



## NORTH YORKSHIRE COUNTY COUNCIL

Minutes of the meeting of the County Council held at County Hall, Northallerton on 21 February 2007.

### PRESENT:-

County Councillor Mrs Margaret Hulme in the Chair.

County Councillors Michelle Andrew, Val Arnold, Andrew Backhouse, Arthur Barker, Keith Barnes, Philip M Barrett, William F Barton OBE, David Billing, John Blackburn, John Blackie, Eric Broadbent, Rob Broadley, Peter Brown, Elizabeth Casling, Gordon Charlton, Geoffrey Cullern, Gareth Dadd, Mrs M A DeCoursey-Bayley, Polly English, John Fletcher, John Fort BEM, Heather Garnett, Graham Gatman, Ron Haigh, Tony Hall, Roger Harrison-Topham, David Heather, Michael Heseltine, Robert Heseltine, Bill Hout, David Ireton, Gillian Ivey, David Jeffels, Miss Jane Kenyon, Michael S Knaggs, Carl Les, Morris Lightfoot, D Lloyd-Williams, Steve Macaré, Patricia Marsburg, Brian Marshall, J W Marshall, Shelagh Marshall, Chris Metcalfe, Leslie Parkes, Stuart Parsons, Caroline Patmore, Christopher Pearson, Paul Richardson, John Savage, Caroline Seymour, Steve Shaw-Wright, Brian Simpson, Martin Smith, Jim Snowball, Peter Sowray, Melva Steckles, Timothy Swales, Helen Swiers, Herbert Tindall, Cliff Trotter, John Watson OBE, John Weighell, Mark Wheeler, Greg White, Andrew Williams and Clare Wood

The Rev Keith Jukes led the Council in prayers.

### MINUTES

#### RESOLVED –

- 112.** That the minutes of the special meeting of the County Council, held on 23 January 2007, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

### CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced the death of a former Member of the Council, Ralph Atkinson, who was County Councillor for the North Craven Electoral Division from 1989 to 1999. The Council stood in silence as a mark of respect.

The Chairman informed the Council that, prior to the meeting, a petition had been presented to her by County Councillor Shelagh Marshall, on behalf of the Thresfield Parish Council, relating to the provision of a bus shelter in the village. She said the petition would be passed to the appropriate officer.

## **A STATEMENT BY THE LEADER OF THE COUNCIL**

County Councillor John Weighell made a statement, under Council Procedure Rule 2.3, as Leader of the Council, a summary of the key points of which had previously been circulated and which appears in the minute book (page 3237). He informed Members of the Council of the final CPA score for the Council, which remained embargoed, and responded to questions, including a written question from County Councillor Brian Simpson relating to insurance issues for a skateboard park, for which he agreed to provide a written response.

## **PUBLIC QUESTIONS OR STATEMENTS.**

There were no questions or statements from members of the public.

## **REPORT OF THE EXECUTIVE**

### **Revenue Budget 2007/08 and Medium Term Financial Strategy**

The recommendations in paragraph 1 of the report (pages 3240-1) having been moved and seconded, it was moved and seconded as an amendment that

in paragraph (i) the sum of "£214,199,000" be replaced by the sum of £212,159,000"; and,

in paragraph "(v)" the words "for LABGI and" be deleted

Insert a new paragraph "(vi)" :-

"(vi) that the funds due to be received for LABGI be utilized to support the net revenue budget"; and,

insert a new paragraph "(vii)" :-

"(vii) that any shortfall in the net revenue budget be made up by a transfer from working balances"; and,

that paragraphs "(vi)" "(vii)" and "(viii)" be numbered "(viii)" "(ix)" and "(x)" respectively; and

that at the end of the new paragraph "(x)" the "full stop" be deleted and the following words added :-

"subject to any adjustments required due to the alteration of the Council Tax precept."

**The Council divided and, on a show of hands, there were:**

**for the amendment – 16**

**against the amendment – more**

**and the amendment was declared lost.**

**The Council divided and, on a show of hands, the motion was declared carried.**

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**RESOLVED :-**

- 113.** (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.

**Revision of Prudential Indicators**

The recommendations in paragraph 2 of the report (page 3242) having been moved and seconded subject to amending £387.3k to £387.3m.

**The Council divided and, on a show of hands the motion was declared carried.**

**RESOLVED -**

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

### **Treasury Management**

The recommendations in paragraph 3 of the report (page 3247) having been moved and seconded :

**The Council divided and, on a show of hands, the motion was declared carried.**

**RESOLVED –**

- 115.** 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

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### **Review of Contract, Financial and Property Procedural Rules**

The recommendations in paragraph 4 of the report (page 3248) having been moved and seconded, it was moved and seconded as an amendment that the decision on this matter be deferred until sustainable development and sustainable procurement issues are addressed throughout the documents.

**The Council divided and, on a show of hands, there were:**

**for the amendment – 11**

**against the amendment – more**

**and the amendment was declared lost.**

**The Council divided and, on a show of hands, the motion was declared carried.**

#### **RESOLVED –**

**116.** 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

#### **Motion – Post Offices and Sub-Post Offices in Urban and Rural Areas**

In moving the motion, County Councillor Gordon Charlton indicated that he was happy to accept the printed recommendation from the Executive. The motion was seconded and then the recommendation of the Executive was moved and seconded, 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 words "in the terms set out in the consultation response form attached to this report."

**The Council divided and the amendment was agreed.**

It was moved and seconded as a further amendment:-

Insert after the words "further closures in the County" the words "without alternative appropriate provision being made" and, following the words "great distress and inconvenience" insert the words "leading to financial exclusion for" and delete the word "to".

**The Council divided and, on a show of hands, there were:**

**for the amendment – 36**

**against the amendment – 20**

**and the amendment was declared carried.**

**The Council divided and, on a show of hands, there were:**

**for the motion – 40**

**against the motion – 2**

**and the motion was declared carried.**

**RESOLVED –**

**117.** 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 without alternative appropriate provision being made;

believes that Post Office closures cause great distress and inconvenience leading to financial exclusion for 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.

### **School Admission Arrangements for the Academic Year 2008/09**

The recommendations in paragraph 6 of the report (Page 3251) having been moved and seconded :

**The Council divided and, on a show of hands, the motion was declared carried.**

**RESOLVED –**

**118.** 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.

### **Appointments to Committees and Outside Bodies**

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The recommendations in paragraph 7 of the report (page 3252) having been moved and seconded, nominations of Members who would stand down as Members of the North York Moors National Park Authority and Yorkshire Dales National Park Authority were proposed.

The Council divided and, on a show of hands, the motion was declared carried.

**RESOLVED –**

- 119.** (i) That County Councillor Miss Jane Kenyon stand down from membership of the North York Moors National Park Authority and County Councillor David Ireton stand down from membership of the Yorkshire Dales National Park Authority with effect from 8 May, 2007.
- (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.

**REPORT OF THE STANDARDS COMMITTEE**

**Protocol on Officer/Member Relationships**

The recommendation in paragraph 1 of the report (page 3377) having been moved and seconded, it was

**RESOLVED –**

- 120.** That the suggested amendments to the protocol on Member/Officer relations, attached as an appendix to the report, be approved.

**STATEMENTS OF EXECUTIVE MEMBERS AND CHAIRMEN OF OVERVIEW AND SCRUTINY COMMITTEES**

County Councillor John Watson, Executive Member for Childrens Services (early years education and all school related education issues and advisory services) presented his statement, a summary of the key points of which had been previously circulated and which appears in the minute book (pages 3389-92). He responded to questions, including a written question from County Councillor Keith Barnes relating to broadband services for schools. He informed the Council that Members of the Executive would receive further reports on this issue and these would be made available, on request, to other Members. He gave County Councillor Barnes an assurance that he would be provided with copies. In response to a further question, County Councillor Watson said that the take up of school meals in primary schools had now risen to 44%, which was the highest for five years.

County Councillor Chris Metcalfe, Executive Member for Community Services (adult social services, economic development, library and information services, E-government and communications) presented his statement, a summary of the key points of which had previously been circulated and which appears in the minute book (pages 3393-97) and responded to questions, including a question from County Councillor Steve Macare relating to the SRIP process on which he undertook to provide a written response.

County Councillor John Fort BEM, Executive Member for Community Services (community planning, community safety, cultural services, public protection, trading standards and post 16 lifelong learning) presented his statement, a summary of the key points of which had previously been circulated and which appears in the minute book (pages 3399-3402) and responded to questions.

County Councillor Peter Sowray, Executive Member for Environmental Services (planning, roads and traffic and archaeology) presented his statement, a summary of the key points of which had previously been circulated and which appears in the minute book (pages 3403-4) and responded to questions, including giving an assurance that the Corporate Director - Business and Environmental Services would address the issues raised about communications.

County Councillor Clare Wood, Executive Member for Environmental Services (public rights of way, conservation, waste disposal and public passenger transport) presented her statement, a summary of the key points of which had previously been circulated and which appears in the minute book (pages 3405-7) and responded to questions.

County Councillor Carl Les, Executive Member for Corporate Services (corporate affairs, performance management, procurement, asset management and finance) presented his statement, a summary of the key points of which had previously been circulated and which appears in the minute book (pages 3409-11). He responded to questions and gave an assurance to County Councillor Parsons that information would be provided about the costs of circulation of the additional of NYTimes, to date, and an assurance to County Councillor Barnes that reports updating the position on NYnet would be made available through meetings of the Transport and Telecommunications Overview and Scrutiny Committee.

County Councillor Caroline Patmore, Executive Member for Children's Services (children's services issues, special educational needs, special schools, youth service and youth offending team) presented her statement, a summary of the key points of which had been previously circulated and which appears in the minute book (pages 3413-4) and responded to questions.

The written statements of the Chairmen of the Scrutiny Board and the Overview and Scrutiny Committees having previously been circulated (pages 3415-44). County Councillor Paul Richardson referred to the Annual Report of the Corporate Parenting Working Group which was attached as an appendix to the statement by the Chairman of the Young People Overview and Scrutiny Committee and reminded Members that they were all corporate parents and, if they wished to receive a full copy of the report of the working group, they should contact him.



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### **COUNCIL PROCEDURE RULE 10 QUESTIONS.**

In response to a question from County Councillor John Fort BEM, the Chairman of the North Yorkshire Fire and Rescue Authority, County Councillor Caroline Seymour, said that the results of the recent inspection was still subject to embargo but North Yorkshire Fire and Rescue Service had achieved a Level 4 performance, although assessments on value for money and use of resources were still awaited. She said that this was an extremely positive result and congratulated the Senior Officer Team of the service for achieving it.

The Chairman of the North Yorkshire Police Authority informed the Council that the Chief Constable, Della Cannings, had announced on 1 February her intention to retire with effect from the 16 May. She informed the Council that police officers were entitled to retire after 30 years service and, as the Chief Constable had served 32 years as a police officer, she was entitled to retire at any time, notwithstanding a fixed term appointment which was due to expire in October. County Councillor Kenyon informed the Council that the Police Authority was now taking steps in the recruitment of a new Chief Constable and hoped to be able to make an appointment during April. She said she was sure the County Council would wish to join with the North Yorkshire Police Authority in paying tribute to Della Cannings achievements, as Chief Constable, over the preceding four years.

Other Members of the Council then spoke.