



NORTH YORKSHIRE COUNTY COUNCIL

Minutes of the meeting of the County Council held at County Hall, Northallerton on 8 October 2008.

PRESENT:-

County Councillor Peter Sowray in the Chair.

County Councillors 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, 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, Michael Heseltine, Robert Heseltine, Bill Hoult, Margaret Hulme, David Ireton, Gillian Ivey, David Jeffels, Jane Kenyon, Michael Knaggs, 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, Steve Shaw-Wright, Brian Simpson, Martin Smith, Jim Snowball, Melva Steckles, Timothy Swales, Cliff Trotter, John Watson OBE, John Weighell, Mark Wheeler, Greg White, Andrew Williams, Clare Wood and John Wren.

The Chairman's Chaplain Ann Bowes, offered prayers.

MINUTES

RESOLVED -

- 192.** That the minutes of the Annual meeting of the County Council, held on 23 July 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 announced to the Council the death Honorary Alderman Norman Nichol, who was the County Councillor for the Pateley Bridge Electoral Division from 1977 to 1997 and of Honorary Alderman Clifford Wilson, who was County Councillor for the Boroughbridge Electoral Division from 1985 to 2005. The Council stood in silence in their memory.

The Chairman informed the Council that the Report of the Executive sought decisions on a number of major policy issues arising from the Review of Winter Maintenance. It also referred to decisions, including the payment of retainers to farmers, which had already been taken, as they were matters for the Executive to determine, not the Council. He informed the Council that the Monitoring Officer had advised that the Executive decision which had already been made, but were referred to in the report, were not under consideration at the meeting and so it was not necessary for any Member to declare interests in respect of any of those matters.

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 5353). He also referred to the outcome of a recent benchmarking exercise and referred to the Order which had been made in respect of the date of the next County Council Elections, which would be on 4 June, 2009. He responded to a question.

PUBLIC QUESTIONS OR STATEMENTS

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

REPORT OF THE EXECUTIVE

County Councillor John Watson OBE declared a personal and prejudicial interest in the Capital Plan, as a member of the NYnet Board. He left the meeting and took no part in the discussion.

Capital Plan

The recommendations in paragraph 1 of the report (page 5365) having been moved and seconded, it was

RESOLVED -

- 193.** That the updated Capital Plan, summarised at Appendix 1E to the report, which incorporates the following specific recommendations
- (i) that in relation to the Highways Depots Rationalisation programme, the level of Prudential borrowing committed to the Scheme be now fixed at £3m to be repaid from the BES Revenue Budget over a period not exceeding 10 years, and that the surplus / deficits on the future disposals of former depot sites relative to the estimated values used to cast the £3m figure referred to above, be taken into account in the management of the "corporate pot" of capital resources
 - (ii) the capital receipt from the disposal of 4 Stockwell Lane, Knaresborough be used to support the refurbishment of Manor Infants school to provide office accommodation with the provisos that
 - if the costs exceed the capital receipt then CYPS should fund the extra costs from existing resources
 - if the capital receipt exceeds the current cost estimate, then the surplus should be returned to the central pot
 - (iii) the receipt from the future disposal of Low Bentham school site be earmarked for either provision of a new school serving High Bentham and Low Bentham or the refurbishment of the existing school at High Bentham if re-provision proved impractical.
 - (iv) that the loan limits for NYnet be amended to
 - (a) a revised operational maximum of £7.5m, together with

(b) an absolute maximum of £10m with specific Executive approval being sought for any loan request that exceeds the operational maximum of £7.5m in (a) above.
be approved.

Prudential Indicators

The recommendations in paragraph 2 of the report (page 5366) having been moved and seconded, it was

RESOLVED –

194. That the revised Prudential Indicators for the period 2008/09 to 2010/11, as set out in Appendix 2 to the report, be approved.

Review of Winter Maintenance

The recommendations in paragraph 3 of the report (page 5370) having been moved and seconded, it was moved and seconded as an amendment that the following be added to the end of the recommendation:-

“The report admits that the winter gritting arrangements in the Agency Areas are not straight forward and are yet to be finalised.

Accordingly, prior to the revised proposals for those areas being approved the responsible Executive Member will consult on the detailed proposals with those Members who represent Divisions within the Agency Areas”.

The Council divided and the amendment was declared carried.

RESOLVED –

195. That the following changes to the winter maintenance policy be adopted:-

- *“Priority 2 routes are treated every morning (when weather requires it) after the Priority 1 routes are completed unless the prevailing conditions and the forecast in the judgement of the Local Area Manager renders further treatment unnecessary”.*
- *“Treatment of Priority 3 routes in advance of the 72 hour rule in certain weather conditions will be allowed”.*
- *“Category 1 footways will be post salted in exceptional conditions before 09:00hrs with the remaining footways and cycling network being treated in priority order subject to available resources”.*
- *“Priority 1 gritting routes should align with Category 2, 3a and 3b roads as defined by the highway maintenance Network Hierarchy. Anomalies can exist in exceptional circumstances and only with the approval of the Executive Member.”*
- *“The report admits that the winter gritting arrangements in the Agency Area are not straight forward and are yet to be finalised.*

Accordingly, prior to the revised proposal for those areas being approved the responsible Executive Member will consult on the detailed proposals with those Members who represent Divisions within the Agency Area.”

Constitutional Issues

The recommendations in paragraph 4 of the report (page 5370) having been moved and seconded, it was

RESOLVED –

196. That the following be added to the terms of reference of the Scrutiny of Health Committee:-

- To contribute to the annual health checks by providing commentaries to the Health Care Commission on the performance of NHS Trusts serving North Yorkshire and on the experiences that the Committee has had with those Trusts.

That appointments to the Durham Tees Valley Airport Consultative Committee be added to Section 1 of Schedule 5 to the Constitution with an appointment (and a substitute appointment, if wished) to be made by the Executive.

Appointments

The recommendations in paragraph 6 of the report (pages 5371) having been moved and seconded, nominations for appointments to Committees were proposed.

RESOLVED –

198. (i) That Councillor Ian Galloway be appointed to the Scrutiny of Health Committee to represent Harrogate Borough Council and that Councillor Robert Nash be appointed as substitute member for that Council.

(ii) That, as a result of County Councillor Morris Lightfoot no longer being a member of the Liberal Democrat Group, that Group relinquish a seat on the Planning and Regulatory Functions Committee, currently held by County Councillor Lightfoot, in order to achieve the proportional allocation of seats required under the Local Government and Housing Act 1989 and that County Councillor Morris Lightfoot retain that seat as an Independent Member.

(iii) That County Councillor Brian Simpson be appointed to the seat on the Safe and Sustainable Communities Overview and Scrutiny Committee formerly held by County Councillor Morris Lightfoot.

(iv) That Councillor Richard Moore be appointed to the seat allocated to the City of York Council on the Pension Fund Committee and Councillor Julie Gunnell be appointed as substitute member for that Council.

(v) That County Councillor Martin Smith be appointed to the Planning and Regulatory Functions Committee in place of County Councillor Heather Garnett.

(vi) That County Councillor Cliff Trotter be appointed to the Environment and Heritage Overview and Scrutiny Committee in place of County Councillor Heather Garnett.

REPORT OF THE AUDIT COMMITTEE

Local Code of Corporate Governance

The recommendations in paragraph 1 of the report (page 5415) having been moved and seconded, it was

RESOLVED -

- 199.** That the revised Local Code of Corporate Governance, as set out at Appendix A to the report, be adopted.

STATEMENTS OF EXECUTIVE MEMBERS AND CHAIRMEN OF OVERVIEW AND SCRUTINY COMMITTEES

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 5431-3) and responded to questions.

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 5435-6) 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 (page 5437) and responded to questions, including a written question from County Councillor Bill Hoult relating to the Minerals and Waste Core Strategy.

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 5439-42) 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 5443-5) 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 5447-50) 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 5451-4) and responded to questions.

The written statements of the Chairmen of the Scrutiny Board and Overview and Scrutiny Committees having been circulated (pages 5455-82), the Chairmen of the Scrutiny Board and the Scrutiny of Health Committee and the Vice-Chairman of the Care and Independence Overview and Scrutiny Committee made additional statements. Responses were given to questions by the Chairmen of the Scrutiny Board, the Scrutiny of Health Committee and the Transport and Telecommunications Overview and Scrutiny Committee.

COUNCIL PROCEDURE RULE 10 QUESTIONS

There were no questions under Council Procedure Rule 10.