

Council

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

Date: Tuesday, 16 July 2019

Time: 6.00 pm

Present: Councillor D Mackay in the Chair

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

Officers Present: Janet Waggott (Chief Executive), Dave Caulfield (Director of Economic Regeneration and Place), Julie Slatter (Director of Corporate Services & Commissioning), Karen Iveson (Chief Finance Officer (s151)) and Palbinder Mann (Democratic Services Manager)

Press: 1

Public: 2

11 TRIBUTE TO BRIAN MARSHALL

Before the commencement of the meeting, the Council paid tribute to former Councillor Brian Marshall who had recently passed away.

12 APOLOGIES FOR ABSENCE

There were no apologies for absence.

13 DISCLOSURES OF INTEREST

There were no declarations of interest.

14 MINUTES

The Council considered the minutes of the meeting held on Tuesday 14 May 2019.

It was noted that leisure was still listed under the portfolio of the Lead Executive Member for Housing, Health and Culture and this it should be listed under the portfolio of the Leader of the Council.

RESOLVED:

To approve the minutes of the Council meeting held on 14 May 2019 subject to the above amendment for signing by the Chairman.

15 COMMUNICATIONS

The Chief Executive informed Council that the St Germain Parade would take place on Wednesday 31 July and that the Council was still looking for volunteers to support the event.

The Chief Executive informed Council that a letter had been received from the Local Government Boundary Commission for England requesting information concerning housing projections for certain wards in the district. It was noted following receipt of the information, they would make a decision on whether to conduct a review for Selby.

16 ANNOUNCEMENTS

There were no announcements.

17 PETITIONS

There were no petitions received.

18 PUBLIC QUESTIONS

There were no public questions received.

19 COUNCILLORS' QUESTIONS

It was noted that six questions had been received from Councillors.

Question One

Councillor Mary McCartney asked question one in relation to the customer contact centre as outlined on the agenda.

The Lead Executive Member for Communities and Economic Development explained that the customer contact centre would be relocating to the Civic Centre. He informed Council that visitor numbers to the Contact Centre had reduced by half in recent years and that the relocation to the Civic Centre would allow customers to be closer to services and for opportunities for

efficiencies in service delivery.

For a supplementary question, it was queried how elderly people would visit the Civic Centre. The Lead Executive Member for Communities and Economic Development explained that the Civic Centre was well served on a bus route which dropped visitors right outside the venue.

Question Two

Councillor Mary McCartney asked question two in relation to the savings plan as outlined on the agenda.

The Lead Executive Member for Finance and Resources explained that that progress on savings was reported in the 2018/19 quarter four performance report which was considered by the Scrutiny Committee on 4 July 2019. He added that the report showed there was a shortfall of £225k due to delays in the police co-location, contact centre move and channel shift projects which were now expected in 2019/20.

For a supplementary question, it was queried whether the target would be achieved in 2019/20. The Lead Executive Member for Finance and Resources stated there were risks however the aim was to deliver on the savings.

Question Three

Councillor Mary McCartney asked question three in relation to the housing policy as outlined on the agenda.

The Lead Executive Member for Housing, Health and Culture explained that the figure of 241 families housed in the district included those who were housed in Council owned housing and those housed with other housing providers in the Council's area who used North Yorkshire Home Choice.

Council was informed that a report on North Yorkshire Home Choice was presented to the Policy Review Committee in June where the net migration figure had been discussed. It was noted that report advised that City of York Council had made the decision to leave the Home Choice partnership and therefore Selby's net migration was expected to reduce.

The Lead Executive Member for Housing, Health and Culture explained that it had been proposed to the Policy Review Committee that a review of the Council's allocations policy takes place towards the end of 2019/20. It was noted that the review would allow the Council to explore the reasons for the migration and would be an opportunity to ensure that North Yorkshire Home Choice was still meeting the Council's needs. The Lead Executive Member for Housing, Health and Culture outlined that some of the benefits of remaining a partner of North Yorkshire Home Choice included reducing administration costs related to finance and staffing for singular authorities and providing Selby residents a greater level of customer choice and control, as well as tackling issues with low demand areas and properties.

Question Four

Councillor John McCartney asked question four in relation to the Programme for Growth as outlined on the agenda.

The Lead Executive Member for Finance and Resources explained that the overall programme total was £10.9m and a breakdown of the programme was outlined in the budget Council agenda for the meeting on 21 February 2019. It was noted that as with all expenditure and income, progress on the programme was reported to Executive and the Scrutiny Committee as part of the quarterly finance reports.

Council was informed that budget allocations were considered by Full Council and funds were allocated through the budget process with Members having the opportunity to scrutinise and challenge them.

The Lead Executive Member for Finance and Resources explained that the spending for the Programme for Growth was subject to the same constitutional and procedure rules as any other expenditure and where necessary, was subject to business case approval. He added that officers applied rigorous procurement processes where necessary to ensure best value was achieved. Council was informed that where funds were expended through external providers, or where the Council was supporting partners to deliver initiatives, the Council was clear about its requirements to have the necessary contractual agreements in place along with monitoring process to ensure its objectives were achieved.

The Lead Executive Member for Finance and Resources outlined that some of the projects under the programme included Olympia Park and the Selby 950 project.

For a supplementary question, it was queried how external monitoring was undertaken. The Lead Executive Member for Finance and Resources explained that there were contractual agreements which were monitored to ensure all the details in the agreement were being fulfilled.

Question Five

Councillor John McCartney asked question five in relation to untidy gardens and land as outlined on the agenda.

The Lead Executive Member for Place Shaping explained that the Council had powers to tackle privately owned untidy gardens or land if they contained items which may be harmful to health or a nuisance. It was noted that with regard to Selby District Council properties, the gardens were the tenant's responsibility and this was made clear to them when they signed the tenancy agreement. Council was informed of eight incidences of where the Council had taken tenancy enforcement actions in relation to gardens in the last two years.

With regard to section 215 notices, the Lead Executive Member for Place Shaping explained that no section 215 notices had been served in the last two years however if Members had any concerns over particular sites, they were asked to let the relevant officers know.

Question Six

Councillor John McCartney asked question six in relation to fly tipping as outlined on the agenda.

The Leader of the Council explained that he was happy to set up a meeting between himself, the Chief Executive and York Magistrates to discuss the penalties handed out to people convicted of fly-tipping. The Leader of the Council informed Council that he was mindful that fines were handed out to people convicted of fly-tipping when the court used to be situated in Selby.

For a supplementary question, Councillor John McCartney requested that the local MP, Nigel Adams be approached to support the issue. The Leader of the Council explained that the Mr Adams had written to the Secretary of State on the issue.

20 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.

Concern was raised regarding the co-location of the Police at the Civic Centre and in particular the lack of privacy when discussing personal issues at the front reception desk. It was stated that the problem would increase further when the customer contact centre moved into the building. Further concern was raised regarding District Council staff having to speak to members of the public regarding police issues when the police receptionist was not present. The Leader of the Council stated that if the Police had invited someone to the Civic Centre, they should be provided about clear instructions of what to do and where to go. He added that he would raise the issues mentioned.

Concern was raised regarding the moving of the customer contact centre and the effect this would have on elderly and infirm people who would have further to travel to visit the civic centre. The Leader of the Council explained there had been a 50% decrease in visitors to the customer contact centre. He stated that the civic centre was serviced by a bus and had free public parking on site including disabled parking. He added that the move would not result in a decrease in service.

In response to a query concerning the amount of time required to get vacant council properties back into use, the Leader of the Council explained that it had to be ensured the property was fit to be habitable and the necessary work

carried out before it could be re-let.

A query was raised regarding Barlby Swimming Pool who had previously received funding from the Council however was now closed. The Leader of the Council stated he would ask officers to have a look as to why the pool was closed.

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

Councillor Musgrave, Deputy Leader of the Council and Lead Executive Member for Place Shaping, provided an update on the work he had recently undertaken, as outlined in his report. Council was informed that the Executive had recommended approval for the writing of a new local plan and that this would be discussed at a forthcoming Council meeting.

In response to queries relating to his visit to Roeselare, the Lead Executive Member for Place Shaping explained that the trip had been paid for by sponsorship and that Roeselare had made excellent progress in revitalising the high street. In response to a further query on lessons learnt from the trip, the Lead Executive Member for Place Shaping explained that one of the key factors for the improvement was leadership which had resulted in positive renovation for the town centre.

In relation to staffing, officers were praised for winning five out of six recent planning appeals and a query was raised regarding how much interest there had been on the recruitment open day. The Director of Economic Regeneration and Place explained that open days were very effective in the recruitment process and that there had been a fair degree of interest for roles and following that, some successful interviews had been undertaken.

In relation to Olympia Park, a query was raised on when the planning application for the access road would be submitted and what would be the cost of the application. In addition, it was queried, who would be paying for the application. The Lead Executive Member for Place Shaping explained that the planning application would be submitted by the developers with the cost being the standard cost for such applications. Council was informed that the money for the application would be paid out of the Housing Infrastructure Fund (HIF) funding received by the Council.

In response to a query concerning the timescales for the work to be undertaken in Sherburn in Elmet, the Lead Executive Member for Place Shaping stated that the work would be undertaken around the whole district commencing in Sherburn and it was hoped there would be a report on this in September.

In response to queries about the delivery and funding for Olympia Park, the Lead Executive Member for Place Shaping stated that the site was a key part of the district and was closer to be delivered than had previously been. In relation to funding, Council was informed funding for the scheme came from

the Council's Programme for Growth and the HIF funding.

Councillor Cliff Lunn, Lead Executive Member for Finance and Resources

Councillor Lunn, Lead Executive Member for Finance and Resources presented his update on the work he had recently undertaken, as outlined in his report.

A query was raised regarding a breakdown of the money in the Council's reserves and the different categories the money came under. The Lead Executive Member for Finance and Resources agreed to provide these figures. In response to a further query on reserves, the Lead Executive Member for Finance and Resources explained that it was up to each authority in respect of how much funding they placed in reserves.

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

Councillor Buckle, Lead Executive Member for Communities and Economic Development provided an update on the work he had recently undertaken, as outlined in his report.

In response to a query concerning parking in the town centre, the Lead Executive Member for Communities and Economic Development explained that this was something the Council was looking and were in discussions with Chris Wade who had written a report concerning the town centre.

A query was raised regarding the amount of businesses that had interest in the Council's business sites. The Lead Executive Member for Communities and Economic Development explained that the aim of the site was to attract business to the area and the Council received considerable interest in relation to the sites.

Concern was raised regarding the condition of Audus Street Car Park and specifically the first exit about which several complaints had been received. The Lead Executive Member for Communities and Economic Development agreed to look into this.

A query was raised regarding the membership of the stakeholder group for the M62 Strategic Development Zone Study. The Lead Executive Member for Communities and Economic Development informed Council that the membership for this group include representatives from Hull City Council, East Riding Council, Selby District Council and North Yorkshire County Council. In response to a further query regarding whether the Council was speaking to Leeds City Council, the Lead Executive Member for Communities and Economic Development explained that a cross border working group had been set up to look at jobs in the area and the transport issues for these jobs.

In response to a query the use of the old civic centre car park, the Lead

Executive Member for Communities and Economic Development explained that the car park had been rarely used and that there was a proposal by Legal and General Homes to build modular homes on the site.

A query was raised regarding better transport for employees working at the business sites. The Lead Executive Member for Communities and Economic Development explained that work was being done to look at the rail transport and discussions had taken place with employers to allow flexible work to align with transport times.

Councillor Chris Pearson, Lead Executive Member for Housing, Health and Culture

Councillor Pearson, Lead Executive Member for Housing, Health and Culture, provide an update on the work he had recently undertaken, as outlined in his report.

Queries were raised around the figures relating to income generation for the Tour de Yorkshire. The Lead Executive Member for Housing, Health and Culture that the figures relating to the income generated had been published by Welcome to Yorkshire.

A query was raised with regard to why the speed bumps had to be removed where they did not have to be for similar races in Europe. The Lead Executive Member for Housing, Health and Culture informed Council that the speed bumps had to be removed due to there being a sprint finish.

With regard to council house buy backs, it was queried whether the Council brought these properties back at full market value and whether the occupant could purchase another property from the authority at a discounted rate. The Lead Executive Member for Housing, Health and Culture explained that the property would be brought back at the market price however the occupant could not use the discount again on another property.

RESOLVED:

To receive and note the reports from the Executive.

21 REPORTS FROM COMMITTEES

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

Councillor S Shaw-Wright, Chairman of the Overview and Scrutiny Committee provided an update on the work of the Committee and explained that due to the timescales and a combination of officer and member annual leave, it had not been possible to submit a written report to go on the agenda.

The Chair of the Overview and Scrutiny Committee thanked the previous Chairman of the Committee for her work on the Committee. He outlined that

the previous meeting of the Committee on 4th July had included the following items:

- Discussions with the Vale of York Clinical Commissioning Group and the Yorkshire Ambulance Service hospital transport and the new assessment process for this.
- An update on the future of Brayton Barff delivered by Yorkshire Water.
- There had also been discussions about the Quarter 4 Corporate Performance Report, the Financial Results and Budget Exceptions Report, the Treasury Management Annual Review and discussions to form a task group to look at Selby District Council Community Centres.

It was noted that the Committee would be looking at items such as the Tour de Yorkshire, Youth Provision and Social Housing and Housing Allocations in the future.

Councillor Andrew Lee, Chairman of the Policy Review Committee

Councillor Lee, Chairman of the Policy Review Committee provided an update on the work of the Committee as outlined in his report.

Concern was raised at the lack of agenda items for the next meeting and it was recommended that a discussion take place on the work programme for the Committee at the next meeting. The Chair of the Policy Review Committee agreed to this proposal.

Councillor K 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.

In response to a query regarding Parish and Town Councils signing up to the District Council's code of conduct, the Chair of the Audit and Governance Committee stated that all Parish and Town Councils would be asked to sign up.

RESOLVED:

To receive and note the reports from the Committees.

22 MOTIONS

It was noted that two motions had been submitted for discussion. The first motion submitted was as follows:

That this Full Council agrees that Selby District Council should move from an Executive Structure to a modern Committee based structure that recognises the primacy of the Full Council and in which every elected Councillor plays a

full and meaningful part in the Council decision making process.

That a Working Party under the leadership of Chairman of the Scrutiny Committee, working with senior officers, is tasked with putting forward recommendations to this Full Council that enable the changes to occur as soon as possible.

Councillor Mary McCartney proposed the motion and explained that approving the motion would allow for a more democratic method of governance rather than the current method where decisions were made by only five Members.

Discussion took place on the motion and comments were made by Members in support and against the motion.

In opposition to the motion, Members stated that approving the motion would mean the Council going backwards and that the current systems allowed decisions to be made in an effective way. Concern was raised that moving to a Committee system would result in slower decision making which would hinder the progress of the Council.

In support of the motion, Members stated that there were limited checks and balances to the Executive and that the decision making was restricted to five Members. It was felt that the Committee system would result in the Council performing better for the residents.

Before the motion was put to the vote, a recorded vote was requested in line with rule 19.4 of the Council's Procedure Rules as outlined in the Council's Constitution.

For the proposal: Fifteen

Councillors D Brook, S Duckett, J Duggan, K Franks, E Jordan, M Jordan, D Mackay, J McCartney, M McCartney, W Nichols, B Packham, J Shaw-Wright, S Shaw-Wright, P Welburn, and P Welch.

Against the proposal: Sixteen

Councillors K Arthur, D Buckle, J Cattnach, I Chilvers, J Chilvers, M Crane, K Ellis, T Grogan, A Lee, C Lunn, J Mackman, R Musgrave, C Pearson, N Reader, R Sweeting, and M Topping.

The motion was rejected.

RESOLVED:

To refuse the above motion.

The second motion submitted was as follows:

This Council agrees that maintenance of Council owned areas, particularly the public areas of housing estates, including: grassed amenity areas and verges; trees; play areas; ginnels; and paved areas, falls far short of reasonable standards, particularly the standards achieved by Town and Parish Councils, and brings the Council into disrepute.

This is not a criticism of our Contractors, who can only work to the contract agreed with Selby District Council. The contract is clearly deficient in many respects.

The Council therefore instructs Officers to carry out an immediate re-assessment of Council owned land in these areas and the current contractual arrangements for their maintenance and report their findings to Council at the next meeting (September 17, 2019), setting out: the issues that need to be addressed; measures to address the shortcomings; and the costs and necessary amendments to existing maintenance contracts to address this.

Councillor Packham proposed the motion and stated there were several areas of the District which needed better maintenance. He informed Council that it was important this issue was addressed.

The Leader of the Council accepted that concerns had been raised about some works carried out however stated that it was important to look at the contract and whether the contractors were performing their duties as agreed. An amendment was therefore proposed by Councillor Crane and seconded by Councillor Sweeting as follows:

This Council agrees that maintenance of Council owned areas, particularly the public areas of housing estates, including: grassed amenity areas and verges; trees; play areas; ginnels; and paved areas, falls far short of reasonable standards, particularly the standards achieved by Town and Parish Councils, and brings the Council into disrepute.

The Council agrees to set up a Member Working Group to look at the contract with Amey PLC and ascertain whether the contractor is performing their duties in line with the contract.

Discussion took place on the amendment and it was felt the amendment would not address the issues raised and it was felt that it would be effective for officers to look into the contract.

Before the amendment was put to the vote, a recorded vote was requested in line with rule 19.4 of the Council's Procedure Rules as outlined in the Council's Constitution.

For the proposal: Sixteen

Councillors K Arthur, D Buckle, J Cattanach, I Chilvers, J Chilvers, M Crane, K Ellis, T Grogan, A Lee, C Lunn, J Mackman, R Musgrave, C Pearson,
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N Reader, R Sweeting, and M Topping.

Against the proposal: Fifteen

Councillors D Brook, S Duckett, J Duggan, K Franks, E Jordan, M Jordan, D Mackay, J McCartney, M McCartney, W Nichols, B Packham, J Shaw-Wright, S Shaw-Wright, P Welburn, and P Welch.

The amendment was carried and was then put to the vote as the substantive motion.

RESOLVED:

To agree the following amended motion:

This Council agrees that maintenance of Council owned areas, particularly the public areas of housing estates, including: grassed amenity areas and verges; trees; play areas; ginnels; and paved areas, falls far short of reasonable standards, particularly the standards achieved by Town and Parish Councils, and brings the Council into disrepute.

The Council agrees to set up a Member Working Group to look at the contract with Amey PLC and ascertain whether the contractor is performing their duties in line with the contract.

23 APPOINTMENT OF THE MONITORING OFFICER

The Leader of the Council presented the report which asked the Council to appoint Alison Hartley, the newly appointed Solicitor to the Council as the Council's Monitoring Officer.

The Leader of the Council explained that a recruitment exercise had been undertaken for the Solicitor to the Council post and there had been a unanimous agreement on the panel for the choice of candidate. It was noted that it was a Council decision to appoint the Monitoring Officer.

RESOLVED:

To appoint Alison Hartley as the Council's Monitoring Officer.

REASON FOR DECISION:

To ensure that the Council appoints a Monitoring Officer as per section 5 of the Local Government and Housing Act 1989.

24 URGENT ACTION

It was noted that the Chief Executive had taken the following urgent action since the last meeting:

- On 3 June 2019, appointed a number of Members to different Committees for the 2019/20 municipal year with immediate effect.

The meeting closed at 8.39 pm.