



## NORTH YORKSHIRE COUNTY COUNCIL

Minutes of the meeting of the County Council held at County Hall, Northallerton on 10 October, 2007

### PRESENT:-

County Councillor Michael Knaggs in the Chair.

County Councillors Michelle Andrew, Val Arnold, Andrew Backhouse, Arthur Barker, Keith Barnes, Philip 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 de Courcey-Bayley, John Fletcher, John Fort BEM, Heather Garnett, Graham Gatman, Richard Hall, Tony Hall, Roger Harrison-Topham, David Heather, Michael Heseltine, Robert Heseltine, Bill Hault, Gillian Ivey, David Jeffels, Jane Kenyon, Andrew Lee, Carl Les, Morris Lightfoot, David Lloyd-Williams, Steve Macaré, Patricia Marsburg, Brian Marshall, Shelagh Marshall, Chris Metcalfe, Leslie Parkes, Caroline Patmore, Chris Pearson, Paul Richardson, John Savage, Caroline Seymour, Martin Smith, Jim Snowball, Peter Sowray, Melva Steckles, Tim Swales, Helen Swiers, Herbert Tindall, Cliff Trotter, John Weighell, Mark Wheeler, Greg White, Andrew Williams and Clare Wood.

The Rev Canon John Manchester offered prayers.

### MINUTES

#### RESOLVED –

- 146.** That the minutes of the quarterly meeting of the County Council, held on 18 July, 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 that one of the Council's Honorary Aldermen, David Ashton, had been made a Deputy Lieutenant for North Yorkshire by the Lord Lieutenant.

The Chairman informed the Council that County Councillor Caroline Patmore would deal with any questions on the statement from County Councillor John Watson OBE and County Councillor Bill Hault would deal with any questions on County Councillor Ron Haigh's statement.

The Chairman informed Council that the Monitoring Officer had advised that, because of the strategic, non-site specific, nature of the Rights of Way Improvement Plan, if Members had interests in this item they were likely to be personal, but not prejudicial. He

said he would call for declarations of interests when the Council came to that item. He also informed the Council that references to Local Government Review; Foot and Mouth Disease and Blue Tongue Virus in the statements of the Leader and an Executive Member were solely for exchange of information, on which no decisions could be made. The Monitoring Officer did not believe it was likely to be necessary for Members to declare interests on those issues, under the new Code of Conduct, unless the discussion was to turn to specific issues in which a Member believed they had a particular interest which should be declared.

### **A 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 which had previously been circulated and which appears in the minute book (page 3979). He responded to questions, including a written question from County Councillor Andrew Williams relating to the costs of the County Council's submission for a single unitary Council for North Yorkshire.

### **PUBLIC QUESTIONS OR STATEMENTS.**

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

### **REPORT OF THE EXECUTIVE**

#### **Development Plan for Adult Learning 2007/08**

**County Councillor Carl Les declared a personal interest in this matter as a private sector member of the Learning and Skills Council.**

The recommendations in paragraph 1 of the report (page 3984) having been moved and seconded, it was

#### **RESOLVED –**

- 147.** That the Development Plan for Adult Learning 2007/08, a copy of which was attached to the report, marked Appendix A, be approved.

#### **Revised Prudential Indicators 2007/08 to 2009/10**

The recommendation in paragraph 2 of the report (page 3985) was moved and seconded, it was

#### **RESOLVED –**

- 148.** That the revised Prudential Indicators for the period 2007/08 to 2009/10, as set out in Appendix C to the report, be approved.

### Rights of Way Improvement Plan

County Councillors Andrew Backhouse, Arthur Barker, William F Barton OBE, Heather Garnett, Roger Harrison-Topham, Gillian Ivey, Carl Les, Brian Marshall, Caroline Seymour, Peter Sowray, Helen Swiers, John Weighell and Clare Wood declared personal interests in this matter because rights of way crossed land in which they had some interest or because they were members of an organisation affected by the plan.

The recommendation in paragraph 3 of the report (page 3987) having been moved and seconded, it was

#### RESOLVED –

149. That the Rights of Way Improvement Plan for North Yorkshire, a copy of which was circulated with the agenda on CD, be adopted.

That the Rights of Way Improvement Plan be added to the list of plans and strategies in the policy framework in Article 4 of the Constitution.

### Acceptance of Grant – Section 31 of the Local Government Act 2003

The recommendation in paragraph 4 of the report (page 3989) having been moved and seconded, it was

#### RESOLVED –

150. That the terms and conditions attached to Section 31 Grant, as set out in Appendix D to the report, be accepted in respect of the grants from the Reighton By Pass Scheme and the Scarborough Integrated Transport Scheme.

### Amendment to Officers' Scheme of Delegation and Terms of Reference of Appeals Committee

The recommendation in paragraph 5 of the report (page 3990) having been moved and seconded, it was

#### RESOLVED –

151. a) That the terms of reference of the Appeals Committee be amended by the addition of the text shown below, in italics:-

“to hear and determine appeals against decisions of Officers of the Council, where provision exists for appeals to a Member level body or relevant decisions of the Governing Bodies of voluntary aided schools where the Governing Body so requests in respect of:-

- Dismissals, including selection for redundancy, *except that appeals against dismissals under the Council's Attendance Management Policy shall be determined, in consultation with a Member to be drawn from the Appeals Committee and an HR advisor, by a senior manager who has not previously been involved in the matter, and who is duly authorised to determine the appeal in accordance with paragraph 3.7 of the Officers, Delegation Scheme”*

- b) That paragraph 3.7 of the Scheme of Delegation to Officers' be amended by the addition of the words set out, in italics, below:-

"3.7 Chief Officers are authorised to take any action with respect to the recruitment, appointment, promotion, training, grading, discipline, *authorisation of senior managers to determine appeals against dismissal under the Council's Attendance Management Policy (in consultation with a member drawn from the Appeals Committee and an HR advisor)*, determination of wages and salary scales....."

and that the Constitution be amended accordingly.

### **Appointments to Committees and Other Bodies**

The recommendation in paragraph 6 of the report (page 3991) having been moved and seconded, nominations for appointments to committees were proposed.

#### **RESOLVED –**

**152.**

- a) That Councillor Camacho be appointed to the Scrutiny of Health Committee as substitute member for the Craven District Council and that Councillor Rob Johnson be appointed to the Pension Fund Committee as second named substitute for the North Yorkshire District Councils.
- b) That County Councillor Eric Broadbent be appointed as a substitute member for the Labour Group on the Audit Committee; that County Councillors David Billing, Jim Snowball and Pat Marburg be the Labour Group substitutes on the Safe and Sustainable Communities Overview and Scrutiny Committee; and that County Councillors Graham Gatman and Brian Marshall be appointed as third and fourth named substitutes for the Labour Group on the Young People Overview and Scrutiny Committee.

### **REPORT OF STANDARDS COMMITTEE**

#### **Annual Report of the Standards Committee 2007**

The recommendation in paragraph 1 of the report (page 4155) was moved and seconded, subject to the inclusion of an additional paragraph 3.2d) in the Annual Report

#### **RESOLVED –**

- 153.** That the Annual Report, with the inclusion of paragraph 3.2d), be noted.

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

County Councillor John Fort BEM, 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 4163-4) and responded to questions, including a written question from County Councillor Keith Barnes relating to the Highway Depot Review.

County Councillor Clare Wood, Executive Member for Environmental Services (public rights of way, conservation, waste disposal and public transport) presented her statement, a summary of the key points which had previously been circulated and which appears in the minute book (pages 4165-7) 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 4169-71) and responded to questions.

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 of which had previously been circulated and which appears in the minute book (pages 4173-5).

County Councillor Caroline Patmore introduced the statement from County Councillor John Watson OBE, Executive Member for Childrens Services (early years education and all school related education issues and advisory services) a summary of the key points of which had previously been circulated and which appears in the minute book (pages 4177-9), and responded to questions, including written questions from County Councillor Keith Barnes about Children's Centres and County Councillor Pat Marsburg about Hinderwell School canteen.

County Councillor Chris Metcalfe, Executive Member for Community Services (adult social services, 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 4181-4), and informed the Council that the figure relating to calls to the Customer service Centre should say 46,000, not 36,000. He responded to a question.

County Councillor Helen Swiers, Executive Member for Community Services (community planning, community safety, cultural services, economic development, public protection, trading standards and post16 lifelong learning) presented her statement, a summary of the key points of which had previously been circulated and which appears in the minute book (pages 4185-8), 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 4189-4210) County Councillor Eric Broadbent, the Chairman of the Transport and Telecommunications Overview and Scrutiny Committee, referred to the flyer, circulated in the Council Chamber, relating to an interactive IT event and responded to comments; County Councillor Shelagh Marshall, the Chairman of the Care and Independence Overview and Scrutiny Committee referred to the consultation on the review of Post Offices which had commenced and informed the Council that PostWatch was carrying out a consultation. And responded to comments; and County Councillor Paul Richardson the Chairman of the Safe and Sustainable Communities Overview and Scrutiny Committees referred to the numbers of migrant workers and to a further meeting in respect of a credit union and responded to a question. County Councillor Bill Hault, Vice-Chairman of the Communications Overview and Scrutiny Committee responded to a question about communication with Members.

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

County Councillor John Blackie asked County Councillor Caroline Seymour, as Chairman of the North Yorkshire Fire and Rescue Authority, about a national initiative requiring retained firefighters to meet the same standards as full time firefighters. He expressed concern that, with a much smaller pool of people available for recruitment as

retained firefighters to rural stations, there was a risk there would be insufficient candidates to draw from and the possibility of rural fire stations closing down.

In response, County Councillor Caroline Seymour assured the Council that the Fire and Rescue Service could not simply close rural fire stations, as there were statutory obligations to provide service. The Authority, however was, concerned about the continuing availability of sufficient suitable people as retained firefighters. She informed the Council that the Fire and Rescue Authority was undertaking widespread public consultation on how to maintain numbers of retained firefighters, but stressed that it was important that retained firefighters were properly trained, as they were expected to provide the same services as full time firefighters.

County Councillor Caroline Seymour then asked County Councillor Jane Kenyon the following question as the Chairman of the North Yorkshire Police Authority:-

Stokesley and the surrounding community have enjoyed the Fair in its modern form since 1830. A horse fair had taken place in the High Street for at least five hundred years prior to that. The Police have always supported the fair, which is on publicly used land owned by The Stokesley Manorial Lands Trust. This Trust uses this and its other income to benefit the people of Stokesley. This year the Police have chosen to charge the showmen for policing the Fair; they were also forced to employ their own security firm. I and most other local people find this charge to be totally unacceptable. Please can you make sure that in the future no charge is made for this traditional and well-loved annual event?

County Councillor Steve Macaré asked County Councillor Jane Kenyon, as Chairman of the North Yorkshire Police Authority:

As Harrogate Police Station has now been declared not fit for purpose will the Chairman of the Police Authority ensure that, in respect of any future development, the Local County Councillors will be kept involved in what is going on and will she give an assurance that a Police presence in the town centre will be maintained?

County Councillor Michael Knaggs said that, after meeting the Chief Constable and seeing recent reports in the press, he wished to offer his congratulations for the work the North Yorkshire Police had been doing, in recent times, in dealing with road traffic offences.

In response, County Councillor Jane Kenyon, thanked the Chairman for his comments and said he would pass on his congratulations to the new Chief Constable and his team. She added that she was sure that members of the Police Authority shared his satisfaction in what was being achieved.

In response to County Councillor Steve Macaré, the Chairman of the Police Authority said that, in relation to Harrogate Police Station, she would be only to willing to involve everyone in the consultation exercise, which she believed would be essential as the project was moved forward. She said that it was well accepted, over many years, that Harrogate Police Station had not been ideal; it had now reached the stage where it was no longer fit for purpose. Its replacement was part of a wider estate strategy, but a business case was anticipated, probably in the short to medium term. Not only local councillors but the wider community would be consulted.

In response to County Councillor Caroline Seymour, the Chairman of the Police Authority said that she considered herself to have a personal, but non-prejudicial, interest in matters associated with police charging for commercial events. Whilst she had no interest in

the issue which was the subject of the question, in the circumstances, she considered it prudent for County Councillor Carl Les to respond on that issue.

County Councillor Carl Les gave the following response to the question:-

The Authority is aware that police charges for community events is of considerable public concern to communities. The issue has been the subject of considerable recent discussion between the Authority and the Chief Constable, in the context of our corporate goal of embedding the policing service, through Neighbourhood Policing into every community in our area.

As a result of those discussions, and of community feedback, the Chief Constable is currently reviewing the way in which the charging policy operates within the NYP area.

The current policy attempts to strike a balance between the need for us to maximize the income we can raise from providing policing services to purely commercial enterprises and the need to police events which are designed purely for charitable and/or community purposes.

Currently, the policy provides for Area Commanders to exercise appropriate discretion over what events should be subject to a charge and the level of that charge. However, there is some evidence to suggest that there is some inconsistency in the way in which that discretion is applied. The Chief Constable is considering that issue in particular.

He will also be keen to look at the wider context of the police service presence at community events when, in the light of our Safer Communities philosophy, we should be striving to be seen more in communities, rather than less – being seen as an integral part of the community, rather than detached from it.

Members will, of course, have an opportunity to question the Chief Constable in details on this and other points when he attends the event later this month.