

# North Yorkshire County Council

## County Council

Minutes of the meeting of the County Council held at County Hall, Northallerton on 24 July 2019 commencing at 10.30 am.

### **PRESENT:-**

County Councillor Jim Clark in the Chair.

County Councillors Val Arnold, Karl Arthur, Bob Baker, 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, David Goode, Caroline Goodrick, Helen Grant, Bryn Griffiths, Michael Harrison, Paul Haslam, Robert Heseltine, David Ireton, David Jeffels, Janet Jefferson, Andrew Jenkinson, Mike Jordan, Andrew Lee, Carl Les, Stanley Lumley, Cliff Lunn, Don Mackay, Don Mackenzie, Stuart Martin MBE, John McCartney, Heather Moorhouse, Patrick Mulligan, Richard Musgrave, Andy Paraskos, Stuart Parsons, Caroline Patmore, Chris Pearson, Clive Pearson, Joe Plant, Tony Randerson, Janet Sanderson, Karin Sedgwick, Peter Sowray, Helen Swiers, Roberta Swiers, Angus Thompson, Geoff Webber, John Weighell OBE, Richard Welch, Greg White, and Annabel Wilkinson.

### **APOLOGIES:-**

County Councillors: Margaret Atkinson, Andrew Backhouse, Philip Barrett, Derek Bastiman, John Ennis, Mel Hobson, David Hugill, John Mann, Zoe Metcalfe, Gillian Quinn, Andy Solloway, Cliff Trotter, Callam Walsh and Robert Windass.

### **ATTENDING:-**

Honorary Aldermen: Baroness Angela Harris, Michael Knaggs and John Marshall.

Members of the press and the public.

### **96. Minutes**

It was moved and seconded that the Minutes of the meeting of the County Council held on Wednesday 15 May 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 none against and no abstentions.**

### **Resolved -**

That the Minutes of the meeting of the County Council held on Wednesday 15 May 2019, having been printed and circulated, are confirmed and signed by the Chairman as a correct record.

**97. Apologies for absence**

Apologies for absence were noted.

**98. Declarations of Interest**

There were no declarations of interest to note.

**99. Chairman's Announcements**

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

The Chairman acknowledged the sad and untimely deaths of County Councillor John Blackie and former County Councillor Brian Marshall. Brian served as a Councillor for Barlby from 2001 to 2017, representing the Labour Party. John was Chairman of Hawes and High Abbotside Parish Council, a District Councillor and former Leader at Richmondshire District Council, a Member of Yorkshire Dales National Park and a County Councillor for the Upper Dales since 1997.

County Councillors Eric Broadbent, Carl Les and Stephanie Duckett paid tribute to Brian Marshall.

County Councillors Jim Clark, Carl Les, Stuart Parsons, Geoff Webber and Eric Broadbent paid tribute to John Blackie.

A minute's silence was held.

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

Members were reminded that works on the Brierley Building will take place from August this year. During this time, there will be no access to the building. Council meetings will take place in dedicated meeting rooms in No.3 Racecourse Lane (the former Magistrates Court) and the adjacent No.1 Racecourse Lane. The only exception to this is the meeting of County Council, which will be held at Hambleton District Council in November 2019, February 2020 and May 2020.

**100. 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 11346 to 11347).

County Councillor Carl Les noted the appointment of County Councillor Stuart Parsons and County Councillor Helen Grant to the positions of Group Leader and Group Secretary, respectively, for the North Yorkshire Independent Group.

**101. Public Questions or Statements**

There were two questions (questions and responses at pages 11348 to 11352 in the Minute Book) or statements from members of the public.

### Public Question 1 – Kerry Fox, ‘Save Send Services North Yorkshire Group’

“Vengeance is not our goal nor do we seek a just retribution we ask this council to affirm our children’s right to the support and access to education, social care and health from their local authority so they may be equal with their peers regardless of their disabilities the case we present is a plea to humanity to law a plea to humanity to government a plea to humanity to north Yorkshire county council.

We respectfully request this council and all its members take a vote to work together to say no more:

- to say no more cuts no more underfunding of special educational needs
- to say no more cuts to frontline services that support and educate our children and young people
- to make their voice heard and to actively speak out against the UK government and the DfE in their relentless underfunding to make a plea alongside all those campaigning for a better future for the families and children of north Yorkshire a plea for humanity to this government, for us to stand shoulder to shoulder our fight is your fight.

We plead that you seek the right to deliver essential and respected services that ensure the children and young people in this county have a childhood that will not be marred by the lack of services.

To say no more children out of school no more children suffering mental health problems no more children waiting inexcusable times to get the right support no more children and no more families suffering through lack of support.

We plead that the council do not sell our children to the lowest tender not to make our children’s lives and support a matter of commercial interest.

If we do not speak now, then the oncoming storm of crisis will cost much much more dealing with the fall out of the underfunding now the future is no longer in sight for the majority of our youth.

We plead for Humanity!”

Kerry Fox of the ‘Save Send Services North Yorkshire Group’

### Response to Public Question 1

In response to Kerry Fox’s question, County Councillor Janet Sanderson thanked Kerry Fox for her question and made a number of points, as summarised below:

- The Council takes its responsibility to meet the assessed needs of children and young people with SEND very seriously
- The Council has a legal requirement to set a balance budget each year and within that context works hard to ensure that the High Needs Block budget is used efficiently
- Since 2010, the Council has found £157m of savings, which is equivalent to a 34% reduction in the overall budget
- The Council works hard to protect frontline services, provide value for money and meet the needs of children and young people and their families

- If there is a need for the Council to consider any further savings from services for children and young people, then we will continue to consult with the public, as we have done to date
- The Council is in regular contact with the Department of Education, MPs and government ministers about the challenges faced locally and particularly for children and young people with SEND
- The Council is continuing to invest funding into SEND to ensure children and young people receive the support they require whilst lobbying government and ensuring we use the money we have as efficiently as we can
- The language that has been used by those who have opposed the changes to the High Needs Block budget has been unfortunate.

Kerry Fox asked a supplementary question about what plans there were to commission key services for children and young people from other providers rather than continue to deliver in-house.

In response, County Councillor Janet Sanderson said that the aim is to continue to provide all services in-house, as appropriate.

Public Question 2 – Andrea Ellwood, parent and regional Co-ordinator for the parent campaign group SEND Crisis and member of SEND Action

“As a parent of a disabled young person with SEN, also regional Co-ordinator for the parent campaign group SEND Crisis and member of SEND Action, I would like to ask the Council for some reassurances following recent publications and events within the County as well as nationally.

It was concerning to see recent reports in national press quoting that Cllr Les has, allegedly, taken the view that disabled children, those most vulnerable of our society, are viewed as a burden on the public purse - a burden that draws financial resources away from "mainstream" children in their education. However, Cllr Les is also quoted as highlighting the economic distress of councils in inhibiting them from delivering their statutory duties. It is of further concern to see in the Exec papers that there is an intent to make further reductions in budgets to several services currently in place, for very good reason, that support disabled children with SEN in accessing their education, and that, in other papers, such as the Children's Overview and Scrutiny report there are only 300 identified disabled children accessing social care support via a section 17 (Children's Act) as a Child In Need, out of a possible 3000+ of those SEND children and young people who have sufficient needs to require an Education Health and Care Plan - CARE being a significant section of the plan.

These statements, together with a suggestion that there may be further, future cuts and "commercialisation" of services to support disabled children and young people are now of very real concern; concern for the future life trajectories of our children and families, and also a concern that we may now lose, beyond any possibility of hope for future recovery all those valuable and highly skilled professionals who have for so many years worked WITH our children and families in supporting roles, in the best interests of our children.

Janet Jefferson's report also highlights that a lack of funds cannot be a valid reason for failing to deliver against statutory duties.

Under such drastic economic times, I ask the council to make a commitment today to undertake a FULL and comprehensive assessment of delivery against statutory duties for disabled children and young people, setting out in a public report with full transparency precisely where there are, or soon will be, a failure to deliver against a statutory duty and precisely to what extent or quantity?

Furthermore, will the council make a commitment to work WITH service users; with disabled children and young people, and with their families, and all associated professionals, in true co-production of this report and of any future planning of service changes?"

Andrea Ellwood, parent and regional Co-ordinator for the parent campaign group SEND Crisis and member of SEND Action.

### Response to Public Question 2

In response, County Councillor Janet Sanderson thanked Andrea Ellwood for her question and made a number of points, as summarised below:

- The Council understands the issues that have been raised and view what has been said with compassion
- The Council's funding position and the ongoing pressures upon budgets has already been referred to
- The comments attributed to County Councillor Carl Les are not true. There has been a misunderstanding about the comments he made about increased responsibilities or 'new burdens', as they are commonly known, being given to local government by central government. This is recognised phraseology used in government.
- We are all on the same side here and the Council is lobbying hard to secure an increase in central government funding to meet the needs of our children in this County
- The Council cannot commit to a full and comprehensive review of delivery of statutory services. There is no evidence that this is required or necessary
- Any family has the right to complain if they feel that they are not receiving the right service and those complaints are taken seriously
- The Council is committed to working with service users and their families. We need to establish a joint relationship which recognises the difficult times we are in and that co-production must be based upon an understanding of the resources we have available.

Andrea Ellwood asked a supplementary question relating to a comprehensive service review and co-production.

In response, County Councillor Janet Sanderson said that these issues had been covered in the initial response to the substantive question.

## **102. Report of the Executive**

### Quarterly Performance and Budget Monitoring – BES development initiatives and net capital underspend carry forward

The section of the quarterly performance and budget monitoring report at paragraph 3.1 of the report (which appear in the Minute Book page 11355) 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 -**

- (a) That the proposed carry forward of £933k earmarked for BES development initiatives as detailed in paragraph 2.2.11 of the report be approved.
- (b) That the proposed carry forward to 2019/20 of the net capital underspend totalling £0.6m as set in paragraph 4.14 of the report be approved.

Highways Infrastructure Asset Management Policy and Strategy

The recommendation at paragraph 3.2 of the report (which appears in the Minute Book at page 11355) 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 submission of the draft Highway Infrastructure Asset Management Policy and Strategy be approved.

Home to School Transport Policy

The recommendation at paragraph 3.3 of the report (which appears in the Minute Book at page 11356) was amended as follows.

County Councillor Patrick Mulligan moved the substantive motion with the amendment that Proposal 6, relating to a fee for the replacement of school transport passes, be reduced to £10 for those families where a child was in receipt of Free School Meals.

The amended substantive motion was seconded by County Councillor Janet Sanderson.

**The vote was taken and, on a show of hands, the motion was declared carried, with 50 in favour, 6 against and 1 abstention.**

County Councillor Stuart Parsons asked that his vote against the motion be recorded.

**Resolved -**

That the proposed changes to the Home to School Transport Policy be approved, with the change of Proposal 6 to a £10 replacement fee for those families where a child was in receipt of Free School Meals.

**Appointments to Committee and Outside Bodies**

The appointments at paragraph 3.4 of the report (which appears in the Minute Book at page 11356 to 11357) were noted.

### North Yorkshire Health and Wellbeing Board

Chris Brackley to be appointed as the representative of Healthwatch North Yorkshire.

Dr John Crompton to be appointed to the Board as the Primary Care representative, with Dr Sally Tyrer as his nominated substitute.

Mike Padgham as the representative of Care Providers, with Bev Proctor, as his nominated substitute.

### Standing Advisory Council on Religious Education (SACRE)

County Councillor Janet Jefferson is appointed to May 2021 to fill the vacancy that has been created by County Councillor Jim Clark stepping down.

### Nominations by Group Secretaries

The following nominations to committees and Outside Bodies were made by Group Secretaries:

County Councillor Stuart Parsons to be appointed to the North York Moors National Park Authority

County Councillor John McCartney to be appointed to the Yorkshire Dales National Park Authority.

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

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 11408 to 11410).

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 11412 to 11413).

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 11414 to 11417), and responded to questions.

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 (page 11418), 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 (pages 11420 to 11421), and responded to questions.

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 11422 to 11423), and responded to questions.

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 11424 to 11425), 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 11426 to 11428), 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 11430 to 11431).

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 11432 to 11447) were noted.

#### **104. Notices of Motion**

##### Motion One

##### Social Housing

“That this council allocates 20% of the net profit made by Brierley Homes to a fund specifically to support the provision of social housing.”

Proposed by County Councillor Geoff Webber and seconded by County Councillor Bryn Griffiths.

The Chairman determined that the Motion be referred to the Corporate and Partnerships Overview and Scrutiny Committee for consideration before coming back to Council.

##### Motion Two

##### Coastal Erosion Resilience and Mitigation - National Coastal Erosion Resilience Review

“That the Government ensures that where their assets and infrastructure will be protected by a flood and coastal protection scheme all Utility companies are required to make a proportionate and appropriate mandatory level of financial contribution towards that particular scheme, and subject to the costs of any contribution not being borne by the Utilities customers.”

Proposed by County Councillor David Jeffels, in the absence of County Councillor Derek Bastiman, and seconded by County Councillor Joe Plant.

The Chairman determined that the Motion be referred to the Transport, Economy and Environment Overview and Scrutiny Committee for consideration before coming back to Council.

##### Motion Three

##### Carbon Reduction

“This Council recognises that some districts within North Yorkshire have already passed motions committing to carbon reduction measures with the aim of becoming carbon



neutral. It also acknowledges and supports the Government's announcement that it would aim for the UK to be carbon neutral by 2050.

North Yorkshire County Council has already formed an Executive sub-group and Scrutiny task Group concentrating on climate change and the Authority has made progress in reducing carbon emissions.

This Council now commits to produce its own carbon reduction plan. As part of this plan, the Council will invite the relevant representatives from the district councils to discuss how working together, we can aspire to achieve net carbon neutrality by, or as close to, 2030.

Proposed by County Councillor Richard Cooper and seconded by County Councillor David Chance.

The Chairman determined that the an initial debate be held, with recommendations being made that could be referred with the motion to the Climate Change Scrutiny Joint Sub Committee for consideration before coming back to Council.

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

**105. Council Procedure Rule 10 Questions**

There were no Council Procedure Rule 10 questions.

The meeting closed at 12.25pm.