



NORTH YORKSHIRE COUNTY COUNCIL

Minutes of the meeting of the County Council held at County Hall, Northallerton on 23 July, 2008

PRESENT:-

County Councillor Peter Sowray in the Chair.

County Councillors County Councillors Val Arnold, Andrew Backhouse, Keith Barnes, Philip Barrett, William F Barton OBE, Bernard Bateman MBE, David Billing, John Blackburn, Eric Broadbent, Rob Broadley, Peter Brown, Geoffrey Cullern, Gareth Dadd, Mrs M-A de Courcey-Bayley, John Fletcher, John Fort BEM, Heather Garnett, 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, Michael Knaggs, Andrew Lee, Carl Les, David Lloyd-Williams, Steve Macaré, Patricia Marsburg, Brian Marshall, J W Marshall, Shelagh Marshall, Chris Metcalfe, Leslie Parkes, Stuart Parsons, Caroline Patmore, Chris Pearson, Paul Richardson, John Savage, Caroline Seymour, Steve Shaw-Wright, Brian Simpson, Martin Smith, Jim Snowball, Melva Steckles, Timothy Swales, Helen Swiers, Herbert Tindall, Cliff Trotter, John Watson OBE, John Weighell, Mark Wheeler, Greg White, Andrew Williams, Clare Wood and John Wren.

Ms Anne Bowes led the Council in prayers.

MINUTES

RESOLVED -

- 181.** That the minutes of the Annual meeting of the County Council, held on 21 May 2008, 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 informed the Council that former County Councillor Geoffrey Rennie, of Sheriff Hutton, had been awarded the MBE for voluntary service to the community in the Queen's Birthday's Honours List and that Graham Maxwell, the Chief Constable, had been awarded the Queen's Police Medal.

In response to a request from County Councillor Bernard Bateman MBE, the Chairman agreed to send a congratulatory letter to the North Yorkshire Schools Orchestra for the quality of the concert which he and a number of other Members of the Council had attended.

23 July, 2008

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 5049). He corrected the statement relating to Sub National Review saying that the presentation had been made to the Minister for Local Government, John Healey and that the presentation had been made by Rosie Winterton, the Chairman of Yorkshire Forward and the Chairman of Local Government, Yorkshire and Humber. He responded to a question.

PUBLIC QUESTIONS OR STATEMENTS

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

REPORT OF THE EXECUTIVE

Revenue Outturn 2007/08

The recommendations in paragraph 1 of the report (page 5067) having been moved and seconded, it was

RESOLVED -

182. That the proposed write off in 2007/08 of Directorate overspending totalling £768k be approved.

That the proposed carry forward of underspending at Directorate level totalling £7,471, as detailed in the report, be approved.

Capital Expenditure Outturn and Financing 2007/08

The recommendations in paragraph 2 of the report (page 5076) having been moved and seconded, it was

RESOLVED –

183. That the proposed carry forward to 2008/09 of the net underspending totalling £5,095k, as set out in the report, be approved.

Annual Treasury Management and Prudential Indicators Reports 2007/08

The recommendations in paragraph 3 of the report (page 5098) having been moved and seconded, it was

RESOLVED –

- 184.** That the new maximum limits that can be invested with any organisation at any one time be £10m where institutions currently have a limit of £8m and be £20m where institutions currently have a limit to £15m.

Children and Young People's Plan 2008-2011

The recommendations in paragraph 4 of the report (page 5099) having been moved and seconded, it was

RESOLVED –

- 185.** That the Children and Young People's Plan 2008-11 be approved.

Constitutional Issues

The recommendations in paragraph 5 of the report (page 5102) having been moved and seconded, together with an amendment to recommendation (vi) to add after "2009" the words ", subject to the County Council elections being scheduled to be held on 4 June 2009" and to adding after "but" the words "be held on 20 May, 2009 if the elections are held on 7 May and". It was

RESOLVED –

23 July, 2008

186. (i) That the Council continues to operate the Leader and Cabinet Executive and that proposal to change to a new style Leader and Cabinet Executive arrangement be prepared, as required by the Local Government and Public Involvement in Health Act 2007, for implementation after the May 2009 elections.
- (ii) That the Executive's functions in respect of the publication of Standards Committee Independent Member vacancies and the power to assist in the recruitment of Independent Members to the Standards Committee, but not to approve individual appointments, be added to the terms of reference of the Standards Committee in the Constitution.
- (iii) That, subject to the County Council agreeing the delegation of powers to the Monitoring Officer in respect of temporary appointment of other Authorities' Standards Committees' Independent Members to the County Council's Standards Committee, recommended by the Standards Committee in its report later on the agenda, this power be recorded in paragraph 4.7 of the Scheme of Delegation to Officers, in the Constitution.
- (iv) That the power to approve recommendations from external partnerships in relation to the distribution of Area Based Grant and Single Capital Pot Grant delegated to the Chief Executive, in consultation with the relevant Executive Member, be added to the Scheme of Delegation to Officers in the Constitution.
- (v) That the Corporate Director – Children and Young People Service be authorised to appoint Interim Executive Boards to schools and this power be added to those in the Scheme of Delegation to Officers in the Constitution.
- (vi) That the Annual Meeting of the County Council in 2009, subject to the County Council elections being scheduled to be held on 4 June 2009, be scheduled for 17 June 2009, but be held on 20 May, 2009 if the elections are held on 7 May, and the meeting on 22 July 2009, remain unchanged.

Appointments

The recommendations in paragraph 6 of the report (pages 5103) having been moved and seconded, nominations for appointments to Committees were proposed.

RESOLVED –

187. (i) That the Rev. Adrian Judd of the Vicarage, Darrington be appointed to the Young People's Overview and Scrutiny Committee as a representative of the Church of England.
- (ii) That the following appointments be made to the Scrutiny of Health Committee to represent the District Councils named:
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| Craven District Council
Substitute | Councillor Helen Firth
Councillor Andy Quinn |
| Hambleton District Council
Substitute | Councillor Mrs Bridget F Fortune
Councillors David S Murkett and
Mrs Shirley A Shepherd |
| Harrogate Borough Council | Councillor Robert Nash |
| Ryedale District Council
Substitute | Councillor John Raper
Councillor John Clark |
| Scarborough Borough Council
Substitute | Councillor J M Preston
Councillor Dr S Rodgers |
| Selby District Council
Substitute | Councillor Mrs K McSherry
Councillor Mrs J Dryson |
- (iii) That County Councillor Greg White be appointed to the Executive in place of County Councillor Helen Swiers.
- (iv) That a Joint Scrutiny of Health Committee of Members of North Yorkshire County Council, Durham County Council, Hartlepool Borough Council and Stockton Borough Council be established and that County Councillors John Blackie, Gareth Dadd and David Heather be appointed to the Joint Committee to represent this Council.
- (v) That Councillor Rob Johnson be appointed as the representative of the North Yorkshire District Councils on the Pension Fund Committee and that Councillor John Blackie be the third named substitute for the District Councils on that Committee.
- (vi) That County Councillor Geoffrey Cullern be appointed to the Environment and Heritage Overview and Scrutiny Committee in place of County Councillor Tim Swales.
- (vii) That County Councillor Margaret Hulme be appointed to the Safe and Sustainable Communities Overview and Scrutiny Committee in place of County Councillor Greg White.
- (viii) That County Councillor Helen Swiers be appointed as third name Conservative substitute on the Young People Overview and Scrutiny Committee in place of County Councillor Greg White.
- (ix) That County Councillor Steve Shaw-Wright be appointed to the Economic Development and Regeneration Overview and Scrutiny Committee in place of County Councillor Jim Snowball and that County Councillor Steve Shaw-Wright be appointed to the vacancies for Labour Group substitute members on the Young People's; Care and Independence; Transport and

23 July, 2008

REPORT OF THE STANDARDS COMMITTEE

Annual Report

The recommendations in paragraph 1 of the report (page 5235) having been moved and seconded, it was

RESOLVED -

188. That the Annual Report be noted.

Local Ethical Framework

The recommendations in paragraph 2 of the report (pages 5235-6) having been moved and seconded, it was

RESOLVED -

189. (i) That there be an increase in the size and composition of the Standards Committee, as set out in paragraph 3.12 of Appendix 2 attached to the report; that County Councillors David Jeffels, Caroline Seymour and Jim Snowball be appointed to the additional seats for County Councillors on the Standards Committee; and that the consequential amendments be made to article 9.02 of the Constitution as set out in paragraph 3.13 of Appendix 2 attached to the report.
- (ii) That the power to arrange temporary appointments of other Authorities' Standards Committee's Independent Members to the Standards Committee be delegated to the Monitoring Officer, in consultation with the Chairman of the Committee.
- (iii) That the following be established on the basis set out in paragraph 3.16 of Appendix 2 attached to the report
- (a) A Complaint Assessment Sub-Committee
 - (b) A Complaint Review Sub-Committee
 - (c) A Complaint Determination Sub-Committee
- (iv) That the Terms of Reference for the Sub-Committees detailed in Recommendation (iii) above be, respectively, as set out in proposed new paragraphs g), h) and i) of Article 9.03, detailed in paragraph 3.21 of appendix 2 of the report, be approved and included in the Constitution.
- (v) That Independent Members of the Council's Standard Committee be included within the Council's Indemnity Policy for Members and employees, subject to its terms.
- (vi) That Article 9.01 of the Constitution be amended as set out in paragraph 3.20 of Appendix 2 of the report.
- (vii) That the Committee's Terms of Reference set out in Article 9.03 of the Constitution be amended as set out in paragraph 3.21 of Appendix 2 of the report.
- (viii) That the functions of the Monitoring Officer set out in Articles 12.03(d) and (e) of the Constitution be amended as set out in paragraph 3.25 of Appendix 2 of the report and
- (ix) That references be made, in the Constitution, to the existence and location of the Council's Whistle-blowing policies, anti-bullying policy, policies and procedures under the Equality Act 2006, list of Authority Services and the municipal calendar, as set out in paragraph 3.26.3 of Appendix 2 of the report.

Protocol – Gifts and Hospitality

The recommendations in paragraph 3 of the report (page 5236) having been moved and seconded, it was

RESOLVED -

23 July, 2008

- 190.** That the Protocol of Gifts and Hospitality, attached as Appendix 3 to the report, be approved and adopted by the County Council.

REPORT OF THE AUDIT COMMITTEE

Terms of Reference

The recommendations in paragraph 1 of the report (page 5287) having been moved and seconded, it was

RESOLVED -

- 191.** That the terms of reference of the Audit Committee, as set out in the County Council's Constitution, be amended be replacing "to approve the annual Statement on Internal Control" with "to approve an Annual Governance Statement".

STATEMENTS OF EXECUTIVE MEMBERS AND CHAIRMEN OF OVERVIEW AND SCRUTINY COMMITTEES

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 5289-92) and responded to questions, giving an assurance to County Councillor Stuart Parsons that responses would be given to residents of Richmond about Richmond School.

County Councillor Chris Metcalfe, Executive Member for Community Services, (adult social services and library and information services), a summary of the key points which had previously been circulated and which appears in the minute book (pages 5293-6) and responded to questions, giving an assurance to County Councillor Keith Barnes that he would inform him of areas for improvement identified in the Registration Service inspection.

County Councillor Greg White, 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 5298-300) and responded to questions.

County Councillor John Fort BEM, Executive Member for Environmental Services, (planning, roads and traffic and archaeology), a summary of the key points which had previously been circulated and which appears in the minute book (pages 5302-3) and responded to questions.

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 5304-6) and responded to questions, including written questions from County Councillor Keith Barnes relating to community transport and rights of way.

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 5308-11) 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 5312-3) and responded to questions, including a written question from County Councillor Caroline Seymour relating to a youth worker post in Stokesley.

The written statements of the Chairmen of the Scrutiny Board and Overview and Scrutiny Committees having been circulated (pages 5314-5342), the Chairmen of the Scrutiny Board and Environment and Heritage Overview and Scrutiny Committee; and the Vice-Chairman of the Scrutiny of Health Committee made additional statements and responses were given to questions.

COUNCIL PROCEDURE RULE 10 QUESTIONS

County Councillor John Weighell asked the Chairman of the North Yorkshire Police Authority to comment on the recent Policing Green Paper.

County Councillor Mark Wheeler asked what assurances could be given to residents of South Craven and Settle that they would retain manned police stations in the future.

County Councillor Bernard Bateman MBE asked about proposals to provide shop front facilities where members of the public could meet with police officers.

County Councillor Andrew Williams referred to a recent article in the Yorkshire Post which referred to the threat of closure of several police stations including those at Knaresborough and Ripon. He said that residents were opposed to such closures which would be completely unacceptable.

In response, County Councillor Jane Kenyon, the Chairman of the North Yorkshire Police Authority said that shop front facilities were an innovative way of allowing neighbourhood policing to be taken closer to the public. She said the proposals were at a very early stage and debate on the matter was underway. The North Yorkshire Police were developing an estates strategy and were looking carefully at how policing would be delivered in the future. She said that she could give no guarantees for the future that existing police stations would stay as they are. Whilst there were no plans in the foreseeable future to close any police stations, consideration was being given to whether those buildings were fit for purpose and were serving their communities. In respect of the Policing Green Paper she said that she believed it contained much good, but there were difficulties with parts of it. The Green Paper had only been available since the previous Thursday but the intention was to undertake wide consultation prior to responses being agreed by early October. She said there would be engagement with as many elected Members as possible, particular in respect of issues about how to develop governance arrangements and to deliver accountability. In response to a further request from County Councillor Andrew Williams for an assurance that a manned police station would remain in Ripon, County Councillor Jane Kenyon said that there was an estates strategy currently in force but, whether a police station remained open was an operational matter on which the Chief Constable would report to the Police Authority and she could give no assurance that any specific police station would remain open in the future.

23 July, 2008
