

**MINUTES OF THE COUNCIL OF THE BOROUGH OF HARROGATE
HELD IN THE COUNCIL OFFICES, HARROGATE
ON 19 JULY 2006
(FROM 5.30 PM TO 7.40 PM)**

PRESENT: The Mayor (Councillor GF Webber in the Chair). Councillors Robin Adderley, Anthony Alton, Mrs Atkinson, Bayliss, Beer, Philip Broadbank, Jean Butterfield, Chapman, Clark, Cooper, de Courcey-Bayley, Ellington, Fawcett, John Fox, Freeman, Galloway, Dr Gardner, Goss, Grange, Harrison, Hawke, Hawkins, Elwyn Hinchcliffe, Bill Hault, Andrew Jones, Anne Jones, Chris Lewis, John Lockhart, Don MacKenzie, Pat Marsh, Marsh, Pauline McHardy, Bob Nash, Newby, Parnaby, Peter Phillips, Charlie Powell, Dr Rothwell, Simms, Mrs Smith, Sturdy, Theakston, Trotter, Andrew Williams, Willis and Willoughby.

Late Arrivals: None.

Early Departures: Councillor Galloway at 7.15 pm
Councillor Harrison at 7.23 pm

13/06 - **PRAYER:** The Mayor's Chaplain, Reverend Gordon Lister, led Members in prayer prior to the commencement of the meeting.

14/06 - **APOLOGIES FOR ABSENCE:** Apologies for absence were received from Councillors Jayne Brotherton, Brown, Pat Jones, Ward, Wilson and Wren.

15/06 - **URGENT BUSINESS:** There were no items of urgent business.

16/06 - **DECLARATIONS OF INTEREST:** The following declarations of interest were made:-

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.

Councillor Willis – a personal interest in respect of Notices of Motion numbers 1 and 3 relating to the North Yorkshire Police Authority arising from his occupation as a freelance journalist.

Councillor Hault – a prejudicial interest in respect of Notice of Motion 3 with regard to the North Yorkshire Police Authority and who, therefore, left the chamber during consideration of this item.

17/06 - **EXEMPT INFORMATION:** There was no exempt information.

18/06 - **MINUTES:**

Moved by Councillor Dr Gardner

Seconded by Councillor Cooper

and **RESOLVED:**

That the Minutes of the Annual Meeting of the Council held on 22 May 2006 be approved as a correct record and signed by the Chairman.

19/06 - **COMMUNICATIONS:**

01. **CIVIC SERVICE:** The Mayor took the opportunity to thank all those Members who had been able to support him at his Civic Service held on 15 July 2006.

02. **GARY ATKINS:** The Mayor offered congratulations to Gary Atkins who had put Harrogate on the map in coming third in the Local Government Employee of the Year competition.

03. **PERSONAL DEVELOPMENT QUESTIONNAIRES:** The Mayor advised that he had been asked to mention that many Members had yet to return their Member Personal Development questionnaires and, as a consequence, it would be appreciated if Members could complete the questionnaires and return them as soon as possible.

04. **LONG SERVICE CERTIFICATES:** The Mayor presented Long Service Certificates to former Councillor Joan Crowther and Councillors Fox and Galloway all of whom had served on the Council in excess of ten years.

Members warmly applauded Mrs Crowther and Councillors Fox and Galloway on receiving their long service awards.

20/06 - **PUBLIC ARRANGEMENTS – PETITIONS:** In accordance with Standing Order 26, Mr Peter Grazier, co-owner of The Crown Hotel and resident of the district presented a petition to Councillors Cooper and Jean Butterfield regarding the government's proposals to introduce a "bed tax" and addressed the Council on the impact such a tax would have on the district's tourism and conference industry and in doing so called upon Members to back the campaign objecting to the introduction of any such tax.

Following the address by the petitioner, Councillors Cooper and Butterfield formally received the petition.

21/06 - **PUBLIC ARRANGEMENTS – QUESTIONS:** No questions had been received.

22/06 - **MEMBERS' QUESTION TIME:** Pursuant to Standing Order 12 the following questions had been received:-

01. Question from Councillor Stan Beer to the Cabinet Member for Planning and Transport:

The Council has recently published a newspaper entitled PLAN THE FUTURE WITH US with the intention of having it delivered to

“every household in the Harrogate District”. Could the Cabinet Member for Planning and Transport:

- 1) Confirm there have been some serious delivery issues with this newspaper throughout the district and outline the steps taken so far with the distribution company to resolve them;
- 2) Explain why so many major potential sites around the district were not referred to or shown on the maps contained in the newspaper; and
- 3) Explain why percentages rather than specific house numbers were used in the growth options referred to?

In view of the above, would he now announce an extension to the deadline for consultation by four more weeks until Friday 18th August?

In responding the first element of the question, Councillor Sturdy explained that the Council’s decision to distribute the newspaper to households and businesses across the district exceeded the statutory requirements for consultation as set out in the Town and Country Planning (Local Development) (England) Regulations 2004 and the Council’s Statement of Community Involvement. Whilst no distribution company guaranteed 100% delivery of such publications the company engaged by the Council, Amaro, guaranteed a high distribution rate. The completion report produced by Amaro detailed properties that had not received a newspaper and the reasons for non-delivery. However, it was apparent that there were residents who had not received a newspaper and who were not detailed in the completion report. The Council had been in discussions with the company regarding concerns about the quality of service and the matter had now been referred to the Council’s Solicitor for legal advice. The Council had been providing newspapers to those people who had notified they had either not received one or had thrown it away without realising its purpose. In addition, a notice was placed in the local press on 7 July asking residents who had not received a newspaper to ring or email the Council for a copy. The Cabinet Member also emphasised that the distribution of the consultation newspaper was just one of a number of measures used to bring this matter to the attention of the public with other measures including the availability of the publication in offices and libraries across the district, accessing the proposals on the Council’s website, consultation with Parish/Town Councils, District Councillors, formal advertisement, public meetings, together with press and radio coverage.

In answering the second of the issues raised by Councillor Beer, the Cabinet Member explained that the maps shown within the newspaper referred to the Core Strategy DPD: Preferred Option, not the Housing and Employment Land Allocations DPD: Issues and Options. Again, the decision to produce and distribute this newspaper was something the Council decided to do above and beyond the statutory requirements for consultation. The decision to produce a

consultation newspaper was based on the need to produce an eye catching document that summarised the many issues from the three consultations without the use of too much planning jargon and that provided respondents with information on how to view the consultation reports (which contained details of all the sites) and accompanying documents on how to respond. Placing nearly 250 site maps within the newspaper would have resulted in a large document that could not be distributed district-wide. At this early stage of consultation, the Council had not yet expressed an opinion on the suitability of individual sites. All representations would need to be considered and all site schedules and site sustainability appraisals would have to be completed before preferred site options were selected. It would, therefore, have been misleading to select only some of the sites for inclusion in the newspaper. The full "site options for new homes and businesses" contained all of the sites put forward at this stage and was referred to on the front page of the newspaper.

In respect of the growth options, the Cabinet Member explained that the figure of 400 houses to be built in Harrogate district each year up to 2021 was determined by the Regional Spatial Strategy. The Yorkshire and Humber Region Assembly had now submitted the Strategy to the Secretary of State and an examination in public would be held to consider formal objections. An independent inspector would make any final decision before the Strategy was adopted. It was, therefore, considered more appropriate to show the preferred option for settlement growth as percentages rather than house numbers as there was a possibility these could change before the Regional Spatial Strategy was adopted.

In dealing with the suggestion for an extension to the deadline for consultation, the Cabinet Member explained that the production of the Local Development Framework required the Council to work to a strict timetable agreed by the Government Office for Yorkshire and Humber and failure to meet certain milestones could mean funding received via the Planning Delivery Grant could be affected. An encouraging response to the consultation had been encountered in that over 1000 representations had so far been made. Due to the difficulty some Parish Councils had with regard to organising Parish Meetings and submitting their responses, the Council had extended the deadline to 28 July 2006. This deadline would now be extended to anyone submitting a response to the Housing and Employment Land Allocations DPD.

In response to a supplementary question from Councillor Beer regarding the assurances given by the delivery company with regard to the distribution of the newspaper the Cabinet Member reiterated his previous advice which he felt unable to qualify any further as the matter had now been referred to the Chief Solicitor.

02. Question from Councillor Philip Broadbank to the Cabinet Member for Finance and Resources:

The Lyons Inquiry into Local Government will be making some fundamental recommendations on local government finance in December. As 98 principal local authorities have already made a positive contribution to the inquiry so far, would the Cabinet Member for Finance and Resources:

- 1) Indicate whether or not it is this Council's intention to submit comments and recommendations on the future of Council Tax, Business Rates and local government finance in general before October when final conclusions will be formulated?
- 2) Give details as to how he intends to involve all members of this Council in that process.

In responding, the Cabinet Member for Finance and Resources advised that the Council had made two formal representations to the Lyons Inquiry on 9 November 2004 and again on 6 April 2005. The latter response was copied to group leaders and local MPs. In addition, the Director of Resources had made a face-to-face presentation to officers from the Inquiry team on behalf of District Councils within the region on 11 March 2005 at a meeting sponsored by the Association of Yorkshire and Humberside Authorities. The Council was, therefore, one of the 98 authorities who responded and which was acknowledged in the interim report. Whilst the staff working on the Inquiry were not looking for any detailed response at this stage, the Cabinet Member referred to the draft letter prepared by the Director of Resources and circulated round the Chamber and invited any Members who wished to add further comment to do so to himself via their group leaders by Friday of this week, in order that such views could be considered as part of a further response to the Inquiry team to be made by the end of July 2006.

03. Question from Councillor Michael Newby to the Cabinet Member for Environment:

The Cabinet has recently decided to extend the Green Garden Waste Collection scheme. Could the Cabinet Member for the Environment indicate when those residents who are still not being offered the door to door recycling service on paper, glass and tin will be able to take advantage of it?

The Cabinet Member for Environment advised that 85% of residents of the district now had access to a door-to-door collection scheme and that in terms of extending this service a report would be submitted to the Cabinet in September 2006 which would address an enhanced recycling scheme.

04. Question from Councillor Granville Ward to the Cabinet Member for Public Protection and Rural Affairs:

Harrogate Borough Council has recently purchased three Youth Shelters to be placed at different locations throughout the whole district. Will the Cabinet Member for Public Protection and Rural Affairs:

- 1) Explain the consultation process undertaken with local communities and elected local Councillors before a decision is made about a chosen site;
- 2) Confirm the funding arrangements put in place to provide maintenance of these shelters;
- 3) Outline the main factors taken into account when he makes the final decision to place a Youth Shelter in a particular area.

In the absence of Councillor Ward, the Mayor exercised his discretion and permitted the Cabinet Member to respond to the question now put by Councillor Broadbank.

The Cabinet Member clarified that it was not the Council which had purchased three Youth Shelters but the Harrogate and District Safer Communities Partnership comprising responsible authorities under the Crime and Disorder Act. The Youth Shelters had been purchased some time ago and not recently. Consultation had taken place over an extended period of time via a number of meetings depending on the particular site concerned. Dialogue over a Youth Shelter in Starbeck had taken place via the Tier Two CAP meetings and the neighbour police teams and the Youth Outreach Service as well as involving a number of other individuals and organisations.

In terms of funding, as this was a Harrogate and District Safer Communities Partnership led project using government funding, it had been agreed that the partnership would fund the maintenance of the Youth Shelters for at least two years in order to be able to monitor the impact before a decision on long term funding was taken. A commitment has been given that if the Youth Shelters were found to have a negative impact on the area they would be removed. The main factor influencing the decision to locate a Youth Shelter was one to address anti-social behaviour and as such more often than not, the first representation would come from a neighbourhood police team who were looking for some form of assistance to help address such problems, for example, a number of complaints around youths gathering, crime damage, street drinking and fear of crime were received in respect of Starbeck High Street. The provision of a Youth Shelter could refocus the meeting point and divert young people away from the inappropriate areas.

22/06 - **MEMORANDA OF REPORT FROM OVERVIEW AND SCRUTINY COMMISSIONS:** There were no reports to be considered.

23/06 - **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 19 April 2006.

(23/06 01) **DISPLAY OF ADVERTISING BOARDS:** The Cabinet Member for Planning and Transport submitted a written report arising from a Notice of Motion proposed by Councillor Reg Marsh and seconded by Councillor Pat Marsh calling on the Council to do everything within its power to obtain the right for local businesses to apply to display an A-board in order to maximise their chances of trading successfully. In meeting with the mover and seconder of the motion, the Cabinet Member had listened to the problems that some businesses had in attracting customers, particularly where their premises were located off the main shopper routes and, in addition, to a request for consideration to be given to the introduction a formal licensing scheme for the display of A-boards on highway land to regularise and control their provision. It was felt that this would help overcome many of the existing problems where A-boards were inappropriately sited and also ensure that they were only put out in areas that were suitable. Such a scheme required the approval of the North Yorkshire County Council and the Cabinet Member advised that whilst its views were still awaited he would convey the response to all Members of the Council when this had been received.

Moved by Councillor Sturdy

Seconded by Councillor Dr Gardner

and **RESOLVED (UNANIMOUSLY):**

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

(23/06 02) **WARD MEMBER BUDGETS:** The Leader of the Council submitted a written report arising from a Notice of Motion proposed by Councillor Chris Lewis and seconded by Councillor Hoult requesting the Council to consider in 2006/07 the reintroduction of a Ward Member Allowance to support local ward initiatives. The Leader had met with Councillor Chris Lewis on 22 June 2006 to consider the Notice at which meeting it had been agreed that the budget cycle of meetings would provide an opportunity to discuss a possible source of funding for any future Member budget scheme. In acknowledging that funding for such a scheme would place additional pressure on the budget and service provision, Councillor Lewis was to develop the Notice of Motion into a proposal to include details of costs, and the need for any new scheme to reflect corporate priorities and objectives, and that the Community Services Overview and Scrutiny Commission would be initially approached for its view on the re-introduction the scheme.

Moved by Councillor Dr Gardner

Seconded by Councillor Cooper

and **RESOLVED (UNANIMOUSLY):**

That the report and action of the Cabinet Member be accepted and that Councillor Chris Lewis develop a proposal for Ward Member budgets and present it to the Community Services Overview and Scrutiny Commission for comment, in advance of a submission to the Council Resources Commission to discuss the proposal as part of the consideration of the draft General Fund Budget options for 2007/08.

24/06 - **MINUTES OF COMMITTEES AND CABINET:** The Council resolved upon the various non-delegated Minutes of Committees and Cabinet as follows:

24/06 (01) **CABINET – 24 MAY 2006**

Moved by Councillor Dr Gardner Seconded by Councillor Cooper

and **RESOLVED (UNANIMOUSLY):**

That the Minutes of the Meeting of the Cabinet held on 24 May 2006 be approved and adopted.

24/06 (02) **CABINET – 28 JUNE 2006**

Moved by Councillor Dr Gardner Seconded by Councillor Cooper

and **RESOLVED (UNANIMOUSLY):**

That the Minutes of the Meeting of the Cabinet held on 28 June 2006 be approved and adopted.

24/06 (03) **GENERAL PURPOSES COMMITTEE – 29 JUNE 2006**

Moved by Councillor Allton Seconded by Councillor Hinchcliffe

and **RESOLVED (UNANIMOUSLY):**

That the Minutes of the Meeting of the General Purposes Committee held on 29 June 2006 be approved, together with those nominations and dates of meetings as now submitted, called for under Minute No 07/06 – Overview and Scrutiny Development and as detailed below.

Governance Panel

Councillor Don Mackenzie (Chair)
Councillor Anthony Alton
Councillor Theakston

Councillor Philip Broadbank
Councillor John Lockhart

Councillor Charlie Powell

Corporate Performance Panel

Councillor Don Mackenzie (Chair)
Councillor Elwyn Hinchcliffe
Councillor Simms

Councillor John Fox
Councillor Hawkins
Councillor John Lockhart

Meeting Dates for the new Panels

Governance Panel

26 October 2006
18 December 2006
3 April 2007

Corporate Performance Panel

10 August 2006 (Previously 3rd amended by Scrutiny coordinating Board)
13 November 2006
5 February 2007

Corporate Overview and Scrutiny Commission

23 January 2007
23 April 2007

25/06 - **PRESENTATIONS TO THE COUNCIL BY THE EXECUTIVE:** In accordance with Standing Order 28, the Leader of the Council and Cabinet Member for Environment addressed the Council on the major and/or topical issues arising under their portfolio as summarised below:

LEADER OF THE COUNCIL

LEEDS CITY REGION: Eight core cities, concordat, enhanced collaboration/governance, transport initiative fund, the role of the Conference Centre and the impact on Yorkshire and Humber Assembly.

GOVERNMENT WHITE PAPER: Future of two-tier authorities and joint working with other authorities.

The Leader then answered Members' questions.

CABINET MEMBER FOR ENVIRONMENT

MAIN ASPECTS OF NEW PORTFOLIO: Recycling, Energy Conservation and Congestion.

CURRENT SITUATION: Recycling, Energy Conservation Schemes, Congestion on A59.

STATUTORY BACKGROUND: Government targets, landfill tax, planning law, cycling network.

FINANCIAL BACKGROUND: 1.3 million investment in recycling in last 3 years.

FUTURE PLANS: Environment initiatives fund, comprehensive recycling scheme, cheap composting bins, extension of green cone system, wind turbines on Council houses, ground source heat pump scheme, photovoltaic cells, "bog hogs", energy audit of Council buildings, green business awards, car share scheme, and school run.

The Cabinet Member for Environment then answered Members' questions and in response to a question from Councillor Beer with regard to the financial contribution made by the council taxpayer towards recycling, the Cabinet Member agreed to let the Member have a written reply.

26/06 - **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 that shown at 03 below was debated by Council.

01 This council welcomes the announcement of the Home Secretary to postpone a final decision on the future of Yorkshire police forces. It calls on him to use this time to urgently commission a report on the financial implications for each of the four police authorities in particular the impact on council taxpayers. Further in view of the rural aspect of Harrogate District a full assessment should be carried out about the impact mergers would have on successful neighbourhood policing by the North Yorkshire force.

Proposed by Councillor Jim Clark Seconded by Councillor Fred Willis

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

02 Claro Road sorting office previously opened from 7.00 am to 6.00 pm Monday to Friday for the collection of undelivered mail. The Post Office has decided to drastically reduce the opening hours to 7.00 am to 12.30 pm Monday to Saturday.

Taken together with the reduction in the number of local post offices in recent years, this is a totally unacceptable reduction of service.

This Council therefore asks the Chief Executive to write to the National Head of the Post Office:

- ◆ deploring the decision to cut the opening hours at Claro Road sorting office
- ◆ asking him to consult fully with HBC and with residents about the opening hours that are actually needed by users
- ◆ asking him to implement the opening hours so determined

Proposed by Councillor Reg Marsh Seconded by: Councillor Pat Marsh

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

- 03 That this Council calls upon the North Yorkshire Police Authority to repay back to the people of Harrogate District their share of the £34m sitting in the North Yorkshire Police Authority's reserve. Particularly with the prospect of a merger with other Police forces still being a possibility.

Proposed by Councillor Pat Marsh

Seconded by Councillor Philip Broadbank

In accordance with Standing Order 10(10)(a) the mover of the motion, Councillor Pat Marsh had given notice of an amendment deleting the second sentence of the Notice of Motion as originally tabled. This amendment was accepted by the seconder of the motion, Councillor Broadbank.

In accordance with Standing Order 10(6)(k) the motion was debated by Council and upon the Mayor being satisfied that the original motion had been sufficiently debated allowed the following further notified amendment to be put.

Moved by Councillor Clark

Seconded by Councillor Willis

That the Notice be amended to read as follows:

This Council calls upon North Yorkshire Police Authority to urgently review its earmarked reserve and revenue balance which together amounted to £34.8m as at 31 March 2006.

An appropriate share of these balances should be effectively repaid to the people of Harrogate District. This should be done through a major reduction in the Police Council Tax Precept for the year to 31 March 2008.

The mover and seconder of the motion signified their acceptance of the amendment.

On a vote being taken on the Notice in the names of Councillors Pat Marsh and Broadbank amended as above, the motion was approved by Council. (Councillors Williams, Charlie Powell, Hawke, Pauline McHardy and Parnaby wished to record their opposition to the motion).

- 04 In May 2006 the administration established a new portfolio for the Environment.

Caring for the Environment is one of the Council's corporate priorities but, recognising public concern over the sustainability of our natural resources and the need to decrease carbon emissions to prevent global warming, this Council now makes Caring for the Environment its top priority.

Further, the Council will work towards:

- ◆ Improving the energy and water efficiency of its own buildings and work with local businesses to encourage them to do the same
- ◆ Implement renewable energy and cleaner fuel technologies in Council buildings including Council housing
- ◆ Use procurement policy to support environmentally-friendly initiatives
- ◆ Raise awareness of climate change and the simple actions that all in our community can take to help tackle this issue

To support this priority, sustainable initiatives will be given a high priority when determining financial commitments in the Council's budgeting process.

Proposed by Councillor Richard Cooper

Seconded by Councillor
Andrew Jones

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

27/06 - **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 conditional upon the Council proceeding to completion of the transaction relevant to any Deeds.

(The Meeting concluded at 7.40 pm)