



Supplementary Agenda

- Meeting:** Executive
- To:** Councillors Carl Les (Chair), Gareth Dadd (Vice-Chair), Derek Bastiman, David Chance, Michael Harrison, Andrew Lee, Don Mackenzie, Patrick Mulligan, Janet Sanderson and Greg White.
- Date:** Tuesday, 12th October 2021
- Time:** 11.00 am
- Venue:** Remote meeting held via Microsoft Teams

Under his delegated decision making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee. Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue (as informal meetings of the Committee Members), with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with other Officers and Members as appropriate and after taking into account any views of the relevant Committee Members. This approach will be reviewed in September 2021.

The meeting will be available to view once the meeting commences, via the following link - www.northyorks.gov.uk/livemeetings Recordings of previous live broadcast meetings are also available there.

Business

- 2. Minutes of the Meeting held on 21 September 2021 (Pages 3 - 10)**

Barry Khan
Assistant Chief Executive
(Legal and Democratic Services)

County Hall
Northallerton

8 October 2021

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North Yorkshire County Council

Executive

Minutes of the remote meeting held on Tuesday, 21st September 2021 commencing at 11.00 am.

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

In attendance: County Councillors Philip Broadbank, Helen Grant, Bryn Griffiths, Janet Jefferson, Stanley Lumley, Andy Paraskos, Stuart Parsons, John Weighell and Annabel Wilkinson.

Officers present: Richard Flinton, Barry Khan, Stuart Carlton, Gary Fielding, Neil Irving, Amanda Newbold, Michael Leah, Fiona Ancell, Louise Wallace, Melanie Carr and Daniel Harry.

Apologies: Karl Battersby and Richard Webb.

Copies of all documents considered are in the Minute Book

639 Introductions

Members of the Executive and Corporate Management Team introduced themselves, followed by other Councillors present at the meeting.

640 Minutes of the Meeting held on 31 August 2021

Resolved –

That the public Minutes of the meeting held on 31 August 2021, having been printed and circulated, be taken as read and confirmed by the Chairman as a correct record.

641 Declarations of Interest

County Councillors Carl Les & Janet Sanderson declared a non-pecuniary interest in Agenda Item 6, as Trustees of North Yorkshire Youth.

642 Public Questions and Statements

There were no public questions or statements.

643 Lowering the age range of Barrowcliff Community Primary School to 2-11

County Councillor Patrick Mulligan introduced a report of the Corporate Director - Children and Young People's Service, on the outcome of an informal consultation carried out by the Governors of Barrowcliff Community Primary School on a proposal to lower the age range of the school from 3-11 to 2-11, in order to offer education for 2 year old children.

Executive Members noted the consultation feedback and next steps as detailed in the report, and

Resolved – To recommend to the Chief Executive Officer that using his emergency powers he approve that:

- i. Proposals and statutory notices be published on 1 October to lower the school age range of Barrowcliff Community Primary School from 1 January 2022.
- ii. The Executive schedule taking a final decision on the proposals on 23 November 2021.

644 Strategic Review of the Outdoor Learning Service

Considered –

A report of the Corporate Director – Children and Young People’s Service seeking Executive Members views on the findings from a strategic review of the Outdoor Learning Service.

County Councillor Patrick Mulligan introduced the report and drew attention to the desk-based research and analysis, extensive stakeholder engagement and property inspections that had taken place as part of the review.

He also outlined a number of challenges facing the service, as detailed at paragraph 3.23 of the report, and noted the significant capital investment that would be required to improve the facilities at the centres and make them fit for purpose going forward.

Members welcomed the report and acknowledged the benefits a residential learning experience could bring, and how it could improve the outcomes and experiences for young people in North Yorkshire. They also recognised that in order to ensure the long term viability of the Service, the facilities at the centres would require significant capital investment and the Service would need to be transformed on to a more commercial footing.

Members were pleased to provide this opportunity but agreed this was only the first step to achieving a long term future for the Service. They stressed that the Service would need to deliver a strong business case for a financially sustainable model.

Stuart Carlton, Director - Children and Young People’s Service, reassured Members that the Service understood that it was being given an opportunity to flourish and would work hard to demonstrate its potential.

It was noted that the Executive would receive a further report in the future and on that basis, Members agreed to note the contents of the report, and to recommend to the Chief Executive Officer that using his emergency powers he:

- i) Approve in principle the redevelopment of Bewerley Park in two phases, with a new accommodation block in phase 1 funded by a policy investment and the central hub and further accommodation in phase 2 linked to recommendation v.
- ii) Approve in principle improvements at East Barnby to ensure facilities were of a standard which could maintain existing customers and grow the customer base.
- iii) Approve an investment of up to £400,000 for the Outdoor Learning Service alongside the Property Service, Procurement and the North Yorkshire consultancy ‘Align Property Partners’, to move to full business case to include:

- The drawing up of detailed designs for capital work at both sites
 - investigating and applying for any required planning permission
 - undertaking any surveys necessary in securing planning permission
 - going to the market for tenders for the proposed building work
- iv) Offer the Outdoor Learning Service the opportunity to prove it can operate as an efficient service with a commercial ethos by undertaking the following:
- Implementing a new Outdoor Learning Strategy which includes marketing and business development
 - Recruiting to key posts in the service leadership team
 - Evidencing an increase in engagement with customers and external organisations, where permitted.
 - Evidencing investigation of commercial opportunities
 - Evidencing the seeking out other funding streams
- v) Invites the service to return with a full business case, to agree the implementation of phase 1.

County Councillor Patrick Mulligan left the meeting on conclusion of this agenda item.

645 Response to Rural Commission report

Considered –

A report of the Assistant Director Policy, Partnerships and Communities, updating Executive Members on the report of the North Yorkshire Rural Commission and proposing a response from the County Council to the recommendations in the report.

County Councillor Carl Les introduced the report confirming he had asked the Overview & Scrutiny Committees to continue to explore the report and its recommendations.

Neil Irving - Assistant Director Policy, Partnerships and Communities, outlined the consultation undertaken by the Commission, and drew attention to their request that their final report ‘not sit on a shelf’, but instead be used to inform positive actions to help support rural communities across the county. He confirmed that in response, an Advisory Group had been set up and that his report presented a general response to the Rural Commission’s findings, and a specific response to the 26 recommendations for the County Council.

Richard Flinton, Chief Executive Officer confirmed the Commission had proved a very useful exercise with issues from across the county being pulled together, and leading to a co-ordinated response.

County Councillor Stuart Parson was disappointed to note there was no recommendation around the funding of homes in the National Parks. He suggested that the County Council lobby Government for a change in legislation.

County Councillor Dom Mackenzie drew attention to the County Council’s digital investment particularly in rural areas and its ongoing financial support for public transport in rural areas.

County Councillor Stanley Lumley, Chair of the Scrutiny Board welcomed the opportunity for Overview & Scrutiny to look at the gaps in the report and make further recommendations to the Executive.

Overall, Executive Members welcomed the Commission’s findings, and its was

Resolved:

- That the report be noted;
- That it be recommended to the Chief Executive Officer that using his emergency powers he consider and agree a response to the report of the North Yorkshire Rural Commission, based on the draft set out in section 3 of the report.

646 York and North Yorkshire Road Safety Partnership Strategy 2021-26

Considered –

A report of the Corporate Director – Business and Environmental Services providing details on the draft 2021-26 York and North Yorkshire Road Safety Partnership Strategy.

County Councillor Don Mackenzie introduced the report stressing that North Yorkshire remain very safe for all road users with the trend of serious accidents reducing. He noted however that whilst only 7% of road users were motorcyclists, 26% of accidents involved motorcycles, and an emerging trend in cycling casualties. He therefore acknowledged the need to focus on vulnerable road users such as motorcyclists, cyclists and pedestrians.

Mike Leah, Assistant Director - Travel & Environment, Waste and Countryside Services, went on to provide a detailed overview of the draft Strategy for 2021-2026, including a breakdown of the proposed safe systems approach and the four associated action areas (as detailed in Appendix 1 of the report).

Executive Members welcomed the revised strategy. County Councillor Janet Sanderson noted that speeding offences made up 85% of the total offences recorded, and questioned whether there was an imbalance in the recording of offences as a result of the more costly resource intensive nature of recording other types of offences.

County Councillor Stuart Parsons suggested that some form of education for cyclists and car drivers would be helpful particularly as it was the perception of residents that North Yorkshire Police were not interested in speeding. In response, it was confirmed by County Councillor Don Mackenzie, Executive Member for Access, that the new Police Fire & Crime Commissioner had made the control of speeding a top priority.

Members noted a marked increase nationally in the number of cyclists in the last few years.

County Councillor Bryn Griffiths suggested the recording of near misses would support a more pro-active approach to road safety, but it was noted that it would be very difficult to register near misses.

Officers confirmed:

- In urban areas there was a 50/50 split between motorist and cyclist errors, but in rural areas it was 70% cyclist error;
- Data was used to identify dangerous stretches of road;
- There was a higher maintenance regime for popular cyclist routes;
- There was a criteria in place for where speed vans were deployed – it was suggested this needed revisiting;

All Executive Members present voted in favour of the draft 2021-26 York and North Yorkshire Road Safety Partnership Strategy as presented, and it was

Resolved:

That it be recommended to the Chief Executive Officer that using his emergency powers he approve adoption of the 2021-2026 York and North Yorkshire Road Safety Partnership Strategy.

647 County Council's response to proposed Warding arrangements for the new Unitary Council

Considered – A report of the Assistant Chief Executive (Legal & Democratic Services) and Assistant Director - Policy, Partnerships and Communities seeking the Leader's approval for the submission of interim ward boundaries for the new North Yorkshire Council, and response to a number of questions being asked prior to the drafting of the Structural Change Order.

County Councillor Carl Les introduced the report and thanked officers and members of the Working Group for their work on the review of ward boundaries. He recognised it was a complicated issue and drew attention to the following:

- The proposal laid out in the report was an interim solution only, and it was not a decision for the County Council but rather for the Secretary of State;
- The principles that had been applied to the review i.e. that single member wards were considered to be the best form of representation, the maximum limit of 90 Members set by MCHLG, and District Council ward boundaries had to be followed;
- The County Council was entitled to submit a supplementary proposal, and that two such proposals were being presented;
- He was minded to accept the recommendations of the Working Group set out in Appendix B, but would first give due consideration to a number of other options put forward by non-Executive Members;

County Councillor John Weighell, Chair of the Working Group confirmed that the rule of using present District Council ward boundaries with a leeway of +/- 30% had created a conflict with the principle of a Unitary Council of 90 members in single member wards. He noted there were three wards where it had proved impossible to achieve – Easingwold, Bedale and Selby West. He also noted it was geographically impossible in Whitby, but could be achieved mathematically.

He confirmed this had resulted in three different recommendations - Appendix B, which met in total the rules stated, and the two supplementary proposals (shown at Appendices C & D). He also confirmed the Working Group had not managed to reach a full consensus of agreement, and that there remained a number of contentious items.

County Councillor Helen Grant expressed disappointment that the parishes with the largest garrison footprint (Colburn, Scotton and Hipswell) were to be separated. She confirmed those parishes would be submitting representations to MCHLG to seek to keep the current garrison footprint.

County Councillor Stuart Parsons confirmed he could not support the Richmond proposal put forward by the Chair of the Working Group and that the original proposal put forward by officers and his alternative suggestion for the area (A8) had not been properly considered. He also suggested that neither the political leadership nor the administration at Richmondshire District Council were happy with the Working Group proposal for the area, and instead favoured the original officer proposal. It was noted that representations had also been received from Richmondshire District Councillor Pat Middlemiss and Scotton Parish Council.

In response, County Councillor John Weighell provided clarification on the Working Group's views on the complex issues presented to Richmondshire.

Executive Members noted the different views and their merits but were minded to agree with the Working Group's proposal for Richmondshire, recognising that this would not preclude other individuals/organisations from submitting their own alternative proposal to MCHLG. The Leader confirmed he was also minded to support the Working Group's conclusion.

Members went on to discuss the other suggestions made by non-Executive members (A1 – A7):

- Members noted County Councillor Eric Broadbent's suggestion (A1) that Selby should have 3 Councillors or be split into two wards i.e. Selby West with 2 Councillors and Selby East with 1 Councillor;
- It was noted that County Councillor John Weighell's suggestion (A2) would have a knock on effect on the Easingwold district ward. He suggested it would be too small if split it into two, unless adding additional parishes from the Huby district ward, or unless joined with an alternative district ward as suggested by County Councillor Peter Sowray (A3) – The Leader confirmed he was minded to support suggestion A2;
- It was noted that the heading used for the suggestion of regrouping Barlby & Riccall and Cawood & Escrick wards (A4) was incorrect, but the content was correct. The Leader confirmed he was again minded to support the Working Group's conclusion;
- County Councillor John Weighell confirmed the suggestion at A5 could not be looked at in isolation as it was linked to the supplementary proposal at Appendix D.
- The suggestion made by County Councillor Andy Solloway (A6) to group wards to form Skipton North & Embsay-with-Eastby ward and to form Skipton West & West Craven ward was discussed, but it was not supported as it resulted in a ward with two Councillors.
- County Councillor Phillip Broadbank expressed his concerns about the proposal for Harrogate as he felt it was particularly unfair to the residents of Harrogate & Knaresborough. He provided a detailed overview of his alternative suggestion (A7) to increase the number of Councillors in the Harrogate & Knaresborough constituency from 13 to 14 to ensure the area was not under-represented compared with all other areas in North Yorkshire. Whilst the complex issues affecting Harrogate area were acknowledged, the Leader confirmed he was still minded to support the Working Group's conclusion bearing in mind it was only an interim view and a counter proposal could still be submitted. He also recognised that Harrogate would be best served by a Town Council, and it would address the issue of under-representation.

County Councillor Derek Bastiman left the meeting at 12:32pm to attend another meeting.

Barry Khan, Assistant Chief Executive (Legal & Democratic Services) confirmed the power to create the community governance review that would start the process of creating a Town Council currently lay with the District Council. He confirmed that as part of the Leader's response to MHCLG a request would be made to allow preparations for the establishment of potential new Town Councils for Scarborough and Harrogate to be undertaken, if this is not progressed prior to vesting date by the District Councils. He also stated there was no guarantee that Government would grant such a power to the Implementation Executive.

The Leader went on to consider the supplementary proposals at Appendices C and D. It was noted that the first would result in the splitting of a number of two member wards into 1-member wards through the use of parishes as building blocks in a number of specific cases. In regard to the Washburn issue, it was noted that this matched the suggestion submitted by County Councillor Richard Musgrave (A5) to keep all unitary council wards within present constituency boundaries. On that basis the Leader, having considered the views of Executive Members was minded to support both supplementary proposals.

The Leader agreed to support the suggested revisions to a number of ward names (B1 – B3) and it was noted there would be a number of further ward names changes to consider

now that the changes to wards had been agreed.

Finally, Barry Khan, Assistant Chief Executive (Legal & Democratic Services) confirmed that the Government had asked for the County's and Districts views on a number of other issues that needed to be considered when it drafted the Structural Change Order that created the new unitary authority. He drew attention to the summary of those issues at Appendix E, together with the proposed response on behalf of the County Council, and went on to categorise those issues into five broad areas requiring a response. He drew specific attention to a member-led proposal to ask for a moratorium on holding elections for 12 months prior to the vesting date in April 2023.

In response, the Leader confirmed his views in the report and that:

- The County Council's suggested proposal to having ten Members from the County Council and one Member from each District Council properly reflected the reality in the County;
- A 12 month moratorium was a sensible approach;

Based on all of the information provided at the meeting and the views of all the members who had contributed, the Leader

Resolved: To approve:

- (a) The submission of interim Ward boundaries for the new North Yorkshire Council, in line with the working group's proposals as amended by the suggestion (A2) made by County Councillor John Weighell.
- (b) The response to MHCLG with regard to the contents of the Structural Change Order, including a 12-month moratorium on holding elections prior to the vesting date in April 2023.

648 Forward Plan

Considered –

The Forward Plan for the period 13 September 2021 to 30 September 2022 was presented.

Resolved - That the Forward Plan be noted.

The meeting concluded at 1.29 pm.

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