



3663

NORTH YORKSHIRE COUNTY COUNCIL

Minutes of the Annual meeting of the County Council held at County Hall, Northallerton on 16 May 2007.

PRESENT:-

County Councillor Margaret Hulme in the Chair.

County Councillors Michelle Andrew, Val Arnold. Arthur Barker, Keith Barnes, Philip Barrett, William F Barton OBE, Bernard Bateman MBE, David Billing, John Blackburn, John Blackie, Eric Broadbent, Rob Broadley, Elizabeth Casling, Gordon Charlton, Geoffrey Cullern, Gareth Dadd, Mrs M-A de Courcey-Bayley, Polly English, John Fletcher, John Fort BEM, Heather Garnett, Graham Gatman, Ron Haigh, Richard Hall, Tony Hall, Roger Harrison-Topham, David Heather, Michael Heseltine, Robert Heseltine, Bill Hault, David Ireton, Gillian Ivey, David Jeffels, Jane Kenyon, Michael Knaggs, Andrew Lee, Carl Les, Morris Lightfoot, David Lloyd-Williams, Steve Macaré, Patricia Marsburg, Brian Marshall, J W Marshall, Shelagh Marshall, Chris Metcalfe, Lesley Parkes, Stuart Parsons, Caroline Patmore, Chris 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 and Clare Wood.

County Councillor Mrs Margaret Hulme informed the Council that she had, prior to the Council meeting, been presented with a framed display relating to the period when County Hall was used as a hospital during the 1914 war by a representative of the Red Cross.

The Very Rev Keith Jukes led the Council in prayers.

ELECTION OF CHAIRMAN

It was moved by County Councillor Ron Haigh and seconded by County Councillor Robert Heseltine that County Councillor Michael Knaggs be elected as Chairman of the County Council to serve until the Annual meeting of the Council in 2008.

RESOLVED -

<p>121. That County Councillor Michael Knaggs be elected as Chairman of the County Council, to serve until the Annual meeting of the Council in 2008.</p>
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County Councillor Michael Knaggs then made his declaration of acceptance of office as Chairman of the County Council.

COUNTY COUNCILLOR MICHAEL KNAGGS IN THE CHAIR

The Chairman thanked the Council for his election. It was then moved by County Councillor Michael Knaggs and seconded by County Councillor John Weighell:-

“That this Council places on record its appreciation of the exceptional service rendered to it by County Councillor Margaret Hulme as Vice-Chairman of the County Council from 2005 to 2006 and as Chairman of the Council from 2006 to 2007, and also places on record its thanks to Dr Michael Hulme for the unfailing support which he has given the Chairman during her term of office.”

RESOLVED -

122. That this Council places on record its appreciation of the exceptional service rendered to it by County Councillor Margaret Hulme as Vice-Chairman of the County Council from 2005 to 2006 and as Chairman of the Council from 2006 to 2007, and also places on record its thanks to Dr Michael Hulme for the unfailing support which he has given the Chairman during her term of office.

County Councillor Margaret Hulme responded, thanking the Chairman of the Council and paying tribute to officers and Dr Michael Hulme for the support they had provided.

MINUTES

RESOLVED -

123. That the minutes of the meeting of the County Council, held on Wednesday 21 February, 2007 having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

APPOINTMENT OF VICE-CHAIRMAN

It was moved by County Councillor John Fort BEM and seconded by County Councillor Gareth Dadd that County Councillor Peter Sowray be nominated as Vice-Chairman of the County Council, to serve until the Annual meeting of the Council in 2008.

It was moved by County Councillor Richard Hall and seconded by County Councillor Steve Macare that County Councillor Caroline Seymour be nominated as Vice-Chairman of the Council, to serve until the Annual meeting of the Council in 2008.

The Council divided and, on a show of hand, there were:-

For County Councillor Caroline Seymour – 20

For County Councillor Peter Sowray – more

The appointment of County Councillor Peter Sowray as Vice-Chairman of the Council, to serve until the Annual meeting of the Council in 2008, was then proposed.

The Council divided and the motion was declared carried.

RESOLVED -

124. That County Councillor Peter Sowray be appointed as Vice-Chairman of the County Council, to serve until the Annual meeting of the Council in 2008.

County Councillor Peter Sowray resigned his position on the Executive. He then made his declaration of acceptance of office as Vice-Chairman of the County Council and thanked his proposer and seconder and the Council for appointing him.

CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced the death of a former Member of the Council, John Clout CBE, who was a Member of the Council for the York (Monk) electoral division from its establishment in 1973 to 1996, when the City of York became a unitary authority. He had also been a Member of York County Borough Council from 1964 to 1974. He was Leader of the Conservative Group from 1981 to 1995 and was Chairman of the Council in 1995/1996.

The Council stood in silence as a mark of respect.

STATEMENT BY THE LEADER OF THE COUNCIL

County Councillor John Weighell made a statement, under Council Procedural 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 3459). He informed the Council that, as a consequence of the resignation of County Councillor Peter Sowray from the Executive, County Councillor John Fort BEM would be taking over that portfolio. He also informed the Council that, under the final item in the report of the Executive, he would propose the appointment of a new Member of the Executive, who would take over the portfolio previously held by County Councillor Fort. He responded to questions.

PUBLIC QUESTIONS OR STATEMENTS

Tracy Hunt, of the Public and Commercial Services Union, made a statement relating to proposals to close tax offices in a number of locations in the County.

REPORT OF THE EXECUTIVE

Council Plan 2007-10

The recommendations in paragraph 1 of the report (page 3462) having been moved and seconded, it was

RESOLVED -

125. That the Council Plan 2007-10, a copy of which was attached as Appendix A to the report, be approved.

Social Inclusion Strategy 2007-10

The recommendation in paragraph 2 of the report (page 3463) having been moved and seconded, it was

RESOLVED -

126. That the Social Inclusion Strategy 2007-10, a copy of which was attached as Appendix B to the report, be approved and that responsibility for monitoring the progress of the Social Inclusion Strategy be delegated to the Safe and Sustainable Communities Overview and Scrutiny Committee.
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Recording and Web Publication of Council Meetings

The recommendations in paragraph 3 of the report (page 3463) having been moved and seconded, it was

RESOLVED -

- 127.** That the meeting of the Council on this date be recorded and broadcast on the County Council's website, but the Executive should consider a report on the business case for continuing such recordings thereafter.

Indemnities for Members and Officers

The recommendations in paragraph 4 of the report (page 3466) having been moved and seconded, it was

RESOLVED -

- 128.**
- a) That the revised indemnity policy for officers and members set out in Appendix C to this report, be approved, subject to it being clarified that the indemnity shall apply to Directorships and nominations already in existence, and the Corporate Director, Finance and Central Services be authorised to secure appropriate insurance cover to cover the liability under this indemnity
 - b) That, within the terms of the indemnity policy, the Chief Executive, in consultation with the Leader of the Council, the Corporate Director, Finance and Central Services and the Head of Legal Services, be authorised to endorse the payment of indemnity to any Member or officer up to a maximum of £50,000, where such indemnity is not covered by insurance, and that any sums in excess of that figure be referred to the Executive for endorsement.
 - c) That the indemnity provisions recommended be extended to cover Council officers and external investigating officers and advisers appointed by the Monitoring Officer, in relation to the defence of claims for defamation arising from investigations or proceedings for an alleged failure to comply with the Members' Code of Conduct.

Appointments to Committee and Outside Bodies

The recommendations in paragraph 5 of the report (page 3467) having been moved and seconded, nominations of Members to serve on the Joint Committee, with the City of York Council, to appoint the North Yorkshire Police Authority and for appointments to Committees and other bodies, including the Executive, were proposed.

RESOLVED -

- 129.**
- a) That County Councillors Polly English and David Lloyd-Williams be appointed to the Joint Committee to appoint the North Yorkshire Police Authority, on behalf of the Liberal Democrat Group; that County Councillor David Ireton be appointed to the Joint Committee to the seat transferred from the Liberal Democrat Group and that the previous appointments for the Conservative and Labour Groups remain unchanged.
 - b) That the following appointments be made:-

To the Executive - County Councillor Helen Swiers in place of County Councillor Peter Sowray.

To the Communications Overview and Scrutiny Committee – County Councillor Ron Haigh as Member and Chairman in place of County Councillor Helen Swiers.

To the Corporate Affairs Overview and Scrutiny Committee – County Councillor John Blackburn in place of County Councillor Ron Haigh.

To the Corporate Affairs Overview and Scrutiny Committee – County Councillor Elizabeth Casling as Vice-Chairman

As third named Conservative Group Substitute on Economic Development and Regeneration Overview and Scrutiny Committee - County Councillor Michael Heseltine in place of County councillor Helen Swiers.

To the Safe and Sustainable Overview and Scrutiny Committee – County Councillor Peter Sowray in place of County Councillor Jane Kenyon.

To the Standards Committee – County Councillor Peter Sowray to fill the current vacancy.

To the Planning and Regulatory Functions Committee – County Councillor Peter Sowray in place of County Councillor Herbert Tindall.

To the North Yorkshire Fire and Rescue Authority - County Councillor Martin Smith in place of County Councillor David Ireton.

To the Northern Eastern Sea Fisheries Committee – County Councillor John Blackburn in place of County Councillor Andrew Backhouse.

- c) That the Leeds City Region Leaders Board and the North Yorkshire Strategic Housing Board be added to Schedule 5 of the Constitution as appointments to be made by the Executive.

REPORT OF THE STANDARDS COMMITTEE

Appointment of Independent Members

The recommendations in paragraph 1 of the report (page 3553) having been moved and seconded, it was

RESOLVED -

- 130.** That Ms Gillian Fleming and Ms Janet Hoults be appointed as Independent Members of the Standards Committee to serve until the Annual meeting of the County Council in 2011.

New Code of Conduct for Members

The recommendations in paragraph 2 of the supplementary report (page 3561-2) having been moved and seconded, it was

RESOLVED -

131.

- a) that the new Code of Conduct for Members, attached at Appendix 3 to the report, be approved and adopted, in place of the existing Code, from 16 May 2007;
- b) that the General Principles be included as a non enforceable annex to the Code;
- c) that the existing guidance protocol for Members in support of the Code be amended as set out in Appendix 4 to the report;
- d) that the Code should not continue to apply to non voting co-opted members who are not members of another relevant authority, and that all appointments/re-appointments of such co-opted members to County Council Committees should not continue to be subject to the person appointed agreeing to observe the County Council's Code of Conduct for Members for the time being in force. Instead, such members, on appointment, should be given a statement of the general standards of ethical behaviour expected by the Council and such members should give an assurance to act in accordance with it;
- e) that all appointments/re-appointments of named voting substitute co-opted members be subject to the person appointed agreeing to observe the County Council's Code of Conduct for Members, for the time being in force, including the declaration of interests and registration of interests in the public register of members interests;
- f) that the Constitution be amended to reflect the above.

STATEMENTS OF EXECUTIVE MEMBERS AND CHAIRMEN OF OVERVIEW AND SCRUTINY COMMITTEES

County Councillor Chris Metcalfe, Executive Member for Community Services (adult social services, economic development, library and information services) presented his statement, a summary of the key points of which had previously been circulated and which appears in the minute book (pages 3593-9). He undertook to provide an answer to County Councillor Polly English on whether resources allocated for commissioning specialist advocacy services, under the Mental Capacity Act 2005, could be used to train new providers of advocacy services in the County.

County Councillor Helen Swiers, Executive Member for Community Services (community planning, community safety, cultural services, public protection, trading standards and post 16 life long learning) presented a statement prepared by County Councillor John Fort BEM, a summary of the key points of which had previously been circulated and which appears in the minute book (pages 3601-3). County Councillor John Fort BEM responded to a number of questions on the statement.

County Councillor John Fort BEM, Executive Member for Environmental Services (planning, roads and traffic and archaeology) presented a statement prepared by County Councillor Peter Sowray, a summary of the key points of which had been previously circulated and which appears in the minute book (pages 3605-6). He responded to questions, including a written question from County Councillor Keith Barnes, and agreed that consideration would be given to whether existing resources for works to footways should be delegated to officers in area offices.

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 3607-9) and responded to questions.

County Councillor Carl Les, Executive Member for Corporate Services (corporate affairs, performance management, procurement, asset management and finance, 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 3611-4). He responded to questions and gave an assurance to County Councillor Bernard Bateman MBE that he would discuss, with the Leader and Chief Executive, the issues raised by the statement made on behalf of the Public and Commercial Services Union and to County Councillor Rob Broadley that he would discuss, with County Councillor Clare Wood, the issues he raised about glass recycling and a response would be provided.

County Councillor Caroline Patmore, Executive Member for Childrens Services (childrens services issues, special educational needs, special schools, youth service and youth offending team) presented her statement, a summary of the key points which had been previously circulated and which appears in the minute book (pages 3615-9) and responded to questions, including a written question from County Councillor Richard Hall on the number of young people acting as carers in the County and the support provided to them.

County Councillor John Watson, Executive Member for Children's Services (early years education and all school related education issues and advisory services) presented his statement, a summary of the key points of which have been previously circulated and which appears in the minute book (pages 3621-3). He responded to questions, including written questions from County Councillor Richard Hall relating to funding for training for extended schools and from County Councillor Keith Barnes relating to Harrogate Pupil Referral Unit.

County Councillor John Weighell declared a personal interest in respect of a question raised about the County Music Service, as a member of his family is employed in delivering that service.

County Councillor John Watson agreed to investigate and respond to County Councillor Michelle Andrew in respect of the charges made by the County Music Service, in comparison with charges made by private sector providers; to County Councillor Jim Snowball in respect of the use of a mobile telephone by a school bus driver, whilst driving; and to County Councillor Bernard Bateman in respect of support provided to Breckenborough School.

The written statements of the Chairmen of the Scrutiny Board and the Overview and Scrutiny Committees, together with the annual report on Overview and Scrutiny by the Scrutiny Board, having previously been circulated (pages 3625-62). County Councillor John Blackie responded to questions.

MOTION – TWO AREA COMMITTEES FOR HARROGATE DISTRICT

It was moved by County Councillor John Watson OBE and seconded by County Councillor Paul Richardson:

“That the County Area Committee for Harrogate District and its Sub-Committees be disestablished with immediate effect and, to undertake the role and responsibilities previously delegated to that Committee, there be established a Harrogate Town County Area Committee and a Harrogate Rural County Area Committee.

That the nine County Councillors for the following electoral divisions be appointed to the Harrogate Town County Area Committee:

- Harrogate Bilton and Nidd Gorge
- Harrogate Central
- Harrogate Harlow
- Harrogate Oatlands
- Harrogate Saltergate
- Harrogate Starbeck
- Pannal and Lower Wharfedale

And that the nine County Councillors for the following electoral divisions be appointed to the Harrogate Rural County Area Committee:

- Ainsty
- Boroughbridge
- Knaresborough
- Lower Nidderdale and Bishop Monkton
- Masham and Fountains
- Pateley Bridge
- Ripon North
- Ripon South

That the two new Area Committees be given the delegated powers granted to existing Area Committees, including the ability to appoint such members other than County Councillors that they wish.

That, recognising that the populations of the two new Area Committees will be approximately equal, being based on recently reviewed electoral divisions, the Area Committee's 2007/08 budget of £70,400 and any carry forward of area-wide underspends from 2006/07 should be split equally between the new Committees, with those Committees determining any further allocation or splitting of funds for themselves, and that any carried forward 2006/07 underspends allocated to specific electoral divisions should be allocated to the Area Committee which includes the electoral division the underspend relates to.

That the necessary consequential changes be made to the Constitution.”

The Chairman said that, in view of further comments from the mover of the motion, he did not believe that there were grounds for debating the motion on the day. The Chairman ruled, therefore, that, having been formally moved and seconded, the motion should stand referred to the County Area Committee for the Harrogate District and then the Executive for consideration and report back to the Council in July.

MOTION – PUBLIC TRANSPORT TIMETABLES

It was formally moved by County Councillor Richard Hall and seconded by County Councillor Bill Hoults:-

“North Yorkshire County Council is concerned about the lack of consultation on changes to public transport timetables as a result of:-

- 1) Changes in public subsidy by various public bodies for public transport services.
- 2) Decisions by the private public transport providers to alter or amend services for commercial reasons.

Council therefore calls on the Transport and Telecommunications Overview and Scrutiny Committee to undertake an investigation of how public consultation can be improved and report back to Council on 18 July 2007.”

The Chairman ruled that, having been formally moved and seconded, the motion should stand referred to the Transport and Telecommunications Overview and Scrutiny Committee and then the Executive for consideration and report back to the Council in July.

COUNCIL PROCEDURE RULE 10 QUESTIONS

In response to a question from County Councillor Heather Garnett about the proportion of the budget allocated by the Police for work with young people, the Chairman of the Police Authority, County Councillor Jane Kenyon, said that, as an operational matter, this was an issue for the Chief Constable, but she doubted whether the police budget was differentiated in this way. She suggested that it might be more beneficial to consider how this fitted into the wider issue of community safety, but she undertook to raise the matter with the Chief Constable.