



## **NORTH YORKSHIRE COUNTY COUNCIL**

Minutes of the meeting of the County Council held at County Hall, Northallerton on 21 July 2010

### **PRESENT:-**

County Councillor Caroline Seymour in the Chair.

County Councillors Val Arnold, Karl Arthur, Andrew Backhouse, Arthur Barker, Bernard Bateman, MBE, John Batt, John Blackburn, John Blackie, David Blades, Liz Casling, Jim Clark, John Clark, Michael Cockerill, Gareth Dadd, 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 Hoult, Margaret Hulme, Neville Huxtable, David Ireton, David Jeffels, Janet Jefferson, Mike Jordan, Jane Kenyon, Michael Knaggs, Andrew Lee, Carl Les, Don Mackenzie, Pat Marsburg, Penny Marsden, Brian Marshall, J W Marshall, Shelagh Marshall, John McCartney, Heather Moorhouse, 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, Herbert Tindall, Cliff Trotter, John Watson OBE, Geoff Webber, John Weighell, Richard Welch, Andrew Williams and Clare Wood,

The Chairman's Chaplain Lisa Quarmby, offered prayers.

## **MINUTES**

### **RESOLVED -**

**60.** That the minutes of the meeting of the County Council held on Wednesday, 19 May, 2010, 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 welcomed Honorary Aldermen Bill Barton OBE, Beth Graham and Steve Macare to the meeting and announced that a former Member of the Council, Phil Willis, who was County Councillor for Poppleton from 1993 to 1997 and the former Member of Parliament for Harrogate and Knaresborough was, on 7 July, 2010, made Baron Willis of Knaresborough.

### 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 1304). He announced the appointment of the following six Members of the Executive and their portfolios:

- County Councillor John Watson OBE: Deputy Leader, Schools, 16-19 year old education and early years provision, and some external issues.
- County Councillor Gareth Dadd: Highways and Planning services
- County Councillor Carl Les: Corporate Services, finance, performance management and procurement
- County Councillor Chris Metcalfe: Adult and library services
- County Councillor Caroline Patmore: Lead Executive Member for Childrens services (Children Act 2004), special educational needs and youth justice
- County Councillor Clare Wood: Rural services, waste disposal, public passenger transport and trading standards.

He also indicated that the Conservative Group would be identifying Members to shadow the work of Conservative Members acting as Chairmen or Vice-Chairmen of Overview and Scrutiny Committees without the provision of responsibility allowance.

County Councillor John Weighell responded to questions, including a question from County Councillor Geoff Webber relating to possible future cuts in Council budget, of which written notice had been given.

### PUBLIC QUESTIONS OR STATEMENTS

Notice had been received of a number of questions or statements from members of the public which related to Waste PFI. Mr Mahoney, Mr Gripton, Mr Wilson, Mr Nuttall and Mr Saltmarsh made their statements and the statement by Mr Tolland, who was not present, was made, on his behalf, by an officer.

County Councillor Clare Wood gave a detailed response.

Mr Nuttall and Mr Wood then asked supplementary questions to which County Councillor Wood responded.

## REPORT TO THE EXECUTIVE

### Revenue Outturn 2009/10

The recommendations in paragraph 1 of the report (page 1332) having been moved and seconded, it was

#### RESOLVED -

**61(a)** That the proposed write off, in 2009/10, of Directorate overspendings totalling £6,156k, as detailed in the report, are approved.

**61(b)** That the proposed carry forward of underspendings at Corporate and Directorate level totalling £10,175k, as detailed in the report, are approved.

### Capital Expenditure Outturn and Financing 2009/10

The recommendation in paragraph 2 of the report (page 1341) having been moved and seconded, it was

#### RESOLVED -

**62.** That the proposed carry forward to 2010/11 of the net underspend totalling £8,163k, as set out in the report, is approved.

### General Review of the Constitution

The recommendations in paragraph 3 of the report (page 1348) having been moved and seconded, it was

#### RESOLVED -

**63(a)** That the proposed amendments to the Constitution arising out of the second part of the Monitoring Officer's general review of the Constitution and as set out in the Amendments Chart at Appendix 3.1 and in the report, are approved.

**63(b)** That the proposed amendments to the Property Procedure Rules as set out at Appendix 3.3 to the report, are approved.

**63(c)** That the Council's Petitions Scheme is amended by reducing the threshold for an Area Committee Debate to 1% of the Relevant District Area Population.

**63(d)** That the Council's Petitions Scheme is amended to clarify that the determination of whether a petition is vexatious, abusive or otherwise inappropriate for a response, will be carried out by the Chief Executive Officer in consultation with the Chairman of Council.

**63(e)** That the Audit Committee be included in the calculations regarding the size of, and number of seats on, overview and scrutiny committees under the new arrangements and that the option set out in Appendix 3.4 is approved.

- 63(f)** That Overview and Scrutiny Procedure Rule 7 is amended by deleting the words "Each of the three main political groups on the Council" and inserting in their place the words "A Councillor who is not a Member of the main political group" and delete "at least" from that Rule.

County Councillor John Clark asked that it be recorded that he voted against the motion.

### **Chief Executive Officer Disciplinary Policy and Procedure and Performance Appraisal Guidance**

The recommendations in paragraph 4 of the report (page 1352-53) having been moved and seconded, it was

#### **RESOLVED -**

- 64(a)** That the draft Chief Executive Officer's Disciplinary Policy and Procedure set out at Appendix 4.1, is approved.
- 64(b)** That the Performance Appraisal Guidance for the Chief Executive Officer, set out at Appendix 4.1E, is approved.
- 64(c)** That all investigating and disciplinary committee functions (save as may be delegated elsewhere), as prescribed in the JNC Framework and detailed in the draft Chief Executive Officer's Disciplinary Policy and Procedure in relation to disciplinary action in respect of the Chief Executive Officer on the grounds of conduct, capability or for other substantial reasons, are delegated by the Council to the Chief Officers Appointments Committee and that the Committee's Terms of Reference are amended as set out in Appendix 4.2.
- 64(d)** That the Chief Officers Appointments Committee is re-named the Chief Officers Appointments and Disciplinary Committee and that all references to the Committee in the Staff Employment Procedure Rules and the rest of the Council's Constitution be amended accordingly.
- 64(e)** That all appeals committee functions re appeals against disciplinary action short of dismissal, as prescribed in the JNC Framework and detailed in the draft Chief Executive Officer's Disciplinary Policy and Procedure in relation to disciplinary action in respect of the Chief Executive Officer on the grounds of conduct, capability or for other substantial reasons, are delegated by the Council to the Employment Appeals Committee and that the Committee's Terms of Reference are amended as set out in Appendix 4.3.
- 64(f)** That the Council delegates to the Assistant Chief Executive (Legal and Democratic Services) the proposed new specific delegations in relation to disciplinary allegations made against the Chief Executive Officer, as set out by way of tracked changes in Appendix 4.4 to this report, and that paragraph 4.7 of the Officers' Scheme of Delegation in the Constitution be amended accordingly.

**64(g)** That the arrangements in relation to the appraisal of the Chief Executive Officer, as set out in this report, having been approved by the Executive (in relation to such of those functions as may be Executive functions) are approved by full Council (in relation to such of those functions as may be non-Executive functions) and that the proposed changes to the Constitution in this regard as set out in Appendices 4.2, 4.3, 4.5 and 4.6 to this report are approved.

### **Appointments to Committees and other bodies**

The recommendations in paragraph 5 of the report (page 1353) having been moved and seconded, nominations for appointments to Committees were put forward by the relevant political group, as specified by the allocation of seats agreed in Appendix 3.4.

#### **RESOLVED -**

**65(a)** That Councillor Mrs Shirley A Shepherd be appointed to the Scrutiny of Health Committee on behalf of Hambleton District Council with Councillor David Blades and Councillor David Murkett acting as substitute members and that Councillor Helen Firth be appointed to that Committee on behalf of Craven District Council, with Councillor John Roberts as substitute member.

**65(b)** That the allocation of Committee seats to Groups and the appointment of County Council Members, Chairmen, Vice-Chairmen and substitute members of the Council's Committees other than Area Committees, be as set out below:-

#### **Planning and Regulatory Functions Committee:**

Conservative: 8; Liberal Democrat: 2; NY Independent: 1; Independent: 0; Total 11

Members: County Councillors Peter Sowray (Chairman), Andrew Lee (Vice-Chairman), John Blackburn, David Blades, Andrew Goss, Ron Haigh, Robert Heseltine, Bill Hault, Michael Knaggs, Dave Peart, Cliff Trotter.

Substitute Members: Conservative: County Councillors David Ireton(1), David Jeffels(2), Chris Pearson(3), Richard Welch(4); Liberal Democrat: County Councillors Geoff Webber(1), Margaret-Ann de Courcey-Bayley(2), Caroline Seymour(3), Brian Simpson(4); NY Independent: County Councillor Philip Barrett(1).

#### **Audit Committee:**

Conservative: 5; Liberal Democrat: 1; NY Independent: 1; Independent: 1; Total 8

Members: County Councillors Roger Harrison-Topham (Chairman), Margaret-Ann de Courcey-Bayley (Vice-Chairman), Karl Arthur, Bill Chatt, John Clark, Mike Jordan, Patrick Mulligan, Chris Pearson

Substitute Members: Conservative: County Councillors Bernard Bateman MBE, Peter Sowray, Jane Kenyon, Dave Peart, Liberal Democrat: County Councillors Bill Hault, Polly English, J W Marshall, NY Independent: County Councillor Robert Heseltine.

**Appeals Committee:**

Conservative: 3; Liberal Democrat: 0; NY Independent: 1; Independent: 0; Total 4

Members: County Councillors Margaret Hulme (Chairman), David Ireton (Vice-Chairman), John Blackburn, Peter Popple.

Substitute Members: Conservative: County Councillors Herbert Tindall(1), Val Arnold(2), Karl Arthur(3), John Batt(4); NY Independent: County Councillor John Blackie

**Employment Appeals Committee:**

Conservative: 2; Liberal Democrat: 1; NY Independent: 1; Independent: 0; Total 4

Members: County Councillors Ron Haigh (Chairman), Bill Houlton (Vice-Chairman), Arthur Barker, John Blackie.

Substitute Members: Conservative: County Councillors David Ireton(1), Roger Harrison-Topham(2), John Blackburn(3), Herbert Tindall(4). Liberal Democrat: County Councillors Keith Barnes(1), Margaret-Ann de Courcey-Bayley(2), John Fox(3), Geoff Webber(4). NY Independent: County Councillor Peter Popple.

**Chief Officers Appointments and Disciplinary Committee:**

Conservative: 4; Liberal Democrat: 1; NY Independent: 0; Independent: 2; Total 7

Members: County Councillors Keith Barnes, Carl Les, Penny Marsden, Brian Marshall, Chris Metcalfe, John Watson OBE, John Weighell (Chairman)

Substitute Members: Conservative: County Councillors John Fort BEM(1), Caroline Patmore(2), Liberal Democrat: County Councillors Margaret-Ann de Courcey-Bayley(1), Caroline Seymour(2), Brian Simpson(3), Geoff Webber(4),

**Pension Fund Committee:**

Conservative: 5; Liberal Democrat: 1; NY Independent: 1;  
Non County Councillors: 2; Total 9

Members: County Councillors Bernard Bateman MBE, John Blackie, Margaret-Ann de Courcey-Bayley, Roger Harrison-Topham, Patrick Mulligan, Helen Swiers, John Weighell.

Substitute Members: Conservative: County Councillors John Watson OBE(1), Carl Les(2), John Savage(3), Peter Sowray(4); Liberal Democrat: County Councillors J W Marshall(1), Bill Houlton(2), Caroline Seymour(3), Brian Simpson(4); NY Independent: County Councillor Bill Chatt.

**Care and Independence Overview and Scrutiny Committee:**

Conservative: 8; Liberal Democrat: 2; NY Independent: 1; Independent: 2; Total 13

Members: County Councillors Tony Hall (Chairman), Peter Popple (Vice-Chairman), John Batt, John Fox, Bill Houlton, Pat Marsburg, Brian Marshall, Dave Peart, Joseph Plant, John Savage, Melva Steckles, Helen Swiers, Herbert Tindall.

Substitute Members: Conservative: County Councillors Jane Kenyon(1), Heather Moorhouse(2), Heather Garnett(3), Chris Pearson(4); Liberal Democrat: 0, NY Independent: County Councillor John McCartney.

**Corporate and Partnerships Overview and Scrutiny Committee:**

Conservative: 9; Liberal Democrat: 2; NY Independent: 2; Independent: 0; Total 13

Members: County Councillors Liz Casling (Chairman), Geoff Webber (Vice-Chairman), Val Arnold, Karl Arthur, Philip Barrett, Bernard Bateman MBE, Neville Huxtable, David Ireton, David Jeffels, Andrew Lee, John McCartney, Stephen Shaw, Brian Simpson.

Substitute Members: Conservative: County Councillors Peter Sowray(1), Michael Knaggs(2), Ron Haigh(3), John Fort BEM(4); Liberal Democrat: None, NY Independent: County Councillor Janet Jefferson.

**Scrutiny of Health Committee:**

Conservative: 8; Liberal Democrat: 2; NY Independent: 2; Independent: 1; Total 13

Members: County Councillors Jim Clark (Chairman), John Blackie (Vice-Chairman), Val Arnold, Andrew Backhouse, John Clark, Polly English, Andrew Goss, Margaret Hulme, Michael Knaggs, Shelagh Marshall, John McCartney, Heather Moorhouse, Chris Pearson.

Substitute Members: Conservative: County Councillor Jane Kenyon(1), Andrew Lee(2), Peter Sowray(3), Paul Richardson(4); Liberal Democrat: 0; NY Independent: County Councillor Bill Chatt.

**Transport, Economy and Environment Overview and Scrutiny Committee:**

Conservative: 9; Liberal Democrat: 2; NY Independent: 3; Independent: 0; Total 13

Members: County Councillors David Jeffels (Chairman), Stuart Parsons (Vice-Chairman), Arthur Barker, John Blackburn, Mike Cockerill, Michael Heseltine, Robert Heseltine, Mike Jordan, J W Marshall, Don McKenzie, John Savage, Cliff Trotter, Richard Welch.

Substitute Members: Conservative: County Councillors Tim Swales(1), Herbert Tindall(2), Neville Huxtable(3), David Ireton(4); Liberal Democrat: 0; NY Independent: County Councillors Philip Barrett(1), John Blackie(2).

**Young People Overview and Scrutiny Committee:**

Conservative: 10; Liberal Democrat: 2; NY Independent: 1; Independent: 0; Total 13

Members: County Councillors Keith Barnes (Chairman), Andrew Backhouse (Vice-Chairman), John Batt, David Blades, Liz Casling, Janet Jefferson, Heather Moorhouse, Patrick Mulligan, Joseph Plant, Paul Richardson, Caroline Seymour, Tim Swales, Cliff Trotter.

Substitute Members: Conservative: County Councillors Arthur Barker(1), Andrew Backhouse(2), John Fort BEM(3), John Savage(4), Liberal Democrat: 0, NY Independent: County Councillor Robert Heseltine.

- 65(c)** That the Scrutiny Board comprise the Chairmen of the Council's Overview and Scrutiny Committees and that County Councillor John Blackburn be Chairman of the Scrutiny Board.

## **MOTION – PROPOSALS FOR HANDLING OF WASTE THROUGHOUT YORK AND NORTH YORKSHIRE**

The Chairman agreed that there were sufficient reasons for urgency for the motion to be debated on the day.

**County Councillor Michael Cockerill declared a personal interest in the motion as he was employed in the waste industry. County Councillor Arthur Barker declared a personal interest as the County Council's representative on Yorwaste Ltd.**

County Councillor John Clark moved and County Councillor John Blackie seconded:-

“Massive changes are proposed for the handling of waste throughout York and North Yorkshire. These changes will involve extremely important decisions to be made in both environmental and economic terms. The consequences of these decisions will have serious and long term implications for all residents of North Yorkshire. There are also some concerns re health issues. These would benefit from examination and clarification.

North Yorkshire County Council has announced that it will be making its final decision in October. So as to assist with transparency this council resolves:-

- “To hold a Public Debate before the end of the 1<sup>st</sup> week of September 2010 chaired by an independent Person of Standing within the community”.
- “The arrangements for the debate to be made by North Yorkshire County Council officers in conjunction with a steering group comprising of:-
  - The Mover and the Secunder of this motion.
  - Two representatives of the North Yorkshire County Council Executive.
  - One representative of the North Yorkshire County Council Liberal Democrat Group.
  - The Chair for the debate when appointed.
  - Two other representatives of the Conservative Group”

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

- for the motion: 16
- against the motion: more

**and the motion was declared lost.**

### **RESOLVED:**

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| <b>66.</b> That the motion is opposed. |
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## **STATEMENTS OF EXECUTIVE MEMBERS AND CHAIRMEN OF OVERVIEW AND SCRUTINY COMMITTEES**

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 1512-14) and responded to a question.

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 1516) 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 1518-20) and responded to questions, including questions from County Councillor John Clark relating to consultation on the Waste PFI issues of which written notice had been given.

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 1522-25).

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 1526-28) and responded to questions.

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 (page 1530).

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 (page 1532) and responded to questions, including a question from County Councillor John Clark relating to transport for Saturday music students of which written notice had been given.

County Councillor John Weighell presented a statement on behalf of County Councillor Chris Metcalfe, the Executive Member for Adult and Library Services, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 1534-35).

The written statements of the Chairmen of the Overview and Scrutiny Committees (pages 1538-62) having previously been circulated, the Chairmen of the Young People Overview and Scrutiny Committee and the Economic Development and Regeneration Committee made additional comments.

## **COUNCIL PROCEDURE RULE 10 QUESTIONS**

County Councillor John Blackie said that he had now received a response from North Yorkshire Police indicating that the use of name badges for police officers was not recommended.