



NORTH YORKSHIRE COUNTY COUNCIL

Minutes of the meeting of the County Council held at County Hall, Northallerton on 17 February 2010

PRESENT:-

County Councillor John Savage in the Chair.

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

The Chairman's Chaplain Linda Billenness, offered prayers.

MINUTES

RESOLVED -

- 36.** That the minutes of the County Council held on Wednesday, 16 December 2009, 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 that Derek Law, the County Council's Corporate Director, Adult and Community Services, was awarded the MBE for service to local government in the New Year Honours List.

The Chairman informed the Council that Item 5 on the report of the Executive related to school admissions. Members of the Council who were also school governors would, therefore, have a personal interest in this item. Under the Code of Conduct, however, there was an exemption to the rules on declaring a personal interest and it would only be necessary for a Member to declare their interest if and when they spoke on the matter. If Members did want to speak on the issue, they could vote without making a declaration of interest.

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 and which appears in the Minute Book (page 618).

PUBLIC QUESTIONS OR STATEMENTS

There were questions or statements from three members of the public; Jackie Buxton, Dr Susan Odell and Dr D J Kendall and a written statement from Katie Costantini. These appear in the Minute Book (pages 620-30).

County Councillor Jim Clark declared a personal interest in the issue raised in the public statements, the admissions policy for Harrogate Community Secondary schools, as a governor of Harrogate Grammar School. County Councillor Jim Clark then responded to the statements made by members of the public and a copy of his statement is in the Minute Book (pages 632-6).

Dr D J Kendall and Dr Susan Odell then made supplementary statements to which County Councillor Jim Clark responded.

REPORT TO THE EXECUTIVE

Council Plan

The recommendations in paragraph 1 of the report (page 641) having been moved and seconded, it was

RESOLVED -

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| <p>37. That the Council Plan 2010/13, a copy of which is attached to this report as Appendix 1, be approved and the Chief Executive be authorised to make necessary changes to the text, including reflecting decisions made by the County Council on the Medium Term Financial Strategy and updated performance data.</p> |
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Revenue Budget for 2010/11 and Medium Term Financial Strategy

The recommendations in paragraph 2 of the report (pages 671-2) having been moved and seconded, it was moved and seconded as an amendment -

“That in recommendation (i) “£245,154k” be deleted and “£244,111k” be inserted in its place.

That in recommendation (ii) “£350,001k” be deleted and “£348,958k” be inserted in its place.

That printed recommendations (iii) to (xi) be renumbered as recommendations (iv) to (xii) and the following new recommendation (iii) be inserted

(iii) That the £1,043k per annum shortfall be funded by a recurring contribution from the Pending Issues Provision.

And that the following words be added to the end of the recommendation printed as (vi) and re-numbered as (vii) "and as amended by the new provision contained in the new item (iii)."

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

For the amendment – 10

Against the amendment – more

And the amendment was declared lost.

The Council divided and the motion was declared carried.

RESOLVED -

38. That

- (i) in accordance with Section 44 of the Local Government Finance Act 1992 that for the year beginning 1 April 2010, a Council Tax precept of £245,154k 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 2010/11 of £350,001k be approved.
- (iii) that the allocations to each Directorate, various corporate initiatives, and precepts/levies/contributions be as detailed in Appendix B of Appendix 2 to the report and the Supplementary Papers to the report, subject to the Corporate Director – Children's and Young People Service being authorised, in conjunction with Executive Members, to take the final decision, in March 2010, on the allocation of the Schools Block.
- (iv) that the Area Based Grant for 2010/11 be allocated in accordance with Appendix C to Appendix 2 to the report.
- (v) that whilst no specific Value for Money targets are proposed for 2011/12 and 2012/13 that the Chief Executive ensures that all Corporate Directors are required to maximise efficiency measures as a way of offsetting the potential funding shortfalls in the MTFS period.
- (vi) the Pending Issues Provision be continued as detailed in paragraph 10.26 et seq in Appendix 2 to the report.
- (vii) that £3m be transferred from the Self Insurance Fund, at 1st April 2010, to the Pending Issues Provision.
- (viii) that the proposed changes be made to the allocation of resources within the Community Fund (as detailed in paragraph 10.40 et seq of Appendix 2 to the report) including the consequent transfer of funds (as included in paragraph 10.46) to the Pending Issues Provision.

- (ix) the proposed methodology for the allocation of Performance Reward Grant generated under Local Area Agreement 1, as detailed in paragraph 12.15 of Appendix 2 to the report, be implemented, subject to the 10% or £1m (whichever) of the PRG being funded equally from across the Thematic Partnerships.
- (x) that the policy target for the level of the General Working Balance be retained at 2% of the net Annual Revenue Budget.
- (xi) that the Medium Term Financial Strategy, and its caveats, as laid out in paragraph 10 and Appendix B of Appendix 2 to the report, be adopted.

That the Section 25 assurance statement provided by the Corporate Director – Finance and Central Services regarding the robustness of the estimates and the adequacy of the reserves (paragraph 13.16 of Appendix 2 to the report) and the risk assessment of the MTFs detailed in paragraph 11.5 of that Appendix be noted.

Revision of Prudential Indicators for 2010/11

The recommendations in paragraph 3 of the report (page 673) having been moved and seconded, it was

RESOLVED -

- 39.** That
- (i) the updated Prudential Indicators for 2010/11 to 2012/12, as set out in Appendix 3 to the report, be approved.
 - (ii) An Authorised Limit for External Debt of £467m in 2010/11 be approved, under Section 3(1) of the Local Government Act 2003.

Annual Treasury Management Strategy

The recommendations in paragraph 4 of the report (page 686-7) having been moved and seconded, it was

RESOLVED -

- 40.** That
- (a) the CIPFA Code of Practice for Treasury Management in the Public Service as revised in November 2009 be adopted.
 - (b) the updated Treasury Management Policy Statement as attached at Appendix 4A to the report, be adopted.

- (c) the Annual Treasury Management and Investment Strategy for 2010/11, as detailed in Appendix 4B to this report, and in particular
- (i) an authorised limit for external debt of £467m in 2010/11
 - (ii) an operational boundary for external debt of £447m in 2010/11
 - (iii) 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
 - (iv) borrowing from the money market for capital purposes is to be limited to 30% of external debt outstanding at any one point in time
 - (v) 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
 - (vi) 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
 - (vii) an 11% cap on capital financing costs as a proportion of the annual Net Revenue Budget
 - (viii) a Minimum Revenue Provision (MRP) policy for debt repayment to be charged to Revenue in 2010/11 as set out in paragraph 11 of Appendix 4B.
 - (ix) 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 not previously approved by the County Council
 - (x) the updated credit rating criteria for investment purposes, together with a current updated Approved Lending List of organisations resulting from these criteria (paragraph 12.8 and Schedule C of Appendix 4B respectively)

be adopted.

School Admission Arrangements 2011/12

In accordance with the Code of Conduct and with guidance provided earlier in the meeting the following Members who spoke in this debate declared personal interests:

County Councillor Jim Clark – as a governor of Harrogate Grammar School
County Councillor Don Mackenzie – as a governor at Oatlands Junior School, Harrogate
County Councillor Paul Richardson – as a governor at Dishforth Airfield CP School and at North Stainley CE Primary School
County Councillor Keith Barnes – as a governor of Harrogate Grammar School
County Councillor Heather Garnett – as a grandparent of children in Nidderdale School

The recommendations in paragraph 5 of the report and the supplementary report (page 698) having been moved and seconded, it was

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

For the motion – more

Against the motion – 8

And the motion was declared carried.

RESOLVED -

41. That

- (a) the Admissions Policy for Community and Voluntary Controlled Schools including Nursery Schools and Schools with Nursery or Pre reception classes for the academic year 2011/12, as shown in appendices 5/1 and 5/2. be adopted.
- (b) the proposed Admissions Policy for the three Harrogate Community Secondary Schools for 2011/12, as shown in appendix 5/3, be adopted.
- (c) the Co-ordinated Admissions Schemes for Primary and Secondary schools including the Fair Access Protocol 2011/12, as shown in appendices 5/4a(1), (2) and (3) be adopted.

Annual Review of Finance/Contract/Property Procedure Rules

The recommendations in paragraph 6 of the report (page 697) having been moved and seconded, it was

RESOLVED -

42. That the following changes be made to the Constitution:-

- (a) the amendments to the Contract Procedure Rules, as set out in Appendix 6A to the report
- (b) the amendments to the Property Procedure Rules, as set out in Appendix 6B to the report, subject to Property Procedure Rule 1.1 being amended to the following:

“A contract relating to Property including (but not limited to) transfers, leases, options, easements (except easements for highways drainage granted under, or as a consequence of, an agreement made under Section 38 (adoption of new highways) or Section 278 (development of existing highways) of the Highways Act 1980, tenancy agreements, licences, and variations and releases from restricted covenants, under rights granted under local government reorganisation arrangements and wayleaves, but excluding those contracts entered into by school governing bodies under their delegated powers”.

Appointments to Committees and Outside bodies

The recommendations in paragraph 7 of the report (page 697) having been moved and seconded, it was

RESOLVED -

- 43.** That the Knaresborough Community Centre Management Committee be added to those bodies listed in Section 2 of Schedule 5 in the Constitution, as a local body which future appointments should be made by the Area Committee.

REPORT OF THE HEAD OF PAID SERVICE

It was moved and seconded: "That John Moore, Corporate Director, Finance and Central Services be designated interim Head of Paid Service from 1 April 2010 until such time as the new Chief Executive is in post and the powers to make decisions and incur expenditure in cases of emergency delegated to the Chief Executive under paragraphs 4.1(d) and (e) of the Scheme of Delegation to Officers be exercisable by him during the same period.

RESOLVED -

- 44.** That John Moore, Corporate Director, Finance and Central Services be designated interim Head of Paid Service from 1 April 2010 until such time as the new Chief Executive is in post and the powers to make decisions and incur expenditure in cases of emergency delegated to the Chief Executive under paragraphs 4.1(d) and (e) of the Scheme of Delegation to Officers be exercisable by him during the same period.

REPORT OF THE STANDARDS COMMITTEE

County Councillor Peter Sowray thanked Gillian Fleming for her significant contribution to the work of the Standards Committee.

The recommendations in the report (page 1020) having been moved and seconded, it was

RESOLVED -

- 45.** That Hilary Bainbridge and Hilary Gilbertson be appointed to the Independent Member positions vacated by Mr James F S Daghish and Ms Gillian Fleming. Hilary Gilbertson would commence her term of office on 1 March 2010, to serve until 28 February 2014. Hilary Bainbridge would commence her term of office following the Annual Meeting of the County Council in 2010, serving until the Annual Meeting of the County Council in 2014.

MOTION – POSSIBLE EXTENSION OF YORKSHIRE DALES NATIONAL PARK

County Councillors John Blackie and Stuart Parsons declared personal interests in this item as Members of the Yorkshire Dales National Park Authority.

County Councillor John Blackie moved and County Councillor Stuart Parsons seconded:-

“That North Yorkshire County Council responds to the Natural England consultation on the Lakes to Dales Landscape Designation Project that, in the event of the boundaries of the Yorkshire Dales National Park being extended:

- 1) That the membership of the Authority should be increased in order to both maintain the current level and allocation of local authority and parish council representation within the existing National Park and adequately reflect the political representation of the new areas designated.

This in order to ensure that the cohesiveness and partnership between the best interests of both local people and the Nation begun in 1997 with the establishment of the stand-alone Yorkshire Dales National Park Authority may be maintained in the future, by clearly demonstrating that decision making at the Authority will continue to take into account the views of all the local communities situated in the Yorkshire Dales National Park that are directly affected by those decisions.

- 2) That the name of the extended National Park should remain officially The Yorkshire Dales National Park.

This in order to ensure the long standing and renowned association between the internationally acclaimed landscapes in the Dales and the geographical location of Yorkshire should remain in future in the official name of the National Park”

It was moved and seconded as an amendment

“That the following words be added after “Project”:

“stating that the Council strongly objects to the proposal to expand the National Park to include areas which do not share the distinctive landscape character of the Yorkshire Dales, but “

And that the following words be added as point 3):

“3) That, in this time of austerity, with all the pressures which exist on critical frontline public services, the County Council regards the consultation proposals as both unnecessary and extravagant”.

County Councillors Roger Harrison-Topham and Shelagh Marshall declared personal interests in this item as Members of the Yorkshire Dales National Park Authority when they spoke.

The Council divided and the amendment was declared carried.

It was moved and seconded as a further amendment

That the words "and cultural " be inserted after the word "landscape".

The Council divided and the amendment was declared carried.

The Council divided and the motion, as amended, was declared carried.

RESOLVED -

46. That North Yorkshire County Council responds to the Natural England consultation on the Lakes to Dales Landscape Designation Project stating that the Council strongly objects to the proposal to expand the National Park to include areas which do not share the distinctive landscape and cultural character of the Yorkshire Dales, but that, in the event of the boundaries of the Yorkshire Dales National Park being extended:

- 1) That the membership of the Authority should be increased in order to both maintain the current level and allocation of local authority and parish council representation within the existing National Park and adequately reflect the political representation of the new areas designated.

This in order to ensure that the cohesiveness and partnership between the best interests of both local people and the Nation begun in 1997 with the establishment of the stand-alone Yorkshire Dales National Park Authority may be maintained in the future, by clearly demonstrating that decision making at the Authority will continue to take into account the views of all the local communities situated in the Yorkshire Dales National Park that are directly affected by those decisions.

- 2) That the name of the extended National Park should remain officially The Yorkshire Dales National Park.

This in order to ensure the long standing and renowned association between the internationally acclaimed landscapes in the Dales and the geographical location of Yorkshire should remain in future in the official name of the National Park.

- 3) That, in this time of austerity, with all the pressures which exist on critical frontline public services, the County Council regards the consultation proposals as both unnecessary and extravagant.

STATEMENTS OF EXECUTIVE MEMBERS AND CHAIRMEN OF OVERVIEW AND SCRUTINY COMMITTEES

County Councillor Jim Clark, the Executive Member for Schools, 16-19 year old Education and Early Years Provision, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 1022-3) and responded to questions.

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 1024-5) and responded to questions.

County Councillor John Watson OBE, the Executive Member for Partnerships and Economic Development, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 1038-40) and responded to questions.

County Councillor Arthur Barker declared a personal interest in the statement as an Executive Director of Yorkshire Forward, County Councillor Tony Hall declared an interest as a Board Member on Moors and Coast Tourism Partnership and County Councillor John Clark declared an interest as a resident of the North York Moors National Park

County Councillor Heather Garnett, the Executive Member for Community Planning and Engagement and Youth Services, made a statement, a revised summary of the key points of which was circulated and which appears in the Minute Book (pages 1026-8) and responded to questions. **County Councillor Joe Plant declared an interest in the statement as his wife is employed as an Adult Learning Support Officer.**

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 1030-2) and responded to questions.

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 1034-7) and responded to questions, including agreeing to provide a written answer for County Councillor Geoff Webber.

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 1042-5) and responded to questions, including a written question from County Councillor Keith Barnes.

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 1046-7).

The written statements of the Chairmen of the Scrutiny Board and Overview and Scrutiny Committees (pages 1048-77) having previously been circulated, the Chairmen of the Scrutiny Board, and the Scrutiny of Health Committee made additional statements. The Chairmen of the Scrutiny Board and the Young People Overview and Scrutiny Committee responded to questions.

COUNCIL PROCEDURE RULE 10 QUESTIONS

County Councillor John Blackie asked a question about police officers wearing name badges and County Councillor Stuart Parsons asked a question about police response times.

County Councillor Carl Les said that he would refer those issues on.