

Policy & Resources Committee

held at Ryedale House, Malton
on Thursday 25 June 2009

Present

Councillors Wainwright (in the Chair), Acomb, Bailey, Mrs Burr, Mrs Hodgson, Knaggs, Legard,

Substitutes: Councillors Hemesley and Mrs Keal

Overview & Scrutiny Committee Observers: Councillors Clark and Mrs Shields

In attendance

T Anderson, Ms J Baldwin, P Cresswell, Mrs E Hayes, J Rudd, Miss L Sandall, Mrs C Slater, Miss J Waggott, A Winship

Minutes

PART B MATTERS REFERRED TO COUNCIL

15. Audio Visual Equipment for Council Meetings

Members considered a report that considered the provision of audio/visual equipment for Council meetings in response to a request from the Overview and Scrutiny Committee at its meeting on 5 May 2009.

Members of Council Management Team, and some Members had received a presentation from a company specialising in this field. Budgetary costings for a complete new system were included within the report. Members noted that the quotation provided was an indicative one.

It was proposed that funding be provided from the capital contingency fund. The revenue implications could be expected to be maintenance at about 15% of capital cost (£8250 for the full solution) and transcription costs on an ad hoc basis.

The report concluded that the existing equipment was over 10 years old and obsolete. As a refurbishment of the Chamber was planned, it was felt this was an appropriate time to carry out the work.

Resolved:

That Council be recommended to approve an addition to the Capital Programme for the procurement of an audio/visual system for the Council chamber at an estimate of £50,000 to be met from the capital contingency fund.

16 **Procurement Shared Service**

Members considered a report which asked them to consider being a part of a procurement shared service with Scarborough Borough Council and Selby District Council.

Local Authorities had direction from Central Government to transform local government services by looking at new ways of working both with other local authorities and other service providers. In particular, local authorities were encouraged to explore the possibilities for shared service provision where more efficient ways of working could be achieved.

Members noted that currently, Ryedale District Council did not have a dedicated Procurement Officer, but that Scarborough Borough Council had a Strategic Procurement Unit in place. The staffing at Scarborough would be supplemented with an additional experienced officer to be recruited and based at Selby, servicing both Selby and Ryedale. The work planned was identified in the report. The cost to Ryedale of involvement in the shared service would be £24,000 per annum, with Selby's cost at £35,000 and Scarborough at £73,000. Any surplus on the shared service would be allocated to the partners. Members noted that an application had been made to the RIEP for pump prime funding of £10,000 to assist with the project.

Resolved:

That Council be recommended to:-

- (i) enter into a procurement shared service with Scarborough Borough Council and Selby District Council; and
- (ii) that the financing of the contributions be met from operational reserves.

17. **Wentworth Street Car Park Malton**

Members considered a report that asked Committee to recommend Council to invite expressions of interest for the purchase and redevelopment of either the whole or part of the Wentworth Street Car Park site at Malton as shown on a plan attached to the report for future use which would be subject to allocation in the LDF process and/or planning permission to include food retailing and a substantial parking facility for use by the public, and that following the receipt of such expressions the matter be referred back for consideration.

The Council Solicitor specifically asked Members of Committee to note that the report before them expressly stated that the decisions recommended in the report are without prejudice to the consideration of the future use of Wentworth Street Car park through the LDF /planning process.

The Council Solicitor advised Members of the Committee that in considering the report before them it was important to distinguish the following two separate and distinct statutory roles of Ryedale District Council:-

(i) The role of Ryedale District Council as the Local Planning Authority with the statutory responsibility to progress the Local Development Framework in accordance with the law. This process includes allocating planning uses to land and a statutory consultation process. The initial stages of this process was the subject of the report to the Policy and Resources Committee meeting on 2 April 2009 and the Council meeting on 21 May 2009 in relation to the report on the Malton Town Centre Strategy and Accompanying Development Briefs;

(ii) The role of Ryedale District Council as a land owner in relation to Wentworth Street Car Park, Malton. This is the subject of the report before Members this evening. Members were further advised that local authorities have a responsibility to ensure that assets held in public ownership benefit the Council taxpayers and local communities.

Accordingly in considering the report before it, the Committee was not discharging the Council's role as a Local Planning Authority but it was discharging the role of the Council as a land owner of Wentworth Street Car park. The Committee was not therefore making any Planning decisions.

Members were informed that a letter had been received from the Fitzwilliam (Malton) Estate's solicitors, requesting that consideration of the item be deferred pending consultation with the Estate. The letter, and an earlier one from the solicitors dated 21 May 2009 was circulated to Members. The Council Solicitor informed Members that he had sought Counsel's advice upon deferral, and had been informed that there was no legal reason to defer a decision upon the report.

Members of Committee were also advised that In its capacity as a landowner, a local authority cannot commit itself to accord with the views of another, in the discharge of its functions and that except where provided by statute, in its capacity as a landowner the Council has no statutory responsibility to consult with other landowners or anyone else on proposals to realise the value of Council assets. The rationality of a decision to sell or not to sell Council assets is not, in general, susceptible to judicial review in any event

The Council Solicitor referred Members of Committee to recent guidance published in May 2009 from the Local Government Association contained in Probity in Planning: the role of councillors and officers – revised guidance note on good planning practice for councillors and officers dealing with planning matters, which includes advice to Members on Planning Committees. This guidance highlights the importance of Members of a Planning Committee keeping an open mind before making a final decision on a planning application. Members need to be willing to listen to all the material considerations presented at the Planning Committee before deciding on how to exercise their vote.

The guidance indicated that there might be occasions when a Member of a Planning Committee will wish to press for a particular development which the Member regards as beneficial to the development of the area. A Member in such circumstances may well be so committed to a particular development as the result of their Committee or other responsibilities that they may not be able to demonstrate that they are able to take account of all material considerations before a final decision on a planning applications is reached. The Member may be seen as the chief advocate on behalf of the authority for the development in question. In such circumstances, the appropriate approach is likely to be that the Member is able to argue for the development but should not vote on the relevant application.

Members noted that by inviting expressions of interest in the redevelopment of the Site, the Council, as landowner could also understand the nature of redevelopment that the market could deliver on the site, and its value. This approach reduced the risk of there being no workable proposals for redevelopment of the site for food retail and parking to be considered through the LDF/planning process.

Councillor Knaggs moved and Councillor Hemesley seconded the Officer recommendation in the report. On being put to the vote , it was

Resolved:

That Council be recommended to invite expressions of interest for the purchase and redevelopment of either the whole or part of the Wentworth Street Car Park site (as shown on the plan at Annex A to the report) for future use to include food retailing and a substantial parking facility for use by the public, and that following the receipt of such expressions, the matter be referred back for consideration.