

# Public Document Pack

## Council

---

Minutes of Proceedings

At the **Extraordinary Council Meeting of the District Council of Ryedale** held in the **Council Chamber - Ryedale House, Malton, North Yorkshire YO17 7HH on Thursday, 6 October 2022**

### Present

---

Councillors Joy Andrews, Paul Andrews, Clark, Cleary, Cussons MBE, Docwra, Duncan, Frank (Vice-Chair), Keal, MacKenzie, Mason, Middleton, Oxley, Potter and Wass (Chair)

### In Attendance

---

Stacey Bulet, Lily Hamilton, Elizabeth Heath, Anton Hodge, Nicki Lishman, Harry Rashid, Faye Snowden, Phillip Spurr, Amy Thomas and Howard Wallis

### Minutes

---

#### 26 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Burr, Hope, Graham, Goodrick, King, Raine, Riby, Thackray and Windress.

#### 27 **MINUTES**

The minutes of the Ordinary Meeting of Council held on 29 June 2022 were presented.

#### **Resolved**

That the minutes of the Ordinary Meeting of Council held on 29 June 2022 be approved and signed by the Chair as a correct record.

#### 28 **URGENT BUSINESS**

There were no items of urgent business.

#### 29 **DECLARATIONS OF INTEREST**

Councillors J Andrews, Duncan and Mason declared a personal non-prejudicial and non pecuniary interest as members of North Yorkshire County Council.

Councillor Mason declared a pecuniary interest in Item 11B as he was the owner of a company with contracts in the sustainable energy industry.

#### 30 **ANNOUNCEMENTS**

There were no announcements.

#### 31 **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.

### **ALLOCATION OF SEATS ON COMMITTEES BETWEEN POLITICAL GROUPS AND THE APPOINTMENT OF MEMBERS TO COMMITTEES**

It was moved by Councillor Wass and seconded by Councillor Oxley that recommendations i – iii be approved and that by a Motion without Notice that;

“No further reports on the Allocation of Seats on Committees between Political Groups and the Appointment of Members to Committees be brought to Council, should there be further changes in the membership of the Council.”

#### **Voting record**

15 For

1 Abstention

It was moved by Councillor Middleton and seconded by Councillor Docwra that Councillor Oxley be elected as Vice Chair of the Overview and Scrutiny Committee.

#### **Voting record**

Carried by general affirmation

It was moved by Councillor Wass and seconded by Councillor Keal that recommendation vi be approved.

#### **Voting record**

Unanimous

#### **Resolved**

- i. That the size of the Committees is that specified in Annex A of the report
- ii. That the Council divides Committee seats between political groups in accordance with the allocation shown at Annex A of the report
- iii. Membership of the Committees shown at Annex B be amended to reflect that shown at Annex A of the report
- iv. No further reports on the Allocation of Seats on Committees between Political Groups and the Appointment of Members to Committees be brought to Council, should there be further changes in the membership of the Council.
- v. That Councillor Oxley be elected the Vice-Chair of the Overview and Scrutiny Committee
- vi. That the Chief Executive in consultation with the Head of Corporate Governance and Monitoring Officer be authorised to make consequential amendments to the Constitution arising from the changes referred to above

### **MEMBERSHIP OF COMMITTEES ATTACHED TO THE MINUTES**

#### **33 DEVOLUTION DEAL FOR YORK AND NORTH YORKSHIRE**

It was moved by Councillor Arnold and seconded by Councillor Docwra that:

Council be recommended to note and support the steps being taken by the City of York Council and North Yorkshire County Council (the two Constituent Councils) towards the

creation of a Combined Authority for York and North Yorkshire as set out in the report and in particular to note:

- a) the 'minded' to Devolution Deal at Appendix 1; and
- b) the Governance Review at Appendix 2; and
- c) the Scheme which has been prepared for consultation at Appendix 3

Councillor P Andrews proposed and Councillor Clark seconded an amendment to delete the words "*and support*" from the recommendation as follows;

Council be recommended to note the steps being taken by the City of York Council and North Yorkshire County Council ...

Upon being put to the vote the amendment was lost.

#### **Voting record**

6 For  
9 Against  
1 Abstention

#### **Recorded vote**

For: Councillors J Andrews, P Andrews, Clark, Cussons, Potter and Wass

Against: Councillors Arnold, Cleary, Docwra, Duncan, Frank, Keal, Mackenzie, Middleton and Oxley

Abstention: Councillor Mason

Upon being put to the vote the motion was carried.

#### **Resolved**

Council notes and supports the steps being taken by the City of York Council and North Yorkshire County Council (the two Constituent Councils) towards the creation of a Combined Authority for York and North Yorkshire as set out in the report and in particular to note:

- a) the 'minded' to Devolution Deal at Appendix 1; and
- b) the Governance Review at Appendix 2; and
- c) the Scheme which has been prepared for consultation at Appendix 3

#### **Voting record**

11 For  
2 Against  
3 Abstentions

### **34 TO CONSIDER FOR APPROVAL THE RECOMMENDATIONS IN RESPECT OF THE FOLLOWING PART 'B' COMMITTEE ITEMS:**

#### **34a Allocation of Community Infrastructure Levy funds**

It was moved by Councillor Keal and seconded by Councillor Middleton that the following recommendation be approved (Minute 34 Policy and Resources Committee 25 August 2022);

- i. Council approves the preference for allocation of CIL funding through a new scheme with a broader eligibility framework that would cover a range of community infrastructure schemes such as those identified in the appendices to the report.
- ii. Members approve the development of CIL Funding Protocol (including an Expression of Interest stage, scheme eligibility / criteria and final application process) for

determining eligible CIL funded schemes and the allocation of these funds in line with the proposal set out at s6.8 to 6.15, with delegated authority given to the Director of Place and Resources, the S151 officer and Chair of Policy & Resources to approve the protocol.

- iii. The CIL funding available to be allocated as a result of this paper should not exceed the current CIL funds received to date with any existing commitments upheld and the total amount available for allocating reduced accordingly. Any CIL funds received after this time will be subject to further agreement by Members; and
- iv. Delegated authority is given to the Director of Place and Resources in consultation with the S151 officer and Chair of Policy & Resources to approve CIL funding applications following consultation with a CIL focussed grants working party. Further information be provided to Council regarding the CIL focussed grants working party.

The Chair explained that an email had been sent to the Chief Executive and the Chair of Policy and Resources Committee from Richard Flinton, Chief Executive of North Yorkshire County Council and Councillor Les, Leader of North Yorkshire County Council regarding this matter. This had been shared with him and Group Leaders in advance of the meeting. The email, attached to these minutes, was subsequently distributed at the meeting with time given for all councillors present to consider the content. The email outlined North Yorkshire County Council's concerns regarding the proposed procedure and qualifying criteria for applications for CIL funding.

Upon being put to the vote the motion was carried.

### **Resolved**

That Council approves;

- (i) The preference for allocation of CIL funding through a new scheme with a broader eligibility framework that would cover a range of community infrastructure schemes such as those identified in the appendices to the report.
- (ii) Members approved the development of CIL Funding Protocol (including an Expression of Interest stage, scheme eligibility / criteria and final application process) for determining eligible CIL funded schemes and the allocation of these funds in line with the proposal set out at s6.8 to 6.15, with delegated authority given to the Director of Place and Resources, the S151 officer and Chair of Policy & Resources to approve the protocol.
- (iii) The CIL funding available to be allocated as a result of this paper should not exceed the current CIL funds received to date with any existing commitments upheld and the total amount available for allocating reduced accordingly. Any CIL funds received after this time will be subject to further agreement by Members; and
- (iv) Delegated authority be given to the Director of Place and Resources in consultation with the S151 officer and Chair of Policy & Resources to approve CIL funding applications following consultation with a CIL focussed grants working party.

### **Voting record**

12 For

3 Against

1 Abstention

### **Recorded vote**

For: Councillors J Andrews, P Andrews, Arnold, Clark, Cussons, Frank, Keal, Mason, Middleton, Oxley, Potter and Wass

Against: Councillors Docwra, Duncan and Mackenzie  
Abstention: Councillor Cleary

**EMAIL FROM R FLINTON, CHIEF EXECUTIVE NORTH YORKSHIRE COUNTY COUNCIL  
AND COUNCILLOR LES, LEADER OF NORTH YORKSHIRE COUNTY COUNCIL  
ATTACHED TO THE MINUTES**

**34b EXEMPT INFORMATION**

It was proposed by Councillor Frank and seconded by Councillor P Andrews that the following recommendation be approved (Minute 37 Policy and Resources Committee 25 August 2022);

To exclude the press and public from the meeting for discussion of the following item 17 (Proposal for Light Industrial Starter Units) as provided by paragraph 3 of Schedule 12A of Section 100A of the Local Government Act 1972, as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

**Resolved**

To exclude the press and public from the meeting for discussion of the following item 17 (Proposal for Light Industrial Starter Units) as provided by paragraph 3 of Schedule 12A of Section 100A of the Local Government Act 1972, as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

The public interest test was considered and, in all the circumstances of the case, the public interest in maintaining the exemption was considered to outweigh the public interest in disclosing the information.

**Voting Record**

Carried by general affirmation

**34c PICKERING STARTER UNITS - ALTERNATIVE CARBON MITIGATION PROPOSALS**

It was moved by Councillor Keal and seconded by Councillor Clark that that the following recommendation be approved (Minute 38 Policy and Resources Committee 25 August 2022);

- i. The funding allocation previously approved for investment in light industrial starter units at Pickering is increased to £EXEMPT;
- ii. A waiver of Contract Standing Order is granted to enable a direct award to the Developer, via an appropriate Framework Contract, for the acquisition of Starter Units all as set out in this report;
- iii. Delegated approval is confirmed for the Programme Director for Place and Resources, in consultation with the S.151 Officer and the Chair of the Policy and Resources Committee to
  - a) Negotiate and agree terms for the acquisition of Starter Units, as set out in the report
  - b) Enter into a contract (or contracts) with the Developer for the acquisition of the Starter Units on the terms agreed.

Councillor J Andrews moved and Councillor Cleary seconded the following amendment;

“As a fallback position in case the project budget approved by Council is not supported by the Section 24 process, the following further recommendations be approved by Council:

- iv. Delegated approval is confirmed for the Programme Director for Place and Resources, in consultation with the S.151 Officer and the Chair of the Policy and Resources Committee to:
  1. Negotiate and agree terms for the acquisition of a scaled back Starter Unit scheme for a suitably reduced budget
  2. Undertake the necessary financial assessments and request the necessary Section 24 approval
  3. Enter into a contract or contracts with the developer for the acquisition of the Starter Units on the terms agreed”

Upon being put to the vote the amendment was carried by general affirmation.

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

### **Resolved**

- i. The funding allocation previously approved for investment in light industrial starter units at Pickering be increased to £EXEMPT;
- ii. A waiver of Contract Standing Order be granted to enable a direct award to the Developer, via an appropriate Framework Contract, for the acquisition of Starter Units all as set out in the report;
- iii. Delegated approval be confirmed for the Programme Director for Place and Resources, in consultation with the S.151 Officer and the Chair of the Policy and Resources Committee to
  - a) Negotiate and agree terms for the acquisition of Starter Units, as set out in the report
  - b) Enter into a contract (or contracts) with the Developer for the acquisition of the Starter Units on the terms agreed.
- iv. As a fallback position, in case the project budget approved by Council is not supported by the Section 24 process, the following further recommendations be approved by Council:
  - a) Delegated approval be confirmed for the Programme Director for Place and Resources, in consultation with the S.151 Officer and the Chair of the Policy and Resources Committee to:
    1. Negotiate and agree terms for the acquisition of a scaled back Starter Unit scheme for a suitably reduced budget
    2. Undertake the necessary financial assessments and request the necessary Section 24 approval
    3. Enter into a contract or contracts with the developer for the acquisition of the Starter Units on the terms agreed

### **Voting record**

Unanimous

## **35 MOTIONS ON NOTICE SUBMITTED PURSUANT TO COUNCIL PROCEDURE RULE 11**

### **35a Proposed by Councillor P Andrews and seconded by Councillor Burr**

Councillor P Andrews proposed and Councillor Burr seconded the following Motion;

That Council enter into negotiations with Fitzwilliam Malton Estate (FME) to sell Wentworth Street Car Park to FME, subject to the use being restricted to car parking only and the sale price to be approved by the District Valuer.

## **Resolved**

That the Motion be referred to the next available meeting of the Policy and Resources Committee as instructed by the Constitution.

### **35b Proposed by Councillor J Andrews and seconded by Councillor Clark**

Councillor J Andrews proposed and Councillor Clark seconded the following Motion;

Given the clear evidence that climate change is real, man made, largely created by the exploiting and burning of fossil fuels and adversely impacting the world right now, this Council resolves to actively oppose the creation of any new source of fossil fuels in the district. This to include drilling and hydraulic fracturing (fracking) for oil or gas.

This Motion would ordinarily be referred to the next available meeting of the Policy and Resources Committee but, as permitted in the Constitution, Councillor Potter proposed and Councillor P Andrews seconded that the Motion be debated at this meeting.

## **Resolved**

That the Motion be debated at this Extraordinary Council meeting.

### **Voting record**

7 For

7 Against

Chair's casting vote – For

Upon being put to the vote the motion was carried.

## **Resolved**

Given the clear evidence that climate change is real, man made, largely created by the exploiting and burning of fossil fuels and adversely impacting the world right now, this Council resolves to actively oppose the creation of any new source of fossil fuels in the district. This to include drilling and hydraulic fracturing (fracking) for oil or gas.

### **Voting record**

9 For

1 Against

4 Abstentions

### **Recorded vote**

For: Councillors J Andrews, P Andrews, Clark, Cussons, Docwra, Frank, Keal, Potter and Wass

Against: Councillor Middleton

Abstentions: Councillors Arnold, Cleary, Duncan and Mackenzie

### **36 THE USE OF URGENCY POWERS**

This item on the Use of Urgency Powers was included at the request of Councillor Duncan. There was no report or decision required for this Item.

The Monitoring Officer advised that the use of Urgency Powers was in accordance with the Constitution and had the full support of five of the Group Leaders who consult their Groups prior to their agreement being given, although this was not strictly necessary in accordance with the Delegated Powers of the Chief Executive.

**37 TO RECEIVE AND NOTE COUNCIL LEVEL DECISIONS MADE UNDER URGENCY POWERS, AS REQUIRED BY THE CONSTITUTION**

**37a Cleveland Way Car Park, Helmsley - Overnight Parking**

The decision made under urgency powers was received and the Constitutional requirement was met.

**37b Amendment to CARF Policy**

The decision made under urgency powers was received and the Constitutional requirement was met.

**37c Request to Proceed to Install Rapid Electric Vehicle Charging Points in Ryedale District Council Car Parks**

The decision made under urgency powers was received and the Constitutional requirement was met.

**37d Appointment of Senior Information Risk Owner (SIRO)**

The decision made under urgency powers was received and the Constitutional requirement was met.

**37e Works required to repair the roofs of Ryedale District Council's industrial units 1 to 8 at Westgate Carr Industrial Estate, Pickering**

The decision made under urgency powers was received and the Constitutional requirement was met.

**38 ANY OTHER BUSINESS THAT THE CHAIR DECIDES IS URGENT**

There being no items of urgent business, the meeting closed at 10.15pm.



# Minute Annex K

## RYEDALE DISTRICT COUNCIL APPOINTMENT OF MEMBERS TO COMMITTEES 2022 – 2023

### POLICY & RESOURCES COMMITTEE

<b>Conservative</b>	<b>Liberal</b>	<b>Independent</b>	<b>Ryedale First Independent</b>	<b>Independent for Ryedale</b>	<b>Lib Dem &amp; Independent</b>	<b>Ungrouped</b>
K C Duncan C Docwra	J Andrews A Clark	L M Burr A R Riby (VC)	S Arnold	J Frank	D E Keal (C)	
<b>Substitutes</b>	<b>Substitutes</b>	<b>Substitutes</b>	<b>Substitutes</b>	<b>Substitutes</b>	<b>Substitutes</b>	<b>Substitutes</b>
S M Graham J Mackenzie	M Potter	PJ Andrews S N R Thackray	J A Windress	E Hope D E Cussons	S P Mason	

### OVERVIEW & SCRUTINY COMMITTEE<sup>1</sup>

<b>Conservative</b>	<b>Liberal</b>	<b>Independent</b>	<b>Ryedale First Independent</b>	<b>Independent for Ryedale</b>	<b>Lib Dem &amp; Independent</b>	<b>Ungrouped</b>
S M Graham R King	C Wass	A E Raine		D E Cussons	T Middleton (C)	WRFH Oxley (VC)

### PLANNING COMMITTEE

<b>Conservative</b>	<b>Liberal</b>	<b>Independent</b>	<b>Ryedale First Independent</b>	<b>Independent for Ryedale</b>	<b>Lib Dem &amp; Independent</b>	<b>Ungrouped</b>
M J T Cleary (VC) J Mackenzie	M Potter (C)	P J Andrews S N R Thackray	J A Windress	E Hope	S P Mason	C Goodrick
<b>Substitutes</b>	<b>Substitutes</b>	<b>Substitutes</b>	<b>Substitutes</b>	<b>Substitutes</b>	<b>Substitutes</b>	<b>Substitutes</b>
C Docwra S M Graham	J Andrews	L M Burr A R Riby	S Arnold	J Frank D E Cussons	T Middleton	

### LICENSING COMMITTEE

<b>Conservative</b>	<b>Liberal</b>	<b>Independent</b>	<b>Ryedale First Independent</b>	<b>Independent for Ryedale</b>	<b>Lib Dem &amp; Independent</b>	<b>Ungrouped</b>
M J T Cleary (C) J Mackenzie	M Potter (VC)	P J Andrews S N R Thackray	J A Windress	E Hope	S P Mason	C Goodrick

<sup>1</sup> In accordance with the Council's Constitution, where a Member of Overview and Scrutiny Committee has acted as a named substitute at any Policy Committee they may not subsequently scrutinise any decision in which they have been involved.

This page is intentionally left blank

**From:** Cllr. Carl Les [<mailto:Cllr.Carl.Les@northyorks.gov.uk>]  
**Sent:** 04 October 2022 16:06  
**To:** Cllr Dinah Keal <[cldr.dinah.keal@ryedale.gov.uk](mailto:cldr.dinah.keal@ryedale.gov.uk)>; Stacey Burlet <[stacey.burlet@ryedale.gov.uk](mailto:stacey.burlet@ryedale.gov.uk)>  
**Cc:** Richard Flinton <[Richard.Flinton@northyorks.gov.uk](mailto:Richard.Flinton@northyorks.gov.uk)>  
**Subject:** Letter to Chair of Policy & Resources and CEO of Ryedale District Council

Dear Di and Stacey,

Firstly thanks for attending the meeting on capital on Tuesday 27 September 2022 and for the subsequent request to meet with us. We understand arrangements are being made to organise that meeting but we thought it may be helpful to set out an issue in advance of the meeting. We can then explore the issue in more depth when we meet if that is helpful.

We understand that Ryedale DC has been considering a process by where it invites community organisations to express an interest in applying for funds that have been collected as Community Infrastructure Levy. We felt it important to set out the position of NYCC acting as the s24 consenting authority in the interests of the new unitary council from 1 April 2023. The process of obtaining Section 24 consents is designed to ensure that decisions for the new authority are made in the best interests of the residents in the long term and not to encourage councils to make quick decisions that may not go through the usual due diligence process of ensuring that public money is spent in the most appropriate way.

Whilst the process of calling for expressions of interest is a matter for Ryedale District Council, there are three specific points that we feel it is important to register:-

1. CIL money has been highlighted as required for school funding to serve the Norton Lodge development which is a pending planning application currently with yourselves. Should this development go ahead then it is essential that funding is protected as these are precisely the kinds of infrastructure that CIL is supposed to address. We note that the report to Policy & Resources Committee on 25 August 2022 recognises this point. We ask you to further note that the appropriate sum that would be applicable for authorities using s.106 agreements for large scale developments would be £2.34m. This is based on the prevailing NYCC policy on developer contributions and the associated calculation methodology at the time of the Norton Lodge application.
2. The approach set out in the report to your Policy & Resources Committee on 25 August 2022 and was subsequently agreed envisages a wider application process to invite bids rather than the council determining what infrastructure needs exist within Ryedale. Given developments such as Malton Station and the uncertainty of inflation and the overall adequacy of funding for projects of this nature, it seems to us that the approach taken will result in sub-optimal prioritisation taking place. It is surely better to holdback funds for key strategic priorities that benefit in the longer term rather than organising a bidding process?
3. Finally we are of the view that any decision to allocate funding that is not for infrastructure which would deliver the Development Plan would potentially be unlawful and challengeable. The approach to be taken is set out in the National Planning Policy Guidance. There is a concern that the approach proposed would be in breach of this as far any funding decision which does not deliver the Development Plan. The CIL scheme is not designed to be used as a community grant scheme but for the Council to set out the infrastructure needs that CIL can be used for as per the Guidance.

We feel it appropriate to advise you that we would have concerns in granting section 24 consent for the approach as was subsequently approved by Policy & Resources Committee.

Without fettering our discretion, we would be minded to refuse such consents unless there was clear evidence to show how the approach would best serve the residents in the long term. We believe that the current financial challenges are such that any “spare” funding should be held back rather than jeopardise significant capital projects and valuable services in Ryedale and across the rest of North Yorkshire. We would urge you to reconsider such an approach as it is highly likely that any approach will result in wasted effort and potentially disappointment for local community organisations having been encouraged to apply for funding when it unlikely that consent will be granted on behalf of the new council for North Yorkshire on the basis of the limited information in the report.

We would like both councils to work collaboratively in reviewing how best to spend the identified CIL money – the suggested meeting can perhaps explore that approach.

Many thanks,

Carl and Richard

County Councillor Carl Les, Leader of NYCC  
Richard Flinton, Chief Executive, NYCC