



## NORTH YORKSHIRE COUNTY COUNCIL

Minutes of the meeting of the County Council held at County Hall, Northallerton on 20 July 2011, commencing at 10.30 am.

### PRESENT:-

County Councillor John Fort BEM in the Chair.

County Councillors Val Arnold, Karl Arthur, Andrew Backhouse, Arthur Barker, Keith Barnes, Philip Barrett, John Batt, John Blackburn, John Blackie, David Blades, Liz Casling, Bill Chatt, Jim Clark, John Clark, Michael Cockerill, Gareth Dadd, Margaret-Ann de Coursey-Bayley, Polly English, John Fox, Heather Garnett. Andrew Goss, Tony Hall, Roger Harrison-Topham, Michael Heseltine, Robert Heseltine, Bill Hault, Margaret Hulme, David Ireton, David Jeffels, Janet Jefferson, Mike Jordan, Jane Kenyon, Michael Knaggs, Andrew Lee, Carl Les, Pat Marsburg, Penny Marsden, Brian Marshall, J W Marshall, John McCartney, Chris Metcalfe, Heather Moorhouse, Patrick Mulligan, Stuart Parsons, Caroline Patmore, Chris Pearson, Dave Peart, Joe Plant, Peter Popple, Paul Richardson, John Savage, Caroline Seymour, Stephen Shaw, 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, the Reverend Peter Dunbar, offered prayers.

### MINUTES

#### RESOLVED -

**93.** That the minutes of the meeting of the County Council held on Wednesday, 18 May 2011, 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 informed the Council that Howard Smith, Commissioning Manager in Children's Social Care for the Council, had received an MBE in the Queen's Birthday Honours List for his outstanding work with looked after children.

The Chairman announced the death of the Right Honourable the Lord Middleton MC DL, who was a Member of the Council from its creation in 1973 until 1977. 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 3114-5). He added that the Chief Officers Appointments Committee had offered the post of Director of Health and Adult Services to Helen Taylor, currently employed by Tower Hamlets Council. He responded to questions.

### PUBLIC QUESTIONS OR STATEMENTS

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

### REPORT OF THE EXECUTIVE

#### Revenue Budget 2010/11

The recommendations in paragraph 1 of the report (page 3136) having been moved and seconded, it was:

#### RESOLVED -

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| <p><b>94.</b> (a) That the write-off, in 2010/11, of the BES net Winter Service overspending of £1,536k is approved.</p> <p>(b) That the carry forward of underspendings at Corporate and Directorate level, totalling £15,113k, as detailed on pages 6.9 and 6.10 of the report, is approved.</p> |
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#### Capital Plan

The recommendation in paragraph 2 of the report (page 3147) having been moved and seconded, it was:

#### RESOLVED -

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| <p><b>95.</b> That the carry forward, to 2011/12, of the net underspend totalling £7,986k detailed on page 6.28 of the report, is approved.</p> |
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#### Corporate Procurement Strategy 2011-14

The recommendation in paragraph 3 of the report (page 3148) having been moved and seconded, it was:

#### RESOLVED -

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96. That, subject to the use of “no” instead of “nil”, the draft Corporate Procurement Strategy 2011-14, a copy of which was attached to the report marked Appendix 3, is adopted.

### Appointments to Committees and other bodies

The recommendations in paragraph 4 of the report (pages 3148-9) having been moved and seconded, additional nominations were put forward. It was:

#### RESOLVED -

97. (a) That the following District Councillors are appointed to the Scrutiny of Health Committee as representatives of the relevant Council:

Hambleton District Council: Councillor Peter Bardon to replace Councillor Blades as Substitute Member.

Harrogate District Council: Councillor Ian Galloway to remain and Councillor Stan Beer to be substitute member.

Richmondshire District Council: Councillor Tony Pelton to replace Rob Johnson  
Councillor Linda Curran to replace Councillor Harris as Substitute Member.

Scarborough District Council: Councillor James M Preston to replace Councillor Vickers  
Councillor Jane E Mortimer to replace Councillor Ms S Rodgers as Substitute Member.

Selby District Council: Councillor Michael Dyson to replace Councillor Kay McSherry.

(b) That Councillor Jim Clark, of Harrogate Borough Council, be appointed to the Pension Fund Committee, as the representative of Local Government North Yorkshire and York, together with Councillor Brian Phillips, of Hambleton District Council as the substitute Member.

(c) That County Councillor Bill Chatt be appointed as 2<sup>nd</sup> substitute member for the North Yorkshire Independent Group on the Transport Appeals Committee

(d) That County Councillor John Blackie be appointed as substitute member for the North Yorkshire Independent Group on the Audit Committee in place of County Councillor Robert Heseltine

## REPORT OF THE STANDARDS COMMITTEE

### Annual Report

The Chairman of the Standards Committee, Henry Cronin, addressed the Council.

The recommendation in paragraph 1 of the report (page 3214) having been moved and seconded, it was:

#### RESOLVED -

98. That the Annual Report of the Standards Committee 2010/11 is noted.

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

County Councillor Clare Wood, the Executive Member for Adult Services, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 3226-7).

**County Councillor Tony Hall declared an interest as the Chairman of Hambleton Citizen's Advice Bureau, which had benefited from the Innovation Fund mentioned in the statement.**

County Councillor Wood 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 3228-9). He responded to questions, including a written question from County Councillor John Clark relating to disabled parking bays and said he would provide all Members of the Council with a copy of the written response.

County Councillor Chris Metcalfe, the Executive Member for Rural Services, Waste Disposal, Public Passenger Transport, Economic Development 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 3230-2). He responded to questions, including a written question from County Councillor Bill Houlton relating to the Scarborough Power Pyrolysis Plant.

**County Councillor Arthur Barker declared a personal interest as a non-Executive Director of Yorwaste and County Councillor Bill Chatt declared an interest in the question.**

County Councillor John Watson OBE, the Executive Member for Financial Services, including assets, IT 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 3234-6). He responded to questions.

County Councillor Carl Les, the Lead Executive Member for Children's Services, Special Educational Needs, Youth Justice and Chief Executive Group Services made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 3238-41). He responded to questions, including a written question from County Councillor Paul Richardson relating to the "One Council" approach.

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County Councillor Arthur Barker, the Executive Member for Schools, 16-19 year old education, Early Years Provision and Youth Service, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 3242-3).

**County Councillor Bill Chatt declared an interest as a community governor of Barrowcliff School.**

County Councillor Barker responded to questions.

The written statements of the Chairmen of the Scrutiny Board and the Overview and Scrutiny Committees (pages 3244-57) having previously been circulated, the Chairman of the Corporate and Partnerships Overview and Scrutiny Committee responded to questions.

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

There were no questions under Council procedure Rule 10.

### **MOTION – CHIEF CONSTABLE OF NORTH YORKSHIRE**

Although no reasons for urgency had been given in respect of the motion, the Chairman stated that he believed that it would be inappropriate for it to be referred to the Executive for report back to the Council in October. Accordingly he invited County Councillor Geoff Webber to move the motion of which he had given notice.

**County Councillors Polly English, David Ireton, Janet Jefferson, Jane Kenyon, Carl Les, Brian Marshall and Helen Swiers declared personal interests in the motion as members of the North Yorkshire Police Authority.**

County Councillor Geoff Webber moved and County Councillor Stuart Parsons seconded:-

“Following the Chief Constable's admission of gross misconduct, and the significant expense to the public purse of the enquiry resulting from his failure to admit the gross misconduct at an early stage, that this council no longer has confidence in Mr Maxwell as Chief Constable.”

**Following debate, the Council divided and, on a show of hands, there were:  
for the motion – 8  
against the motion – more  
and the motion was declared lost.**

**RESOLVED -**

<b>99.</b> That the motion relating to the Chief Constable of North Yorkshire is not supported.
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**MOTION – FUNDING OF LIBRARIES IN CATEGORY 3**

Since the publication of the agenda, reasons for urgency had been given in respect of the motion by the mover with which the Chairman agreed. Accordingly he invited County Councillor Bill Hoult to move the motion of which he had given notice.

County Councillor Bill Hoult moved and County Councillor Andrew Goss seconded:

'This Council agrees to recommend to the Executive that it should extend by six months the time allocated to supporters of category three libraries to submit their business plans for the continuing provision of a library service to their local communities. The funding to be from the general working balance.'

**Following debate, the Council divided and, on a show of hands, there were:  
for the motion – 10  
against the motion – more  
and the motion was declared lost.**

**RESOLVED -**

**100.** That the motion relating to the funding of libraries in category 3 is not supported.

#### **MOTION – COMPLIANCE WITH WASTE AND ENERGY POLICIES**

Although no reasons for urgency had been given in respect of the motion, the Chairman stated that he believed that it would be convenient for the conduct of business for it to be debated on the day. Accordingly he invited County Councillor John Clark to move the motion of which he had given notice.

**County Councillor Arthur Barker declared a personal interest in the motion as a non-Executive Director of Yorwaste.**

County Councillor John Clark moved and County Councillor John Savage seconded:

“There have been significant changes to E.U. regulations and government policies on energy and waste. It is vital that North Yorkshire County Council complies with these as far as possible. Otherwise the financial penalties could be large. In view of these changing circumstances, this Council resolves that:

A report is brought to the full Council. This report to examine the “fit” between the NYCC/Amey Cespa Energy from Waste project and the following:

- i. The government Waste Strategy June 2011.
- ii. The draft EU directive 22<sup>nd</sup> June 2011 on energy efficiency COM (2011) 370 final 2011/0172 (COD).
- iii. The government Climate Change Regulations.

#### Questions to be included in the Report

In what ways does the NYCC Energy from Waste comply with the above? Where does it differ? How will the differences be measured? What are the potential costs and consequences of the variances?”

**Following debate, the Council divided and, on a show of hands, there were:  
for the motion – 4  
against the motion – more**

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**and the motion was declared lost.**

**RESOLVED -**

**101.** That the motion relating to compliance with waste and energy policies is not supported.

The meeting concluded at 3.05 pm.