

**GENERAL PURPOSES COMMITTEE
HELD ON 9 SEPTEMBER 2021
(FROM 5.30 PM – 6.09 PM)**

PRESENT: Councillor Matt Scott in the Chair. Councillors Nick Brown, Ed Darling, John Ennis, Sue Lumby, Tim Myatt, Alex Raubitschek and Matthew Webber.

Late Arrivals: None

Early Departures: None

16/21 – **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES:** Notification had been received that Councillor Matthew Webber was to act as substitute for Councillor Phillip Broadbank and Councillor Sue Lumby was to act as substitute for Councillor Norman Waller.

(5.30 pm)

17/21 – **DECLARATIONS OF INTEREST:** There were no declarations of interest made at the meeting.

(5.30 pm)

18/21 – **MINUTES:** The Minutes of the meeting of the Committee held on 15 July 2021 were approved as a correct record.

(Five Members voted for the motion and there were three abstentions.)

(5.31 pm)

19/21 – **EXEMPT INFORMATION:** There was no exempt information.

(5.32 pm)

20/21 – **PUBLIC ARRANGMENTS - QUESTIONS:** There were no public questions to consider under Standing Order 27.

(5.32 pm)

MATTERS TO BE REFERRED TO COUNCIL

21/21 – **OTLEY ROAD CYCLEWAY – STRAY BYELAW RESOLUTION:** Further to Minute 36/20 the Executive Officer – Economy and Transport (EO-ET) submitted a written report the purpose of which was to inform the Committee that the Secretary of State, Ministry of Housing, Communities and Local Government (MHCLG) had granted provisional approval for the Council to make the proposed Stray Byelaws, which were previously presented at the General Purposes Committee meeting held on 28 January 2021. A formal resolution was sought for the Council to make the

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Byelaws and the Committee were updated on the transfer of exchange land to the Duchy of Lancaster.

The EO-ET explained that the amended Byelaws were required to enable the development of phase two of the cycleway on Otley Road which had been implemented by North Yorkshire County Council. As the proposed cycleway intended to use existing verges and footpaths between Cold Bath Road and Beech Grove which were designated as Stray land, cycling could not be permitted on this land until unless the byelaws were amended. As a result of the approval of the proposed Stray Byelaws the Council was notified by the government on 25 June 2021 that provisional approval had been given from the Secretary of State to the Council to make the proposed byelaws.

The EO-ET referred to paragraph 5.4 of the report which concluded that once the Byelaws were submitted to the Secretary of State for confirmation, the Stray Byelaws would then come into being.

The EO-ET and the Acting Chief Solicitor (ACS) then responded to questions from Members. The ACS advised that the government had recommended an update of the Stray Byelaws to correspond with minor changes to the map attached to the Byelaws relating to the Otley Road cycleway. The EO-ET confirmed that the Stray Defence Association had responded to the consultation process and that all consultation responses were considered at the Committee meeting on 28 January 2021.

RECOMMENDED:

That (1) the Stray Byelaws are formally adopted as attached in Appendix 2 in the report;

(2) subject to ratification by full Council, the General Purposes Committee agree that a notice is published in a local paper of intention to seek confirmation by the Secretary of State (MHCLG), at least one month before the byelaws are sent for confirmation; and

(3) the sealed Stray Byelaws are submitted to the Secretary of State (MHCLG) for confirmation.

(Seven members voted for the motion and there was one abstention.)

(5.32 pm to 5.39 pm)

22/21 – REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA): The Acting Chief Solicitor (ACS) submitted a written report which sought to inform the Committee of the outcome of the recent Investigatory Powers Commissioner's Office (IPCO) inspection of the Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA), a policy on the covert collection of information and to recommend minor amendments to update the Council's RIPA Policy. The report also informed

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Members on the refresher training provided to enforcement and legal officers of the Council provided by ACTNow Training.

The ACS explained although the Council does not exercise its RIPA powers and that this is not expected to change, the Council had a statutory duty to comply with and maintain the RIPA policy and to carry out training of officers within the Council. The ACS reported that following the IPCO inspection on 14 April 2021, the IPCO recommended the inclusion of two new sections in the Council's RIPA policy as set out in Appendix 1 of the report. The addition to the policy at section 4 related to the use of the social media in the investigation, the other addition at section 5 was in relation to the storage, retention and destruction of material obtained through the RIPA powers. Lastly, the Members were informed that Council officers undertook RIPA training in June which was provided by ACTNow Training.

In response to questions the ASC confirmed that the Council's non-use of its RIPA powers would continue as the Council did not use covert methods for investigating offences and that RIPA was not a process likely to be used by the Council in the future. In response to a further question the ASC assured Members that if the Council exercised its powers in accordance with the RIPA, those circumstances would be reported back to the Committee.

It was proposed and seconded by Councillor Matthew Webber and Councillor Tim Myatt that an additional recommendation be added that the Committee receive an annual report of whether the RIPA powers had been enacted by the Council in the year. Members voted unanimously for the amendment which was therefore carried.

RECOMMENDED:

That (1) the outcome of the IPCO inspection is noted;

(2) the proposed amendments to the Council's RIPA policy are approved;

(3) the refresher training undertaken by enforcement and legal officers of the Council is noted; and

(4) the General Purposes Committee receive an annual report of whether the RIPA powers have been enacted by the Council in the year.

(Seven Members voted for the motion and there was one abstention)

(5.39 pm to 5.57 pm)

23/21 – **DISPENSATIONS IN RESPECT OF REGISTERABLE INTERESTS:** The Head of Legal and Governance (HoLG) submitted a written report the purpose of which was to recommend an amendment to the process for granting dispensations following the Council's adoption of the Local Government Association's (LGA) Model Code of Conduct with local amendments. The report sought permission to amend the Constitution to include the same provisions for seeking and granting

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dispensations in respect of other Registerable Interests as currently exists in respect of Disclosable Pecuniary Interests.

The HoLG reminded Members of the defined category of interest known as other Registerable Interests and that the position under the Code of Conduct was that if a Member had an other Registrable Interest in relation to an item of business at a meeting they must declare and disclose that interest. The Member could only speak on the matter if members of the public were also allowed to speak but otherwise they must not participate in the discussion or vote and they must not remain in the room unless they had been granted a dispensation.

The HoLG advised that a mechanism was required for granting dispensations for other Registrable Interests. As per paragraph 5.6 of the report it was proposed that the constitution be amended to include an additional provision for the granting of dispensations in respect of other Registerable Interests which mirrored the provisions for granting dispensations for Disclosable Pecuniary Interests.

RECOMMENDED (UNANIMOUSLY):

That the Constitution be amended to include the same provisions for dispensations to be granted in respect of other Registerable Interests as currently exists in respect of Disclosable Pecuniary Interests.

(5.57 pm to 6.01 pm)

24/21 – **HONORARY FREEMAN OF THE BOROUGH – JEAN MACQUARRIE:** A report in the name of the Chief Executive was submitted in which it was recommended that the title of Honorary Freeman of the Borough be conferred on Mrs Jean MacQuarrie, former Editor of the Harrogate Advertiser. Section 249(5) of the Local Government Act 1972 enabled the Council to do so for people who had, in the opinion of the Council, rendered eminent services to the District. Mrs MacQuarrie had been approached and had confirmed that she wished to be considered for the title.

The Democratic Services Manager explained that if the Committee agreed with the proposal an extraordinary meeting of the Council would be convened in October, to which Mrs MacQuarrie would be invited.

RECOMMENDED (UNANIMOUSLY):

That, in accordance with Section 249(5) of the Local Government Act 1972, an extraordinary meeting of the Council be convened immediately prior to the next scheduled meeting of the Council to be held on 6 October 2021 in order to confer the title of Honorary Freeman of the Borough on Mrs Jean MacQuarrie.

(6.01 pm to 6.02 pm)