



## **NORTH YORKSHIRE COUNTY COUNCIL**

Minutes of the Annual meeting of the County Council held at County Hall, Northallerton on Wednesday, 19 May 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, Liz Casling, Bill Chatt, Jim Clark, John Clark, Michael Cockerill, Margaret-Ann de Courcey-Bayley, Polly English, John Fort BEM, John Fox, Heather Garnett. Andrew Goss, Ron Haigh, Tony Hall, Roger Harrison-Topham, Michael Heseltine, Robert Heseltine, Bill Houtt, Margaret Hulme, Neville Huxtable, David Ireton, David Jeffels, Janet Jefferson, Mike Jordan, Jane Kenyon, Michael Knaggs, Andrew Lee, Carl Les, Don Mackenzie, Patricia Marsburg, Penny Marsden, Brian Marshall, J W Marshall, Shelagh Marshall, John McCartney, Chris Metcalfe, Heather Moorhouse, Patrick Mulligan, Stuart Parsons, Caroline Patmore, Chris Pearson, Dave Peart, Peter Popple, Paul Richardson, Caroline Seymour, Stephen Shaw, Brian Simpson, Peter Sowray, Melva Steckles, Tim Swales, Helen Swiers, Herbert Tindall, Cliff Trotter, John Watson OBE, Geoff Webber, John Weighell, Richard Welch and Clare Wood,

The Chairman's Chaplain Linda Billenness, offered prayers.

### **ELECTION OF CHAIRMAN**

It was moved by County Councillor Bill Houtt and seconded by County Councillor Geoff Webber that County Councillor Caroline Seymour be elected as Chairman of the County Council to serve until the Annual Meeting of the Council in 2011.

### **RESOLVED -**

**47.** That County Councillor Caroline Seymour be elected as Chairman of the County Council, to serve until the Annual Meeting of the Council in 2011.

County Councillor Caroline Seymour then made her declaration of acceptance of office as Chairman of the County Council.

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**COUNTY COUNCILLOR CAROLINE SEYMOUR IN THE CHAIR**

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The Chairman thanked the Council for her election and it was then moved by County Councillor Caroline Seymour 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 John Savage as Vice-Chairman of the County Council from 2008 to 2009 and as Chairman of the County Council from 2009 to 2010 and also places on record its thanks to Angela Savage for the unfailing support which she has given the Chairman during his terms of office.”

**RESOLVED –**

**48.** That this Council places on record its appreciation of the exceptional service rendered to it by County Councillor John Savage as Vice-Chairman of the County Council from 2008 to 2009 and as Chairman of the Council from 2009 to 2010 and also places on record its thanks to Angela Savage 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 John Savage.

County Councillor John Savage responded.

**MINUTES****RESOLVED -**

**49.** That the minutes of the meeting of the County Council held on Wednesday, 17 February, 2010, 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 Carl Les and seconded by County Councillor John Blackburn that County Councillor John Fort BEM be appointed as Vice-Chairman of the County Council, to serve until the Annual Meeting of the Council in 2011.

**RESOLVED –**

**50.** That County Councillor John Fort BEM be appointed as Vice-Chairman of the County Council, to serve until the Annual Meeting of the Council in 2011.

County Councillor John Fort BEM then made his declaration of acceptance of office as Vice-Chairman of the County Council and thanked the Council for his appointment.

### **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman announced the death of Honorary Alderman Jack Archer, who was a Member of the Council for the York Holgate electoral division from 1973 to 1977 and 1981 to 1989. The Council stood in silence in his memory.

### **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 1092).

### **PUBLIC QUESTIONS OR STATEMENTS**

Councillor Ivor Fox, of Knaresborough Town Council, asked a number of questions about planning enforcement, relating to quarry operations and restoration requirements, in particular.

In response, County Councillor John Fort BEM said that the questions raised a range of technical issues and undertook to provide Councillor Ivor Fox with a full written response.

Mr Hardy, of Richmond, made a statement about the future of Richmond House, suggesting that it would be suitable for conversion to a hotel or apartments.

In response County Councillor Chris Metcalfe said that Mr Hardy's points were well made but the County Council currently had no plans for the site. He suggested that when a planning application came before Richmondshire District Council for future use of the site Mr Hardy would have an opportunity to comment.

County Councillor Melva Steckles, speaking in her role as a member of Richmondshire District Council, invited Mr Hardy to raise his concerns and proposals with that Council.

### **REPORT TO THE EXECUTIVE**

#### **Capital Plan**

The recommendations in paragraph 1 of the report (page 1105) having been moved and seconded, it was

#### **RESOLVED -**

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| <p><b>51.</b> That the updated Capital Plan, summarised in Annex 1, is approved.</p> |
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**Proposal to reduce the number of Overview and Scrutiny Committees**

The recommendations in paragraph 2 of the report (page 1108) having been moved and seconded,

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

**For the motion – 50**

**Against the motion – 14**

**And the motion was declared carried.**

**RESOLVED -**

**52.** That the number of Overview and Scrutiny Committees be reduced from nine to five, in line with the proposals in the report.

**County Councillors John Blackie and John Clark asked that it be recorded in the Minutes that they voted against the proposal.**

**Financial Procedure Rule 15 – Treasury Management**

The recommendations in paragraph 3 of the report (page 1109) having been moved and seconded, it was

**RESOLVED -**

**53.** That the amendments to Financial Procedure Rule 15, relating to Treasury Management, as set out in the report, be approved.

**Constitution Review 2009/10 and delegation of power**

The recommendations in paragraph 4 of the report (page 1116) having been moved and seconded, it was moved and seconded as an amendment, "That the following words be added to (a) "subject to removing the proposed paragraphs 26 to 29, and subsequent references that rely upon these paragraphs. The effect of this amendment would be to leave the handling of matters relating to public rights of way, the registration of common land and town and village greens, registration of variation of rights of common, and DMMO modification and review in the hands of the relevant Area Committee"."

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

**For the amendment – 14**

**Against the amendment – more**

**And the amendment was declared lost.**

**County Councillor John Clark asked that it be recorded in the Minutes that he had voted for the amendment.**

It was moved and seconded as an amendment "That the following words be inserted in (c) after "approved", "subject to the substitution of a threshold of 1% for both Area Committee and County Council debates and 0.1% for officer evidence"."

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

**For the amendment – 16**

**Against the amendment – more**

**And the amendment was declared lost.**

**The Council divided on the motion and, on a show of hands, there were –**

**For the motion, as printed, - more**

**Against the motion, as printed, - 14**

**And the motion, as printed, was declared carried.**

**RESOLVED -**

**54.**

- (a)** That the proposed amendments to the Constitution arising out of the Monitoring Officer's general review of the Constitution, as set out in the Amendments Chart at Annex 2, Appendix 1 be approved.
- (b)** That the role of County Returning Officer be undertaken by the Corporate Director Finance and Central Services pending the appointment and arrival of a new Chief Executive Officer.
- (c)** That the petition scheme set out at Annex 2, Appendix 2 and the thresholds contained in the scheme, be approved and be published on the Council's website.
- (d)** That the delegation of authority to the Corporate Director - Children's and Young People's Service to determine appeals from parents/carers and young people, against decisions for individual learners with learning difficulties and/or disabilities in respect of a placement with an Independent Service Provider for post 16 residential and day specialist provision, and to approve arrangements for officers in that Directorate to hear and determine such appeals. (In the first instance, the arrangements would be that the Network Co-Ordinator for Cognition and Learning in the Access and Inclusion Service would hear and determine such appeals, in consultation with another Network Co-Ordinator in the Access and Inclusion Service and the Assistant Director - Quality and Improvement Service.) be added to those set out in the Officers Scheme of Delegation in the County Council's Constitution.

### Appointments to Committees and outside bodies

The recommendations in paragraph 5 of the report (page 1117) having been moved and seconded, a number of additional nominations, which had been circulated in the Chamber, were proposed.

#### RESOLVED -

**55.**

- (a) That the following be added to the list of outside bodies to which the Yorkshire Coast and Moors County Area Committee appoints, as set out in the County Council's Constitution:-
- Scarborough Borough Council's Central Urban Area Committee's Participatory Budgeting Sub-Committee – 1 Member.
  - Scarborough Borough Council's Northern Area Committee's Participatory Budgeting Sub-Committee – 1 Member.
  - Scarborough Borough Council's Southern Area Committee's Participatory Budgeting Sub-Committee – 1 Member.
  - Scarborough Borough Council's Central Rural Area Committee's Participatory Budgeting Sub-Committee – 2 Members.
- (b) That County Councillor Keith Barnes is appointed to the Young People Overview and Scrutiny Committee in place of County Councillor Geoff Webber and as Vice-Chairman of the Committee in place of County Councillor Caroline Seymour.
- (c) That County Councillor Caroline Seymour is appointed to the North York Moors National Park Authority in place of County Councillor Brian Simpson.
- (d) That County Councillor Bill Chatt is appointed to the North Eastern Sea Fisheries Committee in place of County Councillor Brian Simpson.
- (e) That Councillor Jim Clark (Harrogate Borough Council) and as substitute Member Councillor Brian Phillips (Hambleton District Council) are appointed as District Council members to serve on the North Yorkshire Pension Fund Committee on the nomination of the Local Government North Yorkshire and York.
- (f) That Mrs Denise Wilson and Mr Trevor Nuttall are appointed to the Independent Members' Remuneration Panel.

### REPORT OF THE CHIEF OFFICERS' APPOINTMENTS COMMITTEE

The recommendations in the report (page 1198) having been moved and seconded, it was

#### RESOLVED -

- 56.** That Richard Flinton is appointed as the County Council's Chief Executive Officer and Head of Paid Service.

## REPORT OF THE STANDARDS COMMITTEE

### Standards Committee Annual Report

The recommendations in paragraph 1 of the report (page 1200) having been moved and seconded, County Councillor Peter Sowray thanked James Daghish for all his work as the Chairman of the Committee.

James Daghish addressed the Council on the work of the Committee and the ethical standards of the Council.

It was,

#### RESOLVED -

57. That the Annual Report of the Standards Committee 2009/10 is noted.

### Appointment of Chairman of Standards Committee

The recommendations in paragraph 2 of the report (page 1200) having been moved and seconded,

#### RESOLVED -

58. That the appointment of Mr Henry Cronin as Chairman of the Standards Committee is noted.

## REPORT OF THE AUDIT COMMITTEE

The recommendations in the report (page 1230) having been moved and seconded, it was

#### RESOLVED -

- 59.
- (a) That Mr Henry Cronin is appointed to the Audit Committee as the Independent Member representative from the Standards Committee, to serve for the remaining life of the County Council plus up to a further 12 months, subject to him continuing as an Independent Member of the Standards Committee.
  - (b) That Mr James Daghish and Mr David Portlock are appointed to the Audit Committee, to serve for the remaining life of the County Council plus up to a further 12 months.

## **STATEMENTS OF EXECUTIVE MEMBERS AND CHAIRMEN OF OVERVIEW AND SCRUTINY COMMITTEES**

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 1232-4) and responded to questions.

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 1236-7) and responded to questions.

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 1238-40) 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 1242-4) 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 1246-8) and responded to questions.

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 1250-2).

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 1254-5).

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 1256-7) and responded to questions.

The written statements of the Chairmen of the Scrutiny Board and Overview and Scrutiny Committees (pages 1258-93) having previously been circulated, the Chairman of the Environment and Heritage Overview and Scrutiny Committee responded to questions.



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

County Councillor John Blackie asked the Chairman of the North Yorkshire Police authority whether the North Yorkshire Police had considered wearing name identification on their uniforms.

County Councillor Jane Kenyon said she would seek a response to the question for County Councillor Blackie from the Chief Constable..