



## NORTH YORKSHIRE COUNTY COUNCIL

Minutes of the Annual Meeting of the County Council held at County Hall, Northallerton on Wednesday, 15 May, 2013 commencing at 10.30 am.

### **PRESENT:-**

County Councillor Cliff Trotter in the Chair.

County Councillors Val Arnold, Margaret Atkinson, Andrew Backhouse, Robert Baker, Arthur Barker, Philip Barrett, Bernard Bateman, MBE, David Billing, John Blackburn, John Blackie, David Blades, Eric Broadbent, Jean Butterfield, Liz Casling, David Chance, Jim Clark, John Clark, Richard Cooper, Sam Cross, Gareth Dadd, Margaret-Ann de Courcey-Bayley, Polly English, John Ennis, John Fort BEM, Andrew Goss, Helen Grant, Bryn Griffiths, Tony Hall, Michael Harrison, Roger Harrison-Topham, Michael Heseltine, Robert Heseltine, Peter Horton, Bill Hout, Margaret Hulme, David Ireton, David Jeffels, Janet Jefferson, Anne Jones, Andrew Lee, Carl Les, Cliff Lunn, Don Mackenzie, Penny Marsden, Brian Marshall, Shelagh Marshall, John McCartney, Chris Metcalfe, Heather Moorhouse, Patrick Mulligan, Robert Packham, Caroline Patmore, Chris Pearson, Joe Plant, Tony Randerson, John Ritchie, Janet Sanderson, John Savage, Steve Shaw-Wright, Elizabeth Shields, David Simister, Peter Sowray, Tim Swales, Helen Swiers, John Weighell, Richard Welch, James Windass and Clare Wood,

### **Election of Chairman**

It was moved by County Councillor Liz Casling and seconded by County Councillor Heather Moorhouse that County Councillor Bernard Bateman MBE be elected as Chairman of the County Council to serve until the Annual Meeting of the Council in 2014.

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

### **Resolved -**

1. That County Councillor Bernard Bateman MBE is elected as Chairman of the County Council, to serve until the Annual Meeting of the Council in 2014.

County Councillor Bernard Bateman MBE then made his declaration of acceptance of the office of Chairman of the County Council.

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**County Councillor Bernard Bateman MBE in the Chair**

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The Chairman thanked the Council for his election and it was then moved by County Councillor Bernard Bateman MBE and seconded by County Councillor John Weighell:-

“That this Council places on record its appreciation of the exceptional service rendered to it by County Councillor Cliff Trotter as Vice-Chairman of the County Council from 2011 to 2012 and as Chairman of the County Council from 2012 to 2013 and also places on record its thanks to Gillian Trotter and Shirley Fawcett for the unfailing support which she has given the Chairman during his terms of office.”

Leaders of other political groups spoke in support.

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

**Resolved –**

2. That this Council places on record its appreciation of the exceptional service rendered to it by County Councillor Cliff Trotter as Vice-Chairman of the County Council from 2011 to 2012 and as Chairman of the County Council from 2012 to 2013 and also places on record its thanks to Gillian Trotter and Shirley Fawcett for the unfailing support which they have given the Chairman during his terms of office.

The Chairman presented a past Chairman’s badge to County Councillor Cliff Trotter.

County Councillor Cliff Trotter responded.

**Minutes**

It was moved and seconded that the Minutes of the meeting of the County Council held on Wednesday, 20 February 2013, 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 with none against.**

**Resolved -**

3. That the Minutes of the meeting of the County Council held on Wednesday, 20 February 2013, having been printed and circulated, are taken as read and are confirmed and be signed by the Chairman as a correct record.

### **Appointment of Vice-Chairman**

It was moved by County Councillor Tony Hall and seconded by County Councillor David Blades that County Councillor Tim Swales be appointed as Vice-Chairman of the County Council, to serve until the Annual Meeting of the Council in 2014.

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

**Resolved –**

4. That County Councillor Tim Swales be appointed as Vice-Chairman of the County Council, to serve until the Annual Meeting of the Council in 2014.

County Councillor Tim Swales then made his declaration of acceptance of the office of Vice-Chairman of the County Council and thanked the Council for his appointment.

### **Chairman's Announcements**

The Chairman reported apologies for absence and drew to the attention of Members of the Council the time limits for speeches. He informed the Council that he proposed, with their agreement, to write to those Members of the former Council who had decided not to stand in the recent elections, or who had lost their seats, thanking them for their past service.

### **Election of Leader**

It was moved by County Councillor Carl Les and seconded by County Councillor Chris Metcalfe that County Councillor John Weighell be elected as Leader of the County Council to serve until the Annual Meeting of the County Council in 2017.

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

**RESOLVED -**

5. That County Councillor John Weighell be elected as Leader of the County Council, to serve until the Annual Meeting of County Council in 2017.

### **Statement by the Leader of the Council**

County Councillor John Weighell welcomed the Members of the former Council who had returned to the Chamber and the new members of the Council. He then thanked the former Members of the Council who had retired, or had not returned, for their past contributions to the work of the Council. He made a statement, under Council Procedure Rule 2.3, as Leader of the Council, setting out details of his appointments, as Leader of the Council, of the Deputy Leader and Executive Members and their portfolios. He proposed that all Members of the Council should be provided with details of these appointments by e-mail. In addition to informing the Council of his appointments of Members of the Executive, he informed the Council that Executive functions would generally be exercised by the Executive

when meeting formally together, but confirmed specific delegations of Executive functions as currently set out in Part 3 of the Constitution to Committees of the Executive; to individual Executive Members; to Area Committees; to Joint Committees; to Officers; to other Local Authorities or their Executives; and to the Appeals Committee. He confirmed that these delegations would remain the same. He also confirmed any specific delegations made to date to Officers and Executive Members as part of any decision of the Executive in relation to a specific item of business. He then responded to a question.

### **Public Questions or Statements**

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

## **REPORT AND SUPPLEMENTARY REPORT OF THE ALLOCATIONS COMMITTEE**

### **Allocation of seats on and appointments to Committees subject to proportional representation**

The recommendations in the report and the supplementary report of the Allocations Committee (pages 4479 - 82) were moved and seconded, together with nominations to those Committees and as Chairmen and Vice-Chairmen of Overview and Scrutiny Committees and the other Committees (pages 4489 – 4516) subject to the following changes:

Care and Independence Overview and Scrutiny Committee – delete nomination of Sam Cross – UKIP and insert John Savage – Liberal, with John Clark as Liberal group substitute member.

Young People Overview and Scrutiny Committee – Elizabeth Shields should appear as a Liberal Democrat.

Scrutiny of Health Committee – Liberal group substitute member – John Savage.

Chief Officers Appointments and Disciplinary Committee – John Clark – Liberal, with John Savage as Liberal group substitute member.

Appeals Committee – Brian Marshall – Labour

Audit Committee – Janet Jefferson as North Yorkshire Independents group second substitute.

That wherever one member of the Liberal group holds a seat on a Committee, the other member of that group is nominated as substitute member and wherever one member of the UKIP group holds a seat on a Committee, the other member of that group is nominated as substitute member

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

**RESOLVED –**

- 6.**
- (a) That the numbers of seats on each of the Committees and the allocation of those seats to each group and the Independent Members be as set out in paragraph 1 of the Supplementary Report of the Allocations Committee.
  - (b) That the Members nominated to serve on those Committees by the group to which the seat has been allocated, which nominations are set out on pages 4489 -4500 in the Minute Book, be approved, subject to the variations set out above, together with substitute members and non-County Council members on the Young People Overview and Scrutiny Committee, the Care and Independence Overview and Scrutiny Committee, the Audit Committee and the Pension Fund Committee.
  - (c) That the Members nominated as Chairmen and Vice-Chairmen of the Overview and Scrutiny Committees set out on pages 4490 – 4494 in the Minute Book be elected.

**Area Committees**

The recommendations in paragraph 2 of the report (page 4479) having been moved and seconded, it was

**RESOLVED –**

- 7.**
- (a) That the Members of the County Council nominated to serve on each of the Area Committees, being the Members representing electoral divisions within the area of each Committee, be appointed to the Area Committee specified.
  - (b) That the powers delegated to Area Committees by the Council, as set out in the Constitution, be confirmed.

**Appointments to Independent Bodies**

The recommendations in paragraph 3 of the Supplementary Report (page 4482) were moved and seconded, together with the nominations of County Councillors to serve as Members (Page 4509) in the Minute Book and the following nominations as substitute members to the North Yorkshire Fire and Rescue Authority: Conservatives – David Ireton and Penny Marsden; Liberal Democrats – Polly English; North Yorkshire Independents – Peter Horton; Labour – John Ritchie; Liberal John Clark.

**RESOLVED –**

- 9.** That the seats on the Independent Bodies to which the County Council makes appointments be allocated between the political groups as shown in paragraph 3 and on pages 4509 of the Minute Book and that the Members nominated by the respective group, as set out on page 4509 and as substitute members of the North Yorkshire Fire and Rescue Authority set out above, be appointed.

### Standing Substitute Lists

The recommendations in paragraph 4 of the report (page 4480 were moved and seconded, subject to the name John Clark being amended to Jim Clark in the Conservative long list of substitute members.

#### RESOLVED –

**10.** That in accordance with the Council's Substitute Members scheme, the Members nominated on the Standing Lists of Substitutes on page 4511 -16 of the Minute Book be appointed as the Standing Lists of Substitutes for the Conservative Group, Liberal Democrat Group, Labour Group, North Yorkshire Independent Group, Liberal Group and UKIP Group, subject to the name John Clark being amended to Jim Clark in the Conservative long list of substitute members.

### Report of the Executive

#### Changes to the Constitution

The recommendations in paragraph 1 of the report (page 4520) having been moved and seconded:

**The Council divided and, on a show of hands, the motion as amended was declared carried, with one against and no abstentions.**

#### Resolved -

- 11.**
- (a) That the terms of reference for the Health and Wellbeing Board, as set out in Appendix 1 to this report, be agreed and be included in the Constitution, subject to further consideration by the Health and Wellbeing Board of the position of the non-voting co-opted members;
  - (b) That the Council should continue to have a Scrutiny of Health Committee for the exercise of its scrutiny of health powers as set out in above;
  - (c) That a further report on non-statutory co-opted Members of Overview and Scrutiny Committees should be brought to the Council, following the election of the new Council, and any re-appointments should be held in abeyance until then;
  - (d) That the Members' Code of Conduct is amended to reflect the proposed changes to the Principles of Public Life set out in Appendix 3 to this report;
  - (e) That the consequential amendment to the Head of Paid Service's statutory duties in the Officers' Delegation Scheme, regarding the granting of exemptions from political restriction of employee posts, and the other consequential amendments set out in Appendix 3 to this report, be approved and be included in the Constitution;
  - (f) That the County Council's Constitution be amended by the inclusion of the PATROL (Parking and Traffic Regulations Outside London) Adjudication Joint Committee as an outside body to which the Executive appoints as listed at Category 1 of Schedule 5 to Part 3.

## North Yorkshire County Council and Selby District Council Collaboration Project

The recommendation in paragraph 2 of the report (page 4523) having been moved and seconded:

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

### Resolved -

12. That the County Council agrees to:

Working in partnership with Selby District Council on closer collaboration in line with the attached Appendix 4 to this report, subject to further work being undertaken on the development of the project as a whole and a decision to proceed with implementation, to be taken by the Chief Executive in consultation with the Leader of the Council.

The appointment of a joint post of Chief Executive of Selby District Council and Assistant Chief Executive of North Yorkshire County Council.

Entering into an agreement with Selby District Council for the secondment of the post to the County Council on the basis set out in this report.

## Independent Panel on Members' Remunerations

The recommendations in the report (page 4573) were moved and seconded with the following addition to recommendation b);

“and to amend that part of schedule 1 which relates to Leaders of Political Groups of other parties to read “Other parties where the group has 10%\* of the membership - £2,316 (and where there is more than one such group, the allowance shall be shared between them equally);

and to amend that part of schedule 1 which relates to Secretaries of Political Groups of other parties to read “Other parties where the group has 10%\* of the membership - £772 (and where there is more than one such group, the allowance shall be shared between them equally);

and to delete the words “more than” in the reference to party political meetings in the scheme of approved duties;

and that the schedule and scheme be amended to state that 10% of the membership is to be interpreted as 7 in number.”

It was moved and seconded as an amendment that 10% of members in schedule 1 be interpreted as two in number.

**The Council divided and, on a show of hands, the amendment was declared lost, with four for and more against.**

The Council divided and, on a show of hands, the motion was declared carried, with four against and no abstentions.

County Councillors John Clark, Sam Cross, John Savage and David Simister asked that it be recorded in the minutes that they voted against the motion.

Resolved -

13.

- (a) That the report of the Independent Panel on Members Remuneration is received.
- (b) That an additional Special Responsibility Allowance for the role of Chairman of the Planning and Regulatory Functions Sub-Committee for 2013/14 is approved and that part of schedule 1 which relates to Leaders of Political Groups of other parties is amended to read "Other parties where the group has 10%\* of the membership - £2,316 (and where there is more than one such group, the allowance shall be shared between them equally);
- and that part of schedule 1 which relates to Secretaries of Political Groups of other parties is amended to read "Other parties where the group has 10%\* of the membership - £772 (and where there is more than one such group, the allowance shall be shared between them equally);
- and the words "more than" are deleted in the reference to party political meetings in the scheme of approved duties;
- and that the schedule and scheme are amended to state that 10% of the membership is to be interpreted as 7 in number.
- (c) That a clarification on the list of approved duties relating to party political meetings, to apply for 2013/14, as set out in Appendix C to the report, is approved.

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

County Councillor Tony Hall, the Lead Executive Member for children's services, (Children's Act 2004), special educational needs and youth justice; County Councillor Gareth Dadd, the Executive Member for highways and planning services; and County Councillor Don Mackenzie, the Executive Member for public health and prevention made statements. County Councillors Gareth Dadd, Arthur Barker and Clare Wood responded to questions.

The Chairman of the Scrutiny of Health Committee responded to a question.

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

There were no Council Procedure Rule 10 questions.

The meeting concluded at 13.00