



## NORTH YORKSHIRE COUNTY COUNCIL

Minutes of the Annual General meeting of the County Council held at County Hall, Northallerton on 21 May, 2014 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, John Blackburn, David Blades, Eric Broadbent, Jean Butterfield, Liz Casling, David Chance, Jim Clark, John Clark, Sam Cross, Gareth Dadd, Margaret-Ann de Courcey-Bayley, John Ennis, John Fort BEM, Helen Grant, Tony Hall, Michael Harrison, Roger Harrison-Topham, Michael Heseltine, Robert Heseltine, Peter Horton, Bill Hault, David Ireton, David Jeffels, Janet Jefferson, Anne Jones, Mike Jordan, Andrew Lee, Carl Les, Cliff Lunn, Don Mackenzie, Penny Marsden, Brian Marshall, Chris Metcalfe, Heather Moorhouse, Patrick Mulligan, Robert Packham, Stuart Parsons, Caroline Patmore, Joe Plant, Tony Randerson, John Ritchie, Janet Sanderson, John Savage, Steve Shaw-Wright, Elizabeth Shields, David Simister, Peter Sowray, Tim Swales, Helen Swiers, Cliff Trotter, John Weighell, Richard Welch, James Windass and Clare Wood,

### **Election of Chairman**

It was moved by County Councillor Tony Hall and seconded by County Councillor Peter Sowray that County Councillor Tim Swales be elected as Chairman of the County Council to serve until the Annual Meeting of the Council in 2015.

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

### **Resolved -**

**47.** That County Councillor Tim Swales is elected as Chairman of the County Council, to serve until the Annual Meeting of the Council in 2015.

County Councillor Tim Swales then made his declaration of acceptance of the office of Chairman of the County Council.

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**County Councillor Tim Swales in the Chair**

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The Chairman thanked the Council for his election and it was then moved by County Councillor Tim Swales 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 Bernard Bateman MBE as Vice-Chairman of the County Council from 2012 to 2013 and as Chairman of the County Council from 2013 to 2014 and also places on record its thanks to Linda Bateman 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, and no abstentions.**

**Resolved –**

**48.** That this Council places on record its appreciation of the exceptional service rendered to it by County Councillor Bernard Bateman MBE as Vice-Chairman of the County Council from 2012 to 2013 and as Chairman of the County Council from 2013 to 2014 and also places on record its thanks to Linda Bateman for the unfailing support which she has given the Chairman during his terms of office.

The Chairman presented a past Chairman’s badge to County Councillor Bernard Bateman MBE.

County Councillor Bernard Bateman MBE responded.

**Minutes**

It was moved and seconded that the Minutes of the meeting of the County Council held on Wednesday, 19 February 2014, 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 -**

**49.** That the Minutes of the meeting of the County Council held on Wednesday, 19 February 2014, having been printed and circulated, are taken as read and are confirmed and signed by the Chairman as a correct record.

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

It was moved by County Councillor Derek Bastiman and seconded by County Councillor Helen Swiers that County Councillor David Jeffels be appointed as Vice-Chairman of the County Council, to serve until the Annual Meeting of the Council in 2015.

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

#### **Resolved –**

**50.** That County Councillor David Jeffels is appointed as Vice-Chairman of the County Council, to serve until the Annual Meeting of the Council in 2015.

County Councillor David Jeffels 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 welcomed Honorary Aldermen Jane Kenyon-Miller, Caroline Seymour, and Michael Knaggs to the meeting. He then formally announced the death of Polly English, the County Councillor representing the Skipton West electoral division since May 2005, and the death of Ford Longman, a former Member of this Council, who represented the Tadcaster West electoral division from February 1986 to May 1997 and asked Members to stand in silence in their memory.

The Chairman reported apologies for absence and drew to the attention of Members of the Council the time limits for speeches.

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

County Councillor John Weighell congratulated the Chairman and Vice-Chairman on their appointment and 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 5679-5680). He thanked Stephen Knight, Principal Officer Democracy and Governance, for his service to the Council over the past 32 years and wished him well in his retirement. Other Members then expressed their thanks to Stephen Knight for his service to the Council. The Leader 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

### North Yorkshire Community Plan

The recommendations in paragraph 1 of the report (page 5684) were moved and seconded.

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

#### Resolved -

**51.** That the draft North Yorkshire Community Plan 2014/17 at County Council Appendix 1A, page 35, is approved.

### Local Transport Plan 2011-2016 Mid Term Review

The recommendations in paragraph 2 of the report (pages 5686) were moved and seconded.

County Councillor Bill Hoult moved an amendment:

After the words "That the draft Local Transport Plan 3 addendum be approved for adoption" that the following words be added:-

"subject to the reference in 3.1.2 of the plan that the 'Executive support the HS2 initiative' be not taken to infer the support of the Full Council" which was seconded by County Councillor Margaret Ann de Coursey-Bayley

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

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

#### Resolved -

**52.** That the draft Local Transport Plan 3 addendum is approved for adoption subject to the reference in 3.1.2 of the plan that the 'Executive support the HS2 initiative' be not taken to infer the support of the Full Council.

### **Motion – Blacklisting (Post Crossrail)**

The motion in paragraph 3 of the report (pages 4687-5691) having been moved and seconded, it was moved and seconded that the motion be amended by deleting all but the final paragraph and, in that paragraph, “legal” be inserted after the word “proper” and “illegal” be inserted in place of “grave” .

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

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

#### **Resolved -**

**53.** That it is agreed that the Council will ensure its procurement processes, so far as it lawfully can, will ensure proper legal recruitment and workforce welfare practices on the part of contractors it engages, and in relation to the selection of contractors, the Council will aim to ensure any instances where contractors may have committed illegal misconduct of this nature are identified and properly taken into account during the assessment of suitability to undertake Council contracts.”

### **Motion – Proposition to create a Unitary Authority in North Yorkshire**

The motion in paragraph 4 of the report (page 5692) was moved and seconded, it was moved and seconded that the motion be amended by deleting the first reference to “North Yorkshire County Council” and the final paragraph, and by deleting the word “initiates” and adding, in its place, “notes the proposal to initiate” and adding the following words at the end of the motion:

“North Yorkshire County Council recognises the potential for savings in the cost of providing local government services that could be realised from the creation of a new, single, unitary Council for the administrative area presently covered by the County Council’s boundaries. At present there is no central government driver or appetite for such re-organisation. Also there may be little prospect of agreement with our Districts or Borough Councils on a new unitary model for local government.

NYCC will continue to co-operate and work with other Councils in the area. We will continue to seek out opportunities to work in partnership with the other Councils to generate cost savings where possible and to make the present structure work as effectively as it can for the benefit of the residents and businesses of North Yorkshire, customers we all serve.

At a time of numerous challenges to all councils, be they financial or about capacity, now is not the time to distract councils from working more efficiently and effectively together to overcome those challenges to improve outcomes for all our residents.”

**The Council divided and, on a show of hands, the amendment was declared carried, with 2 against and 2 abstentions.**

**The Council then divided and, on a show of hands, the amended motion was declared carried, with 2 against and 2 abstentions.**

**Resolved -**

**54.** That North Yorkshire County Council notes the proposal to initiate talks with the District and Borough Councils of Harrogate, Scarborough, Selby, Ryedale, Craven, Hambleton and Richmond, to create a unitary authority of North Yorkshire; to open dialogue with the Secretary of State for Communities and Local Government, Eric Pickles, and the District Councils to facilitate a new authority.

North Yorkshire County Council recognises the potential for savings in the cost of providing local government services that could be realised from the creation of a new, single, unitary Council for the administrative area presently covered by the County Council's boundaries. At present there is no central government driver or appetite for such re-organisation. Also there may be little prospect of agreement with our Districts or Borough Councils on a new unitary model for local government.

NYCC will continue to co-operate and work with other Councils in the area. We will continue to seek out opportunities to work in partnership with the other Councils to generate cost savings where possible and to make the present structure work as effectively as it can for the benefit of the residents and businesses of North Yorkshire, customers we all serve.

At a time of numerous challenges to all councils, be they financial or about capacity, now is not the time to distract councils from working more efficiently and effectively together to overcome those challenges to improve outcomes for all our residents.

**LGPS 2014 Discretions Policy**

The recommendations in paragraph 5 of the report (page 5693) were moved and seconded.

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

**Resolved –**

**55.** That the list of employer discretions listed in County Council Appendix 3B of this report, is approved and amend the North Yorkshire County Council Local Government Pension Scheme discretion policy, as amended in 2013.

**Amendments to the Constitution**

The recommendations in paragraph 6 of the report (page 5699) were moved and seconded.

**The Council divided and, on a show of hands, the motion was declared carried, with 4 against and 11 abstentions. County Councillor Stuart Parsons requested that it be recorded that he had voted against the motion.**

**Resolved –**

**56.** That the amendments to the Constitution, as set out at Appendix 4A , page 144, to this report, are approved, subject to retaining the Community Safety Strategy in the Policy Framework, as it remains a statutory strategy at this time, and to adding the words “and that the matter be referred to the Executive for determination where there is an outstanding objection which is supported by the local Member(s) at the end of (e)(i) on page 11” of County Council Appendix 4A, starting at page 144.

That the draft Protocol on Audio/Visual Recording and Photography at Meetings, as set out at County Council Appendix 4B, page 160, to this report, is adopted and included in Part 5 of the Council's Constitution.

That the powers relating to DMMO's, PPO's and TRO's referred to on pages 9 to 12 of County Council Appendix 4A starting at page 144, as amended, are added to the Officers' Scheme of Delegation - to the Corporate Director - Business and Environmental Services.

That the existing procedure for processing applications for either DMMOs or PPOs be changed to remove the need to report opposed Orders to Area Committees.

That the Constitution Working Group's discussions, concerning Access to Information requirements, minuting style, and the terms of reference of the Health and Wellbeing Board, are noted.

**Appointments to Committees and Outside Bodies**

The recommendation in paragraph 7 of the report (page 5700) 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 –**

**57.** That Mr James Daghish and Mr David Portlock is re-appointed, as non-voting External Members of Audit Committee, to serve until 27 June 2014.

That Paul Bircumshaw is appointed to the Young People Overview and Scrutiny Committee as a secondary teacher representative in place of Chris Head.

That County Councillor Margaret Ann de Courcey Bayley, Liberal Democrat is appointed Vice Chairman of the Scrutiny of Health Committee to fill the vacancy arising as a result of the death of County Councillor Polly English.

That changed status of existing representatives for Hambleton District Council on the Scrutiny of Health Committee is approved as follows: Councillor P Bardon: to change from substitute to member and Councillor D Blades: change from member to substitute

That County Councillor Derek Bastiman is appointed Chairman of Corporate and Partnerships Overview and Scrutiny Committee in place of County Councillor Tim Swales

That the reduction in County Council seats on the North York Moors National Park Authority from 5 to 4 is noted and that the following nominees are appointed: County Councillors David Chance, Caroline Patmore, and Helen Swiers – Conservative; Bryn Griffiths – Liberal Democrats.

**Statements of Executive Members followed by  
the Scrutiny Annual Report for 2013/2014 which incorporates  
Statements from the Overview and Scrutiny Committees Chairmen**

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 5843-5844).

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 5845-5846 and responded to questions.

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 5847-5852) 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 5853-5854).

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 5855-5856) .

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 5857-5860) and responded to questions.

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 5861-5864) and responded to questions.

The Scrutiny Annual Report for 2013/2014 which incorporates Statements from the Overview and Scrutiny Committees Chairmen (pages 5865-5878) having previously been circulated, the Chairmen of the Scrutiny Board; the Care and Independence Overview and Scrutiny Committee; the Corporate and Partnerships Overview and Scrutiny Committee; the Scrutiny of Health Committee; the Young People Overview and Scrutiny Committee; and the Transport, Economy and Environment Overview and Scrutiny Committee responded to questions.

**Council Procedure Rule 10 Questions**

There were no Council Procedure Rule 10 questions.