



## NORTH YORKSHIRE COUNTY COUNCIL

Minutes of the meeting of the County Council held at County Hall, Northallerton on 19 December 2007

### PRESENT:-

County Councillor Michael Knaggs in the Chair.

County Councillors County Councillors Michelle Andrew, Val Arnold, Andrew Backhouse, Arthur Barker, Keith Barnes, William F Barton OBE, Bernard Bateman MBE, David Billing, John Blackburn, Eric Broadbent, Peter Brown, 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, Michael Heseltine, Bill Hault, Margaret Hulme, David Ireton, Gillian Ivey, David Jeffels, Jane Kenyon, Andrew Lee, Carl Les, Morris Lightfoot, David Lloyd-Williams, Steve Macaré, Patricia Marsburg, Brian Marshall, J W Marshall, Shelagh Marshall, Leslie Parkes, Stuart Parsons, Caroline Patmore, Chris Pearson, Paul Richardson, John Savage, Brian Simpson, Martin Smith, Jim Snowball, Peter Sowray, Melva Steckles, Timothy Swales, Helen Swiers, Herbert Tindall, John Watson OBE, John Weighell, Mark Wheeler, Greg White, Clare Wood and John Wren.

The Rev Canon John Manchester offered prayers.

### MINUTES

#### RESOLVED -

- 154.** That the minutes of the quarterly meeting of the County Council, held on 10 October 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

Referring to Item 7 on the Agenda, the report and recommendations of the Independent Panel on Members Remuneration, the Chairman informed the Council that, whilst all Members would have a personal interest in this matter, it would not be a prejudicial interest because allowances paid to Members was one of the exempt categories of decisions specified in the Code of Conduct.

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

County Councillor John Weighell made a statement, under the Council Procedural Rule 2.3, as Leader of the Council, a summary of the key points of which had previously been circulated which appears in the Minute Book (page 4219). He informed the Council of a change in Executive Members' portfolios, with responsibility for Trading Standards being transferred, at County Councillor Helen Swiers' request, from her portfolio to that of County Councillor Clare Wood. He responded to questions, including a reference to the closure of post offices in the County, where he thanked County Councillor Shelagh Marshall for the work she had undertaken on this issue.

### **PUBLIC QUESTIONS OR STATEMENTS**

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

### **REPORT OF THE EXECUTIVE**

#### **Capital Plan**

The recommendations in paragraph 1 of the report (page 4233) having been moved and seconded, it was

#### **RESOLVED –**

**155.** That the updated Capital Plan, summarised in Appendix 1E to the report, be approved.

#### **Corporate Risk Management Policy and Strategy**

The recommendation in paragraph 2 of the report (page 4324) having been moved and seconded, it was

#### **RESOLVED –**

**156.** That the updated Corporate Risk Management Policy and Strategy, as set out in Appendix 2 to the report, be approved.

#### **Corporate Procurement Strategy and Corporate Procurement Strategy Implementation Plan**

The recommendations in paragraph 3 of the report (page 4235) having been moved and seconded, it was

#### **RESOLVED –**

**157.** That the updated version of the Corporate Procurement Strategy and Implementation Plan, attached as Appendix 3 to the report, be approved.

### Changes to the Constitution

The recommendations in paragraph 4 of the report (pages 4237-8) having been moved and seconded, it was

#### RESOLVED –

#### 158.

- (a) That the amendment to the Contract Procedure rules, as set out in Appendix 4A appended to the report, be adopted.
- (b) That the amendments to the Financial Procedure Rules, as set out in Appendix 4B appended to the report, be adopted.
- (c) That the amendments to the Property Procedure Rules, as set out in Appendix 4C appended to the report, be adopted, subject to the following change to Rule 8.1.Y.

“8.1.Y The CDFCS may approve any variation to the terms of an existing lease or licence (including the grant of a licence to assign or sublet), except that, if the variation would result in an increase to the rent or licence fee, Rule 8.1.3 shall apply”.

- (d) That the amendments to the Executive Members’ Delegation Scheme set out in Appendix 4D be approved.
- (e) That Property Procedure Rule 8.1.4 be amended as follows:-

“Where the disposal of any property is being considered which is likely to result in either a sale or long lease (7 years and over) at undervalue, the ‘in principle’ approval of the Executive is required at the inception of the disposal process. Further approval of the Executive is required if the potential undervalue increases by more than £50K since the previous report to the Executive, and once the precise amount of the undervalue is known. Where the amount of the undervalue is more than £2,000,000 the disposal may only proceed with the prior consent of the Secretary of State”.

- (f) That the Scheme of Delegation to Officers be amended to authorise the Corporate Director – Finance and Central Services:-

4.6(b) to manage from day to day the:-

(iii) Pension Fund, including:-

- the exercise of the Council’s functions as administering authority, where such exercise does not involve use of discretion;
- the power to seek professional advice and to devolve day to day handling of the fund to professional advisors within the scope of the Pensions Regulations; and
- to change the mandate of a Fund manager, in consultation with the Chairman and at least one other member of the Pension Fund Committee, in circumstances when not do so would lead to a real, or potential, loss in value of the Fund’s investments. Any such action to be reported to the Pension Fund Committee as soon as practicable.

NOTE: The Corporate Director – Finance and Central Services is not empowered to change the fund manager structure of the Pension Fund.

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

The recommendation in paragraph 5 of the report (page 4238) having been moved and seconded, nominations for appointments to Committees were proposed.

#### **RESOLVED –**

**159.**

- (a) That Mr Jos Huddleston be appointed to the Young People's Overview and Scrutiny Committee as a voting Member representing the non conformist church.
- (b) That County Councillor Rob Broadley be appointed to the Communications Overview and Scrutiny Committee in place of County Councillor Bill Hoult and that County Councillor Rob Broadley be appointed as the Vice-Chairman of that Committee and that County Councillor Bill Hoult be appointed to the Transport and Telecommunications Services Overview and Scrutiny Committee in place of County Councillor Rob Broadley and that County Councillor Rob Broadley be appointed as the second named substitute for the Liberal Democrat Group on that Committee in place of County Councillor Bill Hoult.
- (c) That County Councillor Martin Smith be appointed to the Scrutiny of Health Committee in place of County Councillor Tony Hall.

### **REPORT OF THE INDEPENDENT PANEL ON MEMBERS' REMUNERATION**

**All Members of the Council present declared personal but non-prejudicial interests in this item.**

The proposal "that the Scheme of Members Allowances for 2008/09, as set out in Appendix B to the report, be approved" having been moved and seconded, it was moved and seconded as an amendment:-

that the motion be approved subject to the addition of the following words after "2008/09": "subject to the deletion of the recommendation to pay an allowance to Member Champions."

**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 the motion was carried on a show of hands, with five abstentions.**

#### **RESOLVED –**

- 160.** That the Scheme of Members Allowances for 2008/09, as set out in Appendix B to the report, be approved.

**County Councillors Gareth Dadd, Tony Hall and Greg White asked that it be recorded in the minutes that they abstained from voting on this issue.**

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

County Councillor Clare Wood, Executive Member for Environmental Services (public rights of way, conservation, waste disposal public passenger transport and trading standards) presented her statement, a summary of the key points which had previously been circulated and which appears in the minute book (pages 4389-91) 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 which had previously been circulated and which appears in the minute book (pages 4393-5) and responded to questions.

County Councillor Caroline Patmore, Executive Member for Children's Services (children's services issues, SEN, special schools, youth service and Youth Offending Team) presented her statement, a summary of the key points which had previously been circulated and which appears in the minute book (pages 4397-4401) and responded to questions.

County Councillor John Watson OBE, 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 which had previously been circulated and which appears in the minute book (pages 4403-8) and responded to questions, including giving an assurance that County Councillor Patricia Marsburg would be kept informed of matters in respect of the Canteen at Hinderwell School and that County Councillor Brian Marshall would receive a written response to his question.

County Councillor Helen Swiers spoke on behalf of County Councillor Chris Metcalfe, Executive Member for Community Services (adult social services and library and information services) and presented his statement, a summary of the key points which had previously been circulated and which appears in the minute book (pages 4409-13). She responded to questions, offering written responses to County Councillors Morris Lightfoot, Polly English and Keith Barnes.

County Councillor Helen Swiers, Executive Member for Community Services (community planning, community safety, cultural services, economic development, public protection and post-16 lifelong learning) presented her statement, a summary of the key points which had previous been circulated and which appears in the minute book (pages 4415-20) and responded to questions.

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 which had previously been circulated and which appears in the minute book (pages 4421-3) and responded to questions, including a written question from County Councillor Keith Barnes.

The written statements of the Chairmen of the Scrutiny Board and the Overview and Scrutiny Committees having previously been circulated (pages 4425-54), the Chairmen of the Communications; Care and Independence; Corporate Affairs and Transport and Telecommunications Services Overview and Scrutiny Committees made additional statements. County Councillor David Billing, as Vice-Chairman of the Scrutiny of Health Committee, responded to a question.

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

County Councillor Tony Hall referred to a meeting in Wakefield to which he had been invited by the Chief Fire Officer concerning a project called Miss Dot Com which was a system of workbooks relating to safe working. He wished to congratulate the Fire Service for being involved in this project and asked the Chairman of the North Yorkshire Fire and Rescue Authority whether steps could be taken to ensure that crime and disorder reduction partnerships in the County engaged with this project.

In response County Councillor John Fort BEM, Chairman of the North Yorkshire Fire and Rescue Authority, thanked County Councillor Hall for his comments and said he would pass on his request to the Fire Service.

County Councillor Bernard Bateman raised with County Councillor Jane Kenyon, as Chairman for the North Yorkshire Police Authority the issue of policing of events. He recognised that if such events were commercial matters it was appropriate that event organisers paid for required policing but he commented that other events were operated on a non-commercial basis and referred specifically to a proposed charge of £12,000 for policing the annual pilgrimage from Ripon in which an estimated three to four thousand people would take part, and which had been tradition for hundreds of years. He said that, in view of the proposed charge, the decision has been made by the event organisers to use their own marshals, but he expressed concern that such staff would not have the same powers of control over traffic. He had heard that a review of this policy was to be undertaken.

County Councillor Stuart Parsons asked County Councillor Jane Kenyon, as Chairman of the North Yorkshire Police Authority, whether money from the sales of police assets could be used for the benefit of communities and why the police seemed to unwilling to enforce traffic orders which were in place.

In response County Councillor Jane Kenyon said that the issue of charging for the policing of events was a matter close to her heart. Under the direction of the new Chief Constable much restructuring was underway, including the establishment of an events team headed by the Deputy Chief Constable. She said that she would write to the Deputy Chief Constable and ask him to get in touch directly with County Councillor Bernard Bateman. She commented, however, that the Police were being guided in their decisions by Health and Safety legislation and Government requirements, but agreed that County Councillor Bateman was right to raise the issues about powers to direct traffic.

In response to County Councillor Stuart Parsons, County Councillor Jane Kenyon said that North Yorkshire Police had set priorities but said that she would pass on the concerns expressed. She commented that she knew that the Police were already aware of such views but stressed that such decisions were ones for the Chief Constable, as matters of operational priority.