

MISSION STATEMENT

***To Improve the Quality of Life
For Those Who Live and Work in the District***

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24 August 2007

Dear Councillor

You are hereby summoned to a meeting of the Selby District Council to be held in the Civic Suite, Civic Centre, Portholme Road, Selby on **Tuesday 4 September 2007** commencing at **6.00 pm**.

Yours sincerely

M Connor
Chief Executive

Opening Prayers will be offered.

AGENDA – PUBLIC SESSION

1. Apologies for Absence

To receive apologies for absence.

2. Disclosure of Interest

To receive any disclosure of interest in matters to be considered at the meeting in accordance with Sections 94 and 117 of the Local Government Act 1972 or the National Code of Local Government Conduct.

3. Minutes

To confirm as a correct record the minutes of the proceedings of the meeting of Council held on 26 June 2007 (pages 6 to 14) and the extraordinary meeting of Council held on 17 July 2007 (pages 15 to 29).

4. Communications

To consider any communications received by the Chief Executive and to pass resolutions thereon if deemed necessary (pages 30 – 31).

5. Public Questions

To consider questions, if any, notice of which has been given in accordance with rule 5.21 of the Constitution.

6. Councillors' Questions

To consider questions, if any, notice of which has been given in accordance with rule 5.22 of the Constitution.

7. Committee and Board Minutes

Economy Board 3 July 2007	Pink	Minutes: 140 – 151 Pages: 32 - 36
Social Board 10 July 2007	Yellow	Minutes: 162 – 177 Pages: 37 – 43
Overview and Scrutiny Committee 12 July 2007	Salmon	Minutes: 178 – 185 Pages: 44 – 47

Extraordinary Overview and Scrutiny 29 August 2007	To follow	
Environment Board 19 July 2007	Blue	Minutes: 211 – 220 Pages: 48 – 53
Planning Committee 25 July 2007	Green	Minutes: 221 – 228 Pages: 54 – 64
Planning Committee 22 August 2007	To follow	
Policy and Resources Committee 17 July 2007	Gold	Minutes: 186 – 199 Pages: 65 – 71
Standards Committee 25 June 2007 – for information	Grey	Minutes: 121 – 128 Pages: 72 – 73
Licensing Committee 9 July 2007 – for information	Cream	Minutes: 152 – 161 Pages: 74 – 76
Licensing Committee 6 August 2007 – for information		Minutes: 229 – 235 Pages: 77 - 79

8. **Town Centre Working Group**

To consider the minutes of the meeting of the Town Centre Working Group held on 22 August 2007 (pages 80 – 82)

9. **Ombudsman Complaint**

Report of Mr S Martin, Strategic Director (pages 83 – 102).

10. **Delegated Powers - Post of Trainee Solicitor**

To consider the report of the Head of Service – Legal and Democratic Services requesting authorisation to enable the trainee solicitor to appear on behalf of the Council in legal proceedings (pages 103 – 105).

11. **Affordable Housing and Mortgagee in Possession Clauses**

Report of Head of Service – Legal and Democratic Services (pages 106 – 112).

12. **Protocol on Access to Information**

Report of Head of Service – Legal and Democratic Services (pages 113 – 129).

13. **Local Strategic Partnership Update**

Report of the Head of Service – Policy and Performance (pages 130 – 135). To be presented by the Chief Executive.

14. **Urgent Action**

The Chief Executive will report on any instances where he has acted in urgent or emergency situations under the functions delegated to him in the Constitution.

15. **Sealing of Documents**

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

16. **PRIVATE SESSION**

It will be recommended that in accordance with Section 100(4) of the Local Government Act 1972, in view of the nature of the business to be transacted, the meeting be not open to the Press and public during discussion of the following items as there will be disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraph 3 of Part 1 of Schedule 12(A) of the Act.

17. **Church Lane, Monk Fryston**

Report of the Head of Service – Legal and Democratic Services (pages 136 - 140).

COUNCILLORS ARE REMINDED TO UPDATE THE REGISTER OF INTERESTS AFTER ANY CHANGE IN CIRCUMSTANCES WHICH MAY AFFECT CURRENT ENTRIES

Descriptions of Exempt Information

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Qualifications for Exempt Information:

Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under -

- (a) the Companies Act 1985;
 - (b) the Friendly Societies Act 1974;
 - (c) the Friendly Societies Act 1992;
 - (d) the Industrial and Provident Societies Acts 1965 to 1978;
 - (e) the Building Societies Act 1986; or
 - (f) the Charities Act 1993.
9. Information falling within any of the 7 categories listed above is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
 10. Information which;
 - (a) falls within any of paragraphs 1 to 7 above; and
 - (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Council held on 26 June 2007, in the Civic Suite, the Civic Centre, Portholme Road, Selby, commencing at 6.00 pm.

131	Minutes of the Meeting of Annual Council 22 May 2007
132	Minutes of the Extraordinary Meeting of Council 12 June 2007
133	Communications
134	Public Questions
135	Councillors' Questions
136	Committee and Board Minutes
137	Statement on Internal Control
138	Statement of Accounts 2006/07
139	Urgent Action

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

Councillors: Mrs E Casling, I Chilvers, M Crane, Mrs D Davies, J Deans, Mrs S Duckett, K Ellis, D Fagan, Mrs M Hulme, W Inness, 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, A Pound, Mrs S Ryder, R Sayner, S Shaw-Wright, Mrs A Spetch, R H Sweeting, A Thurlow and Mrs D White.

Officials: Chief Executive, Mr J Lund, Strategic Director, Head of Service – Legal and Democratic Services, Head of Service – Finance and Central Services, Head of Service – Human Resources, Head of Service – Policy and Performance, Democratic Services Officer, Committee Administrator.

Observers: 0

The Reverend G Wardell offered opening prayers.

Public: 4

Press: 0

129 **Apologies for Absence**

Apologies for absence were received from Councillors Percival, Cattanach, Mrs Ivey and Mrs Goodall.

130

Disclosure of Interest

Councillor Mackay, as Vice-Chair of the Selby Branch of the Yorkshire Local Councils' Associations declared a personal interest in minute 133c and took no part in the voting thereon.

Councillor Martin, as Sherburn-in-Elmet representative of the Selby Branch of the Yorkshire Local Councils' Associations declared a personal interest in minute 133c and took no part in the voting thereon.

131

Minutes of the Meeting of Annual Council 22 May 2007

The Leader informed councillors that it would be necessary to appoint a new representative to the NYCC Scrutiny of Health Panel as there was a requirement that the representative was also a member of Selby District Council's Overview and Scrutiny Committee.

In addition, there were two more amendments to the representatives on outside bodies, which had been determined at Annual Council on 22 May 2007:

Outside Body	Representative
District Alcohol Advisory Service	Representative no longer required
Selby Drug and Alcohol Reference Group	Mrs C Goodall

Resolved that:

- (i) Councillor Mrs McSherry be appointed to the NYCC Scrutiny of Health Panel; and**
- (ii) The minutes of the annual meeting of Council held on 22 May 2007, subject to the amendments above, be confirmed as a correct record and be signed by the Chairman.**

132

Minutes of the Extraordinary Meeting of Council 12 June 2007

The Chief Executive updated councillors on the legal challenge that was being made by Harrogate Borough Council against the Secretary of State's decision to seek proposals for unitary local government.

Councillor Mrs Casling informed the meeting that she and Councillor Pearson had abstained from the vote taken at the extraordinary meeting of Council on 12 June 2007 and that this had not been noted in the minutes.

Resolved:

That the minutes of the extraordinary meeting of Council held on 12 June 2007, subject to the amendment above, be confirmed as a correct record and be signed by the Chairman.

133

Communications

(a) Mr R Wilson MBE

The Chief Executive informed councillors that he had written to Honorary Alderman R Wilson to congratulate him on being awarded the MBE.

(b) Letter – Selby and District Rail Users’ Group

The Chief Executive informed councillors that he had received a letter from the Secretary of the Selby and District Rail Users’ Group, asking the Council to support them in their campaign to open the railway station at Cliffe.

Resolved:

That the Council give their written support to the campaign by the Selby and District Rail Users’ Group to open the railway station at Cliffe.

(c) Letter – Yorkshire Local Councils’ Associations

The Chief Executive informed councillors that he had received a request from the Yorkshire Local Councils’ Associations to contribute a sum of £1600 towards their costs. This request had been made to all the principal authorities within the Yorkshire area.

Councillor Mackay, Vice-Chair of the Selby Branch of the Yorkshire Local Councils’ Associations declared a personal interest in this item and took no part in the voting thereon.

Councillor Martin, Sherburn-in-Elmet representative of the Selby Branch of the Yorkshire Local Councils’ Association declared a personal interest in this item and took no part in the voting thereon.

Resolved:

That Selby District Council contribute a sum of £1600 towards the costs of the Yorkshire Local Councils’ Associations.

(d) Parcel Service to Armed Forces Overseas

The Chief Executive informed councillors that he had received a reply to the letter he had sent to the Ministry of Defence with regard to the postal charges to carry parcels from local post offices to the British Forces Post Office Central Depot (meeting of Council 20 March 2007, minute 1589b).

The parcel service was just one element of the welfare package received by armed forces overseas, and following a survey of personnel on operations, the decision had been made to improve the provision of facilities such as email and the internet, rather than to extend the Ministry of Defence's funding of the parcel service.

Resolved:

That no further action be taken on this matter.

(e) Letter from Councillors Ms M Davis, S Shaw-Wright and J Thurlow

The Chief Executive informed councillors that he had received a letter from the above councillors, with regard to new residents in The Chimes and Garden Court in the Selby North Ward who had not been included on the electoral roll.

The Chief Executive informed councillors that all properties at The Chimes were on the electoral register in time for the May 2007 District Elections and that the relevant forms had been issued, although in some cases these had not been returned by the occupiers.

With regard to Garden Court, these properties had not been placed on the electoral register in time for the May elections and so the residents had not been eligible to vote. However, the occupiers had now been included on the register.

The Chief Executive apologised for the error but stressed that it was the responsibility of each individual to register to vote and if any of the occupants of Garden Court had made this request, they would have been entered onto the electoral register.

Councillors then discussed ways in which residents could be encouraged to participate in the voting process.

Resolved:

That the Overview and Scrutiny Elections Working Group consider election turnout at the May 2007 elections, and associated issues.

134

Public Questions

None received.

Councillor Martin informed councillors that he had attended a meeting of the Yorkshire Local Councils' Associations and that attendees had not known that they could attend Council meetings and ask questions.

Resolved:

That the Yorkshire Local Councils' Associations be informed of Selby District Council's programme of meetings and the rules of procedure for asking questions at Council and committees and boards.

135

Councillors' Questions

Councillor Metcalfe, Chair of the Environment Board, responded to the questions put to him by Councillor McCartney.

136

Statement on Internal Control

The Head of Service – Finance and Central Services presented councillors with the Statement of Internal Control for 2006/2007.

The Statement on Internal Control set out the Council's internal control environment, and reported on a review of the effectiveness of the internal controls in place, and any significant matters that the Council needed to address.

The Statement was considered by the Audit Panel on 20 June 2007.

Resolved:

That the Statement on Internal Control 2006/2007, subject to minor amendments raised at the meeting, be approved.

137

Statement of Accounts 2006/07

The Head of Service – Finance and Central Services gave councillors a detailed presentation of the Statement of Accounts for 2006/2007. In line with the Accounts and Audit Regulations 2003 these had to be approved by 30 June 2007. Councillors had received a copy of the Statement of Accounts with the agenda for the meeting.

The Statement of Accounts had been considered by the Audit Panel on 20 June 2007.

Councillors were informed of a number of minor amendments to the Statement of Accounts.

Councillors raised a number of questions which were answered by the Head of Service – Finance and Central Services, and Accountancy Services Manager.

Resolved:

That the Statement of Accounts 2006/07, subject to minor amendments raised at the meeting, be approved.

138

Committee and Board Minutes

Planning Committee 23 May 2007

Resolved:

That the minutes be noted.

Planning Committee 20 June 2007

Resolved:

That the minutes be noted.

Environment Board 24 May 2007

The Chair of the Environment Board updated councillors on the recent flash flooding that had occurred throughout the District and the hard work of the Council staff in dealing with the emergency.

On behalf of all the councillors, he offered his heartfelt thanks to staff for the dedication and commitment they had shown and congratulated them on their hard work in dealing with the emergency situation.

Resolved:

That the minutes be noted and that staff be thanked.

Social Board 29 May 2007

Councillor Mrs Nichols informed councillors that she had been present at the meeting but this had not been recorded.

Resolved:

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

Overview and Scrutiny 7 June 2007

Councillor Marshall informed councillors that the minutes recorded his apologies but he had been present at the meeting.

The Chair of Overview and Scrutiny confirmed that the Parish Plan Referral at minute 83 would also cover village design statements.

Resolved:

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

Continuation of Meeting

Councillors were informed that the meeting had been running for three hours.

Resolved that:

- (i) The meeting continue until the end of this agenda item; and**
- (ii) An extraordinary meeting of Council be held at 6:00pm on 17 July 2007 in order to complete the remaining items of business set out in this agenda.**

Resolved that:

(i) The minutes be noted; and

(ii) The recommendations in the following minutes be approved:

a. Minute 91 - Committee Suite/Council Chamber Sound System, subject to the following amendment to recommendation (i):

“The procurement of a new, wireless sound system for the Committee Suite/Council Chamber be approved”

b. Minute 94 – General Fund Capital Programme Outturn 2006/2007

c. Minute 95 – General Fund Outturn 2007/2007

d. Minute 98a – Enforcement Policy for the Regulation of Smoking in Smoke Free Premises and Vehicles

e. Minute 98b – Street Scene Enforcement Policy and the Clean Neighbourhoods and Environment Act 2005

f. Minute 98c – Community Cinema in Tadcaster, subject to the following amendment to recommendation (i):

“The hand-over of the mobile cinema equipment to Tadcaster Town Centre be approved, subject to the agreement by Tadcaster Town Council that the equipment will be widely advertised throughout the District and made available to all parish and town councils

g. Minute 100 – Land at Ousegate; and

h. Minute 101 – North Yorkshire Building Control Partnership

Resolved that:

- (i) The minutes be noted; and**
- (i) The recommendation in minute 73 be approved.**

139

Urgent Action

The Chief Executive informed councillors that the Council had an obligation to publish the Annual Delivery Plan by 30 June 2007 and, therefore, it would not be possible to delay its publication until after it had been formally approved at the extraordinary meeting of Council to be held on 17 July 2007. He requested that councillors approve the use of his emergency powers to authorise its publication and in relation to any other deferred item on this agenda where that was necessary in the interim period up to the extraordinary meeting of Council on 17 July 2007.

Resolved that:

- (i) An extraordinary meeting of Council be held on 17 July 2007 at 6:00pm in order to complete the remaining items of business set out in this agenda; and**
- (ii) The Chief Executive be authorised to use his emergency powers in relation to any deferred item on this agenda where that was necessary in the interim period up to the extraordinary meeting of Council on 17 July 2007**

The meeting closed at 9:20pm.

SELBY DISTRICT COUNCIL

Minutes of the proceedings of an extraordinary meeting of the Council held on 17 July 2007, in the Civic Suite, the Civic Centre, Portholme Road, Selby, commencing at 6.00 pm.

202	Work of Staff in Dealing with Recent Flash Flooding
203	Representatives on Outside Bodies
204	Model Code of Conduct
205	Annual Delivery Plan 2007/2008
206	State of the Area Address
207	Urgent Action
208	Sealing of Documents
209	Private Session
210	Tesco/Dransfield/Town Centre

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

Councillors: Mrs E Casling, J Cattanach, I Chilvers, M Crane, Mrs D Davies, K Ellis, Mrs C Goodall, Mrs M Hulme, 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, Mrs S Ryder, R Sayner, S Shaw-Wright, Mrs A Spetch, R H Sweeting and A Thurlow.

Officials: Chief Executive, Strategic Directors, Head of Service – Legal and Democratic Services, Head of Service – Policy and Performance, Head of Service – Finance and Central Services, Democratic Services Officer, Committee Administrator.

The Reverend G Wardell offered opening prayers.

Public: 0

Press: 0

200 **Apologies for Absence**

Apologies for absence were received from Councillors Mrs S Duckett, D Fagan, Mrs D White and J Deans.

201 **Disclosure of Interest**

None received.

202 **Work of Staff in Dealing with Recent Flash Flooding**

Councillor McCartney thanked the staff at Selby District Council for their hard work in dealing with the local flash flooding.

Councillor Mrs D Davies expressed her thanks to the Environment Agency for their prompt response to the flash flooding.

Resolved:

That the staff at Selby District Council be thanked for their hard work during the recent flash flooding.

203 **Representatives on Outside Bodies**

Councillors considered the schedule of nominations for representatives on outside bodies 2007/2008 that still required determination.

The Leader informed councillors that there was an amendment to the representatives on the Audit Consortium Partnership:

Partnership Organisation	New Representatives
Audit Consortium Partnership	Chair of Policy and Resources Committee and the Chair of Audit Panel

The Leader also informed councillors that there was an amendment to the representatives on outside bodies, which had been determined at Annual Council on 22 May 2007:

Outside Body	New Representative
Age Concern Visiting and Support Group	Mrs Spetch

The Leader of the Labour Group nominated Councillor Martin as Labour representative on the Conservation Area Advisory Committee (North).

Resolved that:

- (i) Councillor Mrs Spetch be appointed to the Age Concern Visiting and Support Group**
- (ii) The schedule of representatives on outside bodies for 2007/08, shown attached at Appendix A to these minutes, be approved**
- (iii) Councillor Martin be appointed to the Conservation Area Advisory Committee (North).**

204

Model Code of Conduct

Councillors considered the revised Model Code of Conduct for Councillors which came into effect on 1 May 2007.

Resolved that:

- (i) The Council adopt the mandatory provisions of the revised Model Code of Conduct for Councillors with effect from 17 July 2007; and**
- (ii) The Council adopt the words in brackets in paragraph 12(2) of the revised Code of Conduct.**

205

Annual Delivery Plan 2007/2008

The Head of Service – Policy and Performance presented councillors with the Annual Delivery Plan for 2007/2008.

The Plan met the Council's obligations to publish an annual performance plan and also included a specific corporate improvement chapter that showed the outcomes and actions that the Council would seek to achieve in the coming year to ensure that the strategic themes were addressed and the priorities delivered.

At the meeting of Council on 26 June 2007 (minute 139), the Chief Executive was authorised to use his emergency powers, where necessary, in relation to any item deferred from that meeting in the interim period up to this extraordinary meeting of Council.

The Chief Executive used his emergency powers to enable the Annual Delivery Plan to be published before 30 June 2007, to ensure statutory timetables were met.

Resolved:

That the Annual Delivery Plan 2007/2008 be approved and adopted.

206

State of the Area Address

Councillor Crane, Leader of the Council, submitted the State of the Area Address for 2007 and Councillor Mrs Nichols responded as Leader of the Labour Group.

Resolved:

That the State of the Area Address be approved as a consultation document for discussion with the community.

207

Urgent Action

The Chief Executive informed councillors that it had been necessary to use emergency powers on five occasions, with regard to:

- (i) A covenant on a Council owned property in Tadcaster
- (ii) The payment of an additional £4,000 with regard to the Selby Town Concept Plan
- (iii) A compromise agreement with an employee at Selby District Council
- (iv) An extension to the long-stop date between the Council and Tesco;
and
- (v) The serving of notice on the North Yorkshire Police and North Yorkshire County Council to gain possession of the site on which the communication mast on Portholme Road was situated.

208

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.

209

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.

210

Tesco/Dransfield/Town Centre

Councillors considered several outstanding issues and the recommendations from the Town Centre Working Group which met on 12 June 2007.

Following discussion, the recommendations below were proposed and seconded:

- (i) That the Council agrees in principle to use its Compulsory Purchase powers in relation to the proposals by Dransfield for the development of parts of the town centre pursuant to planning permission
- (ii) That the exercise of those powers be subject to the following conditions:
 - a. the obtaining of specialist advice on the implications for the Council and on the safeguards which the Council needs to build into any agreement with the developer
- (iii) That the Council agrees in principle to an agreement with Tesco for the purchase of the depot land for £3.4 million as set out in the agreement dated December 2004, together with the variations listed below:
 - a. agree the Council's continued use of the depot site for a peppercorn rent
 - b. Tesco to give the Council a minimum of 6 months' notice to vacate with a minimum of 2 years' continued occupation

- c. Tesco to grant the Council access rights to the Council offices and car park for as long as they are in occupancy. Tesco reserve the right to provide alternative access arrangements
- (iv) There is no further extension of time of the Tesco base agreement except to complete the legal agreement set out above
- (v) That the Council agrees in principle to grant, subject to the advice of the DV on the proposal, a right of pre-emption to acquire the Civic Centre site as set out in the draft proposal from Tesco when notification is given to Tesco of vacant possession of the Civic Centre site, with that right of pre-emption running for a period of 5 years
- (vi) That the Council obtains appropriate expert professional advice and concludes an agreement with Dransfield encompassing the sale of land for the NYCC school, other identified land and engages in an appropriate CPO of land to effect the Dransfield proposals for which planning permission has been given
- (vii) That the Town Centre Working Group consider the concept proposals submitted by Urban Vision and make recommendations in due course to Council; and
- (viii) That authority be given to the Head of Service for Legal and Democratic Services to serve notice on North Yorkshire County Council to terminate the lease of the site of the telecommunications mast in the Council's car park such notice to expire on 1st July 2008.

A recorded vote having been requested in accordance with the Council's Constitution, councillors voted in the following manner for the recommendations above:

Name	For	Against	Abstain
D Bain-Mackay	X		
Mrs P Bain-Mackay	X		
Mrs E Casling	X		
J Cattanach	X		
I Chilvers	X		
M Crane	X		
Mrs D Davies		X	
Ms M Davis			
J Deans			
Mrs S Duckett			
Mrs J Dyson			X
	Council		

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

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.

Resolved that:

The recommendations above be agreed.

The meeting closed at 8:05pm.

**Selby District Council
Representatives on Outside Bodies 2007/2008**

OUTSIDE BODY	REPRESENTATIVE	TERM EXPIRES/NO. OF PLACES	MINUTE REFERENCE NO.
PARTNERSHIPS			
Association of North Yorkshire Councils	Cllr M Crane	2007 (1)	14
Local Government Association	Cllr C Metcalfe Deputy – Cllr B Percival	2007 (1 + 1)	14
Local Government Association Fourth Option Special Interest Group	Cllr J McCartney	2007 (1)	14
Local Authorities -Yorkshire and the Humber	Cllr M Crane	2007	14
National Association of Councillors (National and Northern Branch)	Cllr J Mackman Mrs W Nichols	2007 (2)	14
Yorkshire and Humber Assembly	Chair of P&R or nominee	2007 (1)	14
Yorkshire and Humber Employers' Committee	Chair of P& R or nominee	2007 (1)	14

Selby District Local Strategic Partnership	Chair of P& R or nominee	2007 (1)	14
Selby Urban Renaissance Programme:			14
Town Team Executive	Cllr M Crane Cllr B Percival Cllr R Packham	2007 (3)	
Selby Town Team	Cllr Mrs J Dyson	2007 (1)	
Sherburn-in-Elmet Town Team	Cllr M Jordan	2007 (1)	
Tadcaster Town Team	Cllr C Metcalfe	2007 (1)	
Energy Team	Cllr Mrs E Casling	2007 (1)	
NYCC Scrutiny of Health Panel	Cllr Mrs J Dyson (Substitute: Cllr Mrs K McSherry)	2007 (1)	131
York and North Yorkshire Development Board (Partnership Unit – Secretariat)	Cllr B Percival	2007 (1)	14
York and North Yorkshire Sub Regional Group – Tourism Delivery	Cllr R Sayner	2007 (1)	14

<u>COMMUNITY LINKS</u>			
Age Concern Visiting and Support Group	Cllr Mrs A Spetch	2007 (1)	203
Alzheimers Disease Society	Cllr Mrs S Ryder	2007 (1)	14
Appleton Roebuck and Copmanthorpe Drainage Board	Cllr Mrs P Mackay Cllr B Percival	2007 (2)	14
Association of Voluntary Services for Selby	Cllr Mrs A Spetch	2007 (1)	14
Citizens Advice Bureau – Selby	Cllr D Fagan	2007 (1)	14
The Alliance (formerly known as Coalfields Communities Campaign)	Cllr Mrs W Nichols	2007 (1)	14
Yorkshire Coal Industry Taskforce	Cllr Mrs W Nichols	2007 (1)	
Crossroads Care Scheme Committee	Cllr Mrs D Davies	2007 (1)	14
DIAL Management Executive Committee	Mr D Peart	2007 (1)	14
Drax Power Station Consultative Committee	Cllr I Chilvers Cllr J McCartney Cllr Mrs K McSherry Cllr J Thurlow	2007 (4)	14

OUTSIDE BODY	REPRESENTATIVE	TERM EXPIRES/NO. OF PLACES	MINUTE REFERENCE NO.
<u>COMMUNITY LINKS</u>			
Eggborough Power Station Consultative Committee (formerly Gale Common)	Cllr Mrs M Davis Cllr Mrs Dyson Cllr Mrs G Ivey Cllr J McCartney Cllr C Pearson Cllr Mrs S Ryder	2007 (6)	203
Hull and Goole Port Authority	Cllr J Mackman	2007 (1)	203
Power Stations Joint Environmental Committee	Cllr I Chilvers Cllr Mrs M Davis Cllr Mrs G Ivey Cllr C Metcalfe Cllr I Nutt Cllr R Packham Cllr C Pearson Cllr J Thurlow	2007 (8)	203

Knottingley to Gowdall Drainage Board	Cllr Mrs D White Vacancy	2007 (2)	203
Leader Plus Local Action Group	Cllr R Sayner Vacancy	2007 (2)	203
National Society for Clean Air	Cllr D Mackay Cllr C Pearson Cllr C Lunn	2007 (3)	203
North Wharfe Internal Drainage Board	Cllr Mrs P Mackay Cllr Mrs E Metcalfe	2007 (2)	203
North Yorkshire Cultural Partnership	Cllr Mrs G Ivey (Chair of Social Board)	2007 (1)	203
North Yorkshire Supporting People	Cllr C Lunn	2007 (1)	203
Oglethorpe and Dawson Education Foundation	Cllr Mrs E Metcalfe Cllr R Sweeting	2007 (2)	203
Ouse and Derwent Internal Drainage Board			203
First Electoral Division – Ouse	Cllr W Inness Cllr B Marshall	2007 (2)	

Third Electoral Division – Cliffe	Cllr Mrs K McSherry Cllr Mrs S Duckett	2007 (2)	
Read School Drax – Governor	Cllr I Chilvers	2007 (1)	203
RELATE	Cllr Mrs K McSherry	2007 (1)	203
Access to Services (York & Selby)	Cllr Mrs G Ivey	2007 (1)	203
Selby Area Internal Drainage Board	Cllr Mrs J Dyson Cllr B Percival Cllr C Pearson Cllr K Ellis Cllr I Chilvers Cllr Mrs A Spetch Mrs M Fagan Mr A Cawood	2007 (8)	203
Selby Area Committee	Cllr I Chilvers Cllr Mrs C Mackman Cllr R Packham Cllr Mrs A Spetch	2007 (4)	203
Selby Area Learning Partnership	Cllr D Fagan	2007 (1)	203
Selby College Board of Governors	Cllr C Lunn	2007 (1)	203

Selby and District Rail Users Group	Cllr Mrs D Davies Cllr Mrs C Mackman	2007 (2)	203
Selby District Advocacy	Cllr Mrs C Mackman	2007 (1)	203
Selby Drug and Alcohol Reference Group	Cllr Mrs C Goodall	2007 (1)	203
South Wharfe Internal Drainage Board	Cllr D Bain-Mackay Cllr K Ellis Mr W Harrison	2007 (3)	203
University of Hull– Membership of Court	Cllr Mrs C Mackman	2007 (1)	203
Went Internal Drainage Board	Cllr Mrs G Ivey	2007 (1)	203
Yorkshire Mining Museum Liaison Committee	Cllr N Martin	2007 (1)	203
Yorkshire and Humberside Employers Forum	Chair of P&R Committee	2007 (1)	203
Yorkshire and Humberside Pollution Advisory Committee	Chair of Environment Board and Cllr M Jordan	2007 (2)	203
Yorkshire and Humberside R.F.C.A Association	Cllr B Marshall	2007 (1)	203

Travelling expenses are payable for attendance at meetings of the Outside Bodies listed.

REPRESENTATION ON PARTNERSHIP ORGANISATIONS

(Appointed by Policy and Resources Committee)

Audit Consortium Partnership	Chair of Policy and Resources Committee Chair of Audit Panel
Building Control Partnership (2 places)	Cllr J Mackman Cllr B Percival
Groundwork Selby (2 places)	Cllr I Nutt Cllr W Nichols

Travelling expenses are payable for attendance at meetings of the Outside Bodies listed.

Jane Stewart - for Crad. agenda.



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8 August 2007

Mr Martin Connor
Chief Executive
Selby District Council
Civic Centre
Parholme Road, Selby
North Yorkshire
YO8 4SB



Dear Mr Connor

Leeds Bradford – London Heathrow Service

The airline bmi has operated an air service between Leeds Bradford and London Heathrow since 1980, the service having previously been operated by British Airways. In 1999 the frequency reduced from 5 flights per weekday to 4. In 2006 approximately 150,000 people used the service. CAA statistics show that around 65% take onward connections to destinations beyond Heathrow, whilst the majority of the rest use the service to pursue business in the M4 corridor. The service is Leeds Bradford's 3rd most heavily used, after Dublin and Amsterdam. Most of those using the service do so for business purposes.

The service is important to the economy of the Leeds City Region. Its importance arises primarily from the opportunity to connect to the 241 international destinations served from London Heathrow. In this context we know that the service is significant not just for the business communities in Leeds and Bradford but also in many other ways, for example in terms of inward tourism to the region and in supporting events and exhibitions at the Harrogate Conference Centre.

Two recent developments are currently placing the service at risk. Firstly, bmi have long held ambitions to operate transatlantic services from Heathrow and the new "open skies" policy agreed in the past year will enable them to start such services next year. They are on record as stating that, because of the absence of spare "slots" at Heathrow, this means that their existing domestic services to Heathrow would have to be reduced in frequency or withdrawn.

Secondly, consideration is currently being given to the question of landing charges at Heathrow. The CAA has proposed to the Competition Commission that charges at Heathrow be increased by more than 70% over the coming 5 years (assuming RPI increases by 2.5%p.a.) bmi say that these increases, together with the recent doubling of Air Passenger Duty by the Government, will mean that their domestic short haul operations are no longer viable.

I can assure you that Leeds Bradford's charges to bmi, whilst obviously being commercially confidential, are extremely competitive and are specifically structured to enable the Heathrow service to continue to operate.



DIRECTOR OF THE HARROGATE

Harrogate Airport
Leeds Bradford International Airport Limited, 2005205
Registered Office: Harrogate, North Yorkshire



Institute of
Customer Service



My purpose in writing is to ask you if you would be prepared to write two letters in the next few days. The first would be to the Competition Commission and I would suggest the following points:

- I understand charges at London Heathrow are currently under review. My specific concern is in respect of charges that apply to the London Heathrow-Leeds Bradford service, in view of its economic significance to the Region.
- My understanding is that the charges at Heathrow are effectively "one size fits all" and they do not take any account of the different economics applicable to a short haul domestic service on the one hand and a long haul international service on the other.
- In view of the significance of the London Heathrow service to the economy of the Region, and the likelihood that bmi may reduce frequency or withdraw the service if the current proposed increases in charges are agreed, I would urge that some flexibility is introduced in order to take account of the very different economics of vital short haul services between Heathrow and the UK regions.

The Competition commission address is as follows:-

Competition Commission –
BAA London Airports Inquiry
Victoria House
Southampton Row
London
WC18 4AD

The second letter would be addressed to Sir Michael Bishop, Chairman of bmi and would basically urge 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.

Sir Michael's address is as follows:-

Sir Michael Bishop
Chairman
bmi
Donington Hall
Castle Donington
Derby
DE74 2SB

It would be greatly appreciated if you could copy me in to the letters you send together with any replies received.

If I can help with any further information, please do not hesitate to contact me.

Thank you in anticipation.

Kind regards

E J S Anderson
Managing Director

P.S. I have written in similar terms to the Leeds



INVESTOR IN PEOPLE

Selby District Council

Minutes of the proceedings of a meeting of the Economy Board held on 3 July 2007, in Committee Room 2, The Civic Centre, Portholme Road, Selby, commencing at 4.00pm.

142	Minutes
143	Chair's Address to the Economy Board
144	Time of Commencement of Meetings
145	PI Report April 2006 – March 2007 and 2007/2008 PI Report: April 2007
146	Budget Monitoring to 31 March 2007
147	Sub Regional Investment Plan (SRIP)
148	Leeds City Region Update
149	Selby District LEADER + Programme Update
150	Potential Tour of the District Private Session
151	Council Owned Industrial Units Update

Present: Councillor Lunn in the Chair

Councillors: M Crane (for J Deans), Mrs D Davis (for J Thurlow), K Ellis, D Fagan, M Jordan (for Mrs C Goodall), N Martin, I Nutt and R Sayner.

Officials: Head of Service – Policy and Performance, Head of Service – Planning and Economic Development, Accountancy Service Manager, Principal Economic Development Officer, Head of Development Service – North Yorkshire County Council, External Funding Officer and Committee Administrators.

Observers: Councillor Mrs A Spetch

Public: 0

Press: 0

140 **Apologies for Absence and Substitution**

Apologies were received from Councillors J Deans, Mrs C Goodall, Mrs P Mackay, J Thurlow and R Sweeting.

Substitute Councillors were M Crane (for J Deans), Mrs D Davis (for J Thurlow) and M Jordan (for Mrs C Goodall).

141 **Disclosure of Interest**

None

142 **Minutes**

Resolved:

That the minutes of the proceedings of the meeting of the Economy Board held on 10 April 2007 be confirmed as a correct record and be signed by the Chair.

143 **Chair's Address to the Economy Board**

The Chair gave his address to councillors which covered the following issues:

- A handbook had been produced for councillors which included a directory of acronyms. This had been circulated to all members of the Board.
- When producing minutes acronyms would be used but the full title would be used in the first instance.

144 **Time of Commencement of Meetings**

Councillors considered the start time of meetings and proposed 5pm.

Resolved:

That meetings of the Economy Board for the 2007/08 municipal year commence at 5pm.

145 **PI Report April 2006 – March 2007 and 2007/2008 PI Report: April 2007**

The Head of Service-Policy and Performance updated councillors on the progress that had been made in 2006/2007 and that is being made in 2007/2008 for the corporate and statutory Best Value Performance Indicators (BVPs) for which they are responsible.

Resolved:

That the report be noted and future reports include Council Tax details.

146

Budget Monitoring to 31 March 2007

The Accountancy Service Manager presented councillors with a report detailing major variations between budgeted and actual expenditure and income for 2006/07.

Councillors requested details be included in future board reports to show the percentage of people paying Council Tax by direct debit.

Resolved:

That the report be noted.

147

Sub-Regional Investment Plan (SRIP)

The Principal Economic Development Officer updated councillors on the progress of the SRIP, particularly in regard to the strategic sites and the focus on transforming Selby. Developments in tourism, leisure and retail facilities would have some financial implications for 2008/9 and future years, but if councillors supported the plan officers would continue to develop this aspect and look into budget implications further.

Resolved that:

- i. the report be noted**
- ii. the progress on the Sub-Regional Investment Plan be noted**
- iii. councillors support the**
 - a) development of the strategic sites and science investment**
 - b) securing of transformational changes in Selby.**

148

Leeds City Region Update

The Head of Development Services, North Yorkshire County Council updated councillors on the progress of the Leeds City Region and its impact on Selby District.

Councillors noted that the scheme to extend the Metro cards to provide cheaper transport into Selby District and the possible support to the Burn Airfield would be very good value.

Resolved:

That the report be noted.

149

Selby District LEADER + Programme Update

The External Funding Manager updated councillors on the progress of the Selby District LEADER + programme. The programme continued to deliver tangible economic and social outcomes across the district and had received £2million in funds from the European Union, Department for Environment, Food and Rural Affairs (Defra), and elsewhere. A final report would be made to the Board in November prior to the programme ceasing to fund projects in December 2007.

Resolved:

That the report be noted.

150

Potential Tour of the District

The Principal Economic Development Officer asked councillors to consider the usefulness of a tour of the district. A date of 11 September was proposed.

Resolved:

That the Principal Economic Development Officer email all councillors for confirmation of attendance by the end of July.

Private Session

That in accordance with Section 100(A)(4) of the Local Government Act 1972, in view of the nature of the business to be transacted, the meeting be not open to the Press and public during consideration of the following items as there will be a disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraph 3 of Part 1 of Schedule 12A to the Act.

151

Council Owned Industrial Units Update

The Principal Economic Development Officer informed councillors of an offer by Warner Estate Holdings PLC to sell their share of the Swordfish Way Industrial Units to both the District and County Councils.

Recommendation to Policy and Resources Committee that:

- i. the private sector partner of the Swordfish Industrial Units be bought out**
- ii. Officers be authorised to open negotiations with the relevant parties**
- iii. a supplementary estimate for the purchase of the share as outlined in paragraph 1.6 of the additional paper be approved.**

The meeting closed at 4.45pm.

SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Social Board held on 10 July 2007 in Committee Room 2, The Civic Centre, Portholme Road, Selby, commencing at 5.00pm.

164	Minutes
165	Chair's Address to the Social Board
166	Performance Indicator Report: April 2007 – May 2007
167	Budget Monitoring to 31 March 2007
168	Unauthorised Encampment Policy
169	The Duties of the Co-Located Safer Communities Officers
170	Review of The Private Sector Housing Assistance Policy
171	Revised Tenancy Agreement for Housing Services
172	Results of the Tenants Satisfaction Survey 2006
173	Major Works Programme
174	Private Session
175	Abbey Leisure Services
176	Review of Skip Hire and Septic Tank Services
177	Property Services Staffing Review

Present: Councillor Mrs G Ivey in the Chair

Councillors: I Chivers, Ms M Davis, K Ellis, Mrs C Goodall, M Jordan (for D Mackay), Mrs C Mackman, Mrs M McCartney, Mrs W Nichols, C Pearson (for Mrs E Metcalfe), A Pound.

Officials: Jonathan Lund – Strategic Director, Head of Service – Policy and Performance, Head of Service – Finance and Central Services, Head of Service – Housing, Principal Environmental Health Officer, Safer and Stronger Communities Coordinator, Interim Property Services Manager, Democratic Services Officer and Committee Administrator.

Also in Attendance: James Felton - Solicitor
Mr Furminger – Tenants' Representative
Tim Deakin – Development Manager, Wychavon District Council
Peter Williams - Managing Director, Wychavon Leisure Community Association.

Observers: Councillor Mrs D Davies

Public: 0
Press: 0

162 **Apologies for Absence and Substitution**

Apologies were received from Councillors D Mackay and Mrs E Metcalfe.

Substitute councillors were Councillors M Jordan (for D Mackay) and C Pearson (for Mrs E Metcalfe).

163 **Disclosure of Interest**

None.

164 **Minutes**

Resolved:

That the minutes of the proceedings of the meeting of the Social Board held on 29 May 2007 be confirmed as a correct record and be signed by the Chair.

165 **Chair's Address to the Social Board**

The Chair gave no address.

166 **Performance Indicator Report: April 2007 – May 2007**

The Head of Service – Policy and Performance updated councillors on the priority areas and the performance of the Council using Best Value Performance Indicators for those areas for which the Social Board is responsible.

It was noted that further work was requested in the reported attendance figures for Abbey Leisure Centre and the revised figures would be incorporated into the next report.

Resolved:

That the report be noted.

167 **Budget Monitoring to 31 March 2007.**

The Head of Service – Finance and Central Services presented councillors with a report detailing the major variations between budgeted and actual expenditure and income for the financial year 2006/07.

Resolved:

That the report be noted.

168

Unauthorised Encampment Policy

The Principal Environmental Health Officer presented councillors with a revised Unauthorised Encampment Policy. This contained minor amendments and replaced that circulated with the agenda. The new policy set out the Council's intentions on unauthorised encampments on Council land.

Councillors noted the excellent work carried out to produce the policy.

Resolved that:

- (i) The report be approved; and**
- (ii) The amended policy be referred to the Policy and Resources Committee.**

Recommendation to Policy and Resources that:

- (i) The policy be adopted; and**
- (ii) The Head of Environmental Health and Leisure Services be given delegated authority to determine cases where unauthorised encampments on council-owned land will be tolerated for more than 20 days.**

169

The Duties of the Co Located Safer Communities Officers

The Head of Service – Policy and Performance informed councillors of the changed role of the Safer Communities Officers.

The Safer and Stronger Communities Coordinator informed councillors that a report on neighbourhood sweeps would come before the next meeting of Social Board.

Resolved:

That the changes and responsibilities to the role of the Safer Communities Officers be noted.

170

Review of the Private Sector Housing Assistance Policy

The Principal Environmental Health Officer sought endorsement from councillors for the Private Sector Housing Assistance policy setting out the way the Council intended to fund repairs, improvements and adaptation of private housing across the district.

Resolved:

That the report be approved.

Recommendation to Policy and Resources:

That the new Private Sector Housing Assistance policy be approved.

171

Revised Tenancy Agreement for Housing Services.

The Head of Service – Housing informed councillors of the feedback received from consultations over the new tenancy agreement for housing services and sought approval for the proposed new tenancy agreement.

Resolved that:

- (i) That the report be approved; and**
- (ii) The additional amendments proposed as a result of consultation be accepted.**

Recommendation to Policy and Resources that:

- (i) The new tenancy agreement be approved, subject to the additional amendments proposed as a result of consultation; and**
- (ii) The Head of Service – Housing be given delegated authority to incorporate any amendments to the drafting of the agreement made by the Campaign for Plain English.**

172

Result of the Tenant Satisfaction Survey 2006

The Head of Service – Housing informed councillors of the results of the 2006 Tenants Satisfaction Survey undertaken by Housing Services.

The survey was undertaken every 3 years by all local authorities in the country. Each local authority sent out the same questionnaire to allow the results to be compared with other local authorities.

The results of the survey informed the following two Best Value Performance Indicators (BVPIs):

- BVPI74: % satisfied with the overall service provided by the landlord, and;
- BVPI75: % satisfied with the opportunities for participation.

The BVPIs would be reported to the Audit Commission who would produce national averages for these indicators.

The response rate for 2006 was excellent with 3 in 10 tenants wanting to get involved in further consultation activities. Overall satisfaction was stable compared to the survey of 2003.

Resolved:

That the report be noted.

173

Major Works Programme

The Interim Property Services Manager gave a presentation to councillors on the Major Works Programme.

Resolved that:

- (i) The presentation be noted; and**
- (ii) Reports be submitted on a regular basis to future meetings of Social Board, detailing progress of works on the Decent Homes programme.**

Private Session

That in accordance with Section 100(A)(4) of the Local Government Act 1972 in view of the nature of the business to be transacted the meeting be not open to the Press and public during discussion of the following items as there will be a disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraphs 1,2,3 and 4 of Part 1 of Schedule 12A to the Act.

Abbey Leisure Services

Jonathan Lund – Strategic Director introduced Tim Deakins and Peter Williams from Wychavon District Council. He informed councillors of the further developments and management of Leisure Services at Selby District Council and the proposed partnership with Wychavon District Council.

A legal briefing paper was distributed to councillors with revised recommendations. It was suggested that further work should be undertaken to explore the advice and options contained in the legal advice and briefing and that further reports be prepared as necessary to take the matter forward.

Resolved that:

- (i) The proposals to work in partnership for a two year period with Wychavon Leisure Community Association Ltd in an effort to secure financial savings and service improvements with the provision of leisure services, be noted**
- (ii) The Strategic Director, following consultation with the Chair of Social Board, be authorised to identify and pursue the most appropriate arrangement for the provision of leisure services, in light of the latest legal advice**
- (iii) Further reports on the detailed financial implications, legal terms, service improvement programme and staffing arrangements be sought, to ensure full compliance with EU and national legislation and the Council's own contract procedure rules when deciding upon the most appropriate arrangement to provide leisure services in the district; and**
- (iv) Comprehensive consultation with staff and their representatives be carried out throughout the process in accordance with the Council's adopted protocol for the management of organisational change.**

176

Review of Skip Hire and Septic Tank Services

The interim Property Services Manager informed councillors of the review of the Skip Hire and Septic Tank Services and the results of the viability of these services.

Resolved:

That the report be approved.

Recommendation to Policy and Resources:

That the recommendations in the report be approved.

177

Property Services Staffing Review

The Head of Service – Housing informed councillors of the outcome of a review of the existing property services staffing structure and sought approval for a new structure.

Resolved:

That the report be approved.

Recommendation to Policy and Resources that:

The new staffing structure be approved.

The meeting closed at 7.45pm.

SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Overview and Scrutiny Committee held on Thursday 12 July 2007, in Committee Room 2, The Civic Centre, Portholme Road, Selby, commencing at 5:00 pm.

180	Minutes
181	Chair's Address to the Overview and Scrutiny Committee and Work Programme
182	North Yorkshire and York Primary Care Trust
183	Work Programmes – For Information
184	Access to Services – Follow Up
185	Questions to the Chief Executive

Present: Councillor J McCartney in the Chair

Councillors: Mrs S Duckett, Mrs M Hulme, W Inness, B Marshall, Mrs K McSherry, Mrs S Ryder and Mrs A Spetch

Officials: Chief Executive, Senior Solicitor, Democratic Services Officer, Committee Administrator

Also in Attendance: Dr J Soo-Chung, Chief Executive and John Brown, Director of Corporate Affairs and Communications from the North Yorkshire and York Primary Care Trust.

Observers: Councillor Mrs D Davis.

Public: 0

Press: 2

178 **Apologies for Absence**

Apologies were received from Councillors J Cattanach, Mrs J Dyson and Mrs D White.

179 **Disclosure of Interest**

Councillor W Inness declared a personal interest in Minute 183 - North Yorkshire and York Primary Care Trust.

180

Minutes

Resolved:

That the minutes of the proceedings of the meeting of the Overview and Scrutiny Committee held on 7 June 2007 be confirmed as a correct record and be signed by the Chair.

181

Chair's Address to the Overview and Scrutiny Committee and Work Programme

Councillors considered whether to include emergency planning as an item on the Overview and Scrutiny work programme.

Resolved:

That emergency planning be included as an item on the Overview and Scrutiny work programme.

182

Access to Services – Follow Up

The Chair informed councillors that meetings had been held with representatives from Community Transport and Age Concern regarding transport in Selby District.

Councillors discussed the service that was being provided by Community Transport and Age Concern, in particular the need to recruit more volunteer drivers in rural areas. Councillors also discussed whether the government should be lobbied for validated community transport schemes to be included in national concessionary bus pass schemes.

Recommendation to Council that:

- i) Selby District Council and individual councillors do what they can to assist in the recruitment of volunteer drivers in rural areas; and**
- ii) Selby District Council lobby the government for validated community transport schemes to be included in the national concessionary bus pass scheme when it is introduced in April 2008.**

North Yorkshire and York Primary Care Trust

The Chair welcomed Janet Soo-Chung, Chief Executive and John Brown, Director of Corporate Affairs and Communications of the North Yorkshire and York Primary Care Trust to the Overview and Scrutiny Meeting.

Councillors raised issues and concerns over the following:

- Financial difficulties that beset the former primary care trusts and the action that was being taken to reduce the deficit
- Balancing the need for financial recovery with the need to provide high quality and comprehensive health care to residents
- The new primary care trust arrangements at the North Yorkshire and York Primary Care Trust, including the number of redundancies and the overall costs of creating the new primary care trust
- Key priorities for the next 12 months
- Locality working
- Provision of dentistry in Selby, including emergency dentistry outside working hours and orthodontistry
- Clinical Exceptions Panel
- Selby Hospital project; and
- Issues surrounding the possible closure of the doctors' surgery at Cawood.

Resolved:

That Janet Soo-Chung and John Brown be thanked for their attendance and for responding to councillors' questions.

184

Work Programmes – For Information

Councillors received the work programmes for the following Boards:

- Economy Board
- Environment Board
- Social Board

Resolved:

That the work programmes be noted.

185

Questions to the Chief Executive

Derelict Properties

Councillors asked the Chief Executive to explain the Council's position on dealing with derelict properties, including the possibility of working in partnership with other local authorities on this issue.

The Chief Executive explained that currently there wasn't a budget to deal specifically with notices under section 215 of the Town and Country Planning Act 1990 and that if councillors wished to pursue this matter, it would have to form part of the budget process for the next financial year. He informed councillors that he would come back with a response leading up to the budget process.

The Senior Solicitor informed councillors that he had served a number of section 215 notices across the district.

Selby Hospital Project

The Chief Executive updated councillors on the latest position with regard to the Selby Hospital project.

The meeting closed at 6:30 pm.

SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Environment Board held on Thursday 19 July 2007, in Committee Room 2, The Civic Centre, Portholme Road, Selby, commencing at 4:00 pm.

213	Minutes
214	Chair's Address to the Environment Board
215	Car Park Strategy
216	Climate Change Strategy – Progress Update
217	Environment Board 2007/2008 Performance Indicator Report: April 2007 – May 2007
218	Budget Monitoring
219	Private Session
220	Selby District Renaissance – Sherburn Central Square

Present: Councillor C Metcalfe in the Chair

Councillors: Mrs D Davies (for M Davis), M Jordan, Mrs P Mackay, Mrs C Mackman, I Nutt, R Packham, C Pearson, A Pound and J Thurlow

Officials: Head of Service – Environmental Services and Leisure, Principal Environmental Health Officer (Pollution), Principal Environmental Health Officer (Commercial), Renaissance Officer, Accountancy Services Manager and Committee Administrator

Public: 0

Press: 0

211 **Apologies for Absence and Substitution**

Apologies were received from Councillors Mrs E Casling and Ms M Davis.

Substitute Councillor was Mrs D Davies (for M Davis)

212 **Disclosure of Interest**

Councillor R Packham declared a personal and prejudicial interest in agenda item 10 (Sherburn Central Square).

Councillor M Jordan declared a personal interest in agenda item 10 (Sherburn Central Square).

Minutes

Resolved:

That the minutes of the proceedings of the meeting of the Environment Board held on 24 May 2007 be confirmed as a correct record and be signed by the Chair.

Chair's Address to the Environment Board

- The Petcoke trial at Drax had been extended by six months to monitor the impact of storing the fuel outdoors. Meanwhile, the trial burning of petcoke is almost complete and Drax have indicated that the final report would be submitted to the Environment Agency and other interested parties in September 2007. It is hoped that the Principal Environmental Health Officer would be in a position to report conclusions on the trial at the September Board meeting. Drax and the Environment Agency would then be invited to the November Board meeting to give a full report on the final conclusions of the trial.

Smoke Free Premises Legislation

- Complaint levels were currently low and it was hoped that this indicated that the proactive work undertaken prior to July (letters to all businesses and seminars) added to the national media coverage, had paid dividends. Environmental Health Officers and the Council's Licensing Officer would be checking compliance with smoke-free legislation during routine inspections of premises. They would also provide advice and guidance, respond to enquiries and complaints, including out of hours visits if necessary.

Selby District Council, with funding from Central Government, would be supplying cigarette bins to licensed premises across the district as new smoke-free legislation made it illegal to smoke in enclosed public spaces from 1 July 2007. The bins would be available from the 24 July 2007 and would be provided to approximately 120 licensed premises to give smokers the opportunity to dispose of cigarette litter responsibly. The Council's Environmental Health department would be carrying out visits and would take enforcement action against proprietors who were responsible for litter associated with their premises, and individuals who commit enviro-crime.

- Dry recyclables for April 2007 had increased by 70 tonnes on the same period last year giving a percentage of 13.35%. There had been a significant increase in the tonnage of green waste sent for

composting of 230 tonnes for April. This gave a percentage of 18.82% as opposed to last year's 14.24%.

215

Car Park Strategy

Councillors received the report of the Principal Environmental Health Officer (Commercial) on the progress concerning the Car Park Strategy.

The report included details of a survey carried out in respect of the productivity of the Council's pay and display car parks following the introduction of a revised tariff structure in September 2006. The survey suggested that the Strategy had been successful in terms of improving provision for both short and long stay parking in Selby.

Councillors expressed concern over on-street parking in various areas of Selby and that residents were unable to park outside their own properties. The Principal Environmental Health Officer explained to councillors that residents could purchase parking permits at a discount price to park their cars in the car parks.

The matter of on-street parking was a County Council function and if necessary the District Council could engage with them in future discussion on this issue.

Resolved:

That the update on the Car Park Strategy be noted.

216

Climate Change Strategy – Progress Update

Councillors received the report of the Principal Environmental Health Officer (Pollution) in respect of the progress towards development of a Climate Change Strategy and action plan for Selby District.

A Climate Change Project Team had been established to develop the Climate Change Strategy and Action Plan. The draft strategy would be reported to the Environment Board in February 2008.

Resolved:

That the progress towards developing the Climate Change Strategy for Selby District be noted.

217 **Environment Board 2007/2008 Performance Indicator Report:
April 2007 – May 2007**

The Head of Service – Environmental Services and Leisure updated councillors on the progress that had been made in 2007/08 on the corporate and statutory best value indicators for which the Board was responsible.

The Head of Service – Environmental Services and Leisure informed councillors that the indicator relating to waste recycling was not available due to awaiting data from North Yorkshire County Council. This information would be reported to the next meeting of the Board.

Resolved:

That the report be noted.

218 **Budget Monitoring**

The Head of Service - Finance and Central Services submitted a report giving details of major variations between budgeted and actual expenditure for Board for the 2006/07 financial year.

Resolved:

That the report be noted and the action taken by officers be endorsed.

219 **Private Session**

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 disclosure of exempt information as defined in paragraph 3 of Part 1 of Section 12A of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006.

220 **Selby District Renaissance – Sherburn Central Square**

Having declared a personal and prejudicial interest in the application, Councillor R Packham left the chamber and took no part in the discussion on this item.

Having declared a personal interest in the application, Councillor M Jordan took no part in the discussion on this item but stayed in the chamber.

Councillors received the report of the Renaissance Officer to seek the Council's conditional approval to the development of the Sherburn-in-Elmet town centre improvement scheme within the "Regenerating Our Three Market Towns and Selby District Renaissance" programmes.

The key objectives of the project were:

- ❑ To maximise the character and identity of Sherburn through quality streetscape improvements that incorporate the use of appropriate surface materials, street patterns and vistas; and the use of appropriate street furniture and lighting.
- ❑ To introduce a market square concept within the town as part of the public realm.
- ❑ To enhance the pedestrian environment to create a vibrant, high quality street environment in the heart of the town, which will encourage pedestrian usage and safety.
- ❑ To encourage active use of the town centre throughout the day by improving the environment as a stimulus for a good range of shops and services.
- ❑ To act as a stimulus for private sector investment within the town in ensuring prosperity and making the local economy vibrant.
- ❑ To 'tame the traffic' by ensuring access but not domination of the town centre environment by controlling traffic speeds and discouraging large vehicles using Low Street. This is to be integral to the overall design of the street rather than an add-on feature.
- ❑ To ensure accessibility for all types of user by providing measures such as on-street parking provision, wide pavements etc.
- ❑ To improve the image of the town.
- ❑ To engender a sense of place that is inclusive, bringing people together for enjoyment, socializing and public events.

Councillors were pleased to see that progress was being made on this major development for Sherburn in Elmet.

Resolved: That

- (i) the Board agree to officers pursuing negotiations as set out in sections 4.4 – 4.6 of the report;**

- (ii) it be noted that, subject to Yorkshire Forward Full Business plan approval, the Council would have a continuing commitment for annual maintenance from 2009/10 onwards. This would be submitted as part of the budget process for 2009/10.**

- (iii) the Head of Service – Legal and Democratic Services in consultation with the Chair of the Environment Board be authorised to agree the Heads of Terms.**

The meeting closed at 4.53 pm.

SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Planning Committee held on 25 July 2007, in committee rooms 1 & 2, The Civic Centre, Portholme Road, Selby, commencing at 4:00 pm.

223	Minutes
224	Chair's Address to the Planning Committee
225	Planning Applications Received – Site Visits
226	Planning Applications Received – Non Site Visits
227	Private Session
228	Enforcement Update

Present: Councillor J Mackman in the Chair

Councillors: I Chilvers, Mrs D Davies, K Ellis, D Fagan, W Inness, M Jordan, D Mackay, B Marshall, W N Martin, Mrs E Metcalfe, C Pearson, Mrs S Ryder, R H Sweeting

Officials: Head of Service - Legal and Democratic Services, Head of Service – Planning and Economic Development, Principal Planning Officer, Senior Planning Officers, Planning Officers, Highways Officer, Committee Administrators.

Also in Attendance: Councillors Nutt, Crane

Public: 10

Press: 0

221 **Apologies for Absence and Notice of Substitution**

Apologies were received from Councillors Deans and Shaw-Wright. There were no substitute councillors.

222 **Disclosure of Interest**

Councillor Mackman declared he had received lobbying letters from members of the public regarding application 2007/0544/FUL – Monk Fryston Football Club and had passed these onto the Planning Officers.

Councillor Ellis declared a personal interest in applications 2007/0441/FUL and 2007/0440/OUT both related to 153 Doncaster Road, Selby.

223 **Minutes**

Resolved:

That the minutes of the proceedings of the meeting of the Planning Committee held on 20 June 2007 be confirmed as a correct record and be signed by the Chair.

224 **Chair's Address to the Planning Committee**

The Chair informed councillors of the announcement that had been made earlier that day with regard to the decision by the Secretary of State for Communities and Local Government not to proceed with the proposal by North Yorkshire County Council for a new, single-tier authority to run North Yorkshire.

The Chair reminded councillors of the Planning White Paper training event, which would be held on 27 July at the Civic Centre.

The Chair had received correspondence from Steer Davies and Gleave consultants regarding an exhibition on 27 July 2007. The Chair advised councillors they should only attend the stakeholder session in the company of officers, but if they chose to attend the public session they should not offer any opinions regarding any schemes.

The Chair updated councillors on recent press coverage concerning wind farms.

The Chair introduced Barry Hill as the new interim Head of Service – Planning and Economic Development.

225 **Planning Applications Received (Site Visits)**

Application: 2007/0544/FUL

Location: Proposed football ground, Stocking Lane, Hillam

Proposal: Section 73 application to vary condition 3 (passing places) of application (8/55/154A/PA) (CO/2002/0355).

Officer Update

The Senior Planning Officer updated councillors on letters sent to the Chair with regard to the boundary fencing and the grassed area of Stocking Lane.

If councillors were minded to approve the application, the Planning Officer requested an amendment to condition 3 with regard to the length of the passing places.

Mr Donaldson - Highways Officer

The Highways Officer confirmed that if councillors were minded to approve the amendment to condition 3, it would be necessary to increase the length of passing places to more than 6 metres.

Resolved:

That the application be granted, subject to the conditions set out in the officer's report, and the amendment to condition 3.

Application: 2007/0441/FUL

Location: 153 Doncaster Road, Selby

Proposal: Conversion of and extension to coach house to create dwelling.

Applications 2007/0441/FUL and 2007/0440/OUT were discussed together but were voted on as separate applications.

Officer Update

The Planning Officer informed councillors that the application had been amended since the original application had been submitted.

Mrs Morgan – Objector

Mrs Morgan informed councillors that she objected to the application for the following reasons:

- *Access road – size for emergency vehicles*
- *Density of development*
- *Proximity to 7 Holly Grove; and*
- *Size of houses being built*

Cllr Nutt – Local Councillor and Parish Councillor

Cllr Nutt informed councillors that he objected to the application for the following reasons:

- *Parking spaces – he asked if a condition could be included to state no garages should be built*
- *Size of houses – he asked if a condition could be included to state houses must be 2- storey; and*

- *The condition of the access – he asked if a condition could be included to bring the access road up to an acceptable standard*

Mrs Cooper - Applicant

Mrs Cooper informed councillors of the following issues:

- *Brownfield site*
- *Amended original plans*
- *No garages*
- *Improvement in drainage with new drains*
- *Traffic reduced; and*
- *Quieter and tidier site*

Resolved:

That the application be granted, subject to the conditions set out in the officer's report, and as amended at the meeting.

Application: 2007/0440/OUT

Location: 153 Doncaster Road, Selby

Proposal: Outline application for the erection of two dwellings and garages including layout and access on the land to the rear.

Resolved:

That the application be granted, subject to the conditions set out in the officer's report and the amended conditions.

Application: 2006/1029/FUL

Location: Whitley Lodge, Selby Road, Whitley

Proposal: Residential development of 72 dwelling, consisting of 52 houses, 12 apartments, 8 flats and associated works.

Officer Update

The Planning Officer informed councillors that the application was now for 71 dwellings.

The application was consistent with local and national planning policy and a bat survey had been carried out.

Issues raised by Environment Health over noise levels referred to external noise not internal and this would be monitored as part of the conditions.

The Tree Officer had raised some concerns over the future of those trees that would remain as part of the application and stated that a condition had been included that would prevent their removal at a later date, and that the developer would be responsible for ensuring compliance with this condition.

A contribution had been made by the developer in respect of an educational contribution to the local primary school.

If councillors were minded to grant permission, amendments to three conditions would be required.

Councillor Jordan joined the committee, but did not vote on this application.

Mr Piper – Agent for the Parish Council

Mr Piper informed councillors that he objected to the application for the following reasons:

- *Emergency Access concerns*
- *The development was out of character with Whitley*
- *Removal of trees*
- *Flooding concerns*
- *Noise levels; and*
- *The apartment block being out of character*

Mrs Robinson – Agent

Mrs Robinson informed councillors of the following

- *Brownfield site*
- *Within the development boundary of Whitely*
- *H6 Site*
- *Good mix of dwellings and styles*
- *Financial benefits to local community*
- *Long- term maintenance agreements in place*
- *No objections from Highways Agency*
- *Drainage maintenance agreed; and*
- *Emergency access provided*

Resolved:

That the application be refused.

The reasons given for refusal were:

- **Loss of mature trees**
- **Inappropriate development**

- The degree of curtilage being used; and
- Root disturbance of retained trees

226

Planning Applications Received – Non-Site Visits

Consideration was given to the schedule of planning applications submitted by the Head of Planning and Economic Development.

Resolved:

That the applications set out in the agenda be dealt with as follows:

- 1 **Application: 2007/0620/FUL**
Location: Delamere, Main Street, Kelfield
Proposal: Resubmission of previously withdrawn (application number 8/14/69F/PA) for the erection of one detached dwelling plot.

Officer Update

The Planning Officer informed councillors that if they were minded to grant permission, a number of amendments would be required to condition 4 in the officer's report.

Resolved:

That the application be granted, subject to the conditions set out in the officer's report.

- 2 **Application: 2007/0333/FUL**
Location: West End Farm Buildings, Woodhall Lane, South Duffield
Proposal: Erection of a hay storage barn following demolition of existing hay storage barn.

Mrs Hazel – Objector

Mrs Hazel informed councillors that she objected to the application for the following reasons:

- *Traffic concerns*
- *Unclassified road*
- *Single track road, vehicles cannot pass*
- *Damage to verges and tarmac*
- *Variations in numbers of trucks submitted*
- *Dust and noise; and*
- *Danger from inflammable substances stored*

Mr Macdonald – Agent

Mr Macdonald informed councillors of the following

- *Traffic numbers would not change*
- *Improvement of barn appearance; and*
- *Happy to accept conditions of operating hours and vehicle numbers*

Resolved:

That following the Chairman’s casting vote the application be granted, subject to the conditions in the officer’s report as amended at the meeting.

Councillor Marshall left the meeting

- 3 **Application: 2007/0488/OUT**
Location: 17 Baffam Gardens, Selby
Proposal: Outline planning application for a single detached house with a detached garage.

Officer Update

The Principal Planning Officer informed councillors of additional information received from the applicant, stating that

- the application was similar to others in the area
- an integral garage could be incorporated
- boundary wall would be provided

Councillor Nutt – Parish Councillor and Local Councillor

Councillor Nutt informed councillors that he objected to the application for the following reasons:

- *Retention of the wall – would like it conditioned that the wall be replaced with a like- for- like wall*
- *The length of the wall should be 9 metres not 7metres; and*
- *Neighbours should be notified about access arrangements by letter*

The Principal Planning Officer suggested that condition 3 could be amended to replace the garage wall with like- for- like wall.

Resolved:

That the application be granted, with amended conditions.

- 4 **Application: 2007/0301/FUL**
Location: Land off Fox Hill Lane, Brayton
Proposal: Amendments to house type on plots 99 – 101 and amendments to change 6 no. detached properties at plots 113 – 118 to 11 town houses.

Mr Scott – Objector

Mr Scott informed the councillors that he objected to the application for the following reasons:

- *City/Urban style developments had no place in village environment*
- *Approved application was for two -storey development only*
- *Back- door tactics*
- *Care Home approval had no relevance to this application*
- *Precedent would be set; and*
- *Contrary to the Local Plan*

Councillor Nutt – Parish Council

Councillor Nutt informed councillors that he objected to the application for the reasons outlined by Mr Scott and the following reasons:

- *Received many letters objecting to the proposals; and*
- *Back- door tactics being used*

Councillor Crane – Local Councillor

Councillor Crane informed councillors that he objected to the application for the following reasons:

- *Change of approval conditions; and*
- *Out of character*

Mr Eaglend – Agent

Mr Eaglend informed councillors of the following;

- *Clarified how much the developer had changed the scheme*
- *Original application had been made in good faith*
- *The Care Facility was 66% three- storey building*
- *Government encouraged mixed designs*
- *Care Facility altered visual effect of development*
- *No harm from proposed changes; and*
- *Officers recommended approval*

Resolved:

That the application be refused.

The reasons given for refusal were

- **The character and form of development**
- **Density; and**
- **Consistent standardisation of development**

Councillors Mackay and Sweeting left the meeting

- 5 Application: 2007/0329/COU**
Location: Garden House, Silver Street, Fairburn
Proposal: Proposed change of use of garage into granny annexe.

Mr Glide – Objector

Mr Glide informed councillors that he objected to the application for the following reasons:

- *Plans same as previous application that was refused*
- *No details given of first floor details*
- *Parish Council objected*
- *No control if any conditions abused*
- *Health and Safety concerns; and*
- *Access concerns for other properties*

Resolved:

That the application be refused.

The reasons for refusal were

- **Increased intensity of dwelling area**
- **Highway intensification; and**
- **Loss of amenity to local residents**

- 6 Application: 2007/0409/FUL**
Location: Sherburn Enterprise Park, Aviation Way, Sherburn in Elmet
Proposal: Erection of B1, B2 and B8 industrial Unit.

Resolved:

That the application be granted, subject to the conditions set out in the officer's report.

- 7 **Application: 2007/0469/FUL**
Location: Unit 4, Sherburn Enterprise Centre, Aviation Way, Sherburn in Elmet
Proposal: Erection of a link between two industrial units.

Resolved:

That the application be granted, subject to the conditions set out in the officer's report.

- 8 **Application: 2007/0553/FUL**
Location: Sherburn Enterprise Park, Aviation Way, Sherburn in Elmet
Proposal: Erection of B1, B2 and B8 industrial unit.

Resolved:

That the application be granted, subject to the conditions set out in the officer's report.

Urgent Appeals Decisions

None received.

227

Private Session

Resolved:

That in accordance with Section 100(A)(4) of the Local Government Act 1972, in view of the nature of the business to be transacted, the meeting be not open to the Press and public during consideration of the following items as there will be a disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraph 3 of Part 1 of Schedule 12A to the Act.

228

Enforcement Update

The Planning Enforcement Officer submitted a report giving details of enforcement notices served by officers during the period 1 March 2007– 31 May 2007.

Resolved:

That the report be noted.

Enforcement Sub Group - Membership

The Chair asked for nominations for the Enforcement Sub Group as there was one vacancy from the Conservative Group - Councillor Chilvers agreed to join the group.

The meeting closed at 8:20 pm.

SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Policy and Resources Committee held on 17 July 2007, in the Civic Suite, The Civic Centre, Portholme Road, Selby, commencing at 4.00pm.

188	Minutes
189	Chair's Address to the Policy and Resources Committee
190	Performance Indicator Report: April 2007 – May 2007
191	Councillor Training 2007/2008
192	Corporate Plan Update
193	Request for an Amendment to the Statement of Accounts 2006/2007
194	Referrals from Other Boards and Committees
195	Private Session
196	Referrals from Other Boards and Committees (Private Session)
197	Policy and Performance Structure Report
198	Pendant Glass – Restrictive Covenant
199	Application to vary the Section 106 Agreement for Staynor Hall, Selby and the modification of obligations relating to the provision of affordable housing

Present: Councillor M Crane in the Chair

Councillors: Mrs E Casling, Mrs G Ivey, C Lunn, J Mackman, C Metcalfe, Mrs W Nichols, B Percival, R Packham, R Sayner and S Shaw-Wright

Officials: Chief Executive, Strategic Directors, Head of Service – Legal and Democratic Services, Head of Service – Policy and Performance, Head of Service – Finance and Central Services, Head of Service – Human Resources, Head of Service – Planning and Economic Development, Senior Solicitor, Democratic Services Officer

Public: 0

Press: 0

186 **Apologies for Absence and Notice of Substitution**

No apologies were received.

187 **Disclosure of Interest**

None received.

188

Minutes

Resolved:

That the minutes of the proceedings of the meeting of the Policy and Resources Committee held on 12 June 2007 be confirmed as a correct record and be signed by the Chair.

189

Chair's Address to the Policy and Resources Committee

The Chair introduced Mr Barry Hill who had recently been engaged as Head of Service – Planning and Economic Development and welcomed him to the meeting.

The Chair updated councillors on the Tadcaster Swimming Pool Trust which had been forced to close the swimming pool in order to carry out repair work. The repair costs were likely to be in the region of £50,000 - £100,000 and the Trust was seeking donations towards these costs.

Recommendation to Council:

That upon the sum being known for the repair work and donations received or pledged being secured, the Council provide a sum of £25,000 to enable and expedite the reopening of the swimming pool at the earliest time.

Resolved:

That the Chief Executive be authorised to expedite this matter before the next meeting of Council.

190

Performance Indicator Report: April 2007 – May 2007

The Head of Service – Policy and Performance updated councillors on the progress that had been made in 2007/2008 for the corporate and statutory Best Value Performance Indicators for which the Committee was responsible.

Resolved:

That the report be noted.

Councillor Training 2007/2008

Councillors considered the councillor development programme for 2007/2008 and the extension of compulsory training for councillors.

The Council already insisted on compulsory training for Planning, Licensing and Standards Committee members but had left all other training to be taken on a voluntary basis.

Councillors considered whether a broader range of training should be delivered to councillors on a compulsory basis to ensure that they had all the core skills necessary to meet the expectations of current and anticipated legislation on the role of councillors.

Councillors highlighted the importance of being given as much notification as possible of training sessions and the preference for evening training sessions. Training that had already received by councillors, for example, at their workplace or in their role as a County Councillor, should also be taken into consideration.

The Chair of the Audit Panel requested that specific audit training be provided to councillors.

Resolved that:

- i) The IDeA Skill Framework for elected members be approved; and**
- ii) The proposed councillor development programme, with the inclusion of audit training, be accepted as compulsory training for councillors for the 2007/2008 municipal year.**

Corporate Plan Update

The Head of Service – Policy and Performance provided councillors with an update and exceptions report on the delivery and performance of the Corporate Plan for the period April 2007 – June 2007.

Councillors discussed the update and made a number of minor amendments.

Resolved:

That the Corporate Plan update, subject to a number of minor amendments made at the meeting, be approved.

Request for an Amendment to the Statement of Accounts 2006/2007

The Head of Service – Finance and Central Services asked councillors to consider two amendments to the Statement of Accounts.

In line with the Accounts and Audit Regulations 2003, the Statement of Accounts had been approved by Council on 26 June 2007. However, the Head of Service – Finance and Central Services now sought approval from councillors for two amendments. These related to:

- i) The payment of council tax and NNDR received in advance of the new financial year; and
- ii) The inclusion of prior year adjustments to the amounts due for council tax.

Recommendation to Council:

That the amendments to the Statement of Accounts 2006/2007, as outlined above, be approved.

Referrals from Other Boards and Committees (Public Session)

Councillors considered the referrals below as follows:

- (a) Social Board – 10 July 2007

Minute 168 - Unauthorised Encampment Policy

Councillors were requested to approve the proposed Unauthorised Encampment Policy.

Recommendation to Council:

That the Unauthorised Encampment Policy be approved.

Minute 170 – Review of the Private Sector Housing Assistance Policy

Councillors were requested to approve the proposed amendments to the Private Sector Housing Assistance Policy.

Resolved:

That the revised Private Sector Housing Assistance Policy be approved.

Minute 171 – Revised Tenancy Agreement for Housing Services

Councillors were requested to approve the proposed new tenancy agreement.

Recommended to Council that:

- i) The new Tenancy Agreement for Housing Services be approved; and**
- ii) The Head of Service – Housing be given delegated authority to incorporate any amendments to the drafting of the agreement made by the Campaign for Plain English.**

195

Private Session

That in accordance with Section 100(A)(4) of the Local Government Act 1972, in view of the nature of the business to be transacted, the meeting be not open to the Press and public during consideration of the following items as there will be a disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraphs 1, 2, 3 and 4 of Part 1 of Schedule 12A to the Act.

196

Referrals from Other Boards and Committees (Private Session)

Councillors considered the referrals below as follows:

- (a) Economy Board – 3 July 2007

Minute 151 - Council Owned Industrial Units Update

Councillors were requested to approve the proposed offer by Warner Estate Holdings PLC to sell their share of the Swordfish Way Industrial Units to both the District and County Council. This matter had already come before North Yorkshire County Council who had agreed to this on the proviso that it also met with the approval of this Council.

Recommendation to Council that:

- i) The private sector partner of Swordfish Industrial Units be bought out**
- ii) Officers be authorised to open negotiations with the relevant parties; and**
- iii) A supplementary estimate for the purchase of the share as**
Policy and Resources Committee

outlined in paragraph 1.6 of the report of the additional paper be approved.

(b) Social Board - 10 July 2007

Minute 176 – Review of Skip Hire and Septic Tank Services

Councillors were requested to consider the review of the skip hire and septic tank service and the results of the viability of these services.

Recommendation to Council:

That the recommendations in the report be approved.

Minute 177 – Property Services Staffing Review

Councillors were requested to consider the outcome of a review of the existing property services staffing structure and to approve the new structure.

Recommendation to Council:

That the new property services staffing structure be approved.

197

Policy and Performance Structure Report

The Chief Executive updated councillors on proposed changes to the Policy and Performance structure.

Recommendation to Council:

That the proposed change to the Policy and Performance structure be approved.

198

Pendant Glass – Restrictive Covenant

Councillors considered a request in relation to a restrictive covenant in favour of the Council relating to Council property at the rear of Pendant Glass Aluminium Ltd.

Resolved that:

- i) The item be deferred pending further information; and**
- ii) The Head of Service – Legal and Democratic Services be authorised to continue to negotiate with the administrator and to involve the District Valuer in the discussions.**

Application to vary the Section 106 Agreement for Staynor Hall, Selby and the modification of obligations relating to the provision of affordable housing

Councillors considered a request received for an amendment to the section 106 agreement for Staynor Hall in respect of five properties which had been purchased by a specific Registered Social Landlord (RSL).

Councillors also considered whether the agreement should be varied in respect of other properties to be subsequently sold at Staynor Hall.

Resolved that:

- i) The section 106 agreement for Staynor Hall not be amended in respect of five properties already purchased by a specific RSL; and**
- ii) A deed of variation to the section 106 agreement with regard to other properties at Staynor Hall not be authorised.**

The meeting closed at 5:30pm.

SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the STANDARDS COMMITTEE held on 25 June 2007, in Committee Room 3, The Civic Centre, Portholme Road, Selby, commencing at 4.00pm.

123	Chairman's Introduction
124	Minutes
125	General Update
126	Membership of the Standards Committee
127	Private Session
128	Local Investigation

Present: Councillor C Lunn in the Chair.

Also in attendance: B Crossdale (Parish Council representative)

Officials: Head of Service – Legal and Democratic Services, Democratic Services Officer

Public: 0

Press: 0

121 **Apologies for Absence**

Apologies were received from Miss Potts and Mr Stell.

122 **Disclosure of Interest**

None received.

123 **Chairman's Introduction**

The Chair gave no introduction.

124 **Minutes**

Resolved:

That the minutes of the proceedings of the meeting of the Standards Committee held on 29 January 2007 be confirmed as a correct record and be signed by the Chair.

125 **General Update**

The Head of Service – Legal and Democratic Services updated members on issues that had arisen since the last meeting of the Standards Committee.

Resolved:

That the update be noted.

126 **Membership of the Standards Committee**

The Head of Service – Legal and Democratic Services informed members that the three-year term for the Parish Council and independent members had expired and it would, therefore, be necessary to hold elections for these seats.

Resolved:

That elections be held for the Parish Council and independent seats on the Standards Committee.

127 **Private Session**

That in accordance with Section 100(A)(4) of the Local Government Act 1972, in view of the nature of the business to be transacted, the meeting be not open to the Press and public during consideration of the following items as there will be a disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraphs 1 and 2 of Part 1 of Schedule 12A to the Act.

128 **Local Investigation**

The Head of Service – Legal and Democratic Services informed members that two local councillors had been the subject of referrals to the Standards Board.

Both investigations were ongoing and he would keep members informed.

Resolved:

That the update be noted.

The meeting closed at 4:40pm.

SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Licensing Committee held on 9 July 2007, in Committee Room 2, The Civic Centre, Portholme Road, Selby, commencing at 10:00 am.

154	Minutes
155	Procedure
156	Chair's Address to the Licensing Committee
157	Private Session
158	Application for a Hackney Carriage Licence
159	Application for a Hackney Carriage Licence
160	Complaint about behaviour of Hackney Carriage Driver
161	Application for Hackney Carriage Driver's Licence

Present: Councillor R Sayner in the Chair

Councillors: Mrs D Davies, Mrs C Goodall (for C Pearson), Mrs C Mackman (for Mrs J Dyson), B Marshall (for Mrs S Duckett), J McCartney, Mrs K McSherry, Mrs S Ryder, Mrs A Spetch and Mrs D White.

Officials: Licensing Enforcement Officer, Senior Solicitor, Trainee Solicitor, Democratic Services Officer, Support Assistant.

Public: 0

Press: 0

152 **Apologies for Absence and Substitution**

Apologies were received from Councillors Mrs J Dyson, C Pearson and Mrs S Duckett.

Substitute Councillors were Mrs C Mackman (*for Mrs J Dyson*), Mrs C Goodall (*for C Pearson*) and B Marshall (*for Mrs S Duckett*).

153 **Disclosures of Interest**

Councillor B Marshall declared a personal and prejudicial interest in agenda item 8.

154 **Minutes**

Resolved:

That the minutes of the proceedings of the meeting of the Licensing Committee held on 4 June 2007 be confirmed as a correct record and be signed by the Chair.

Licensing Committee
9 July 2007

155 **Procedure**

The procedure was noted.

156 **Chair's Address to the Licensing Committee**

The Chair gave no address.

157 **Private Session**

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 disclosure of exempt information as defined in paragraph 3 of Part 1 of Section 12A of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006.

158 **Application for a Hackney Carriage Licence**

Having declared a personal and prejudicial interest in this application, Councillor B Marshall left the chamber and took no part in the discussion or voting thereon.

Councillors received the report of the Licensing Enforcement Officer for the grant of a Hackney Carriage Licence for a Peugeot 406, a vehicle not fully accessible to the disabled.

The Licensing Enforcement Officer outlined the details of the case.

The driver concerned outlined his reasons for the application, at the conclusion of which he informed the committee that he had not received a fair hearing for the following reasons:

- The committee was not legally empowered to determine licensing issues as these should be determined by the Chief Executive; and
- The agenda stated that Councillor C Pearson would be present at the committee meeting and he did not attend the meeting.

Resolved:

That the application for a Hackney Carriage Licence be refused.

Councillor B Marshall returned to the chamber.

159

Application for Hackney Carriage Driver's Licence

Councillors received the report of the Licensing Enforcement Officer in respect of the applicant's desire to be issued with a Hackney Carriage Driver's Licence and his fitness to operate as a driver.

This matter was discussed at the Licensing Committee held on 4 June 2007 where the Committee requested that further enquiries be made.

The Licensing Enforcement completed further enquiries and updated the Committee on the outcome of the issues.

Resolved:

That the application for a Hackney Carriage Licence be refused.

160

Application for a Hackney Carriage Licence

Councillors received the report of the Licensing Enforcement Officer for the grant of a Hackney Carriage Licence for a Peugeot 406, a vehicle not fully accessible to the disabled.

The Licensing Enforcement Officer outlined the details of the case.

The driver concerned outlined his reasons for the application.

Resolved:

That the application for a hackney carriage licence be approved.

161

Complaint about Behaviour of Hackney Carriage Driver

Councillors deferred this item until the next meeting of the Licensing Committee, to be held on Monday 6 August 2007, as a consequence of the non-appearance of the applicant.

Resolved:

That this item be deferred until Monday 6 August 2007.

That the officer writes to the applicant and informs him that the application would be determined on Monday 6 August 2007.

The meeting closed at 11:25am.

SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Licensing Committee held on Monday 6 August 2007, in Committee Room 2, The Civic Centre, Portholme Road, Selby, commencing at 10:00 am.

231	Minutes
232	Procedure
233	Chair's address to the Licensing Committee
234	Private Session
235	Complaint about behaviour of Hackney Carriage Driver

Present: Councillor R Sayner in the Chair

Councillors: Mrs D Davies, Mrs J Dyson, Mrs S Duckett, Mrs K McSherry, C Pearson, Mrs S Ryder, Mrs A Spetch and Mrs D White.

Officials: Head of Service – Legal and Democratic Services, Licensing Enforcement Officer, Enforcement Officer and Committee Administrator

Public: 0

Press: 0

229 **Apologies for Absence and Substitution**

An apology was received from Councillor J McCartney.

230 **Disclosure of Interest**

None.

231 **Minutes**

Resolved:

That the minutes of the proceedings of the meeting of the Licensing Committee held on 9 July 2007 be confirmed as a correct record and be signed by the Chair.

232

Procedure

The Procedure was noted.

233

Chair's Address to the Licensing Committee

The Chair informed Councillors that the report in respect of the Gambling Act would be presented at the meeting to be held on 10 September 2007.

234

Private Session

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 disclosure of exempt information as defined in paragraph 3 of Part 1 of Section 12A of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006.

235

Complaint about behaviour of Hackney Carriage Driver

Councillors received the report of the Licensing Enforcement Officer in respect of an allegation that the Hackney Carriage Driver refused to take a fare from the rank in James Street, Selby to a public house in Ousegate, Selby.

The Licensing Enforcement Officer outlined details of the case to councillors and answered questions raised.

The Hackney Carriage Driver admitted the offence but explained that this was common practice for Hackney Carriage Drivers 1 – 19 on the rank. If they had a prior booking then the fare would be passed to the next available taxi on the rank. If there was no taxi behind on the rank then the fare would be taken. However, he accepted it was a bad practice and could leave a poor impression upon a potential passenger.

The Committee deliberated over the decision as to whether this driver was a fit and proper person and it was agreed that the driver be given a final warning as to his future conduct.

It was also agreed that a letter be sent to all Hackney Carriage Drivers emphasising that the practice of refusing fares in these circumstances was unlawful and any future breaches could result in court action.

Resolved: That

- (i) the hackney carriage driver be given a final written warning as to his future conduct;**
- (ii) a letter be sent to all hackney carriage drivers from the Licensing Enforcement Officer informing them that the practice of refusing fares in these circumstances would not be tolerated and any future cases may be dealt with at Magistrates Court.**

The meeting closed at 11:05 am.

**DRAFT Town Centre Working Group Minutes
22 August 2007 at 10.00am in Committee Room 1**

Present:

Cllr Percival	Deputy Leader SDC
Cllr Chilvers	SDC
Cllr Fagan	SDC
Cllr Nichols	SDC
Mr Connor	Chief Executive SDC
Jonathan Lund	Strategic Director SDC
Mike Rice	Head of Service – Legal & Democratic Services

In Attendance:

Peter Rhodes	District Valuer
Roger Haworth	District Valuer
Karen Mann	Head of Service Support Manager

ACTION

1 Apologies for Absence

Apologies had been received from Councillors Mark Crane and Melanie Davies and Steve Martin, Strategic Director.

2 Tesco

The Group considered the minutes of Council on 17 July 2007 in relation to the revised offer from Tesco.

The District Valuer advised the Group on the offer and generally.

It was agreed that the following recommendations be put to the Council at its meeting on 4 September 2007.

Recommendations

That the Working Group, acting in accordance with the resolution of Full Council on 17 July 2007 sought and received advice from the District Valuer and flowing from that advice

- 1 The proposed sale of the Civic Centre site to Tesco on the terms resolved by Full Council on 17 July 2007 should not proceed.
- 2 That the Council should not extend the option period for Tesco to acquire the 'depot' site beyond that currently given, as a consequence to anticipate that Tesco will execute the existing contract and that the Council should plan for the consequences of having to give vacant possession of the site within the period set out within the

contract.

- 3 That the Council should conclude the agreement resolved at Full Council with Dransfield with the requirement that for the period that the Council requires access to its buildings and car park that access appropriate and safe from Portholme Road for the full usage of the buildings and car park be maintained by the developer .
- 4 The foregoing is presented in order that the Council can locate to any new offices
- 5 That the Council make preparations for action in the event that the Selby Hospital project proceeds.
- 6 That Tesco and Dransfield be informed of the Council's position.
- 7 That the Leader and Deputy Leader with appropriate officers and taking appropriate professional advice be delegated to discuss the future of the Civic Centre site Tesco and with Dransfield and to report and make recommendations to Full Council

3 **Traffic Model Requirements**

The request from NYCC for funding for a traffic survey was again considered.

Mr D Bowe from NYCC had forwarded further information about the project.

There was discussion on the estimated cost of the project and it was felt that further clarification was required.

Recommended

- 1 That officers seek further clarification from NYCC on the costing for, and work to be carried out in connection with, the project.
- 2 That the Council agree a contribution of £20,000 towards the project.

4 **Any Other Business**

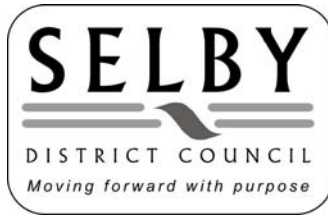
Information was provided to the Group in relation to the document being prepared by Urban Vision and which would be featured in the Selby Times on 27 September 2007.

It was agreed that the Group act as a project board in relation to the implementation of the planning permission for the town

centre developments.

The project board will be the first item on future agendas.

The meeting closed at 12.25pm.



Title: Ombudsman Complaint
To: Council
Date: 4 September 2007
Service Area: Strategic Directors
Author: Steve Martin, Strategic Director

1 Purpose of Report

1.1 To inform Councillors of the results of the Ombudsman's investigation into a planning permission issue.

2 Recommendation(s)

- 2.1 (i) **That Councillors accept the Ombudsman's report and its findings.**
(ii) **That an apology in person by a senior representative of the Council is given to the Civic Society.**

3 Executive Summary

3.1 The Ombudsman has investigated a complaint from the Selby Civic Society regarding the planning permission granted to demolish Selby Abbey Primary School. The Civic Society complained there were major flaws in the way in which the Council reported on the application.

3.2 The Ombudsman has found the shortcomings in the report to Planning Committee were maladministration and says the Council should:

- (i) Ensure staff are properly trained in how to write reports on which Councillors will take decisions.
- (ii) Instruct planning staff that all evidence submitted in support of planning applications should be critically examined and evaluated.

- (iii) Arrange for a senior representative of the Council to apologise, in person, to the Civic Society.

4 The Report

- 4.1 The Ombudsman has investigated a complaint of maladministration against the Council and has judged maladministration has occurred. Section 30 of the Local Government Act 1974 requires the Council to make a press announcement in more than one newspaper within two weeks of receiving the report, this has been done, and is included at Appendix I.
- 4.2 As the Ombudsman has decided the complainants suffered injustice as a result of maladministration, the Council is required under Section 31(2) to consider the report and inform the Ombudsman within three months of the action it proposes to take.
- 4.3 I have informed the Ombudsman that the appropriate press announcements have been made and that the report is before Council today.
- 4.4 The whole report is included at Appendix II but the report centres around a planning application to demolish Selby Abbey Primary School which was granted on 29 March 2006.
- 4.5 Following the granting of the planning permission, the Selby Civic Society registered a complaint with the Local Government Ombudsman.
- 4.6 The Ombudsman investigated the complaint and found serious deficiencies in the report to Planning Committee.
 - (i) The report incorporated the unattributed views of the consultants acting for the applicant,
 - (ii) It failed to fairly summarise the views of the Civic Society.
 - (iii) It accepted uncritically the applicant's assertions that converting the building was not commercially viable.
 - (iv) It included reference to policy and guidance but failed to include sufficient information and evidence to enable the committee to properly form a view whether the proposal complied with this policy.

4.7 The Ombudsman's finding was maladministration causing injustice. It was recommended that the Council should:

- Ensure staff are properly trained in how to write reports on which councillors take decisions.
- Instruct planning staff that all evidence submitted in support of planning applications should be critically examined and evaluated.
- Arrange for a senior representative of the Council to apologise, in person, to the Civic Society.

4.8 The Head of Service for Human Resources has confirmed to me that report writing and, in particular, report writing that requires a decision has been built into the Council's training Plan for 2007/2008.

4.9 The Head of Planning and Economic Development Services has informed me that a review is currently being undertaken on the whole report writing process for Planning Services. This review will look at the quality of reports including the use of evidence, report presentations to Committee and the strict monitoring of all of these issues by team leaders.

5 Financial Implications

5.1 There are no financial implications.

6 Conclusions

6.1 The report should be accepted by councillors, with assurances that appropriate training for staff takes place and measures to improve the report writing and presentation to boards and committees are reviewed and improved where necessary.

7 Link to Corporate Plan

- 7.1 The issue has links to the Strategic Themes of Putting Customers First and Making Better Use of Resources.

8 How Does This Report Link to the Council's Priorities?

- 8.1 N/A

9 Impact on Corporate Policies

9.1	Service Improvement	Impact
	The Council should learn from the Ombudsman's findings and ensure procedures are in place to prevent future issues arising.	
9.2	Equalities	No Impact
9.3	Community Safety and Crime	No Impact
9.4	Procurement	No Impact
9.5	Risk Management	No Impact
9.6	Sustainability	No Impact
9.7	Value for Money	No Impact

10 Background Papers

- 10.1 The file relating to the Ombudsman's enquiry is held in Central Services. The file relating to the planning permission is held in the Planning Section.



MEDIA RELEASE

27 July 2007

Statement re. Ombudsman's Report

A spokesman for Selby District Council said:

"We have been working alongside the Local Government Ombudsman on this case and recognise their conclusion.

"The case centres on issues around how a viewpoint on a planning matter was presented to the Planning Committee rather than the planning process itself. Following this ruling we will be looking at how we can ensure there are robust systems in place so the situation does not arise again."

END

For further information contact Mike James / Lee Squire on (01757) 292088 / (01423) 859616 / mjames@selby.gov.uk

For more information on Selby District Council – visit our website www.selby.gov.uk





The Commission for
Local Administration in England

Report

on an Investigation into
Complaint No 06/C/03908 against
Selby District Council

24 July 2007

Investigation into Complaint No 06/C/03908 Against Selby District Council

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Report Summary

Subject: Planning

After investigating a complaint from the Selby Civic Society I found serious deficiencies in a report to a Planning Committee. The Committee's decision to approve the demolition of two buildings in a conservation area was based on the report. It had been 'signed off' by four senior officers before being issued. The serious flaws included:

- incorporating the, un-attributed, views of the consultants acting for the applicant in the section that purported to be the officers' assessment;
- failure to fairly summarise the views of the Civic Society;
- uncritical acceptance of the applicant's assertions that converting the building was not commercially viable, including a statement that was seriously misleading;
- including reference to policy and guidance but failing to include sufficient information and evidence to enable the Committee to properly form a view about whether the proposal complied with this policy and failing to address the issue.

There were good reasons for the Committee to approve the application and I cannot say what it would have decided if the report had not been flawed. The injustice to the Civic Society is that their views and relevant issues were, demonstrably, not considered.

Finding

Maladministration causing injustice.

Recommended remedy

The Council should:

1. ensure that staff are properly trained in how to write reports on which Councillors will take decisions;
2. instruct planning staff that all evidence submitted in support of planning applications should be critically examined and evaluated;
3. arrange for a senior representative of the Council to apologise, in person, to the Civic Society.

Introduction

1. The Honorary Secretary of the Selby Civic Society complains that there were major flaws in the way in which the Council reported on an application to demolish a school and public house in the conservation area of Selby town centre.

Background

2. Planning applications should be determined in accordance with policy unless a council considers that there are good reasons not to apply policy. The Council's Local Plan Policy (ENV26) says that buildings which are in and make a positive contribution to conservation areas can only be demolished if the building is incapable of beneficial use and the character and appearance of the area would benefit by its removal and subsequent redevelopment.
3. Planning Policy Guidance (PPG15) sets out Government advice about development in conservation areas. This says that when local planning authorities are deciding whether or not to give permission for the demolition of an existing building, they should take into account:
 - (a) the condition of the building and the cost of repairing/maintaining it,
 - (b) the adequacy of efforts made to retain it in use and
 - (c) the merits of alternative proposals for the site, including, exceptionally, benefits to the wider community.
4. Two separate applications were made for planning permission – one for the extension of a supermarket, the other for the demolition of a functioning school and a public house to make way for the supermarket development. The application for demolition was required because the buildings were in a conservation area. Planning permission to build a replacement school had already been granted.
5. To support the proposals, the applicant obtained assessments from specialist consultants about: the contribution which the buildings made to the conservation area; their physical condition; and, in the case of the school, its suitability for providing education and the prospects for alternative uses. The Council sought the views of English Heritage which gave its response to the assessments of the consultants. Conservation specialists, from English Heritage, from a firm of consultants engaged by the applicant, and from the Council commented on the proposals. They all agreed that the School made a significant contribution to the conservation area but that the public house was not as important.

6. As a result of successive assessments English Heritage changed its initial opposition to the proposals. It indicated that the requirements of PPG15 had been met and that it no longer objected to the proposed demolition. This view was received shortly before the Committee met to consider the applications and was reported verbally because it had arrived too late to be included in the report.
7. The County Council (the Education Authority) did one of the assessments of the School that identified costs of necessary work as:
 - (a) About £6.6K was 'urgent, to prevent immediate closure'
 - (b) About £167K was 'essential to prevent serious deterioration or to address medium health and safety risks'
 - (c) About £436K was 'necessary to prevent deterioration or to address low risks to health and safety'
 - (d) About £13.5K was 'desirable to prevent possible deterioration'

Some areas were identified as presenting problems where teaching would be inhibited or management and morale would be adversely affected. Only in the nursery was it considered that staff would be 'unable to teach the curriculum'.

8. Consultants for the applicant referred to recent progress in improved educational standards under a new Head teacher, which might be jeopardised unless a replacement school were provided.
9. An assessment of alternative uses said it would be possible to convert the School building to dwellings but this would not be attractive to developers as the estimated profit would be £766,800 on estimated expenditure of £3,067,200 which was not an attractive commercial proposition. Conversion to offices or leisure use was asserted to be impractical. The Council's planners had no professional expertise in commercial development considerations and did not get independent expert advice.
10. The Civic Society was consulted and its wide-ranging objections were set out in three letters. Its central concerns were that:
 - (a) Both the buildings that would be demolished, and especially the School, made important contributions to the character of the conservation area. Demolition would be contrary to the advice in PPG15 and to Local Plan policy;
 - (b) The development would have an adverse impact on the conservation area as open views and public vistas would be lost;
 - (c) The School could be renovated or put to alternative use;

- (d) The applicant's analysis that purported to show that it would not be economic to convert the School into residential accommodation was flawed (details of the Society's arguments were supplied).

The Secretary of the Civic Society was allowed to address the Committee for five minutes.

The Report to the Planning Committee

11. After considering a report prepared and checked by four officers the Committee granted planning permission for the proposed demolition on the casting vote of the Chair. The report set out the Council's policy on conservation area development in detail and summarised the advice contained in PPG15. It also referred to claimed benefits which the proposed development would bring. It was, however, seriously flawed because:

- (a) The section entitled 'Assessment' was effectively lifted word for word from a letter from a consultant acting for the applicant dated 17 February 2006. The report does not make clear that the applicant's views are being quoted throughout this section rather than the professional views of the planning officer. Extracts from the Committee report and from the applicant's letter are appended to this report.
- (b) The specific concerns raised by the Civic Society and its objections were summarised as:

"We are not convinced that the proposed changes materially address our principle (sic) concerns and therefore our views that this development is a most unsuitable proposal for this part of the Conservation Area of Selby town remain."

The concerns and objections were not addressed.

- (c) It included but did not address the Council's Conservation Officer's comments and recommendation that the application should be refused because of the contribution which the school made to the conservation area and because, in his view, the applicant had not demonstrated that the school building was no longer capable of beneficial use.
- (d) It referred to recent improvements in educational standards at the school which might be hindered by the building's ageing fabric, but failed to point out that the Council's conservation policy test for demolition was that buildings should no longer be capable of further beneficial use.
- (e) No mention was made of the County Council's survey of the School and whether funding for required repairs was likely to be available.

- (f) It included a statement supplied by the applicant's consultant that conversion to flats would generate a 'negative land value' of £92,000 and would not be commercially feasible. There was no attempt to analyse this submission or to explain the criteria on which it was based. The Head of Planning was unable to explain to my investigator what 'negative land value' meant.
- (g) The 'Conclusion' consisted of two paragraphs. The first paragraph said that the planning department was satisfied that the loss of the school was balanced by the benefits of a new school and retail additions to the area. The second paragraph was a verbatim quote from a response from English Heritage which had been misplaced and made no sense in the context in which it appeared.
- (h) Although the report correctly summarised the Council's conservation area policy and the advice in PPG15, neither the 'Conclusion' nor the report as a whole, made any attempt to say whether the application was in accordance with the policy or with the guidance.

The Council's position¹

- 12. The report was mainly the work of a case officer who has subsequently left the Council. The Head of Planning has commented that the wholesale incorporation of the applicant's views into the 'Assessment' section of the committee report is unacceptable and that this was made plain to the case officer. She says that attempts have been made to encourage better report writing. In considering this comment I have to note that the report was 'signed off' by four officers before being submitted to the Committee
- 13. Officers have emphasised two points in particular:
 - that the report to the Committee followed many months of extensive consideration and substantial input from English Heritage, which eventually dropped its previous objections to the scheme;
 - the perceived need for rejuvenation of Selby town centre. They have pointed to advice in PPG 15 which allows consideration to be given to the wider community benefits which might result from redevelopment proposals.

1. ¹ An opportunity has been given for the complainant and the Council to comment on a draft of this report prior to the addition of the conclusion.

Conclusion

14. The report to the Planning Committee does not do justice to the consideration that the Council's officers gave to the proposed development. The report was, however, the crucial document in the Committee's consideration of the planning application and it was seriously flawed for the reasons set out above. Incorporating the, un-attributed, views of the consultants acting for the applicant in the section that purported to be the officers' assessment indicates a lack of independence and impartiality. This is compounded by the failure to fairly summarise the views of the Civic Society. Officers, who lacked professional knowledge and expertise, accepted uncritically the applicant's assertions that converting the building was not commercially viable, including a statement that was seriously misleading.
15. The Council's policy is that buildings that make a positive contribution to a conservation area can only be demolished if it can be shown that the building is incapable of beneficial use and that its removal and subsequent redevelopment would benefit the character and appearance of the area. The report does not contain sufficient information and evidence to enable the Committee to properly form a view about whether the proposal complied with this policy.
16. That is not to say that the application should have been refused planning permission because, clearly, there were other 'material considerations' – the wider community benefits - which favoured planning permission and which were prominent in the Council's consideration.
17. Although the Civic Society's views were not fairly summarised in the report the Secretary addressed the Committee for five minutes and so had a further opportunity to put the Society's views to the Committee.

Finding

18. Individually and collectively, the shortcomings in the report to the Committee, identified above, were maladministration. We cannot know what the outcome would have been if these faults had not been present but the Civic Society had a right to expect a better evaluation of the relevant issues and its concerns. That is the measure of their injustice.
19. To remedy the injustice the Council needs to demonstrate that it understands and accepts the criticisms of the way that it dealt with the application to demolish the school. It should:
 - (a) ensure that staff are properly trained in how to write reports on which Councillors will take decisions;

- (b) instruct planning staff that all evidence submitted in support of planning applications should be critically examined and evaluated;
- (c) arrange for a senior representative of the Council to apologise, in person, to the Civic Society.



Anne Seex
Local Government Ombudsman
Beverley House
17 Shipton Road
York
YO30 5FZ

24 July 2007

APPENDIX 1

EXTRACT FROM THE REPORT TO THE PLANNING COMMITTEE

4.0 ASSESSMENT

- 4.1 In exercising Conservation Area controls, the local planning authority is required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

THE NEED FOR A NEW SCHOOL

- 4.2 The applicant has stated that the Selby Abbey Primary dates back, in parts, to the mid nineteenth century, with additions through to the early twentieth century. The standard of accommodation it provides is ill suited to the educational needs of the late twentieth century, let alone the twenty first century. The size, shape, servicing and state of repair of the rooms, their relationship to each other, the split nature of the site and the lack of outdoor space mean that it is simply no longer suitable to meet the needs of the nearly 350 pupils who attend. The school buildings are inadequate in terms of supporting the delivery and requirements of the modern curriculum.
- 4.3 The diocese, and the LEA, and the developers have supported this ascertain it in a range of material submitted to English Heritage and ourselves. We are in little doubt in terms of the inadequacy of the buildings for continued use as a school. The developer has stated that we should also have regard to the considerable strides made by the head teacher in turning around the performance of the school following a critical ofsted report, which stated that under her leadership, the progress made in educational standards was recognised. However, her ability to lead a team capable of making further improvement in all aspects of the curriculum will be severely hindered unless a new, state of the art purpose built facility of the kind proposed by (the applicant) (and now with the benefit of planning permission) can be delivered.

THE NEED FOR NEW RETAIL FACILITIES

- 4.4 The developer has stated that Selby currently finds itself at a pivotal point in terms of the future vitality and viability of the town centre. The town centre suffers from a lack of modern, well-configured and well-proportioned space capable of meeting contemporary retailer requirements. For these reasons, many of the more mobile members of the community meet a range of their shopping needs elsewhere. Less mobile members of the community are, of course, prevented from so doing.
- 4.5 The proposed scheme would help to reverse this in key ways. Firstly, it will provide for the expansion of (the retailer) a main town centre anchor and key convenience operator. Equally, it would provide space of a type demanded by high quality and high profile retailers of the kind necessary to ensure that local people can meet a wider range of their comparison shopping needs within Selby, thereby avoiding unsustainable shopping trips to centres elsewhere, and generating greater footfall to the benefit of Selby Town Centre as a whole. The close integration of the proposed retail development with the rest of the town centre and in particular Market Cross ensures that it is extremely well placed to make a significant contribution to successful trading within Selby as a whole.
- 4.6 Members should also have regard to the outcome if this development does not go ahead. There are signs of decline in the centre, and these could accelerate as shoppers meet their needs in other centres, and new retailers may not be attracted to Selby due to a lack of suitable accommodation. Whilst the applicant has made a significant investment in improving the Market Cross Shopping Centre, its environment and the tenant profile – including a letting strategy geared towards ensuring that local, small, independent retailers are able to take space and trade successfully – this can only take the centre so far. The applicant points out that (the retailers) have only got a leasehold interest in their store with only a few years to run, and without the current proposals there is the prospect that they may leave Selby at the end of their lease, vacating the largest unit in the town centre which, in all likelihood, would also be let to a discount operator. Selby therefore could face the prospect of decline within the town centre and, increasingly, a discount feel to the profile of key operators.

- 4.7 It is considered that investment of the kind proposed by the developer within the town centre is therefore key if the town is to realise its potential and prevent this possible decline-taking place.

RESIDENTIAL RE-USE OF THE SCHOOL BUILDINGS

- 4.8 In terms of the re-use of the Abbey School Buildings, they lend themselves best towards sub-division into units of c. 1,500 sq ft, for which there is no demand locally. Sub-division into units of c. 700 sq ft – which is where demand may lie – would ruin the integrity and appearance of the buildings. In any event, the Residual Appraisal of conversion into residential units generates a negative land value of £92, 072 and is not, therefore, economically viable. The applicants comment that clearance of the site and comprehensive redevelopment for new residential units at a higher density may be feasible – but this would again raise the same conservation issues.

APPENDIX 2

LETTER TO THE PLANNING DEPARTMENT ON BEHALF OF THE APPLICANT (The highlighted sections appear in the report to the Committee)

17 February 2006

Dear Tim

(Applicant's) PROPOSALS FOR SELBY TOWN CENTRE

Following our recent meeting, you should now be in receipt of revised plans for the (applicant's) Scheme. You will note that we have reverted to a means of access mirroring that as existing, and do not propose, at this stage, to move forward with the alternative access through the conservation area to the east. The drawings also respond to your comments in terms of the route between (the retailer) and the proposed retail units and out onto the car park, in terms of improving and accentuating the pedestrian pathway, reducing the presence of car parking in this area, and screening it from views across the football pitch from Portholme Road. I hope you recognise that these further modifications are consistent with my client's commitment to achieving a scheme that you are pleased to recommend to your members.

In our meeting, (the English Heritage representative) indicated that on the basis of the revised analysis submitted to her since the determination of the original application, there will now no longer be an objection from English Heritage. Her overall position is that it is now for the local authority to take a view in terms of the benefits attached to the proposals, balanced against the loss of the school buildings. You will recall that (she) indicated it would be helpful for us to provide a short summary of these issues, and I set out this below. She also noted that a 'blind spot' in terms of the material submitted to you in respect of conservation and heritage issues, was our treatment of the potential of the school buildings to be re-used as residential dwellings. (The conservation officer) also considered that this represented a gap in our analysis. We have therefore undertaken a further assessment, again discussed below.

The need for a new school

Selby Abbey Primary dates back, in parts, to the mid nineteenth century, with additions through to the early twentieth century. The standard of accommodation it provides is completely ill-suited to the educational needs of the late twentieth century, let alone the twenty first century. The size, shape, servicing and state of repair of the rooms, their relationship to each other, the split nature of the site and the lack of outdoor space means that it is simply no longer suitable to meet the needs of the nearly 350 pupils who attend. The school buildings are completely inadequate in terms of supporting the delivery and requirements of the modern curriculum. This view is endorsed by the school themselves, the diocese, and the LEA, and we have supported it in a range of material submitted to the District Council and English Heritage. You should be left in no doubt in terms of the inadequacy of the buildings for continued use as a school. You should also have regard to the considerable strides made by the head teacher, (),

in turning round the performance of the school following a critical ofsted report. Under her leadership, the progress made in educational standards was recognised in a more recent ofsted report. However, her ability to lead a team capable of making further improvement in all aspects of the curriculum will be severely hindered unless a new, state of the art purpose built facility of the kind proposed by (the applicant) (and now with the benefit of planning permission) can be delivered.

You should also be left in no doubt in terms of the waste of scarce resources required to simply patch up the existing buildings to maintain even a basic standard of accommodation and safety. Renovation of the existing premises, given their fundamental shortcomings, is simply not a realistic or viable option in seeking to achieve the required standard. Equally, redevelopment of the buildings for a new school is not possible due to the limited size of the plot and logistical issues associated with maintaining continuous provision of educational services; of course, redevelopment of the school to be replaced with a modern school building would, in any event, raise the same conservation issues as are associated with any other replacement use.

In this context, the need for a new school is clear and, I suggest, represents a compelling reason why support should be given to the (applicant's) Scheme as a whole. I would be grateful if, in your committee report, appropriate weight could be given to the deficiencies in the existing buildings so that committee members are left in no doubt in terms of their unsuitability.

The need for new retail facilities

Selby currently finds itself at a pivotal point in terms of the future vitality and viability of the town centre. The town centre suffers from a lack of modern, well configured and well proportioned space capable of meeting contemporary retailer requirements. For these reasons, many of the more mobile members of the community meet a range of their shopping needs elsewhere. Less mobile members of the community are, of course, prevented from so doing.

The (applicant's) proposals will help to reverse this into key ways. Firstly they will provide for the expansion of (the retailer), the main town centre anchor and key convenience operator. Equally they will provide space of a type demanded by high quality and high profile retailers of the kind necessary to ensure that local people can meet a wider of their comparison shopping needs within Selby, thereby avoiding unsustainable shopping trips to centres elsewhere, and generating greater footfall to the benefit to the centre as a whole. The close integration of the proposed retail development with the rest of the town centre and in particular Market Cross ensures that it is extremely well placed to make a significant contribution to successful trading within Selby as a whole.

Regard should also be had to the outcome if this development does not go ahead. There are already signs of decline in the centre, and these will accelerate as shoppers meet their needs in other centres, and new retailers are not attracted to Selby due to a lack of suitable accommodation. Whilst my client has made a significant investment in improving the Market Cross Shopping Centre, its environment and the tenant profile – including a letting strategy geared towards ensuring that local, small, independent retailers are able to take space and trade successfully – this can only take the centre so far. Without the current proposals, my client will pursue the only strategy open to him, which is to reconfigure and let the larger units to discount operators, and in all likelihood sell his investment in the centre. It should also be noted that (the retailer) have only got

a leasehold interest in their store with only a few years to run, and without the current proposals there is the prospect that they would leave Selby at the end of their lease, vacating the largest unit in the town centre which, in all likelihood, would also be let to a discount operator. Selby therefore faces the prospect of decline within the town centre and, increasingly, a discount feel to the profile of key operators.

Investment of the kind proposed by (the applicant) within the town centre is therefore essential if the town is to realise its potential and prevent this decline taking place. A "do nothing" scenario or, worse still, one in which the out of centre (rival) Superstore currently proposed goes ahead without the counter-balance of town centre investment, can only lead to the accelerated decline of the town centre.

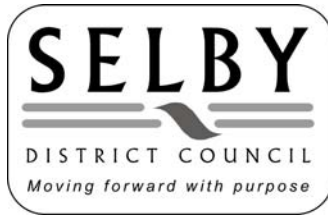
Again, therefore, a need for the retail element of the scheme is clear. I would again be grateful if in your committee report members could be left in no doubt in terms of the implications for the future health of Selby town centre of refusing the (applicant's) Scheme.

Residential re-use of the school buildings

We have instructed (consultants) to undertake a development appraisal of the buildings for re-use as dwellings. Their detailed commentary is attached. In summary, you will see that they reach the view that in theory the buildings lend themselves best towards sub-division into units of c. 1,500 sq ft, for which there is no demand locally. Sub-division into units of c. 700 sq ft – which is where demand may lie – would ruin the integrity and appearance of the buildings. In any event, the Residual Appraisal of conversion into residential units generates a negative land value of £92,072 and is not, therefore, economically viable. They comment that clearance of the site and comprehensive redevelopment for new residential units at a higher density may be feasible – but this would again raise the same conservation issues.

I trust that this further information is helpful in summarising the justification for both a new school and new town centre retail accommodation, and illustrating why a residential conversion of the existing premises is simply not feasible. If there are any further, final matters on which you feel you would benefit from additional clarification, please do not hesitate to call either Anthony or myself.

Yours faithfully



Title: Trainee Solicitor
To: Full Council
Date: 4 September 2007
Service Area: Legal and Democratic Services
Author: Kelly Hamblin
Presented by: Mike Rice

1 Purpose of Report

1.1 To seek a resolution from councillors to authorise the Trainee Solicitor to appear on behalf of Selby District Council in legal proceedings.

2 Recommendation

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

3 Executive Summary

3.1 Authorisation for the trainee solicitor to appear on behalf of the Council will assist with the provision of an effective legal service.

4 The Report

4.1 Section 223(1) of the Local Government Act 1972 provides that:

"Any member or officer of a local authority who is authorised by that authority to prosecute or defend on their behalf, or to appear on their behalf in, proceedings before a magistrates' court shall be entitled to prosecute or defend or to appear in any such proceedings, and, notwithstanding anything contained in [the Solicitors Act 1974], to conduct any such proceedings although he is not a solicitor holding a current practising certificate."

4.2 The Trainee Solicitor needs to be authorised by the Council to appear on its behalf in cases before the Magistrates' Court.

4.3 This will assist in the provision of an effective legal service.

5 Financial Implications

5.1 There are no financial implications

6 Link to Corporate Plan

6.1 It is the Corporate Policy of the Council to make better use of resources.

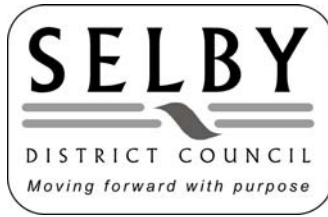
7 How Does This Report Link to Council's Priorities?

7.1 An effective legal service will help the Council achieve all of its priorities.

8 Impact on Corporate Policies

8.1	Service Improvement	Impact
	More effectively managing resources within Legal Services to improve the service.	
8.2	Equalities	No Impact
8.3	Community Safety and Crime	No Impact
8.4	Procurement	No Impact
8.5	Risk Management	No Impact

8.6	Sustainability	No Impact
8.7	Value for Money	No Impact



Agenda Item No: 11

Title: Affordable Housing – Mortgagee in Possession Clauses

To: Council

Date: 4 September 2007

Service Area: Legal and Democratic Services

Author: Mike Rice, Head of Service – Legal and Democratic Services

1 Purpose of Report

1.1 The purposes of the report are:

- a) for councillors to consider further requests for the amendment of Section 106 agreements by the insertion of a Mortgagee in Possession 'MIP' clause and
- b) to request councillors to consider authorising officers to agree the wording of such a clause and
- c) to request councillors to consider the Council's future policy in relation to 'rural exception sites'.

2 Recommendations

2.1 If councillors agree to the requests received then they are requested to authorise the Head of Service – Legal and Democratic Services to agree the wording of the MIP clause, but any such clause to include the following, namely

- a) the clawback provision set out 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 charges 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.
- 2.2 That 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.
- 2.3 That if there is a request in future for a MIP clause in respect of any rural exception sites, that such a request be brought to the Policy and Resources committee for determination.

3 Executive Summary

- 3.1 The report deals with several requests received for amendments to be made to the provisions in S106 agreements relating to affordable housing.
- 3.2 The Council has previously agreed amendments in relation to the S106 agreement at Staynor Hall.
- 3.3 The report identifies that the position of lenders in relation to MIP clauses is not consistent and that there will continue to be further requests.
- 3.4 The report recommends the authorisation of officers to deal with current and future requests.

4 The Report

Current Position

- 4.1 Policy and Resources Committee at its meeting on 17 April 2007 considered a report containing a request from Persimmon Homes to amend the terms of the Section 106 Agreement relating to development at Staynor Hall.
- 4.2 The request had been considered prior to the Policy and Resources Committee by the Affordable Housing Working Group.

- 4.3 Policy and Resources Committee resolved on 17 April that:
The S106 agreement for Staynor Hall be amended to include a mortgagee in possession clause in the form submitted by solicitors acting for the developer, save that a claw-back be included to enable any surplus arising from a sale to be made available to the affordable housing pool, so as to provide the greatest opportunity for direct influence by Selby District Council.

Background to the request and consideration by Policy and Resources Committee on 17 April 2007

- 4.4 The reports to the Affordable Housing Working Group and to Policy and Resources Committee in April 2007 examined the requests and the possible implications for the Council's affordable housing policies.
- 4.5 The Council had been asked to make a retrospective amendment to the affordable housing provisions in the S106 agreement for Staynor Hall.
- 4.6 The amendment sought was to insert a clause allowing mortgage lenders, who repossessed properties in the event of default by the borrowers, to sell the properties free from the obligations attached to affordable houses, in order to recover the amounts owing to them.
- 4.7 Some mortgage lenders are reluctant to lend monies either to Registered Social Landlords (RSLs) to purchase affordable housing from developers, or to individuals to purchase a share of the equity in shared equity / ownership schemes or those for sale at a discount of open market value.
- 4.8 Several neighbouring councils make provision for MIP clauses, and the Council's adopted Developer Contributions Supplementary Planning document recommends the use of a MIP clause. The model S106 agreement produced by the Department for Communities and Local Government also includes such a clause.
- 4.9 The purpose of a MIP clause is to allow mortgage lenders, after due process, to take possession and sell the property to recover their loan principal, their interest and their costs, free from restrictions that arise through a Section 106 agreement in relation to affordable housing.

Position of Mortgage Lenders

- 4.10 Councillors at the meeting of the Affordable Housing Working Group in April 2007 requested information on the position of the top ten institutions lending money for the purchase of affordable housing.

- 4.11 The Council's Affordable Housing Officer wrote to those institutions requesting details of their policies and the responses are summarised in Appendix A to this report. This exercise has revealed that establishing a clear policy position from each of the top ten lenders is impractical. Most have failed to respond both to telephone and written contact. When direct approaches were made to leading lenders in Selby the picture appeared to be patchy and inconsistent.
- 4.12 Some lenders are aware of the MIP issue and seek to negotiate a suitable solution. Others were aware but unconcerned. The remainder appeared unaware of the MIP issue. The only clearly discernible lesson for this exercise is that Registered Social Landlords, dealing with other major lenders and their head offices are likely to hit problems with MIPs. Individual borrowers dealing with local branches are likely to receive a more mixed response.

Requests since April 2007

- 4.13 Since the meeting of the Policy and Resources Committee on 17 April 2007 there have been additional requests for the insertion of MIP clauses.
- 4.14 Further requests have been received from:
- Persimmon in relation to their development site at Moor Lane, Sherburn
Persimmon are seeking an amendment to the S106 agreement to provide for a MIP clause on the same terms as the amendment agreed to the S106 Agreement for Staynor Hall
 - South Yorkshire Housing Association in relation to sites at North Duffield and South Milford. In addition, two letters have been received from prospective individual purchasers of affordable housing units on the South Milford site.
 - The site at North Duffield has the benefit of a unilateral undertaking from the developer which restricts subsequent lettings or sales to an increasingly wider circle of local residents within certain timescales, before the affordable housing units can be disposed of on the open market.
 - The South Milford site contains restrictions on the disposal of affordable housing units. South Yorkshire Housing Association as the Registered Social Landlord has indicated that Halifax PLC are not prepared to lend on a property under the current terms of the S106, but that they (Halifax) have indicated the basis on which they would be prepared to lend.

That basis is that the proposed nomination period runs for 9 months before the property could be sold on the open market and this is longer than the 20 weeks which Halifax require.

These points are dealt with in Section 6 of this report.

Rural Exception Sites

- 4.15 Rural exception sites are sites where planning permission is granted for affordable housing for local people in perpetuity as an 'exception' to planning policy.
- 4.16 A MIP clause would not be appropriate in relation to such sites. This view is endorsed and promoted by the Rural Housing Trust.
- 4.17 An 'exception site' would be one outside the development limit of a settlement where planning permission may be granted for affordable housing for local needs as an exception to planning policy. The site must be immediately adjacent to the development limit of the village, there must be a proven local need supported by a parish housing needs survey, and the housing must be affordable in perpetuity to the local people identified as being in housing need.
- 4.18 There are no current proposals for such sites within Selby District, although there are likely to be in the future. Councillors are therefore requested, in considering this report, to note the position, and that, if such sites became available, that any request for a MIP clause within a S106 agreement would be brought to committee.

5 Financial Implications

- 5.1 There are no financial implications.

6 Conclusions

- 6.1 It is clear that the Council will continue to receive requests to amend S106 agreements in order to include a MIP clause.
- 6.2 Attempts by officers to obtain details of the policies of the top ten lending institutions have elicited only two responses and those responses do not enable officers to present a clear picture or trend to councillors on the policies of those lenders.
- 6.3 The South Yorkshire Housing Association indicate that Halifax PLC will only lend in the circumstances outlined in section 4 of this report.

Because there has been no response from 8/10 of the institutions it is not possible to advise councillors on whether there is a realistic prospect of the other 8 institutions lending on affordable houses on these sites.

- 6.4 The report to the Policy and Resources Committee in April 2007 indicated that the Council's current planning policy and, indeed, the model S106 Agreement produced by the Department for Communities and Local Government both recognise that MIP clauses should be considered in order

that potential occupiers of affordable housing were not precluded from occupation because they were unable to secure a mortgage in these circumstances.

- 6.5 The MIP issue is likely to remain a real and constant issue in delivering affordable housing. Rather than bringing each request before Council it is suggested that delegated authority be given to the Head of Service – Legal & Democratic Services to include an appropriate MIP clause in future S106 agreements and to allow requests for retrospective amendments to existing S106 agreements on the same terms.

7 Link to Corporate Plan

- 7.1 The report links to all aspects of the Corporate Plan.

8 How Does This Report Link to the Council’s Priorities?

- 8.1 The report links to the Council’s priorities of safer and stronger communities.

9 Impact on Corporate Policies

9.1	Service Improvement	No Impact
9.2	Equalities Seeks to remove obstacles to people acquiring affordable housing units.	Impact
9.3	Community Safety and Crime Will help to ensure that properties are occupied	Impact
9.4	Procurement	No Impact
9.5	Risk Management The report seeks to minimise risk to the construction of affordable housing.	Impact
9.6	Sustainability Seeking to balance ability to purchase against policies to maintain continuing availability in affordable housing units.	Impact
9.7	Value for Money	No Impact

Summary of responses from the top ten lending institutions

The Council's Affordable Housing Officer wrote in May 2007 to ten major lending institutions.

The letter requested each body's policy in relation to MIP clauses in section 106 agreements attached to planning permissions when affordable housing was proposed.

The letter requested each body to clarify whether it required such a clause before it would grant a mortgage.

The institutions contacted were:

HBOS
Abbey
Nationwide
Lloyds TSB
Northern Rock
Royal Bank of Scotland
Barclays
HSBC
Alliance & Leicester
Bradford & Bingley

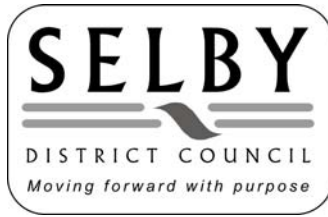
Only HBOS and Nationwide replied.

Nationwide responded through its senior risk analyst who stated that "Nationwide had a small team which considered schemes such as Shared Ownership and Equity Share where restrictions and procedures or resale are imposed beyond those that Nationwide managers can generally automatically accept without the need for special consideration".

The risk manager stated "that Nationwide was not the lender which asked for a MIP clause because that was not something they would suggest as a solution to a scheme which it considered unacceptable".

This doesn't really assist as a response and does not answer the questions posed. It suggests that there is an element of uncertainty as to the stance which might be taken by Nationwide managers in relation to lending where there are no MIP clauses in a section 106 agreement.

HBOS responded by stating that it supports affordable housing schemes through its Halifax brand and issues guidance on its requirements.



For publication.

Agenda Item No: 12

Title: Protocol On Access To Information
To: Council
Date: 4 September 2007
Service Area: All Services
Author: Mike Rice, Head of Service – Legal and Democratic Services

1 Purpose of Report

1.1 The purpose of the report is to enable Councillors to consider and agree a Protocol relating to Councillors' access to information held by the Council

2 Recommendation(s)

2.1 That the attached draft Protocol be agreed in principle.

2.2 That training sessions be organised for all Councillors in relation to the draft Protocol.

2.3 That following these sessions a further report be brought back to Full Council to enable a formal version of the Protocol to be agreed.

3 Executive Summary

3.1 The report seeks to examine the several rights which Councillors have to access information held by the Council and to incorporate these rights into a Protocol to assist Councillors and officers.

4

The Report

- 4.1 Staff and Councillors are sometimes confused about the rights which Councillors have to access information held by the Council.
- 4.2 This confusion has the potential to lead to friction when a request by a Councillor, for information, is refused by a member of staff.
- 4.3 A draft Protocol has therefore been written which seeks to identify the rights which Councillor have to access information and to set down a procedure for seeking information which ensures a consistency of approach, and that any request is dealt with at the appropriate level of staff.
- 4.4 There are several strings to the ‘access- to -information bow’ and, whilst the Protocol seeks to identify these, it is clearly not possible to include too much detail in that document.
- 4.5 The Protocol is therefore submitted as a draft to Council, with a recommendation that its contents be examined in more detail at a training session or sessions.

5 Financial Implications

- 5.1 There are no financial implications.

6 Conclusions

- 6.1 Eventual agreement to a Protocol will assist Councillors and staff to understand Councillors’ requests in relation to access to information.

7 Link to Corporate Plan

- 7.1 This report links to the aims of the Corporate Plan.

8 How Does This Report Link to the Council’s Priorities?

- 8.1 This relates to all the Council’s priorities.

9 Impact on Corporate Policies

9.1	Service Improvement Clearer understanding of information to which Councillors are entitled to access	Impact

9.2	Equalities Will ensure that the Council processes information lawfully	Impact
9.3	Community Safety and Crime	No Impact
9.4	Procurement	No Impact
9.5	Risk Management Will ensure that information is processed lawfully and reduce likelihood of problems	Impact
9.6	Sustainability	No Impact
9.7	Value for Money	No Impact

10 Background Papers

10.1 Local Government Act 1972 Advice from Information Commissioner's Office

Papers held in legal section

PROTOCOL ON COUNCILLORS' RIGHTS OF ACCESS TO INFORMATION

THE PROTOCOL

1.0 **Aims of the Protocol**

1.1 The aims of the Protocol are;

- a) to provide a guide to Councillors on the information held by the Council to which Councillors may have access.
- b) to set down procedures for dealing with requests from Councillors for access to information held by the Council.

2.0 **Relevant Law**

2.1 Councillors' rights of access to information are both common law rights and statutory rights.

2.2 Common law rights are those established in court cases which have been developed over many years and which continue to develop.

2.3 Statutory rights are those rights set down in statute (Acts of Parliament).

2.4 The main statutes are:

- a) The Local Government Act 1972 (as amended by the Local Government (Access to Information) Act 1985.
- b) The Data Protection Act 1998 ('The DPA').
- c) The Freedom of Information Act 2000 ('The FOIA).

3.0 **Rights of Access**

Common Law

- 3.1 It has long been recognised that a Councillor has a common law right to be provided with or to inspect Council documents which it is reasonably necessary for him / her to see in order to carry out his / her duties as a Councillor.
- 3.2 This common law right of access is dependent upon a 'need to know' in order to enable the Councillor properly to perform his / her duties as a Councillor.
- 3.3 This common law right has never been an absolute right.

- 3.4 There is no right to a 'roving commission'. Mere curiosity or desire to see or inspect documents is not sufficient.
- 3.5 A Councillor cannot exercise the right for some indirect motive (e.g. to assist someone in litigation with the Council).
- 3.6 Membership of a Committee or Board will generally mean that the Councillor has a need to know.

Statutory Rights

- 3.7 A Councillor's statutory rights are set out in Section 100 F of the Local Government Act 1972 ('the 1972 Act').
- 3.8 It provides that
'any document which is in the possession or under the control of a principal Council (e.g. Selby District Council) and contains material relating to any business to be transacted at a meeting of the Council or a Committee (or Board) or Sub Committee must be open to inspection by any member of the Council.'
- 3.9 A Councillor's right of inspection under the 1972 Act is limited to documents concerned with business about to be transacted at a meeting.

- 3.10 A Councillor cannot, for example, demand to see a document which relates to business not yet due to come before a meeting.
- 3.11 A request from a Councillor for access to information which has been dealt with in the past must be pursued through the rights of access available to the public, or through his / her common law rights, or under the provisions of the FOIA.
- 3.12 A document is not required to be open for inspection if it appears to the proper officer (i.e. the Chief Executive when agreeing agendas) that it discloses exempt information.

(NB 'Exempt Information' will be information contained in the reports which are in 'Part 2' of Selby District Council's agendas).

- 3.13 The current definitions of 'exempt information' are set out in the Local Government (Access to Information) (Variation) Order 2006.
- 3.14 Those definitions are listed in Appendix A to this Protocol.

4.0 **Public's Rights**

- 4.1 Members of the public have rights in relation to the records and documentation of Selby District Council.

4.2 The purpose of this Protocol is to outline Councillors' rights of access to information, but councillors' rights are never less favourable than those enjoyed by the public.

4.3 The public's rights of access to information under the 1972 Act are as follows

a) A right to attend meetings of the Council and its Committees (including Boards) except to the extent that they are excluded by resolution because 'exempt information' is to be discussed.

(NB this means when Councillors resolve to 'move in to Part 2').

The public must be excluded when 'confidential information' is to be discussed (see Appendix A to this Protocol for definitions).

b) A right to copies of the agenda for the meeting and copies of any report for the meeting other than those to be taken in 'Part 2'.

c) A right following the meeting to inspect, at the Council's offices (for a period of six years from the date of the meeting)

- i) the minutes of the meeting (excluding 'Part 2' minutes)
- ii) where applicable, a summary of the meeting
- iii) a copy of the agenda for the meeting

iv) a copy of so much of any report taken in 'Part 2' of Selby District Council's meetings

d) Where the meeting was open to the public a right to inspect the background papers.

4.4 The FOIA provides rights of access to information held by the Council.

4.5 These rights, conferred on members of the public, are therefore also available to each Councillor.

4.6 The relevant wording of the FOIA is as follows:-

Section 1 'Any person making a request for information to a public authority (e.g. Selby District Council) is entitled

a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

b) if that is the case to have the information communicated to him.

4.7 It is not proposed to go into detail in this Protocol in relation to the FOIA procedures in place within the Council.

5.0 **Data Protection Act 1998 (the DPA)**

5.1 The DPA sets out eight principles which form the backbone of the legislation and every data controller is under a duty to comply with them.

5.2 The relevant principles for this Protocol are as follows:

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless -
 - i) at least one of the conditions in Schedule 2 of the DPA is met, and
 - ii) in the case of sensitive personal data, at least one of the conditions in Schedule 3 of the DPA is met
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be processed in accordance with rights of data subjects under the DPA.
4. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal

data and against accidental loss or destruction of, or damage to, personal data.

5.3 'Personal data' is defined in the DPA as :-

Data which relate to a living individual who can be identified from those data.

5.4 The Data Controller is the person who (either alone or jointly or in common with others) determines the purpose for which and the manner in which any personal data are, or are to be processed.

5.5 Members of the public and therefore Councillors, have rights as data subjects to be promptly informed whether personal data of which the individual is the data subject are being processed by or on behalf of the Data Controller and to have communicated to them that information.

5.6 Data Protection is a complex subject and it is not feasible to produce a lengthy summary of the legislation in this Protocol.

5.7 The Protocol attempts to explain areas where Councillors will need to have regard to the provisions of the DPA.

5.8 As data subjects, Councillors have rights in relation to information held concerning themselves.

5.9 The nature of the functions of the Council means that it processes personal and sensitive data in several areas, e.g.

- Employees health records
 disciplinary records
 benefit fraud

- Public rent arrears
 council tax arrears
 benefit fraud

some or all of which data may be produced in reports to Councillors, some of which Councillors may state that they require as individual Councillors.

5.10 The DPA's First Principle makes the point that data held by the Council must be processed fairly and lawfully.

5.11 A prerequisite to the fair and lawful processing of data is that at least one of the conditions in Schedule 2 to the DPA must be met.

5.12 These conditions are:-

1. The data subject (e.g. employee or tenant) has given consent to the processing of the data.
2. The processing is necessary
 - a) for the performance of a contract to which the data subject is a party, or
 - b) for the taking of steps at the request of the data subject with a view to entering into contracts
3. The processing is necessary for compliance with any legal obligation to which the data controller is subject
4. The processing is necessary in order to protect the vital interests of the data subject
5. The process is necessary for the exercise of any functions of a public nature exercised in the public interest by any person.

5.13 Data concerning data subjects other than themselves will be processed in reports to Councillors.

Examples will include

- Introductory tenancy
- Review meetings
- Disciplinary hearings
- Licensing Committee
- Considerations
- Requests to purchase land

5.14 Councillors need to be aware that if they knowingly or recklessly, without the consent of the data controller, obtain or disclose personal data or procure its disclosure they will be committing an offence.

6.0 **Summary**

6.1 A Councillor will be entitled, as a general rule, to see any papers relating to matters dealt with by committees of which he / she is a member.

6.2 Councillors should however abide by the Principles of the DPA in relation to personal data which is before them in their capacity of a member of any such Committee or Board.

6.3 A Councillor seeking information from papers relating to matters dealt with Committees or Boards of which he / she is not a member must show a 'need to know' to enable them properly to carry out their duties as Councillors.

6.4 Requests for personal data relating to themselves will be dealt with in accordance with the provisions of the DPA.

6.5 Requests for personal data other than for themselves will need to comply with one or more of the conditions in Schedule 2 and Schedule 3 of the DPA in addition to the need to establish a 'need to know'.

6.6 the 'need to know' will be more difficult to establish where the request is for access to particularly sensitive information.

7.0 **Procedures**

7.1 This section of the Protocol seeks to assist Councillors and officers in considering request from Councillors for access to information

- a) i) if the information requested is included on an agenda for any meeting of the Council, its Committees, Boards or Sub – Committees and that information relates to a matter to be considered at a meeting to which the public has access, the information should be made available to the Councillor.
- ii) If the information is in Part 2 but the Councillor is a member of the Committee or Board then the information is to be made available.

The information should be provided in these situations by Democratic Services.

- b) If a Councillor makes a request for information under the FOIA then such a request will be dealt with under the Council's procedure for dealing with such requests and officers receiving such requests

LOCAL GOVERNMENT ACT 1972

SCHEDULE 12A

ACCESS TO INFORMATION: EXEMPT INFORMATION

Paragraph

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes-
 - (a) to give under any enactment or notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

COUNCILLORS' ACCESS TO INFORMATION REQUEST

TO (Name of Head of Service)

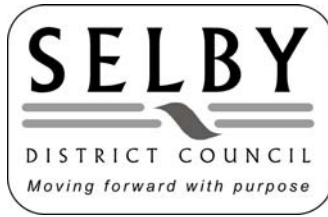
FROM
COUNCILLOR.....

DATE OF REQUEST.....

THE REQUEST ¹.....

SIGNED.....

¹ *Councillors should identify the information they are seeking or the file, papers or confidential reports which they are requesting and indicate why they believe they have a 'need to know'.*



Public Session

Agenda Item No: 13

Title: Local Strategic Partnership (LSP) Update

To: Council

Date: 4th September 2007

Service Area: Policy and Performance

Author: Heather Watts, Head of Service – Policy and Performance

Presented by: Martin Connor, Chief Executive

1 Purpose of Report

1.1 To update councillors on the work of the LSP.

2 Recommendation(s)

2.1 That councillors note the report.

3 Executive Summary

3.1 Councillors have asked for a regular report of the work of the LSP. This report sets out the main issues arising and progress made since the last report.

4 The Report

4.1 As councillors will be aware, the LSP meets on a quarterly basis and conducts the bulk of its work through four Subgroups:

Social
Economy
Environmental
Community Safety

Reports from the Subgroups are included at Appendix A.

4.2 At a meeting of the full LSP in June, the partners discussed the following:

- Leeds City Region
- Community Strategy Action Plans
- Local Area Agreement (LAA)
- Community Fund

5 Financial Implications

5.1 There are no financial implications.

6 Conclusions

6.1 Councillors are asked to note the report.

7 Link to Corporate Plan

7.1 The partnership work of the LSP has a positive impact on the delivery of the Corporate Plan.

8 How Does This Report Link to the Council's Priorities?

8.1 The delivery of the Council's themes and priorities is enhanced by the partnership working of the LSP.

9 Impact on Corporate Policies

Corporate policy is to support the Local Strategic Partnership (LSP) in pursuing a partnership approach to securing an improved quality of life for those who live and work in the district.

9.1	Service Improvement	Impact
	A partnership approach seeks to secure service improvement.	
9.2	Equalities	Impact
	Joint working assists in reaching more diverse sections of our population.	
9.3	Community Safety and Crime	Impact
	The actions of the LSP and the Community Safety Partnership, as one of its four sub-groups have a positive impact on community safety and crime.	
9.4	Procurement	No Impact
	Joint procurement opportunities can be realised through a partnership approach.	
9.5	Risk Management	No Impact
	Failure to support the work of the LSP would have a negative impact on the outcome of corporate and service inspections.	
9.6	Sustainability	No Impact
	The LSP works towards longer-term solutions and joint service provision for communities.	
9.7	Value for Money	Impact
	Joint working assists in the delivery of best value and efficiency savings.	

10 Background Papers

10.1 Appendix A



Partnership Subgroup Updates at September 2007 meeting of Council

Economy Subgroup

On 7 June the Subgroup considered the draft Sub Regional Investment Plan (SRIP).

Selby District involved in preparing two issue specifications –

- Strategic sites & science and
- Transforming Selby.

The group agreed that the evidence available showed that there was a strong case for it to focus its activities on Selby Town and the renaissance programme. Discussion on Transforming Selby were based on definition of Selby; the role of Selby as part of the Leeds City Region and York sub-area; the need to be transformational and ambitious and potential funding mechanisms.

Under the SRIP it was agreed that the outcomes the group should be considering are:

- Reduce worklessness
- Increase innovation
- Increase enterprise
- Waterfront renaissance – sense of place

Yorkshire Forward are determining their priorities around October 2007.

The group considered the post 2007 European funding position and recognised that there would be less funds available and the prioritisation would be thematic not spatial. The group felt the District could benefit from the new process, as two themes were Innovation and Enterprise.

Environmental Partnership Subgroup

The main focus of the Environmental Partnership Sub-group has been climate change, and the organisation of the Climate Change Workshop in July 2007. This was hosted at Eggborough Power Station.

Breakout sessions looked at:-

- Exploring what can be done in own organisations
- Sharing best practice
- Working together to achieve more
- How to measure successes

Short, medium and long term actions from this will be incorporated into the group's Action Plan which is to be finalised by the end of August 2007.



Partnership Subgroup Updates at September 2007 meeting of Council

Social Subgroup

- The Action Plan for 2007-2008 has been agreed.
- The Play Partnership (a task group of Social Subgroup) has continued to meet and take forward Selby District's Play Strategy. Work ongoing to develop a portfolio of projects to bid for Big Lottery Fund allocation of £200,000. A significant amount of work has gone into this from partners on the task group to enable us to meet the 10 September 2007 deadline for applications.
- The group continues to support the Partnerships for Older People's Project (POPPs) as it develops and expands its client base.
- The group is continuing to support proposals for developing the work of partners in Sherburn.

Community Safety Partnership

The multi-agency agreed action plan is now being delivered over the 4 priority areas:-

- Volume Crime
- Violent Crime
- Anti-social Behaviour
- Safer Communities

The impact of Drugs and Alcohol is now a crosscutting issue inextricably linked to each of the priorities.

Actions include:

- Maintaining, for anti-social behaviour, accurate information on where problems are the worst, working in mini zones.
- Promoting the use of Acceptable Behaviour Contracts (ABC).
- Implementing a range of multi-agency early awareness raising initiatives:
 - Prison me no way!
 - My life my future
 - Missdorothy.com
- Looking at initiatives to raise awareness about tackling environmental crimes e.g. malicious damage to trees.
- Developing responses to reduce crime where it happens the most.
- Intervention and support work being delivered through:
 - Daisy Chain
 - NSPCC
 - Smile
- Funding traffic management devices to help inform residents regarding the high profile speeding issues in the district.



Partnership Subgroup Updates at September 2007 meeting of Council

- The “steady as you go” (postural stability) classes are to continue this year to increase confidence and reduce fear in older residents.
- The “LIFE” course, for people who have offended or are at risk of offending, run by the Fire Service will be delivered again this year.
- Partners continuing to work with the council at JAG meetings.
- Focussing funding on priorities.

Guidance for the new national minimum standards for Community Safety Partnerships is due out in September; a review of the partnership structure and Terms of Reference will be undertaken once the guidance is published.

From July 2007, The Youth Offending Team have been co-located at Community House.