

**MINUTES OF THE COUNCIL OF THE BOROUGH OF HARROGATE
HELD REMOTELY ON MICROSOFT TEAMS
ON WEDNESDAY 9 DECEMBER 2020
(FROM 5.30 PM – 8.32 PM)**

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

Late Arrivals: Councillor Sue Lumby at 5.36 pm

Early Departures: Councillor Michael Harrison at 7.46 pm
Councillor Nigel Middlemass at 7.46 pm

The Mayor's Chaplain, Canon Michael Gisbourne, led Members in prayer prior to the commencement of the meeting.

48/20 - **APOLOGIES FOR ABSENCE:** Apologies for absence had been received from Councillors Bernard Bateman, Rebecca Burnett and Paul Haslam.

49/20 – **URGENT BUSINESS:** There was no urgent business.

50/20 - **DECLARATIONS OF INTEREST:** Members were advised when the local plan was considered in March, that the County Council's interest in land (and indeed the District or any Parish Council's interest) is not a relevant consideration to any decision as to whether the land should be allocated in the local plan. Local authorities own significant areas of land, and it is not unreasonable that some of that land or land in which an authority has an interest will be proposed for development. As a planning authority, it is essential that any choices Members make are based on the best interests of the planning of the area and that decisions should not be influenced by any possible gain to the Council nor its neighbouring authorities.

In so far as a declaration of interests, then whilst a financial benefit may accrue to the County Council if land at Green Hammerton is developed, that financial benefit does not attach to County Council Members personally. Indeed it is unlikely to impact on them significantly more than any other council tax payer in the county. County Councillors are paid an allowance and they are not in office at County Council for profit or gain. As such this interest is very unlikely to constitute a DPI. However, as a precaution against the decision in the Councillor Flowers case in East Devon and in order to give those dual hatted County Council Members who are also Harrogate Borough Council Members confidence in their ability to vote, should they wish to do so, then they were invited to request a dispensation

This was not considered to be a personal or a DPI because this matter did not relate to an external body. Members were aware that interests in land were not a relevant consideration.

Councillors Margaret Atkinson, Philip Broadbank, Mike Chambers, Jim Clark, Richard Cooper, John Ennis, Stan Lumley, John Mann, Stuart Martin, Zoe Metcalfe, Andy Paraskos and Robert Windass declared an interest in respect of Minute 62/20 on the basis that they were Members of North Yorkshire County Council. The Monitoring Officer had granted these Members a dispensation under Section 33 of the Localism Act 2011 which enabled them to remain in the meeting, participate in the debate and vote on the item.

Councillor Michael Harrison also declared an interest in Minute 62/20 on the basis that he was an Executive Member of North Yorkshire County Council and left the meeting room upon consideration of the item.

51/20 – **EXEMPT INFORMATION:** There was no exempt information.

52/20 – **MINUTES:** The Minutes of the meeting of the Council held on 4 November 2020 were submitted.

Moved by Councillor Richard Cooper Seconded by Councillor Graham Swift

and **RESOLVED:**

That the Minutes of the meeting of the Council held on 4 November 2020 be approved as a correct record and signed by the Chair.

53/20 – **COMMUNICATIONS:**

01. **Order of Business:** The Mayor advised that in accordance with Standing Order 8(2)(i) he had agreed to vary the order of business and take the agenda item dealing with the Approval of Appointment of Independent Person for Standards immediately after Mayor's communications in order that the member of the public present for this matter could be released early from the meeting.
02. **Christmas Eve Carol Concert:** The Mayor advised Members that the usual Christmas Eve carol concert in the Royal Hall would not be taking place in line with current COVID restrictions. In its place pupils from St Aidan's CE High School and Brackenfield School, Harrogate would be performing a pre-recorded carol concert, directed by Mark Pallant, director of Music St Aidan's High School and Helen Leaf, director of Brackenfield School Junior Choir. The concert would be available on the Council's YouTube channel from Monday 21 December.

54/20 – **PUBLIC ARRANGEMENTS – PETITIONS:** No petitions had been received.

55/20 – **PUBLIC ARRANGEMENTS – QUESTIONS:** The Mayor advised that he had received notification of one public question under Standing Order 27 and he invited the questioner, Rebecca Maunder, to ask her question.

1. Question to the Cabinet Member for Environment, Waste Reduction and Recycling from Rebecca Maunder

Following on from my last question at Council meeting regarding biodiversity on the Stray, I have been discussing the issues with a number of local people who would like to see more actions to promote biodiversity, and they have sent further details and ideas. I would therefore like to ask the following question please:

Thank you for answering my question at the last full council meeting and for pledging commitment to improve biodiversity in our District as much as possible. Have you got any further with enquiries to make the Stray more bio-diverse? Specifically:

- i) were a variety of bulbs planted rather than just crocuses to increase the availability of pollen for insect species?
- ii) Have you contacted the Duchy of Lancaster to specifically discuss ways to manage the Stray to increase biodiversity? For example, leaving wider edges left unmown for longer periods and sowing wildflower seeds? Is there anything we can do to help support these avenues of enquiry?

Response:

Thank you for your question. It is incredibly positive to hear the community interest in matters such as biodiversity in the district.

On 18 November 2020 I agreed the first HBC Horticultural Strategy outlining our priorities for the next ten years in this area of development. The strategy included an action plan for the next two years to identify a number of pieces of work we would like to progress to support the strategy.

In terms of The Stray, we have already indicated in the strategy that wildflower planting is something we want to look at, specifically around the Stray and our closed churchyards around the district. The Parks team are starting to develop this over the coming weeks. Harrogate Borough Council are responsible for the management and maintenance of the Stray. Once we have a planting schedule for the wildflower areas we will of course make the Duchy of Lancaster aware of our proposals. In terms of support, we will look to engage with schools and members of the public to potentially help with planting of wildflowers and so this is something you would be able to help with. As the work is planned, more information will be made available.

You also asked about bulb planting. We have planted an additional 60,000 crocuses on the Stray this year with volunteers including the Borough's Mayor. We have also planted a range of 21 Daffodil varieties in the front of the New Zealand garden in Valley Gardens.

At this stage we don't have plans for more bulbs in the Stray, but this is something we can look at in the action plan for future years.

To help me understand what is happening in the district it would be helpful if you could send me some information on what you have been doing to improve biodiversity and maybe there are some things or ideas that we could scale up across the whole district.

56/20 – ACCOUNTABILITY OF THE EXECUTIVE AND COMMITTEE CHAIRS: The Mayor advised that in accordance with Standing Order 12(9) one written question had been received and 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.

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

In June 2018, this Council's Human Resources Committee (which both myself & Cllr Metcalf were members of at the time) Voted to withdraw the Harrogate Supplement, a payment introduced in 2016, specifically to bring the Wages of the Councils lowest paid Staff in line with the hourly rate recommended by the Living Wage Foundation. Following that decision, a Notice of Motion was proposed by Cllr Marsh and myself, asking Human Resources to look at this again, bearing in mind it was going to effectively reduce the take home pay of the 80 or so lowest paid members of Council Staff. At the subsequent Human Resources meeting Cllr Metcalf, Cllr Cooper, Cllr Swift and the then Committee Chair, Cllr Tim Myatt all Voted against these Staff receiving the Living Wage. Now that Cllr Metcalf is Chair of the Human Resources Committee, can I ask her if, given the efforts of ALL Council Staff to ensure vital Council Services have been maintained during the Pandemic, many of them going above and beyond what is specified in their Job Descriptions, would she be prepared to look at this issue again?

Response:

Thank you for your question. Like many employees up and down the country our wonderful Council staff have worked above and beyond during these difficult times and I pay tribute to them all by thanking them. The Local Government Association in partnership with Yorkshire and Humberside Employers Organisation are currently conducting a review of the councils pay and grading structure and this includes reviewing the Living wage. As Councillor Aldred is aware in the meeting which he refers to in his question the HR Committee had resolved to review this piece of work that is to take place on pay and reward across the Council. The report of this review will also include the review of the living wage which will be reported back to the HR Committee shortly.

Cabinet Members then responded verbally to questions from Members of the Council. Following a question from Council Gibbs on the level of sanctions able to be imposed by Planning Enforcement, the Cabinet Member for Planning agreed to meet with Councillor Gibbs to discuss an enforcement issue within his ward.

In response to a question from Councillor Tom Watson on the length of time parish lighting repairs were taking the Cabinet Member for Housing and Safer Communities agreed to investigate the cause of the difficulties and arrange for a site visit to gain an understanding of the issues.

57/20 – **MEMORANDA OF REPORT FROM OVERVIEW AND SCRUTINY**

COMMISSION: There were no reports.

58/20 – **FINANCIAL UPDATE:** The Head of Finance presented a financial update, the main focus of which was to provide an update on the headlines of the 2020 Spending Review (SR 2020) and the impact on local government funding.

Overall Picture

- Covers 2021/22 only, multi-year spending review delayed due to pandemic
- Effect of COVID on public finances considerable. Total Managed Expenditure increasing from £883bn in 2019/20 to £1,164bn in 2020/21 (+32%)
- Overall departmental spending to increase by 3.8% from 2019/20 and 2021/22

Local Government Funding

- Core Spending Power will increase by £2.1bn in 2021/22 (4.5%)
 - o Council Tax – 2% core plus 3% for Adult Social Care
 - o £300m additional funding for adult and children’s social care
 - o £200m for indexation
- COVID Funding continuing into 2021/22
 - o £1.55bn to fund expenditure pressures in the first quarter
 - o Income compensation scheme extended into first quarter
 - o Tax Income Guarantee Scheme – 75% support for irrecoverable losses in council tax/business rates income in 2020/21
 - o Collection Fund deficits have to be spread over three years
 - o £670m to support additional costs of Local Council Tax Support
- New Homes Bonus: scheme retained for 2021/22, but no new legacy payments
- Fair Funding Review and Business Rates Reform delayed to at least 2022/23

Finance Settlement

Details and allocations not announced until provisional settlement

- Expected w/c 14 December 2020
- Announcement on 50% business rates pool (submitted bid with LCR partners)

Our Own Budget

Key dates in the 2021/22 budget setting process:

- 6 January 2021: Cabinet consider the draft budget
- 18 January 2021: Overview & Scrutiny Commission
- 3 February 2021: Cabinet propose final budget to Council
- 10 February 2021: Budget Council
- 3 March 2021: Council vote on Council Tax resolution

HBC Financial Position

- GF projected to outturn on budget despite £2.7m estimated net cost of pandemic

59/20 – **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.

59/20 – **CITIZENS’ CLIMATE ASSEMBLY:** The Mayor invited the Cabinet Member for Carbon Reduction and Sustainability, Councillor Phil Ireland, to introduce his report on the Notice of Motion in the names of Councillors Pat Marsh and Chris Aldred requesting that the Council declare a climate emergency and set up a local Citizens’ Climate Assembly.

In moving acceptance of the report the Cabinet Member reported that a meeting had taken place between the Leader and Councillors Marsh and Aldred to discuss the Notice of Motion and listen to their views. At the meeting the methods of conducting citizens’ assemblies were discussed and the report provided further information on how they operate and a potential cost. The Cabinet Member had considered the existing Harrogate District Climate Change Coalition which was established following the Notice of Motion in April 2019 and was now developing a plan for the next 3-5 years. At paragraph 3.3.9 of the report was a list of actions the Coalition was already working on. The Cabinet Member did not believe a citizens’ assembly would achieve more or significantly different outcomes than the existing coalition and to establish an assembly now would divert time and resources from this work.

The Cabinet Member considered that the Notice of Motion considered in April 2019 demonstrated that the Council was committed to taking measures to address the climate emergency and the Council had implemented an ongoing carbon reduction strategy. The Cabinet Member did not propose to amend the agreed wording of the Notice of Motion of April 2019.

Moved by Councillor Phil Ireland

Seconded by Councillor Richard Cooper

and **RESOLVED:**

That the report of the Cabinet Member for Carbon Reduction and Sustainability be accepted.

(Twenty nine Members voted for the motion and eight voted against)

60/20 - **MINUTES OF COMMITTEES AND CABINET:** The Council resolved upon the various non-delegated Minutes of the Committees and Cabinet as follows:

60/20(01) – **CABINET – 7 OCTOBER 2020:**

Moved by Councillor Richard Cooper

Seconded by Councillor Graham Swift

and **RESOLVED:**

That the Minutes of the meeting of the Cabinet held on 7 October 2020 be approved and adopted.

(The vote on the Minutes was taken as part of a block vote on the Committee and Cabinet Minutes taken at Minute 60/20(04).)

60/20(02) – CABINET – 10 NOVEMBER 2020:

Moved by Councillor Richard Cooper Seconded by Councillor Graham Swift

and **RESOLVED:**

That the Minutes of the meeting of the Cabinet held on 10 November 2020 be approved and adopted.

(The vote on the Minutes was taken as part of a block vote on the Committee and Cabinet Minutes taken at Minute 60/20(04).)

60/20(03) – LICENSING COMMITTEE – 11 NOVEMBER 2020:

Moved by Councillor Victoria Oldham Seconded by Councillor John Ennis

and **RESOLVED:**

That the Minutes of the meeting of the Licensing Committee held on 11 November 2020 be approved and adopted.

(The vote on the Minutes was taken as part of a block vote on the Committee and Cabinet Minutes taken at minute 60/20(04).)

60/20(04) – GENERAL PURPOSES COMMITTEE – 19 NOVEMBER 2020:

Moved by Councillor Samantha Mearns Seconded by Councillor Matt Scott

and **RESOLVED:**

That the Minutes of the meeting of General Purposes Committee held on 19 November 2020 be approved and adopted.

(The vote on the Minutes was taken at this point in the meeting as part of a block vote on the Committee and Cabinet Minutes.)

61/20 – NOTICES OF MOTION RECEIVED: The Mayor advised that there was one notice of motion before the Council. The motion in the names of Councillors Pauline McHardy and Sid Hawke 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 Matthew Webber and would have been seconded by Councillor Tom Watson. 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, with the inclusion of the word “at their invitation”, shown in bold, and now formed part of the substantive motion.

- (1) "That this council ensures that every Parish and Town Council in the district **at their invitation** is visited personally, or by virtual meetings by the Leader of the Council and the Chief Executive for full consultation on the proposals for the new unitary authorities in North Yorkshire."

Moved by Councillor Pauline McHardy

Seconded by Councillor Sid Hawke

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.

62/20 - **ADOPTION OF THE HARROGATE DISTRICT LOCAL PLAN:**

RECONSIDERATION OF THE NEW SETTLEMENT POLICIES: At the invitation of the Mayor the Chief Executive outlined the process for the reconsideration of the new settlement policies and adoption of the Harrogate District Local Plan. In order to commence the debate on the adoption of the Harrogate District Local Plan, the Mayor will call for a mover and seconder of Cabinet Minute 99/20 of its meeting held on 9 December 2020.

As the minutes of Cabinet, together with Officer's report and appendices, were distributed to all Members of the Council after circulation of the formal summons for the Council meeting, amendments to the recommendations of the Cabinet could be made at the meeting without notice. Once the Cabinet Minute had been moved and seconded, and debated the Mayor would ask if any Member wished to move an amendment.

The decision which Members were required to make now related solely to whether to adopt the Local Plan with the New Settlement policies. As explained in the officer report the legal challenge only related to DM4: other policies and proposals within the plan were not in question. There was no requirement to revisit any part of the plan preparation up to the point of adoption in March 2020. The Plan had gone through a very detailed process of preparation, analysis and consultation and then examination by an Inspector who had found it to be legally compliant and sound. The purpose of remitting the whole plan was therefore solely to correct the legal defect which had been identified, being to require the Council to consider the further Strategic Environmental Assessment work and the consultation responses. Having taken that material into account, the Council must decide whether it wished to include the new settlement policies in the Local Plan. Members must realise if Council did not wish to include policy DM4 within the plan it would result in the withdrawal of the Local Plan.

Members were reminded that any decision on which land should be allocated must be made on the basis of the planning best interests of the area and that interests in any land were not a relevant consideration.

Moved by Councillor Tim Myatt

Seconded by Councillor Richard Cooper

and **RESOLVED:**

That Cabinet Minute 99/20 of 9 December 2020 be approved and adopted.

(Thirty two Members voted for the motion, one against and there were two abstentions)

(It was noted that Councillor John Mann abstained as he was unable to hear the full debate due to technical issues)

63/20 - HARROGATE CONVENTION CENTRE: 2020 UPDATE: The Chair of the Harrogate Convention Centre Board, Councillor Richard Cooper, submitted the annual report in connection with the Centre's business strategy and performance, as required by the Council and HCC's Constitutional arrangements.

The Convention Centre had closed in March 2020 as a result of COVID-19. In introducing the report the Leader advised that many HCC staff had been involved in the conversion of the Convention Centre to an NHS Nightingale Hospital and two thirds of staff were now redeployed to other roles within the Council. The Leader thanked staff for their flexibility and application to different working conditions.

The Leader advised that for 2019/20 the Economic Impact for the town had been around £29 million, measured by the Visit Britain methodology. For the same year the number of events had increased from the previous year and financial performance had exceeded budget.

Moved by Councillor Richard Cooper

Seconded by Councillor Graham Swift

and **RESOLVED:**

That the report be approved.

64/20 - APPROVAL OF APPOINTMENT OF INDEPENDENT PERSON FOR STANDARDS: The Democratic Services Manager submitted a written report seeking approval to the appointment of Ms Linda Owen as an Independent Person in connection with the Council's Standards arrangements until 8 December 2022. The report explained the necessity for and obligations of the Independent Person as prescribed by the Localism Act 2011, together with the recruitment process that had been undertaken for the appointment.

Moved by Councillor Richard Cooper

Seconded by Councillor Graham Swift

and **RESOLVED:**

That Council approve the appointment of Linda Owen as an Independent Person for a two year term until 8 December 2022 with the option to extend for a further period up to one year.

65/20 - **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.