



## NORTH YORKSHIRE COUNTY COUNCIL

Minutes of the meeting of the County Council held at County Hall, Northallerton on 13 November, 2013 commencing at 10.30 am.

### Present:-

County Councillor Bernard Bateman MBE in the Chair.

County Councillors Val Arnold, Margaret Atkinson, Andrew Backhouse, Robert Baker, Arthur Barker, Philip Barrett, Derek Bastiman, 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, Andrew Goss, Helen Grant, Bryn Griffiths, Tony Hall, Michael Harrison, Roger Harrison-Topham, Michael Heseltine, Robert Heseltine, Peter Horton, Bill Hoult, David Ireton, David Jeffels, Janet Jefferson, Mike Jordan, Carl Les, Cliff Lunn, Don Mackenzie, Penny Marsden, Brian Marshall, Shelagh Marshall, John McCartney, Chris Metcalfe, Heather Moorhouse, Patrick Mulligan, Robert Packham, Stuart Parsons, Chris Pearson, Joe Plant, John Ritchie, Janet Sanderson, John Savage, Steve Shaw-Wright, Elizabeth Shields, David Simister, Peter Sowray, Tim Swales, Helen Swiers, Cliff Trotter, John Weighell, James Windass and Clare Wood.

### Minutes

It was moved and seconded that the Minutes of the meeting of the County Council held on Wednesday, 24 July 2013, having been printed and circulated, be taken as read and be 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 and no abstentions.**

### Resolved -

**21.** That the Minutes of the meeting of the County Council held on Wednesday, 24 July 2013, 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 County Councillor Mike Jordan, the new member for the South Selby electoral division, back to the Chamber, and welcomed Honorary Aldermen David Ashton, David Lloyd-Williams, Steve Macare and Roy Wilson to the meeting and Marcel Franzel, former mayor of Woendrecht, in the Netherlands, who is having a year's sabbatical in North Yorkshire.

The Chairman announced that, just before the meeting, a petition was presented to him, as Chairman of the County Council, relating to bus services in Ripon and that County Councillor Peter Horton would be referring to that petition in a question to County Councillor Chris Metcalfe, the relevant Executive Member.

### **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 4881-4882) and responded to a question.

### **Public Questions or Statements**

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

### **Report of the Executive**

#### **Prudential Indicators**

The recommendation in paragraph 1 of the report (pages 4883-4884) was moved and seconded.

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

#### **Resolved -**

<p><b>22.</b> That the revised Prudential Indicators for the period 2013/14 to 2015/16, as set out in Appendix 1 to the report, are approved.</p>
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### **Capital Plan**

The recommendation in paragraph 2 of the report (pages 4884-4885) was moved and seconded.

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

#### **Resolved -**

<p><b>23.</b> That the revised Capital Plan, a copy of which was attached as Appendix 2A to 2F to the report, is approved.</p>
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### Contract Procedure Rules

The recommendation in paragraph 3 of the report (pages 4885-4886) was moved and seconded.

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

#### Resolved -

**24.** That the revised Contract Procedural Rules, as set out in Appendix 3A, are approved and be incorporated into the Council's Constitution.

### School Funding

The recommendations in paragraph 4 of the report (pages 4886-4888) were moved and seconded.

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

#### Resolved –

**25.**

(a) That a sparsity factor and lump sum is approved, as per the following:

	Primary	Secondary
Measure	As the crow flies	As the crow flies
Mileage	2	3
Lump Sum	£85k	£175k
Sparsity factor	£50k tapered	£100k fixed
Exceptions for	Schools with crow flies >2 and road distance >3	Schools with crow flies >3 and road distance >4

(b) That the investigation of measures which will incentivise changes in school organisation and working arrangements, such as the re-introduction of a split site factor for 2015-16, is endorsed.

(c) That the revised (directed) mobility factor is allocated within the current levels of funding.

25.

(d) That Element 2 funding is allocated as set out below:

DfE prescribed formula factors used in distributing Element 2 Funding	Existing Formula	Proposed Formula w.e.f. April 2014
AWPU	0%	9%
Lump Sum	0%	0%
FSM %	6.67%	6%
IDACI %	6.67%	6%
Mobility	6.66%	3%
LAC	0%	6%
Prior Attainment	80%	70%
Total	100%	100%

(e) That a mechanism for allocating this exceptional funding contingency is introduced, as set out in paragraph 11.17 of the consultation paper (repeated at 7.9 of the report attached as Appendix 4 to this report).

(f) That funding arrangements for Alternative Provision in the Scarborough, Whitby and Ryedale areas are introduced, as per the consultation

(g) That additional top-up funding be provided for the very challenging pupils that were previously in a special school

(h) That the new proposal for the allocation of discretionary AP funding, as below, is supported:

	Current Option	Option2
Pupil Number %	25%	50%
FSM %	12.5%	12.50%
IDACI %	12.5%	12.50%
LAC %	25%	12.50%
Youth Justice %	25%	12.50%

And that any final changes to the proposed formula be sent to the Education Funding Agency in January 2014.

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

The recommendation in paragraph 5 of the report (pages 4889-4890) having been moved and seconded, the Council was informed of a number of additional nominations.

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

#### **Resolved -**

**26.** That County Councillor Mike Jordan is appointed to the vacancies on the Care and Independence Overview and Scrutiny Committee and the Selby Area Committee.

That Duncan Webster is appointed in place of Melvyn Ellis as the HealthWatch representative on the North Yorkshire Health and Wellbeing Board.

That Councillor Jane Parlour (Richmondshire District Council) is appointed as a Substitute Member from the District Councils on North Yorkshire Pension Fund Committee and the second seat for a District Councils' Substitute Member on North Yorkshire Pension Fund Committee be marked as a vacancy.

That County Councillor Mike Jordan is appointed to the Audit Committee in place of County Councillor Patrick Mulligan.

That County Councillor Patrick Mulligan is appointed to the vacancy on the Scrutiny of Health Committee; that County Councillor David Blades is removed as a substitute member of that Committee and is appointed to that Committee, in place of Councillor Ken Billings, as the representative of Hambleton District Council; and that County Councillor Helen Swiers is appointed as 4<sup>th</sup> named substitute member for the Conservative Group on that Committee.

That John Thompson is appointed to the Independent Members' Remuneration Panel.

That County Councillors Tim Swales, Jim Clark, Mike Jordan and Carl Les are appointed as third, fourth, fifth and sixth named substitute members, respectively, for the Conservative Group on the North Yorkshire Fire and Rescue Authority

That Sally Burton, who is currently the interim Assistant Director, Transformation and Integration, who will be Acting Director – Health and Adult Services when Helen Taylor leaves the Council, is designated as Director of Adult Social Services for the duration of the vacancy in the post of Corporate Director – Health and Adult Services.

That it is delegated to the Chief Executive to confirm the designation of the final appointee to the post of Corporate Director – Health and Adult Services as statutory Director of Adult Social Services and that a report confirming the designation is brought to the County Council in due course.

## **Report of the Audit Committee**

### **Annual Report**

The recommendation in paragraph 1 of the report (page 5007) was moved and seconded:-

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

**Resolved -**

**27.** That the draft Annual report of the Audit Committee, as appended to the report of the Committee's Chairman, was approved.

## **Report of the Standards Committee**

### **Code of Conduct - alteration**

The recommendation in paragraph 1 of the report (page 5019) was moved and seconded.

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

**Resolved -**

**28.** That the current Code of Conduct and form for registering Members interests be altered, allowing Members to treat trade union membership as a personal, non-pecuniary interest, as required under new guidance, and to authorise the Monitoring Officer to contact all Members of the Council asking them to register such interests, where these are held.

## **Protocol on Unreasonably Persistent/Vexatious Complaints**

The recommendation in paragraph 2 of the report (page 5019) was moved and seconded.

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

**Resolved -**

**29.** That the protocol on Vexatiousness (Appendix 1) is approved.

### **Arrangements for dealing with allegations of a breach of the Members' Code of Conduct**

The recommendation in paragraph 3 of the report (pages 5019-5020) was moved and seconded. It was moved and seconded as an amendment that the words "politically motivated" be deleted from the procedure in Appendix 2.

**The Council divided and, on a show of hands, the amendment was declared lost, with nine for, more against and no abstentions.**

It was moved and seconded as an amendment "That the Code of Conduct be amended to give Members who are the subject of a complaint the right to bring witnesses to any hearing to support the Member's case."

**The Council divided and, on a show of hands, the amendment was declared lost with ten for, more against and no abstentions.**

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

**Resolved -**

**30.** That the amendments to the arrangements for dealing with allegations of a breach of the Members' Code of Conduct, as detailed in Appendix 2 of the report, are approved.

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

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

County Councillor Tony Hall, the Executive Member for Children's services, special education needs youth justice, youth service and adult learning made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 5093-5095) and responded to a question.

County Councillor Arthur Barker, the Executive Member for Schools, 16-19 year old education and early years' provision made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 5097-5099) and responded to questions, including a written question from County Councillor Bryn Griffiths relating to Stokesley Primary School.

County Councillor Clare Wood, the Executive Member for Adult social care and health integration made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 5101-5102) and responded to a question.

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 5103-5104). He referred to the M65/Yorkshire corridor study and responded to questions, including a written question from County Councillor John Blackie relating to the need for robust winter maintenance arrangements to ameliorate the effects of the closure of the road between Reeth and Richmond.

(The Chairman adjourned the quarterly meeting of the Council at 12.28 to enable an extraordinary meeting to confer the title of Honorary Alderman on four former Members of the Council to take place as scheduled. The quarterly meeting reconvened at 14.00)

County Councillor Chris Metcalfe, the Executive Member for Rural Services, waste disposal, public passenger transport, trading standards, economic development and library services presented a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 5105-5110) and responded to questions.

County Councillor Don MacKenzie, the Executive Member for Public health and prevention made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 5111-5113) and responded to questions.

County Councillor Carl Les, the Executive Member for Central and 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 5115-5118).

The written statements of the Chairmen of the Scrutiny Board and the Overview and Scrutiny Committees (pages 5119-5136) having previously been circulated, the Chairman of the Scrutiny of Health Committee responded to questions.

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

There were no Council Procedure Rule 10 questions.

The meeting concluded at 14.33