



NORTH YORKSHIRE COUNTY COUNCIL

Minutes of the meeting of the County Council held at County Hall, Northallerton on 24 February 2016, commencing at 10.30am

Present:-

County Councillor David Jeffels in the Chair.

County Councillors Val Arnold, Margaret Atkinson, Arthur Barker, Derek Bastiman, Bernard Bateman MBE, David Billing, John Blackburn, John Blackie, David Blades, Eric Broadbent, Liz Casling, David Chance, Jim Clark, John Clark, Richard Cooper, Sam Cross, Gareth Dadd, Margaret-Ann de Courcey-Bayley, John Ennis, Andrew Goss, Helen Grant, Bryn Griffiths, Tony Hall, Michael Harrison, Roger Harrison-Topham, Michael Heseltine, Robert Heseltine, Peter Horton, Bill Hault, Janet Jefferson, Mike Jordan, Andrew Lee, Carl Les, Cliff Lunn, Don Mackenzie, Penny Marsden, Brian Marshall, Shelagh Marshall OBE, John McCartney, Chris Metcalfe, Heather Moorhouse, Patrick Mulligan, Stuart Parsons, Chris Pearson, Joe Plant, Tony Randerson, John Ritchie, Janet Sanderson, John Savage, Steve Shaw-Wright, Elizabeth Shields, David Simister, Andy Solloway, Peter Sowray, Tim Swales, Helen Swiers, Cliff Trotter, John Weighell OBE, Robert Windass and Clare Wood.

Minutes

It was moved and seconded that the Minutes of the meeting of the County Council held on Wednesday, 11 November 2015, the having been printed and circulated, are taken as read and 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 none against and no abstentions.

Resolved -

101. That the Minutes of the meeting of the County Council held on Wednesday, 11 November 2016, having been printed and circulated, are taken as read and are confirmed and signed by the Chairman as a correct record.

Chairman's Announcements

The Chairman noted the apologies for absence received from County Councillors Andrew Backhouse, Robert Baker, Philip Barrett, Lindsay Burr, Jean Butterfield, John Fort BEM, David Ireton, Anne Jones, Robert Packman, Caroline Patmore and Richard Welch. He welcomed Honorary Aldermen Knaggs, Marshall and Turton to the meeting.

He formally announced the recent death of Dr Robert Cowley King, who served as a County Councillor from 1993 to 1997 representing the Upper Dales, and Councillor John Robinson, the former Chairman of Richmondshire District Council. Members stood in silence to their memory.

The Chairman also advised that County Councillor John Weighell was recognised in the New Year Honours. He was appointed OBE in recognition of his achievements during his time as Leader of the Council, particularly as a champion for rural communities.

Statement by the Leader of the Council

County Councillor Carl Les 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 appear in the Minute Book (pages 7463 -7476). County Councillor Carl Les then responded to various questions.

Public Questions or Statements

A public statement was made by Mrs Ruth Annison:

“Local Bus Services

We can all sympathise with the very difficult decisions councillors have to make when cutting budgets. We can also sympathise with the commercial bus operators who have to reduce their workforce as a result of those cuts. But another group deserve sympathy - the passengers, many of whose lives are being disrupted as bus services are reduced or changed, often with little or no notice or information. Imagine the inconvenience, frustration and disruption if, overnight, trains stopped running between Northallerton and Darlington on weekday afternoons and all day on Saturdays. And how would you travel between York and Newcastle? Only on weekday mornings!

Yet that is the rail equivalent of what happened to bus services between Bedale and Leyburn on February 1. It affects passengers along the whole 40 mile route between Northallerton and Hawes - and their families, employers, businesses, volunteers, the local economy and the wider community. This bus route is on the A684 - the link road between the A1(M) and the M6 - which had a mail coach service 175 years ago!

I am a very appreciative daily bus passenger in Wensleydale. However, to reach Northallerton in time for the start of this meeting , **I had to leave home at lunch-time yesterday to catch the last bus of the day 13 miles away in Leyburn;** and travel on three buses, with two changes; and book Bed & Breakfast last night in Northallerton. Now, after nearly a month of such difficulties faced by passengers every day with this timetable, a part-solution has been announced (a later community minibus between Bedale and Leyburn) - but it will not start until April. Can this be the right way to make changes to public transport in a civilised society? Public transport, which is fundamental to the local economy, social networks and a greener environment.

I have read the 175 page Local Transport Plan, 2015-2030, which councillors are likely to approve today, much of which reflects care in preparation, very hard work and, importantly, the document is very readable. However in the case of the organisation, introduction and marketing of bus services, North Yorkshire needs to serve its passengers rather better, even with its frustratingly declining resources.

Can the evidence of real hardship amongst bus passengers that is accumulating day by day be collected, whilst it is fresh in everyone's minds, and turned to some positive advantage for use in future transport planning? Would the county council be willing to take the lead in drawing together community volunteers (often the 'critical friends' of public transport) with their own officers and other interested parties to gather such evidence?

Bus passengers are becoming more open about the problems because they believe that more could be done to help them.

Ruth Annison”

In response County Councillor Don Mackenzie explained the context, acknowledging that the Council would be reducing the level of bus subsidies from £2m to £1.5m from 1 April 2016, noting that Integrated Passenger Transport had worked hard to minimise the adverse impact upon passengers. He stated that 85% of services were operated on a commercial basis, with operators regularly implementing innovative service improvements. Integrated Passenger Transport have worked with operators to convert subsidies into commercial services where possible, but where rural services are not sustainable due to very low passenger numbers of only 2 or 3 per journey, it is hard to justify subsidies. County Councillor Don Mackenzie stated that in such circumstances the role of the Little White Bus and other similar schemes comes into their own – using subsidies ‘smartly’ to fund alternative provision based upon part paid, part volunteer drivers and smaller vehicles. In the case of the 155 service, he advised that the operator Dales and District had withdrawn the service with very little notice and that since 1 February 2016 it had been provided using a Council fleet vehicle via Little White Bus.

Mrs Annison made a supplementary comment regarding sharing passenger experiences, and she suggested having a meeting with County Councillor Don Mackenzie to discuss the matter.

Report of the Executive

Council Plan (2020 North Yorkshire)

The recommendations in paragraph 1 of the report (page 7467 to 7468) were 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 –

102. That County Council approve the Council Plan 2016-2020.

That County Council authorise the Chief Executive to make any necessary changes to the text, including reflecting decisions made by the County Council on the budget, Medium Term Financial Strategy and updated performance data.

Revenue Budget 2016/17 and Medium Term Financial Strategy (MTFS) 2016/17

The recommendations in paragraph 2 of the report (pages 7470 - 7472) were moved and seconded.

The Council voted on the motion and, on a vote by name there were:

For the motion: County Councillors Val Arnold, Margaret Atkinson, Arthur Barker, Derek Bastiman, Bernard Bateman MBE, David Billing, John Blackburn, John Blackie, David Blades, Eric Broadbent, Liz Casling, David Chance, Jim Clark, John Clark, Richard Cooper, Gareth Dadd, John Ennis, Tony Hall, Michael Harrison, Roger Harrison-Topham, Michael Heseltine, Robert Heseltine, Peter Horton, David Jeffels, Janet Jefferson, Mike Jordan, Andrew Lee, Carl Les, Cliff Lunn, Don Mackenzie, Penny Marsden, Brian Marshall, Shelagh Marshall OBE, John McCartney, Chris Metcalfe, Heather Moorhouse, Patrick Mulligan, Stuart Parsons, Chris Pearson, Joe Plant, Tony Randerson, John Ritchie, Janet Sanderson, John Savage, Steve Shaw-Wright, Andy Solloway, Peter Sowray, Tim Swales, Helen Swiers, Cliff Trotter, John Weighell OBE, Robert Windass and Clare Wood.

Against the motion: County Councillors Sam Cross and David Simister.

Absentions: County Councillors Margaret-Ann de Coursey-Bayley, Andrew Goss, Helen Grant, Bryn Griffiths, Bill Hoult, and Elizabeth Shields.

The motion was declared carried.

Resolved –

103.

- a) That the Section 25 assurance statement provided by the Corporate Director, Strategic Resources regarding the robustness of the estimates and the adequacy of the reserves (Booklet 1, page 62 **paragraph 8.17**) and the risk assessment of the MTFs detailed in **Section 9** are noted.
- b) That, in accordance with Section 42A of the Local Government Finance Act 1992 (as amended by Section 75 of The Localism Act 2011), a Council Tax requirement for 2016/17 of £256,500k is approved and that a Council Tax precept of this sum be issued to billing authorities in North Yorkshire ((Booklet 1, commencing at page 38; **paragraphs 3.3.3 to 3.3.7** and pages 71 to 73 **Appendix B**).
- c) That, 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 £1,143.86 is approved (Booklet 1, page 38; **paragraph 3.3.6** and pages 71 to 73 **Appendix B**).
- d) That a Net Revenue Budget for 2016/17, after use of reserves of £360.570m (Booklet 1, page 52 **paragraph 4.1** and page 78 **Appendix E**) is approved and that the financial allocations to each Directorate, net of planned savings, be as detailed in **Appendix G**.
- e) That the Corporate Director – Children and Young People’s Service is authorised, in consultation with the Executive Member for Schools, to take the final decision on the allocation of the Schools Block (Booklet 1, page 40 (**paragraph 3.4.6**)).
- f) That £3.2m is earmarked for property related work as part of the 2020 North Yorkshire Programme and that drawdown of the funding is subject to further Executive consideration and subsequent approval (Booklet 1, page 50 **paragraph 3.9.7**).
- g) That £3.0m is earmarked for the further roll-out of broadband in line with the Superfast North Yorkshire project and that drawdown of the funding is subject

- to further Executive consideration and subsequent approval (Booklet 1, page 50 **paragraph 3.9.4**).
- h) That a recurring sum of £150k is provided to fund the Customer Services Centre to support the 2020 Customer workstream (Booklet 1, page 50 **paragraph 3.9.9**).
 - i) That £1.0m is earmarked for the 2020 North Yorkshire Programme to support delivery of the Programme on an invest-to-save basis and that the Chief Executive is authorised to approve investments in consultation with the Corporate Director, Strategic Resources and the Executive Member for Finance ((Booklet 1, page 51 **paragraph 3.9.13**).
 - j) That the Medium Term Financial Strategy for 2017/18 to 2019/20, and its caveats, as laid out in **Section 3** (Booklet 1, commencing at page 34 and page 78; **Appendix E** is approved.
 - k) That the Corporate Director – Business & Environmental Services is authorised, in consultation with the Executive Members for BES, to implement the range of savings as set out in pages 79 to 94; **Appendix F (BES 1 to 14)**.
 - l) That the Corporate Director – Health and Adult Services is authorised, in consultation with the Executive Members for HAS, to:-
 - i) Implement measures in order to deliver the Targeted Prevention activity following evaluation as set out in HAS 1 of **Appendix F commencing at page 79**.
 - ii) Carry out a consultation with staff and then to implement the necessary changes in order to deliver the Assessment Reablement pathway as set out in HAS 3/4/5 of **Appendix F commencing at page 79**.
 - iii) Implement changes to the procedures and allocation of resources following a review of Personal Budgets as set out in HAS 3/4/5 of **Appendix F commencing at page 79**.
 - iv) Carry out a consultation and then implement subsequent changes to deliver savings within the Learning Disability Service as set out in HAS 7 of **Appendix F commencing at page 79**.
 - m) That the Corporate Director – Children and Young People’s Services is authorised, in consultation with the Executive Members for CYPS, to:-
 - i) In the context of the new model for preventative services, to continue to locally review the nature of existing universal children’s services provision (**CYPS 1 – Appendix F commencing at page 79**).
 - ii) Review and further integrate assessment and support functions for children and families including youth offending (**CYPS 2 – Appendix F commencing at page 79**).
 - iii) In the light of changes in the care population, to continue to review the nature of placement provision to meet local needs (**CYPS 7 – Appendix F commencing at page 79**).

- iv) In the context of the new strategy for meeting the needs of disabled children to continue to locally review the nature of short term provision (**CYPS 8 – Appendix F commencing at page 79**).
- n) That any outcomes requiring changes following **Recommendations k), l) and m)** above be brought back to the Executive to consider and, where changes are recommended to the existing major policy framework, then such matters to be considered by full County Council.
- o) That the arrangements under which additional funds are allocated each year in respect of Adult Social Care are approved and continue to be reviewed at least annually (**paragraphs 3.5.6 to 3.5.8 commencing at page 42**).
- p) That the existing policy target for the minimum level of the General Working Balance is retained at a minimum of 2% of net revenue budget supplemented with a cash sum of £20m for 2016/17 in line with **paragraphs 3.6.4 to 3.6.6 commencing at page 43** and pages 75 to 77 **Appendix D**.
- q) That the revised approach to classification of Reserves and Balances, presentational transfers and new reserves as set out in **Section 3.6 commencing at page 42** be approved.
- r) That the attached pay policy statement (**Appendix H pages 96 to 103**) covering the period 1 April 2016 to 31 March 2017 (**Section 7 commencing at page 45**) be approved.
- s) That the County Council notes the delegation arrangements referred to in Section 10 that authorise the Corporate Directors to implement the budget proposals contained in the report for their respective service areas and for the Chief Executive in those areas where there are cross-Council proposals.
- t) That the County Council have regard to the Public Sector Equality Duty (identified in Section 8.2 to 8.6 and Appendix I) in approving the Budget proposals contained in this report.

Capital Plan

The recommendations in paragraph 3 of the report (page 7473) were 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 –

104. That County Council adopts the Q3 2015/16 Capital Plan, as summarised in Booklet 1, commencing at page 122 to 141 - **Appendices A to E**.

Treasury Management

The recommendations in paragraph 4 of the report (page 7473 - 7474) were 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 –

105.

- (a) the Treasury Management Policy Statement as attached as Appendix A (Booklet 1, pages 155 to 159);
- (b) the Annual Treasury Management and Investment Strategy for 2016/17 as detailed in Appendix B (Booklet 1, pages 160 to 205) and in particular:
 - (i) an authorised limit for external debt of £373.3m in 2016/17;
 - (ii) an operational boundary for external debt of £353.3m in 2016/17;
 - (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 £20m 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) a 10% 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 2016/17 as set out in Section 11 of Appendix B (Booklet 1, commencing at page 183);
 - (ix) the Corporate Director – Strategic Resources to report to the 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 Council;
- (c) that the Audit Committee be invited to review Appendices A and B referred to in (a) and (b) above and submit any proposals to the Executive for consideration at the earliest opportunity.

Revision of Prudential Indicators

The recommendations in paragraph 5 of the report (page 7474) were 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 –

- 106.** (i) That County Council approve the updated Prudential Indicators for 2016/17 to 2018/19 as set out in **Appendix A** Booklet 1, pages 209 to 220;
- (ii) That County Council approve an Authorised Limit for External Debt of £373.5m in 2016/17 under Section 3(1) of the Local Government Act 2003 (**paragraph 3.4** Booklet 1, page 207).

Adoption of the new statutory Local Transport Plan

The recommendations in paragraph 6 of the report (pages 7474 – 7475) were moved and seconded.

An amendment to the motion was moved by County Councillor Bill Hoult and seconded by County Councillor Bryn Griffiths as follows:

Proposed amendment to Recommendation:

That County Council approve that the draft Local Transport Plan 2016-2045 (Booklet 2, pages 1 to 184) subject to the following amendment to 3m (page 173 of Booklet 2) second bullet point of the Plan to delete the words 'strive' and 'active' and insert the word 'identified' so it would read:

"To record all identified Rights of Way on the Definitive Map together with the Yorkshire Dales and North York Moors National Parks Authorities."

Existing wording:

"Strive to record all active Rights of Way on the Definitive Map together with the Yorkshire Dales and North York Moors National Park Authorities."

The amendment was withdrawn by the mover, when County Councillor Don Mackenzie advised that he would take the suggestion forward in consultation with officers.

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

Resolved –

- 107.** That County Council approve that the draft Local Transport Plan 2016-2045 (Booklet 2, pages 1 to 184)

Approval of Joint Health and Wellbeing Strategy as part of the policy framework

The recommendations in paragraph 7 of the report (page 7475) were 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 –

108. That County Council approve the Joint Health and Wellbeing Strategy 2015-2020

School Admission Arrangements for School Year 2017/18

The recommendations in paragraph 8 of the report (pages 7475 - 7476) were 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 –

- 109.** That County Council approve the proposed Admission Arrangements which include:
- i) the proposed admission policy for community and voluntary controlled schools;
And
 - ii) the proposed admissions policy for nursery schools, schools with nursery and pre-reception classes, appendices 1 & 2 Booklet 2, pages 239 to 244].
 - the proposed published admission numbers [PAN's] for community and voluntary controlled schools as show in appendices 4 [primary] and 5 [secondary] Booklet 2, pages 279 to 287].
 - the proposed co-ordinated admission arrangements which include in year co-ordination, the In Year Access Protocol, Managed Moves Protocol and the Protocol for Looked After Children Applications [appendices 3a, 3b and 3c Booklet 2, pages 270 to 278]

Constitution Review

The recommendations in paragraph 9 of the report (pages 7476 - 7477) were 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 –

110. That County Council approve:

- (a) The amendments to the Constitution, as set out in Booklet 2 pages 296 to 299 **Appendix A**
- (b) The amendments to the Contract Procedure Rules as set out in Booklet 2 pages 300 to 363, **Appendix B** be approved.
- (c) The amendments to the Access to Information Procedure Rules as set out in Booklet 2 pages 364 to 371, **Appendix C**.
- (d) That the following be approved for inclusion in the list of Proper Officer Functions set out in Article 12 of Part 2 of the Constitution:-

Openness of Local Government Bodies Regulations 2014

- Regulation 8 – To form an opinion as to whether the documents relating to an officer delegated decision under Regulation 7(2) are background papers for the purpose of this Regulation – Assistant Chief Executive (Legal and Democratic Services).
 - Regulation 9 – To determine whether a document contains or is likely to contain either exempt or confidential information - Assistant Chief Executive (Legal and Democratic Services).
- (e) The proposed amendments to the Constitution regarding Area Committees as set out in Booklet 2 pages 372 to 374, **Appendices D and E**.
- (f) The proposed amendments to Council Procedure Rule 2.1 as set out in paragraph 3.1.15.
- (g) The proposed amendments to Council Procedure Rule 9.8 as set out in paragraph 3.1.18.
- (h) A standing item be included on all formal meeting agenda and those formal Member meetings where the Council acts as the host authority, reminding Members of the need to declare interests where required by the Members' Code of Conduct.

Appointments to Committees and Outside Bodies

The recommendations in paragraph 9 of the report (page 7477) were 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 –

111. That County Council approve the following appointments:

Health & Wellbeing Board

That Richard Mellor is appointed substitute for NHS Scarborough and Ryedale Clinical Commissioning Group.

Pension Fund Committee

That Councillor Suzie Mercer is appointed substitute for the City of York Council.

Members Allowances

The recommendations in paragraph 1 of the report (page 8143) were 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 –

112. That the County Council approve the retention of the existing Members' Allowance Scheme for 2016/17 with one amendment as identified in Appendix 2.

Statements of Executive Members and Chairmen of Overview and Scrutiny Committees

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 8153 - 8154) and responded to questions.

County Councillor David Chance, the Executive Member for Stronger Communities, public health, Legal and Democratic Services and the role of area committees made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 8155 – 8158) and responded to questions.

County Councillor Janet Sanderson, the Executive Member for Children and Young People's Services with responsibility for fostering and adoption, children's social care 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 8159 -) and responded to questions.

County Councillor Don Mackenzie, the Executive Member for Highways, road safety, access to the countryside (including Broadband, mobile phone coverage) public transport made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 8163 – 8164) and responded to questions

County Councillor Chris Metcalfe, the Executive Member for Waste Services, Library and Information Services, economic development, rail strategy, trading standards, made a

statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 8165 - 8166) and responded to questions.

County Councillor Gareth Dadd, the Executive Member for Central Services specifically Finance and HR issues made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 8167- 8170) and responded to questions.

County Councillor Arthur Barker, the Executive Member for Children and Young People's Services responsibilities for schools and early years made a statement, a summary of the key points of which had previously been circulated and which appears in the Minute Book (pages 8171 - 8172) and responded to questions.

The written statements of the Chairmen of the Scrutiny Board and the Overview and Scrutiny Committees (pages 8173 - 8200) having previously been circulated, were noted.

Council Procedure Rule 10 Questions

There were no Council Procedure Rule 10 questions.

Motion - Corporate tax evasion and avoidance

County Councillor David Billing moved and County Councillor John Ritchie seconded the following motion:

"North Yorkshire County Council notes that:

Corporate tax evasion and avoidance are having a damaging impact on the world's poorest countries, to such a level that it is costing them far more than they receive in aid this is costing the UK as much as £30bn a year this practice also has a negative effect on small and medium-sized companies who pay more tax proportionately. North Yorkshire County Council further notes that the UK Government has taken steps to tackle the issue of tax avoidance and evasion by issuing Procurement Policy Note 03/14 (PPN 03/14). This applies to all central government contracts worth more than £5m.

North Yorkshire County Council also notes the existence of voluntary schemes promoting tax compliance such as the Fair Tax Mark, which can serve as an independent means of verification.

In early 2015 new regulations required public bodies, including councils, to ask procurement qualification questions of all companies for tenders of over £173000 for service contracts and £4m for works contracts. However these questions are not as detailed as the PPN 03/14.

This Council believes that bidders for council contracts should be asked to account for their past tax record using the standards in PPN 03/14, rather than the lower standards in the recent regulations.

This Council therefore calls for procurement procedures to be amended to all companies bidding for service and works contracts at levels to be decided by the executive to self-certify that they are fully tax compliant in line with central government practice using the standards in PPN 03/14 applying to contracts of the size to be determined by the executive.

The Council asks the Executive to publicise the policy and to report on its implementation annually."

24 February, 2016

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

Meeting closed 13.55