



## NORTH YORKSHIRE COUNTY COUNCIL

Minutes of the meeting of the County Council held at County Hall, Northallerton on 20 February, 2013 commencing at 10.30 am.

### PRESENT:-

County Councillor Cliff Trotter 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 Fort BEM, John Fox, Andrew Goss, 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, Patricia Marsburg, Penny Marsden, Brian Marshall, J W Marshall, John McCartney, Chris Metcalfe, Heather Moorhouse, Patrick Mulligan, Caroline Patmore, Chris Pearson, Dave Peart, Joe Plant, Peter Popple, Paul Richardson, Janet Sanderson, John Savage, Caroline Seymour, Stephen Shaw, Peter Sowray, Helen Swiers, Herbert Tindall, Cliff Trotter, John Watson OBE, Geoff Webber, John Weighell, Richard Welch, Andrew Williams and Clare Wood,

### Minutes

It was moved and seconded that the Minutes of the meeting of the County Council held on Wednesday, 19 December 2012, having been printed and circulated, be taken as read and are confirmed and be signed by the Chairman as a correct record.

### Resolved -

**156.** That the Minutes of the meeting of the County Council held on Wednesday, 19 December, 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 announced that Lord Crathorne the Lord Lieutenant of North Yorkshire, had been made KCVO, Knight Commander of the Royal Victorian Order, by Her Majesty the Queen in the New Year Honours List. He also announced the death of the previous Lord Lieutenant of North Yorkshire, Sir Marcus Worsley, and the death of Geoffrey Rennie, a former Chairman of the Council, who was a Member of the Council for the Hovingham and Sheriff Hutton division from 1989 to 2005. Members stood in silence in their memory.

The Chairman reminded Members that they had received a letter of advice from the Monitoring Officer about whether Members should be regarded as having a disclosable pecuniary interest in setting the Council Tax as part of the budget decisions. Whilst there was no longer a statutory exemption under the new Code of Conduct, the Department for Communities and Local Government; the County Council's Standards Committee and the Monitoring Officer had all indicated that they do not believe that Members require dispensations to take part in the debate or voting on this issue.

### **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 4477-8) and 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**

#### **Council Plan 2013/2014**

The recommendations in paragraph 1 of the report (page 4481) 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 -**

**157.** That the draft Council Plan, a copy of which was attached to the report 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 County Council on the Medium Term Financial Strategy and updated performance data.

### **Revenue Budget for 2013/14 and Medium Term Financial Strategy**

The recommendations in paragraph 2 of the report (pages 4483-4) were moved and seconded, together with the following recommendation:

“j) That the County Council notes:

- 1) the Section 25 assurance statement (and its proviso) provided by the Corporate Director, Strategic Resources regarding the robustness of the estimates and the adequacy of the reserves (paragraph 12.24 of Appendix 2)
- 2) the risk assessment of the MTFS detailed in Section 11 of Appendix 2.”

It was moved and seconded as an amendment that the following be added at the end of recommendation c)

“subject to the base budget for the Business and Environmental Services Directorate in

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Appendix D being increased by £857k for highways drainage works in 2013/14 with a matching increase in the use of General Working Balances in 2013/14 only.”

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

It was moved and seconded as an amendment:

That the following words be added at the end of recommendation c)

“subject to the base budget for the Business and Environmental Services Directorate and the corresponding use of General Working Balances in Appendix D being increased by £250k, in order that the savings proposal 2 for reducing trading standards service levels in Appendix J sheet 1 can 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 the following words be added at the end of recommendation c)

“subject to the base budget for the Business and Environmental Services Directorate and the corresponding use of General Working Balances in Appendix D being increased by £650k, in order that the savings proposals 5a) (to increase income over budget) and 5b) (to increase contribution to maintenance from Civil Parking Enforcement) for highways and transportation in Appendix J sheet 1 can be deleted.”

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

- for the amendment – 15
- against the amendment – more

**and the amendment was declared lost.**

**County Councillors John Clark and John Savage asked that it be recorded in the minutes that they voted against the amendment.**

It was moved and seconded as an amendment:

That the following words be added at the end of recommendation c)

“subject to the base budget for the Children and Young People’s Services Directorate and the corresponding use of General Working Balances in Appendix D being increased by £200k, in order that the savings proposal 13 (children’s social care transformation) in Appendix J sheet 3 can be deleted.”

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

- for the amendment – 16
- against the amendment – more
- with 4 abstentions

**and the amendment was declared lost.**

It was moved and seconded as an amendment:

That the following words be added at the end of recommendation c)

“subject to the base budget for the Children and Young People’s Services Directorate and the corresponding use of General Working Balances in Appendix D being increased by £280k in 2013/14 and a further £200k in 2014/15, in order that the savings proposal 15 (placements) in Appendix J sheet 3 can be deleted.

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

- for the amendment – 14
- against the amendment – more
- with 2 abstentions

**and the amendment was declared lost.**

It was moved and seconded as an amendment:

That the words “That the Council Tax Freeze Grant should be accepted and” be deleted and

In recommendation a) replace “£225,193k” with “£229,673k”

In recommendation b) replace “£1,057.48” with “£1,078.51” and

replace the whole of recommendation c) with: “a net Revenue Budget for 2013/14 of £378,944k be approved and that the financial allocations to each Directorate, net of planned savings, be as detailed in Appendix D Sheet 1 of Appendix 2 with removal of the 2013/14 Council Tax Freeze Grant and a further subsequent reduction to the use of General Working Balances.”

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

- for the amendment – 2
- against the amendment – more

**and the amendment was declared lost.**

**County Councillors John Clark and John Savage asked that it be recorded in the minutes that they voted for the amendment.**

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

- for the motion – more
- against the motion – 6
- with 4 abstentions

**and the motion was declared carried.**

**County Councillors John Clark and John Savage asked that it be recorded in the minutes that they voted against the motion.**

**Resolved -**

- 158.** That the Council Tax Freeze Grant should be accepted and
- a) in accordance with Section 42A of the Local Government Finance Act 1992 (as amended by Section 75 of The Localism Act 2011), that a net Council Tax requirement for 2013/14 of £225,193k be approved and that a Council Tax precept of this sum be issued to billing authorities in North Yorkshire (paragraphs 9.2 to 9.4 and Appendix E of Appendix 2)
  - b) in accordance with Section 42B of the Local Government Finance Act 1992 (as amended by Section 75 of The Localism Act 2011) a basic amount (Band D equivalent) of Council Tax of £1,057.48 be approved (paragraphs 9.2 to 9.4 and Appendix E of Appendix 2)
  - c) a net Revenue Budget for 2013/14 of £374,464k be approved and that the financial allocations to each Directorate, net of planned savings, be as detailed in Appendix D Sheet 1 of Appendix 2, subject to the base budget for the Business and Environmental Services Directorate in Appendix D being increased by £857k for highways drainage works in 2013/14 with a matching increase in the use of General Working Balances in 2013/14 only.
  - d) that the Corporate Director – Children and Young People’s Service be authorised, in consultation with Executive Members, to take the final decision, on the allocation of the Schools Block (paragraphs 8.10 to 8.14 of Appendix 2)
  - e) that the arrangements under which additional funds are allocated each year in respect of Adult Social Care and the Waste Strategy are approved and continue to be reviewed at least annually (paragraph 7.6 a) and paragraphs 8.4 to 8.6 of Appendix 2)
  - f) that the additional one-off funding of £2m in 2013/14 is approved to improve condition of the Highways Network as outlined in paragraph 7.6 b of Appendix 2)
  - g) that the policy target for the minimum level of the General Working Balance be retained at 2% of the net Annual Revenue Budget pending a review during 2013/14 (paragraphs 12.18 to 12.23 of Appendix 2)
  - h) that the Medium Term Financial Strategy 2014/15, and its caveats, as laid out in Section 7 and Appendix D Sheet 2 of Appendix 2 be approved.
  - i) that the attached pay policy statement (Appendix F of Appendix 2) covering the period 1 April 2013 to 31 March 2014 (paragraphs 9.11 to 9.17 of Appendix 2) be approved.
  - j) That the County Council notes:
    - 1) the Section 25 assurance statement (and its proviso) provided by the Corporate Director, Strategic Resources regarding the robustness of the estimates and the adequacy of the reserves (paragraph 12.24 of Appendix 2)
    - 2) the risk assessment of the MTFs detailed in Section 11 of Appendix 2.”

### **Revision of Prudential Indicators**

The recommendations in paragraph 3 of the report (page 4485) 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 -**

**159.** That the updated Prudential Indicators for 2013/14 to 2015/16, as set out in Appendix 3A to the report, and an Authorised Limit for External Debt of £422.1m in 2013/14, under Section 3(1) of the Local Government Act 2003, are approved.

### **Treasury Management Strategy**

The recommendations in paragraph 4 of the report (page 4495) having been moved and seconded:

**The Council divided and, on a show of hands, the motion was declared carried, with none against and 2 abstentions.**

**Resolved -**

**159.**

- (a) That the Annual Treasury Management and Investment Strategy for 2013/14 as detailed in Appendix 4B are approved and, in particular,
- (i) an authorised limit for external debt of £422.1m in 2013/14
  - (ii) an operational boundary for external debt of £402.1m in 2013/14
  - (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 2013/14 as set out in Section 11 of Appendix 4B.
  - (ix) the Corporate Director – Strategic Resources 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
- (b) that the Audit Committee is invited to review Appendices 4A and 4B and submit any proposals to the Executive for consideration at the earliest opportunity.

### **School Admission Arrangements 2014/2015**

The recommendations in paragraph 5 of the report (pages 4499-4500) 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 -**

**160.** That the proposed School Admission Arrangements 2014/15 are adopted which include:

- (i) the proposed admission policy for community and voluntary controlled schools; and
- (ii) the proposed admission policy for nursery schools, schools with nursery and pre-reception classes, appendices 5A and 5B.
  
- the proposed published admission numbers [PAN's] for community and voluntary controlled schools as shown in appendices 5E and 5F and the limits for voluntary aided, foundation and trust schools and academies be noted.
  
- the proposed co-ordinated admission arrangements which include in-year co-ordination and the In Year Fair Access Protocols (appendices 5C and 5Ca).
  
- the proposed changes to the catchment areas for Holy Trinity Church of England Infant and Junior Schools, Ripon and Sharow Church of England Primary School, Ripon. (appendix 5G)
  
- the proposed change to the catchment areas for South Milford Community Primary School and Athelstan CP School, Sherburn-in-Elmet. (appendices 5H, 5Ha, 5Hb & 5Hc.)

#### **Motion – Future of Social Care**

In light of recent Government announcements, the mover and seconder of the motion withdrew their motion.

#### **Changes to Constitution**

The recommendation in paragraph 7 of the report (pages 4503) 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 -**

**162.** That the changes proposed to the Constitution set out in Appendix 7 to the report are approved.

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

The recommendation in paragraph 8 of the report (page 4503) having been moved and seconded the Council was informed that County Councillor Stuart Parsons had given notice that he had left the Liberal Democrat Group and was now an independent Member on the Council. It was proposed that County Councillor Parsons should retain his seat on the Transport, Economy and Environment Overview and Scrutiny Committee and that that seat be transferred from the Liberal Democrat Group to those seats allocated to the independent Members on the Council.



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

**Resolved -**

**163.** That County Councillor Parsons retains his seat on the Transport, Economy and Environment Overview and Scrutiny Committee and that that seat be transferred from the Liberal Democrat Group to those seats allocated to the independent Members on the Council.

### **Independent Panel on Members' Remunerations**

The recommendations in the report (pages 4866) 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 -**

**164.** That:

(a) a Scheme of Allowances (as attached at Appendix B), and changes to the Scheme of Approved Duties (as attached at Appendix C) for 2013/14.

(b) the procedure for the appointment of two replacement members of the Independent Panel, to take up their role in May 2013, as set out in Appendix E.

are approved.

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

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 4893-6) and responded to questions.

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 4897-8) 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 4899-4900) 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 4901-13), including reports of the looked after children Members group and the young people's champion 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 4915-6) and responded to questions, including written questions from County Councillor Keith Barnes relating to the pupil premium and the Government's consultation on "A good education for all: inspection of local authority services".

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 4917-8) and responded to questions, including a written question from County Councillor Bill Chatt relating to the Supporting People Programme.

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 4919-20) and responded to questions.

The written statements of the Chairmen of the Scrutiny Board and the Overview and Scrutiny Committees (pages 4921-33) having previously been circulated, the Chairman of the Scrutiny Board added to his statement and the Chairman of the Transport, Economy and Environment Overview and Scrutiny Committee responded to a question.

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

There were no Council Procedure Rule 10 questions.

The meeting concluded at 15.00.