

**MINUTES OF THE COUNCIL OF THE BOROUGH OF HARROGATE
HELD AT THE CIVIC CENTRE, HARROGATE
ON 6 OCTOBER 2021
(FROM 5.53 PM TO 7.44 PM)**

PRESENT: Councillor Trevor Chapman in the Chair. Councillors Chris Aldred, Bernard Bateman, Philip Broadbank, Nick Brown, Rebecca Burnett, Mike Chambers, Jim Clark, Richard Cooper, Ed Darling, John Ennis, Sam Gibbs, Hannah Gostlow, Paul Haslam, Sid Hawke, Phil Ireland, Steven Jackson, Stanley Lumley, Pat Marsh, Stuart Martin, Pauline McHardy, Zoe Metcalfe, Nigel Middlemass, Ann Myatt, Tim Myatt, Victoria Oldham, Andrew Paraskos, Alex Raubitschek, Matt Scott, Nigel Simms, Graham Swift, Tom Watson, Matthew Webber, Christine Willoughby and Robert Windass.

Late Arrivals: None

Early Departures: Councillor Bernard Bateman at 7.04 pm
Councillor Robert Windass at 7.04 pm
Councillor Sid Hawke at 7.31 pm
Councillor Pauline McHardy at 7.31 pm

30/21 - **APOLOGIES FOR ABSENCE:** Apologies for absence had been received from Councillors Margaret Atkinson, Michael Harrison, John Mann and Norman Waller.

31/21 – **URGENT BUSINESS:** There was no urgent business.

32/21 - **DECLARATIONS OF INTEREST:** Councillor Pat Marsh declared an interest in respect of a question she asked at Minute 37/21 as she was a member of the Christmas Market Committee.

33/21 – **EXEMPT INFORMATION:** There was no exempt information.

34/21 – **COMMUNICATIONS:**

01. **Civic Service:** The Mayor advised that the Annual Civic Service would take place on Sunday 24 October at the Wesley Chapel and he looked forward to seeing as many Members as possible at the service.
02. **Remembrance Sunday:** The Mayor informed Councillors that the Council would, as usual, be participating in the Remembrance Sunday commemorations, which this year would take place on Sunday 14 November. Details would be circulated by the Mayor's Secretary shortly.
03. **Christmas Carol Concert:** The Mayor advised that the annual Mayor's Christmas Carol Concert at the Royal Hall, Harrogate would take place on the 23 December 2021. The Mayor's Secretary will be contacting Members nearer the time regarding ticket requirements.

04. **Welcome to new Councillor:** The Mayor welcomed Councillor Hannah Gostlow to her first meeting of the Council since her election at the Knaresborough Scriven Park bye-election in July.

35/21 – **PUBLIC ARRANGEMENTS – PETITIONS:** The Mayor advised that two petitions have been received under Standing Order 26. The Mayor invited the petitioners to speak to their petitions.

1. Petition from David Hull to the Cabinet Member for Culture, Tourism and Sport

“Knaresborough Community petition to protect the green space of Fysche Hall field, park and trees.

I confirm my support to protecting Fysche Field from any sort of development and loss of green space”

2. Petition from Richard Sadler to the Leader

“The historic Henry Jenkins Inn has been part of the social fabric of Kirkby Malzeard for centuries and it was popular with visitors from all over the Harrogate district. In 2017 it was listed as an Asset of Community Value – after a campaign by villagers to block plans to demolish the pub and build new houses.

But part of this much-loved pub has since been de-listed by the council ... simply because this part was sold by the developer to one of his associates! This could scupper plans by villagers to buy and refurbish the Henry Jenkins as a community-owned pub, bistro and coffee shop.

In the wake of the covid pandemic, the importance of community hubs in rural areas is becoming increasingly recognised – and the Henry Jenkins could now qualify for up to £250,000 grant aid from the Government’s Community Ownership Fund. But to make this happen the whole pub needs to be put back as an Asset of Community Value!

We believe that the Henry Jenkins Inn should be preserved as an asset for the entire village and wider local community for the future.”

With the permission of the Mayor the Leader then referred to comments by Mr Hull that ‘building companies were getting rich at our expense and no doubt some councillors’. The Leader requested that it be placed on record that Councillors were not financially crooked and the Council should not allow itself to be demeaned in this way without challenge.

36/21 – **PUBLIC ARRANGEMENTS – QUESTIONS:** There were no written questions under Standing Order 27.

37/21 – **ACCOUNTABILITY OF THE EXECUTIVE AND COMMITTEE CHAIRS:** The Mayor advised that in accordance with Standing Order 12(9) two written questions had been received and which would, in accordance with the Standing

Order, be dealt with as the first questions under this item. He would then invite verbal questions of the Executive Members and Committee Chairs from other Members of the Council.

As required under Standing Order 12, the Leader and Cabinet Members submitted details of their primary portfolio objectives for 2021/22 as referred to at Minute 43/21 and the Mayor also invited questions in respect of the objectives.

1. Question to the Cabinet Member for Resources, Enterprise and Economic Development from Councillor Victoria Oldham

It has recently been publicised in the local and national media, that animal experiments are conducted at the Labcorp site on Otley Road in Harrogate. Animals used on site, include beagle puppies, non-human primates, rabbits, mice and mini pigs.

It has long been acknowledged that the costs of animal experiments are high and that they are not reliably predictive of what will happen in humans.

The current drug development failure rate stands at a staggering 96% and the global non-animal testing market was worth \$1.11 billion in 2019 and is expected to grow by up to \$1.65 billion by 2023.

<https://www.nature.com/articles/s41598-019-54849-w>

Bearing these factors in mind, why is there an insistence that investment in medical progress need be in the outdated and unreliable field of animal experiments rather than the humane, cutting edge and economically viable non-animal methodologies? Local jobs are important to our district, but at what cost? Will you consider leading on introducing a moratorium on animal testing within the Harrogate Borough?

Response:

I suspect that I share a similar view to most people in that I don't like and don't want medicines tested on animals. But the law insists that medicines have to be tested on animals prior to being tested on humans and prior to being used as medicines. We all use medicines which protect and save millions of lives. The recent COVID 19 vaccines are great examples of the benefits of medicines but all drugs are delivered through this process.

I do have great faith in science and research. New testing methods can and do reduce the number of animals and the duration of their use. I support the continued development of technologies that reduce animal testing. I hope that one day these technologies will mean no medicines are ever tested on animals. It is not however possible to declare a unilateral moratorium on animal testing in the Harrogate borough. It is not within our powers and it may also mean the development of new medicines and vaccines becomes a considerably longer process.

The Home Office provides considerable regulation in the industry and I remain grateful therefore that the huge work carried out by Labcorp in delivering safe medicines, in the best regulated methods, with stringent internal policies, as their work continues to save millions of lives.

As a supplementary question Councillor Oldham then asked if a visit could be arranged for Councillors to visit the Lapcorp site in order to satisfy themselves as to the methodologies being used at the site. Councillor Swift confirmed that the Home Office were responsible for monitoring compliance with regulatory controls, but that a site visit could be arranged to enable the Councillors to better understand the work being undertaken at the site.

2. Question to the Chair of the Human Resources Committee from Councillor Chris Aldred

Would Cllr Metcalfe confirm how many Staff Reviews are currently being undertaken by the Human Resources department and which areas of Services they cover?

Response:

There are currently two staff reviews underway, covering Parks and Environmental Services and Harrogate Convention Centre.

A review covering the Ripon Spa Baths and Leisure Centre has recently been completed and the Destination Management Organisation review has also completed. In relation to the two reviews currently underway HCC consultation starts on the 13th of October and the Parks and Environmental Services consultation ends on the 10th of October.

In response to a supplementary question on whether any future reviews were planned Councillor Metcalfe agreed to provide a written response.

Councillor Pat Marsh referred to the recent comments by the Police, Fire and Crime Commissioner, Philip Allott, in relation to the death of Sarah Everard at the hands of a police officer and asked the Leader if he would join her in condemning him for his insensitive remarks. The Leader confirmed that the comments were wrong and there was no defence for them. The Police and Crime Panel would be holding a meeting on the 14 October to hold the PFCC to account. Councillor Mike Chambers would attend on behalf of the Council and would convey the Council's comments.

Councillor John Ennis asked the Cabinet Member for Environment, Waste Reduction and Recycling if it would be possible to conduct a review of lighting levels on the Stray so that residents could feel safer when walking on the Stray at night. The Cabinet Member advised that there was some uncertainty over where the responsibility lay for Stray lighting and he would look into the matter.

In response to a question from Councillor Watson, the Cabinet Member for the Environment, Waste Reduction and Recycling agreed to circulate details of how many notices had been affixed to car windscreens when they had been blocking the path of waste and recycling vehicles.

38/21 – MEMORANDA OF REPORT FROM OVERVIEW AND SCRUTINY

COMMISSION: There were no such reports.

39/21 – **FINANCIAL UPDATE:** The Head of Finance presented a financial update, the main focus of this update was to provide a general overview of the council's finances and the anticipated Spending Review.

2020/21 Statement of Accounts

- Delayed timetable as a result of the pandemic.
- Draft un-audited version to be certified by Head of Finance by mid-October.
- Delayed external audit has recently started.

2021/22 Position

- First quarter report shows a projected general fund underspend of £32k.
- Significant net financial detriment of £549k as a result of COVID-19, compared to the approved pandemic effected budget.
- More than offset by savings realised from staff vacancies/turnover.

Medium Term Financial Strategy and 2022/23 Budget

- MTFS timetable delayed as a result of the pandemic.
- MTFS considered by Cabinet on 18 August 2021 before scrutiny by Overview and Scrutiny Commission (OSC) on 6 September.
- OSC to feedback to Cabinet on 13 October, before Council approval on 15 December.
- Key message is funding uncertainty.
- Work has started on Harrogate Borough Council's draft budget for 2022/23, the last ever budget for the Council.

Spending Review

- Spending Review launched by the Chancellor. It will be a multi-year spending review covering the years 2022/23 to 2024/25, and it will be reported on 27 October, alongside the Autumn Budget.
- Fair Funding Review and other local government reforms – likely pushed back to at least 2023/24, and potentially back by three years to 2025/26.
- Awaiting confirmation from Government and uncertain whether some elements of reform will be implemented within the next three years.

40/21 – **REPORT BACK ON PREVIOUS NOTICES OF MOTION:** There were no reports to be considered.

41/21 – **MINUTES OF COMMITTEES AND CABINET:** The Council resolved upon the various non-delegated Minutes of the Committees and Cabinet as follows:

41/21(01) – **CABINET – 18 AUGUST 2021:**

Moved by Councillor Richard Cooper

Seconded by Councillor Graham Swift

and **RESOLVED:**

That the Minutes of the meeting of the Cabinet held on 18 August 2021 be approved and adopted.

41/21(02) – **GENERAL PURPOSES COMMITTEE – 9 SEPTEMBER 2021:**

Moved by Councillor Matt Scott

Seconded by Councillor John Ennis

and **RESOLVED:**

That the Minutes of the meeting of the General Purposes Committee held on 9 September 2021 be approved and adopted.

42/21 – **NOTICES OF MOTION RECEIVED:** The Mayor advised that there was one notice of motion before the Council. The motion, which was in the names of Councillors Tim Myatt and Richard Cooper would be debated by the Council, in accordance with Standing Order 10(6)(f).

The Mayor advised that an amendment to the notice of motion had been proposed by Councillor Philip Broadbank and would have been seconded by Councillor Matthew Webber. The amendment, shown in italics below, had been accepted in advance of the meeting by the mover and seconder of the original notice of motion. The additional words “Council also calls on the Secretary of State to review the legislation covering permitted development rights”, now formed part of the substantive motion.

- (1) " This council thanks the Secretary of State for Levelling Up, Housing and Communities for shelving proposed changes to the planning system recognising that those changes did not have the support of the public, councillors or Members of Parliament.

The council welcomes the progress on strengthening building regulations that will see an interim uplift in carbon efficiency standards in 2022, and the introduction of the full future homes standard and future buildings standards in 2025, and the council asks that when future planning and building regulation changes are considered that the Secretary of State support councils like Harrogate Borough Council to achieve ambitious levels of carbon reduction.”

“Council also calls on the Secretary of State to review the legislation covering permitted development rights”

Moved by Councillor Tim Myatt

Seconded by Councillor Richard Cooper

The motion was then debated by the Council.

Upon a vote being taken on the notice of motion, the Mayor declared the motion unanimously carried.

43/21 – **PORTFOLIO OBJECTIVES 2021/22:** The Leader of the Council and Cabinet Members submitted details of the primary portfolio objectives for 2021/22. The Mayor invited questions in respect of the objectives in accordance with Standing Order 12.

Councillor Chris Aldred referred to kerbside recycling collections having been missed for some residents recently, and asked the Cabinet Member for the Environment,

Waste Reduction and Recycling if the current review would resolve the issues. The Cabinet Member confirmed the measures being implemented which included recruitment of new drivers and agreed to check that the information on the Council's website reflected the best advice for residents in the event of a missed collection.

44/21 – **WAIVER OF SIX MONTH COUNCILLOR ATTENDANCE RULE:** The Head of Legal and Governance submitted a written report which sought the waiver of the six month Councillor attendance rule under Section 85 of the Local Government Act 1972 for Councillor Norman Waller who had been unable to attend meetings recently due to ill-health.

Moved by Councillor Richard Cooper

Seconded by Councillor Graham Swift

and **RESOLVED:**

That, in accordance with Section 85 of the Local Government Act 1972, Councillor Norman Waller's non-attendance at meetings of the authority be approved for a period of six months on compassionate grounds.

45/21 – **COMMON SEAL:**

Moved by Councillor Richard Cooper

Seconded by Councillor Graham Swift

and **RESOLVED:**

That (1) the Common Seal of the Council be affixed to the Deeds and Documents necessary to carry out the resolutions confirmed and passed this day; and

(2) no deed shall be treated as being conditional upon Council proceeding until completion of a transaction relevant to any deeds.