to the vote the amendment was lost.

Voting record

4 For

21 Against

Upon being put to the vote the motion was carried.

Resolved

That Council incorporate into current fees and charges policy the inclusion of Council Tax Penalties, which can be imposed in accordance with Local Government Finance Act 1992.

Voting Record

21 For

4 Against

Minute 80 - Council Tax Empty Homes

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 is recommended to approve the adoption of the premiums as set out in The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Bill 2017-19:

- From 1st April 2019 a 100% premium for properties that have been empty and unfurnished for 2 years or more. This will result in a 200% Council Tax charge.
- From 1st April 2020 a 200% premium for properties that have been empty and unfurnished for 5 years or more. This will result in a 300% Council Tax charge.
- From 1st April 2021 a 300% premium for properties that have been empty and unfurnished for 10 years or more. This will result in a 400% Council Tax charge.

Upon being put to the vote the motion was carried.

Resolved

That Council approve the adoption of the premiums as set out in The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Bill 2017-19:

- From 1st April 2019 a 100% premium for properties that have been empty and unfurnished for 2 years or more. This will result in a 200% Council Tax charge.
- From 1st April 2020 a 200% premium for properties that have been empty and unfurnished for 5 years or more. This will result in a 300% Council Tax charge.
- From 1st April 2021 a 300% premium for properties that have been empty and unfurnished for 10 years or more. This will result in a 400% Council Tax charge.

Voting Record

21 For

4 Abstentions

Minute 81 - Business Rates Relief

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 is recommended to approve:

- (i) A Discretionary Business Rates Policy to award retail relief in accordance with DCLG guidelines with the following additional provisions:
 - a) Charity shops in receipt of 80% Mandatory Business Rates Relief shall not be granted discretionary retail relief
- (ii) That Discretionary Retail Relief be awarded as follows:
 - a) Via delegated authority to Council officers
 - b) That an application process is not a mandatory requirement, but that officers reserve the right to request information in order to apply any award of relief.

Upon being put to the vote the motion was carried.

Resolved

That Council approve:

- (i) A Discretionary Business Rates Policy to award retail relief in accordance with DCLG guidelines with the following additional provisions:
 - a) Charity shops in receipt of 80% Mandatory Business Rates Relief shall not be granted discretionary retail relief
- (ii) That Discretionary Retail Relief be awarded as follows:
 - a) Via delegated authority to Council officers
 - b) That an application process is not a mandatory requirement, but that officers reserve the right to request information in order to apply any award of relief.

Voting Record

Unanimous

Minute 84 - Q3 Budget Monitoring

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 be recommended to approve:

That the contents of the report be noted.

Upon being put to the vote the motion was carried.

Resolved

That Council approve:

That the contents of the report be noted.

Voting Record

Unanimous

66 Howardian Hills Management Plan 2019-2024

The Specialist Services Lead submitted a report (previously circulated) which sought the formal adoption of the new Management Plan.

Councillor Farnell moved and Councillor Bailey seconded the recommendations in the report.

Resolved

That Council agrees to adopt the Howardian Hills AONB Management Plan 2019-2024.

Voting Record

Unanimous

67 Notices on Motion Submitted Pursuant to Council Procedure Rule 11

1. It was moved by Councillor Clark and seconded by Councillor Potter

“As S106 falls away there is a perception of the need to ensure that the Council’s Community Infrastructure Levy remains fit for purpose.

The Council’s development plan will be the subject of a formal review after the adoption of the Sites Document later this year and this will also be an opportunity to review the CIL charging regime and the scope of The Regulation 123 list that sets out the full list of infrastructure that is considered to be necessary to support new development in the district.

The Planning Committee is requested to consider making appropriate amendments to the Regulation 123 list of infrastructure requirements arising from the consultation process.

This consideration and consultation to include environmental and health issues.”

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

Voting Record

20 For

3 Against

1 Abstentions

68 Any other business that the Chairman decides is urgent.

The meeting adjourned at 9.45pm and reconvened at 6.30pm on Thursday 28 February 2019.

Having concluded all the business, the meeting closed at 8.00 pm on Thursday 28 February 2019.