

North Yorkshire County Council

Executive

Minutes of the remote meeting held on Tuesday, 26th January, 2021 commencing at 11.00 am.

County Councillor Carl Les in the Chair. plus County Councillors Gareth Dadd, David Chance, Caroline Dickinson, Michael Harrison, Andrew Lee, Don Mackenzie, Patrick Mulligan, Janet Sanderson and Greg White.

In attendance: County Councillors Paul Haslam.

Officers present: Karl Battersby, Stuart Carlton, Gary Fielding, Richard Flinton, Barry Khan, Richard Webb, Neil Irving and Barrie Mason.

Copies of all documents considered are in the Minute Book

535 Introductions

Members of the Executive and Corporate Management Team introduced themselves, and County Councillor Carl Les welcomed other officers present at the meeting. He also expressed his sadness at the recent death of County Councillor Richard Welch.

536 Minutes of the Meeting held on 12 January 2021

Resolved –

That the public Minutes of the meeting held on 12 January 2021, having been printed and circulated, be taken as read and confirmed by the Chairman as a correct record.

537 Declarations of Interest

There were no declarations of interest. However, County Councillor Michael Harrison drew members' attention to his dispensation granted by North Yorkshire County Council's Standards Committee, enabling him participate fully in meetings where decisions could have an impact on Health and Adult Services, which members of his family worked in.

538 Public Questions and Statements

The Leader noted that a written statement had been submitted by Mr Guy Barker, Director of Northallerton Business Improvement District, relating to Agenda item 8 - Performance Monitoring of 1-Hour Free Parking on Northallerton High Street. It was agreed that Mr Barker would present his statement at that start of consideration of that agenda item.

539 Area Constituency Committee Feedback Report

Considered –

A report of the Assistant Chief Executive (Legal & Democratic Services) providing an overview of the key issues considered at recent meetings of the Area Constituency Committees.

Resolved - That the report be noted.

540 Revenue Budget 2021/22 and Medium Term Financial Strategy (MTFS)

Considered –

A joint report of the Chief Executive and the Corporate Director for Strategic Resources, asking the Executive to make recommendations to the County Council regarding the Medium Term Financial Strategy (MTFS) for 2021/22 to 2024/25, the Revenue Budget for 2021/22 and Council Tax for 2021/22.

County Councillor Carl Les introduced the agenda item, and acknowledged the difficult times being faced by Local Authorities, the pressures being faced by society and therefore the importance of finding the right balance between what the Council needs in order to deliver those services and what the community of North Yorkshire can afford to pay for them. He also thanked Gary Fielding, Corporate Director for Strategic Resources and his team for their work on the budget and for producing a comprehensive report.

Medium Term Financial Strategy 2020/21 to 2023/24 & Revenue Budget for 2020/21

County Councillor Gareth Dadd reiterated those thanks and went on to introduce the first section of the report. He acknowledged it had been a difficult year to attempt to set a medium term outlook. Given the uncertainties surrounding it he confirmed there would likely be more variants on the budget figures as the year progressed.

He draw attention to a number of headline figures in the budget including use of Reserves in the amount of £43.2m over the next three years, and the projected £18.5m recurring deficit. He acknowledged the need for further efficiencies or stronger income streams in coming years. He also confirmed that if the situation worsened as the year progressed, there may be a need for a further budget. Finally, he confirmed that at the end of the budget period the Council's spending power would likely have reduced by approximately 40%.

Gary Fielding confirmed that the MTFS being presented was the best strategy to mitigate and enhance the chances of success for the Council going forward, given the importance of the services provided.

It was noted that past financial achievements had enabled the Council to buy some time pending further clarity on the issues contributing to the uncertainty such as the outcomes from the spending review and local government re-organisation, and the demands of COVID and its legacy. He confirmed that by the end of the year the Council would have spent an additional £93m directly in response to COVID (25% of net revenue budget).

Gary Fielding went on to highlight:

- The revenue budget for 2021/22 reliance on £8.2m of internal funding to get it to balance, made up of £3.1m of reserves and the re-positioning of £5.1m previously set aside for ASC market shaping;
- The gap in revenue budget had been helped by the £20m received direct from Government as a consequence of Covid, and the proposed ASC precept which would raise a further £5m;
- The MTFS up to April 2024 reliance on £58.5m cash funding in order to balance over the three year period. If market shaping money of £15.3m over the three years was used, the cash funding required would drop to £43.2m which would need to come out of reserves, leaving a recurring shortfall of £18.5m for 2024 onwards;
- The figures in the report were predicated on a Council Tax rise of 1.99% and an ASC Precept rise of 1.5% in 2021/22,
- Based on the amount of uncertainty, the projections in the report were likely to change;

- The use of reserves was not sustainable in the longer term;

He also detailed a number of positive actions in the MTFS i.e.:

- Use of Reserves to fund 2021-22;
- Provision of £10m contingency to respond to identified pressures;
- Implementation of a service planning regime and exploration of savings options;
- Closer monitoring of revenue budget through the quarterly performance reports;
- Delivering all possible savings;
- Have an additional Council budget later in the 2021/22, if needed;
- Review the position on extra headroom on ASC precept for next year;

Importantly, Gary Fielding stressed the Council was not even close to requiring a Section 114. He also asked Members to note:

- The possible need for a Section 25 Statement as set out in the report at paragraph 9.12;
- The investments as set out in the report at paragraphs 4.8.2 and 4.8.3 around Locality Budgets and Carbon Reduction Initiatives;
- The Environmental Implications set out at section 11 of the report
- The Equalities Impact Assessments at section 8.3 of the report and;
- Approval of the pay policy set out at section 7 of the report.

In supporting the suggested rise in Council Tax, County Councillor Gareth Dadd again reiterated the difficult balance between the propensity of residents to pay an increased Council Tax and the need of the Council to provide critical services. He noted that those services were very important for the most vulnerable residents of North Yorkshire. He also noted that the Local Assistance Fund was there to support those who might struggle to pay, and that resources would be directed to those most in need.

In regard to Local Government Re-organisation, it was noted that both options put forward would delivery efficiency savings. There was also the possibility of a further 1.5% increase ASC Precept next year if needed. Finally that work would continue to lobby Central Government for fairer funding and a better settlement.

Executive Members agreed with the comments made by County Councillor Gareth Dadd and voted in favour of the recommendations related to the Revenue Budget and MTFS.

Capital Plan and Treasury Management

County Councillor Gareth Dadd introduced those sections of the report. Specifically in relation to the Capital Plan, he highlighted an issue with the proposed free special school in the Selby area. He also noted there were some unallocated funds.

Gary Fielding drew attention to a number of new additions in the Capital Plan. He also referenced the risks and financing sections of the report and the updates on a number of ongoing schemes.

In regard to the new special school at Selby, he confirmed that negotiations were ongoing regarding the Council's £1m contribution to the development for highways works and other exceptional costs identified.

In regard to Treasury Management he highlighted the various components i.e. the Prudential Indicators, the Minimum Revenue Provision Policy, the Borrowing Strategy, the Investment Strategy and the Capital Strategy.

Finally, he drew members attention to a typo in the table at paragraph 4.26 of the report. He confirmed the net yield for Bank unit in Stafford town centre should of stated 6.1, and the net yield for Harrogate Royal Baths should of stated 0.6.

All Members voted in favour of the recommendations relating to the Capital Plan and Treasury Management.

Resolved –

In regard to the Revenue Budget and MTFs, that it be recommended to County Council that:

- a) The Section 25 assurance statement provided by the Corporate Director for Strategic Resources regarding the robustness of the estimates and the adequacy of the reserves (**paragraph 9.12**) and the risk assessment of the MTFs detailed in **Section 10** be noted.
- b) 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 2021/22 of £332,531,725.62 be approved and that a Council Tax precept of this sum be issued to billing authorities in North Yorkshire (**Section 4.3** and **Appendix D**).
- c) 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 £1,411.05 be approved (**paragraph 4.3.6** and **Appendix D**).
- d) That a Net Revenue Budget for 2021/22, after use of reserves, of £400,248k (**Section 5.0** and **Appendix F**) be approved and that the financial allocations to each Directorate, net of planned savings, be as detailed in **Appendix C**.
- e) In the event that the level of overall external funding (including from the final Local Government Settlement) results in a variance of less than £10m in 2021/22 then the difference be addressed by a transfer to / from the Strategic Capacity unallocated Reserve in line with **paragraph 4.2.6** with such changes being made to **Appendix E** as appropriate.
- f) The Corporate Director for Children and Young People's Service be authorised, in consultation with the Corporate Director for Strategic Resources and the Executive Members for Schools and Finance, to take the final decision on the allocation of the Schools Budget including High Needs, Early Years and the Central Schools Services Block (**paragraph 3.1.15**).
- g) A sum of £720k be provided in 2021/22 and a further sum of £720k be provided in 2022/23 for Member Locality Budgets as set out in **paragraph 4.8.2**.
- h) A one-off sum of £1m be provided in 2021/22 to provide pump priming for Carbon Reduction & Environmental schemes as set out in **paragraph 4.8.3**.
- i) The Medium Term Financial Strategy for 2021/22 to 2023/24, and its caveats, as laid out in **Section 4.0** and **Appendix G** be approved.
- j) The Corporate Director for Business & Environmental Services be authorised, in consultation with the Executive Members for BES, to carry out all necessary actions, including consultation where he considers it appropriate, to implement the range of savings as set out in **Appendix B1 (BES 1 to 6)**.
- k) The Corporate Director for Health and Adult Services be authorised, in consultation with the Executive Members for HAS, to carry out all necessary actions, including consultation where he considers it appropriate, to implement the range of savings as set out in **Appendix B1 (HAS 1 to 7)**.
- l) The Corporate Director for Children and Young People's Services be authorised, in consultation with the Executive Members for CYPS, to carry out all necessary actions, including consultation where he considers it appropriate, to implement the range of savings as set out in **Appendix B1 (CYPS 1 to 5)**.
- m) The Chief Executive be authorised, in consultation with the Executive Members for Central Services, to carry out all necessary actions, including consultation where he considers it appropriate, to implement the range of savings as set out in **Appendix B1 (CS 1 to 9)**.
- n) Any outcomes requiring changes following **Recommendations j), 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 be considered by full County Council.

- o) The existing policy target for the minimum level of the General Working Balance is retained and be set at £28m in line with **paragraphs 4.5.4 to 4.5.5** and **Appendix F**.
- p) The pay policy statement (**Appendix I**) covering the period 1 April 2021 to 31 March 2022 be approved as set out in **Section 7**.
- The delegation arrangements referred to in **Section 12** 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, be noted and approved.
- In approving the Budget proposals contained in the report, the Executive gave due regard to the Public Sector Equality Duty (identified in **Section 8** and **Appendix J**).

In regard to the Capital Plan, that it be recommended to County Council that:

- a) The refreshed Capital Plan summarised at **paragraph 3.4** be approved;
- b) A £1.0m budget provision from Capital Receipts be approved, to address the DfE funding conditions for the proposed Free School development as set out at **paragraph 3.13** and that authority be delegated to the Corporate Director, Children & Young Peoples Service in consultation with the Corporate Director, Strategic Resources and the Assistant Chief Executive, Legal & Democratic Services to agree terms and arrangements with the Department for Education;
- c) No action be taken at this stage to allocate any additional capital resources (**paragraph 6.7**)

In regard to the Treasury Management, that the Treasury Management Strategy at **Annex 1** be recommended to County Council including:

- Capital Prudential Indicators (**Appendix A**), Borrowing Strategy and Treasury Prudential Indicators (**Appendix B**) and Annual Investment Strategy 2021/22 (**Appendix C**), and in particular:
 - i. an authorised limit for external debt of £577.9m in 2021/22;
 - ii. an operational boundary for external debt of £557.9m in 2021/22;
 - iii. the Prudential and Treasury Indicators for 2021/22 to 2023/24;
 - iv. a limit of £40m of the total cash sums available for investment (both in house and externally managed) to be invested in Non-Specified Investments over 365 days;
 - v. a 10% cap on capital financing costs as a proportion of the annual Net Revenue Budget;
 - vi. a Minimum Revenue Provision (MRP) policy for debt repayment to be charged to Revenue in 2021/22;
 - vii. the Corporate Director – Strategic Resources to report to the County 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 County Council;
- The Capital Strategy as attached at **Appendix D**;
- The Treasury Management Policy Statement as attached at **Schedule 1**; and

Finally, that the Audit Committee be invited to review **Annex 1** including **Appendices A to D and Schedules 1 to 6** and submit any proposals to the Executive for consideration at the earliest opportunity.

541 Council Plan 2021-2025

Considered –

A report of the Assistant Director for Policy, Partnerships & Communities seeking Executive agreement for the submission of a refreshed Council Plan to the County Council for

adoption.

County Councillor David Chance introduced the report, confirming that this year, only a light refresh had been undertaken following the significant re-write last year which included the addition of a new ambition. He confirmed that the ambitions, priorities, approach and principles all remained relevant and appropriate, and each ambition now had COVID specific priorities.

It was noted that the Plan:

- Reflected the significant work undertaken in response to COVID in the key achievements section;
- Referenced Local Government Re-organisation and devolution;
- Took into account the Council's Growth Plan and Children & Young People's Plan;
- Set out clear priorities for the next four years;

In regard to future service change proposals, Neil Irving, Assistant Director for Policy, Partnerships & Communities confirmed any adverse impacts on those on a low income or living in rural communities, would be identified (together with appropriate mitigation actions), within the reports brought forward seeking approval for those changes, as part of the equalities impact assessment process.

County Councillor Paul Haslam welcomed the Council Plan but suggested that the council's climate change ambition should be included in the Council Plan 'plan on a page' diagram.

All members voted in favour of the recommendations in the report, and it was

Resolved – That:

- i) The draft Council Plan be approved and recommended to the County Council for its approval at its meeting on 17 February 2021, and
- ii) It be recommended that the 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.

542 Performance Monitoring of 1-Hour Free Parking on Northallerton High Street

Considered – A Report of the Corporate Director for Business and Environmental Services on the consultation exercise completing the Right to Challenge Parking Policies Petition Scheme.

Mr Barker read out his statement, as shown below:

“Good morning. I'm Guy Barker, Director of Barkers Northallerton and a Director of Northallerton Business Improvement District. Thank you for the opportunity to comment on the Northallerton High Street Parking Performance, Monitoring and Petition Review. We welcome the temporary extension of one hour free until the end of March - but regret that no long-term solution is being proposed for the fundamental problem of lack of free parking in our town-centre.

Thirty minutes is simply not long enough. Survey after survey tells us that shoppers feel rushed and would prefer to take their custom to neighbouring towns where there is more generous free parking. From 100 shoppers polled by the BID recently, an overwhelming majority of 95 per cent told us that extra free parking encourages them to spend more time in local shops and businesses. Furthermore, 84 per cent strongly

favoured two hours and told us free parking provision has a strong influence on where they shop.

Now more than ever, when many businesses are facing an uncertain future, we need support and intelligent leadership to make it as easy as possible to park in Northallerton and enjoy everything our town has to offer. We will continue to campaign for fairness on behalf of our businesses. Please be in no doubt about the strength of feeling on this issue in Northallerton.

I must also register our disappointment with the handling of the parking petition review procedure where the County Council has failed to follow its own guidelines. Several important issues we raised have been ignored, and there remain significant disagreements over how by any sensible measurement the charging regime can be deemed a success.

It remains our belief that an ungenerous 30 minutes of free parking on our High Street puts us at a serious competitive disadvantage to adjacent towns. All of us must do everything in our power to protect the commercial health of Northallerton. That means we will always be open to further discussion and engagement on this vital issue.”

In response, Karl Battersby Corporate Director for Business & Environmental Services confirmed that Northallerton High Street, benefited from a significant on-street parking facility, which was well utilised and included short term free parking of up to 30 minutes, complemented by up to 1 hour free parking in the nearby off-street Applegarth car park.

As stated in the report, he noted that other than a 20-minute free parking allowance in Market Place, Knaresborough; the High Street was the only other location in the County which offered a free on-street parking period where Pay and Display charges applied. He stressed the purpose of the 30 minutes free parking was to facilitate a short errand, drop off/collection or similar trip and not a full shopping experience. Also, that the charges themselves compared very favorably with others in the area.

He also confirmed that without a robust parking management approach, the network would suffer from increased congestion, delay and lesser turnover of spaces, which would be of greater deterrent to shoppers and visitors. He explained the Council Council’s strategic approach to on-street parking management i.e. to encourage the use of off-street car parks by making on-street parking more expensive and/or time restricted and confirmed the current arrangement was in accordance with that strategic approach, and substantially achieved the intended traffic management benefits. Also, that the available data had been reviewed objectively, consistently and appropriate conclusions drawn based on the strategic approach.

Karl Battersby accepted that, in considering the petition, officers should have carried out some formal consultations, and confirmed that this procedural oversight had been acknowledged and rectified as set out in the Executive report. He also noted that as the report was published late, additional time had been given to Northallerton BID to provide their statement to the Executive.

Finally, he recognised the challenges facing high street trade in the county and nationally and confirmed the County Council was committed to supporting local business at this time of increased pressure, as shown by the temporary extension to the free parking period during the current Covid pandemic. He noted the Executive report reaffirmed the intention to review the free parking time period on the High Street - north of Friarage Street, on a permanent basis.

County Councillor Don Mackenzie thanked Mr Barker for his contribution but reflected his disappointment that BIDs were not more creative in their dealings with the Council, rather

than just focusing on parking charges. He acknowledged that retail outlets were under pressure everywhere as a result of COVID and noted that the income from parking charges was used to deliver concessionary services and subsidised bus services, making it easier for shoppers to access the high street. Finally, in expressing his full support for the Council policy on parking charges, he suggested that departing from it in Northallerton would be unfair on other areas.

County Councillor Don Mackenzie went on to introduce the report, which provided detailed feedback on the performance of the temporary one hour free parking concession introduced on Northallerton High Street in September 2020.

All members voted in favour of the recommendations, and it was

Resolved - That:

- i. The existing Pay and Display arrangement and tariffs remain unchanged;
- ii. A review be carried out to consider increasing the free time allowance to that part of High Street north of Friarage Street;
- iii. The temporary free parking extension for High Street, Northallerton and Market Place, Knaresborough continue until the end of March 2021, and that any further consideration beyond that date be delegated to the Corporate Director for Business & Environmental Services BES in consultation with the BES Executive Members.

543 Admission Arrangements

Considered –

A report of the Corporate Director for Children & Young People's Services seeking Members views on the response to the proposed admission arrangements for Community & Voluntary Controlled Schools for the school year 2022/23, and to seek approval for recommendation to the County Council for determination.

County Councillor Patrick Mulligan introduced the report confirming that the catchment areas for community and voluntary Controlled Schools across the Local Authority area remained unchanged with a number of exceptions, as detailed in the report. He went on to detail the consultations process that had been undertaken and confirmed 219 responses had been received.

All members voted in favour of the recommendation, and it was

Resolved – That the proposed Admission Arrangements be recommended to the County Council for approval on 17 February 2021, to include the proposed:

- Admission policy for community and voluntary controlled schools;
- Admission policy for nursery schools, schools with nursery classes and pre-reception classes, appendices 1 & 2.
- Co-ordinated admission arrangements at Appendix 3;
- In-Year Fair Access Protocol at Appendix 4;
- Published admission numbers (PAN's) for community and voluntary controlled schools as shown in Appendices 5 (Primary) & 6 (Secondary)

544 Kell Bank CE Primary School - Proposed Closure

Considered:

A report of the Corporate Director for Children and Young People's Service, detailing the outcome of the public consultation carried out by the Children and Young People's Service on a proposal to close Kell Bank CE VA Primary School, with effect from 31 August 2021.

County Councillor Patrick Mulligan introduced the report, confirming the consultation process undertaken, and provided an overview of the school's history, its catchment area, and feedback received from stakeholders. He also outlined the next steps in the process.

Members noted the falling number of children currently at the school and the longer-term forecast, which indicated that the number would not recover significantly and may reduce still further.

Members voted in favour of the recommendations, and it was

Resolved – That:

- i) That statutory proposals and notices be published on 5 February 2021 proposing:
 - To cease to maintain Kell Bank CE VC Primary School with effect from 31 August 2021 and;
 - To expand the catchment area of Masham CE VA school with effect from 1 September 2021, to serve the area currently served by Kell Bank CE VC Primary School.
- ii) That a final decision on the proposals be scheduled for the Executive on 23 March 2021

545 Healthy Child Programme Consultation Report

Considered –

A report of the Corporate Director for Health & Adult Services informing the Executive of the results of the public consultation on changes to the Healthy Child Programme, and detailing the potential mitigations proposed as a result.

County Councillor Caroline Dickinson introduced the report, which detailed the results of a public consultation on changes to the Healthy Child Programme, and proposed a number of potential mitigations based on the consultation feedback.

It was noted that the Healthy Child Programme was aimed at ensuring every child got a good start in order to lay the foundations for a healthy life, and that the proposals would transform the service for the 21st century and beyond

County Councillor Caroline Dickinson outlined the services that made up the current programme and the main points of the consultation undertaken.

Richard Webb, Corporate Director for Health & Adult Services, confirmed that health visiting and school nursing had been successfully provided by Harrogate & District NHS Foundation Trust for some years and that the current contract with them was up for review. This, alongside a national reduction in funding for the Public Health Grant, had led to the service review and the consultation.

It was noted that going forward, work would be prioritised on the under 5's, ensuring every child had the best start in life, and would integrate the healthy child service more closely with other children's services. The Healthy Child programme needed to be seen as part of a comprehensive range of children's services, led by the Council's Children and Young People's Services directorate and would also involve NHS partners.

County Councillor Gareth Dadd welcomed the proposals as they provided the means for

directing the resources to those that actually needed it.

County Councillor Janet Sanderson highlighted the council's good track record of successful transformation programmes and noted the opportunity presented by COVID to test pilot other ways of delivering services. She also highlighted there would be no change to safeguarding arrangements as a result of the proposals.

Members all voted in favour of the recommendations, and it was

Resolved - That:

- i. The result of the public consultation on changes to the Healthy Child Programme, and potential mitigations proposed as a result of the consultation be noted and;
- ii. Any further mitigations to the service model as a result of the consultation and the approval of the final service model be delegated to the Director of Public Health, in consultation with the Director of Health and Adult Services and Director of Children and Young Peoples Services.

546 Approval of the 0-19 Healthy Child Draft S75 Agreement

Considered –

A report of the Corporate Director for Health & Adult Services presenting a draft Section 75 Agreement in relation to North Yorkshire County Council's joint working with Harrogate & District NHS Foundation Trust on the delivery of the Healthy Child Programme, and seeking approval to begin a four-week consultation on the draft Section 75 document.

County Councillor Caroline Dickinson introduced the report, confirming the Section 75 approach would enable the development of a long-term partnership and ensure the ongoing development of the service.

All Members voted in favour of the recommendations, and it was

Resolved - That:

- i) The content of the draft Section 75 Agreement be noted;
- ii) A 4 week public consultation be approved, to run from 02/02/21 until 03/03/2021;
- iii) Consideration of the responses to the public consultation on the Section 75 along with any final draft Section 75 Agreement, be scheduled for a meeting of the Executive in March 2021.

547 Forward Plan

Members considered the Forward Plan for the period from 15 January 2021 to 31 January 2022.

Resolved – That the Forward Plan be noted.

The meeting concluded at 1.15 pm.