

**GENERAL PURPOSES COMMITTEE  
HELD ON 28 JANUARY 2021  
(FROM 5.30 PM – 7.32 PM)**

**PRESENT:** Councillor Samantha Mearns in the Chair. Councillors Nick Brown, Philip Broadbank, Ed Darling, Tim Myatt, Pauline McHardy, Alex Raubitschek, Matt Scott and Norman Waller.

**Late Arrivals:** None

**Early Departures:** Councillor Alex Raubitschek at 6.40 pm  
Councillor Pauline McHardy at 7.20 pm

**31/20 - APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES:**

There were no apologies for absence or notifications of substitutes.

(5.36 pm)

**32/20 - DECLARATIONS OF INTEREST:** There were no declarations of interest made at the meeting. With regards to item 37/20 Councillor Tim Myatt advised that he was the Cabinet Member for Planning but that this was not considered a disclosable interest and therefore he remained in the meeting for the item.

(5.36 pm)

**33/20 – MINUTES:** The Minutes of the meeting of the Committee held on 19 November 2020 were approved unanimously as a correct record.

(5.37 pm)

**34/20 – EXEMPT INFORMATION:** There was no exempt information.

(5.38 pm)

**35/20 – PUBLIC ARRANGEMENTS – QUESTIONS:** There were no public questions to consider under Standing Order 27.

(5.38 pm)

**MATTERS TO BE REFERRED TO COUNCIL FOR CONSIDERATION**

**36/20 – STRAY EXCHANGE LAND AND BYELAW AMENDMENTS –**

**OUTCOME OF CONSULTATION:** The Economy and Transport Officer (ETO) submitted a written report the purpose of which was to provide feedback on the outcome of the public consultation undertaken in relation to the proposals to exchange Stray land and to amend the Stray Byelaws to permit cycling on the Otley Road Cycle route. The report also sought approval from the General Purposes Committee to submit the proposed byelaw amendments to the Secretary of State, Ministry of Housing, Communities and Local Government (MHCLG) for approval.

The ETO began by giving a summary of the wider context of the proposed byelaw amendment. She explained that NYCC was leading on a NPIF funded scheme that would improve sustainable transport infrastructure in the West of Harrogate, including a new off-road cycle route along Otley Road. The proposed cycle route

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intended to use some existing verges and footpaths between Cold Bath Road and Beech Grove, which were designated as Stray land. At the meeting of the 15 July 2020 the Committee had given permission to consult the public on the proposed byelaw changes and on the 20 July 2020 Cabinet approved a consultation on the proposed exchange of land options. The subsequent consultation was carried out for twelve weeks between 17 August 2020 and the 9 November 2020. A copy of the online questionnaire was attached at Appendix A to the report, the questionnaire sought the public's views on the exchange of land and amendment of Byelaws that were required in order to enable NYCC to use the Stray land for the creation of the proposed off-road cycle route. The public were also made aware that the Stray Byelaws would be updated to be consistent with the model byelaws at the request of the Ministry of Housing Communities and Local Government. The new byelaws could be found in appendix C to the report.

The ETO explained that there were 443 responses to the consultation, 417 of these responses were from residents and the majority of the respondents agreed to exchange of the Stray land (56% agree, 39% disagree and 5% neither agree nor disagree) and that option 1 was the preferred location. The results also showed the majority of the respondents agreed to amending the Stray Byelaws to permit cycling on the proposed cycle route on Otley Road (59% agree compared to 38% disagree and 3% neither agree or disagree). The ETO advised that officers had conducted a detailed analysis of the responses and grouped the responses into themes as detailed in paragraph 5.11 of the report. A detailed response to each of the themes was outlined in appendices B1, 2 and 3 to the report.

The ETO then responded to questions from Members. In response to one question she explained that the results had not been broken down based on where residents lived as the Stray Act required any exchange proposals to be based on a benefit to the whole borough, not any localised part of it. This proposal was also part of a longer term aspiration to provide Harrogate with a cycle network that would connect the Town Centre with the west of Harrogate. Lastly she explained that this consultation was on the principle of exchanging the land and not about the design or location of the cycle route. She also confirmed that the Stray Defence Association had been sent a detailed letter concerning the proposals and the Association had responded. The ETO agreed to brief Councillor Nick Brown on the Association's response as well as the comments from the other organisations that responded.

### **RECOMMENDED:**

That (1) the outcome of the public consultation outlined in the consultation response summary in Appendix B1, 2 & 3 be noted; and

(2) the proposed byelaw amendments be submitted to the Secretary of State (MHCLG) for approval.

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

(5.39 pm – 6.12 pm)

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### **37/20 – AMENDMENT TO THE CONSTITUTION TO INCLUDE REFERENCE TO THE IMPLEMENTATION AND ENFORCEMENT OF THE COMMUNITY INFRASTRUCTURE LEVY (CIL):**

The S106 and CIL Delivery Officer, submitted a written report the purpose of which was to recommend amendments to the Constitution to include reference to the implementation of CIL and in particular to make arrangements for the authorisation of enforcement proceedings in respect of non-payment of CIL receipts and the service of Stop Notices against development works where CIL payments were outstanding.

The report outlined that CIL was a charge, expressed in pounds per square metre, levied on the net additional floor-space created by most new development and was calculated through a formula related to the scale and type of development proposed in the area. The Council approved the CIL Charging Schedule on 8th July 2020 and started implementing it on 1 October 2020. CIL was to be collected at commencement of development and the proceeds of the levy must be spent on local and sub-regional infrastructure needed to support new development in the area. The CIL Regulations 2010 (as amended) made provision for the effective collection of money (Part 8), and where necessary, enforcement of collection of money (Part 9). It was vital that the Council as a CIL charging and collecting authority follow the correct collection and enforcement process and as CIL was a separate legal entity and had a different national regulatory framework to other planning powers it was necessary to ensure that the Council's Constitution reflected this responsibility. The report outlined the process for CIL collection at paragraph 5.4 and paragraph 5.6 outlined the levels of penalties that could be imposed by the Council. The officer advised that where a development had commenced without payment of the CIL the Council would be able to issue a stop notice and as a final step the Council would be able to recover costs through the Courts. Lastly the officer highlighted Paragraph 5.10 of the report which contained a table that showed the amendments required to the Constitution to cover CIL implementation and enforcement duties.

In response to a question the S106 and CIL Officer confirmed that if a developer had not paid the levy the Council could issue a stop notice and as a last resort the Council could take court action.

### **RECOMMENDED:**

That (1) the Constitution be amended as per the table in Para 5.10 below to make provision for the implementation of CIL and the decision making process relating to the commencement of legal proceedings in respect of non-payment of CIL receipts and the service of Stop Notices against development works where CIL payments are outstanding;

(2) all decisions relating to the CIL enforcement process be delegated to the Executive Officer Development Management and Building Control in consultation with Cabinet Member (Planning) and the Head of Legal and Governance; and

(3) authority be delegated to the Head of Legal and Governance to make the necessary changes to the Council's Constitution as per the table in Para 5.10 below.

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

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(6.13 pm – 6.22 pm)

**38/20 – UPDATE TO CONSTITUTION MEDIA PROTOCOL:** The Communications and Engagement Manager (CEM) submitted a written report which sought approval of a proposed new Media Protocol (attached as appendix 1) as part of the Council's Constitution document (part B, section 11). The CEM advised that the existing media protocol had not been updated for some time and as such it no longer accurately reflected the approach to media relations or external communications.

The report outlined how the Council's Media Protocol set out the principles and processes for how the council used external communications and media relations to promote its work and the services it provided. It was written at a time when the Council did not benefit from the expertise of a central communications and engagement team. Previously, services had been expected to prepare their own communication materials for publication to the press. It was not certain when the protocol was last reviewed or updated, but it no longer reflected current working practices. All communication and marketing activity was carried out by the corporate communications and engagement team using a range of channels.

In response to a question the CEM and Head of Legal and Governance agreed to review the possibility of Ward Members being included in proactive Communication responses.

### **RECOMMENDED:**

That the new media protocol be approved and the Head of Legal and Governance be authorised to update the constitution accordingly.

(Seven Members voted for the motion and there were two abstentions)

(6.23 pm – 6.30 pm)

**39/20 – PROPOSED ADOPTION OF LGA MODEL CODE OF CONDUCT:** The Head of Legal and Governance submitted a written report which sought to recommend the adoption of the Local Government Association's (LGA) Model Code of Conduct with local amendments.

The HoLG began by giving the background to the development of the Model Code and reasoning behind why it was recommended for adoption. In accordance with the provisions of the Localism Act 2011, the Council in 2011 adopted a Code of Conduct for Members and arrangements for dealing with complaints that Members had breached the Members' Code of Conduct. In January 2019 the Committee on Standards in Public Life published a report following its review of Local Government Ethical Standards. The report of the Committee on Standards in Public Life recognised that clear, relevant, and proportionate codes of conduct were central to maintaining ethical standards in public life. In order to ensure consistency of approach the Committee recommended that there should be a national Model Code

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of conduct, but that this should not be mandatory, and should be able to be adapted by individual authorities.

The Committee on Standards in Public Life's report was considered and recommended by the General Purposes Committee in March 2019. Following the report of the Committee on Standards in Public Life the LGA has now developed a Model Councillor Code of Conduct. It was a template for councils to consider adopting in whole and/or with local amendments.

The key elements of the LGA Model Code of Conduct were set out in paragraph 5.4 of the report and the Model Code, together with some minor and local amendments was set out in appendix 1 to the report. The red text found in appendix 1 set out the proposed local changes to the Model Code and reflected the existing arrangements in the Council's code of conduct. The HoLG advised that she had consulted the independent persons when preparing the proposed code and she confirmed they were happy with the Model Code and the proposed local amendments. Furthermore, the independent persons had requested inclusion of sections 6.1 to 6.3 of the existing code to which the HoLG had agreed.

The HoLG advised that wording in the proposed local amendments to the code made it clear and reflected the test, as set out in section 27(2) of the Localism Act 2011, that a relevant authority must adopt a code dealing with the conduct that is expected of its Members and co-opted Members when they are acting in that capacity as elected Member. She also explained that she had added a provision that barred Members from scrutinising a decision that they had a part in making. At paragraph 5.6 of the report it was highlighted that there were no changes to requirement regarding the disclosure of registerable and non-registerable interests. Paragraph 5.7 outlined that the National Committees' recommendation of changes to the sanctions for breaches of the code alongside the appeals process, was out of scope of the Model Code at the moment because it required legislative changes by Government. There was to be an annual review of the code and it was also recommended that Town and Parish Councils adopt the Model Scheme.

The HoLG then responded to Members' questions. She confirmed that the Committee were being asked to adopt the Model Code with or without the local amendments, the Council would then invite Parish Councils to also adopt the Model Code as amended. She also advised that there had been consultation by the LGA on the Model Code during its development and now it was it was being submitted before the Committee to consider. Parish Councils could be invited to adopt the Model Code and it was in their power to refuse or adopt with amendments. In response to a further questions the HoLG explained that if the Committee were minded to recommend approval of the Code to Council, the Code would not come into force until after the Committee Minute had been approved by Council in March. The HoLG confirmed that the Code would not be applied retrospectively.

### **RECOMMENDED:**

That (1) the introduction of a Model Code of Conduct for all Councillors by the LGA be noted;

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(2) the Model Code be adopted subject to the local amendments shown in red in Appendix 1; and

(3) the Monitoring Officer contact all Parish Councils and request that they also adopt the Model Code.

(Seven Members voted for and one against the motion)

(6.30 pm – 7.16 pm)

### **40/20 – AMENDMENT TO MEMBERS' ALLOWANCES SCHEME –**

**REMUNERATION FOR MICROSOFT TEAMS DIAL-IN:** The Democratic Services Officer submitted a written report which sought to gain approval of a proposed amendment to the Members' Allowance Scheme for consultation and recommendation to full Council for approval. The proposed amendment would give Members the ability to claim for costs incurred by use of the Microsoft Teams Dial-in option when dialling-in to council or committee meetings.

The proposed addition to the Members' Allowance Scheme enables the reimbursement of costs incurred by Members who are required to use this service in order to take part in a Committee or Council meeting and would otherwise be barred from taking part through technical issues such as a loss of internet connection. Reimbursement of dial-in costs applies only to those meetings listed in Appendix 1 to the Members' Allowance Scheme and the requirements for making an expenses claim were set out in paragraph 5.4 of the report.

### **RECOMMENDED (UNANIMOUSLY):**

That the revised Members' Allowance Scheme contained within this report, described in paragraph 5.4, is recommended to Council for final approval.

(7.17 pm – 7.23 pm)