

## Council

Venue: Council Chamber  
Date: 24 April 2012

80	Apologies for Absence
81	Disclosures of Interest
82	Minutes
83	Communications
84	Announcements
85	Petitions
86	Public Questions
87	Councillors' Questions
88	Reports from the Executive
89	Reports from Committees
90	The Localism Act 2011 – The Amended Standards Regime
91	Police and Crime Panel Arrangements
92	Urgent Action
93	Sealing of Documents
94	Private Session
95	Reports from the Executive

Present: Councillor Mrs K McSherry in the Chair

Mrs E Casling, I Chilvers, M Crane, J Crawford, Mrs D Davies, Mrs M Davis, J Deans, Mrs S Duckett, M Dyson, K Ellis, M Hobson, W Inness, Mrs G Ivey, M Jordan, C Lunn, D Mackay, Mrs P Mackay, Mrs C Mackman, J Mackman, B Marshall, J McCartney, Mrs M McCartney, C Metcalfe, R Musgrave, Mrs W Nichols, I Nutt, R Packham, C Pearson, A Pound, R Price, I Reynolds, Mrs S Ryder, R Sayner, Mrs A Spetch, S Shaw-Wright, R Sweeting and J Thurlow

Apologies for Absence: Councillors D Peart, J Cattanach and Mrs E Metcalfe

Also Present: Chief Executive, Deputy Chief Executive, Executive Director S151, Executive Director Communities Selby, Managing Director of Access Selby, Director of Business Services, Senior Solicitor, Democratic Services Manager.

Press: 0  
Public 8

#### **80. Apologies for Absence**

Apologies were received from Councillors J Cattanach, D Peart and Mrs E Metcalfe.

#### **81. Declarations of Interest**

There were no declarations of interest.

#### **82. Minutes**

In considering the minutes of 28 February 2012, Councillor R Price felt that the minutes did not adequately explain the exchange between Councillor J Mackman and himself concerning the increase in Internal Drainage Board precepts.

The Council resolved to amend the relevant section at minute 68 to read:

‘Following a question from Councillor R Price, Councillor J Mackman explained the circumstances behind the notable precept increase by the Internal Drainage Board’.

**Resolved:**

**Subject to the above amendment, to approve the minutes for signing by the Chairman.**

#### **83. Communication**

London Organising Committee of the Olympic Games and Paralympic Games Ltd (LOCOG)

The Chief Executive reported correspondence received from LOCOG with regard to the route of the Olympic Torch. The letter was in response to requests by the Council and others to change the route of the Olympic Torch relay. LOCOG stated that it could not change the route and asked that the Council and local communities work with themselves and attend at their closest viewing point.

**Resolved:**

**To note the correspondence.**

The Political and Constitutional Reform Select Committee

The Chief Executive reported correspondence received from the Political and Constitutional Reform Select Committee. The correspondence formed part of the Committee's consultation on the codification of the principles and mechanics of the relationship between central and local government. The Chief Executive would circulate the relevant details should councillors wish to submit a response.

**Resolved:**

**To note the correspondence.**

**84. Announcements**

The Leader of the Council provided an update on the latest developments from the Examination in Public (EIP) and the impact of the recently published National Planning Policy Framework on the Core Strategy. He detailed the key issues resulting from EIP and the need for the Council to move quickly to make any necessary amendments to the Core Strategy.

To facilitate a speedy response, the Council agreed to hold an Extraordinary meeting on 29 May 2012 and to temporarily suspend the constitutional requirement for Policy Review Committee to first comment on the report.

**Resolved:**

- i) To note the announcement;**
- ii) To hold an Extraordinary meeting of Council on 29 May 2012;**
- iii) To suspend the requirement for any amendments to the Core Strategy to be reviewed by Policy Review Committee until 29 May 2012.**

**85. Petitions**

None received.

**86. Public Questions**

None received.

**87. Councillor's Questions**

Councillor R Packham had submitted a written question to the Leader of the Council regarding Olympia Park and the discussion which had taken place with the Executive.

The Leader of the Council explained that the Council had not changed procedure. The Executive had discussed the Olympia Park development with the developers in the same way that the Policy and Resources Committee would have previously. In response to a supplementary question, the Leader clarified that Planning Committee would still take the necessary Local Planning Authority decisions on Olympia Park.

Councillor S Shaw-Wright had submitted a written question to the Leader of the Council regarding the administration of the Police and Crime Commissioner elections in November 2012. In response, the Leader of the Council highlighted that it was the role of the Returning Officer to manage the election process. He stated that, as in previous years, there would be involvement from Access Selby staff. The Leader responded to a supplementary question from Councillor S Shaw-Wright regarding his views on Police Commissioners.

## **88. Reports from the Executive**

The Leader of the Council had submitted a report on items considered by the Executive since the last meeting of Council. He provided an update on the latest position in respect of the New Homes Bonus and the purchase of a replacement gym whilst Abbey Leisure Centre was out of action. Councillor Mrs G Ivey also offered thanks to the community groups who had offered the use of their premises to help with the delivery of replacement leisure services. The Leader of the Council would provide an update on his work as part of the Leeds City Region in private session.

Councillor Mrs G Ivey, Deputy Leader of the Council and Lead Executive Member for External Relations and Partnerships reported on the work she had undertaken regarding establishment of the Police and Crime Panel. She responded to questions on the '5 Big Things'.

In response to Councillor Mrs G Ivey's report, councillors raised the effects of Anti Social Behaviour by some Council tenants on the quality of life of others. Councillors then discussed the background information they received on tenants moving to properties within their wards and how this had been affected by the Data Protection Act. Councillor Mrs G Ivey offered to look at what information could be provided to councillors with regard to new tenants. The Leader of the Council also offered to examine whether the situation in Selby District was exacerbated by accepting problem tenants from elsewhere.

Councillor C Lunn, Lead Executive Member for Finance, reported on the work he had undertaken since the last meeting of Council. He clarified that the programme of works at Tadcaster Leisure Centre was timetabled over the full period of the 10 year maintenance plan.

Councillor J Mackman, Lead Member for Place Shaping, provided a detailed update on the reconvened EIP which had taken place on the 18 and 19 of April 2012. The update provided further detail on the impact of the NPPF on the Core Strategy. The Council heard that there would be a further consultation period and that the EIP would reconvene on the 5 and 6 of September 2012. Councillor J Mackman clarified the position in respect of provision for Travellers, Gypsies and Showpeople

Councillor C Metcalfe, Lead Member for Communities, gave an update on his work toward 'Tackling the Tough Stuff'. He also responded to questions on the current situation at Barlow Common and on his work with the Council's Community Engagement Forums.

**Resolved:**

**To receive and note the reports from the Executive.**

**89. Reports from Committees**

The Chair of Policy Review Committee, Councillor M Jordan, reported on work undertaken since the last Council meeting. Councillor M Jordan felt that the Committee's Annual Report demonstrated an effective level of scrutiny over the last year.

Councillor Mrs W Nicholls, the Chair of Scrutiny Committee, outlined the recent work of the Committee, this included scrutiny of the Communities Selby Project and the Access Selby Review.

Councillor Mrs E Casling, the Chair of Audit Committee, gave a verbal update to Council regarding the matters covered at the last meeting. The Council heard that the Committee had received an update on the Council's Closed Burial Grounds and the Staff Survey Report.

**Resolved:**

**To receive and note the reports from the Committees.**

Councillors J and Mrs McCartney left the meeting.

**90. The Localism Act 2011 – The Amended Standards Regime**

Councillor C Lunn presented the report which described the necessary changes and possible courses of action for the Council to implement a revised Standards Regime in response to the Localism Act.

Councillor C Lunn outlined that the District Council remained responsible for dealing with complaints about breaches of its local code of conduct and for dealing with complaints against parish and town

councillors. The process by which this was undertaken needed to be established by the Council.

The Council discussed the options available and decided to not continue with a Standards Committee. Councillor Lunn offered his thanks to the current Standards Committee.

**Resolved:**

- i) To not to establish a Standards Committee;**
- ii) To instruct the Monitoring Officer to draft, for consideration and approval by Council, a Code of Conduct for Councillors and Co-opted Members which complies with the Localism Act 2011;**
- iii) To authorise the Monitoring Officer, after consultation with the Chair of Council, to amend the draft Code where he considers it to be necessary or appropriate following publication of the Disclosable Pecuniary Interests Regulations;**
- iv) To appoint the Monitoring Officer as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;**
- v) To give delegated power to the Monitoring Officer, after consultation with the Independent Person, to determine whether a complaint merits further action or investigation and, where appropriate, to arrange a hearing or investigation;**
- vi) To instruct the Monitoring Officer to seek resolution of complaints without formal action wherever practicable and grant the Monitoring Officer discretion to refer decisions on further action to Council where he feels that it is inappropriate for him to take the decision, and to report regularly on the discharge of this function;**
- vii) Where a hearing finds no evidence of failure to comply with the Code of Conduct, to require the Monitoring Officer to close the matter, providing details of the findings to the complainant and to the member concerned, and to the Independent Person;**
- viii) Where a hearing finds evidence of a failure to comply with the Code of Conduct, to authorise the Monitoring Officer, after consultation with the Independent Person and in appropriate cases, to seek local resolution of the complaint to the satisfaction of the complainant. Where such local**

resolution is not appropriate or not possible, he is to report the findings of the hearing, together with a recommendation on sanctions to the Council for determination;

- ix) To authorise the Monitoring Officer to make recommendations to the Council in respect of a member who is found on hearing to have failed to comply with the Code of Conduct;
- x) To adopt the “Arrangements for dealing with standards allegations under the Localism Act 2011” set out at Appendix 1 which reflect the principles set out above;
- xi) To authorise the Monitoring Officer, after consultation with the Chair of Council, to set the allowances and expenses for the Independent Person and any Reserve Independent Persons;
- xii) To advertise a vacancy and begin the process of appointment of 1 Independent Person and 1 Reserve Independent Person;
- xiii) To delegate to the Monitoring Officer authority to short-list and interview candidates, and to make a recommendation to Council for appointment;
- xiv) To authorise the Monitoring Officer to prepare and maintain a new register of councillors interests to comply with the requirements of the Act and the Council’s Code of Conduct, and ensure that it is available for inspection as required by the Act;
- xv) To require the Monitoring Officer to ensure that all councillors and co-optees are informed of their duty to register interests;
- xvi) To authorise the Monitoring Officer to prepare and maintain new registers of councillors’ interests for each Parish Council to comply with the Act and any Code of Conduct adopted by each Parish Council and ensure that it is available for inspection as required by the Act;
- xvii) To ask the Monitoring Officer to make arrangements to inform and train Parish Clerks on the new registration arrangements;
- xviii) To amend the Council Procedure Rules to require that a member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which s/he has a Declarable

**Pecuniary Interest, except where s/he is permitted to remain as a result of the grant of a dispensation;**

- xix) To delegate the power to grant dispensations to the Monitoring Officer;**
- xx) To ask the Monitoring Officer to seek appropriate agreement with other Local Authority Monitoring Officers to act jointly in exercising the delegations granted by the Council in connection with the arrangements for dealing with complaints;**
- xxi) To authorise the Monitoring Officer to make any necessary or consequential changes to the Constitution to ensure compliance with these recommendations.**

## **91. Police and Crime Panel Arrangements**

Councillor Mrs G Ivey presented the report which she asked Council to agree the proposed arrangements for the North Yorkshire Police and Crime Panel as a joint committee in compliance with the Police Reform and Social Responsibility Act 2011.

Councillor Mrs G Ivey outlined that the Police Reform and Social Responsibility Act introduced significant changes in police governance and accountability, particularly in the introduction of an elected Police and Crime Commissioner.

### **Resolved:**

- i) To agree the proposed arrangements for the North Yorkshire Police and Crime Panel as a joint committee of Craven District Council, Hambleton District Council, Harrogate Borough Council, North Yorkshire County Council, Richmondshire District Council, Ryedale District Council, Scarborough Borough Council, Selby District Council and City of York Council;**
- ii) To appoint one member to the panel at Annual Council.**

## **92. Urgent Action**

The Chief Executive reported urgent action he had taken in commissioning the appointment of legal support in respect of an appeal on decision at Cleek Hall by Planning Committee. The Chief Executive would clarify outside the meeting why a number of councillors had received correspondence on this matter from the Council.



The Chief Executive had also taken urgent action with regard to the purchase of Walkers Bingo Hall to provide temporary provision of leisure facilities.

**Resolved:**

**To approve the action taken by the Chief Executive.**

**93. Sealing of the 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:**

**To grant authority 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.**

**94. 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 discussion of the following item as there will be disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraph 9 of Part 1 of Schedule 12(A) of the Act.**

**95. Reports from the Executive**

The Leader of the Council provided an update on his work with Leeds City Region Leaders.

The Chief Executive also responded to questions raised regarding his use of emergency powers.

The meeting closed at 8.07pm