



NORTH YORKSHIRE COUNTY COUNCIL

Minutes of the Annual Meeting of the County Council held at County Hall, Northallerton on Wednesday, 17 June 2009.

PRESENT:-

County Councillor Peter Sowray in the Chair.

County Councillors Val Arnold, Karl Arthur, Andrew Backhouse, Arthur Barker, Keith Barnes, Philip Barrett, Bernard Bateman MBE, John Batt, John Blackburn, David Blades, John Blackie, Liz Casling, Bill Chatt, Jim Clark, John Clark, Mike Cockerill, Gareth Dadd, Margaret-Ann de Courcey-Bayley, Polly English, John Fort BEM, Heather Garnett, Andrew Goss, Ron Haigh, Tony Hall, Roger Harrison-Topham, Michael Heseltine, Robert Heseltine, Bill Hault, Margaret Hulme, David Ireton, David Jeffels, Janet Jefferson, Jane Kenyon, Michael Knaggs, Andrew Lee, Carl Les, Don Mackenzie, John McCartney, Pat Marsburg, Penny Marsden, Brian Marshall, J W Marshall, Shelagh Marshall, Chris Metcalfe, Patrick Mulligan, Stuart Parsons, Caroline Patmore, Chris Pearson, Dave Peart, Joe Plant, Peter Popple, Paul Richardson, John Savage, Stephen Shaw, Brian Simpson, Melva Steckles, Tim Swales, Helen Swiers, Herbert Tindall, Cliff Trotter, John Watson OBE, Geoff Webber, John Weighell, Richard Welch, Andrew Williams and Clare Wood,

The Chairman's Chaplain, Anne Bowes, offered prayers.

ELECTION OF CHAIRMAN

It was moved by County Councillor Heather Garnett and seconded by County Councillor Margaret Hulme that County Councillor John Savage be elected as Chairman of the County Council to serve until the Annual Meeting of the Council in 2010.

RESOLVED -

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| <p>1. That County Councillor John Savage be elected as Chairman of the County Council, to serve until the Annual Meeting of the Council in 2010.</p> |
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County Councillor John Savage then made his Declaration of Acceptance of Office as Chairman of the County Council.

COUNTY COUNCILLOR JOHN SAVAGE IN THE CHAIR

The Chairman thanked the Council for his election and it was then moved by County Councillor John Savage and seconded by County Councillor John Weighell:-

“That this Council places on record its appreciation of the exceptional service rendered to it by County Councillor Peter Sowray as Vice-Chairman of the County Council from 2007 to 2008 and as Chairman of the County Council from 2008 to 2009 and also places on record its thanks to Ruth Sowray for the unfailing support which she has given the Chairman during his terms of office.”

Representatives of other Groups on the Council expressed their support for the motion.

RESOLVED –

2. That this Council places on record its appreciation of the exceptional service rendered to it by County Councillor Peter Sowray as Vice-Chairman of the County Council from 2007 to 2008 and as Chairman of the Council from 2008 to 2009 and also places on record its thanks to Ruth Sowray for the unfailing support which she has given the Chairman during his terms of office.

The Chairman presented a past Chairman’s badge to County Councillor Peter Sowray.

County Councillor Peter Sowray responded.

MINUTES**RESOLVED –**

3. That, subject to the inclusion of County Councillor Roger Harrison-Topham amongst those present, the Minutes of the meeting of the County Council, held on Wednesday, 18 February, 2009, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

APPOINTMENT OF VICE-CHAIRMAN

It was moved by County Councillor Bill Hoult and seconded by County Councillor John Fort BEM that County Councillor Caroline Seymour be appointed as Vice-Chairman of the County Council, to serve until the Annual Meeting of the Council in 2010.

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RESOLVED –

4. That County Councillor Caroline Seymour be appointed as Vice-Chairman of the County Council, to serve until the Annual Meeting of the Council in 2010.

CHAIRMAN'S ANNOUNCEMENTS

The Chairman drew to the attention of Members of the Council the Supplementary Report of the Allocations Committee and additional papers and nominations for appointments which had been circulated in the Chamber, together with a revised version of the Annual Report of the Standards Committee.

ELECTION OF LEADER

It was moved by County Councillor John Watson OBE and seconded by County Councillor Ron Haigh that County Councillor John Weighell be elected as Leader of the County Council to serve until the Annual Meeting of the County Council in 2013.

RESOLVED -

5. That County Councillor John Weighell be elected as Leader of the County Council, to serve until the Annual Meeting of County Council in 2013.

STATEMENT BY THE LEADER OF THE COUNCIL

County Councillor John Weighell welcomed the Members of the former Council who had returned to the Chamber and the new Members of the Council. He 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 and which appears in the Minute Book (Pages 3 and 4) and made a supplementary statement setting out details of his appointments, as Leader of the Council, of Executive Members and their portfolios a copy of which has been placed in the Minute Book (Page 5). In addition to informing the Council of his appointments of Members of the Executive, he informed the Council that Executive functions would generally be exercised by the Executive when meeting formally together, but confirmed specific delegations of Executive functions as currently set out in Part 3 of the Constitution to Committees of the Executive; to individual Executive Members; to Area Committees; to Joint Committees; to Officers; to other Local Authorities or their Executives; and to the Appeals Committee. He confirmed that these delegations would remain the same. He also confirmed any specific delegations made to date to Officers and Executive Members as part of any decision of the Executive in relation to a specific item of business.

PUBLIC QUESTIONS OR STATEMENTS

No notice of questions or statements from members of the public had been received.

REPORT AND SUPPLEMENTARY REPORT OF THE ALLOCATIONS COMMITTEE

Allocation of Seats on an Appointments to Committees subject to proportional representation

The recommendations in paragraph 1 of the supplementary report (page 9) having been moved and seconded, together with nominations to those Committees and as Chairmen and Vice-Chairmen of Overview and Scrutiny Committees, there being two nominations as Chairman of the Economic Development and Regeneration Overview and Scrutiny Committee:-

**The Council divided and on a show of hands there were
for County Councillor Margaret-Ann de Courcey-Bayley – 12
for County Councillor Robert Heseltine – more
and the name of County Councillor Robert Heseltine as Chairman of the Economic Development and Regeneration Overview and Scrutiny Committee went forward.**

There being two nominations for Vice-Chairman of the Transport and Telecommunications Services Overview and Scrutiny Committee, being County Councillor Geoffrey Webber and County Councillor Penny Marsden;

The Council divided and the nomination of County Councillor Geoff Webber as Vice-Chairman of the Transport and Telecommunications Services Overview and Scrutiny Committee was carried.

The nomination of County Councillor John Fox as Vice-Chairman of the Corporate Affairs Overview and Scrutiny Committee was withdrawn and replaced with the nomination of County Councillor Bill Chatt as Vice-Chairman of that Committee.

RESOLVED –

- 6.(a) That the numbers of seats on each of the Committees and the allocation of those seats to each group and the Independent Members be as set out in paragraph 1 of the Supplementary Report of the Allocations Committee.
- (b) That the Members nominated to serve on those Committees by the group to which the seat has been allocated, which nominations are set out on pages 11-26 in the Minute Book, be approved, together with substitute members and non-County Council members on the Young People Overview and Scrutiny Committee, the Care and Independence Overview and Scrutiny Committee, the Audit Committee and the Pension Fund Committee.
- (c) That the Members nominated as Chairmen and Vice-Chairmen of the Overview and Scrutiny Committees set out on pages 11-19 in the Minute Book be elected, with County Councillor Geoff Webber being nominated as Vice-Chairman of the Transport and Telecommunications Services Overview and Scrutiny Committee; County Councillor Robert Heseltine being nominated as the Chairman of the Economic Development and Regeneration Overview and Scrutiny Committee, and County Councillor Bill Chatt being nominated as the Vice-Chairman of the Corporate Affairs Overview and Scrutiny Committee.

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

RESOLVED –

7. (a) That the Members of the County Council nominated to serve on each of the Area Committees, being the Members representing electoral divisions within the area of each Committee, be appointed to the Area Committee specified.
- (b) That the powers delegated to Area Committees by the Council, as set out in the Constitution, be confirmed.

Standards Committee

The recommendations in paragraph 3 of the Supplementary Report (page 10) having been moved and seconded together with the nominations of County Councillors to serve as Members and substitute members of the Committee (Page 27), having been moved and seconded, it was

RESOLVED –

8. (a) That there be six County Councillors on the Standards Committee at that two seats be allocated to the Conservative Group; two to the Liberal Democrat Group; and two to the North Yorkshire Independent Group and the Members nominated be appointed to serve.
- (b) That the powers delegated by the Council, as set out in the Constitution, be confirmed.

Appointments to Independent Bodies

The recommendations in paragraph 4 of the Supplementary Report (page 10) having been moved and seconded, together with the nominations of County Councillors to serve as Members (Pages 29-30) in the Minute Book and the nominations as substitute members to the North Yorkshire Fire and Rescue Authority (Page 31), it was

RESOLVED –

9. That the seats on the Independent Bodies to which the County Council makes appointments be allocated between the political groups as shown in recommendation 4 and on pages 29-30 of the Minute Book and that the Members nominated by the respective group, as set out on those pages and on page 31, be appointed.

The recommendations in paragraph 5 of the report (page 7) having been moved and seconded, it was

RESOLVED –

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| <p>10. That in accordance with the Council's Substitute Members scheme, the Members nominated on the Standing Lists of Substitutes on pages 33, 35 and 37 of the Minute Book be appointed as the Standing Lists of Substitutes for the Conservative Group, Liberal Democrat Group and North Yorkshire Independent Group, respectively.</p> |
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REPORT OF THE EXECUTIVE

New Look, No Shush! – Strategy for our Library and Information Service

The recommendations in paragraph 1 of the report (page 44) having been moved and seconded, it was -

RESOLVED –

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| <p>11. That the report New Look, No Shush! – Library and Information Services Strategy 2008-2023, a copy of which was attached as an Appendix to the report, be approved.</p> |
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Appointments to Committees and Outside Bodies

The recommendation in paragraph 2 of the of the report (page 46) having been moved and seconded, it was moved and seconded as an amendment that the Assistant Chief Executive (Legal and Democratic Services) be authorised to make minor editorial amendments to Schedule 5 of Part 3 of the Constitution, as necessary.

The Council divided and the amendment was declared carried.

RESOLVED –

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12. (a) That proposed deletions and minor editorial amendments to the list of outside bodies, as set out in Schedule 5 of Part 3 of the Constitution, be approved as set out in Appendix 2, so that schedule 5 is revised as shown in Appendix 3 and that the Assistant Chief Executive (Legal and Democratic Services) is authorised to make minor editorial amendments to Schedule 5 of Part 3 of the Constitution, as necessary.
- (b) That appointments and nominations to any outside bodies approved by the Council, the Executive or by other lawful means on the Council's behalf, be regarded as approved by the Council for the purposes of the Council's Indemnity Policy for members and Officers.
- (c) That the County Council's power to authorise the deprivation of liberty under section 4A(5) of, and Schedule A1 to, the Mental Capacity Act 2005, as amended, be delegated to the Corporate Director Adult and Community Services and be added as paragraph 4.3(g) to the Officers' Delegation Scheme and that all other delegations of non-Executive functions to officers be as set out in the Constitution.
- (d) That the County Council's duty to approve and adopt management plans for Areas of Outstanding Natural Beauty, in accordance with the requirements of the Countryside and Rights of Way Act 2000, be delegated to the Corporate Director - Business and Environmental Services in consultation with the appropriate Executive Member as set out in the report above, together with power to take all necessary steps to implement the plans, and be added to the Officers' Delegation Scheme.

REPORT OF THE STANDARDS COMMITTEE

The Standards Committee Annual Report

James Daghish, the Independent Chairman of the Standards Committee, declared a personal and prejudicial interest in Item 2 of the report of the Committee as it related to a recommendation to re-appoint him as an Independent Member of the Standards Committee. He informed the Council he would leave the meeting having dealt with any questions arising on Item 1 of the Committee's report.

The recommendation in paragraph 1 of the report (page 63) having been moved and seconded, it was -

RESOLVED –

13. That the Annual report be noted.

Appointment of Independent Member

The recommendation in paragraph 2 of the report (page 63) having been moved and seconded, it was -

RESOLVED –

14. That Mr James F S Dalglish be re-appointed to the Independent Member position currently held by him, upon the expiration of his term of office on 17 June 2009, to serve until the Annual Meeting of the County Council in 2010.

STATEMENTS OF EXECUTIVE MEMBERS AND CHAIRMEN OF OVERVIEW AND SCRUTINY COMMITTEES

County Councillor Clare Wood, the Executive Member for Rural Services, waste disposal, public passenger transport and trading standards made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 71-72). She responded to questions, including a question for which written notice had been given from County Councillor Don Mackenzie relating to a proposal for the use of on street parking income.

County Councillor Carl Les, the Executive Member for Corporate Services, finance, performance management and procurement, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 73-75) and responded to a question.

County Councillor Caroline Patmore, the Lead Executive Member for Children's Services (Childrens Act 2004), special educational needs and youth justice, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 77-79).

County Councillor Jim Clark, the Executive Member for Schools, 16-19 year old education and early years provision, presented a statement in the name of County Councillor John Watson OBE, which had previously been circulated and which appears in the Minute Book (pages 81-83). **He declared a personal interest as a Governor of Harrogate Grammar School and Rosset Acre Primary School in respect of questions relating to schools admissions in Harrogate including a question of which written notice had been given by County Councillor Don Mackenzie.**

County Councillor Chris Metcalfe, the Executive Member for Adult and Library Services, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 85-86) and responded to questions.

County Councillor Heather Garnett, the Executive Member for Community Planning and engagement and youth services, presented a statement in the name of Greg White which had previously been circulated and which appears in the Minute Book (pages 87-89).

County Councillor John Fort BEM, the Executive Member for Highways and Planning Services, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 91-92) and responded to questions.

The written statements of the Chairmen of the Scrutiny Board and Overview and Scrutiny Committees, together with the Annual Report on Overview and Scrutiny having been circulated (pages 93-132), the Chairmen of the Scrutiny Board and the Scrutiny of Health Committee made additional statements. The Chairman of the Scrutiny of Health Committee responded to questions.

COUNCIL PROCEDURE RULE 10 QUESTIONS

County Councillor J W Marshall asked the Chairman of the North Yorkshire Police Authority a question about a reported lapse in proper tendering procedures by North Yorkshire Police.

County Councillor Jane Kenyon, the Chairman of the North Yorkshire Police Authority, thanked County Councillor Marshall for the opportunity to clarify the position and advised the Council that the report related to a matter which had occurred before new procurement processes had been adopted. She informed the Council that the matter would be considered at a meeting of the Audit Committee of the North Yorkshire Police Authority which was open to any member of the Council or public who wished to attend.

MOTION – UNIVERSAL POSTAL SERVICE

The Chairman ruled that it would be convenient for the motion to be debated on the day.

County Councillor Val Arnold declared a personal interest in the motion as her son-in-law was employed by Royal Mail.

The motion

“The importance of a Universal Postal Service is beyond question. Six day delivery is vital and the role of local post offices is key to community cohesion throughout North Yorkshire.

These will only be possible by having a wholly publicly owned Mail Service.

So as to support the above this Council resolves to:-

- Call upon Her Majesty’s Government to stick to its election promise and
 - (i) keep the Royal Mail in 100% public ownership
 - (ii) Return the ‘profitable’ parts of the service to the Royal Mail
- Call upon the Local Government Association to support this motion.
- Write to the MP’s within North Yorkshire asking them to oppose the part privatisation of the Royal Mail.”

having been moved by County Councillor John Clark and seconded by County Councillor Brian Marshall, it was moved and seconded as an amendment:

“That the words “wholly publicly owned mail service” be deleted and the following words be inserted in their place:-

“modern and efficient postal service. This Council therefore supports plans which build upon current strengths and also brings in outside expertise and new funding as a way of making Royal Mail a flagship service in our local communities.”

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Delete the words “stick to its election promise and

- (i) keep the Royal Mail in 100% public ownership
- (ii) return the “profitable” parts of the service to the Royal Mail

and insert in their place “take all necessary steps to ensure a fully modernised and efficient service which safeguards the future of the universal service obligation.”

Delete the words “Write to” and insert in their place the words “Call upon” and delete the words “asking them to oppose the part privatisation of the Royal Mail.” and insert in their place the words “to support proposals which achieve this outcome.”

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

for the amendment – 48

against the amendment – 10

and the amendment was declared carried.

The Council divided on the motion as amended and, on a show of hands, there were :-

for the motion as amended – 48

against the motion as amended – 4

and the motion, as amended, was declared carried.

RESOLVED –

14. The importance of a universal postal service is beyond question. Six day delivery is vital and the role of local post offices is key to community cohesion throughout North Yorkshire.

This will only be possible by having a modern and efficient postal service. This Council therefore supports plans which build upon current strengths and also brings in outside expertise and new funding as a way of making Royal Mail a flagship service in our local communities.

So as to support the above this Council resolves to:-

- Call upon Her Majesty’s Government to take all necessary steps to ensure a fully modernised and efficient service which safeguards the future of the universal service obligation.
- Call upon the Local Government Association to support this motion.
- Call upon the MPs within North Yorkshire to support proposals which achieve this outcome.