

**MINUTES OF THE COUNCIL OF THE BOROUGH OF HARROGATE  
HELD IN THE COUNCIL OFFICES, HARROGATE  
ON 1 MARCH 2006  
(FROM 5.30 PM TO 7.30 PM)**

**PRESENT:** The Mayor (Councillor Bayliss in the Chair). Councillors Heather Adderley, Robin Adderley, Anthony Alton, Mrs Atkinson, Beer, Broadbank, Brown, Jean Butterfield, Chapman, Clark, Cooper, Joan Crowther, de Courcey-Bayley, Ellington, Fawcett, Fox, Galloway, Dr Gardner, Goss, Grange, Harrison, Hawke, Hawkins, Elwyn Hinchcliffe, Hault, Andrew Jones, Pat Jones, Chris Lewis, Macare, Nash, Newby, Peter Phillips, Charlie Powell, Dr Rothwell, Simister, Simms, Sturdy, Theakston, Trotter, Ward, Webber, Williams, Willis, Wilson and Wren.

**In attendance:** Mrs Richards, Chair of Standards Committee.

**Late Arrivals:** None.

**Early Departures:** None.

67/05 - **PRAYER:** The Mayor's Chaplain, Reverend Jeremy Trew led Members in prayer, prior to commencement of the meeting.

68/05 - **APOLOGIES FOR ABSENCE:** Apologies for absence were received from Councillors Freeman, Martin, Pat Marsh, Marsh, Skidmore, Smith and Mrs Smith.

69/05 - **URGENT BUSINESS:** There were no items of urgent business.

70/05 - **DECLARATIONS OF INTEREST:** The following Members declared interests as set out below:-

Councillors Trotter, Williams and Wren – personal interests in respect of agenda item 15(3) arising from their membership of the North Yorkshire County Council.

Councillors Clark and Galloway – prejudicial interests in respect of agenda item 15(3).

Councillor Ellington – a personal interest in respect of agenda item 15(3), as an appointed Governor of Upper Nidderdale High School.

Councillor de Courcey-Bayley – a personal interest in respect of agenda item 15(3) arising from her membership of North Yorkshire County Council and appointment as a school governor.

Councillor Ward - a personal interest in agenda item 15(3) arising from his employment with Harrogate and District Travel.

Councillor Cooper – a personal interest in any relevant items appearing before the Council associated with the HIC and the use of its facilities by his employer for conference purposes.

71/05 - **EXEMPT INFORMATION:** There was no exempt information.

72/05 - **MINUTES:**

Moved by Councillor Dr Gardner

Seconded by Councillor Cooper

and **RESOLVED:**

That the Minutes of the Extraordinary Meeting of the Council held on 8 February 2006 be approved as a correct record and signed by the Chairman.

(Forty seven Members voted for the motion and there was one abstention).

73/05 - **COMMUNICATIONS:**

01. **DISTRICT ELECTION COUNT:** The Mayor advised that a decision had still to be taken as to when the election count for the forthcoming District elections would take place, following doubt as to whether sufficient volunteers would be forthcoming to undertake a count immediately following the close of poll, bearing in mind the possibility of extended polling hours for the day of election.

02. **PLANNING ACHIEVEMENTS:** The Mayor wished to record the work undertaken over the last twelve months to improve the services available on the planning part of the HBC website, as judged by the "Pendleton Criteria", as a result of which the authority was now joint first in the country, obtaining the maximum score.

The Chief Executive took the opportunity to advise Council that he had, together with the Head of Planning Services, been summoned to the Office of the Deputy Prime Minister to discuss concerns over the Council's planning performance. Whilst the meeting had been constructive, the need for the Council to revisit its scheme of delegation for development control had been highlighted, as had that for intervention by the ODPM in late 2006 in the event of the Council still being a Planning Standards authority at that date.

03. **FORMAT OF COUNCIL AGENDA:** The Mayor reminded Members that due to a technical problem with the photocopying facilities, it had not been possible to produce the Council agenda in the normal format but, for the benefit of Members, explained those Minutes of the Cabinet and other Committees which were before the Council for approval.

04. **THEATRE TICKETS:** The Mayor advised of the annual visit to the Harrogate Theatre, which was to take place on 7 March 2006, the tickets for which had been made available to Members at this evening's meeting of the Council.

05. **EMPLOYEE OF THE YEAR:** The Local Government Association, in conjunction with the Local Government Channel was looking for nominations from around the country for Council employees who performed above and beyond the call of duty and advised Members of their ability to nominate employees to go forward for the award.
06. **NOTICES OF MOTION:** The Mayor advised of her intention to allow a further Notice of Motion, submitted on behalf of the Liberal Democrat Group in respect of proposed charges for Post 16 Home to School Transport to be debated at this evening's meeting of the Council. In exercising her discretion to allow its debate, the Mayor explained her reasons for the decision, and also her view that it must not form a precedent in terms of the number of motions debated at future meetings of the Council.

74/05 - **PUBLIC ARRANGEMENTS – PETITIONS:** No petitions had been received.

75/05 - **PUBLIC ARRANGEMENTS – QUESTIONS:** No questions had been received.

76/05 - **MEMBERS' QUESTION TIME:** No questions had been received.

77/05 - **MEMORANDA OF REPORT FROM OVERVIEW AND SCRUTINY COMMISSIONS:** The Chair of the Environment Overview and Scrutiny Commission, Councillor Heather Adderley, referred to the work undertaken by the Commission in respect of the above, following receipt of a request from The Friends of the Earth for the Council to adopt a policy to become GM free and commit to associated principles. The Commission had, therefore, embarked on a two year review, which had culminated in the report presented to Cabinet, and before this evening's meeting of the Council at Cabinet Minute 105/05. In thanking the Commission and its Members for the work undertaken, the Chair commended to the Council the recommendations of Cabinet of 14 December 2005 which proposed adoption of all the Commission's findings in this matter.

78/05 - **REPORT BACK ON PREVIOUS NOTICES OF MOTION:** In accordance with Standing Order 10(6)(a), the Council considered the following reports on the Notices of Motion referred from Council at its meeting held on 7 December 2005.

(78/05 01) **LOCAL DEVELOPMENT FRAMEWORK – LAND FOR MULTI-SPORTS USE:** The Cabinet Member for Planning submitted a written report, arising from a Notice of Motion proposed by Councillor Pat Marsh and seconded by Councillor Chapman, calling on the Council to take a pro-active role by working with local sports clubs to allocate land, in the local development framework, for multi-sport use. A meeting between the mover and seconder of the motion and the Cabinet Member had, therefore, been held on 1 February 2006. The Cabinet Member reminded that work on the preparation of the core strategy of the new style local development framework had commenced and which would set out the planning policy and guidelines for future development and

conservation of the district up to 2021. The core strategy would provide the strategic direction for future planning policy with subsequent planning documents providing more detail on issues like major land allocations and development control policies, and assurance was given to Council that the preparatory work on the framework was already carefully considering what could be done to assist local sports clubs to make the most of their potential.

The Cabinet Member therefore supported the Notice of Motion and looked forward to developing positive measures to secure an appropriate land use framework.

Moved by Councillor Cooper

Seconded by Councillor Harrison

and **RESOLVED (UNANIMOUSLY):**

That the report and action of the Cabinet Member be accepted.

(78/05 02) **FAIRTRADE:** The Leader of the Council submitted a written report, arising from the Notice of Motion in the names of Councillors Cooper and Butterfield calling on the Council to support the aims of the Fairtrade Foundation and take practical steps to support those aims and which had been considered by Cabinet at its meeting held on 7 December 2005. The Cabinet had felt able to endorse the Notice of Motion and, in doing so, had also appointed the Chair of the Council Resources Overview and Scrutiny Commission, Councillor Andrew Jones as Member Champion for Fairtrade purposes. The adoption by Cabinet of the principles set out in the Notice of Motion, which would be progressed by the respective Officers were such that the Council now met the Fairtrade Foundation's criteria to become a Fairtrade district.

Moved by Councillor Dr Gardner

Seconded by Councillor Cooper

and **RESOLVED (UNANIMOUSLY):**

That the report and actions of the Cabinet be endorsed.

79/05 - **MINUTES OF COMMITTEES AND CABINET:** The Council resolved upon the various non-delegated Minutes of Committees and Cabinet as follows:-

79/05(01) – **CABINET – 14 December 2005:**

Moved by Councillor Dr Gardner

Seconded by Councillor Cooper

and **RESOLVED (UNANIMOUSLY):**

That the Minutes of the meeting of Cabinet held on 14 December 2005 be approved and adopted.

79/05 (02) – **CABINET – 1 February 2006:**

Moved by Councillor Dr Gardner

Seconded by Councillor Cooper

and **RESOLVED (UNANIMOUSLY):**

That the Minutes of the meeting of Cabinet held on 1 February 2006 be approved and adopted.

(Cabinet Minute 124/05 circulated for this meeting had been approved by the Extraordinary Meeting of the Council held on 8 February 2006).

79/05 (03) – **STANDARDS COMMITTEE – 1 December 2005:**

Moved by Mrs Richards

Seconded by Councillor Hawkins

and **RESOLVED (UNANIMOUSLY):**

That the Minutes of the meeting of the Standards Committee held on 1 December 2005 be approved and adopted.

79/05(04) – **GENERAL PURPOSES COMMITTEE – 2 February 2006:**

Moved by Councillor Mrs Atkinson

Seconded by Councillor Jean Butterfield

and **RESOLVED (UNANIMOUSLY):**

That the Minutes of the meeting of the General Purposes Committee held on 2 February 2006 be approved and adopted.

80/05 - **PRESENTATIONS TO THE COUNCIL BY THE EXECUTIVE:** In accordance with Standing Order 28, the Cabinet Members for Environmental Health and Housing addressed the Council on the major and/or topical issues arising under their Portfolios as summarised below:-

**CABINET MEMBER FOR ENVIRONMENTAL HEALTH**

**Environment Division:** Services provided, resources, refuse collection and recycling, street and environmental cleansing.

**Public Protection Division:** Food safety, food enforcement, pollution control, pollution enforcement, public health complaints, enforcement, dog wardens.

**Major issues over the next year:** Increase in advice to be given to food businesses, increasing time spent on food premises inspections, implementing the contaminated land inspection, implementing the changes introduced by the Clean Neighbourhoods Act to collect stray dogs out-of-hours and changes to how land was designated.

The Cabinet Member then answered Members' questions.

### **CABINET MEMBER FOR HOUSING:**

**Housing Services:** Housing Revenues Account and General Fund finance services.

**Key priorities:** Targets, achievements and plans for the four key objectives for housing of local homes for local people, homelessness, public sector decent homes and private sector housing assistance.

**Supporting people:** Audit Commission inspection and increasing level of awareness of service.

The Cabinet Member then answered Members' questions and, in response to a question from Councillor Hawkins regarding the number of unoccupied properties in the District, agreed to let the Member have a detailed written reply.

81/05 - **NOTICES OF MOTION RECEIVED:** In accordance with Standing Order 10, the Head of Legal and Democratic Services submitted those Notices of Motion received of which those shown at (01) and (03) below were debated by Council.

1. That this Council initiates an investigation into the provision of a "Resident's Discount Card" which could be used to provide discount to Harrogate District Council Tax payers, initially on leisure facilities and parking, but ultimately also for other services.

Proposed: Councillor G F Webber      Seconded: Councillor MAC de Courcey-Bayley

In accordance with Standing Order 10(6)(F) this Notice was debated by Council.

As an amendment to the Notice of Motion, it was proposed by Councillor Dr Gardner and seconded by Councillor Cooper that in the first line, the word "initiates" be deleted and replaced with the word "continues".

On a vote being taken on the amendment, twenty five Members voted in favour, seventeen against and there were three abstentions.

The Mayor declared the amendment passed.

The Notice of Motion was then approved by Council.

(Forty one Members voted for the Motion and there were four abstentions).

### **2. Proposed allocation of Greenfield Land for Building**

In the Core Strategy laid down in the recent Local Development Framework three areas of Greenfield land were identified for housing and other development.

Following a recent objection aired in the local press the Cabinet Member for Planning committed the Council to not building on one area, the "Bilton Triangle". This leaves the two other areas (Knaresborough East and North West Harrogate) still at risk of Development.

There is strong feeling in Knaresborough against any proposal to extend the current built up limits of the Town and indeed a site of over 130 houses has started on Halfpenny Lane.

### **Recommendation**

That the Cabinet Member for Planning recognises the strong feelings in Knaresborough against the proposed development and gives a similar commitment that the proposed urban extension at Knaresborough East will not be included in the LDF.

Proposed: Councillor Bill Hoult

Seconded: Councillor Keith Rothwell

The Mayor ruled that, in accordance with Standing Order 10(6)(a) this motion stood referred to the Cabinet Member for Planning.

### **3. Proposed Charges for Post 16 Home to School Transport**

The concentration of schools in the Town Centre of Harrogate makes home to school transport a major cause of congestion on already busy roads. The proposal by the North Yorkshire County Council to charge pupils above the age of 16 £10 a week for transport will inevitably deter numbers of students from using buses provided by the County Council with the inevitable result of an increase in private car use.

Also, the implementation of charges at a time when the Government is introducing extra fees for higher education will place a further financial burden on families seeking to help their children to further education.

### **Recommendation**

Accordingly this Council urges the North Yorkshire County Council not to introduce charges for Post 16 students for the use of Home to School transport.

Proposed: Councillor Michael Newby Seconded: Councillor Bill Hoult.

In accordance with Standing Order 10(6)(c) this Notice of Motion was debated by Council.

The Motion was unanimously approved by the Council.

4. This Council recognises the distress caused to families visiting graves in our cemeteries as a result of the number of memorials which have been laid flat.

In view of the time that has now elapsed it is unlikely that these will be reinstated.

Therefore, this Council agrees to commence a phased programme of works to ensure that our cemeteries are restored to a condition that bereaved relatives would expect rather than the distressing one that many families tending graves find.

Proposed: Councillor Andrew Williams Seconded: Councillor Charlie Powell

The Mayor ruled that, in accordance with Standing Order 10(6)(a) this notice stood referred to the Cabinet Member for Cultural Services.

82/05 - **COUNCIL TAX RESOLUTION 2006/2007:**

Moved by Councillor Dr Gardner                      Seconded by Councillor Cooper

and **RESOLVED (UNANIMOUSLY):**

1.            **COUNCIL TAX BASE**

That it be noted that on 5 January 2006 the Director of Resources calculated the following amounts for the year 2006/07 in accordance with regulations made under Section 33(5) of the Local Government Finance Act 1992:

- (a)    **Whole of the Council's Area**  
**61,009.55**                      being the amount calculated by the Director, in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its Council Tax Base for the year;
- (b)    **Parts of the Council's Area**  
the amounts mentioned in Column 1 of Schedule A to this Resolution, being the amounts calculated by the Director, in accordance with Regulation 6 of the Regulations, as the amounts of its Council Tax Base for the year for dwellings in those parts of its area to which one or more special items may relate.

2.            **DISTRICT/PARISH COUNCIL TAX RATES**

That the following amounts be now calculated by the Council for the year 2006/07 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:

- (a)    **District/Parish Gross Expenditure**  
**£101,412,904**                      being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act;

- (b) **Income**  
**£78,927,571** being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) to (c) of the Act;
- (c) **District/Parish Net Expenditure**  
**£22,485,333** being the amount by which the aggregate at 2(a) above exceeds the aggregate at 2(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year;
- (d) **Government Grants and Collection Fund Surpluses**  
**£10,166,039** being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of redistributed non-domestic rates and revenue support grant, increased by the amount of the sums which the Council estimates will be transferred in the year from its Collection Fund to its General Fund in accordance with Section 97(3) of the Local Government Finance Act 1988, and increased by the amount of any sum which the Council estimates will be transferred from its Collection Fund to its General Fund pursuant to the Collection Fund (Community Charges)(England) Directions under Section 98(4) of the Local Government Finance Act 1988 made on 7 February 1994;
- (e) **Basic Amount of tax (including average parish precepts)**  
**£201.924027** being the amount at 2(c) above less the amount at 2(d) above, all divided by the amount at 1(a) above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year;
- (f) **Parish Precepts**  
**£461,494** being the aggregate amount of all special items referred to in Section 34(1) of the Act;
- (g) **Basic Amount of Tax (Unparished Areas)**  
**£194.36** being the amount at 2(e) above less the result given by dividing the amount at 2(f) above by the amount at 1(a) 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;
- (h) **Basic Amount of Tax (Parished Areas)**  
the amounts mentioned in Column 2 of Schedule A to this Resolution, being the amounts given by adding to the amount at 2(g) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned divided in each case by the amount at 1(b) 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;

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

the amounts mentioned in Columns 3 A to H of Schedule A to this Resolution, being the amounts given by multiplying the amounts at 2(g) and 2(h) 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.

3. **COUNTY COUNCIL, POLICE AND FIRE AUTHORITY TAX RATES**

That it be noted that for the year 2006/07 the North Yorkshire County Council, the North Yorkshire Police Authority and the North Yorkshire Fire & Rescue Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

**Valuation Bands**

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
North Yorkshire County Council							
599.65	699.59	799.53	899.47	1,099.35	1,299.23	1,499.12	1,798.94
North Yorkshire Police Authority							
120.00	140.00	160.00	180.00	220.00	260.00	300.00	360.00
North Yorkshire Fire and Rescue Authority							
35.96	41.95	47.95	53.94	65.93	77.91	89.90	107.88

4. **TOTAL COUNCIL TAX RATES**

That, having calculated the aggregate in each case of the amounts at 2(i) and 3. above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the amounts mentioned in Schedule B to this Resolution as the amounts of Council Tax for the year 2006/07 for each of the categories of dwellings shown therein.

83/05 - **MAYORALTY – 2006/07:** In accordance with agreed Council procedures, Councillor de Courcey-Bayley on behalf of the Liberal Democrat Group submitted the nominations of Councillor Geoff Webber for Mayor of the Borough for the ensuing year, and Councillor Trevor Chapman as his Deputy for the forthcoming year.

The nominations were warmly applauded.

84/05 - **COMMON SEAL:**

Moved by Councillor Dr Gardner

Seconded by Councillor Cooper

and **RESOLVED (UNANIMOUSLY):**

That (1) the Common Seal of the Council be affixed to the Deeds and documents necessary to carry out the resolutions confirmed and passed this day;  
and

(2) no Deed shall be treated as being delivered by the Council at the time of sealing, but as being conditional upon the Council proceeding to completion of the transaction relevant to any Deeds.