



NORTH YORKSHIRE COUNTY COUNCIL

Minutes of the meeting of the County Council held at County Hall, Northallerton on 19 December, 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, Bernard Bateman, MBE, John Batt, John Blackburn, John Blackie, David Blades, Bill Chatt, Jim Clark, John Clark, Michael Cockerill, Gareth Dadd, Polly English, John Fort BEM, John Fox, Heather Garnett, Andrew Goss, Helen Grant, Tony Hall, Roger Harrison-Topham, Michael Heseltine, Robert Heseltine, Bill Hout, Margaret Hulme, Neville Huxtable, David Ireton, David Jeffels, Janet Jefferson, Mike Jordan, Jane Kenyon, Michael Knaggs, Carl Les, Don Mackenzie, 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, Paul Richardson, Janet Sanderson, John Savage, Caroline Seymour, Stephen Shaw, Brian Simpson, Peter Sowray, Tim Swales, Helen Swiers, Herbert Tindall, John Watson OBE, John Weighell, Richard Welch, Andrew Williams and Clare Wood,

Minutes

The Chairman informed the Council that, at its meeting in October, County Councillor John Clark had raised a question on the accuracy of the minutes of the meeting in July, relating to a comment by the Leader. The recording of that meeting had confirmed that the Leader had agreed that a letter about milk prices to the appropriate Government Minister would be signed by the Leaders of the three largest political groups, not the Leaders of all political groups as stated in the minutes. As the Council had already approved the minutes of the meeting in July, these could not now be changed, but the Chairman undertook that the minutes of this meeting would record that there was that discrepancy in the minutes of the Council meeting on 18 July 2012

It was moved and seconded that the Minutes of the meeting of the County Council held on Wednesday, 10 October 2012, having been printed and circulated, be taken as read and are confirmed and be signed by the Chairman as a correct record.

Resolved -

150. That the Minutes of the meeting of the County Council held on Wednesday, 10 October, 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 Honorary Alderman Baroness Harris of Richmond D.L. to the meeting.

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 (pages 4343). He informed the Council that the candidate who had been offered the post of Corporate Director – Children and Young People's Service had subsequently declined to accept and further steps were now being taken to recruit a new Director. He also informed the Council that the Tour de France would be starting in Yorkshire in 2014 and the route would pass through parts of the County. Although this was likely to incur some costs, he believed the economic benefits to the County would far out weigh them. County Councillor John Weighell responded to questions.

Public Questions or Statements

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

Report of the Executive

School Funding Reform – LMS Formula

The recommendations in paragraph 1 of the report (pages 4349-50) having been moved and seconded, it was moved and seconded as an amendment that the following words be added to the motion:

That the Leader writes to the Prime Minister urging him to intervene with the Secretary of State and urge him to stop the current process which is designed to harm schools in all areas of North Yorkshire. We are particularly concerned about the impact of the current proposals on schools supporting the families of our armed services and the impact to be felt in deeply deprived areas.

Following discussion, the mover of the amendment modified the amendment by deleting all the words after "Secretary of State".

The Council divided and, on a show of hands, the amendment was declared carried, with none against and one abstention.

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

Resolved -

151. That the County Council ratifies the decisions of the Executive that:

- i. Option Z4.A.25 represents the least worst way forward if the Local Authority is unable to secure technical modifications from the DfE before 2013/14.

- ii. The DfE be advised by its deadline of 31 October that Option Z4.A.25 has been identified as the least worst option, but that it is not endorsed by the Schools Forum and is submitted only because the Local Authority recognises that it must comply with the DfE process in order to have a lawful basis for school budget setting in 2013/14.
- iii. The Secretary of State be urged to authorise his civil servants to agree the limited technical adjustments requested by the Authority in relation to lump sums and needs-based targeted funding in time for 2013/14, in order to remove the threat of excessive budget cuts in North Yorkshire schools.
- iv. That, in the event of (iii) not being agreed by the Secretary of State, permission is sought from the DfE to have a Minimum Funding Guarantee of 0% in 2013/14 in order to protect schools against unjustified budget reductions prior to further formula review in 2013/14.
- v. That the Leader writes to the Prime Minister urging him to intervene with the Secretary of State.

Changes to the Constitution

The recommendation in paragraph 2 of the report (page 4352) having been moved and seconded, it was moved and seconded as an amendment.

“That the words “Area Committees and Overview and Scrutiny Committees, other than the Scrutiny of Health Committee,” be deleted.”

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

- for the amendment - 14
- against the amendment - more

with two abstentions and the amendment was declared lost

(County Councillors Bill Chatt, John Clark, John Fox, Andrew Goss, J.W. Marshall, Stuart Parsons, Paul Richardson, John Savage and Caroline Seymour asked that it be recorded in the minutes that they supported the amendment.)

The Council divided and, on a show of hands, the motion was declared carried, with thirteen against and two abstentions.

(County Councillors John Clark, John Fox, Andrew Goss, J.W. Marshall, Stuart Parsons, Paul Richardson, John Savage, Caroline Seymour and Brian Simpson asked that it be recorded in the minutes that they voted against the motion.)

Resolved -

152. That the proposed changes to the Constitution set out in the report and in Appendix A, Parts A, B and C, and Appendix B, including reducing the number of scheduled meetings of the County Council, Area Committees and Overview and Scrutiny Committees, other than the Scrutiny of Health Committee, from 5 to 4 per annum, be approved and that reference in the Constitution to meetings of the County Council in October and December be deleted and a meeting of the Council on the second Wednesday in November be added in their place.

Appointments to Committees and Outside Bodies

The recommendation in paragraph 3 of the report (page 4352) having been moved and seconded, it was proposed that the seat County Councillor Brian Simpson currently holds on the Corporate and Partnerships Overview and Scrutiny Committee be transferred from the Liberal Democratic Group to the Independent members and that County Councillor Brian Simpson retain that seat on that Committee, together with a further nomination for appointment

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

Resolved -

153.

- (a) That the seat County Councillor Brian Simpson currently holds on the Corporate and Partnerships Overview and Scrutiny Committee be transferred from the Liberal Democrat Group to the Independent Members and that County Councillor Brian Simpson retain that seat on that Committee
- (b) That County Councillor John Fort be appointed as sixth named substitute Member on the Appeals Committee for the Conservative Group.

Designation of Interim Director of Children's Services

The recommendations in the report (page 4429) having been moved and seconded:-

The Council divided and, on a show of hands, the motion was declared carried, with none against and one abstention.

Resolved -

154. That the Chief Executive be designated Director of Children's Services for the duration of vacancy in the post of Corporate Director - Children and Young People's Services.

Statements of Executive Members and Chairmen of Overview and Scrutiny Committees

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 4431-32) 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 4433-4438) and responded to a 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 4439-4442) and responded to a question.

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 4443-4444) 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 4445-4448) and responded to questions, including a written question from County Councillor Keith Barnes relating to the Ofsted inspection of local authority arrangements for the protection of children.

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 4449-4450) and responded to questions.

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 4451-4452) and responded to questions, including written questions from County Councillor Shelagh Marshall relating to direct payments and stabilising the voluntary sector.

The written statements of the Chairmen of the Scrutiny Board and the Overview and Scrutiny Committees (pages 4453-4468) having previously been circulated, the Chairmen of the Scrutiny Board and the Scrutiny of Health Committee added to their statements and the Chairman of the Scrutiny Board responded to a question.

Council Procedure Rule 10 Questions

There were no Council Procedure Rule 10 questions.

Motion - Health Care 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 to put forward the views of local communities can be maximised.

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

“This Council, whilst acknowledging the financial issues facing the NHS North Yorkshire and York, considers there is no room to reduce the healthcare services currently provided to meet the immediate, urgent and unplanned needs of its local residents and its visitors, and expects 24/7 consultant-led Accident and Emergency Services, 24/7 consultant-led maternity and children’s services, and the opening days and hours of minor injuries units to remain at the level currently provided at the various District General Hospitals and Community Hospitals in the County of North Yorkshire”.

It was moved and seconded as an amendment that the words up to “considers” in the motion be deleted and the following words be inserted in their place:

“This Council:

- i. Acknowledges the financial issues facing the NHS North Yorkshire and York.
- ii. Calls upon HMG to change the NHS per capita funding formula so as to recognise the increased cost of an aging population and rurality.
- iii. Calls upon the SoHC to examine the financial position of the NHS (NY and Y). This information to be used so as to ascertain if “

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

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| - for the amendment | - | 2 |
| - against the amendment | - | 31 |

with no abstentions and the amendment was declared lost.

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

- | | | |
|----------------------|---|----|
| - for the motion | - | 31 |
| - against the motion | - | 2 |

with no abstentions.

RESOLVED -

155. This Council, whilst acknowledging the financial issues facing the NHS North Yorkshire and York, considers there is no room to reduce the healthcare services currently provided to meet the immediate, urgent and unplanned needs of its local residents and its visitors, and expects 24/7 consultant-led Accident and Emergency Services, 24/7 consultant-led maternity and children’s services, and the opening days and hours of minor injuries units to remain at the level currently provided at the various District General Hospitals and Community Hospitals in the County of North Yorkshire.

Motion - Future of Social Care

As no reasons for urgency were given in respect of the motion, the Chairman informed the Council that he believed that the motion should stand referred to the Executive for consideration and report back. He asked that the motion be formally moved and seconded, without debate.

County Councillor Bill Hoult moved and County Councillor Keith Barnes seconded:-

“This Council notes that the report of the Commission on Funding of Care and Support chaired by Andrew Dilnot was sent to the Chancellor of the Exchequer and the then Secretary of State for Health on 4th July 2010. The report recommended, inter alia:

- a) that a cap should be set on an individual’s contributions, and
- b) that the upper threshold for means-testing should be raised.

This Council calls upon Her Majesty’s Government to:

- i. bring forward legislation to implement these two proposals without any further delay and
- ii. ensure that the necessary funding provided to all local authorities is based upon the demographics of the eligible population rather than an arbitrary formula.

The Council calls on the Chief Executive to write to the Secretary of State for Health outlining these concerns”

The meeting concluded at 14.45