

## SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Council held on 4 September 2007, in the Civic Suite, the Civic Centre, Portholme Road, Selby, commencing at 6:00 pm.

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Present: Councillor Mrs J Dyson (Chairman) in the Chair

Councillors: J Cattanach, I Chilvers, M Crane, Mrs D Davies, M Davis, Mrs S Duckett, K Ellis, D Fagan, W Inness, Mrs G Ivey, M Jordan, C Lunn, D N Mackay, Mrs P Mackay, B Marshall, W N Martin, J McCartney, Mrs M McCartney, Mrs K McSherry, Mrs C Mackman, J Mackman, C Metcalfe, Mrs E Metcalfe, Mrs W Nichols, I Nutt, R Packham, C Pearson, B Percival, A Pound, R Sayner, Mrs A Spetch, R H Sweeting, A Thurlow and Mrs D White.

Officials: Chief Executive, Mr J Lund, Strategic Director, Mr S Martin, Strategic Director, Head of Service – Legal and Democratic Services, Head of Service – Environmental Services and Leisure, Head of Service – Housing, Head of Service – Planning and Economic Development, Committee Administrator and Democratic Services Support Assistant.

Observers: 0

The Reverend G Wardell offered opening prayers.

Public: 2

Press: 1

251           **Apologies for Absence**

Apologies for absence were received from Councillors Mrs E Casling, J Deans, Mrs C Goodall, Mrs M Hulme, S Shaw-Wright and Mrs S Ryder.

252           **Disclosures of Interest**

Councillor J Mackman declared a personal interest in Minute 268 – Church Lane, Monk Fryston.

Councillor Mrs C Mackman declared a personal and prejudicial interest in Minute 268 – Church Lane, Monk Fryston.

253           **Minutes of the Meeting of Council 26 June 2007**

**Resolved:**

**That the minutes of the meeting of Council held on 26 June 2007 be approved subject to the amendment below to Minute 138 - Committee and Board Minutes - Policy and Resources Committee minutes 12 June 2007:**

***Community Cinema, Tadcaster (minute 98 of the Policy and Resources Committee minutes) - the wording of this recommendation to read that both sets of equipment be widely available throughout the District.***

254           **Minutes of the Meeting of Council 17 July 2007**

**Resolved:**

**That the minutes of the proceedings of the meeting of Council held on 17 July be approved subject to the amendment below to Minute 210 – Tesco/Dransfeld/Town Centre:**

***The paragraph at the end of the recorded vote which stated “the Leader of the Council stressed to councillors that all parts of the recommendations above must be met in their entirety, otherwise they would fall as a whole” be placed immediately before the recorded vote.***

## Communications

### (a) Outcome of Local Government Review

The Chief Executive officially informed councillors of the outcome of the Unitary Council proposals from North Yorkshire. The Secretary of State had confirmed that North Yorkshire County Council's proposals for a Unitary Council had been rejected.

### (b) Leeds Bradford – London Heathrow Service

The Chief Executive informed councillors that he had received a letter from Leeds Bradford International Airport raising concerns over proposals to reduce the frequency of flights between Leeds/Bradford and London Heathrow and requesting that the Council write two letters:

- (i) the first to the Competition Commission seeking flexibility in charging at London Heathrow to reflect the different economies applicable to short haul domestic services; and
- (ii) The second to Sir Michael Bishop urging him to continue to operate the Leeds Bradford-London Heathrow service at its current frequency in view of the significance of the service to the economy of the region.

### **Resolved:**

**That the Chief Executive write the two letters as requested.**

### (c) Deloitte – Pendant Aluminium Limited

The Chief Executive informed councillors that this item would be covered by the Head of Service – Legal and Democratic Services under the Policy and Resources Minutes of 17 July 2007.

### (d) Councillor Percival – Flying the Flag

The Chief Executive informed councillors that he had received a letter from Councillor Percival in respect of Her Majesty's Government withdrawing the limit of 18 days per year for hoisting the Union flag on public buildings.

It was agreed that the flag should fly at all reasonable times and that the honour for the first hoisting be given to one of the young people in the town.

The Chief Executive also reminded councillors of the forthcoming Canal Festival over the weekend of 15/16 September 2007.

**Resolved:**

**That the first hoisting of the flag be given to one of the young people of the town of Selby and that the flag should fly at all reasonable times.**

256 **Public Questions**

None received.

257 **Councillors' Questions**

None received.

258 **Committee and Board Minutes**

Economy Board – 3 July 2007

Councillor Mrs D Davies informed councillors that her name had been spelt incorrectly in the minutes.

**Resolved:**

**That the minutes, subject to the amendment above, be noted.**

Social Board – 10 July 2007

Councillor I Chilvers informed councillors that his name had been spelt incorrectly in the minutes.

The following issues were raised:

- (i) Minute 173 Major Works Programme – Councillors requested they receive a more detailed report on the works and that the programme be brought back to future Social Board meetings on a regular basis; and
- (ii) Minute 175 Abbey Leisure Services – Councillor Packham requested an update on this item. It was agreed that this item be taken in private session.

**Resolved:**

**That the minutes, subject to the amendment above, be noted.**

## Overview and Scrutiny Committee – 12 July 2007

Councillor Mrs D Davies informed councillors that her name had been spelt incorrectly.

The following issues were raised:

- (i) Minute 181 Emergency planning on the Overview and Scrutiny work programme – it was agreed that the Emergency Planning Handbook published in 2002 be reviewed and updated.
- (ii) Minute 182 Access to Services - Councillor Mrs G Ivey as Chair of the Rural Transport Committee informed councillors that community transport schemes were to be included in the Draft Local Transport Bill; and
- (iii) Minute 185 Derelict Properties - Councillor J Mackman informed councillors that any Section 215 Notices should be passed to the Enforcement Section.

**Resolved that:**

- (i) The recommendation at minute 182 – Access to Services Follow-up be approved;**
- (ii) The Emergency Planning Handbook published in 2002 be reviewed and updated; and**
- (iii) The minutes be noted.**

## Extraordinary Meeting of Overview and Scrutiny Committee – 29 August 2007

**Resolved:**

**That the minutes be noted.**

## Environment Board – 19 July 2007

Councillor C Metcalfe proposed and Councillor Crane seconded a proposal that Selby District Council ask North Yorkshire County Council to undertake a review of the County's on-street parking policies to assist residents in the District who were unable to park on the street and near to their homes.

**Resolved that:**

- (i) Selby District Council ask North Yorkshire County Council to undertake a review of the County's on-street parking policies to assist residents in the District who were unable to park on the street and near to their homes; and**
- (ii) The minutes be noted.**

Planning Committee – 25 July 2007

**Resolved:**

**That the minutes be noted.**

Planning Committee – 22 August 2007

**Resolved:**

- (i) That Minute 241 – 3 – Resolution (ii) be amended to read “*that no new grounds for objection were raised*” instead of “had no new grounds for objection were raised”;**
- (ii) That subject to (i) above, the minutes be noted.**

Policy and Resources Committee – 17 July 2007

Minute 198 Pendant Glass – Restrictive Covenant

The Head of Service – Legal and Democratic Services informed councillors that he was still in negotiations with the administrator and the District Valuer had been involved. A further report would be brought back to Policy and Resources Committee once discussions were completed.

**Resolved that:**

- (i) The minutes be noted; and**
- (ii) The recommendations in the following minutes be approved:**
  - a. Minute 189 – Donation of £25,000 towards the repair costs at Tadcaster Swimming Pool**
  - b. Minute 193 – Request for an Amendment to the Statement of Accounts 2006/2007**

- c. Minute 194 (a) – Unauthorised Encampment Policy and Revised Tenancy Agreement for Housing Services**
- d. Minute 196 (a) – Council owned Industrial Units Update**
- e. Minute 196 (b) – Review of Skip Hire and Septic Tank Services and Property Services Staffing Review; and**
- f. Minute Minute 197 – Policy and Performance Structure Report.**

Standards Committee – 25 June 2007

**Resolved:**

**That the minutes be noted.**

Licensing Committee – 9 July 2007

**Resolved that:**

**The minutes be noted.**

Licensing Committee – 6 August 2007

**Resolved that:**

**The minutes be noted.**

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### **Town Centre Working Group Minutes**

Minutes from the meeting of the Town Centre Working Group on 22 August 2007 had been issued to councillors within the agenda for this meeting of Council.

The Leader of the Council informed Council that there had been a further meeting on 4 September 2007 between Council Officers, Tesco's representatives and the District Valuer, and details from that meeting would be put before Council on 30 October 2007. It would therefore be necessary to seek a further extension of the current longstop date with Tesco in relation to the 2004 Agreement.

Amendments were proposed to the recommendations from the Town Centre Working Group relating to the discussions with Tesco.

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The remaining recommendations from the Town Centre Working Group on 22 August 2007 with regard to the traffic survey project were submitted to Council for consideration.

**Resolved that:**

- (i) That no further action be taken on the recommendations in the minutes of the Town Centre Working Group of 22 August 2007 relating to the Tesco proposals.**
- (ii) The Leader, Deputy Leader and appropriate senior officers, together with other professional advisers, be instructed to continue to negotiate with Tesco and Dransfield and report back to Council on 30 October 2007.**
- (iii) Officers be authorised to agree an extension of the longstop date in the 2004 Agreement for a further three months.**
- (iv) The Council agree a contribution of £20,000 towards the traffic survey project.**

260

**Ombudsman Report**

Mr S Martin, Strategic Director informed councillors of the results of the Ombudsman's investigation into a planning issue.

The Ombudsman had investigated a complaint from the Selby Civic Society regarding the planning report which had been presented to councillors before planning permission was granted to demolish Selby Abbey Primary School.

The Ombudsman had found maladministration causing injustice in the way in which the planning matters had been reported to Committee.

Mr S Martin informed councillors that training on report writing for planning staff would be built in to the Council's training plan for 2007/2008.

**Resolved that:**

- (i) the Ombudsman's report and its findings be accepted; and**
- (ii) an apology in person by the Chief Executive be given to the Civic Society.**



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### **Delegated Powers – Post of Trainee Solicitor**

The Head of Service – Legal and Democratic Services requested councillors to authorise the Trainee Solicitor to appear on behalf of Selby District Council in legal proceedings.

#### **Resolved:**

**That the Trainee Solicitor be authorised under section 223 of the Local Government Act 1972 to prosecute or defend on behalf of Selby District Council in legal proceedings.**

262

### **Affordable Housing and Mortgagee in Possession Clauses**

The Head of Service – Legal and Democratic Services presented a report to Council requesting they consider further requests for the amendment of Section 106 agreements by the insertion of a Mortgagee in Possession ('MIP') clause.

Councillors were also asked to consider authorising officers to agree the wording of such a clause and to consider the Council's future policy in relation to 'rural exception sites'.

#### **Resolved that:**

- (i) The Head of Service – Legal and Democratic Services be authorised to agree the wording of the MIP clause in relation to the requests set out in the report**
- (ii) The Head of Service – Legal and Democratic Services be authorised to include an appropriate MIP clause in S106 agreements in relation to any further requests**
- (iii) Any such MIP clause should include the following:**
  - a. a clawback provision as indicated in the minute of the meeting of the Policy and Resources Committee of 17 April 2007, and**
  - b. a requirement that the Council be notified when a mortgagee or chargee exercises its power of sale in respect of any of the affordable housing units covered by the terms of the particular S106 Agreement; and**
  - c. a requirement that there be a period of 20 weeks during which time the mortgagee or chargee must**

**attempt to dispose of the unit to a purchaser who meets the criteria, before that unit can be offered on the open market; and**

- (iv) If any request is received in future for a MIP clause in respect of any rural exception sites, the request shall be brought to the Policy and Resources Committee for determination.**

263

### **Protocol on Access to Information**

The Head of Service – Legal and Democratic Services presented a report to Council which sought to identify and clarify the existing rights which councillors had to access information held by the Council and to examine how these rights could be incorporated into a protocol to assist councillors and officers.

Councillors were informed that this was a draft and that training sessions were to be held so that the protocol could be discussed and developed.

#### **Resolved that:**

- (i) A draft protocol be developed;**
- (ii) Training sessions be organised for all councillors in relation to the draft protocol; and**
- (iii) Following these sessions a further report be brought back to Council to enable a final version of the protocol to be agreed.**

264

### **Local Strategic Partnership (LSP) Update**

The Chief Executive updated councillors on the main issues and work of the LSP which had arisen since the last update to Council in April 2007.

#### **Resolved:**

**That the report be noted.**

## Urgent Action

The Chief Executive informed councillors that it had been necessary to use emergency powers three times, with regard to:

### Tadcaster Swimming Pool Trust

At the meeting of Policy and Resources Committee on 17 July 2007 (Minute 189) the Chief Executive was authorised to use his emergency powers to expedite a financial contribution of £25,000 towards the cost of repairs to Tadcaster swimming pool, and this had been duly carried out.

### Tadcaster Judicial Review

The Chief Executive informed councillors that a meeting with Samuel Smiths Old Brewery had taken place on 4 September 2007 in respect of the development of Central Area, Tadcaster.

Councillors asked for a further update on this meeting and it was agreed that it would be taken in private session.

### New Telephone System

The Chief Executive informed councillors that the new telephone system for the Call Centre had been purchased from Freedom Telecommunications.

### **Resolved:**

**That the actions of the Chief Executive be endorsed.**

## Sealing of Documents

To authorise the sealing of any documents necessary to action decisions of this Council Meeting, or any of its Committees and Boards for which delegated authority is not already in existence.

### **Resolved:**

**That authority be granted for the signing of, or the Common Seal of the Council being affixed to, any documents necessary to give effect to any resolutions hereby approved.**

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## PRIVATE SESSION

### Resolved:

**That in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, as there will be a disclosure of exempt information as defined in paragraph 3 of Section 12(A) of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006.**

268

### Church Lane, Monk Fryston

Having declared a personal and prejudicial interest in this item, Councillor Mrs C Mackman left the chamber and took no part in the discussion or voting thereon.

The Head of Service – Legal and Democratic Services presented councillors with a report to consider whether the Council wished to contribute towards the cost of works to the roadway at Church Lane, Monk Fryston.

The estimated cost for this work to be carried out would be between £7,000 - £8,000.

Councillor J Mackman informed councillors the road concerned had major problems and that it served council houses built in the 1940s.

He proposed that Council contribute 50% to the cost of repairs to the roadway up to a maximum sum of £4,000.

Following discussion a recorded vote was requested in accordance with the Council's Constitution and councillors voted in the following manner for the recommendation to contribute 50% to the cost of the roadway up to a maximum sum of £4,000.

<b>Name</b>	<b>For</b>	<b>Against</b>	<b>Abstain</b>
D Bain-Mackay	X		
Mrs P Bain-Mackay	X		
Mrs E Casling			
J Cattanach	X		
I Chilvers	X		
M Crane	X		
Mrs D Davies		X	
Ms M Davis		X	

J Deans			
Mrs S Duckett		X	
Mrs J Dyson	X		
K Ellis	X		
D Fagan	X		
Mrs C Goodall			
Mrs M Hulme			
W Inness	X		
Mrs G Ivey	X		
M Jordan	X		
C Lunn	X		
J Mackman	X		
Mrs C Mackman			
B Marshall		X	
W Martin		X	
J McCartney	X		
Mrs M McCartney	X		
Mrs K McSherry	X		
C Metcalfe			
Mrs E Metcalfe			
Mrs W Nichols		X	
I Nutt			
R Packham		X	
C Pearson	X		
B Percival	X		
A Pound	X		
Mrs S Ryder			
R Sayner	X		
S Shaw-Wright			
Mrs A Spetch	X		
R Sweeting		X	
A Thurlow		X	
Mrs D White	X		
	22	9	0

**Resolved:**

**The the Council contribute 50% of the cost of repairs to Church Lane, Monk Fryston up to a maximum sum of £4,000.**

269

**Abbey Leisure Centre – Update**

Mr J Lund, Strategic Director updated Councillors on progress with discussions on the operation and management of leisure services. He informed councillors that a meeting was taking place on Wednesday 5 September 2007 and further reports would be presented to future

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meetings.

**Resolved:**

**That the report be noted.**

270

**Urgent Action – Samuel Smith Old Brewery, Tadcaster**

The Chief Executive updated councillors on the meeting that had taken place in respect of the redevelopment of Tadcaster Town Centre.

It was agreed that the Council seek to agree a stay of proceedings with regard to the Judicial Review until 12 December 2007.

**Resolved:**

**That the stay of proceedings in respect of the Judicial Review be extended until 12 December 2007.**

The meeting closed at 9:00 pm.