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Council

Minutes of Proceedings

At the **Ordinary Council Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Thursday, 1 December 2022**

Present

Councillors Joy Andrews, Paul Andrews, Arnold, Burr MBE, Clark, Cussons MBE, Docwra, Duncan, Frank (Vice-Chair), Goodrick, Graham, Keal, King, Mason, Oxley, Potter, Riby, Thackray and Wass (Chair)

In Attendance

Rachael Balmer, Lily Hamilton, Elizabeth Heath, Anton Hodge, Nicki Lishman, Richard Mair, Harry Rashid, Phillip Spurr and Jill Thompson

Minutes

39 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Cleary, Hope, Mackenzie, Middleton, Raine, and Windress.

40 PUBLIC QUESTION TIME

There were no public questions.

41 MINUTES

The minutes of the Extraordinary Meeting of Council held on 6 October 2022 were presented.

Resolved

That the minutes of the Extraordinary Meeting of Council held on 6 October be approved and signed by the Chair as a correct record.

Voting record

Carried by general affirmation.

42 URGENT BUSINESS

There were no items of urgent business.

43 DECLARATIONS OF INTEREST

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

44 ANNOUNCEMENTS

There were no announcements.

45 TO RECEIVE ANY QUESTIONS SUBMITTED BY MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 (QUESTIONS ON NOTICE AT FULL COUNCIL)

TO COUNCILLOR KEAL, CHAIR OF THE POLICY AND RESOURCES COMMITTEE, FROM COUNCILLOR DUNCAN

Councillor Duncan asked the following question:

- a. Can you please share with all elected councillors a copy of recent legal advice obtained by the council relating to the Community Infrastructure Levy (CIL) Grant Scheme?
- b. Can you please confirm who provided this advice and the total cost of this advice?
- c. Can you please confirm details and costs of recent staffing changes to accommodate the CIL Grant Scheme application process?
- d. Now stage one of the application process has closed, can you please inform councillors how many applications have been received?
- e. Can you please confirm the names of the organisations who have applied, a brief summary of the project and the amount of CIL funding that has been requested?

Councillor Keal responded as follows;

I refer to your Questions on Notice of 21 November 2002 regarding the Community Infrastructure Levy Grant Scheme (the "**Scheme**") currently being operated by Ryedale District Council ("**RDC**"). I am responding to these Questions on Notice in my capacity as the Chair of the Policy and Resources Committee, which has responsibility for the Scheme.

Question a.

Can you please share with all elected councillors a copy of recent legal advice obtained by the council relating to the Community Infrastructure Levy (CIL) Grant Scheme?

Answer

I refer you to Article 2.3(b) of RDC's Constitution which governs the access of RDC's Councillors to information which is legally privileged (as is the case in respect of the information which is the subject matter of your first question). It provides that:

"Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law. The Head of Paid Service may refuse inspection of documents where the documents are, or in the event of legal proceedings would be, protected by privilege arising out of a Solicitor and Client relationship; (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it. For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution."

Following consultation with the Acting Head of Paid Service, the decision has been taken to restrict access to the legal advice to which you refer. In particular, the advice is particularly sensitive in the context of discussions with North Yorkshire County Council and it is not intended to make the contents of the advice public at this time.

In accordance with the Protocol for Members/Officer Relations you are entitled to take this up with the Acting Head of Paid Service.

Question b.

Can you please confirm who provided this advice and the total cost of this advice?

Answer

RDC has sought appropriate advice on various aspects of the Scheme in order to ensure that it meets all relevant requirements. DWF Legal have provided advice under the Crown Commercial Services Framework Agreement in this respect and the fees (excluding VAT) rendered in connection with the advice to date amounts to £7,971.

Question c.

Can you please confirm details and costs of recent staffing changes to accommodate the CIL Grant Scheme application process?

Answer

The post of Economic Development Officer (Grade 7) was created for the period from September 2022 to March 2023 as an internal secondment role and was intended at this time to primarily support the delivery of the CIL Scheme but also deliver a range of other projects within the team including a second round of the Community Environment Grant scheme, active travel projects etc. The post was filled with the recruitment of an Officer from another team within RDC in mid-September 2022.

It was originally intended that the role be funded through the use of LGR backfill monies however, as the current post holders substantive post was not backfilled and was previously operating at the top of Grade 6, the staffing changes implemented are currently operating as cost neutral to the authority and no LGR backfill monies or other RDC funds have yet been utilised.

Given the value of the role to progressing a number of Economic Development team initiatives (both those listed above and other pipeline schemes) this post has been given approval to become permanent. It is anticipated that from January 2023 recruitment will be completed and the vacant post within another RDC team will be filled. It will be from this time that there would be additional staffing costs for RDC of a Grade 7 role – c.£31k per annum plus on costs.

Question d.

Now stage one of the application process has closed, can you please inform councillors how many applications have been received?

Answer

To date at 30.11.22 following the 9am deadline, we have received 20 applications. We have been notified that there may be another received later today. A late application was received and it was agreed with the applicant that, due to medical issues, this could be submitted.

Question e.

Can you please confirm the names of the organisations who have applied, a brief summary of the project and the amount of CIL funding that has been requested?

Answer

Please note following Cllr Duncan's email of 24/11, attached is a list of the brief project details as requested.

Please note that the information disclosed in this response may constitute exempt information for the purposes of the Access to Information Procedure Rules and is provided to you in confidence in furtherance of your duties as Councillors of RDC and should not, therefore, be disclosed to any third party without the consent of RDC. You should note that, in particular, the information could cause substantial prejudice to the interests of RDC if it is disclosed to North Yorkshire County Council.

SEE ATTACHED LIST - CIL GRANTS EXPRESSIONS OF INTEREST

47 AMENDMENT TO THE TERMS OF REFERENCE OF THE GRANTS WORKING PARTY

It was moved by Councillor Keal and seconded by Councillor Mason that the draft Terms of Reference shown at Appendix 1 of the report be agreed.

Councillor Duncan proposed and Councillor Docwra seconded the following amendment to the draft Terms of Reference:

That the final decisions on CIL recommendations come to Full Council.

Upon being put to the vote the amendment was carried.

Voting record

7 For

6 Against

6 Abstentions

Recorded vote

For: Councillors Cussons, Dowcra, Duncan, Graham, Goodrick, Mason and Oxley.

Against: Councillors J Andrews, Clark, Frank, King, Potter and Wass.

Abstentions: Councillors P Andrews, Arnold, Burr, Keal, Riby and Thackray.

Councillor Arnold proposed and Councillor Mason seconded the following amendment.

That this item be deferred to a Special Meeting of the Policy and Resources Committee at the first available opportunity.

Upon being put to the vote the amendment was carried.

Voting record

17 For

1 Abstention

48 HUNGATE CENTRE, PICKERING - USE OF RESIDUAL GRANT FUNDING BY CAVCA

It was moved by Councillor Oxley and seconded by Councillor Burr that the following recommendation be approved;

It is recommended that Council agree that:

- (i) The residual grant funds, totalling £12,737 of the 'up to £25,000' previously awarded, be made available to CaVCA to part-fund further building remedial works and improvements which would assist in ensuring the longevity of the Hungate Centre as a community asset.
- (ii) The grant be drawn from the £200,000 set aside in capital reserves for community use in Pickering.
- (iii) Repayment of the grant if the centre were to cease operating as a community facility within five years, as originally agreed. To be secured by a variation agreement prior to disbursement of the funds.

Upon being put to the vote the motion was carried.

Resolved

It be approved that;

- (i) The residual grant funds, totalling £12,737 of the 'up to £25,000' previously awarded, be made available to CaVCA to part-fund further building remedial works and improvements which would assist in ensuring the longevity of the Hungate Centre as a community asset.
- (ii) The grant be drawn from the £200,000 set aside in capital reserves for community use in Pickering.
- (iii) Repayment of the grant if the centre were to cease operating as a community facility within five years, as originally agreed. To be secured by a variation agreement prior to disbursement of the funds.

Voting record

Unanimous

49 LOCAL GOVERNMENT REORGANISATION - HEAD OF PAID SERVICE AND CHIEF EXECUTIVE

It was moved by Councillor Keal and seconded by Councillor Clark that:

1. The proposed settlement terms set out at paragraph 3.14 of the report are approved
2. Delegated authority is granted to the Solicitor to the Council (Monitoring Officer) to enter into a Settlement Agreement on these terms with the HoPS/Chief Executive
3. Delegated authority is granted to the Solicitor to the Council (Monitoring Officer) to amend the redundancy and payment in lieu of notice figures in the Settlement Agreement, in consultation with the Chair of the Policy and Resources Committee and s151 Officer, to correct any errors to a maximum of 10%

Upon being put to the vote the motion was carried.

Resolved

It was resolved that;

1. The proposed settlement terms set out at paragraph 3.14 of the report be approved
2. Delegated authority be granted to the Solicitor to the Council (Monitoring Officer) to enter into a Settlement Agreement on these terms with the HoPS/Chief Executive
3. Delegated authority be granted to the Solicitor to the Council (Monitoring Officer) to amend the redundancy and payment in lieu of notice figures in the Settlement Agreement, in consultation with the Chair of the Policy and Resources Committee and s151 Officer, to correct any errors to a maximum of 10%

Voting record

14 For

1 Against

4 Abstentions

Recorded vote

For: Councillors J Andrews, Arnold, Clark, Cussons, Docwra, Duncan, Frank, Graham, Keal, Mason, Oxley, Potter, Riby and Wass

Against: Councillor Thackray

Abstentions: Councillors P Andrews, Burr, Goodrick and King

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

50a Revenue and Capital Budget Monitoring Q1 2022/23

Resolved

That the report be noted as it had been superseded by Minute 51: Revenue and Capital Budget Monitoring Q2 2022/23 below.

51 Delivering the Council Plan - Q1 2022/23

Resolved

That the report be noted.

51a Revenue and Capital Budget Monitoring Q2 2022/23

Resolved

That the report be noted.

51b Ryedale Swim and Fitness Centre Boiler Replacement

It was moved by Councillor Keal and seconded by Councillor Riby that;

- (i) £90,000 is allocated from Reserves to fund the replacement of the two boilers at Ryedale Swim and Fitness Centre with equivalent gas boilers, using the procurement process already completed as the basis for this work.
- (ii) Any unforeseen costs including inflated costs beyond the contingency included in 2.1(i) above, to a maximum of £25,000, to be agreed and authorised by the Chair of Policy and Resources, the Programme Director - Place and Resources and the S151 Officer prior to expenditure taking place.

Upon being put to the vote the motion was carried.

Resolved

It was resolved that;

- (i) £90,000 be allocated from Reserves to fund the replacement of the two boilers at Ryedale Swim and Fitness Centre with equivalent gas boilers, using the procurement process already completed as the basis for this work.
- (ii) Any unforeseen costs including inflated costs beyond the contingency included in 2.1(i) above, to a maximum of £25,000, to be agreed and authorised by the Chair of Policy and Resources, the Programme Director - Place and Resources and the S151 Officer prior to expenditure taking place.

Voting record

14 For

2 Against

2 Abstentions

51c Review of the Helmsley Plan

It was moved by Councillor Keal and seconded by Councillor Potter that;

Members agree that the Helmsley Plan remains fit for purpose and should continue to be used as a part of the Development Plan to be applied in decision making on planning applications for the town. This is unless all the allocated sites have been built out, or it is superseded by the adoption of a North Yorkshire Local Plan or a Neighbourhood Plan.

Upon being put to the vote the motion was carried.

Resolved

Members agreed that the Helmsley Plan remained fit for purpose and should continue to be used as a part of the Development Plan to be applied in decision making on planning applications for the town. This is unless all the allocated sites have been built out, or it is superseded by the adoption of a North Yorkshire Local Plan or a Neighbourhood Plan.

Voting record

17 For

1 Abstention

At 9.57pm it was proposed by Councillor J Andrews and seconded by Councillor Goodrick that Standing Orders be suspended to allow the business of the meeting to be completed.

Upon being put to the vote the motion was carried.

Resolved

That Standing Orders be suspended to allow the business of the meeting to be completed.

Voting record

16 For

2 Against

51d Ryedale District Council - Local Development Scheme November 2022-March 2023

It was moved by Councillor Keal and seconded by Councillor Potter that;

- i. The Local Development Scheme is agreed for use and published.
- ii. To agree the principle of an extraordinary meeting of Policy and Resources in March to allow Members more time to consider the Publication of the Plan review.

Councillor Keal then explained that, as members were aware, there had been recent developments concerning the details of the legal advice received on 17 November 2022 concerning the proposed approach of rolling-on of the Ryedale for an additional 5 years, as part of its review.

The advice confirmed that this is a high-risk strategy, which was not in accordance with national planning policy and guidance, or the aligned planning acts which referred to the need to have regard to such national policy and guidance and it was without precedent. The risk of the plan review being found unsound at Examination in Public was, in the view of the King's Counsel, 'very high'. This was a risk which would ultimately rest with the new North Yorkshire Council, as the current Local Development Scheme already sets out that the formal stages of submission, examination and adoption would be under the jurisdiction of the newly formed Council.

The advice also made clear, on the basis of plan-making experiences with unitary bodies who have gone through this process, that their plan making has gone far beyond the 5 year timescale that the Structural Change Order identifies in which to produce a plan. Plans have taken in excess of a decade and some have been withdrawn after many years in the making.

The review of the Ryedale Plan requires a 15 year time scale and this would involve additional policy considerations, as well as a greater number of sites.

This had immediate implications for requesting members to make a decision on the Local Development Scheme as it is currently written.

Officers will scope the additional policy considerations in the review of the plan and engage with the LGR Planning Policy Workstream to advise them of the position and outcome of this meeting. This will inform the updated Local Development Scheme.

It was considered that it remains important to undertake a revised 'Key Decisions consultation', which was a Part A item at the Policy and Resources Committee held on 10 November 2022.

Work on the review of the Ryedale Plan and associated planning policy would continue in earnest.

Councillor P Andrews moved and Councillor Burr seconded the following amendment;

That we defer discussion this item until we obtain a second opinion from a London based Senior Planning King's Counsel.

Upon being put to the vote the amendment was lost.

Voting record

5 For

13 Against

Councillor Keal moved and Councillor Potter seconded the following amendment;

1. That Council defer this item so it can return to the next Policy and Resources Meeting with a full report and updated LDS.
2. That Council agrees to give delegated authority to make changes to the Key Decisions consultation document to reflect the plan period being 15 years, and to provide additional contextual references to this change, subject to the wording having the agreement of the Chair of Policy and Resources and the Chair of Planning Committee.

Upon being put to the vote the amendment was agreed.

Resolved

1. That this item be deferred, so it can return to the next Policy and Resources meeting with a full report and updated LDS.
2. That Council agreed to give delegated authority to make changes to the Key Decisions consultation document to reflect the plan period being 15 years, and to provide additional contextual references to this change, subject to the wording having the agreement of the Chair of Policy and Resources and the Chair of Planning Committee.

Voting record

13 For

5 Against

It was moved by Councillor Keal and seconded by Councillor Potter that the order of the agenda be amended to consider Items 13E, 10 and 12H after Item 7 on the published agenda.

Upon being put to the vote the motion was carried.

Resolved

That Items 13E, 10 and 12H be considered after Item 7 on the published agenda.

Voting record

12 For

4 Against

3 Abstentions

It was moved by Councillor Potter and seconded by Councillor Frank that the following recommendation be approved.

To exclude the press and public from the meeting during consideration of the following item 12H (Works Required to Stabilise the Wall at St Leonards Close, Malton) as provided by paragraph 3 of Schedule 12A of Section 100A of the Local Government Act 1972, as the information relates to the financial or business affairs of any particular person (including the authority holding that information).

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

Following the issue of the agenda and the subsequent dispatch of the late paper for Item 10 (Hungate Centre: CaVCA Request to Spend Residual Grant Funding) it was agreed that this item should be considered as an Exempt Item as provided by paragraph 3 of Schedule 12A of Section 100A of the Local Government Act 1972, as the information relates to the financial or business affairs of any particular person (including the authority holding that information).

Upon being put to the vote the motion was carried.

Resolved

To exclude the press and public from the meeting during consideration of Items 10 (Hungate Centre: CaVCA Request to Spend Residual Grant Funding) and 12H (Works Required to Stabilise the Wall at St Leonards Close, Malton) as provided by paragraph 3 of Schedule 12A of Section 100A of the Local Government Act 1972, as the information relates to the financial or business affairs of any particular person (including the authority holding that information).

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

51f WORKS REQUIRED TO STABILISE THE WALL AT ST LEONARDS CLOSE, MALTON

It was moved by Councillor Keal and seconded by Councillor Potter that the following recommendation be approved;

That Council is recommended to approve the additional budget of £183,317 from the capital programme in 22/23 to fund wall repairs at St Leonards Close, Old Maltongate in Malton to cover the total cost of the works of £263,317 (comprising £218,102 construction cost plus £32,715 fees and £12,500 contingency sum).

Councillor Thackray moved and Councillor Riby seconded the following amendment;

That a second quote is obtained for the work.

Upon being put to the vote the amendment was lost.

Voting record

3 For

14 Against

2 Abstentions

Upon being put to the vote the motion was carried.

Resolved

That the additional budget of £183,317 from the capital programme in 22/23 to fund wall repairs at St Leonards Close, Old Maltongate in Malton to cover the total cost of the works of £263,317 (comprising £218,102 construction cost plus £32,715 fees and £12,500 contingency sum) be approved.

Voting record

17 For

2 Abstentions

52 MOTIONS ON NOTICE SUBMITTED PURSUANT TO COUNCIL PROCEDURE RULE 11

53 PROPOSED BY COUNCILLOR DUNCAN AND SECONDED BY COUNCILLOR POTTER

Councillor Duncan proposed and Councillor Potter seconded the following motion;

That an extraordinary meeting of Council be arranged in spring 2023 (on a date decided by the chairman) to confer the title of Honorary Alderman of Ryedale District Council upon Councillors Paul Andrews, Stephen Arnold, Lindsay Burr, David Cussons, Janet Frank, Eric Hope, Dinah Keal and John Windress, pursuant to the provisions of Section 249 of the Local Government Act 1972, in recognition of the eminent service rendered by them as Councillors of the Ryedale District Council.

Upon being put to the vote the motion was carried.

Resolved

That an extraordinary meeting of Council be arranged in spring 2023 (on a date decided by the chairman) to confer the title of Honorary Alderman of Ryedale District Council upon Councillors Paul Andrews, Stephen Arnold, Lindsay Burr, David Cussons, Janet Frank, Eric Hope, Dinah Keal and John Windress, pursuant to the provisions of Section 249 of the Local Government Act 1972, in recognition of the eminent service rendered by them as Councillors of the Ryedale District Council.

54 ANY OTHER BUSINESS THAT THE CHAIR DECIDES IS URGENT

There being no items of urgent business, the meeting closed at 10.20pm.

Minute Annex

	Organisation Name	Project Title	CIL amount requested
1	Ryedale District Council	Malton Livestock Market Relocation	£984,000.00
2	Malton Tennis Bowls & Squash Club	Modernisation and expansion of Malton Bowls Tennis and Squash club	£525,000.00
3	Kirkham Henry Performing Arts CIC	Building and Changing room refurbishment	£350,000.00
4	Circular Malton & Norton CIC	Ryedale Community Anaerobic Digester at Eden Circular Hub	£350,000.00
5	Malton Town Council	Rainbow Lane Pump Track	£58,000.00
6	Ryedale Learning Trust	Ryedale School 3G	£250,000.00
7	Forestry England	Accessible Shelters Dalby Forest	£247,000.00
8	Helmsley Open Air Swimming Pool	Pool Changing Rooms and Domestic Offices rebuild to include the development of accessible facilities.	£175,000.00
9	Pickering Beck Isle Museum of Rural Life	Improving Infrastructure and Sustainability at Beck Isle Museum	£69,287.25
10	Helmsley Walled Garden	Helmsley Walled Garden Branches Out – the regeneration of a key community and economic resource for Ryedale.	£262,500.00
11	Lady Lumley's School (part of Coast and Vale Learning Trust)	Refurbishment of Outside Sports Facilities Lighting and Heating system	£68,213.00
12	Malton School	Malton & Norton Health, Fitness & Wellbeing Centre	£409,083.00
13	Ryedale YMCA	The Sidings - Environmental Sustainability Programme	£69,375.00
14	Ryedale Special Families	Get A Move On	£854,380.00
15	North Yorkshire Moors Railway Trust	Operational Safety and Lineside Enhancement Project	£240,112.00
16	Woodhams Stone Collection	Securing our past to enrich our future (Stage 2)	£57,240.00
17	Slingsby Sports and Social Club	Slingsby Sports for All	£156,500.00
18	Ryedale Environment Group	Hovingham-Malton Path for Everyone (Broughton Bank Diversion Path)	£54,750.00
19	Norton-on-Derwent Town Council	Allotments Infrastructure Plan	£51,037.50
20	Kirkbymoorside Town Council	Redevelopment of Cricket and Football Club facilities at the sports field	£155,898.75
21	Milton Rooms	The Assembly Rooms in the Milton Rooms moves into the 21st Century as a fit for purpose community function asset for Ryedale and beyond.	£150,000.00

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