

21 February, 2007

The Report of the Executive

The Executive met at County Hall, Northallerton on Tuesday, 23 January, 2007.

Present:- County Councillor John Weighell in the Chair. County Councillors John Fort BEM, Carl Les, Chris Metcalfe, Caroline Patmore, Peter Sowray, John Watson OBE and Clare Wood.

Also in attendance: County Councillors Eric Broadbent, Elizabeth Casling, Geoffrey Cullern, Michael Heseltine, Margaret Hulme, Michael Knaggs and Melva Steckles.

The Executive met again at County Hall, Northallerton on Tuesday, 6 February, 2007.

Present:- County Councillor John Weighell in the Chair. County Councillors John Fort BEM, Carl Les, Chris Metcalfe, Caroline Patmore, Peter Sowray, John Watson OBE and Clare Wood.

Also in attendance: County Councillors Bernard Bateman MBE, Bill Hault and Margaret Hulme

1. Revenue Budget 2007/08 and Medium Term Financial Strategy: At its meeting on 20 December, 2006, the County Council considered a report which included details of the provisional local government finance settlement issued during the week beginning 27 November. The Council noted the information set out in that report, which included the key dates for the remainder of the process for developing the Revenue Budget and Medium Term Financial Strategy.

The Executive considered a further, more detailed, report at its most recent meeting. A copy of that report has been circulated with the agenda for this meeting, marked appendix 1. The report set out a context for the development of the medium term financial strategy and revenue budget for 2007/08 which was that the County Council has a duty to provide efficient, value for money services. This remains the fundamental priority for the County Council and a high expectation from the public of North Yorkshire. Local authorities are not the only public service where needs and demands are outstripping resources, the Police and the Health Service are two other examples. In the full report there is reference to performance. The County Council compares very well against the tests set by the Audit Commission and other Inspectorates as well as demonstrating value for money.

Particular challenges that are current and will be ongoing include the increasing number of older vulnerable adults who need support; the need to improve further the educational attainment of children and the skill levels of adults; and the disposal of the large amounts of waste produced in the County in an environmentally acceptable way. The County Council priorities reflect the need to address these challenges and the Chief Executive's Management Board, alongside the County Council's Executive Members, are very conscious of the need to keep under review both the challenges and the opportunities that arise.

The forthcoming Comprehensive Spending Review is likely to bring a further tightening of the allocation of Government money to local government and therefore the quest for further efficiencies remains a high priority. The Government has made it clear that they expect local government in two tier areas, such as North Yorkshire, to strive to reduce overheads and duplication costs, in order to help address the financial challenges of finding resources to meet service demands and pressures. Whether there is a new unitary Council in North Yorkshire or the two tier arrangement stays, the requirement to work together and find higher levels of efficiency is very real. Corporate Directors have examined very carefully the duties that are placed upon them and have come forward with proposals for this year,

21 February, 2007

and succeeding years, that try to limit the need for increased expenditure, but at the same time prioritise the requirements they have to discharge their duties.

The Executive Summary for the full report sets out the following key points.

- (i) a recommended Council Tax increase of 4.9%
- (ii) there has been much media speculation recently that Council Tax increases could be averaging 3.5%. It is important to note that this is in the context of service reductions and fees/charges increases above inflation to make this happen
- (iii) the Budget package in the detailed report does not rely on such measures, despite the rate of inflation for the County Council's "basket of goods" exceeding 4%
- (iv) at service level, the Budget continues to invest additional funds in Adult Social Care (£2.3m), Waste Disposal Strategy (£1.2m) and Home to School transport (£1m)
- (iv) the picture for 2008/09 and 2009/10 is still problematic. Assuming Government grant increases of only 2.5%, based on the signs for the Comprehensive Spending Review 2007, but further Council Tax rises of 4.9% for each of the two years, the current shortfall between assessed need and likely funds available is £8m and £8.2m respectively. These figures are effectively targets for the efficiency and transformation agendas to achieve, if service reductions are to be avoided in these later years. The primary cost drivers in both years are adult social care, the waste disposal strategy and aspects of children's services
- (v) the 2% target figure for the General Working Balance, approximately £6m, is expected to be met in the current year and will be maintained throughout the 3 years of the MTFS
- (vii) separate provision has been made for the anticipated costs of equal pay claims and the job evaluation process

The Executive RECOMMENDS –

21 February, 2007

- (i) that for the year beginning 1 April 2007, a Council Tax precept of £214,199,000 be issued to billing authorities in North Yorkshire, such precept to be paid in instalments on dates to be determined by the billing authorities
- (ii) that a net Revenue Budget requirement for 2007/08 of £295,796,000 be approved.
- (iii) that the allocations to each Directorate, various corporate initiatives, and precepts/levies/contributions be as detailed in Appendix C to Appendix 1 and the Supplementary Papers to this report, subject to:
 - (a) the Corporate Director – Children's and Young People's Service being authorised, in conjunction with Executive Members, to determine the final package for the use of available Dedicated Schools Grant in 2007/08
 - (b) the Chief Executive having the delegated authority to approve virements necessary as between funding streams within the Local Area Agreement, subject to such changes being reported to the Executive in the Quarterly Performance Monitoring reports
- (iv) that the policy target for the level of the General Working Balance be retained at 2% of the net Revenue Budget, and that contributions be made from the Revenue Budget as necessary to maintain the 2% level at all subsequent year ends and be reflected in the MTFS
- (v) that the funds due to be received for LABGI and LPSA Performance Reward Grant be transferred into a provision for the costs of Equal Pay claims and the Job Evaluation exercise
- (vi) that, for the avoidance of doubt, it is confirmed that the Chief Executive Officer has the delegated power to change salary levels and scales, and conditions of service, arising from Job Evaluation and the Pay and Reward review, for all employees, other than Chief Officers, and to take any other steps that are appropriate in relation to these matters, within the budgetary and policy framework agreed by the Council
- (vii) That the Section 25 assurance statement provided by the Corporate Director – Finance and Central Services regarding the robustness of the estimates and the adequacy of the reserves be taken into account in determining the recommendations set out above.
- (viii) That the Medium Term Financial Strategy, and its caveats, be approved.

2. Revision of Prudential Indicators: The new Capital Finance system introduced in April 2004 is underpinned by the CIPFA Prudential Code for Capital Finance in Local Authorities. This Code requires every local authority to set a range of Prudential Indicators

- (i) as part of the Revenue Budget process, and
- (ii) before the start of the financial year

to ensure that capital spending plans are affordable, prudent and sustainable.

21 February, 2007

The Prudential Indicators for 2006/07, covering the period up to 2008/09, were approved by the County Council on 15 February 2006. The Prudential Code also requires appropriate arrangements to be in place for the monitoring, reporting and revision of Prudential Indicators previously set. A full revision of all Indicators was approved by County Council on 11 October 2006.

As part of the 2007/08 Budget process, a fresh set of Indicators for the period up to 2009/10 now needs to be considered and approved. This should be done in conjunction with the next item on this agenda regarding Treasury Management.

Appendix 2 to this report sets out the suggested updated Prudential Indicators with the addition of a further year, 2009/10. This Appendix sets out every Prudential Indicator in terms of:

- the updated Indicators to 2008/09 approved by County Council on 11 October 2006
- a revised set of Indicators with the addition of 2009/10
- appropriate comments on each Indicator including reasons for any significant variations

In general the proposed Indicators reflect a number of common factors including

- (i) the latest Capital Plan as adjusted for a number of known and forecast variations
- (ii) updated forecasts of Government supported borrowing approvals
- (iii) updated capital financing costs reflecting (i) - (ii) above and the latest interest rate forecasts

In making its decision on the Revenue Budget, the County Council is asked to note that the authorised limit for external debt determined for 2007/08 - £387.3m - see paragraph 5 of Appendix 2 - will be the statutory limit determined under Section 3 (1) of the Local Government Act 2003. This statutory requirement means that a local authority shall determine and keep under review how much money it can afford to borrow in a given financial year.

The Executive RECOMMENDS -

- (i) That the updated Prudential Indicators set out in Appendix 2 be approved
- (ii) That an affordable borrowing limit of £387.3k in 2007/08, under Section 3(1) of the Local Government Act 2003, be approved.

3. Treasury Management: The County Council is required to adopt certain procedures in relation to Treasury Management, including complying with the terms of the CIPFA Code of Practice on Treasury Management in the Public Services issued in 2001 and adopted by the County Council on 15 May 2002. In addition, the County Council must comply with the CIPFA Prudential Code for Capital Finance in Local Authorities which, from 1 April 2004, impacts heavily on Treasury Management matters. The Local Government Act 2003 requires the County Council to have regard to the Prudential Code and set Prudential Indicators for

21 February, 2007

the next three financial years to ensure that the County Council's capital investment plans are affordable, prudent and sustainable. The earlier report on the Prudential Indicators for the three years 2007/08 to 2009/10 should be read in conjunction with this report, because of the interaction between the Prudential Indicators and the Treasury Management arrangements.

The combined effect of all these Codes and Regulations is that the County Council has to have in place a Treasury Management Policy Statement and a combined Annual Treasury Management and Investment Strategy. An updated version of this Strategy incorporating the Annual Investment Strategy components is referred to below.

The CIPFA Code of Practice on Treasury Management introduced in 2001 requires the County Council to have approved:

- a Treasury Management Policy Statement (TMPS) stating the County Council's policies and objectives for its treasury management activities. This is attached as Appendix 3A. Because it has been updated it needs to be re-approved by the County Council. Essentially some minor textual amendments have been made to the TMPS to reflect nomenclature and other local and national developments since it was last approved in March 2005.
- a framework of Treasury Management Practices (TMPs) setting out the manner in which the County Council will seek to achieve the policies and objectives set out in the Statement and prescribing how it will manage and control those activities. The Code recommends 12 TMPs. These documents are currently being reviewed to ensure they are fully consistent with the new codes and regulations that have been introduced since March 2004. An updated set of TMPs will therefore be submitted to Members at the earliest available opportunity.

One of the key requirements of the 2001 CIPFA Code of Practice on Treasury Management is that an Annual Treasury Management Strategy (ATMS), which incorporates a set of Borrowing Limits and Requirements for the year, is considered and approved before the start of each financial year. The ATMS must also include reference to external debt levels, the Prudential Indicators as well as the Annual Investment Strategy (AIS) requirements. The proposed Annual Treasury Management Strategy document for 2007/08, incorporating the Annual Investment Strategy, is attached as Appendix 3B to this report. The key elements of the Strategy are as follows:-

- (a) an authorised limit for external debt of £387.3m in 2007/08
- (b) an operational boundary for external debt of £367.3m in 2007/08
- (c) a borrowing limit on fixed interest rate exposure of 70% to 100% of outstanding principal sums and a limit on variable interest rate exposure of 0% to 30% of outstanding principal sums
- (d) an investment limit on fixed interest rate exposure of 0% to 20% of outstanding principal sums and a limit on variable interest rate exposure of 80% to 100% of outstanding principal sums
- (e) a limit of 20%, estimated at £12m, of the total cash sums available for investment, both in house and externally managed, to be invested in Non Specified Investments over 364 days

21 February, 2007

- (f) the Corporate Director – Finance and Central Services to report to the County Council, if and when necessary during the year, on any changes to this Strategy arising from the use of operational leasing, PFI or other innovative methods of funding

A new section has been added to the Strategy document to reflect the arrangements under which loans may be made by the County Council to any company in which it has a significant interest, including loans to companies such as Yorwaste and NYnet which need to be reflected in this Strategy document.

The long term debt position of the County Council is essentially related to the level of capital expenditure undertaken. The inexorable growth of the County Council's long term outstanding debt is demonstrated by the following table.

Year	Debt Outstanding at Year End	Year on Year Increase
	£m	£m
31 March 2001 actual	147.3	
2002 actual	148.9	+ 1.6
2003 actual	180.2	+ 31.3
2004 actual	215.1	+ 34.9
2005 actual	231.7	+ 16.6
2006 actual	274.4	+ 42.7
2007 forecast	308.7	+ 34.3
2008 forecast	336.5	+ 27.8
2009 forecast	353.8	+ 17.3
2010 forecast	376.8	+ 23.0

As the table shows, the County Council's external debt will effectively double over a period of 8 years. Particularly noticeable is the increase in the years since 2002 – this is primarily attributable to the increase in the value of annual LTP allocations and the availability of Prudential Borrowing, which has been used by the County Council to boost the size of the Capital Plan not related to Government borrowing approvals. The ratio of borrowing related to Government borrowing approvals, as opposed to being locally determined under the prudential regime, is approximately 80/20.

The revenue cost of servicing the debt impacts directly on the County Council's Revenue Budget / Medium Term Financial Strategy and will be about £30.2m in 2007/08. This consists of interest payments of £17.5m and a statutory minimum revenue provision for debt repayment, about 4% of debt, of £12.7m. Related to this is the fact that the annual capital spending funded by borrowing, largely supported by Government borrowing approvals, significantly exceeds the statutory, 4% minimum, revenue provision for debt repayment that must be made each year. For example, in 2007/08 the revenue provision for debt repayment is £12.7m, whereas capital spending to be funded from borrowing is £40.7m. The difference of £28m will increase the outstanding debt position further in 2007/08 and could only be reduced by

- (i) significantly curtailing new capital investment and removing Capital Plan provisions that are funded from external borrowing, most of which are supported by borrowing approvals, specifically the Highways LTP and several Education initiatives, and/or

- (ii) significantly increasing the revenue budget/MTFS provision for debt repayment above the statutory minimum, 4% of debt, that is currently made, and/or
- (iii) removing Capital Plan schemes funded by capital receipts and using those receipts together with future additional receipts and the current corporate “Capital pot”, for debt repayment, rather than new capital investment.

Given the size of the County Council’s current Capital Plan, the Revenue Budget/MTFS position and forecast level of Government borrowing approvals for future years, it is unlikely that any of the above three options could be realistically achieved and, therefore, external debt levels will continue to increase into the foreseeable future. This growth in debt is not, however, unique to the County Council, as the reasons for the growth apply to most county and unitary councils throughout the country. Based on the latest national statistics available, the table below demonstrates this continuing debt growth in relation to the 34 Shire county councils.

Authority	Debt outstanding at Year 31 March 2005	4-Year growth from 31 March 2001 to 31 March 2005
	£m	£m
NYCC	231.7	57
All 34 Shire counties		
Lowest	59.0	16
Highest	830.7	217
average	273.1	57

The approved list of organisations (counterparties) to which the County Council may make investments, together with the maximum sum at any time that can be placed with each, is incorporated into the detailed Treasury Management Practices (TMPs) that support the Treasury Management Policy Statement (TMPS). The full lending list was last submitted to Council on 16 February 2005 as part of the 2005/06 Treasury Management report. Subsequent changes have been approved under the delegated powers of the Corporate Director – Finance and Central Services. A full and updated lending list is now attached to this report as Schedule A to the Annual Treasury Management and Investment Strategy 2007/08 and reflects the following changes:-

Changes resulting from the decision in July 2006 to terminate the investment mandate with Investec Asset Management Ltd and recall all cash managed by the fund manager

- removal of 37 Foreign Banks from the lending list that were initially added at the request of Investec for their use only
- split of lending limits for each bank/building society (counterparty) between the County Council and Investec is not now required as follows:

	Now	
UK Clearing Banks	£15m	(was £12.5m NYCC, £2.5m Investec)
High Quality Foreign Banks	£8m	(was £6m NYCC, £2m Investec)
Building Societies	£8m	

21 February, 2007

These changes provide more flexibility for the County Council's in house lending activities.

Other changes approved by the Corporate Director – Finance and Central Services

- addition of Dexia Bank Belgium (SA) following transfer of Treasury Business from Banque Internationale a Luxembourg SA, who have now been removed. (£8m limit)
- addition of Depfa Bank (£8m limit) to increase investment options
- Leeds Building Society name changed from Leeds and Holbeck Building Society (£8m limit)
- lending to the Bristol and West Building Society as a clearing bank with a £15m limit has now been removed from the lending list. Although lending to the Bristol and West will continue, this organisation is now classed as being part of the Bank of Ireland and thus total lending to Bristol West/Bank of Ireland must be constrained within the total £8m limit for a High Quality Foreign Bank (Bank of Ireland).

Other proposed changes to the lending list to increase investment options are:-

Addition of further UK clearing banks approved by the Bank of England and classified with appropriate high credit rating:

Bank	Credit Limit	
	Short Term	Long Term
	£m	£m
Credit Suisse International	15	5
Ulster Bank (part of Royal Bank of Scotland)	15*	5*

* = Group limit for Royal Bank of Scotland Group, including RBS and Natwest

Addition of the following High Quality Foreign Banks with appropriate high credit rating:

Bank	Credit Limit	
	Short Term	Long Term
	£m	£m
Rabobank (Holland)	8	5
Dresdner (Germany)	8	-
EBS (Ireland)	8	-
ING (Holland)	8	5

Addition of the following Building Society with appropriate credit rating:

21 February, 2007

Bank	Credit Limit	
	Short Term	Long Term
	£m	£m
Norwich and Peterborough	8	-

The Executive RECOMMENDS -

That

- (i) the updated Treasury Management Policy Statement attached at Appendix 3A be adopted
- (ii) the Annual Treasury Management and Investment Strategy for 2007/08 attached as Appendix 3B be adopted and, in particular the following be approved:-
 - (a) an authorised limit for external debt of £387.3m in 2007/08
 - (b) an operational boundary for external debt of £367.3m in 2007/08
 - (c) a borrowing limit on fixed interest rate exposure of 70% to 100% of outstanding principal sums and a limit on variable interest rate exposure of 0% to 30% of outstanding principal sums
 - (d) an investment limit on fixed interest rate exposure of 0% to 20% of outstanding principal sums and a limit on variable interest rate exposure of 80% to 100% of outstanding principal sums
 - (e) a limit of 20% (estimated at £12m) of the total cash sums available for investment (both in house and externally managed) to be invested in Non Specified Investments over 364 days
 - (f) the Corporate Director - Finance and Central Services to report to the County Council, if and when necessary during the year, on any changes to this Strategy arising from the use of operational leasing, PFI or other innovative methods of funding
- (iii) an updated approved lending list of organisations (counterparties) as detailed in Schedule A attached to Appendix 3B be approved

4. Review of Contract, Financial and Property Procedure Rules: The Contract, Financial and Property Procedure Rules all form part of the Constitution and are regularly reviewed. The Council agreed minor amendments to the Contract Procedure Rules in October 2006, but further required amendments to the Rules have been identified, primarily arising out of the Directorate structure changes and the transfer of responsibility for certain property matters from the Corporate Director - Business and Environmental Services to the Corporate Director - Finance and Central Services. The Rules, showing the proposed amendments, are set out in appendices 4A-D to this report, with a summary which explains the key changes and the reasoning behind them. A summary of changes involving financial limits is also presented.

21 February, 2007

If the County Council agrees the suggested amendments to the threshold levels in Financial Procedure Rules 8.8 and 8.9 relating to disposal of assets, then the threshold levels in paragraph 7 of the Executive Members' Delegation Scheme will also need to be amended. For the sake of completeness, it is also appropriate to include in that Scheme, as paragraphs 8 and 9, the Executive Members' other existing powers, as set out in Financial Procedure Rules 9.3 and 9.4, for the disposal and writing-off of inventory items and stores.

The Executive RECOMMENDS –

That the following changes to the Constitution be approved :-

- (a) amendments to the Contract Procedure Rules as set out in Appendix 4B
- (b) amendments to the Financial Procedure Rules as set out in Appendix 4C
- (c) amendments to the Property Procedure Rules as set out in Appendix 4D
- (d) amendments to the thresholds in paragraph 7 of the Executive Members' Delegation Scheme to bring these into line with the thresholds in Financial Procedure Rules 8.8 and 8.9 and the addition, as paragraphs 8 and 9, of existing powers set out in Financial Procedure Rules 9.3 and 9.4

5. Motion – Post Offices and Sub Post Offices in Urban and Rural Areas: At the meeting of the County Council held on 20 December, 2006 , County Councillor Gordon Charlton proposed the following motion, which was seconded by County Councillor Bernard A Bateman MBE:-

“North Yorkshire County Council:

condemns the failure of HM Government to support Post Offices and Sub Post Offices within urban and rural areas in their provision of valuable local services;

opposes any further closures in the County;

believes that Post Office closures cause great distress and inconvenience to many residents, including many vulnerable members of society, and ;

undertakes to write to the Government Minister concerned urging them to take steps to retain and improve the post office network in the UK.”

The motion stood referred to the Care and Independence Overview and Scrutiny Committee and the Executive for consideration and report back to the Council at its meeting in February.

The Care and Independence Overview and Scrutiny Committee considered the motion, together with the Government's proposals for the Post Office network, a summary of which is attached as appendix 5A, and the views of interested parties and individuals arising from a meeting, on 21 January, with representatives of the Federation of Small Businesses, Yorkshire Forward, the Yorkshire Rural Community Council, the Women's Institute, Age Concern, Help the Aged and Better Government for Older People. That Committee recommended to the Executive that the motion be supported, subject to an amendment, in

21 February, 2007

the light of the Government's proposals which would, amongst other things, seek to ensure that, nationally, 99% of people would be within three miles of a post office. The proposed amendment suggested that "condemns the failure of" should be replaced with the words "strongly urges the" and that, in the final paragraph of the motion, the word "write" be replaced by the word "respond" and after the words "the Government Minister concerned" the words "in the terms set out in the consultation response form attached to this report" be added. The Committee also recommended that a draft response, set out in appendix 5B, be sent in response to the consultation by the Government and that, if the response is agreed by the County Council, a copy should be forward to all Members of Parliament for constituencies in North Yorkshire and to Age Concern.

The Executive welcomed the work which had been undertaken and accepted the recommendations of the Care and Independence Overview and Scrutiny Committee.

The Executive RECOMMENDS –

That the motion be amended by replacing the words "condemns the failure of" with the words "strongly urges the" and, in the final paragraph of the motion, by replacing the word "write" with the word "respond" and adding, after the words "the Government Minister concerned" the works "in the terms set out in the consultation response form attached to this report".

[The motion, as amended, would read:

"North Yorkshire County Council:

strongly urges the HM Government to support Post Offices and Sub Post Offices within urban and rural areas in their provision of valuable local services;

opposes any further closures in the County;

believes that Post Office closures cause great distress and inconvenience to many residents, including many vulnerable members of society, and ;

undertakes to respond to the Government Minister concerned in the terms set out in the consultation response form attached to this report urging them to take steps to retain and improve the post office network in the UK."]

6. School Admission Arrangements for the Academic Year 2008/09 : The admission arrangements for Community and Voluntary Controlled schools form part of the policy framework of the Council and therefore must be determined by the full County Council, which is required to determine its admission policy and admission limits by 15 April each year. Prescribed consultations must be completed by 1 March each year, which means that schools are first consulted in Autumn Term each year for admissions nearly two years later. The process is, therefore, based to some degree on schools' best estimates of the numbers of requests for places and is informed by the Council's forecasting model, which takes into account the patterns of parental preference over the years. The DfES has encouraged local authorities to carry out the admission arrangements consultation on behalf of Voluntary Aided and Foundation Schools and, after discussion with Diocesan Directors, this Council has offered to carry out the admission arrangements consultation for 2008/09. Eleven Voluntary Aided schools supplied their admission arrangements so that this could be undertaken.

21 February, 2007

The proposed admission policies for community and voluntary controlled schools and for nursery classes, which set criteria for determining admissions when schools are over subscribed, are unchanged and are set out in Appendices 6A and 6B. The County Council consulted on two sets of admissions policies for Ripon Grammar School and Skipton Girls' High School. This was because, in an earlier draft of the Schools Admissions Code of Practice, there was a prohibition on oversubscription criteria that, in the case of grammar schools, gave priority to siblings of current pupils. The final version of the Code shows that this has been superseded and written confirmation has been received from DfES which states "where grammar schools use a pass mark and then apply oversubscription criteria to all children who pass the test, the sibling criteria will be permitted". Thus a separate revised policy for Ripon Grammar School and Skipton Girls' High School is no longer necessary. As Skipton Girls' High School now has Foundation status, the Governing Body is responsible for determining admission arrangements, rather than the County Council. Discussions with the school indicate that the school intends to adopt the North Yorkshire admissions policy for 2008-09. Of the 374 schools consulted, six schools made comments regarding the proposed policy. These comments are detailed in Appendix 6C.

The proposed admission limits for 2008/09 are attached as Appendix 6D. The County Council can only comment on those for the Voluntary Aided Schools, who are their own admissions authorities, but it does set those of Community and Voluntary Controlled schools. Of the 374 schools consulted, negotiated agreements have been reached with 359. The Governing Bodies of seven schools have requested a Maximum Admission Level (MAL) which is lower than the Indicated Admission Limit (IAL) for the school. The new Admissions Code of Practice states 'admission authorities may fix an admission number for a relevant age group that is lower than the capacity assessment but, if they do so, they must publish this information for parents, who may object to the admission number. In relation to admission numbers applicable to infant classes, the admission number must be compatible with the duty to comply with the infant class size limit'. In June 2006 the DfES wrote to local authorities about the law relating to infant class sizes. Nationally the number of large classes has been creeping up since 2001, despite falling rolls. DfES intend to ensure that admission authorities do comply with Infant Class Size legislation and, where necessary, to direct schools and/or admission authorities to comply with the law.

The seven schools seeking a lower MAL than IAL and the reasons for their requests are set out in Appendix 6E. Following consideration of the individual schools' circumstances and the potential impact on other schools and parental preference, the Executive has agreed to publish notices in respect of the schools, if the Council agrees the proposed admission limits.

Eight schools disagreed with the proposed maximum admission limit for their own school. Six of these schools are primary schools. Generally, across the county, schools are experiencing falling rolls, particularly within primary schools. In such a situation it is inappropriate to seek to balance out overall numbers within a school by setting admission numbers that are higher than that indicated by the net capacity. A gain in numbers in one school will impact upon another local school, that may be in a similar situation. The reasons for the schools' requests and the officers' responses are set out in Appendix 6F.

The proposed Coordinated Admissions Arrangements for secondary transfer and first admission to Primary Schools have been approved by the Executive. Of the 374 schools consulted, only South Craven School commented regarding the proposed arrangements. Governors of that school are not in agreement with the proposed North Yorkshire co-ordinated admission schemes for 2008/09, saying "in relation to the selective arrangements, which are set out separately in the coordinated admissions document, there is no attempt to meet the requirements of the adjudicator to review its selection arrangements for 2008 and

21 February, 2007

find a way of achieving a more transparent and fair system across its selective schooling for in area parents, the adjudicator argued that the way the selective arrangements operates 'discriminates against pupils in the normal area of the school'. Independent legal advice to us, says that this is unlawful. We will be seeking clarification from the adjudicator."

At its meeting on 31 October 2006, the Executive resolved that, following detailed consideration of the Adjudicator's Determination of 11 August 2006 relating to the admission arrangements of Ermysted's Grammar School, the Local Authority will revise its information to parents on selection arrangements, but intends to maintain the selection standard as currently operated.

The Governors of South Craven School also say "the co-ordinated arrangements documentation also makes clear that the authority intends to return to giving selective test results before parents make a preference. This is suggested in the Draft Code of Practice, which has not yet been decided upon. It is expressively forbidden in the existing Code of Practice. Governors would seek assurances that the authority will change this if the Draft Code is not implemented or amended."

The new Admissions Code of Practice states that 'grammar schools and other schools or their admission authorities which are permitted to use selection by ability or aptitude should ensure that parents are informed of the outcome of entry tests before they make their applications for other schools'. This is a reversal of guidance in the current code. The 'should' denotes a guideline which should be followed unless relevant bodies can demonstrate, if challenged, that they are justified in not doing so. Such guidelines indicate good practice, it is for this reason that the proposed co-ordinated admission arrangements provide for the issue of selection test results prior to the closing date for completion of common application forms.

The proposed School Admission Arrangements for 2008/09 were discussed and approved by the North Yorkshire Admissions Forum at its meeting on 25 January 2007.

The Executive RECOMMENDS -

That the proposed Admissions Policy for Community and Voluntary Controlled schools, Appendix 6A and for Community and Voluntary Controlled Nursery Schools and classes, Appendix 6B, for the Academic Year 2008/09, be approved.

That the proposed Maximum Admission Limits for Community and Voluntary Controlled schools in Appendix 6D, be approved and the limits for Voluntary Aided Schools be noted.

7. Appointments to Committees and Outside Bodies: The National Park Authorities (England) Order 2006 alters the number of members appointed to the National Park Authorities for each of the National Parks in England, other than Northumberland and the New Forest. To date, the County Council has been entitled to appoint six representatives to both the North York Moors National Park Authority and Yorkshire Dales National Park Authority. In line with the requirements of the Local Government and Housing Act 1989 relating to proportional representation, four of the seats on each of those National Park Authorities were allocated to the Conservative Group, which has a majority of seats on the Council. One seat on each Authority was allocated to the Liberal Democrat Group and one seat to the Labour Group. The reduction in the entitlement of seats, from six to five, means that the Conservative Group is now entitled to nominate representatives for only three seats on each of the National Park Authorities. The allocations to the Liberal Democrat and Labour Groups are unaffected. Paragraph 6(1) of Schedule 7 to the Environment Act 1995 gives the Secretary of State the right to end the appointment of a

21 February, 2007

local authority member early, where that is a consequence of an Order altering the number of local authority members. That is the power which Defra intends to use to implement these reductions.

At its meeting on 20 December, the Council appointed Members to serve on a Joint Scrutiny of Health Committee established with East Riding of Yorkshire Council. One Conservative vacancy on that Joint Committee remains and County Councillor Margaret Hulme has been nominated to serve. In addition, Craven District Council has nominated Councillor Andy Solloway to serve on Craven Area Committee in place of Councillor Eric Jaquin.

In order to provide an opportunity for the political groups and independent Members on the Council to propose changes to memberships, or substitute memberships of Committees, or other bodies to which the County Council makes appointments, the Executive recommends below that such nominations be approved.

The Executive RECOMMENDS -

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| <p>(i) That a County Councillor on the North York Moors National Park Authority and a County Councillor on the Yorkshire Dales National Park Authority, whose names will be reported to the meeting of the Council on behalf of the Conservative Group, be nominated to stand down as members of those Authorities with effect from 8 May, 2007.</p> <p>(ii) That County Councillor Margaret Hulme be appointed to the Joint Scrutiny of Health Committee with East Riding of Yorkshire Council and that Councillor Andy Solloway be appointed to Craven Area Committee in place of Councillor Eric Jaquin.</p> <p>(iii) That any proposal for changes to memberships, or to substitute memberships, of Committees or other bodies to which the County Council makes appointments, which are brought forward on behalf of the relevant political group, be approved.</p> |
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JOHN WEIGHELL
Chairman

County Hall,
NORTHALLERTON.

13 February, 2007