PRESENT:  Councillor Bernard Bateman in the Chair.  Councillors Chris Aldred, Margaret Atkinson, Philip Broadbank, Rebecca Burnett, Mike Chambers, Trevor Chapman, Jim Clark, Richard Cooper, Ed Darling, John Ennis, Sam Gibbs, Michael Harrison, Paul Haslam, Sid Hawke, Phil Ireland, Steven Jackson, Sue Lumby, Stanley Lumley, Pat Marsh, Samantha Mearns, Zoe Metcalfe, Nigel Middlemass, Ann Myatt, Tim Myatt, Victoria Oldham, Andrew Paraskos, Alex Raubitschek, Nigel Simms, Graham Swift, Norman Waller, Tom Watson, Matthew Webber, Christine Willoughby and Robert Windass.

Late Arrivals:  None

Early Departures:  None

33/18 - APOLOGIES FOR ABSENCE:  Apologies for absence had been received from Councillors Nick Brown, John Mann, Stuart Martin, Pauline McHardy and Matt Scott.

34/18 – URGENT BUSINESS:  There was no urgent business.

35/18 - DECLARATIONS OF INTEREST:  Councillor Chris Aldred declared an interest in respect of Minute 46/18 on the basis that he was a member of the Harrogate Unison Local Government branch. He remained in the meeting and voted on the item.

Councillors Philip Broadbank and Rebecca Burnett declared pecuniary interests in respect of Minute 48/18 and left the meeting room during the consideration and vote on the item.

36/18 – EXEMPT INFORMATION:  There was no exempt information.

37/18 – MINUTES:

Moved by Councillor Richard Cooper  Seconded by Councillor Graham Swift

and RESOLVED:

That the Minutes of the Extraordinary meeting of the Council held on 18 July 2018 be approved as a correct record and signed by the Chair.

The Minutes of the scheduled meeting of the Council held on 18 July 2018 were submitted. In respect of Minute 28/18(01) Councillor Tom Watson advised that under the recorded vote on the amendment his name should be corrected to read “Tom” not “Trevor”.

Moved by Councillor Richard Cooper  Seconded by Councillor Graham Swift
and RESOLVED:

That the Minutes of the scheduled meeting of the Council held on 18 July 2018 be approved as a correct record and signed by the Chair.

38/18 – COMMUNICATIONS:

01. **Councillor Nick Brown**: The Mayor advised Members that Councillor Nick Brown had suffered a minor stroke earlier in the week and so would not be attending Council that evening. The Mayor expressed his good wishes for a speedy recovery.

02. **Civic Service**: The Mayor thanked all those who were able to attend the Civic Service at Ripon Cathedral on Sunday 23 September. The Mayor also thanked his Chaplain, Padre Richard Hall, for his excellent sermon.

03. **Remembrance Sunday**: The Mayor advised that the Council would, as usual, be participating in the Remembrance Sunday commemorations which this year would take place on Sunday 11 November. Details of the event would be circulated by the Mayor’s secretary shortly.

04. **Head of Finance**: The Mayor congratulated Paul Foster on his recent appointment to the post of Head of Finance.

05. **Luchon**: The Mayor reported that he had visited Luchon, Harrogate’s twin town in France, during the summer and displayed at the meeting was a banner which had been presented to the town of Harrogate during his visit.

06. **City of Abbotsford**: The Mayor advised he had received a delegation from the City of Abbotsford in British Columbia, who had brought a letter of greeting from the Mayor of Abbotsford. The delegation consisted of members of the Fraser Valley Stage production Society who were here to perform at the Gilbert and Sullivan Festival.

07. **Charity Fundraising**: The Deputy Mayor thanked all those who had sponsored her granddaughter on her recent skydive, over £1000 had been raised for charity.

08. **Council Papers**: The Mayor advised that all the papers for the Council meeting had been placed in an electronic folder which Members could access via their Surface-pro tablets.

39/18 – PUBLIC ARRANGEMENTS – PETITIONS: No petitions had been received.

40/18 – PUBLIC ARRANGEMENTS – QUESTIONS: The Mayor advised that he had received notification of one public question under Standing Order 27 and he invited the questioner to step forward and ask his question.
Question to the Leader from Peter Lilley

It's now 18 months since Harrogate Council exchanged contracts with ATP (Crescent Gardens) Limited in respect of Mr Adam Thorpe's purchase of the old council offices in Crescent Gardens; and yet the Council still refuses to confirm the final sale price.

At the same time the Council continues to refuse to provide a final figure as to the cost of these new offices; which appears to have rocketed from the £8m which was originally quoted to what's now estimated to be around £12m.

Despite several Freedom of Information requests, on each occasion the Council’s legal and governance department has trotted out the well-worn excuses of “commercial sensitivity” and “confidentially” as the reasons why it refuses to provide the information requested. Yet Mr Thorpe doesn’t appear to be bound by these same rules as he’s been allowed to aggressively promote his plans to transform Crescent Gardens into a super-luxury apartment complex. And we’re led to believe he’s even sold some of the apartments. The Thorpe Group also currently operates from within the Crescent Gardens building. All this and yet the purchase has not yet been completed. It’s outrageous; as is the continued refusal by the Council to provide the full facts.

Since this Council claims to be “totally committed” to the principles of openness, transparency and full accountability; will you now provide ALL information concerning the ongoing sale of the Crescent Gardens building; and a final figure for the cost of these new offices? Or name a date by which you absolutely guarantee to provide full answers to all questions relating to these matters.

Response:

Mr Lilley has already had an answer to this question in respect of a Freedom of Information request. That answer was:

“We are unable to state the actual total cost of the construction works of the new civic centre at this point due to the final account still being under negotiation with the contractor, those negotiations being subject to commercial sensitivity and confidentiality at this stage. Disclosure into the public domain of any details affecting that negotiation would be likely to prejudice the commercial interests of the Council, and therefore any information relating to that is considered to be exempt under section 43 of the FOI Act. The public interest is best served in engaging this exemption to ensure commercial sensitivity is maintained during the negotiations. For information the estimated value of these works is £11m (as stated on the published contract register).”

As he was told at that time, if he is unhappy with the answer, and the subsequent internal review, as he has stated, then he can raise the matter with the information Commissioners office.
41/18 – ACCOUNTABILITY OF THE EXECUTIVE AND COMMITTEE CHAIRS:
The Mayor advised that in accordance with Standing Order 12(9) one written
question had been received which would, in accordance with the Standing Order, be
dealt with as the first question under this item. He would then invite verbal questions
of the Executive Members and Committee Chairs from other Members of the
Council.

Question to the Cabinet Member for Housing and Safer Communities from
Councillor Chris Aldred

The Cabinet Member will recall that at the last Full Council back in July I raised two
issues with him –

(1) Poor Television Reception being experienced by Council Tenants in
Fairfax following a supposed “Upgrade” of the Communal Aerial this time
last year, which has actually made TV Reception much worse.

(2) Residents whose Roofs were fitted with Solar Panels during 2015/16,
who are not able to access the reduced tariffs available due to a dispute
between the Council & Northern PowerGrid.

Could the Cabinet Member let me know what, if any, progress has been made on
these issues?

Response:

Thank you for your question. You have received several emails updating you on this
and I reiterate my apology to those affected. Officers are working to resolve the
situation and have sought advice from Sky and other industry experts. In the matter
of the TV aerial problems, we are still awaiting technical advice from within the
industry, which will help us determine the best course of action in getting the
problems rectified, including whether we may have a case against the installer we
appointed to carry out upgrading work, which appears to be the cause of the
problems now being experienced.

As soon as we have this advice we will be able to put together a plan with
timescales, which we will communicate with Members and the affected tenants on
Fairfax Avenue and at other locations. If the advice is not forthcoming, action would
be taken to test the markets to identify a suitable independent organisation who can
report on the installation and whether the Council has a case in law against the
original installers.

The Service does understand the concern that tenants are paying for this service as
a component of their rent and not receiving the full benefit of it due to the problems
and therefore, your suggestion that compensation might be considered. This was not
the case as no component in the rent, nor any additional service charge made for
any property taking a service from our communal aerials; since no payment was
made above and beyond the normal rent for these flats, with or without a TV aerial
service, you will appreciate a financial compensation would not be appropriate.
In respect of the solar panels, it has proved very difficult to find an appropriate contact with Northern PowerGrid, to give us any update on the position and any likely timescales with these service upgrades. Officers would continue to try discovering and reaching the team responsible for the work and would provide Members and tenants with an update when some progress had been made. This work could only be undertaken by the monopoly private sector provider and there appeared to be no mechanism to require them to provide information or undertake the necessary actions.

Cabinet Members and the Chair of the Overview and Scrutiny Commission then responded verbally to questions from Members of the Council. In response to a question from Councillor Tom Watson asking how many of the eleven parish meetings within the district set a parish precept, the Cabinet Member for Resources, Enterprise and Economic Development agreed to provide a written response.

42/18 – MEMORANDA OF REPORT FROM OVERVIEW AND SCRUTINY COMMISSION: There were no such reports.

43/18 – FINANCIAL UPDATE: The Head of Finance presented a financial update, which provided a general overview of the council’s finances and business rates pilots.

Statement of Accounts
- Audited version signed off by Audit and Governance Committee on 30 July, in line with accelerated timetable.
- Positive audit report and Value for Money conclusion and Unqualified Audit Opinion.

2018/19 Position
- First quarter report shows a projected overspend of £236k on the general fund.
- Internal monitoring showing improvements to a modest overspend of £6k, to be reflected in the next Cabinet report in November.
- Despite overall position effectively at budget, concern that a few services are projecting significant overspends against their budgets.

Budget, Medium Term Financial Strategy
- Services busy working on refining their 2019/20 budget proposals.
- MTFS is here for approval tonight following scrutiny process.

Business Rates Pilots
- 2018/19 LCR Pilot for 100% business rate retention progressing well.
- Harrogate signed up to joint submission for West Yorkshire/North Yorkshire pilot in 2019/20 for 75% business rate retention. Government to announce successful submissions alongside finance settlement in mid to late December.

44/18 – REPORT BACK ON PREVIOUS NOTICES OF MOTION: The Mayor advised that, in accordance with Standing Order 10(6)(a), there was one report to be considered at the meeting.
44/18(01) – **HOUSING FIRST:** The Mayor invited the Cabinet Member for Housing and Safer Communities, Councillor Mike Chambers, to introduce his written report on the notice of motion in the names of Councillors Philip Broadbank and Trevor Chapman requesting that the Council explore ‘Housing First’ as a default option for long term rough sleepers.

A meeting had taken place between the Cabinet Member and Councillors Broadbank and Watson where the Housing First model was considered in detail and it was noted that the model was aimed at people with complex needs, particularly single homeless people with a history of rough sleeping. The figures for the Harrogate district demonstrated that the demand for temporary accommodation was not from such people and therefore did not support the development of a Housing First approach although it was acknowledged that the overall provision of temporary accommodation was currently inadequate. In 2017 the Council had commissioned SAFE (Services for Adults Facing Exclusion) which sought to support individual entrenched rough sleepers with severe and multiple needs. This approach attempted to manage a set of inter-connected support needs through intensive work with external agencies and embraced much of the learning from the Housing First Model.

Following consideration of the concerns raised it was agreed that:

1. the service provision within the district for ‘entrenched’ rough sleepers is proportionate to the identified need. That the changes to Homeless legislation (Homelessness Reduction Act 2017) has encouraged the Housing Options team to develop a holistic approach to the delivery of services for single homeless households with the aim of positively developing services to ensure engagement;

2. it was noted that Harrogate Borough Council have committed to providing funding to the SAFE project for a five year period until 2022;

3. there would be benefit to considering the best practice identified by the Housing First Pilots in the UK, to further enhance the services provided by Harrogate Borough Council or in partnership with external organisations for both identified entrenched rough sleepers and single person households; and

4. the SAFE model be applauded and it was suggested that the model, a hybrid of the Housing First approach might be more fitting for smaller organisations. It was suggested that the approach be discussed with Harrogate Borough Council’s neighbouring authorities, as a possible approach to managing issues with rough sleepers within their localities

Councillor Philip Broadbank thanked the Cabinet Member for meeting to discuss the subject.

Moved by Councillor Mike Chambers Seconded by Councillor Richard Cooper

and **RESOLVED:**
That the report of the Cabinet Member for Housing and Safer Communities be accepted.

45/18 – MINUTES OF COMMITTEES AND CABINET: The Council resolved upon the various non-delegated Minutes of the Committees and Cabinet as follows:

45/18(01) – CABINET – 25 JULY 2018:

Moved by Councillor Richard Cooper Seconded by Councillor Graham Swift

and RESOLVED:

That the Minutes of the meeting of the Cabinet held on 25 July 2018 be approved and adopted.

45/18(02) – CABINET – 19 SEPTEMBER 2018:

Moved by Councillor Richard Cooper Seconded by Councillor Graham Swift

and RESOLVED:

That the Minutes of the meeting of the Cabinet held on 19 September 2018 be approved and adopted.

45/18(03) – AUDIT AND GOVERNANCE COMMITTEE – 23 JULY 2018:

Moved by Councillor Victoria Oldham Seconded by Councillor Robert Windass

and RESOLVED:

That the Minutes of the meeting of the Audit and Governance Committee held on 23 July 2018 be approved and adopted.

45/18(04) – GENERAL PURPOSES COMMITTEE – 13 SEPTEMBER 2018:

Moved by Councillor Steven Jackson Seconded by Councillor Samantha Mearns

and RESOLVED:

That the Minutes of the meeting of the General Purposes Committee held on 13 September 2018 be approved and adopted.

46/18 – NOTICES OF MOTION RECEIVED: The Mayor advised that there were two Notices of Motion before the Council. The first in the names of Councillors Graham Swift and Richard Cooper would be debated by the Council, in accordance with Standing Order 10(6)(f). The remaining motion in the names of Councillors Chris Aldred and Pat Marsh would, once moved and seconded, stand referred for consideration by the Human Resources Committee.
(1) This Council supports the administration’s policy, expressed in its election manifesto, to lobby the government to charge council tax on unimplemented housing permissions. Further, the Council will contact other Councils to ask them to sign a letter of support for that policy which will be submitted to the Secretary of State for Communities and Local Government.

Moved by Councillor Graham Swift Seconded by Councillor Richard Cooper

In accordance with Standing Order 10(6)(f) this motion was debated by the Council.

As an amendment it was

Moved by Councillor Pat Marsh Seconded by Councillor Philip Broadbank

That the Notice of Motion be amended to read:

(1) That this Council supports the administration’s policy, expressed in its election manifesto, to lobby the government to charge council tax on unimplemented housing permissions. Further, the Council will contact other Councils to ask them to sign a letter of support for that policy which will be submitted to the Secretary of State for Communities and Local Government.

Upon a vote being taken, the Mayor declared the amendment lost.

Upon a vote being taken on the original Notice of Motion, Mayor declared the motion unanimously* carried.

(2) That this Council reverses the decision not to give, the Harrogate Supplement, for one year only, to the 80 qualifying low paid HBC employees, at a cost of £13k. By reinstating the Harrogate Supplement this Council would show these Members of Staff that they are valued as important members of the team.

Moved by Councillor Chris Aldred Seconded by Councillor Pat Marsh

In accordance with Standing Order 10(6)(a) the motion stood referred to the Human Resources Committee.

47/18 – AUDIT AND GOVERNANCE COMMITTEE ANNUAL REPORT 2017/18: The Chair of the Audit and Governance Committee submitted a written report setting out the Committee’s work and performance for the year ending 30 April 2018, which was considered good practice.

Moved by Councillor Victoria Oldham Seconded by Councillor Robert Windass

and RESOLVED:

That Council receive the report.

48/18 – HARROGATE BUSINESS IMPROVEMENT DISTRICT: The Head of Culture, Tourism and Sport submitted a written report providing an update on
development of Harrogate Business Improvement District, outlining the ballot process for the Council, and seeking the Council’s mandate for a vote in support of the proposal.

Moved by Councillor Graham Swift Seconded by Councillor Richard Cooper

and RESOLVED:

That (1) Council agree that the content of the BID Proposals do not conflict with any existing council policy, nor propose a disproportionate burden on particular businesses;

(2) Council agree that the submitted BID Proposals meet the regulations;

(3) Council note the potential financial implications of a positive BID Ballot;

(4) Council agree that the Harrogate BID proposal is supported;

(5) Council instruct the Returning Officer to hold a ballot, with the final day of the ballot being 8 November 2018; and

(6) Council authorise the Director of Community to complete the Harrogate BID ballot papers by voting for the formation of a Business Improvement District for Harrogate on behalf of the Council.

49/18 - 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.