



NORTH YORKSHIRE COUNTY COUNCIL

Minutes of the meeting of the County Council held at County Hall, Northallerton on 15 December 2010

PRESENT:-

County Councillor Caroline Seymour 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, Liz Casling, Bill Chatt, Jim Clark, John Clark, Gareth Dadd, Margaret-Ann de Coursey-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, John McCartney, Patricia Marsburg, Penny Marsden, Brian Marshall, 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, John Savage, 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, Andrew Williams and Clare Wood,

The Chairman's Chaplain, the Reverend Paul Hutchinson, offered prayers.

MINUTES

RESOLVED -

71. That the minutes of the meeting of the County Council held on Wednesday, 13 October 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 the members of the public who were present to observe the meeting of the Council and said that, recognising the level of public attendance for, and interest in, the proposal for a waste service contract, it had been agreed that the order of the agenda should be changed so that public questions and statements and the debate on the waste service contract would be dealt with before the Leader made his statement. The Chairman also informed the Council that a petition relating to the proposed waste management contract had been received. Whilst this did not meet the thresholds set under

the County Council's scheme for dealing with petitions, she recognised the level of public interest in the issue and, therefore, proposed to allow the Chairman of the North Yorkshire Waste Action to make a statement and present that petition, immediately before she called on the members of the public, who had given notice, to ask their questions or to make statements. She advised the Council that, although the maximum time allowed under the County Council's Constitution for public questions was half an hour, she intended to exercise her discretion, as Chairman, to extend the period for questions and statements to be presented; a response by the relevant Executive Member to be made; and any supplementary questions, up to a maximum of one hour in total.

She advised the Council that the Monitoring Officer wished to address the Council, prior to the debate on the waste management service contract, and that she would invite her to do so after the item on public questions and statements had been concluded and before County Councillor Clare Wood introduced the first item in the report of the Executive.

PUBLIC QUESTIONS OR STATEMENTS

Mr Steve Wright, Chairman of the North Yorkshire Waste Action Group (NYWAG), addressed the County Council and presented a paper petition from NYWAG, an online petition from NYWAG and a petition by York Residents Against Incineration.

Notice had been received of questions or statements from twelve members of the public. The Council was addressed by: Zillah Hopps; Peter Topham; Alan Walgate; Laurie Boyle; Clive Billenness; Brian Smythe; Tim Joynson; Brian Cooper and David Gipton, all of NYWAG; and by Linda Billenness; Scriven Parish Councillor Ivor Fox and City of York Councillor Dave Taylor.

County Councillor Clare Wood responded.

A supplementary question was asked by Laurie Boyle, to which County Councillor Clare Wood responded.

A supplementary question was asked by Brian Cooper, to which County Councillor Clare Wood responded.

A supplementary question was asked by Parish Councillor Ivor Fox, to which County Councillor Clare Wood responded.

Copies of the statements are in the Minute Book (pages 1638-67)

REPORT OF THE EXECUTIVE

Award of a long term Waste Management Service Contract

Carole Dunn, Assistant Chief Executive (Legal and Democratic Services), addressed the Council on the note of guidance which she had issued to Members about the various roles Members would taking in making decisions about the implementation of the waste strategy. A copy of the guidance note is in the Minute Book (page 1688).

County Councillor Arthur Barker declared a personal and prejudicial interest in this item as a non Executive Director of Yorwaste. He left the meeting and took no part in the debate or the voting on this item.

In addition to the report of the Executive on this issue the Council also had before them :-

- The report on this matter considered by the Executive at its meeting on 30 November, 2010, (Minute Book pages 1732-2059).

(The appendix of redacted text for the report of the Members Working Group, in Part A, had been considered in private, as had appendices 9(a), 9(b) and 10(b) of the report in Part B and the public have no right of access to those papers).

- The statements made by members of the public relating to this item (Minute Book pages 1638-67).
- A supplementary schedule summarising related correspondence which had been received between 12 November, 2010 and 13 December, 2010. (Minute Book pages 2060-2083)

The recommendations in paragraph 1 of the report (pages 1671-2) having been moved and seconded, it was moved and seconded as an amendment

“the recommendation is deferred until there has been further consideration/evidence of the financial risks.”

After debate, the Council divided and, on a show of hands, there were:

for the amendment – 17

against the amendment – more

and the amendment was declared lost.

(County Councillors Philip Barrett, John Blackie, Bill Chatt, John Clark, Polly English, John Fox, Andrew Goss, Janet Jefferson, J W Marshall, Stuart Parsons, Peter Popple, John Savage, Brian Simpson and Andrew Williams asked that it be recorded in the minutes that they voted for the amendment.

County Councillors Gareth Dadd and Robert Heseltine asked that it be recorded in the minutes that they voted against the amendment).

It was moved and seconded as an amendment

“The recommendation is deferred until there has been further consideration/evidence of the potential savings and increased income from changing the contract. “

It was moved and seconded “that the question now be put.”

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

for the proposal that the question now be put – more

against the proposal that the question now be put – 6

and the proposal that the question now be put was declared carried.

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 Councillors John Blackie, Bill Chatt, John Clark, Polly English, John Fox, Andrew Goss, Janet Jefferson, Stuart Parsons, John Savage, Brian Simpson and Andrew Williams asked that it be recorded in the minutes that they voted for the amendment.

County Councillors Gareth Dadd and Robert Heseltine asked that it be recorded in the minutes that they voted against the amendment.)

It was moved and seconded as an amendment

“the recommendation is deferred until there has been further consideration/evidence of the environmental risks and the potential benefits of changing the contract.”

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

for the amendment – 7

against the amendment – more

and the amendment was declared lost.

(County Councillors John Blackie, John Clark, Stuart Parsons and John Savage asked that it be recorded in the minutes that they voted for the amendment.

County Councillors Gareth Dadd and Robert Heseltine asked that it be recorded in the minutes that they voted against the amendment.)

It was moved and seconded as an amendment that

“the recommendation is deferred until officers and the Executive achieve a 15.5% reduction in the NYCC revenue costs of the contract to bring it into line with the cuts that are being applied to Adult and Community Services and other areas of services by NYCC.”

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.

(County Councillors John Blackie, Bill Chatt, John Clark, Janet Jefferson, Stuart Parsons, Peter Popple and John Savage asked that it be recorded in the minutes that they voted for the amendment.

County Councillors Gareth Dadd and Robert Heseltine asked that it be recorded in the minutes that they voted against the amendment.)

Following further debate the Council divided on the motion and, on a vote by name, there were:-

Councillors For	Councillors Against	Councillors Abstaining
Val Arnold	Philip Barrett	Liz Casling
Karl Arthur	John Batt	
Andrew Backhouse	John Blackie	
Keith Barnes	Bill Chatt	
Bernard Bateman	John Clark	
John Blackburn	Margaret-Ann de Courcey-Bayley	
David Blades	Polly English	
Jim Clark	John Fox	
Gareth Dadd	Andrew Goss	
John Fort BEM	Bill Houlit	
Heather Garnett	Janet Jefferson	
Ron Haigh	John McCartney	
Tony Hall	J W Marshall	
Roger Harrison-Topham	Stuart Parsons	
Michael Heseltine	Peter Popple	
Robert Heseltine	Paul Richardson	
Margaret Hulme	John Savage	
Neville Huxtable	Brian Simpson	
David Ireton	John Watson OBE	
David Jeffels		
Mike Jordan		
Jane Kenyon		
Michael Knaggs		
Andrew Lee		
Carl Les		
Don MacKenzie		
Pat Marsburg		
Penny Marsden		
Brian Marshall		
Shelagh Marshall		
Chris Metcalfe		
Heather Moorhouse		
Patrick Mulligan		
Caroline Patmore		
Chris Pearson		
Dave Peart		
Joe Plant		
Caroline Seymour		
Stephen Shaw		
Peter Sowray		
Melva Steckles		
Tim Swales		
Helen Swiers		
Herbert Tindall		
Cliff Trotter		
Geoff Webber		
John Weighell		
Richard Welch		
Clare Wood		
49	19	1

RESOLVED -**72.**

- (i) that the Waste Private Finance Initiative (PFI) contract be awarded to AmeyCespa for the service operation period of 25 years with an option to extend for up to 5 years, and,
- (ii) that the County Council commits to make sufficient budgetary provision for the contract for its term, and determines the limits of the affordability envelope within which financial close may be agreed, as set out in paragraph 7.3 of the report to the Executive.
- (iii) that delegated authority is given to the Corporate Director, Business and Environmental Services (acting in consultation with the Corporate Director, Finance and Central Services, and the Assistant Chief Executive (Legal and Democratic Services) to determine the final terms of the following documents at commercial and financial close as necessary:
 - (a) the Private Finance Initiative (PFI) contract between the County Council and AmeyCespa; and
 - (b) the Waste Management Agreement between the County Council and City of York Council; and
 - (c) the Funders Direct Agreement with AmeyCespa's funders; and
 - (d) the Novation Agreement; and
 - (e) any documents ancillary to the Private Finance Initiative (PFI) Contract, the Waste Management Agreement, the Funders Direct Agreement and the Novation Agreement, and any other documents necessary to give effect to this project
- (iv) that delegated authority is given to the Assistant Chief Executive (Legal and Democratic Services) to execute on behalf of the County Council the following documents at commercial and financial close stage as necessary;
 - (a) the PFI contract with AmeyCespa; and
 - (b) the Waste Management Agreement with City of York Council.
 - (c) the Funders Direct Agreement with AmeyCespa's funders
 - (d) the Novation Agreement
 - (e) any documents ancillary to the Private Finance Initiative (PFI) Contract, the Waste Management Agreement, the Funders Direct Agreement and the Novation Agreement, and any other documents necessary to give effect to this project.
- (v) that the Corporate Director, Finance and Central Services, is authorised to issue the certificates under the Local Government (Contracts) Act 1997 to confirm the County Council's powers to enter into the contracts referred to at paragraphs a), b), c) and d) of recommendation (iii) set out above.
- (vi) that an indemnity is given by the County Council to the Corporate Director, Finance and Central Services, against any claim that may arise out of or in connection with the issue of the certificates under the Local Government (Contracts) Act 1997;

(vii) that the County Council notes that the Executive will take all such decisions as may be required out of or in connection with the implementation of the Council's decision to award the PFI Contract to AmeyCespa, including agreeing that financial close may proceed within the limits of the affordability envelope set by the County Council.

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 1669).

Local Transport Plan (LTPs)

The recommendation in paragraph 2 of the report (pages 1680) having been moved and seconded, it was

RESOLVED -

73. That the draft third North Yorkshire Local Transport Plan (2011-2016) is adopted.

Terms of Reference of Audit Committee

The recommendations in paragraph 3 of the report (pages 1680) having been moved and seconded, it was

RESOLVED -

74. That the revised Terms of Reference (Appendix A) for the Audit Committee are adopted in order to formalise their role in respect of the Treasury Management activities of the County Council.

Local Code of Corporate Governance

The recommendations in paragraph 4 of the report (pages 1681) having been moved and seconded, it was

RESOLVED -

75. That the revised Local Code of Corporate Governance are approved and be included in the Constitution.

Appointments to Committees and outside bodies

The recommendations in paragraph 2 of the report (pages 1681) were moved and seconded, it was

RESOLVED -

76. That County Councillor Penny Marsden be appointed to the vacant seat allocated to the independent Members on the Audit Committee.

REPORT OF THE AUDIT COMMITTEE

Annual Report

The recommendations in paragraph 1 of the report (page 2554) having been moved and seconded, it was

RESOLVED -

77. That the Annual Audit report is noted.

REPORT OF THE INDEPENDENT PANEL ON MEMBERS REMUNERATION

All County Councillors present at the meeting declared personal interests in this item as Members of the Council.

The recommendations in the report (page 2567) having been moved and seconded, it was moved and seconded as an amendment:-

“that, in recommendation 6.1(b), the word “approves” be deleted and the words “does not approve” be inserted in its place.”

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

for the amendment – 20

against the amendment – 26

and the amendment was declared lost.

It was moved and seconded as an amendment that

“the allowances in the recommended scheme be reduced by 15.5%”

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

for the amendment – 3

against the amendment – more

and the amendment was declared lost.

RESOLVED -

78.

- (a) That the Scheme of Allowances (as attached at Appendix B), scheme of approved duties (as attached at Appendix C), and Protocol for Members Attendance at Conferences (as attached at Appendix D) are approved for 2011/12.
- (b) That the revision to the format of the Annual Statement of Members Allowances and Expenses, so that the percentage attendance at meetings is shown, in addition to the current information, is approved.
- (c) That the Panel highlights the importance of member training, including ICT training, is noted.
- (d) That the proposed review of guidance documentation, and a single point of contact for interpretation of the scheme rules, is noted.
- (e) That the proposal to publicise matters relating to the scheme in the next available edition of the North Yorkshire Times, is approved.

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, trading standards 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 2600-2601).

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 2602-2603).

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 2604-2605).

County Councillor John Watson OBE, the Executive Member for Schools, 16-19 year old education, early years provision and youth provision, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 2606-2608) and responded to questions.

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 2610-2611) and responded to questions.

County Councillor Gareth Dadd, 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 2612-2614) and responded to questions.

The written statements of the Chairmen of the Overview and Scrutiny Committees (pages 2616-2631) having previously been circulated, there were no additional statements or questions.

COUNCIL PROCEDURE RULE 10 QUESTIONS

There were no questions under Council Procedure Rule 10.