

Extraordinary Council

Venue: Council Chamber
Date: 23 April 2013

96	Disclosures of Interest
97	Civic Parking Enforcement
98	The Local Government Boundary Commission for England (LGBCE) Review of Selby District
99	Gambling Policy
100	Joint Working With North Yorkshire County Council
101	Overview and Scrutiny Work Programme 2013/14
102	Councillor Conduct Matter

Present: Councillor J Crawford in the Chair

I Chilvers, M Crane, 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, Mrs C Mackman, J Mackman, B Marshall, Mrs K McSherry, C Metcalfe, R Musgrave, Mrs W Nichols, R Packham, C Pearson, D Peart, A Pound, R Price, I Reynolds, Mrs S Ryder, R Sayner, S Shaw-Wright, Mrs A Spetch R Sweeting and J Thurlow

Apologies for Absence: Councillors Mrs E Casling, J Cattnach, D Mackay, Mrs P MacKay, J McCartney, Mrs M McCartney, Mrs E Metcalfe and I Nutt

Also Present: Chief Executive, Deputy Chief Executive, Managing Director of Access Selby, Executive Director (s151), Executive Director, Chief Executive of North Yorkshire County Council (NYCC), Deputy Leader of NYCC, Chief Executive of Ryedale District Council and Members of North Yorkshire Youth Council

Press: 0
Public 7

96. Declarations of Interest

There were no declarations of interest.

97. Civil Parking Enforcement

Councillor C Metcalfe presented the report and requested Council approval, in accordance with the Constitution, to implement the North Yorkshire Civil Parking Enforcement scheme in the summer of 2013.

Councillor C Metcalfe outlined North Yorkshire County Council's commitment to subsidise losses the Council may incur in the first three years of the scheme's operation.

The Council agreed to appoint Councillor C Metcalfe as its representative on the Joint Committee for the Parking and Traffic Regulation Adjudication System.

Resolved:

- i) To Delegate off-street car park enforcement functions to Harrogate Borough Council;**
- ii) To Nominate Councillor C Metcalfe to the Joint Committee for the Parking & Traffic Regulation Adjudication System.**

98. The Local Government Boundary Commission for England (LGBCE) Review of Selby District

The Deputy Chief Executive presented the report which asked the Council to agree a warding pattern submission to the LGBCE. The submission was in response to the LGBCE's decision to reduce the size of the Council from 41 to 31 Councillors.

The Deputy Chief Executive outlined the process undertaken by the Council to devise the warding pattern. The Council had taken account of the three statutory criteria as set out by the Commission. These were Electoral Equality, Community Identity and Effective and Convenient Local Government.

The Council discussed the proposed scheme including the plans to split the parish of Barlby. Councillor Crane outlined the difficulties in balancing the three statutory criteria. Any scheme put forward would represent a compromise.

Councillor J Mackman proposed an amendment to the warding pattern. The Council agreed that the two member ward of Hambleton be split into two single member wards. The first ward would contain the parishes of Hambleton, Gateforth and Burn. The second would consist of the Parishes of Monk Fryston, Hillam, Burton Salmon, Birkin and Beal.

Resolved:

To agree the Council's submission, as amended, setting out the Council's proposals for Warding Arrangements in Selby District as part of the LGBCE's consultation.

99. Gambling Policy

Councillor C Metcalfe presented the report on the Council's Gambling Policy, in line with the requirements of government policy and the Gambling Act 2005.

Councillor C Metcalfe outlined that the report had been approved by the Executive at its meeting on 7th March 2013 and that a consultation exercise had been undertaken.

Resolved:

To approve the Gambling Policy prepared under the authority of the Gambling Act 2005.

100. Joint Working with North Yorkshire County Council (NYCC)

The Leader of the Council introduced the report on collaborative working between Selby District Council and NYCC.

The Chief Executive detailed the work he had undertaken in the three months from January 2013 in examining the concept of increased collaborative working between the two tiers of local government.

He outlined that, after a number of years of financial constraint, the opportunities to make savings had become harder to find. With the predictions of further cuts, collaborative working was viewed as the next logical step to ensure financial viability for the future.

Discussions between the two authorities saw closer integration as a goal at both an operational and a strategic level. The Chief Executive set out the initial concept as closer integration which retained the political and democratic sovereignty of the two authorities, assigned a place on the NYCC Management Board for the District Chief Executive with the designation of Assistant Chief Executive and developed a closer working relationship between the NYCC Chief Executive and Leader and the Leader, Executive and Council at Selby.

The Chief Executive urged the need to be positive in the Council's approach to the concept and to robustly challenge services to establish where delivery best sits. The proposals would be considered by NYCC's meeting of full Council on 15 May 2013.

The Chief Executive responded to questions from councillors regarding the role of the new Chief Executive and the impact of potential political differences between the two authorities. The Council unanimously supported the concept.

Resolved:

- i) **To accept that the concept of collaboration between Selby District Council and North Yorkshire County Council is proven and to commit to its implementation on the lines set out in the report;**
- ii) **To agree to the appointment of a joint post of Chief Executive of Selby District Council and Assistant Chief Executive with North Yorkshire County Council;**
- iii) **To acknowledge that both recommendations are subject to the agreement of North Yorkshire County Council along the same lines.**

101. Overview and Scrutiny Work Programmes 2013/14

The Leader of the Council presented the Overview and Scrutiny Committee Work Programmes for the 2013/14 municipal year. He outlined the need for the Executive to work closely with the Council's Overview and Scrutiny Committees to ensure effective work programmes were in place.

Resolved:

To approve the Work Programmes for the 2013/14 municipal year.

102. Councillor Conduct Matter

The Deputy Chief Executive and Monitoring Officer presented the report of a hearing into allegations of a breach of the Councillors' Code of Conduct by Councillor J McCartney. He set out the process of considering the complaint and offered his gratitude to Carole Dunn, Assistant Chief Executive and Monitoring Officer at NYCC, who heard the complaint on his behalf.

The Hearing had found that Councillor McCartney had twice breached the Councillor Code of Conduct. He had behaved in a way that a reasonable person would regard as disrespectful to them – contrary to paragraph 1 of the Code. He had also brought the office of Councillor into disrepute – contrary to paragraph 4 of the code.

The Leader of the Council indicated his intention that the place on Planning Committee currently offered to the Independent Group would be withdrawn at Annual Council. A position on another committee would be offered to maintain the political composition.

Councillor Deans indicated that as the person who had raised the complaint against Councillor J McCartney he would not participate in the vote.

At the conclusion of the debate six councillors requested a recorded vote in accordance with the Council's constitution. The vote was taken as shown below:-

For the Proposal (32)

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

Against the Proposal (0)

None.

Abstentions (0)

None.

Resolved:

- i) To find that there has been a breach of the Code of Conduct on the grounds and for the reasons set out in the report;**
- ii) To publish the findings of the hearing;**
- iii) To recommend to the Independent Group that Councillor J McCartney should be replaced as an Independent Group Member on Planning Committee;**
- iv) To require Councillor J McCartney to undertake one to one training with the Monitoring Officer or his representative on the Code of Conduct;**
- v) To require, in future, all Councillors to sign an undertaking to observe the provisions of the Code of Conduct.**

The meeting closed at 7.26 pm