



NORTH YORKSHIRE COUNTY COUNCIL

Minutes of the meeting of the County Council held at County Hall, Northallerton on 17 December 2008.

PRESENT:-

County Councillor Peter Sowray 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, John Blackie, Eric Broadbent, Elizabeth Casling, Gordon Charlton, Geoffrey Cullern, Gareth Dadd, Mrs M-A de Courcey-Bayley, John Fletcher, John Fort BEM, Graham Gatman, Ron Haigh, Tony Hall, David Heather, Michael Heseltine, Robert Heseltine, Bill Hault, Margaret Hulme, David Ireton, 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, Peter Sowray, 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.

The Chairman's Chaplain Ann Bowes, offered prayers.

MINUTES

RESOLVED -

- 200.** That the minutes of the Quarterly meeting of the County Council, held on 8 October 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 of Janet Hill, who was the County Councillor for Northstead Electoral Division in Scarborough from May 1989 to June 2001. The Council stood in silence in her memory.

The Chairman welcomed Honorary Alderman Miss Beth Graham to the meeting and informed the Council that item 9 on the agenda relating to the payment of allowances to independent members of education appeals panels was a report of the Chief Executive and not of the Independent Panel on Members Remuneration. He also informed the Council that there was no reference back to the Council from the Young People Overview and Scrutiny Committee, which appeared on the agenda as item 10.

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, as summary of the key points of which had previously been circulated and which appears in the Minute Book (Pages 5489-90). He responded to a question.

PUBLIC QUESTIONS OR STATEMENTS

There were statements from four members of the public relating to the Minerals and Waste Development Framework Minerals and Waste Core Strategy (pages 5491 – 5502). County Councillor John Fort BEM responded.

REPORT OF THE EXECUTIVE

Treasury Management Strategy

The recommendations in paragraph 1 of the report (Page 5504) having been moved and seconded, it was

RESOLVED -

- 201.** That the Schedule attached to the report as Appendix 1, that revises the maximum sums that can be invested in those banks that are still assessed as suitable at present, be approved and adopted as part of the Treasury Management Strategy.

Minerals and Waste Development Framework Minerals and Waste Core Strategy and Waste Local Plan – Savings of Policies

The recommendations in paragraph 2 of the report (Page 5506) and paragraph 3 of the report (page 5507) having been moved and seconded, it was

RESOLVED -

- 202.** (a) That a direction be sought from the Secretary of State for the withdrawal of the Minerals Core Strategy and the Waste Core Strategy.
- (b) That the draft Waste Local Plan Schedule of Saved Policies set out in Appendix 2 to the report be approved for submission to Government Office for Yorkshire and the Humber, subject to the Corporate Director, Business and Environmental Services being authorised to make minor amendments to the Schedule in response to any views received from Government Office for Yorkshire and the Humber.

County Councillor William F Barton OBE voted against the motion and asked that his vote be recorded in the Minutes.

**Local Government and Public Involvement in Health Act 2007
New Executive Arrangements**

The recommendations in paragraph 4 of the report (Page 5509) having been moved and seconded, it was moved and seconded as an amendment

“that the word “no” in recommendation (b) be deleted and that the words “that the Constitution be amended accordingly, and that the Assistant Chief Executive (Legal and Democratic Services) be authorised to implement that amendment” be added at the end of recommendation (b).

The Council divided and the amendment was declared carried.

RESOLVED -

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| <p>203. (a) That the Council change to a new style Leader and Cabinet Executive, after the 2009 elections, in accordance with the 2007 Act, and that all necessary public notice be given.</p> <p>(b) That power to remove a Leader, by Council resolution, during their term of office, be included in the Constitution, that the Constitution be amended accordingly, and that the Assistant Chief Executive (Legal and Democratic Services) be authorised to implement that amendment.</p> <p>(c) That the revisions to the Constitution recommended to the County Council by the Constitutional Working Group, to take effect after the 2009 elections, set out in Appendix 4, be approved.</p> <p>(d) That the arrangements for local choice executive functions and responsibilities under the 2000 Regulations as set out in Appendix 5 be confirmed.</p> |
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Constitution

Employment Appeals Committee, Appointments to Outside Bodies and amendments

The recommendations in paragraph 5 of the report (Page 5511-2) having been moved and seconded, it was

RESOLVED -

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| <p>204. (a) That an Employment Appeals Committee be established with effect from June 2009.</p> <p>(b) That the terms of reference as set out in Appendix 7 be adopted for the Employment Appeals Committee and the Constitution be amended with effect from 4 June 2009.</p> <p>(c) That the terms of reference of the Appeals Committee be revised as set out in Appendix 8 with effect from 4 June 2009 and that the Constitution be amended in that respect from that date.</p> |
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- (d) That the amendments to Schedule 5 of the Constitution set out in Appendix 9 to the report be approved.
- (e) That the terms of reference of the Pension Fund Committee be amended to those set out in Appendix 11.
- (f) That the amendments to the Constitution set out in Appendix 12 be approved.

Appointments

The recommendations in paragraph 6 of the report (Page 5512) were moved and seconded, together with a supplementary paper setting out proposals for re-allocations of seats between the political groups, as a result of group membership changes, and nominations for appointments to Committees, together with a nomination for the chairmanship of the Scrutiny of Health Committee, which would become vacant as a result of reallocation of Committee seats. The Council also considered another nomination for the Chairmanship of the Scrutiny of Health Committee and proposals for the re-allocation of seats arising if County Councillor Morris Lightfoot's seat became vacant later in December and a related appointment to the Committee.

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

- **For the motion incorporating the printed recommendations together with the supplementary paper – 41**
- **Against the motion – 8**

and the motion was declared carried.

RESOLVED –

- 205.** (a) That County Councillors David Jeffels, Geoffrey Cullern and David Ireton be appointed as second, third and fourth Conservative Group Substitute Members respectively of the Planning and Regulatory Functions Committee.
- (b) That, as a result of County Councillor Bernard Bateman MBE and County Councillor John Wren no longer being Members of the Liberal Democrat Group and becoming Members of the Conservative Group and of County Councillor John Blackie no longer being a Member of the Conservative Group and becoming an Independent Member the following reallocations of seats and appointments be made.
- that a seat on the Care and Independence Overview and Scrutiny Committee be transferred from the Liberal Democrat Group to the Conservative Group and that County Councillor John Wren be appointed to the seat previously held by County Councillor Keith Barnes.
 - A seat on the Pension Fund Committee held by the Liberal Democrat Group be transferred to the Conservative Group and that County Councillor Bernard Bateman MBE continue to sit on that Committee but as a Member of the Conservative Group.
 - A seat on the Corporate Affairs Overview and Scrutiny Committee

held by the Liberal Democrat Group be allocated to Independent Councillors and that County Councillor John Blackie be appointed to the seat previously held by County Councillor Keith Barnes.

- That a seat on the Chief Officers Appointments Committee held by the Liberal Democrat Group be transferred to Independent Councillors, but no appointment to the vacancy in the seat previously held by County Councillor Bill Hoult be made, at this stage.

(c) That the following appointments be made:-

- That County Councillor John Wren be appointed to the seat on the Scrutiny of Health Committee allocated to the Conservative Group and previously held by County Councillor John Blackie.
- That County Councillor Gareth Dadd be appointed to the seat on the Joint Scrutiny of Health Committee with Durham, Hartlepool and Stockton Councils allocated to the Conservative Group and previously held by County Councillor John Blackie.
- That County Councillor Bernard Bateman MBE be appointed to the seat on the Economic Development and Regeneration Overview and Scrutiny Committee allocated to the Conservative Group and previously held by County Councillor John Blackie.
- That County Councillor Carl Les be appointed as fourth named Substitute for the Conservative Group on the Pension Fund Committee.
- That County Councillor Val Arnold be appointed as the first named Substitute for the Conservative Group on the Appeals Committee.
- That County Councillor Keith Barnes be appointed to the seat allocated to the Liberal Democrat Group on the Audit Committee previously held by County Councillor Bernard Bateman MBE.
- That County Councillor Bill Hoult be appointed to the seat on the North Yorkshire Fire and Rescue Authority allocated to the Liberal Democrat Group previously held by County Councillor John Wren.
- That County Councillor Gordon Charlton be appointed to the seat on the Planning and Regulatory Functions Committee allocated to the Liberal Democrat Group and previously held by County Councillor John Wren.
- That County Councillor Stuart Parsons be appointed to the seat on the Scrutiny of Health Committee allocated to the Liberal Democrat Group and previously held by County Councillor John Wren.
- That County Councillor David Heather be appointed as first named Substitute for the Liberal Democrat Group on the Appeals Committee.
- That County Councillor Caroline Seymour be appointed as the fourth

- named Substitute for the Liberal Democrat Group on the Pension Fund Committee.
- That County Councillor Mark Wheeler be appointed as fourth named Substitute for the Liberal Democrat Group on the Environment and Heritage Overview and Scrutiny Committee.
 - That County Councillor Bill Hoult be appointed as second named Substitute for the Liberal Democrat Group on the Communications Overview and Scrutiny Committee.
 - That County Councillor David Lloyd-Williams be appointed as the Substitute for the Liberal Democrat Group on the Standards Committee.
 - That County Councillor Bill Hoult be appointed as first named Substitute for the Liberal Democrat Group on the Chief Officers Appointments Committee.
 - County Councillor Gordon Charlton be appointed as first named Substitute for the Liberal Democrat Group on the Young People Overview and Scrutiny Committee.
 - That County Councillor Keith Barnes be appointed as third named Substitute for the Liberal Democrat Group on the Care and Independence Overview and Scrutiny Committee.
 - That Councillor Bill Hoult be appointed as second named Substitute for the Liberal Democrat Group on the Economic Development and Regeneration Overview and Scrutiny Committee.
 - That County Councillor Steve Macaré be appointed as third named Substitute for the Liberal Democrat Group on the Audit Committee.
- (d) That County Councillor Gareth Dadd be appointed as the Chairman of the Scrutiny of Health Committee in place of County Councillor John Blackie.
- (e) That the seat on the Planning and Regulatory Functions Committee allocated to Independent Councillors and currently occupied by County Councillor Morris Lightfoot be transferred to the Conservative Group, with effect from 30 December 2008, subject to no appeal being lodged, and that County Councillor John Wren be appointed to that seat.

REPORT OF THE STANDARDS COMMITTEE

Appointment of an Independent Member

The recommendation in the report (Page 5575) having been moved and seconded, it was

RESOLVED -

206. That Mr Henry Cronin be appointed as an Independent Member on the Standards

Committee, with a term of office of four years.

REPORT OF THE INDEPENDENT PANEL ON MEMBERS' REMUNERATION

The recommendations the report (Page 5578) having been moved and seconded, it was

RESOLVED -

207. That the scheme of allowances (attached at Appendix B to the report) and list of approved duties (attached at Appendix C to the report) be approved for 2009/10.

That the authority to take decisions on withholding allowances or requesting repayment of allowances in relation to Members under suspension as set out in the scheme is delegated to the Standards Committee.

PAYMENTS OF ALLOWANCES TO INDEPENDENT MEMBERS OF EDUCATION APPEALS PANELS

The recommendations in the report (Page 5598) having been moved and seconded, it was

RESOLVED -

208. (a) That the maximum amount payable for financial loss allowance for Independent Members of Education Appeals Panels from 1st April 2009 be as set out in paragraph 2.3 of the report.

(b) That these rates be updated each year in line with the increase in the value of a 'unit of responsibility' agreed as part of the Members Allowances Scheme.

(c) That the Scheme of Allowances for travelling and subsistence and other out of pocket expenses, including the scheme for Childcare and Dependant Carers' Allowances, as agreed each year as part of the Members Allowances Scheme, will apply to Members of Educational Appeal Panels.

REFERENCE TO COUNCIL FROM THE YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

There was no reference to Council.

STATEMENTS OF EXECUTIVE MEMBERS AND CHAIRMEN OF OVERVIEW AND SCRUTINY COMMITTEES

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 his statement, a summary of the key points which had previously been circulated and which appears in the minute book (pages 5599-601) 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 5603-6) and responded to questions, including written questions from County Councillor David Lloyd-Williams relating to winter maintenance and 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 5607-10) 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 5611-3) 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 5615-8) 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 5619-21) and responded to questions, agreeing to give written responses to two questions.

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 5623-4) and responded to questions.

The written statements of the Chairmen of the Scrutiny Board and Overview and Scrutiny Committees having been circulated (pages 5625-56), the Chairmen of the Scrutiny Board, the Scrutiny of Health Committee and the Transport and Telecommunications Services Overview and Scrutiny Committee made additional statements, including thanks to County Councillor John Blackie for his work as Chairman of the Scrutiny of Health Committee. Responses were given to questions by the Chairman of the Scrutiny of Health Committee.

COUNCIL PROCEDURE RULE 10 QUESTIONS

There were no questions under Council Procedure Rule 10.

MOTION – ECONOMIC CRISIS

The mover and seconder of the motion, having given reasons set out in the agenda why they believed the motion should be considered on the day, the Chairman ruled that he agreed there were sufficient reasons for urgency in this instance and asked County Councillor Bill Hoult to move the motion.

County Councillor Bill Hoult moved and County Councillor M-A de Courcey-Bayley seconded:

“This Council recognises the depth of the economic crisis facing the citizens of North Yorkshire and is committed to supporting small business in the County.

Accordingly it resolves to bring forward an element of planned future expenditure on County Council projects such as:

- Highway Maintenance and repair.
- Expenditure on upgrading, maintenance of schools.
- The removal of asbestos in key County Council properties.
- Replacement of concrete lampposts.
- Repair and maintenance of County Farms.

In addition it is resolved to meet the Government target to pay businesses within 10 days of the submission of a receipt.

Such works to be financed from the windfall increases from Treasury Management due to unexpected high interest rates and from Council reserves subject to repayment from future County Council receipts and or revenue income”.

The motion having been moved and seconded, it was moved and seconded as an amendment

“That the words “depth of the “in the first line be deleted and the word “current” be inserted in its place.

That the words “and is committed to supporting small business in the County”. be deleted and the words “has the potential to adversely affect the lives of the local communities and businesses of North Yorkshire and is therefore committed to providing meaningful support.” be inserted in its place.

That the words “Accordingly it resolves to bring forward an element of” be deleted and the words “The County Council recognises the extensive range of individual directorate activity that is currently being undertaken and” be inserted in its place and the words “such as” be deleted and the words “which include” be inserted in their place.

That the penultimate and final paragraphs of the motion be deleted and the following words be inserted in their place:-

“and that the Medium Term Financial Strategy sets out the framework for the management of the County Council's finances over the coming years to address the challenges of the recession and the needs of the County's residents.

and that officers are requested to bring forward a report on activity and progress to Executive at the earliest opportunity”.

The Council divided on the amendment and there were –

- **For the amendment – 30.**
- **Against the amendment – 13.**

and the amendment was declared carried.

The Council divided on the motion, as amended, and there were

- **For the motion, as amended – 30.**
- **Against the motion, as amended – 1.**

and the motion, as amended, was declared carried.

RESOLVED –

209. This Council recognises the current economic climate affecting the citizens of North Yorkshire has the potential to adversely affect the lives of the local communities and businesses of North Yorkshire and is therefore committed to providing meaningful support.

The County Council recognises the extensive range of individual directorate activity that is currently being undertaken and planned future expenditure on projects, which include:-

- Highway maintenance and repair.
- Expenditure on upgrading, maintenance of schools.
- The removal of asbestos in key County Council properties.
- Replacement of concrete lamp posts.
- Repair and maintenance of County Farms.

and that the Medium Term Financial Strategy sets out the framework for the management of the County Council's finances over the coming years to address the challenges of the recession and the needs of the County's residents.

and that officers are requested to bring forward a report on activity and progress to Executive at the earliest opportunity.