

Council

Venue: Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT

Date: Thursday, 22 July 2021

Time: 6.00 pm

Present: Councillor J Duggan in the Chair

Councillors I Chilvers (Vice-Chair), K Arthur, D Brook, D Buckle, J Chilvers, M Crane, S Duckett, K Franks, T Grogan, E Jordan, M Jordan, A Lee, C Lunn, D Mackay, J Mackman, J McCartney, M McCartney, R Musgrave, W Nichols, R Packham, C Pearson, N Reader, S Shaw-Wright, R Sweeting, M Topping and P Welch

Officers Present: Janet Waggott, Chief Executive, Karen Iveson, Chief Finance Officer, Dave Caulfield, Director of Economic Regeneration and Place, Alison Hartley, Solicitor to the Council, Angela Crossland, Head of Community, Partnerships and Customers, Victoria Foreman, Democratic Services Officer

Press: 1

Public: 0

9 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J Cattnach, K Ellis, C Richardson and J Shaw-Wright.

10 DISCLOSURES OF INTEREST

Councillors S Duckett and J Mackman both declared a non-pecuniary interest in agenda item 14 – Medium Term Financial Strategy as they were both board representatives on the Selby District Housing Trust; both Members confirmed that they would be leaving the meeting during consideration thereof.

11 MINUTES

The Council considered the minutes of the meetings held on 13 April 2021 and 27 April 2021.

RESOLVED:

To approve the minutes of the Council meetings held on 13 April 2021 and 27 April 2021 for signing by the Chairman.

12 COMMUNICATIONS

The Leader informed the Council of the recently announced decision that a unitary authority would be established in North Yorkshire from 2023, and as such, that Selby District Council would be abolished. This had been communicated to all staff and Members.

13 ANNOUNCEMENTS

Members noted that the seating arrangement of the Council had been amended slightly in order for the Executive to face other Councillors during the meeting, and to improve the view as the meeting was streamed online.

14 PETITIONS

There were no petitions.

15 PUBLIC QUESTIONS

There were no public questions.

16 COUNCILLORS' QUESTIONS

Two questions had been submitted for consideration.

Question 1

Councillor J McCartney asked question one to the Lead Executive Member for Health and Culture, which related to the potential prosecution of businesses, particularly takeaways, if they were not disposing of waste properly.

The Lead Executive Member for Health and Culture explained that the Council did prosecute and had been doing so since 2011, and that offenders were either taken to court, issued with a fixed penalty notice (FPN) or a caution. FPNs were £400 and decisions to issue these were taken by Enforcement Officers in conjunction with the Council's Legal Team. The Executive Member stated that FPNs were often the most appropriate way of dealing with such offences. Local businesses had a duty of care and were required to register with the local authority who would remove their waste; alternatively, they could pay for a private company to take it away. Fines were issued if it was not.

Fast food companies also had to comply in terms of waste disposal, and litter picking arranged by some of these establishments had been organised. Members were asked to provide the Executive Member or Officers with evidence if they were aware of breaches of appropriate waste disposal.

Councillor J McCartney emphasised the importance of prosecuting and publicising those people and businesses that offended. For some larger chains their waste was thrown away across the entire district, not just near the branches at which litter picks had been organised.

Question 2

Councillor M McCartney asked the second question which related to the number of CCTV cameras in use throughout the district to tackle fly tipping.

The Lead Executive Member confirmed that there were currently two CCTV cameras being used in the district, both of which worked during day and night times. The Council was required to erect signs to make the public aware that CCTV was in use, although Officers had requested a covert camera, for which a legal agreement was required. Members noted that numberplate data could be useful when tracking fly tipping, but that the police were often reluctant to release the data; however, an ANPR vehicle would soon be operating in the district which it was hoped would assist with numberplate recognition and tracking.

Councillor M McCartney asked if there were plans for any further cameras in the district as a supplementary question; the Executive Member expressed his hope that more cameras would be purchased and installed and committed to keeping all Members informed on the matter.

17 REPORTS FROM THE EXECUTIVE

Councillor Mark Crane, Leader of the Council

The Leader of the Council presented his update on the work he had recently undertaken as outlined in his report and added that a seminar on the recent announcements regarding local government reorganisation (LGR) in North Yorkshire would be held for all Councillors very soon. The Leader also expressed his disappointment that such a decision had been taken.

Members asked if any further information regarding LGR was available; the Leader explained that there was none at present besides from an email from the Leader of North Yorkshire County Council, and the expected upcoming presentation to be given at the meeting of the Local Enterprise Partnership (LEP) board the following day.

Queries were raised regarding the potential effect of working from home on staff performance, whether working from home would continue to be supported in the future and if Selby District had taken in a proportional share of the recent refugee families from Afghanistan.

The Leader confirmed that refugee families from Syria and Afghanistan had been housed by the Council; every authority in North Yorkshire had been offered refugee families and all had taken some in, apart from Ryedale District Council. Two houses had been prepared for them to the same level as any

tenant, but extra monies had been received from central government which had been used for additional furnishings in the properties.

Performance of the Council had been maintained whilst staff had worked from home, but those members of staff who wanted to come into the office could do so. Moving forward, the Leader felt that he would want staff members to come into the offices at least once a week, as it was important for teams to see one another and stay in contact; but there would be no compulsion for them to come in.

Further queries were asked of the Leader relating to the availability of tenant services and work on adaptations following the pandemic. The Leader confirmed that the amount of work being done in people's homes had reduced due to the pandemic, but that the backlog was being reduced with most types of jobs able to be done. The Leader informed Members that he would need to take away the query around adaptations and respond to all Members in due course. The Leader also made the point that some tenants still did not feel comfortable having staff in their homes to do repairs, and as such, these were still outstanding. Most void properties needed a great deal of remedial work.

Councillor Richard Musgrave, Deputy Leader of the Council and Lead Executive Member for Place Shaping

The Deputy Leader of the Council presented his update on the work recently undertaken as outlined in his report and added that 44 potential development sites had been agreed for consultation at the last meeting of the Executive held on 8 July 2021. The consultation would take place until 13 September 2021 as part of the work on the Council's next local plan.

Members asked about the proposed highways model, which would be critical during the development of the next local plan, reviewing allocations in the plan to ensure they fitted with highways capacity and the performance of the Council's Development Management Team, including the monitoring and signing off of applications by Officers.

Councillor Musgrave emphasised the importance of a new local plan for the district, and how highways and transport was an essential part of that; there was a risk that infrastructure would not always follow development. Stage one consultation of the local plan's development was currently in progress online, with the Council moving towards the next stage. The site allocations in the local plan would be reviewed to see if they fitted with current highway capacity; it was hoped that development would be mostly focused on areas in the district that already had suitable infrastructure. Lastly, Members were informed that the Council's planning department was now fully staffed.

Councillor Cliff Lunn, Lead Executive Member for Finance and Resources

The Executive Member for Finance and Resources presented his update on the work recently undertaken as outlined in his report and added that the provision of laptop devices to Members may need to be looked at again

following LGR.

Members asked questions around long-term borrowing by the Council and how this would stand following LGR. Councillor Lunn explained that the new authority would take on all the Council's debt, assets or borrowing, meaning that all residents of the new unitary authority area would carry the debt. There was a degree of the unknown in terms of the full financial implications of LGR for the people of the district.

Councillor David Buckle, Lead Executive Member for Communities and Economic Development

The Executive Member for Communities and Economic Development presented his update on the work he had recently undertaken as outlined in his report and added that four new electric vehicle (EV) charging points had been installed in Selby's Micklegate car park. The public visiting the town were paying for around three hours of parking, and feedback from local shops was that customers were spending more but shopping less often.

Members asked about the £430k pledged by the new Police, Fire and Crime Commissioner (PFCC) and how it would be used to increase security in the district, and why it was being focused on certain villages such as Carlton and Camblesforth. Councillor Buckle explained that some of the money would be used to improve the protection of farms, and that there were to be several different phases to the scheme that the PFCC had introduced. It would be possible for the Council to bid for further funding for other areas in the district under the later phases of the scheme.

Some Members felt that the PFCC's spending in some areas had not produced a reduction in crime and queried whether the funding was directed at areas of the district where the crime was, or if the decision to focus on certain areas or villages first had been taken at random. Councillor Buckle resolved to raise this query with the PFCC on the Council's behalf.

A further query was raised about the number of studies undertaken to look at regeneration and development in the district, and that there needed to be more action 'on the ground' to follow them up. There was also some concern around the Selby Station Gateway project and if this could be delivered before the proposed LGR changes due in 2023.

Councillor Buckle acknowledged Members' comments and that following the recent LGR announcements, such work would need to be sped up. When most of the projects and work began in 2017, the Economic Development Team had needed more resources; these were now in place and as such Councillor Buckle was confident that the various projects and studies could start being delivered and leave a legacy for the future, such as the Selby Station Gateway project. Members asked that details of the regeneration and economic development work being done be sent to them directly in the future.

Councillor Tim Grogan, Lead Executive Member for Health and Culture

The Executive Member for Health and Culture presented his update on the work recently undertaken as outlined in his report. Councillor Grogan emphasised the importance of local takeaways being held responsible for the disposal of their rubbish, and asked Members to familiarise themselves with the recently released branding for the Selby district 'Heart of Yorkshire' initiative for local businesses.

Following a question about events in the district, Councillor Grogan explained that the Council's Events Officer was doing some excellent work and enhancing the stories of the district, which extended over the whole area.

RESOLVED:

To receive and note the reports of the Executive.

18 REPORTS FROM COMMITTEES

Councillor Karl Arthur, Chairman of the Audit and Governance Committee

Councillor Arthur, Chairman of the Audit and Governance Committee, provided an update on the work of the Committee as outlined in his report.

There were no questions for Councillor Arthur.

Councillor Chris Pearson, Chairman of the Policy Review Committee

Councillor Pearson, Chairman of the Policy Review Committee, provided an update on the work of the Committee, as set out below:

Update from Low Carbon Working Group

Officers gave an update following the last meeting of the Working Group held on 6 July. There was a real emphasis from Members on the importance of moving forward with both short and longer term projects, such as tree planting in the autumn, to start reducing the Council's carbon footprint. The next meeting of the Working Group was arranged for late August.

Medium Term Financial Strategy (MTFS)

The Committee were given an overview of the MTFS by Officers and the Executive Member for Finance who was also in attendance. Members asked various questions on the Selby Station Gateway Project, the Council's work towards carbon neutrality, the future of the Summit Centre and interest rates and their potential effect on the MTFS. Overall, the Committee were happy with the Executive's recommendations to Council.

Proposed Taxi Licensing Consultation on Statutory Taxi and Private Hire Vehicle Standards

Officers introduced the report and asked the Committee for their comments.

Members queried the need for 6-monthly DBS checks and believed they could respond to the consultation themselves should they have specific concerns; the Committee were content for the consultation to be taken forward as it stood.

Car Parking Update

Members were pleased to note that new tariff schemes, signage and machines had been implemented, and the work on large EV charging units had been completed. Officers would supply information to Members later as to the number of people using the £1 tariff. There had been a drop in car park revenue due to the pandemic, which it was hoped would recover following the lifting of restrictions on 19 July. Officers would shortly be looking at the provision of a new long stay car park in Selby, and the refurbishment of the car park at Back Micklegate.

Universal Credit Update

The Committee expressed their concerns as to the rise in the number of people claiming Universal Credit, as well as the government's additional payment for Universal Credit claimants coming to an end. Ring-fenced grants for homelessness were received from the government, but rent debt had also been accruing which, with the courts reopening, could lead to some evictions. Members asked that homelessness was brought to a future meeting of the Committee, as well as the criteria for the use of any money left from the government's grant; Officers explained that just before the pandemic the Council's new Homelessness Strategy had been agreed, and as a result this could also be explored.

Fly tipping and Littering

As requested at a previous meeting, Members were given an overview of fly tipping and littering by Officers and expressed their frustration at how the problem did not seem to be abating. Fixed penalty notices (FPNs) had been issued, which had generated £11k in fines; local authorities often preferred FPNs due to the way in which the courts generally dealt with fly tipping, as well as some offences being difficult to prosecute due to lack of evidence.

Education and engagement with the public to prevent offences was crucial, and compared to other local authorities, Selby was issuing more FPNs than most. There was little evidence that the increase in fly tipping was due to charges for the collection of bulky household waste, a report on which was scheduled for the next meeting of the Committee in September.

In relation to littering, evidence suggested that compared to other areas Selby's standards were relatively high, which could be why when there was litter, it was more noticeable and reported by the public. A campaign against littering on high-speed roads was planned by asking people to report the registrations of cars who littered so FPNs could be issued. Members went on to ask Officers several questions relating to mechanical versus hand litter

picking, identification of areas that needed more focus and inspections and how quickly reported mess was cleared up.

Feedback on the Local Plan Preferred Options Consultation

Members thanked Officers for the tremendous work they had done on the Local Plan and noted the summary of responses as set out in the report.

Work Programme 2021-22

Members noted the work programme which would be amended to reflect the suggestions made at the meeting.

Councillor Steve Shaw-Wright, Chairman of the Overview and Scrutiny Committee

Councillor Shaw-Wright, Chairman of the Overview and Scrutiny Committee, provided an update on the work of the Committee as outlined in his report.

RESOLVED:

To note the reports.

19 MOTIONS

There were no motions.

20 SELBY DISTRICT COMMUNITY LEGACY FUND

Councillor Buckle, Lead Executive Member for Communities and Economic Development introduced the item, which asked the Council to agree to the establishment of a Community Legacy Fund.

Members noted that in April 2021 the Council had reviewed the Constitution and agreed to change the way in which it engaged and funded community activity. The Community Engagement Forum (CEF) process was replaced with a Member's Locality Fund approach, to enable Members to engage directly with communities and to support small community projects. On 8 July 2021, the Executive had considered a report which outlined options for developing a Selby District Community Fund, using the CEF 2020-21 underspend. The Executive had approved the donation, subject to appropriate conditions, of the CEF 2020/21 underspend of £100,000 to Two Ridings Community Foundation to establish a Selby District Community Fund.

Members acknowledged that when it was considered by the Executive, a North Yorkshire Local Government Reorganisation (LGR) outcome had not yet been announced. The Executive report also included consideration of establishing a legacy Endowment Fund. This was a fund which would be invested to generate an annual return into the Selby District Community Fund and would offer permanent investment into the Selby District community. The Council would then be able to secure a legacy fund which remained specific to

Selby District residents and communities, indefinitely.

The Council were reminded that a working group of Officers and representative Group Members had been established to discuss options for the use of remaining CEF funds. This group received a presentation alongside the Executive, from Two Ridings Community Foundation. The purpose of the presentation was to highlight options for community funding management and investment. Options included direct, finite use of the £100,000, as well as potential to attract finite match funding, and to look at an endowment investment approach which could offer both long-term match funding and interest growth. The discussions considered whether this provided opportunity to offer a solution to securing community investment into the district for the long-term future.

The report outlined the objectives of a Community Legacy Fund, with various delivery options and how the endowment fund approach was considered; the accompanying appendices gave an overview of Two Ridings Community Foundation, and the latter part of the report provided consideration of the model, including the preferred option.

Several questions were asked, and views expressed at the meeting, with general support from Members for the proposals. It was felt that providing a legacy for the district, considering the recent announcements around local government reorganisation in North Yorkshire, was particularly important.

It was debated by the Council as to whether the amount to invest should be increased from £1m to £2m; this suggestion was welcomed by Members. The Executive Member for Finance and Resources believed that the Council could financially afford the increased amount. Following a further question, Members were reassured that Officers had considered other providers but that the Two Ridings Community Foundation was seen as the best option; a number of other local authorities had invested with them, and their low risk and good return profile was an additional contributing factor.

It was suggested that an update on the scheme should be provided to Council at its next meeting, and that the governance of it needed to be of the utmost importance. The Council were pleased to note that community organisations would not be stopped from applying for funding from the CEF underspend before it was invested.

The Selby district area would be properly represented by Officers and two selected Councillors, the money having been ringfenced perpetually; Two Ridings would hold the funds and undertake the administration, but it would be the Council that set the criteria for the money's use.

The Chief Finance Officer advised Members that should they decide to invest an increased amount of £2m, it should be noted that the Council's Medium Term Financial Strategy (MTFS) only assumed a £1m investment. The Council did face some financial challenges, and Members had to be aware that committing more than the recommended amount, and as set out in the MTFS,

would undermine it. Members noted the Officer's advice.

It was proposed, seconded and agreed that the amount to be invested by the Council with the Two Ridings Community Foundation should be amended to £2m.

RESOLVED: The Council approved

- i. the establishment of a Community Endowment Fund to be invested and managed by Two Ridings Community Foundation, subject to final due diligence, in line with Option 3 at Section 4.4 outlined in the Executive report of 8 July 2021, but as amended to the investment of a minimum £2 million, subject to available unallocated funds committed to the Programme for Growth;**
- ii. that authority be delegated to the Director of Economic Regeneration and Place, in consultation with the Lead Member for Communities and Economic Development, the S151 Officer and Solicitor to the Council, to enter into an agreement between Selby District Council and Two Ridings Community Foundation to secure achievement of agreed parameters to the investment and subsequent grant making process; and**
- iii. that an update on the scheme be provided for Members at the next meeting of the Council.**

21 TADCASTER COMMUNITY SPORTS TRUST - REQUEST FOR FUNDING SUPPORT

The Leader of the Council presented the report which asked the Council to award funds to the Tadcaster Community Sports Trust and to delegate authority to Officers, in consultation with himself, to enter into a grant funding agreement between Selby District Council and Tadcaster Community Sports Trust (TCST), to secure the achievement of agreed key deliverables from the payment, by imposition of appropriate conditions.

Members noted that TCST had exciting plans to move forward with the development of a community-led, multi-sports hub at the Tadcaster Queen's Garden site in the town centre. Several groups and sports bodies were interested in using the field and had numerous ideas that could be explored and delivered by capable people in the community.

The report went on to explain that the trust had asked the Council for assistance to realise the plans through a grant which could support the development of early-stage work and increase opportunities to access further funding as the project progressed. An original request for the first phase of the project was for £192k to develop business planning, community engagement, the master plan and detailed design costs. The Executive had agreed to an initial grant of £30k to support that work, with a recommendation to Council to

support the Trust with the remainder of the funding.

Some Members expressed a concern that there board of trustees was currently populated by five men; it was very important to widen the base of representation and ensure that women were also appointed to the board. Members also commented that the Council should have some influence over the fee amount to join the sports club to ensure it stayed affordable for the community, that the project was sustainable and that the land on which the club was planned was properly and legally secured.

Members questioned the amount requested (£192k), which was a large sum; the Leader explained that this was the maximum amount specified in the tender document, and that it was unlikely the project would cost that much. The importance of similar projects being delivered across the district was raised, with the Leader encouraging other communities and groups to come forward to apply for funding soon.

The recommendations as set out in the report were proposed and seconded, and a vote was taken.

RESOLVED: The Council approved

- i. that the remainder of the requested amount of £162k be awarded to TCST; and**
- ii. that authority be delegated to the Director of Economic Regeneration and Place, in consultation with the Leader of the Council, to enter into a grant funding agreement between Selby District Council and Tadcaster Community Sports Trust (TCST) to secure achievement of agreed key deliverables from the £162k payment, by imposition of appropriate conditions.**

22 MEDIUM TERM FINANCIAL STRATEGY

Councillors S Duckett and J Mackman left the meeting at this point and did not return.

The Lead Executive Member for Finance and Resources, Councillor Lunn, introduced the item which asked the Council to consider and agree the recommendations as set out in the report.

Members acknowledged that the report presented an update to the Medium-Term Financial Strategy (MTFS) covering both the General Fund and Housing Revenue Account (HRA). It considered the budget pressures and issues facing the Council over the next 3 years and beyond, in light of the on-going financial impacts of Covid-19 and local government reorganisation (LGR) in North Yorkshire.

The Council were informed that 2020/21 was a year of major uncertainty as the effects of the Covid-19 pandemic unfolded and the government's plans for

potential reorganisation in North Yorkshire were announced. The government's proposals for a reviewed local government funding system were delayed, and once again 2021/22 was a one-year settlement. Against this backdrop of uncertainty, the key drivers for the financial strategy remained unchanged although the level of risk had increased. The strategy identified a range of emerging issues, including the government's waste strategy. The MTFs also set out the Council's reserves strategy which sought to set aside sums to cover known commitments and financial risk, as well as earmarking resources to support delivery of the 'Council Plan'.

Members noted that the savings requirement was estimated to rise to £2.8m within the next 3 years, although this was very much dependent upon future local government finance settlements. The worst case showed the gap rising to nearly £4m over the next 3 years. Additionally, given on-going Covid and local government reorganisation, capacity was focussed on direct delivery of services and projects and it was proposed that savings were deferred a further year to 2024/25, with reserves being used to bridge the gap in the meantime; it was proposed that £11.9m be held in the Business Rates Equalisation Reserve for this purpose, with £8m available for alternative use.

The report also detailed that a modest level of savings was assumed over the next 3 years, but in the longer-term income generation would be key, with charging for green waste and alternative use for the Summit to be brought forward for consideration in due course. Local government reorganisation also presented the opportunity for further service transformation and efficiency.

The General Fund and HRA capital programmes had been reviewed to ensure they were deliverable, and some reprioritisations were proposed, including withdrawal of the General Fund housing development programme and extension of the HRA to ensure maximisation of s106 spend.

Members understood that the Programme for Growth had also been reviewed, with the allocation of funds to carbon reduction work reduced to cover those elements that could be delivered within the next 2 years, with £950k available for alternative use. In addition, a further £8m was proposed for release from the Business Rates Equalisation Reserve to the Programme for Growth from 2021/22, and following discussion at the Executive meeting on 8 July 2021, a further £1m capital receipts. Several proposals for these funds were put forward for consideration.

The Council also acknowledged that the MTFs reaffirmed the Council's commitment to the people of Selby district, to support the district to be a great place to live, to enjoy life and to grow, delivered by a Council whose focus was to continue to achieve the best value for money for its residents. The MTFs aimed to provide financial sustainability, resilience and capacity for the Council in pursuing its objectives, ensuring its commitments were delivered and to enable a smooth transition to any new authority.

Lastly, consultation with the Policy Review Committee had taken place at its meeting on 20 July 2021; comments from the committee had been given

earlier in the meeting under agenda item 10 – Reports from Committees.

Members debated the report in full and had several comments and queries; these related to the need to progress low carbon work and ensure appropriate funding for such work was available, and to consider Programme for Growth projects that may not be completed by the time the changes from LGR were implemented.

The prudent management of funds and presentation of a balanced budget over the next couple of years was emphasised by the Executive Member for Finance and Resources. The Chief Finance Officer made it clear to the Council the impact on the MTFs of the carbon reduction project budget and increasing the Community Legacy Fund investment from £1m to £2m. Members were also warned that the Council could not always rely on receiving funds from Drax power station through green energy taxes; as such, the Council should not commit to funding projects with monies it may not have.

The recommendations as set out in the report were proposed and seconded, and a vote was taken.

RESOLVED: The Council

- a) received the Executive recommendation as notice signed by five Councillors pursuant to Council Procedure Rule 18, to enable consideration of the matters at (b) notwithstanding that it would rescind a decision made by Council within the past six months; and**
- b) approved**
 - i. the Medium-Term Financial Strategy;**
 - ii. the revisions to the General Fund and HRA capital programmes;**
 - iii. the release of £8m from the Business Rates Equalisation Reserve and £1m from Capital Receipts for the Programme for Growth;**
 - iv. the supported capital and Programme for Growth bids within the funds available; and**
 - v. delegation of the approval of Business Cases to the Chief Executive, in consultation with the Lead Executive Member for Housing, to expedite delivery of the housing delivery programme.**

23 URGENT ACTION

The Chief Executive reported the urgent action she had agreed since the previous meeting of the Council in April 2021, which was the cancellation of the meeting of the Council on 13 July 2021, and its rearrangement to 22 July 2021.

In addition, the Chief Executive asked for the agreement of Council that not attending a physical meeting in person for a six-month period, for reasons associated with the Covid pandemic, would not disqualify a District Councillor under the automatic vacation of office provisions set out in section 85 of the Local Government Act 1972.

It was proposed, seconded and a vote was taken on the above proposal.

RESOLVED: The Council

- a) noted the urgent action as reported by the Chief Executive; and**
- b) agreed that not attending a physical meeting in person for a six-month period, for reasons associated with the Covid pandemic, would not disqualify a District Councillor under the automatic vacation of office provisions set out in section 85 of the Local Government Act 1972.**

The meeting closed at 8.14 pm.