

North Yorkshire County Council

County Council

Minutes of the meeting of the County Council held at Hambleton District Council Offices, Civic Centre, Stone Cross, Northallerton on 19 February 2020 commencing at 10.30 am.

PRESENT:-

County Councillor Jim Clark in the Chair.

County Councillors Val Arnold, Karl Arthur, Margaret Atkinson, Bob Baker, Philip Barrett, Derek Bastiman, David Blades, Philip Broadbank, Eric Broadbent, Lindsay Burr MBE, Michael Chambers MBE, David Chance, Liz Colling, Richard Cooper, Gareth Dadd, Caroline Dickinson, Stephanie Duckett, Keane Duncan, John Ennis, David Goode, Caroline Goodrick, Bryn Griffiths, Michael Harrison, Paul Haslam, Robert Heseltine, Mel Hobson, David Hugill, David Ireton, David Jeffels, Janet Jefferson, Andrew Jenkinson, Mike Jordan, Andrew Lee, Carl Les, Stanley Lumley, Cliff Lunn, Don Mackay, Don Mackenzie, John Mann, Stuart Martin MBE, John McCartney, Zoe Metcalfe, Heather Moorhouse, Patrick Mulligan, Richard Musgrave, Andy Paraskos, Stuart Parsons, Caroline Patmore, Yvonne Peacock, Chris Pearson, Clive Pearson, Joe Plant, Gillian Quinn, Tony Randerson, Janet Sanderson, Karin Sedgwick, Andy Solloway, Peter Sowray MBE, Helen Swiers, Roberta Swiers, Angus Thompson, Cliff Trotter, Callam Walsh, Geoff Webber, John Weighell OBE, Richard Welch, Greg White, Annabel Wilkinson and Robert Windass.

APOLOGIES:-

County Councillors: Andrew Backhouse and Helen Grant.

ATTENDING:-

Honorary Aldermen: Bernard Bateman MBE, John Fort BEM and John Marshall.

A member of the press was present. There were two members of the public.

120. Minutes

It was moved and seconded that the Minutes of the meeting of the County Council held on Wednesday 13 November 2019, having been printed and circulated, are confirmed and signed by the Chairman as a correct record.

The vote was taken and, on a show of hands, the motion was declared carried with 68 for, none against and two abstentions.

Resolved -

That the Minutes of the meeting of the County Council held on Wednesday 13 November 2019, having been printed and circulated, are confirmed and signed by the Chairman as a correct record.

121. Apologies for absence

Apologies for absence were noted.

122. Declarations of Interest

County Councillor Michael Harrison declared two interests: the first that a family member works for the Council's Health and Adult Services; the second that his employer is one of the companies named in the Treasury Management report. He confirmed that he had received the necessary dispensations from the Standards Committee.

County Councillor Karl Arthur declared an interest as his employer is Network Rail.

123. Chairman's Announcements

The Chairman welcomed the Honorary Aldermen who were in the public gallery.

The Chairman expressed his thanks to the Chairman, Leader and Chief Executive of Hambleton District Council for enabling the County Council meeting to be held at their offices.

The Chairman passed on congratulations, on behalf of the Council, to County Councillor Peter Sowray who was awarded an MBE in the recent New Year's Honours list for services to the community.

The Chairman acknowledged the death of former County Councillor John Yeoman Williamson who died age 91 on 22 October 2019. John was a Conservative County Councillor representing Eskdale, Whitby for nearly 20 years. A minute's silence was held.

The Chairman informed Members who are school governors that they do not need to declare an interest under the Code of Conduct in the item on school admissions, as this is not a role carried out for profit or gain.

The Chairman informed Members of the usual arrangements for the meeting.

The Chairman made a number of announcements relating to work that he was doing in his role as Chairman.

124. Statement by the Leader

County Councillor Carl Les made a statement and answered questions, under Contract Procedure Rule 2.3, as Leader of the County Council, a summary of the key points of which had previously been circulated and which appear in the Minute Book (pages 11548 to 11550 of the Minute Book).

125. Public Questions or Statements

There was one statement from a member of the public.

The statement was read out by Jan Mitchell, Secretary of the Osgodby Residents Action Association. A summary of the key points in the statement is provided below:

- The residents of Osgodby are fully supportive of the need to improve SEND facilities in Selby District

- The concern is regarding the location of the proposed SEND school
- The proposed site is outside the local development plan boundary, on a green field site and would require access onto the very busy A63
- Osgodby is a small village of about 360 properties, with 5 working farms
- Any major development here would be detrimental to the village, the community, the rural economy and the environment
- There has been no transparency in the process so far. We have made 4 complaints to the Information Commissioner's Office regarding NYCC and triggered 2 internal reviews because NYCC have failed to respond within the statutory period.
- There has been a lack of communication with residents despite promises made by the Council
- The process for site selection and approval has been rushed and confused
- There are far more suitable locations in Selby district and the site at Flaxley Road, Selby, was previously the preferred option.

County Councillor Patrick Mulligan, Executive Member Education and Skills, responded to the statement as summarised below:

1. The need for a special school in the Selby area was a key finding of the ISOS review into special education provision in North Yorkshire
2. In July 2018 the Government published guidance and criteria for local authorities seeking to establish new special or alternative free schools. This was clear that the focus was on putting special free schools in the places where good new schools would be most beneficial and needed.
3. This guidance was clear that the government was particularly looking for bids which offered good value for money and where there was a commitment to use a local authority or government owned site on a peppercorn lease.
4. The following factors were taken into account in the process of identifying a site to be included in the bid for a special free school in Selby: ground contamination; flood risks; and significant topographical issues.
5. During the process of identification of a suitable site, two sites on the western side of Selby at Cross Hills were considered, as well as the Osgodby site. The Cross Hills sites were discounted on the basis of flood risk assessment. A search was undertaken of other Council and Government sites but none were deemed as suitable.
6. The Osgodby site was selected on the basis of the following: it was already in the County Council's ownership; it was large enough for potential expansion of the school; it was easily accessible; it had a lower flood risk assessment than the other sites and so better meets the criteria set by the DfE.
7. Local county councillors are not involved specifically in the selection of a site for a project, whether it is a site owned by Council or one that is to be purchased. Neither is there any obligation to inform the local parish/town council or consult with residents. Directorates engage with the relevant Executive Member about service projects and may engage with local members, depending on the nature of the project. This would include information about the possible physical location of the project.
8. The formal approval of a purchase or the allocation of a site may be given by officers or by a specific Executive Member or by the Executive, depending on the value of the site and other issues. This is in accordance with the Property Procedure Rules.
9. In this case, a report was submitted to the Executive Member for approval to allocate the site for the project and the decision to allocate the site was taken on 2 October 2018.
10. The process for site selection and approval, was undertaken to meet the DfE timescales.

11. The site happens to be a green field site but was identified as the most appropriate site.
12. The school will be designed and procured by the DfE and their consultants though they will work with the County Council and the trust appointed to open and operate the school. The design will need to address the impact on the landscape and neighbouring properties, highway access and traffic, and the public right of way which crosses the site.
13. The planning authority for the school will be Selby District Council. A planning application for the school will be submitted by the DfE's consultant. This process will allow residents and other interested groups to express their views about proposals for the school.
14. Local county councillors have been kept fully informed of progress and emails were sent in September informing them of the intention to gain approval from the Executive member for the submission of the bid for the establishment of the proposed special free school on the Osgodby site.
15. During the process appropriate communication has also taken place with the farmer who leases the land.
16. A meeting for residents in Osgodby was held on 8 July 2019. Following the meeting the residents' questions were collated and responses written.
17. A report was presented to the Selby and Ainsty Area Constituency Committee on 8 November 2019 giving an update on the proposed special free school. This was attended by local councillors as well as representatives from the Osgodby Residents Association. This report is publicly available.
18. The website about the proposed free school is kept up to date and new information is added when available.
19. Communication has taken place between NYCC officers and parents/carers in the Selby area.

A supplementary question was asked by Jan Mitchell, Secretary of the Osgodby Residents Action Association. A summary of the key points in the statement is provided below:

The Flaxley Road site had only one issue, relating to flood risk, which could have been mitigated. The Osgodby site has a number of issues and risks associated with it relating to town planning, flooding to its southern portion, highway safety and access, relocation of a public footpath, risk of running sand and problems with mains sewers. In that case, why was Osgodby pushed forward for the bid in preference to the clearly more suitable site at Flaxley Road?

County Councillor Patrick Mulligan, Executive Member Education and Skills responded to the question by referring to points 3 to 6 in his earlier response to the statement and re-iterating the process that was undertaken for the identification of a preferred site.

A copy of the full statement and response is at pages 11552 to 11555C of the Minute Book.

126. Appointment of Corporate Director - Business and Environmental Services

Resolved -

That the appointment of Karl Battersby as the new Corporate Director - Business and Environmental Services, on the retirement of David Bowe in July 2020, be noted.

127. Allocations Committee

The recommendation in the report (page 11558 of the Minute Book) was moved and seconded.

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

Resolved -

That the following changes be made:

Scrutiny and Audit

- County Councillor Mike Jordan to continue to have a seat on the Corporate and Partnerships Overview and Scrutiny Committee but as a member of the NY Independents Group.
- Conservative County Councillor Stuart Martin MBE to give up his seat on the Care and Independence Overview and Scrutiny Committee.
- NY Independents County Councillor Andrew Backhouse to take up the vacant seat on the Care and Independence Overview and Scrutiny Committee.

Ordinary Committee

- County Councillor Mike Jordan to continue to have a seat on the Planning and Regulatory Functions Committee but as a member of the NY Independents group.

128. Report of the Executive

Quarterly Performance and Budget Monitoring

The section of the quarterly performance and budget monitoring report at paragraph 3.1 of the report (page 11564 of the Minute Book) was moved and seconded.

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

Resolved -

That revised Prudential Indicators for the period 2019/20 to 2021/22 as detailed in paragraphs 3.24 and 3.26 on page 72 of the report be approved.

Medium Term Financial Strategy 2020/21 to 2023/24, Revenue Budget and Council Tax

The section of the Medium Term Financial Strategy 2020/21 to 2023/24, Revenue Budget and Council Tax at paragraph 3.2 of the report (pages 11564 to 11566 of the Minute Book) was moved and seconded.

The vote was taken and, on a show of hands, the motion was declared carried, with 64 for, 2 against and 4 abstentions.

For the motion: County Councillors Val Arnold, Karl Arthur, Margaret Atkinson, Bob Baker, Philip Barrett, Derek Bastiman, David Blades, Eric Broadbent, Lindsay Burr MBE, Michael Chambers MBE, David Chance, Jim Clark, Liz Colling, Richard Cooper, Gareth Dadd, Caroline Dickinson, Stephanie Duckett, Keane Duncan, John Ennis, Caroline Goodrick, Michael Harrison, Paul Haslam, Robert Heseltine, Mel Hobson, David Hugill, David Ireton, David Jeffels, Janet Jefferson, Andrew Jenkinson, Mike Jordan, Andrew Lee, Carl Les, Stanley

Lumley, Cliff Lunn, Don Mackay, Don Mackenzie, John Mann, Stuart Martin MBE, Zoe Metcalfe, Heather Moorhouse, Patrick Mulligan, Richard Musgrave, Andy Paraskos, Caroline Patmore, Yvonne Peacock, Chris Pearson, Clive Pearson, Joe Plant, Gillian Quinn, Tony Randerson, Janet Sanderson, Karin Sedgwick, Andy Solloway, Peter Sowray MBE, Helen Swiers, Roberta Swiers, Angus Thompson, Cliff Trotter, Callam Walsh, John Weighell OBE, Richard Welch, Greg White, Annabel Wilkinson and Robert Windass.

Against the motion: County Councillors John McCartney and Stuart Parsons.

Abstentions: County Councillors Philip Broadbank, David Goode, Bryn Griffiths and Geoff Webber.

Resolved -

That the Medium Term Financial Strategy for 2020/21 to 2023/24, the Revenue Budget for 2020/21 and Council Tax for 2020/21 at paragraph 3.2 of the report be approved.

Capital Five Year Spending Plan

The recommendation at paragraph 3.4 of the report (page 11566 of the Minute Book) was moved and seconded.

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

Resolved -

That the Capital Five Year Spending Plan be approved.

Treasury Management Strategy 2020/21

The recommendation at paragraph 3.5 of the report (pages 11566 to 11567 of the Minute Book) was moved and seconded.

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

Resolved -

That the Treasury Management Strategy 2020/21 be approved.

Council Plan

The recommendation at paragraph 3.6 of the report (page 11567 of the Minute Book) was moved and seconded.

The vote was taken and, on a show of hands, the motion was declared carried, with 68 for, none against and 2 abstentions.

Resolved -

That the draft Council Plan be approved and the Chief Executive be authorised to make any necessary changes to the text, including reflecting decisions made on the budget, Medium Term Financial Strategy and updated performance data.

Admissions Policy

The recommendation at paragraph 3.7 of the report (page 11568 of the Minute Book) was moved and seconded.

The vote was taken and, on a show of hands, the motion was declared carried, with 69 for, none against and 1 abstention.

Resolved -

That the proposed admission arrangements for Community and Voluntary Controlled Schools for the school year 2021/22 be approved.

Consideration of Proposed Amendments to the Council's Constitution

The recommendation at paragraph 3.8 of the report (page 11568 of the Minute Book) was moved and seconded.

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

Resolved -

That the changes to the Constitution as outlined in the report be approved.

Appointments to Committees and Other Bodies

The recommendation at paragraph 3.9 and the supplemental report (pages 11569 of the Minute Book) was moved and seconded.

Group Secretaries then notified Council of the following changes to committee membership:

Planning and Regulatory Functions Committee

County Councillor Caroline Goodrick to have a seat on Planning and Regulatory Functions Committee

County Councillor Richard Musgrave to give up his seat on Planning and Regulatory Functions Committee.

Pension Fund Committee

County Councillor Stuart Parsons to give up his seat on the Pension Fund Committee

County Councillor Don Mckay to have a seat in the Pension Fund Committee.

Pension Board

Emma Barberly – Askham Bryan College – Employer Representative and David Hawkins – York College – Associate non-voting Member (reserve Employer Representative) both to become members of Pension Board.

Board to Coast Pensions Partnership

County Councillor Patrick Mulligan appointed to the position of Shareholders representative for Border to Coast Pensions Partnership. Barry Kahn to stand down from that position.

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

Resolved -

That the appointments to the North Yorkshire Health and Wellbeing Board, committees, the Pension Board and the Shareholder representative for Border to Coast Pensions Partnership be noted.

129. Report and recommendations of the Members' Independent Remuneration Panel

The recommendations at paragraph 5.1 at page 24 (page 11971 of the Minute Book) were moved and seconded.

The vote was taken and, on a show of hands, the motion was declared carried, with 66 for, 4 against and no abstentions.

The following County Councillors asked that their votes against the motion be recorded in the minutes: Lindsay Burr MBE, John McCartney and Stuart Parsons.

Resolved -

That the County Council approved:

- (a) An increase of 2.6% to the Basic Allowance and all unit-based Special Responsibility Allowances.
- (b) That County Councillors are invited to voluntarily return a proportion of their allowance if their attendance falls below a benchmark of 66%, except where there are mitigating circumstances such as illness, in line with the existing scheme for County Councillors.
- (c) That, if there are any increases in the travel and subsistence rates payable to staff, a similar increase be made to the rates in the Members' Allowances Scheme, to come into effect at the same time.

130. Statements of Executive Members and Chairmen of Overview and Scrutiny Committees

County Councillor Greg White, Executive Member for Library, Customer and Community Services, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 11986 to 11988).

County Councillor Gareth Dadd, Executive Member for Finance and Assets and Special Projects, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 11990 to 11991) and responded to questions.

County Councillor Janet Sanderson, Executive Member for Children's Services, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (page 11992).

County Councillor Patrick Mulligan, Executive Member for Education and Skills, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 11994 to 11995).

County Councillor Don Mackenzie, Executive Member for Access, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 11996 to 11997), and responded to questions.

County Councillor David Chance, Executive Member for Stronger Communities, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 11998 to 11999) and responded to questions.

County Councillor Michael Harrison, 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 12000 to 12001).

County Councillor Caroline Dickinson, Executive Member for Public Health, Prevention and Supported Housing, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 12002 to 12004).

County Councillor Andrew Lee, Executive Member for Open to Business, made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 12006 to 12007).

The written statements of the Chairmen of the Scrutiny Board and the Overview and Scrutiny Committees having previously been circulated, and which appear in the Minute Book (pages 12008 to 12021) were noted. Questions were asked of County Councillors Derek Bastiman (Chair of Scrutiny Board and the Corporate and Partnerships Overview and Scrutiny Committee), Stanley Lumley (Chair of the Transport, Economy and Environment Overview and Scrutiny Committee), and John Ennis (Chair of the Scrutiny of Health Committee).

131. Notices of Motion

No Notices of Motion were received within the deadline.

132. Council Procedure Rule 10 Questions

There were no Council Procedure Rule 10 questions.

The meeting closed at 12:40.