



## NORTH YORKSHIRE COUNTY COUNCIL

Minutes of the meeting of the County Council held at County Hall, Northallerton on Wednesday, 20 February 2008

### PRESENT:-

County Councillor Michael Knaggs in the Chair.

County Councillors 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, Elizabeth Casling, Geoffrey Cullern, Gareth Dadd, Polly English, John Fletcher, John Fort BEM, Heather Garnett, Ron Haigh, Richard Hall, Tony Hall, Roger Harrison-Topham, David Heather, Michael Heseltine, Robert Heseltine, Bill Hoult, Margaret Hulme, David Ireton, Gillian Ivey, David Jeffels, Jane Kenyon, Andrew Lee, Carl Les, Morris Lightfoot, David Lloyd-Williams, Steve Macaré, Brian Marshall, J W Marshall, Shelagh Marshall, Chris Metcalfe, Caroline Patmore, Chris Pearson, Paul Richardson, John Savage, Caroline Seymour, Brian Simpson, Martin Smith, Jim Snowball, Peter Sowray, Melva Steckles, Timothy Swales, Helen Swiers, Herbert Tindall, John Watson OBE, John Weighell, Greg White, Andrew Williams, Clare Wood and John Wren.

The Rev Canon John Manchester offered prayers, making particular reference to Corporal Damian Lawrence of the 2<sup>nd</sup> Battalion, The Yorkshire Regiment, who lived in Whitby and who had been killed in Helmand Province, Afghanistan.

## MINUTES

### RESOLVED -

- 161.** That the minutes of the quarterly meeting of the County Council, held on 19 December 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

That Chairman welcomed Honorary Aldermen Jack Archer and Miss Beth Graham to the meeting, together with a number of the County Council's apprentices. He informed Members that, if they were local authority appointed school governors and were intending to speak on item 6.5 about school admission arrangements, they should declare a personal interest before speaking. If they did not speak, the Code of Conduct made clear that they did not need to declare that personal interest.

## 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 which appears in the Minute Book (Page 4461). He added to his statement his wishes for a long and happy retirement for Gordon Gresty, the Corporate Director – Business and Environmental Services, who had been an officer of the Council since 1984. Other Members of the Council added their good wishes to Gordon Gresty.

The Leader responded to questions, including a written question from County Councillor Richard Hall relating to action taken on a motion on energy efficiency.

## PUBLIC QUESTIONS OR STATEMENTS

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

## REPORT OF THE EXECUTIVE

### Revenue Budget 2008/09 and Medium Term Financial Strategy

The recommendations in paragraph 1 of the report (page 4465-6) having been moved and seconded, it was moved and seconded as an amendment

“That in recommendation sub-paragraph (i) the sum of “£226,708,000” be deleted and the sum of “£224,554,000” be inserted in its place; and

That in recommendation sub-paragraph (ii) the sum of “£322,670,000” be deleted and the sum of “£320,506,000” be inserted in its place.

That in recommendation sub-paragraph (iii) after the words “appendix D” the following words be inserted “,subject to amending the figure for Pending Issues Provision – non-recurring from £3,314k to £1,150k on sheet A and making corresponding amendments for that provision on sheets B and C”.

That in recommendation sub-paragraph (ix) the following words be added at the end “,subject to reductions in the provision made to reflect the reduction made in the precept.”

That in recommendation sub-paragraph (xii) after the words “Appendix 1” the following words be added “, subject to amending the figure for Pending Issues Provision – non-recurring from £3,314k to £1,150k on sheet A and making corresponding amendments for that provision on sheets B and C.”

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

for the amendment	-	19
against the amendment	-	39

and the amendment was declared lost.

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

for the motion	-	40
against the motion	-	19

and the motion was declared carried.

**RESOLVED –****162.**

- (i) That for the year beginning 1 April 2008, a Council Tax precept of £226,708,000 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 2008/09 of £322,670,000 be approved.
- (iii) That the allocations to each Directorate, various corporate initiatives, and precepts/levies/contributions be as detailed in Appendix D and the Supplementary Papers in Appendix 1 for this report, subject to the Corporate Director – Children's and Young People Service being authorised, in conjunction with Executive Members, to take the final decision on the allocation of the Schools Block for the period 2008/09 to 2010/11.
- (iv) That Corporate Directors be authorised to incur expenditure under the terms of any new specific grants.
- (v) That the revenue elements of the Area Based Grant be allocated and managed in accordance with the procedures detailed in Appendix E and paragraph 9.26 of Appendix 1 respectively.
- (vi) That in relation to the Waste Infrastructure Capital Fund, the Corporate Director – Business and Environmental Services be authorised, in consultation with the appropriate Executive Member, to consult with the Waste Partnership on the most appropriate method of allocating this grant and, having done so, to adhere to the management procedures referred to in paragraph 9.26(c) of Appendix 1.
- (vii) That the policy target for the level of the General Working Balance be retained at 2% of the net Revenue Budget.
- (viii) That the funds related to LABGI and LPSA Performance Reward Grant be transferred into the provision for the costs of Equal Pay claims and the Job Evaluation exercise.
- (ix) That the Pending Issues Provisions be established and their approval arrangements be as detailed in paragraph 9.30 of Appendix 1.
- (x) That short term funds to boiler / kitchen ventilation works, EDRMS and the ICT Infrastructure Strategy be allocated as detailed in paragraph 9.31 of Appendix 1.
- (xi) 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 noted.
- (xii) That the Medium Term Financial Strategy, and its caveats, as laid out in paragraph 9 and Appendix D of Appendix 1 be approved.

### Revision of Prudential Indicators

The recommendations in paragraph 2 of the report (page 4467) having been moved and seconded, it was

#### RESOLVED –

163.

- (i) That the updated Prudential Indicators, set out in appendix 2 to the report, be approved.
- (ii) That an Authorised Limit for External Debt of £410.7m in 2008/09, under Section 3(1) of the Local Government Act 2003, be approved.

### Treasury Management

The recommendations in paragraph 3 of the report (page 4477-8) having been moved and seconded, it was

#### RESOLVED –

164.

- (i) That the updated Treasury Management Policy Statement as attached at Appendix 3A be approved.
- (ii) That the Annual Treasury Management and Investment Strategy for 2008/09 as detailed in Appendix 3B be approved and, in particular,
  - (a) an authorised limit for external debt of £410.7m in 2008/09.
  - (b) an operational boundary for external debt of £390.7m in 2008/09.
  - (c) a borrowing limit on fixed interest rate exposure of 60% to 100% of outstanding principal sums and a limit on variable interest rate exposure of 0% to 40% of outstanding principal sums.
  - (d) an investment limit on fixed interest rate exposure of 0% to 30% of outstanding principal sums and a limit on variable interest rate exposure of 70% 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.
  - (g) updated credit rating criteria for investment purposes together with an updated Approved Lending List of organisations in Schedule C attached to Appendix 3B be approved.

- (h) an amended Borrowing Strategy to allow borrowing for capital purposes from the money markets, using LOBOs, for periods up to 70 years be approved.
- (i) a revised Annual Minimum Revenue Provision for debt repayment set out in Appendix 3B be approved.
- (j) a new policy to cap capital financing charges as a proportion of the annual Net Revenue Budget as set out in Appendix 3B be approved.
- (iii) that the Audit Committee be invited to review the Treasury Management Policy Statement and Annual Treasury Management and Investment Strategy for 2008/09 above and submit any proposals to the Executive for consideration at the earliest opportunity.

#### **Special Educational Needs (SEN) Policy 2007-2010**

The recommendations in paragraph 4 of the report (page 4480) having been moved and seconded, it was

#### **RESOLVED –**

- 165.** That the draft Special Educational Needs Policy 2007-2010 be approved for publication.

#### **School Admissions Arrangements 2009/2010**

**County Councillor John Watson OBE declared a personal interest in this item as Chairman of Governors at Boroughbridge High School and County Councillor Keith Barnes declared a personal interest as a Governor at Harrogate Grammar School.**

The recommendations in paragraph 5 of the report (page 4485) having been moved and seconded, it was

#### **RESOLVED –**

- 166.**
- (a) That the proposed Admissions Policy for Community and Voluntary Controlled schools for the academic year 2009/10 as shown in Appendix 5A be approved.
  - (b) That the proposed Admissions Policy for Community and Voluntary Controlled Nursery Schools, Nursery Classes and Pre-reception Classes for the academic year 2009/10 as shown in Appendix 5B be approved.
  - (c) That the proposed Co-ordinated Admission Arrangements for the academic year 2009/10 as shown in Appendix 5C be approved.

- (d) That the proposed Maximum Admission Limits for Community and Voluntary Controlled schools as shown in Appendices 5D and 5E be approved and the limits for Voluntary Aided schools be noted.

### Constitutional Issues

The recommendations in paragraph 6 of the report (page 4489-91) having been moved and seconded, it was

#### RESOLVED –

#### 167.

- (i) That Overview and Scrutiny Committee Procedural Rule 16(c) and (h) be amended by adding, after the words “within ten working days of the decision to call-in” the words “or such later date as the Leader may agree to, subject to it being practicable for any reference back under paragraph (d) to be included, for reconsideration, on the agenda for the second meeting of the Executive, in the County Council Diary of meetings, following receipt of the call-in request.”
- (ii) That Overview and Scrutiny Committee Procedural Rule 16(c) also be amended to provide that Head of Committee Services shall notify all Members, by email, of the receipt of a call-in notice.
- (iii) That, when the post of Head of Committee Services is disestablished, references to the Head of Committee Services and the Head of Legal Services in the Constitution be changed to Head of Legal and Committee Services.
- (iv) That the Officer Delegation Scheme be amended to include the following:
- That Chief Officers be authorised to agree that the Council shall undertake work on behalf of, and to provide services to, external bodies in accordance with the Council's legal powers and duties'
- and agreement be confirmed to any currently existing arrangements for the provision of works and services to external bodies.
- (v) That, as the School Organisation Committee no longer exists, references to it in Schedule 5 – Appointments to Outside Bodies and paragraphs 4.2(d) and 4.8(b) of the Scheme of Delegation to Officers be deleted.
- (vi) That a new rule be added to the Contract Procedure Rules as follows:- “That any officer involved in procurement activity should have received a level of formal training commensurate with the nature of the procurement activity being undertaken”.
- (vii) That the Scheme of Delegation to Officers be amended to add to the authority of the Corporate Director – Finance and Central Services the power to agree the terms and conditions of grant offers made to the Council –

“4.6(o) To agree the terms and conditions of grant offers made to the Council; to accept such grant offers and sign associated documentation on behalf of the Council, provided that in cases of grant offers that exceed the sum of £50,000 the agreement and acceptance shall be subject to consultation with the Director to whose service the grant is relevant and with the Head of Legal Services.”

- (viii) Consequentially the Financial Procedure Rules be amended as set out below:-
- (a) create a separate section in the FPR relating specifically to grants, therefore
  - (b) delete Rules 6.25/6.27 and 7.16/7.18 and replace with the following
    - x.y1 The CDFCS shall be consulted, and certify if necessary, any application for grant or external funding.
    - x.y2 See (c) below
    - x.y3 The CDFCS shall be responsible for the completion, authorisation and submission of any grant or external funding claim forms to the relevant organisation(s) and, if necessary, the External Auditor, in accordance with any guidelines applicable to the claim(s) in question.
    - x.y4 Certain grant claims are required to be audited, and an opinion provided on the accuracy of the expenditure being claimed, by the Chief Internal Auditor. Each Director shall ensure that records are retained to enable the Chief Internal Auditor to complete this work and be provided with explanations, as necessary, for any matters raised.
  - (c) Add a new rule (as x.y2) to the above as follows –
    - The CDFCS to
    - (i) agree the terms and conditions of all grant offers made to the County Council, and
    - (ii) accept such grant offers and sign appropriate documentation on behalf of the County Council, provided
    - (iii) that in cases of grant offers that exceed the sum of £50,000 the agreement and acceptance shall be subject to consultation with the Director to whose service the grant is relevant and the Head of Legal Services.
- (ix) That appointments to the South Tees Hospitals NHS Trust Council of Governors and to the Tees, Esk and Wear Valley NHS Trust Council of Governors be added to Section 1 of Schedule 5 to the Constitution, as outside body appointments to be made by the Executive.

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

The recommendations in paragraph 6 of the report (page 4491) having been moved and seconded, nominations for appointments to Committees were proposed.

#### **RESOLVED –**

- 168.** That with effect from 1 April, 2008, County Councillor Tony Hall be appointed to the Care and Independence Overview and Scrutiny Committee in place of County Councillor Melva Steckles and be appointed as Chairman of that Committee in place of County Councillor Shelagh Marshall.

### **REPORT OF THE STANDARDS COMMITTEE**

#### **Guidance for Members Serving on Outside Bodies**

The recommendations in paragraph 1 of the report (page 4803) having been moved and seconded, it was

#### **RESOLVED –**

- 169.** That the draft guidance for Members serving on outside bodies, as set out in Appendix 1, be approved and included in the Constitution.

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

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 4821-2) and responded to a question.

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 4823-4) and responded to questions, including an assurance to County Councillor Bill Houlth that she would investigate and respond on an issue relating to a charity.

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 4825-9) and responded to questions.



County Councillor Chris Metcalfe, Executive Member for Community Services, (adult social services and library and information services), presented his statement, a summary of the key points which had previously been circulated and which appears in the minute book (pages 4831-3) and responded to questions, including an assurance to County Councillor Polly English that he would investigate and respond on an issue relating to day services for people with learning difficulties in Craven.

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 previously been circulated and which appears in the minute book (pages 4835-7) 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 4839-10) and responded to questions, including expressing a willingness to visit Kilvington Primary School.

County Councillor Clare Wood, Executive Member for Environmental Services, (public rights of way, conversation, 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 4841-5) and responded to a question.

The written statements of the Chairmen of the Scrutiny Board and Overview and Scrutiny Committees having been circulated (pages 4847-67), the Chairman of the Transport and Telecommunications Services Overview and Scrutiny Committee and the Vice-Chairman of the Scrutiny of Health Committee made additional statements.

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

There were no Council Procedure Rule 10 questions.

### **MOTION – POST OFFICE CLOSURES**

That Chairman ruled that, in view of the reasons for urgency given in the agenda, this motion should be debated on the day.

The motion

“North Yorkshire County Council is very concerned about the inaccuracies and misleading information that Post Office Ltd has put forward to support post office closure proposals in Craven.

It is also concerned about closure proposals within Richmond constituency area.

This has been highlighted by the recent announcement by Post Office Ltd to seek to close Aspin Lane Post Office in Knaresborough.

Council notes that:

should this closure take place, it will result in only one post office located in the town centre serving a growing population of 15,000, 20% of whom are elderly;

there is inadequate car parking in Knaresborough and already frequent long waiting times at the post office in the town centre; and

the impact of closure on the local economy of the town will be severe and the opportunity for the frail and elderly to access vital services provided by the post office will be reduced.

North Yorkshire County Council therefore demand that Post Office Ltd withdraw its proposals to close Aspin Lane Post Office.”

having been moved and seconded, it was moved and seconded as an amendment:

After the words “about the” in the first line insert the words “number of post offices to be closed and particularly many of the proposals for outreach services.”

“Delete the words “the inaccuracies and misleading information that Post Office Ltd has put forward to support post office closure proposals in Craven” and re-insert those after the word “about” in paragraph 2, subject to deleting the word “Craven” and inserting the words “the County”.

Delete the words “closure proposals within Richmondshire Constituency Area. “ and insert the words “Having spent time checking the accuracy of the data used to determine closure, the errors found by the Council have not been acknowledged by Post Office Ltd. This has resulted in a lack of confidence in the consultation process and real concern for the most vulnerable residents in our County.

The general failure to consider the effects of the proposals by ignoring the information provided by the County Council will impact on the local economy as well as the older and disabled residents and lead to some financial exclusion. The determination to find an alternative post office in the locality to close, where one has been “saved”, appears to ignore the criteria used by Post Office Ltd when the first list of closures was announced.”

Insert after the word “Knaresborough” in paragraph 3 the following words “, which was not included in the original closure proposals and the continuing availability of which was used in justifying the closure of another post office in Knaresborough.” And delete the following words “ Council notes that:

should this closure take place, it will result in only one post office located in the town centre serving a growing population of 15,000, 20% of whom are elderly;

there is inadequate car parking in Knaresborough and already frequent long waiting times at the post office in the town centre; and

the impact of closure on the local economy of the town will be severe and the opportunity for the frail and elderly to access vital services provided by the post office will be reduced.”

In the last paragraph delete the words “therefore demand” and insert the words “requests a meeting with Postwatch to bring to their attention our concerns on the following:-

- The number of inaccuracies which remain in the Area Plan proposal for North Yorkshire, with Yorkshire East and Keighley.
- To discuss the proposals for outreach with regard (1) hours of opening (2) the days of opening (3) the type of outreach service being proposed with regard to the needs of the local community.
- What regard has been taken of future housing developments identified in the district council’s local development framework.

Recognising that post offices are an important community facility in a rural county like North Yorkshire and the suburbs of our towns, the County Council requests the Chief Executive to write to Post Office Ltd and Postwatch to request a meeting to express the serious concerns set out in this motion and

And add, at the end of the motion, the words “which was not included in its initial Area Plan proposal”.

**The Council divided on the amendment and it was declared carried.**

**The Council divided on the motion, as amended, and it was declared carried.**

**RESOLVED –**

**170.**

“North Yorkshire County Council is very concerned about the number of post offices to be closed and particularly many of the proposals for outreach services.

It is also concerned about the inaccuracies and misleading information that Post Office Ltd has put forward to support post office closure proposals in the County. Having spent time checking the accuracy of the data used to determine closure, the errors found by the Council have not been acknowledged by Post Office Ltd. This has resulted in a lack of confidence in the consultation process and real concern for the most vulnerable residents in our County.

The general failure to consider the effects of the proposals by ignoring the information provided by the County Council will impact on the local economy as well as the older and disabled residents and lead to some financial exclusion. The determination to find an alternative post office in the locality to close, where one has been “saved”, appears to ignore the criteria used by Post Office Ltd when the first list of closures was announced. This has been highlighted by the recent announcement by Post Office Ltd to seek to close Aspin Lane post office, in Knaresborough, which was not included in the original closure proposals and the continuing availability of which was used in justifying the closure of another post office in Knaresborough.

North Yorkshire County Council requests a meeting with Postwatch to bring to their attention our concerns on the following:-

- The number of inaccuracies which remain in the Area Plan proposal for North Yorkshire, with Yorkshire East and Keighley.

- To discuss the proposals for outreach with regard (1) hours of opening (2) the days of opening (3) the type of outreach service being proposed with regard to the needs of the local community.
- What regard has been taken of future housing developments identified in the district councils' local development framework.

Recognising that post offices are an important community facility in a rural county like North Yorkshire and the suburbs of our towns, the County Council requests the Chief Executive to write to Post Office Ltd and Postwatch to request a meeting to express the serious concerns set out in this motion and that Post Office Ltd withdraw its proposals to close Aspin Lane post office which was not included in its initial Area Plan proposal.

### **MOTION – ELECTION OF YOUNG PEOPLE’S CHAMPION AND OLDER PEOPLE’S CHAMPION**

It was moved and seconded that “the motion be considered now.”

#### **RESOLVED –**

**171.** That the motion be considered now.

The motion

“A decision was taken by the County Council at its Quarterly meeting on the 19 December 2007 to support the recommendation of the Independent Remuneration Panel to award allowances to the Younger Persons and Elderly Persons Champions.

In view of the importance placed by the Government and this Council on the direct involvement of the community in the democratic process this Council agrees to pursue a system of democratic election for the holders of these posts.

To facilitate this aim and as a first step, the Council agrees that the Young Persons Champion be elected by young people organised through appropriate schools within the Council area.

The election of a County wide Elderly Persons Champion be instituted following agreement on the electorate and the electoral system.”

having been moved and seconded,

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

<b>for the motion</b>	-	<b>8</b>
<b>against the motion</b>	-	<b>more</b>

**and the motion was declared lost.**