



## NORTH YORKSHIRE COUNTY COUNCIL

Minutes of the meeting of the County Council held at County Hall, Northallerton on 15 February, 2012 commencing at 10.30 am.

### PRESENT:-

County Councillor John Fort BEM in the Chair.

County Councillors Karl Arthur, Arthur Barker, Keith Barnes, Philip Barrett, Bernard Bateman, MBE, John Batt, John Blackburn, John Blackie, David Blades, Elizabeth Casling, Bill Chatt, Jim Clark, John Clark, Michael Cockerill, Gareth Dadd, Margaret-Ann de Courcey-Bayley, Polly English, John Fox, Andrew Goss, Tony Hall, Roger Harrison-Topham, Michael Heseltine, Robert Heseltine, Margaret Hulme, Neville Huxtable, David Ireton, David Jeffels, Janet Jefferson, Mike Jordan, Jane Kenyon, Michael Knaggs, Andrew Lee, Carl Les, Don Mackenzie, 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, Joe Plant, Peter Popple, Paul Richardson, Janet Sanderson, John Savage, 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, Andrew Williams and Clare Wood.

### MINUTES

#### RESOLVED -

**115.** That the Minutes of the meeting of the County Council held on Wednesday, 14 December 2011, having been printed and circulated, are taken as read and are confirmed and be signed by the Chairman as a correct record.

### CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Honorary Alderman William F. Barton O.B.E. and the new Chairman of the North Yorkshire Youth Council, Tom Gudgeon, to the meeting. He reminded any Member who was also a school governor that, if they wished to speak on the item of business relating to school admissions, they should declare that personal interest when speaking but, under the terms of the Code of Conduct, if they did not wish to speak on the matter, 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 3585) and 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

### Council Plan

The recommendation in paragraph 1 of the report (page 3589) having been moved and seconded, it was:

### RESOLVED -

**116.** That the draft Council Plan 2012/15, a copy of which is attached marked Appendix 1A, is approved and that the Chief Executive is authorised to make any necessary changes to the text, including reflecting decisions made by the Council on the Medium Term Financial Strategy and updated performance data.

### Revenue Budget for 2012/2013 and Medium Term Financial Strategy 2012/15

The recommendation in paragraph 2 of the report (pages 3591-92) having been moved and seconded, it was moved and seconded as an amendment:

“That recommendation (i), relating to the mileage rate paid to independent members of education appeal panels be deleted.”

**The Council divided and, on a show of hands, there were:  
for the amendment – 12  
against the amendment – more  
and the amendment was declared lost.**

It was moved and seconded as an amendment:

That in recommendation (a) “£246,555K” be deleted and “£252,719K” be inserted in its place and in recommendation (b) “£1,057.48” be deleted and “£1,083.91” be inserted in its place.”

**The Council divided and, on a show of hands, there were:  
for the amendment – 6  
against the amendment – more  
and the amendment was declared lost.**

**RESOLVED -****117.**

- (a) That, in accordance with Section 42A of the Local Government Finance Act 1992, a net Council Tax requirement for 2012/13 of £246,555k be approved and that a Council Tax precept of this sum be issued to billing authorities in North Yorkshire
- (b) That, in accordance with Section 42B of the Local Government Finance Act 1992 a basic amount (Band D equivalent) of Council Tax of £1,057.48 be approved
- (c) That a net Revenue Budget for 2012/13 of £363,422k be approved and that the financial allocations to each Directorate, net of planned savings, be as detailed in Appendix D of the report to the Executive, a copy of which is attached marked Appendix 2, subject to the Corporate Director – Children and Young People's Service being authorised, in consultation with Executive Members, to take the final decision in March 2012, on the allocation of the Schools Block.
- (d) That the arrangements under which additional funds are allocated each year in respect of Adult Social Care and the Waste Strategy be reviewed at least annually.
- (e) That the Pending Issues Provision as detailed in paragraph 10.16 of the report to the Executive be continued.
- (f) That the policy target for the minimum level of the General Working Balance be retained at 2% of the net Annual Revenue Budget
- (g) That the Medium Term Financial Strategy 2012/2015, and its caveats, as laid out in Section 7 and Appendix D, of the report to the Executive, a copy of which is attached marked Appendix 2, be adopted.
- (h) That the County Council notes:
  - (a) the Section 25 assurance statement (and its proviso) provided by the Corporate Director – Finance and Central Services regarding the robustness of the estimates and the adequacy of the reserves in paragraph 13.16 of the report to the Executive, a copy of which is attached marked Appendix 2, and
  - (b) the risk assessment of the MTFs detailed in paragraph 12.6 of the report to the Executive a copy of which is attached marked Appendix 2,
- (i) That the mileage rate to be paid to the Independent Members of the Education Appeals Panel shall be the HMRC rate of 45p per mile, with effect from 1 April 2012
- (j) That the draft Pay Policy Statement covering the period April 2012 to March 2013, as set out in Appendix G to the report to the Executive be approved.
- (k) that Chief Officer and other staff appointments shall be undertaken in accordance with the procedures and delegations in the Council's Constitution and the determination of the remuneration and other terms and conditions which shall apply to a Chief Officer post on appointment must comply with the Pay Policy Statement, provided that if it is proposed to make an appointment on terms and conditions which do not comply, the matter shall be referred to full Council for consideration as to whether the Pay Policy Statement should be amended prior to a final offer being made to any candidate.

- (l) that any amendments proposed to Chief Officer remuneration and other terms and conditions, which would comprise an amendment to the Pay Policy Statement shall be considered by the Chief Officers Appointments Committee, or in the case of Assistant Directors and Assistant Chief Execs by the Chief Executive, and recommended by them to full Council for approval
- (m) that the Constitution and particularly the Terms of Reference and Powers of the Chief Officers Appointments and Disciplinary Sub-Committee and the Staff Employment Procedure Rules be amended to reflect the requirements of the legislation in relation to the Pay Policy Statement and the recommendations at (j) to (l) above

County Councillor John Clark requested that it be noted in the minutes that he voted against the proposal.

### Treasury Management

The recommendation in paragraph 3 of the report (pages 3602-3603) having been moved and seconded, it was:

#### RESOLVED -

#### 118.

- (a) That the Code of Practice for Treasury Management in the Public Service, as revised in November 2011, is adopted.
- (b) That the updated Treasury Management Policy Statement, a copy of which is attached marked Appendix 3A, is approved.
- (c) That the Annual Treasury Management and Investment Strategy for 2012/13, a copy of which is attached marked Appendix 3B, is approved and, in particular;
  - (i) an authorised limit for external debt of £456.9m in 2012/13;
  - (ii) an operational boundary for external debt of £436.9m in 2012/13;
  - (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 £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 2012/13 as set out in Appendix 3B;
  - (ix) the Corporate Director - Finance and Central Services is 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.
- (d) That the Audit Committee be invited to review Appendices 4A and 4B and submit any proposals to the Executive for consideration at the earliest opportunity.

### **Prudential Indicators**

The recommendation in paragraph 4 of the report (page 3604) having been moved and seconded, it was:

#### **RESOLVED -**

- 119.** That the updated Prudential Indicators for 2012/13 to 2014/15, as set out in Appendix 4, are approved.

That an Authorised Limit for External Debt of £456.9m in 2012/13, under Section 3(1) of the Local Government Act 2003, is approved.

### **Equality and Diversity Policy Statement**

The recommendation in paragraph 5 of the report (page 3607) having been moved and seconded, it was:

#### **RESOLVED -**

- 120.** That the draft Equality and Diversity Policy Statement, a copy of which is attached as Appendix 5A, is approved.

### **Special Educational Needs and Disability Strategy 2011-14**

The recommendation in paragraph 6 of the report (page 3608) having been moved and seconded, it was:

#### **RESOLVED -**

- 121.** That the Special Educational Needs and Disability Improvement and Integration Strategy 2011-2014, a copy of which is attached marked Appendix 6, is approved.

### School Admission Arrangements 2013/14

**County Councillor Arthur Barker informed the Council that, whilst he was not a school governor, his wife was a governor at Leeming and Londonderry CP School.**

The recommendation in paragraph 7 of the report (page 3613) having been moved and seconded, it was:

**RESOLVED -**

**122.** That the proposed Admissions Policy for Community and Voluntary Controlled Schools, including Nursery Schools and Schools with Nursery or Pre reception classes for the academic year 2013/14, copies of which are attached marked Appendices 7A & 7B, is approved.

That the proposed Admissions Policy for Harrogate High School for 2013/14, a copy of which is attached marked Appendix 7C, is approved.

That the proposed Co-ordinated Admissions Schemes for Primary and Secondary schools, including the Fair Access Protocol, 2013/14, copies of which are attached marked Appendices 7E, 7A, 7B & 7C, are approved.

That the proposed Published Admission Numbers for Community and Voluntary Controlled schools 2013/14, copies of which are attached marked Appendices 7H & 7I, are approved and the limits for Voluntary Aided, Foundation and Trust schools 2013/14 as shown within those appendices, are noted.

### Financial, Contract and Property Procedure Rules

The recommendation in paragraph 8 of the report (page 3614) having been moved and seconded, it was:

**RESOLVED -**

**123.** That the changes to the Financial, Contract and Property Procedure Rules detailed in Appendix 8 to this report are adopted.

### Appointments to Committees and outside bodies

The recommendation in paragraph 9 of the report (page 3614) having been moved and seconded, together with a number of nominations for appointment, it was:

**RESOLVED -**

**124.** That County Councillor Janet Sanderson be appointed as third named substitute for the Conservative Group on the Corporate and Partnerships Overview and Scrutiny Committee.

## REPORT OF THE STANDARDS COMMITTEE

The recommendations in the report (pages 4056-57) having been moved and seconded, it was moved and seconded as an amendment:

“That a decision on the recommendations of the Standards Committee be deferred and the issue be referred to a Members’ Working Party, comprising two Members of the Conservative Group; one Member of the Liberal Democrat Group and one Member of the North Yorkshire Independents, who are to consider the future options under the new ethical framework and make recommendations to the meeting of the County Council in May, 2012, on the arrangements to be put in place from 1 July, 2012, or any alternative date for implementation of changes to the standards regime agreed by the Government.”

**The Council divided and the amendment was agreed.**

It was moved and seconded as an amendment:

“That the membership of the Members’ Working Party be increased by adding a further Member of the Conservative Group, together with a representative of the Liberal Group.”

**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.**

**The Council divided and the amended motion was declared carried.**

**RESOLVED -**

**125.** That a decision on the recommendations of the Standards Committee is deferred and the issue is referred to a Members’ Working Party, comprising two Members of the Conservative Group; one Member of the Liberal Democrat Group and one Member of the North Yorkshire Independents, who are to consider the future options under the new ethical framework and make recommendations to the meeting of the County Council in May, 2012, on the arrangements to be put in place from 1 July, 2012, or any alternative date for implementation of changes to the standards regime agreed by the Government.

County Councillors John Clark and John Savage requested that it be noted in the minutes that they voted against the amended proposal.

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

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 4059-4061) and 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, including statements from the Chairman of the Looked After Children's Members Group and from the Young People's Champion a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 4063-4067) and responded to questions

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 4069-4070) and responded to questions.

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 4071-4072) and responded to questions, including a written question from County Councillor Geoff Webber relating to the importance of adequate housing as a factor in public health.

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 4073-4074) and responded to questions, including a written question from County Councillor Geoff Webber relating to the speed limit in Baldersby St James, and gave an assurance that the full and final costs of dealing with the Irton tree would be published.

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 4075-4078) and responded to questions, including a written question from County Councillor Geoff Webber relating to directional signing to the HWRC in Pennypot Lane and said he would provide a written response to County Councillor John Savage on consultant costs in respect of the long-term waste management contract.

The written statements of the Chairmen of the Scrutiny Board and the Overview and Scrutiny Committees (pages 4079-4093) having previously been circulated, the Chairmen of the Care and Independence Overview and Scrutiny Committee and the Scrutiny of Health Committee added to their statements and the Chairmen of the Care and Independence Overview and Scrutiny Committee and the Transport, Economy and Environment Committee responded to questions.



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

County Councillor Caroline Seymour asked County Councillor Jane Kenyon, as Chairman of the North Yorkshire Police Authority, whether she had access to statistics about the proportions of those accused of anti-social behaviour being given warnings and those who were prosecuted, saying that it appeared that many only received warnings.

In response, County Councillor Jane Kenyon said that she believed that such figures were reported, at the end of each year, to local Safer Communities Partnerships and she would see whether she could obtain them, although the Member could seek them from her local District Council. She added that this seemed to be consistent with an effort not to give young people a criminal record in cases where there might be alternative ways to manage their behaviour.

### **MOTION**

#### **FRIARAGE HOSPITAL - FUTURE OF CHILDRENS AND MATERNITY SERVICES**

The Chairman informed the Council that he believed that it would be appropriate for the Council to debate this motion on the day, so that the opportunities offered by the current listening exercise could be maximised.

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

“This Council calls upon all those involved in considering the future of maternity and paediatric services at the Friarage Hospital to consult and engage with all of the communities affected and to leave no stone unturned in an effort to retain the existing consultant led services at what the public rightly considers to be an excellent Hospital”.

It was moved and seconded as an amendment:

“That all the words after “unturned” be deleted.”

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

**for the amendment – 4**

**against the amendment – more**

**and the amendment was declared lost.**

**The Council divided and the motion was declared carried unanimously.**

### **RESOLVED -**

**125.** This Council calls upon all those involved in considering the future of maternity and paediatric services at the Friarage Hospital to consult and engage with all of the communities affected and to leave no stone unturned in an effort to retain the existing consultant led services at what the public rightly considers to be an excellent Hospital.

The meeting concluded at 14.15.