



Summons and Agenda for the

# Extraordinary Council Meeting

to be held on  
**29 April 2014**

at  
**6.00pm**







To: All District Councillors

cc: Chief Officers  
Directors

You are hereby summoned to attend the Extraordinary Meeting of the Selby District Council to be held in the Council Chamber, Civic Centre, Doncaster Road, Selby on **TUESDAY 29 APRIL 2013** starting at **6.00pm**. The Agenda for the meeting is set out below.

Chief Executive  
17 April 2014

## Opening Prayers

# AGENDA

### 1. **Apologies for Absence**

To receive apologies for absence.

### 2. **Disclosures of Interest**

A copy of the Register of Interest for each Selby District Councillor is available for inspection at [www.selby.gov.uk](http://www.selby.gov.uk).

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

### 3. **The Purchase of Burn Airfield**

The Council is asked to consider the purchase of Burn Airfield. (Pages 1 to 7 attached).

### 4. **Selby District Council Constitution**

The Council is asked to approve that a review of the Constitution be undertaken by the Audit Committee supported by an officer team (Pages 8 to 10 attached).

### 5. **Overview and Scrutiny Work Programmes 2014/15**

The Council is asked to approve the Work Programmes for the 2014/15 municipal year. (Pages 11 to 20 attached).



## **Public Session**

**Report Reference Number: C/13/23**

**Agenda Item No: 3**

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**To: Extraordinary Council**  
**Date: 29 April 2014**  
**Author: Eileen Scothern, Business Manager**  
**Lead Officer: Keith Dawson, Director, Community Service**  
**Executive Member Councillor Mark Crane**

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**Title: Potential purchase of Burn Airfield**

### **Summary:**

This report is brought to Council as the financial implications of the purchase would be outside the approved budget.

### **Recommendations:**

- i. That an offer as outlined in Paragraph 4.1 be submitted to the HCA for their consideration**
- ii. The Council borrows to finance the purchase of the site**
- iii. Provision be made in the Council's accounts for the interest payments and MRP of £112,000 per annum to be funded from rental income and revenue savings.**
- iv. An annual budget of £10,000 is identified funded from rental income to manage the site**
- v. Authority be delegated to the Chief Executive of the Council to agree the Heads of Terms and complete the purchase of the site at the offered price.**
- vi. Authorise commencement of negotiations regarding a new lease with the Gliding Club.**

### **Reasons for recommendation**

To enable the purchase of a strategic site for potential future development for the better planning of the district

## **1. Introduction and background**

- 1.1 For some time the Council has been discussing the potential purchase of Burn Airfield from the HCA. Executive on 9 January 2014 unanimously agreed to inform HCA that the Executive was interested in purchasing the Burn Airfield Site and would urge the HCA to extend its previously willingness to negotiate for the sale directly and exclusively with the District Council. Following this request, the Agency has agreed to enter into detailed negotiations with the Council, Officers of HCA and SDC are in a position to recommend through their governance procedures a price and heads of terms. If Council and HCA Board approvals are obtained the land purchase will be completed by the summer of 2014.

## **2. The Report**

### Location of the site

- 2.1 The Property lies to the east of Burn village some 2 miles south of Selby Town centre and about 1 mile south of the A63 – Selby by-pass/A19 junction, see attached plan.
- 2.2 The Property has adequate highway access for its existing use however as the site does not have direct access onto the A19 it is not currently suitable for development purposes without future construction of a by-pass.
- 2.3 The Property is now principally in agricultural use. The Burn Gliding Club leases part of the Property and the greater lengths of the former runways. Provision will need to be made to cover the costs of managing the land if purchased. The estimated management costs are £10,000 pa.
- 2.4 A number of electricity overhead lines cross the Property; a Gas Main crosses the south western part of the Property. There is a water pumping station on the Property. A number of Public Footpaths cross the Property, including a section of the Trans-Pennine Trail (eastern side).
- 2.5 The area is otherwise principally rural in nature with much of the adjoining land lying on or around 20 metres above sea level.
- 2.6 For the purpose of the valuation the following assumptions have been made
- Gross area of the 'Asset': 221.25has (546.40 acres)
  - Gross tenanted area is : 201.05has (496.77 acres)
  - Gross In hand areas are: 20.20has (49.63 acres)

- 2.7 The 'Agricultural Land is principally in arable cultivation with areas of permanent pasture, the 'In hand' land is largely 'unreclaimed' former 'bomber standings' and areas of aeroplane maintenance with high level of concrete standings.
- 2.8 The site has four tenants under the Agricultural Holdings Act 1986 as lifelong tenancies and one business lease, copies of these leases have been provided. The business lease term is three years up to and including 2<sup>nd</sup> July 2015. The Gliding club have already expressed interest in a new lease from 2015 and authority is sought, in the event of approval of the purchase, to negotiate with Burn Gliding Club.
- 2.9 There are two sets of buildings on the Property.

Burn Lane Farm: Farm buildings on Burn Lane Farm which is tenanted by Messrs G H & AG G Holmes, These buildings are scheduled as 'Tenants Fixtures' in clause 4.1 of the tenancy agreement.

The Gliding Club: This demise includes the clubhouse and workshop; the former was erected by the tenant under a lease dated 18 February 1983.

#### History of site

- 2.10 The site was previously a former RAF airbase, constructed around the 1940's and subsequently taken over by the War Department as a disposal store. Following the decommissioning of the site it was owned by Innogy and purchased by Yorkshire Forward in 2003 on the expectation that a research and development scheme would be successful and produce a major international project for Yorkshire. The sale was subject to an overage clause. A copy has been obtained from HCA and the key points are dates and terms of the formula. The dates are December 2012, 2018 and 2023.
- 2.11 The first overage period has expired (31 December 2012), the second overage period expires on 31 December 2023 but there is provision for a further payment if prior to 31 December 2018 the security fence is realigned to incorporate additional operational land. The second overage is payable on grant and implementation of relevant planning permissions and is subject to a formula which means that any additional consideration comprises the increase in land value minus eligible deductions (excluded is statutory obligations relating to contamination).
- 2.12 The site has been previously used as a military base and as part of the due diligence of the planning application 2005/0575/OUT a desk study of military use and potential unexploded ordnance was carried out in 2002 which concluded there is a low risk of UXO remaining on the

property. HCA commissioned a further Desk Study in 2013 which pointed to a low risk of German unexploded bombs (UXBs) and Allied Anti-Aircraft Artillery (AAAs) but a medium risk of other types of allied military ordnance for example small arms ammunition (SAAs). As part of the Council's application for a travellers site a non-intrusive walkover of the site identified nearly 2,000 potential ferrous objects, these may be old agricultural/vehicle/spent ordnance debris but could also be AAA/SAA or UXBs. The survey indicated that to develop the site remedial works would cost in the region of £25K - £52K depending upon the results of the initial intrusive works.

## Proposal

2.13 The site has been valued by HCA advisors at £1,750,000, and our advisors have recommended to Officers that £1,700,000 is a reasonable price. HCA officers are in a position to recommend this offer to their Board.

2.14 In addition to the existing overage between Innogy and HCA (60/40 in favour of Innogy) which will pass to SDC the HCA are seeking to Claw back 10% of the 40% uplift in value if the current conditions in the incumbent overage agreement are triggered. Our advisors have recommended that this clause is accepted

2.15 Future Overage sought by HCA from 2023 (once the incumbent has fallen away).

- 60/40 split in favour of Selby
- Overage on infrastructure outside of the subject site. This has to be linked to any quantifiable uplift in the value of the land to be agreed by an independent appointed surveyor on behalf of the parties. The overage will only be calculated on the portion of land that the uplift is attributed to.
- The overage term to be 10 years.

## **3. Legal/Financial Controls and other Policy matters**

### **3.1 Legal Issues**

3.1.1 It is intended that the land acquisition be under s227 of the Town and County Planning Act 1990 which allows acquisition of land by agreement with the owner for one of the following purposes

3.1.2 a) where the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land,] or



b) [which] is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

The development, re-development or improvement must also be likely to contribute to the achievement of any one or more of the following objects:

- (a) the promotion or improvement of the economic well-being of the area;
- (b) the promotion or improvement of the social well-being of their area;
- (c) the promotion or improvement of the environmental well-being of their area.

## **3.2 Financial Issues**

3.2.1 The current owners have “opted to tax” and therefore VAT is payable on the purchase of the site, however the VAT will be recoverable.

3.2.2 Stamp Duty of 4% is payable on non- residential land purchases, this will be an addition charge of £68,000.

3.2.3 Rental values at 2013 was £28,119.32, the agricultural tenants have been served with a Section 12 Notice (Rent Review) and we await the outcome. Provision will need to be made to cover the costs of managing the land if purchased. The estimated management costs are £10,000 pa.

3.2.4 If the Council funded the acquisition of the site based on a purchase price of £1,700,000 plus stamp duty (£68,000) on an interest only loan at 4.36% this would give an annual interest cost of £77,000 per annum. In addition any Council borrowing for capital assets under the General Fund is subject of a Minimum Revenue Provision (MRP) after the asset becomes operational, in this scenario a charge over 50 years i.e. £35,000 per annum would need to be included in the Council’s revenue accounts. The cost of servicing the interest payments and MRP of £112,000 per annum cannot be fully funded by income generation from the site and therefore contributions from savings will need to made in addition to those already anticipated in the Council’s Medium Term Financial Strategy and Budget.

## **3.3. Opportunities and Risk Management**

3.3.1 Purchasing the land will safeguard the land for future use as a strategic site. It may for example protect the majority of the route of the proposed bypass and could enable the delivery of the bypass by facilitating future development.

3.3.2 Any monies expended on the investigative works and consultant's fees would be abortive costs if the site were not to proceed.

3.3.3 SDC would have public liability responsibilities but most of the maintenance responsibilities are transferred to the tenants under the various leases.

#### **4. Conclusion**

4.1 Officers recommend an offer of £1,700,000 be made to HCA with the terms as identified and authority is given to the Chief Executive to agree the Heads of Terms and complete the purchase of the site.

#### **5. Background Documents**

None

##### ***Contact Officer:***

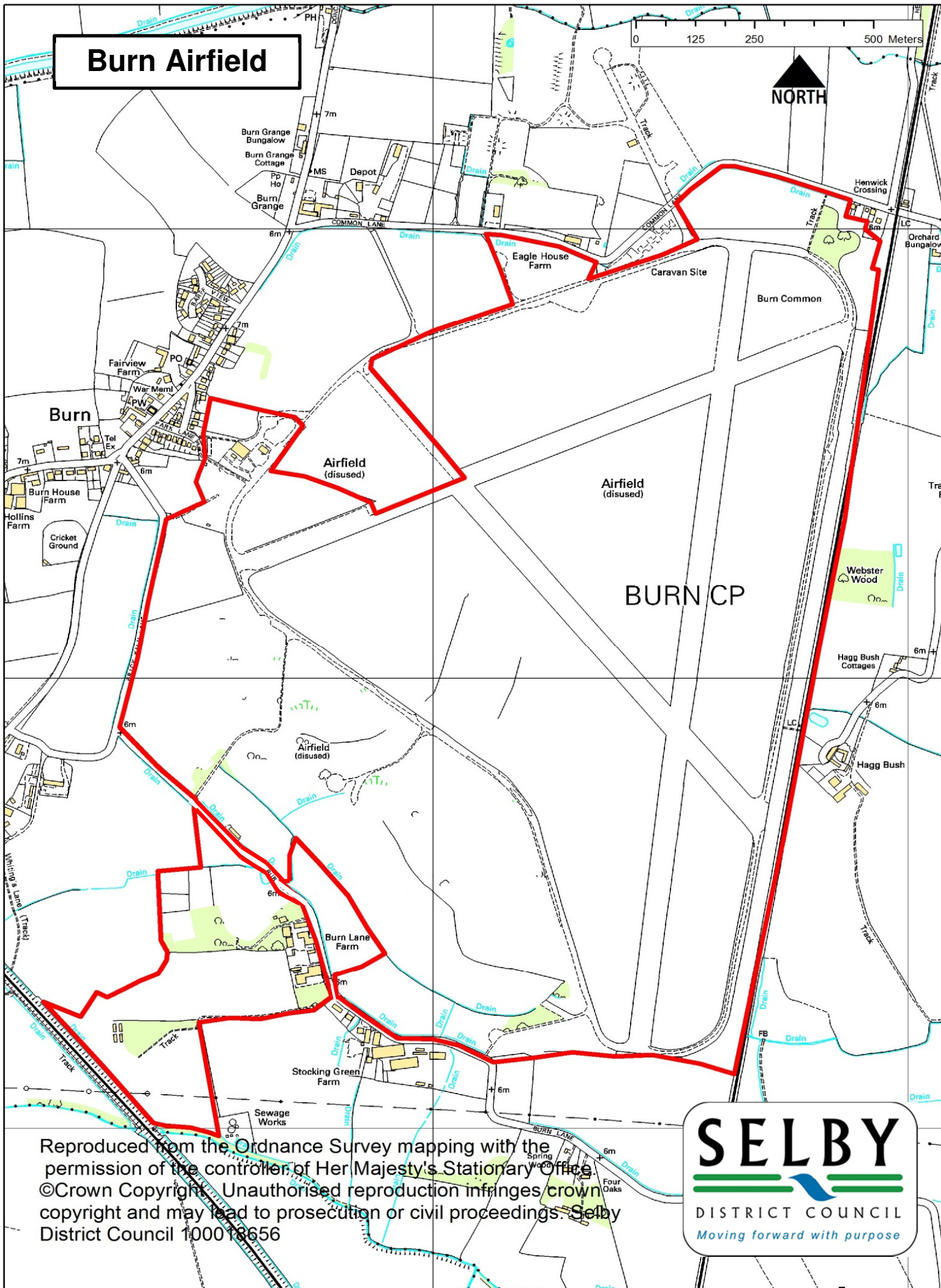
Eileen Scothern, Business Manager

##### **Appendices:**

Location Map

# Burn Airfield

0 125 250 500 Meters



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**Public Session**

**Report Reference Number: C/13/24**

**Agenda Item No: 4**

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**To:** Extraordinary Council  
**Date:** 29 April 2014  
**Author:** Mary Weastell, Chief Executive  
**Lead Officer:** Jonathan Lund, Deputy Chief Executive & Gillian Marshall, Solicitor to the Council

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**Title: Review of the Constitution**

**Summary:**

This report recommends that a review of the Constitution be undertaken by the Audit Committee supported by an officer team.

**Recommendations:**

i. That Council ask the Audit Committee to carry out a review of the Council's Constitution and report its conclusions back to the Executive who will consider whether to recommend changes to Council

**Reasons for recommendation**

To ensure the Constitution is fit for purpose and supports the Council, the Executive and Officers to make decisions in the public interest in a timely and effective manner subject to proper controls.

**1. Introduction and background**

On 9 November 2010 Selby District Council resolved to adopt executive structures under the Local Government Act 2000 with effect from 5 May 2011. At that time the constitution of the Council was amended to substantially the same form it takes today.

The Constitution has since been kept under review by the Deputy Chief Executive as Monitoring Officer and some amendments have been made to reflect changes to legislation (primarily in the Localism Act 2013) and working practices.

## **2. The Report**

- 2.1 With the benefit of three years of experience of executive arrangements the Executive recently considered learning from the Executive model to date alongside the current constitution and particularly the decision making structures and delegations and scrutiny arrangements with a view to
- Ensuring that decision making is streamlined and efficient but still subject to proper controls
  - Considering whether changes need to be made to the constitution to facilitate the recent Local Government Boundary Review for Selby District and the new electoral arrangement which will take effect to a move to 31 Councillors in 2015.
- 2.2 The Leader has asked the Chief Executive to consider a review of the Constitution to ensure it is fit for purpose now and for the future, ensuring that there is cross party involvement by Councillors.
- 2.3 Having considered the request the Chief Executive considers that Council should ask the Audit Committee to conduct this review supported by an Officer Team consisting of the Chief Executive, the Deputy Chief Executive as Monitoring Officer, the Executive Director (S151 Officer), the Democratic Services Manager and the Solicitor to the Council. The function of the Audit Committee is to effectively monitor the control systems operating at the Council and the rules in the Constitution constitute such a control system.

The outcome of the review would then be reported to the Executive who will consider whether to recommend constitution changes to Council.

The proposed timetable is as follows

29 April 2014	Council considers the request to ask Audit Committee to conduct a review.
30 April – 20 May 2014	Audit Committee conducts review
5 June 2014	Executive considers findings
24 June 2014	Council receives report specifying any proposed changes

## **3. Legal/Financial Controls and other Policy matters**

### **3.1 Legal Issues**

Under Article 15 of the Constitution changes will only be approved by Council after consideration of the proposals by the Executive taking into account the advice of the Chief Executive or Monitoring Officer.

### **3.2 Financial Issues**

There are no financial issues arising from this report.

### **4. Conclusion**

That referring the matter to the Audit Committee to consider (supported by an officer team) is the most effective way to review the Constitution ensuring full cross party involvement.

### **5. Background Documents**

None

#### ***Contact Officers:***

***Jonathan Lund, Deputy Chief Executive - [jlund@selby.gov.uk](mailto:jlund@selby.gov.uk)  
Gillian Marshall, Solicitor to the Council –  
[gmarshall@selby.gov.uk](mailto:gmarshall@selby.gov.uk)***

#### **Appendices:**



## Public Session

Report Reference Number: C/13/25

Agenda Item No: 5

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**To:** Extraordinary Council  
**Date:** 29 April 2014  
**Author:** Glenn Shelley, Democratic Services Manager  
**Lead Officer:** Karen Iveson, Executive Director (S151)  
**Executive Member:** Councillor Mark Crane

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**Title: Overview and Scrutiny Committee Work Programmes**

### Summary:

This report presents the Overview and Scrutiny Committee Work Programmes to Council for approval.

### Recommendation:

**To approve the work programmes.**

### Reason for Recommendation:

**That the Council ensures the contribution of Scrutiny is effective in supporting service improvement and delivery against district wide and Council priorities.**

- 1. Introduction and background**
  - 1.1** The adoption of a revised constitution and an Executive system from May 2011 has placed an increased emphasis on the role of Overview and Scrutiny within Selby District Council.
  - 1.2** The Constitution identifies that the two statutory Overview and Scrutiny Committees of the Council are Policy Review and Scrutiny. Audit Committee also undertakes work that contributes to effective scrutiny.
  - 1.3** The Constitution states that 'Each year all Overview and Scrutiny Committees will formulate a work programme setting out their planned work for the year ahead.' It also states that Overview and Scrutiny Committees will take into account the views of the Executive before presenting their Work Programme to Council.

1.4 The Work Programmes were received by the Executive on 6 March 2014 and are now presented to Council for approval.

## 2. The Report

2.1 The Work Programmes (attached at appendices A, B and C) have now been to discussed at length by each Committee and have received significant input from councillors.

2.2 It is acknowledged that Scrutiny is resource intensive for both councillors and officers.

2.3 The Constitution does allow for amendments to be made to the Work Programmes once they have received Council approval. Adjustments can be made by the individual Committees' work programmes to allow for the scrutiny of topics which may arise later in the year.

## 3. Legal/Financial Controls and other Policy matters

### 3.1 Legal Issues

Any legal issues arising will be identified in the relevant report at the time of consideration by the Committee.

### 3.2 Financial Issues

There is a 2.5k budget available for the ad hoc costs associated with the support of any Task and Finish Groups. Officer time in supporting each Committee will be closely monitored.

## 4. Conclusion

4.1 That Council considers the appended Work Programmes and approves them for the 2014/15 Committee year.

### **Contact Officer:**

**Glenn Shelley, Democratic Service Manager**

**(01757) 292007**

**E-mail: [gshelley@selby.gov.uk](mailto:gshelley@selby.gov.uk)**

**Appendices: A – Scrutiny Work Programme**

**B – Policy Review Work Programme**

**C – Audit Work Programme**



**Scrutiny Committee Work Programme 2014/15**

<b>Date of Meeting</b>	<b>Topic</b>	<b>Action Required</b>
<b>25 June 2014</b>	Time of Meetings	To consider and agree a start time for future meetings
	Access Selby Service Provision – Community Support	To scrutinise performance of the Community Support service
	Programme for Growth	To receive the latest update and the scrutinise the Council's Programme for Growth
	Abbey Leisure Centre	To receive an update concerning the latest developments on Abbey Leisure Centre.
	Community Infrastructure Levy	Update following Call In item at the December 2013 meeting.
	Call In	Provisional Item on the agenda
<b>23 September 2014</b>	1 <sup>st</sup> Quarter Corporate Plan Report	To review performance against the Corporate Plan – Leader of the Council in attendance.
	North Yorkshire Fire Service	To discuss the Fire and Rescue Service provision within the District
	Health	To scrutinise Health provision across the District.
	Access Selby Service Provision – Debt Control	To scrutinise performance of the Debt Control service
	Call In	Provisional Item on the agenda
<b>27 January 2015</b>	2 <sup>nd</sup> Quarter Corporate Plan Report	To review performance against the Corporate Plan – Leader of the Council in attendance.
	Police and Crime Panel Update	To receive an update from the Police and Crime Panel on their work scrutinising the work of the Police and Crime Commissioner.
	Call In	Provisional Item on the agenda
	Crime and Disorder Update	To review the levels of crime and disorder across Selby District – NYP and CSP representatives in attendance.

<b>Feb/March 2015</b>	Nigel Adams MP	To ask questions of the Selby and Ainsty MP regarding issues of concern for Councillors and local residents.
<b>24 March 2015</b>	3 <sup>rd</sup> Quarter Corporate Plan Report	To review performance against the Corporate Plan – Leader of the Council in attendance.
	Scrutiny Committee Work Programme 2015/16	To agree the Scrutiny Work Programme for 2015/16
	Scrutiny Annual Report 2014/15	To discuss the Scrutiny Annual Report for 2014/15
	Transport	To discuss transport provision in Selby
	Call In	Provisional Item on the agenda

- Please note that any items 'called in' will be considered at the next available meeting.
- Councillor Call for Action will also be considered at the next available meeting.

**Policy Review Committee Work Programme 2014/15 – Appendix B**

<b>Date of Meeting</b>	<b>Topic</b>	<b>Action Required</b>
15 July 2014	Time of Meetings	To agree a start time for meetings for 2014/15
	Work Programme	To agree the Committee's Work Programme for 2014/15
	<b><u>Budget and Policy Framework</u></b> The State of Area Address	To consider the Leader's State of the Area Address.
	<b><u>Committee Requested Item</u></b> Welfare Reform	To consider the findings of the Task & Finish Group
16 September 2014	<b><u>Budget and Policy Framework</u></b> Financial Strategy	To consider the Executive's proposals for the Council's long term (10 year), resource and spending framework in which the budget strategy and three year financial plan will be developed.
20 January 2015	<b><u>Budget and Policy Framework</u></b> Draft Budget and Medium Term Financial Plan	To consider the Executive's proposals for revenue budgets and the capital programme for 2015/2016.
	Work Programme 2015/16	To consider the Committee's Work Programme for 2015/16

14 April 2015	Approve Policy Review Annual Report & Work Programme 2015/16	To consider the Committee's Annual Report
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**Audit Committee Work Programme 2014/15 – Appendix C**

<b>Date of Meeting</b>	<b>Topic</b>	<b>Action Required</b>
18 June 2014	<b><u>Committee Requested Item</u></b> Introduction to the Audit Committee	
	<b><u>Committee Requested Item</u></b> Time of Meetings	To agree start time of Audit Committee meetings for 2014/15
	<b><u>Committee Requested Item</u></b> Audit Committee Work Programme 2014/15	To consider the Committee's Work Programme for the year ahead.
	<b><u>Committee Requested Item</u></b> Internal Audit Annual Report 2013/14	To consider the Internal Audit Annual Report for 2013/14.
	<b><u>Committee Requested Item</u></b> Risk Management Annual Report	To consider the Risk Management Annual Report for 2013/14
	<b><u>Committee Requested Item</u></b> Review of the Corporate Risk Register	To review the latest Corporate Risk Register
	<b><u>Committee Requested Item</u></b> Review of the Access Selby Risk Register	To review the latest Access Selby Risk Register

24 September 2014	<b><u>Committee Requested Item</u></b> Annual Governance Statement	To approve the Annual Governance Statement
	<b><u>Committee Requested Item</u></b> Statement of Accounts (post audit)	To approve the Statement of Accounts
	<b><u>Committee Requested Item</u></b> Mazars External Annual Governance Report and Opinion on the Financial Statements	To receive the Mazars Annual Governance Report and opinion on Financial Statements
	<b><u>Committee Requested Item</u></b> Counter Fraud Annual Report	To review the Counter Fraud Annual Report
	<b><u>Committee Requested Item</u></b> Internal Audit Quarter 1+Report 2014/15	To review progress against the Internal Audit Plan

14 January 2015	<b><u>Committee Requested Item</u></b> Annual Governance Statement – Action Plan Review	To review progress against the AGS Action Plan
	<b><u>Committee Requested Item</u></b> Internal Audit Quarter 2+ Report 2014/15	To review progress against the Internal Audit Plan
	<b><u>Committee Requested Item</u></b> Annual Audit Letter	To receive the Mazars report on the 2013/14 Audit and Value for Money conclusion
	<b><u>Committee Requested Item</u></b> Audit of Grant Claims & Returns 2013/14	To receive the Mazars Audit report
	<b><u>Committee Requested Item</u></b> Review of Risk Management Strategy	To review the Risk Management Strategy
	<b><u>Committee Requested Item</u></b> Review of the Corporate Risk Register	To review the latest Corporate Risk Register
	<b><u>Committee Requested Item</u></b> Review of the Access Selby Risk Register	To review the latest Access Selby Risk Register
	<b><u>Committee Requested Item</u></b> External Audit Progress Report – Mazars	To review the progress by Mazars in meeting its responsibilities as the Council’s External Auditor.

14 April 2015	<b><u>Committee Requested Item</u></b> Audit Strategy Memorandum and External Audit Progress Report – Mazars	To review the Audit Strategy and progress of the External Audit with Mazars
	<b><u>Committee Requested Item</u></b> Annual Governance Statement – Action Plan Review	To review progress against the AGS Action Plan
	<b><u>Committee Requested Item</u></b> Internal Audit Progress Report 2014/15	To review progress against the Internal Audit Plan for 2014/15
	<b><u>Committee Requested Item</u></b> Internal Audit Charter	To approve the Internal Audit Charter
	<b><u>Committee Requested Item</u></b> Internal Audit Plan 2015/16	To approve the Internal Audit Plan 2015/16
	<b><u>Committee Requested Item</u></b> Audit Committee Annual Report 2014/14 and Work Programme 2015/16	To approve the 2014/15 Annual Report and the 2015/16 Work Programme for the committee