



## NORTH YORKSHIRE COUNTY COUNCIL

Minutes of the meeting of the County Council held at County Hall, Northallerton on 18 July, 2012 commencing at 10.30 am.

### **PRESENT:-**

County Councillor Cliff Trotter 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, Elizabeth Casling, Bill Chatt, Jim Clark, John Clark, Gareth Dadd, Margaret-Ann de Courcey-Bayley, Polly English, John Fort BEM, John Fox, Heather Garnett, Andrew Goss, Helen Grant, 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, Chris Metcalfe, Heather Moorhouse, Patrick Mulligan, Stuart Parsons, Caroline Patmore, Chris Pearson, Dave Peart, Joe Plant, Janet Sanderson, John Savage, Caroline Seymour, Stephen Shaw, Brian Simpson, Peter Sowray, Tim Swales, Helen Swiers, John Watson OBE, Geoff Webber, John Weighell, Richard Welch and Clare Wood,

### **Minutes**

It was moved and seconded that the Minutes of the meeting of the County Council held on Wednesday, 16 May 2012, having been printed and circulated, be taken as read and are confirmed and be signed by the Chairman as a correct record.

**The Council divided and, on a show of hands, the motion was declared carried.**

### **Resolved -**

**134.** That the Minutes of the meeting of the County Council held on Wednesday, 16 May 2012, 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 Rowan Capper, who was shadowing Scrutiny Officers at the County Council for work experience.

### **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 4217). He informed the Council that a contract had been signed with BT for the provision of high speed broadband across the County. He responded to a request from County Councillor Geoff Webber that a letter be sent to the appropriate Government Minister about the effects on the economy and environment of the County which arose as a result of the prices paid to farmers for milk. County Councillor John Weighell informed the Council that he was a farmer, but not a dairy farmer, and agreed that such a letter should be sent, signed by Leaders of all the Group Leaders on the Council who so wished.

### **Public Questions or Statements**

Notice had been received of a question from Mr Laurie Boyle relating to the proposal to build an incinerator for waste at Allerton Park. The Chairman invited Mr Boyle to put his question, a copy of which is set out below, to the Council.

"I have lived and brought up my family in this county for 31 years and before retiring I was Commercial Director of ASDA.

In December 2010, just 18 months ago, this council made a majority decision to award a contract to the Spanish owned company, Amey Cespa, which, subject to achievement of Planning Permission, would allow them to build and operate a giant waste incinerator at Allerton Park near Knaresborough.

This decision was made in spite of strong opposition and a lengthy debate.

Since then, contrary to your Corporate Director's report, there have been significant developments, which should prompt you to question this.

For example, since the decision, local newspapers covering Harrogate, Knaresborough, Boroughbridge, Wetherby and Ripon, conducting independent polls revealed that 95% of respondents were opposed to the council's plans. This should come as little surprise as there was a petition presented at the December meeting of over 10,000 against the plan and since then all the local Parish councils and District and Borough Councils including Harrogate have voted unanimously to oppose it.

For example the issue of over capacity of incineration in Europe has been widely reported and the latest report from the highly respected Eunomia Research predicts that the market for residual waste facilities in the UK could be saturated in as little as 3 years from now.

For example, the Council's projected volume of household waste, which was rigorously challenged during the debate is now proving to be wrong and the assumptions that were built into the Business case are being fudged to include a greater proportion of Commercial waste.

For example, at the Energy Summit in London on 21<sup>st</sup> June this year it was agreed that facilities must use their heat to optimise efficiency and CO2 emissions. Of course, as we all know, the incinerator at Allerton will be unable to use its heat at all and will therefore release it into the air.

I could go on; ----- Health, Environment, Finance, Austerity cuts etc etc all have seen significant changes but I'm mindful that I have 3 mins only.

Let me therefore finish my 3 mins by asking you my question, but before doing so let me quote from the recently published book written by Terry Leahy ex CEO of TESCO and a former competitor of mine. Mr Leahy is arguably the most successful British businessman and organisational leader of the last 25 years, having taken his Group from a second string UK retailer to the 3<sup>rd</sup> biggest in the world with more than 6000 shops in 14 countries.

His book is titled 'Management in 10 words' and the first word is Truth.

And I quote: 'Organisations are terrible at confronting the truth. It is so much easier to define your version of reality and judge success and failure according to that. But my experience is that truth is crucial both to create and sustain success'.

My question to you Councillors is. ----- Have you the courage to confront the truth and are you prepared to challenge and revisit this issue in light of all that has happened since your debate 18 months ago?"

County Councillor Chris Metcalfe responded to the issues raised by Mr Boyle.

"Thank you Mr Boyle for your question.

You referred back to the decision of the Council in December 2010 being made in spite of strong opposition and debate, and infer that the strength of the opposition makes the decision somehow less relevant. I recall the debate well and the decision made that day to award the Contract to AmeyCespa is a classic example of democracy in practice. The decision was made after thorough analysis of the options and after considerable debate, where all opinions and representations were listened to, including yours. I accept that the decision we made may not be popular with some people, but the outcome is stronger as a result of the process we went through.

I am of course aware that some people in the area remain opposed to the development. The proposal gives rise to strong feelings and it is understandable that those people such as yourself, who live nearby have genuine concerns and frankly, would like it to go away. It is unfortunate that the Council should have to do anything that is unpopular, even if only with one person, but it is the role of elected Members to make difficult decisions on behalf of the whole community. We can not just look after those that shout loudest - we have to act for the benefit of all.

You refer to changes since the decision in December 2010, and specifically a recent report that suggests the UK are heading towards an over supply of incineration capacity. We are of course aware of this report and would advise you and others not to take its conclusions at face value, but to challenge them in same way you challenge the views and opinions of the Council's advisors. I would strongly recommend that you review the assumptions behind the analysis for yourself, and form your own opinions before quoting the headlines.

However, it is a matter of fact that there is a shortfall in waste treatment capacity in the UK, the Region and the area today. What you appear to be advocating is a strategy based on 'wait and see'. The trouble with this approach is that if everyone adopted it, nothing would happen.

You also make reference to recent updates of the Council's waste projections. It is of course right that projections are updated as circumstances change. What has changed in relation to amounts of household waste is a prolonged and deeper recession than expected, and a consequential review of the Government's estimates of housing numbers. However, the overall impact is relatively small in comparison. The change in relation to commercial waste is merely a reduction in the proportion sourced by AmeyCespa. Neither of these issues change the conclusion that we need to find a better alternative to deal with our waste than landfill.

I agree with you that heat recovery is more efficient and desirable, but speaking for AmeyCespa, disagree that AWRP is unable to use its heat. Heat use is an issue of financial not technical viability. The plant is capable of supplying heat to a local market if and when one can be secured but the important point is that the proposal and business case is not dependent on it. If AmeyCespa are successful in securing a planning consent I will do all I can to help AmeyCespa secure a long term heat market and deliver combined heat and power.

Finally, you refer to Truth. I have and never will be anything but truthful. As elected Members we are accountable for what we do and say. We must be, and be seen to be, impartial and we must make sure we have evidence to support our decision making. Sadly, the same is not true of others who are free to make whatever spurious claims they like, to whip up fear and protest from a position of partiality, without the need to justify anything to anyone.

Elected Members have to decide where the truth is, and distinguish between fact and fiction. The truth is that the Council has to act, and we can not shirk our responsibility to make difficult decisions. Members of the planning committee will shortly decide whether the case has been made for the Allerton Waste Recovery Park in planning terms. Only then will the time be right to consider whether the business case for the project still makes sense.

Thank you"

With the agreement of the Chairman, Mr Boyle asked a supplementary question, asking how, in a long recession and an era of austerity, the Council could justify spending much more than it needed to on waste disposal, when there were greener and cheaper alternatives available.

County Councillor Chris Metcalfe responded saying that , if the Council did not make alternative arrangements for the disposal of waste, the County Council and the City of York Council would have to make substantial annual additional tax payments.

County Councillor Bill Hault requested a copy of the prepared response given by County Councillor Chris Metcalfe.

## Report of the Executive

### Revenue Budget Outturn 2011/12

The recommendations in paragraph 1 of the report (page 4239) having been moved and seconded:

**The Council divided and, on a show of hands, the motion was declared carried, with none against and five abstentions.**

**Resolved -**

**135.** That unspent budgets at Corporate and Directorate level totalling £22,899k, as detailed in the report, are carried forward.

### Capital Expenditure Outturn and Financing 2011/12

The recommendation in paragraph 2 of the report (page 4248) having been moved and seconded:

**The Council divided and, on a show of hands, the motion was declared carried, with none against and no abstentions.**

**Resolved -**

**136.** That the proposed carry forward to 2012/13 of the net underspend totalling £2,697k, as set out in the report, is approved

### Corporate Risk Management Policy

The recommendation in paragraph 3 of the report (page 4248) having been moved and seconded:

**The Council divided and, on a show of hands, the motion was declared carried, with none against and no abstentions.**

**Resolved -**

**137.** That the revised Corporate Risk Management Policy, as set out at Appendix 3, is approved.

### Youth Justice Service Strategic Plan

The recommendation in paragraph 4 of the report (page 4249) having been moved and seconded:

**The Council divided and, on a show of hands, the motion was declared carried, with none against and no abstentions.**

#### Resolved -

**138.** That the Youth Justice Strategic Plan 2012-13, a copy of which was attached as Appendix 4 to the report, is approved.

### Ethical Framework Developments

The recommendation in paragraph 5 of the report (pages 4254-4255) having been moved and seconded, it was moved and seconded as an amendment that the date of 1 July 2012 in the recommendations be deleted and that 18 July 2012 be inserted in its place.

**The Council divided on the amendment and, on a show of hands, the amendment was declared carried, with none against and no abstentions.**

**The Council divided on the motion, as amended and, on a show of hands, the motion, as amended, was declared carried, with none against and no abstentions.**

#### Resolved -

**139.**

(a) That the Authority's duty to promote and maintain high standards of conduct be discharged as listed below and from time to time in such other ways as the Monitoring Officer, in consultation with any Standards Committee established by the Authority, may deem appropriate:-

- (i) Appoint a non-statutory Standards Committee.
- (ii) Adopt new/revise existing, ethical statements.
- (iii) Continue to promote ethical issues through planned and monitored Member training, including Member induction training.
- (iv) Continue to produce Standards Bulletins.
- (v) Continue to monitor wider policies, protocols and indicators which point to the ethical health of the Authority.
- (vi) Use of the Authority's website to promote the standards regime ultimately put in place.
- (vii) Publicise when the new/revise Code and supporting standards regime is established by the Authority and from time to time as appropriate.
- (viii) Work together with neighbouring authorities, where possible and appropriate, in order to discharge the statutory duty.

(b) That a politically balanced Standards Committee be established comprising not more than five Members (with one named Substitute from each Group represented on the Committee), meeting twice per annum, with a panel of Members from the Committee meeting on an ad hoc basis to deal with any

- alleged breach of the new Members' Code of Conduct, with effect from 18 July 2012;
- (c) That the draft new Members' Code of Conduct for the Council attached at **Appendix 5D** to this report is adopted and is effective from 18 July 2012;
  - (d) That, under the new standards regime effective from 18 July 2012, Members and voting co-opted Members are required to sign an undertaking to comply with the Code before acting in such capacity;
  - (e) That the Council's adoption of the new Code be publicised on the Council's website and Intranet and in any other ways the Standards Committee deems appropriate;
  - (f) That provision be made in the Council Procedure Rules requiring Members to withdraw from the meeting room where they have a disclosable pecuniary interest;
  - (g) That the complaint handling procedure, attached as **Appendix 5E** to the report, is approved and is effective from 18 July 2012;
  - (h) That two Independent Persons be appointed, to be involved on a rota basis;
  - (i) That the Independent Persons be invited to meetings of the new Standards Committee, but not formally co-opted on to the new Committee;
  - (j) That the Independent Persons be paid expenses in accordance with the Council's Members' Allowances Scheme (1/2 unit plus travel expenses at Member rate) and that this be considered by the Independent Remuneration Panel in due course;
  - (k) That the Independent Person vacancies having been advertised on the Council's website and through a press release via the Council's arrangements with the local press, the tasks in relation to the short listing and interviewing of Independent Person candidates are delegated to the Standards Committee, with the Chairman of the Standards Committee and the Monitoring Officer undertaking short-listing of applicants;
  - (l) That all functions in respect of the publication of Standards Committee Independent Person vacancies are delegated to the Standards Committee and that the Committee then delegates such functions to the Monitoring Officer, in consultation with the Chair of the Committee;
  - (m) That the power to assist in the recruitment of Standards Committee Independent Persons (but not to approve individual appointments) is delegated to the Standards Committee;
  - (n) That the Monitoring Officer is designated as Proper Officer to receive written requests for a dispensation by Members and voting co-opted Members, effective from 18 July 2012;
  - (o) That, with effect from 18 July, 2012, the power to grant dispensations to Members and voting co-opted Members is delegated to the Standards Committee, after consultation with the Independent Person; and that power be delegated to the Monitoring Officer to grant dispensations (after consultation with

the Independent Person) where the timescales are such that a Standards Committee meeting cannot be convened and where the Monitoring Officer has consulted every available Member of the Standards Committee, all of whom consent to the granting of the dispensation;

- (p) That, under the power delegated to the Monitoring Officer in Article 15.02(d)(iv), the Monitoring Officer make consequential amendments to the Constitution to reflect the new Members' Code of Conduct and supporting local ethical framework adopted by the Council.

### **Management Board Restructuring**

The recommendation in paragraph 6 of the report (page 4258) having been moved and seconded, it was moved and seconded as an amendment that the words "Chief Executive" in recommendation c) should be deleted and the words "Chief Officers Appointments and Disciplinary Committee" should be inserted in their place.

**The Council divided on the amendment and, on a show of hands, the amendment was declared carried, with none against and no abstentions.**

**The Council divided on the motion, as amended and, on a show of hands, the motion, as amended, was declared carried, with none against and no abstentions.**

#### **Resolved -**

#### **140.**

- 1) That the senior management structure be changed as set out in this report and particularly that:
  - a) the posts of Corporate Director (Finance and Central Services) and Assistant Chief Executive (Policy, Performance and Partnerships) be disestablished, and,
  - b) the post of Corporate Director (Strategic Resources) be established, and that post, in addition to the duties set out in the report, be designated to undertake the statutory function of responsibility for the proper administration of the authority's financial affairs in accordance with Section 151 Local Government Act 1972 and that the process for appointment to that post in accordance with the Council's procedures be undertaken, and,
  - c) the post of Director - Strategic Projects be established for a fixed period until April 2015, to be reviewed at that time, and that appointment to that post be made in accordance with the proposals in this report, and the finalisation of the agreement with the postholder of arrangements relating to the disestablishment of his current post and appointment to the new post be delegated to the Chief Officers Appointments and Disciplinary Committee.
  - d) the Pay Policy Statement be amended to reflect the changes to chief officer posts.
- 2) That consequential amendments to the Constitution be made, including amending the scheme of delegation to include the authority delegated to the Chief Executive to give notice on behalf of the County Council as shareholder of companies in



which the Council has an interest in any matters where the shareholder is empowered to do so, and where the Council as shareholder has agreed that notice should be given

### **Appointments to Committees and Outside Bodies**

The recommendation in paragraph 7 of the report (page 4259) having been moved and seconded, together with a number of nominations for appointment

**The Council divided and, on a show of hands, the motion was declared carried, with none against and no abstentions.**

#### **Resolved -**

#### **141.**

That Councillor John K Roberts is appointed as Craven District Council's representative on the Scrutiny of Health Committee, with Councillor Linda Brockbank as substitute; that Councillor David Blades is appointed as Hambleton District Council's substitute member on the Scrutiny of Health Committee; that Councillor Rob Johnson is appointed as Richmondshire District Council's substitute member on the Scrutiny of Health Committee in place of Councillor Linda Curren; and that Councillor Jane Mortimer is appointed to the Scrutiny of Health Committee as Scarborough Borough Council's representative, in place of Councillor James Preston, with Councillor Andrew Jenkinson as substitute Member.

That Mr Michael Clarkson is appointed as the Primary Teacher representative on the Young People Overview and Scrutiny Committee.

That County Councillors David Jeffels, Brian Marshall, Caroline Patmore, Peter Sowray and Geoff Webber are appointed to the Standards Committee, with County Councillor J W Marshall as substitute Member for the Liberal Democrat Group.

That Hilary Gilbertson is appointed as an Independent Person for the Council, for the purposes of the new ethical framework.

That County Councillor Carl Iles is appointed to the Police and Crime Panel in place of County Councillor John Watson OBE.

That County Councillors Val Arnold and Caroline Patmore are appointed to the substitutes list for the Conservative Group on the North Yorkshire Fire and Rescue Authority.

### **Report of the Standards Committee**

The recommendations in the report (pages 4361-4363) having been considered and determined by the Council under a previous agenda item, County Councillor Peter Sowray proposed that the Council note the Standards Committee's recommendations. He thanked the members of the previous Standards Committee, including the independent members of that Committee, for all their work on that Committee.

**The Council divided and, on a show of hands, the proposal to note the Committee's recommendations was declared carried, with none against and no abstentions.**

#### **Resolved -**

That the recommendations of the Standards Committee are noted.

### **Statements of Executive Members and Chairmen of Overview and Scrutiny Committees**

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 4365-4366) and responded to questions, including a written question from County Councillor Keith Barnes about Netherside Hall and Foremost Schools.

County Councillor Clare Wood, the Executive Member for Health and 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 4367-4368) 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 4369-4370) and responded to questions,

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 4371-4374) and responded to questions, including a written question from County Councillor Bill Hoult about the cost benefits of the waste management contract.

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 4375-4378) and responded to questions.

County Councillor Carl Les, the Executive Member for Chief Executive Group Services made a statement, a summary of the key points of which had previously been circulated and which appear the Minute Book (pages 4379-4382) and responded to questions

County Councillor Tony Hall, the Lead Executive Member for Children's Services, (Children's 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 appear the Minute Book (pages 4383-4386) and responded to questions, including a written question from County Councillor Keith Barnes about children's social care.

The written statements of the Chairmen of the Scrutiny Board and the Overview and Scrutiny Committees (pages 4387-4402) having previously been circulated, the Chairman of the Corporate and Partnerships Overview and Scrutiny Committee added to her statement and the Chairmen of the Transport, Economy and the Environment Overview and Scrutiny Committee, the Scrutiny of Health Committee and the Care and Independence Overview and Scrutiny Committee responded to questions.

### **Council Procedure Rule 10 Questions**

There were no Council Procedure Rule 10 questions.

The meeting concluded at 3.17pm