



## NORTH YORKSHIRE COUNTY COUNCIL

Minutes of the meeting of the County Council held at County Hall, Northallerton on Wednesday, 18 February 2009

### PRESENT:-

County Councillor Peter Sowray in the Chair.

County Councillors County Councillors 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, Ron Haigh, Tony Hall, Michael Heseltine, Robert Heseltine, Bill Houlton, Margaret Hulme, David Ireton, David Jeffels, Jane Kenyon, Michael Knaggs, Carl Les, David Lloyd-Williams, Patricia Marsburg, Brian Marshall, J W 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, Timothy Swales, Helen Swiers, Herbert Tindall, Cliff Trotter, John Watson OBE, John Weighell, Greg White, Andrew Williams and Clare Wood.

The Chairman's Chaplain Ann Bowes, offered prayers.

### MINUTES

#### RESOLVED -

- 210.** That the minutes of the quarterly meeting of the County Council, held on 17 December 2008, having been printed and circulated, be taken as a read and be confirmed and signed by the Chairman as a correct record.

### CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed the Council of the death of Bill Brewis, who was the County Councillor for the Claro Electoral Division, near Harrogate, from May 1989 to June 2005. The Council stood in silence for one minute in his memory.

The Chairman informed the Council that, if Members of the Council were also School Governors, they would have a personal interest in Item 6 on the Report of the Executive, which related to School Admissions. Under the Code of Conduct, however, there was an exemption to the rules on declaring a personal interest, which meant that it would only be necessary for a Member to declare their interest, if and when they spoke on the matter. He informed Members of the Monitoring Officer's advice that, if they did not wish to speak on the issue, they could vote without making a declaration of 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 5667) and responded to a question.

### **PUBLIC QUESTIONS OR STATEMENTS**

Ivor Fox, a Member of Knaresborough Town Council, made a statement relating to the Council's approval of the recommendations from the Independent Panel on Member Remuneration at its meeting on 17 December, 2008. A copy of the statement is included in the Minute Book (Page 5669). He called on the Council to re-endorse the full implementation of all the principles in that report before confirming the Revenue Budget.

The Leader of the Council responded to the statement stating that the principles which the Independent Panel on Members Remuneration adopted in drawing up their recommendations for a Scheme of Member Allowances were a matter for the Panel, not for the Council, and that the arrangements which political parties made with their prospective candidates for the forthcoming elections were a matter for those parties, and those individuals.

### **REPORT TO THE EXECUTIVE**

#### **Council Plan**

The recommendations in paragraph 1 of the report (pages 5678) having been moved and seconded, having been moved and seconded, it was

#### **RESOLVED -**

**211.** That the County Council Plan and Priorities 2009/10 -2011/12 be approved, but the Chief Executive be authorised to make necessary changes to the text, including reflecting decisions made by the Council on the budget and updated performance date.

#### **Medium Term Financial Strategy and Revenue Budget 2009/10**

The recommendations in paragraph 2 of the report (pages 5684-5) having been moved and seconded, it was moved and seconded as an amendment that under

Recommendation (a)(i) Delete 237,046,000 and insert 232,622,000;

Recommendation (a)(ii) Delete 336,240,000 and insert 331,816,000;

Recommendation (a)(iii) Delete £2.5 million and insert £5.311 million;

Recommendation (a)(iv) Line 3, after "report" insert "as amended to reflect the changes itemised in (a)(i), (a)(ii) and (a)(iii).";

Recommendation (c) After "report" insert the words "as amended".

**The Council divided on the amendment and, on a division by name, there were**

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<b>For the amendment</b>	<b>Against the amendment</b>
County Councillors:	County Councillors:
Keith Barnes	Val Arnold
William Barton OBE	Andrew Backhouse
David Billing	Arthur Barker
John Blackie	Phillip Barrett
Eric Broadbent	Bernard Bateman MBE
Gordon Charlton	John Blackburn
Mrs M-A de Courcey-Bayley	Peter Brown
Polly English	Elizabeth Casling
Richard Hall	Geoffrey Cullern
Bill Houlton	Gareth Dadd
David Lloyd-Williams	John Fletcher
Brian Marshall	John Fort BEM
J W Marshall	Heather Garnett
Leslie Parkes	Ron Haigh
Stuart Parsons	Tony Hall
Caroline Seymour	Roger Harrison-Topham
Steve Shaw-Wright	Michael Heseltine
Brian Simpson	Robert Heseltine
Jim Snowball	Margaret Hulme
	David Ireton
	Gillian Ivey
	David Jeffels
	Jane Kenyon
	Michael Knaggs
	Carl Les
	Patricia Marsburg
	Chris Metcalfe
	Caroline Patmore
	Christopher Pearson
	Paul Richardson
	John Savage
	Martin Smith
	Peter Sowray
	Tim Swales
	Helen Swiers
	Herbert Tindall
	Cliff Trotter
	John Watson OBE
	John Weighell
	Greg White
	Andrew Williams
	Clare Wood
<b>19</b>	<b>42</b>

**And there were no abstentions.**

**The amendment was declared lost.**

**The Council divided on the motion and there were:-**

**For the motion – 43**

**Against the motion – 10**

**And the motion was declared carried.**

**RESOLVED -**

- 212.**
- (a)
- (i) in accordance with Section 44 of the Local Government Finance Act 1992 that for the year beginning 1 April 2009, a Council Tax precept of £237,046,000 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) in accordance with Section 43 of the Local Government Finance Act 1992 that a net Revenue Budget requirement for 2009/10 of £336,240,000 be approved
    - (iii) that there be a drawdown of £2.5m from the General Working Balance to balance the 2009/10 Revenue Budget
    - (iv) that the allocations to each Directorate, various corporate initiatives, and precepts/levies/contributions be as detailed in Appendix D to Appendix 2 and the Supplementary Papers 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 6 March 2008, on the allocation of the Schools Block.
- (b)
- (i) that the revenue elements of the Area Based Grant be allocated and managed in accordance with the procedures detailed in paragraph 9.18 et seq and Appendix E of Appendix 2 of the report
  - (ii) that Corporate Directors be authorised to incur expenditure under the terms of any new specific grants (paragraph 9.20 et seq) of the report at Appendix 2
  - (iii) that in relation to the Waste Infrastructure Capital Fund and the Stronger Safer Communities Fund (paragraph 9.19 of Appendix 2 of the report), the relevant Corporate Director/ Chief Executive be authorised, in consultation with the appropriate Executive Member, to consult with applicable partners on the most appropriate method of allocating this grant, and having done so, to adhere to the management procedures referred to in paragraph 9.18(b) of that Appendix
  - (iv) that the policy target for the level of the General Working Balance be retained at 2% of the net Revenue Budget
  - (v) that the allocation of funds and subsequent cessation of the recurring Pending Issues Provision be as detailed in paragraph 9.27(a) Appendix 2 to the report
    - (vi) that the non-recurring Pending Issues Provision, as detailed in paragraph 9.27(b) of the report and after taking into account the adjustments / allocations referred to in paragraph 9.32 of Appendix 2 to the report, be continued.
    - (vii) that the unused balance of the Job Evaluation / Equal Pay Fund be transferred to the General Working Balance in 2009/10 (paragraph 11.29 Appendix 2 to the report).
- (c) That the Medium Term Financial Strategy, and its caveats, as laid out in paragraph 9 and Appendix D of Appendix 2 to the report be adopted.

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The recommendations in paragraph 3 of the report (pages 5686) having been moved and seconded, having been moved and seconded, it was

**RESOLVED -**

**212.**

- (i) That the updated Prudential Indicators for 2009/10 to 2011/12, as set out in Appendix 3 to the report, be approved.
- (ii) That an Authorised Limit for External Debt of £432.8m in 2009/10, under Section 3(1) of the Local Government Act 2003, be approved.

### **Annual Treasury Management Strategy**

The recommendations in paragraph 4 of the report (pages 5699-700) having been moved and seconded, having been moved and seconded, it was

**RESOLVED -**

**213.**

- (i) that the updated Treasury Management Policy Statement attached at Appendix 4A to the report be approved.
- (ii) that the Annual Treasury Management and Investment Strategy for 2009/10 as detailed in Appendix 4B to the report be approved and in particular
  - (a) an authorised limit for external debt of £432.8m in 2009/10
  - (b) an operational boundary for external debt of £412.8m in 2009/10
  - (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) borrowing from the money market for capital purposes is to be limited to 30% of external debt outstanding at any one point in time
  - (e) 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
  - (f) 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
  - (g) an 11% cap on capital financing costs as a proportion of the annual Net Revenue Budget
  - (h) a Minimum Revenue Provision (MRP) policy for debt repayment to be charged to Revenue in 2009/10 as set out in paragraph 11 of Appendix 4B.
  - (i) 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
  - (j) the updated credit rating criteria for investment purposes together with the updated Approved Lending List of organisations (paragraph 12.7 and Schedule C of Appendix 4B)

**Community Safety Strategy**

The recommendations in paragraph 5 of the report (pages 5702) having been moved and seconded, having been moved and seconded, it was

**RESOLVED -**

- 214.** That the draft Community Safety Strategy be approved, subject the Chief Executive being authorised to make any necessary amendments to the text of the Strategy.

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**County Councillor Keith Barnes declared a personal interest in this item as a Governor at Harrogate Grammar School and County Councillor Heather Garnett declared a personal interested as a Governor of Killinghall School.**

The recommendations in paragraph 6 of the report (pages 5707) having been moved and seconded, having been moved and seconded, it was

**RESOLVED -**

**215.** That the proposed Admissions Policy for Community and Voluntary Controlled Schools and the Nursery Schools and Classes, together with the Co-ordinated admissions arrangements for the academic year 2010/11 as shown in Appendices 6A, 6B and 6C to the report be approved.

That the proposed Maximum Admission Limits for Community and Voluntary Controlled schools as shown in Appendix 6D and 6E to the report be approved and the limits for Voluntary Aided Schools as also shown within Appendix 6D to the report be noted.

**Annual Review of Finance/Contract Property**

The recommendations in paragraph 7 of the report (pages 5708-9) having been moved and seconded, having been moved and seconded, it was

**RESOLVED -**

- 215.** That the following changes be made to the Constitution:-
- (a) the amendments to the Financial Procedure Rules, as set out in Appendix 7A to the report,
  - (b) the amendments to the Contract Procedure Rules, as set out in Appendix 7B to the report;
  - (c) the amendments of the Property Procedure Rules, as set out in Appendix 7C to the report;
  - (d) the amendments to the Executive Members' Delegation Scheme, as set out in Appendix 6D to the report;
  - (e) the amendments to the Executive Members' Delegation Scheme and Financial Procedure Rules, as set out in Appendix 6E to the report.

**Appointments to Committees and outside bodies**

The recommendations in paragraph 8 of the report (pages 5710) having been moved and seconded, proposals for the re-allocation of Committee seats due to a change in political group memberships and nominations for appointments were put forward. It was

**RESOLVED -**

- 216.**
- (a) That the amendments to Schedule 5 of the Constitution, as set out in the report, be approved, subject to Fairburn Ings Nature Reserve Management Committee not being deleted from that Schedule.
  - (b) That County Councillor David Billing be appointed as substitute member to the Standards Committee for the Labour Group, and that County Councillor Eric Broadbent be appointed as second named substitute on the Economic Development and Regeneration Overview and Scrutiny Committee and third named substitute on the Chief Officers Appointments Committee for that Group.
  - (c) That, to reflect a change in proportional allocation of seats arising from County Councillor Richard Hall leaving the Liberal Democrat Group and becoming an Independent Member, the seat on the Environment and Heritage Overview and Scrutiny Committee currently held by County Councillor Richard Hall and allocated to the Liberal Democrat Group be re-allocated to the Independent Members and County Councillor Richard Hall be confirmed as a member of that Committee in that seat.
  - (d) That County Councillor Richard Hall no longer be listed as a substitute member for the Liberal Democrat Group on the Planning and Regulatory Functions Committee; the Appeals Committee; or the Transport and Telecommunications Services Overview and Scrutiny Committee and that County Councillors J W Marshall, Stuart Parsons and Brian Simpson, respectively, be appointed to the resulting vacancies.



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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 6025-6) 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 6027-9) 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 6031-3) 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 6035-8) 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 6039-41) and responded to questions. He said he would respond, in writing, to County Councillor Keith Barnes about changes of membership of the Admissions Forum.

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 6043-4) and responded to a question.

County Councillor Greg White, Executive Member for Community Services, (community planning, community safety, cultural services, economic development, public protection, and post-16 lifelong learning), declared a personal, non-prejudicial interest having joined the York Credit Union and presented his statement, a summary of the key points which had previously been circulated and which appears in the minute book (pages 6045-7). He responded to questions.

The written statements of the Chairmen of the Scrutiny Board and Overview and Scrutiny Committees having been circulated (pages 6049-70), the Chairmen of the Scrutiny Board, the Young People's Overview and Scrutiny Committee and the Care and Independence Overview and Scrutiny Committee made additional statements. County Councillor Polly English declared a personal interest as Chairman of the Mental Health Act Sub-Committee and Hospital Manager of Bradford District Care Trust and asked a question of the Chairman of the Scrutiny of health Committee, who said he would look into the matter.

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

There were no questions under Council Procedure Rule 10.