



Supplementary Agenda

Meeting: Executive

To: Councillors Carl Les (Chairman), Gareth Dadd, Derek Bastiman, Michael Harrison, Simon Myers, Janet Sanderson, David Chance, Keane Duncan, Greg White and Annabel Wilkinson.

Date: Tuesday, 17th January 2023

Time: 11.00 am

Venue: Meeting Room 3, County Hall, Northallerton, DL7 8AD

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The government position is that of learning to live with COVID-19, removing domestic restrictions while encouraging safer behaviours through public health advice. In view of this, hand cleanser and masks will be available for attendees upon request. The committee room will be well ventilated and attendees encouraged to avoid bottlenecks and maintain an element of social distancing. Please contact the named supporting officer for the committee, if you have any queries or concerns about the management of the meeting and the approach to COVID-19 safety.

Please do not attend if on the day you have COVID-19 symptoms or have had a recent positive Lateral Flow Test.

Business

- 1. Minutes of the Meeting held on 10 January 2023** **(Pages 3 - 8)**

Barry Khan
Assistant Chief Executive
(Legal and Democratic Services)

County Hall
Northallerton

Monday, 9 January 2023

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North Yorkshire County Council

Executive

Minutes of the hybrid meeting held on Tuesday, 10th January, 2023 commencing at 11.00 am.

County Councillor Carl Les in the Chair plus County Councillors Derek Bastiman, Michael Harrison, Simon Myers, Janet Sanderson, David Chance, Keane Duncan, Greg White and Annabel Wilkinson.

Officers present: Karl Battersby, Stuart Carlton, Gary Fielding, Richard Flinton, Barry Khan, Richard Webb, Will Baines, Ray Busby, Michael Leah, Howard Emmett, Neil Irving and Elizabeth Jackson (Harrogate BC)

In attendance (remotely): County Councillors Paul Haslam, Liz Colling, Tony Randerson, Janet Jefferson and Kerry Russett (Scarborough BC)

Other Attendees: County Councillors Caroline Dickinson and Andrew Murday, Councillor Gillian Ivey (Little Smeaton PC/Selby YLCA) and Councillor Howard West (Pannal PC/Harrogate YLCA)

Apologies: County Councillor Gareth Dadd.

Copies of all documents considered are in the Minute Book

141 Introductions

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

142 Minutes of the Meeting held on 13 December 2022

Resolved –

That the public Minutes of the meeting held on 13 December 2022, having been printed and circulated, be taken as read and confirmed by the Chairman as a correct record.

143 Declarations of Interest

County Councillor Derek Bastiman declared a personal interest in agenda item 5 as a member of Newby and Scalby Town Council.

144 Public Questions and Statements

There were no public questions or statements.

145 Draft Recommendations on the Community Governance Reviews relating to the unparished town centres in Harrogate and Scarborough

Considered – A report of the Assistant Chief Executive (Legal & Democratic Services) to

present draft recommendations for new town councils for Harrogate and Scarborough, along with proposed minor amendments to parish boundaries in Scarborough.

County Councillor David Chance introduced the report, setting out the Terms of Reference agreed for the community governance review for the unparished parts of Harrogate and Scarborough and the details of the Stage 1 consultation that took place from August to October 2022. Following an analysis of the results, draft recommendations have been developed for each of the areas under review. The Executive is also asked to respond to a Request for a Referendum from Harrogate Borough Council.

Kerry Russett, Head of Democratic Services and Corporate Modernisation at Scarborough Borough Council, spoke about the approach taken for the Stage 1 consultation, the tailored approach taken for each area and the communication channels used to promote the consultation, including a letter sent to every household in the affected areas, along with relevant stakeholders, to ensure maximum participation. She noted the responses received in both the Harrogate and Scarborough unparished areas showed a clear majority in favour of creating a parish council. Looking at the text responses received, the reasons against creating town councils included not wanting the additional council tax or extra layer of local government as well as the extra bureaucracy that may be created. The reasons for creating town councils focussed on the local aspect, such as the need for local representation for residents, local decision making and the need for local knowledge of the areas. For the boundary corrections consulted on in Scarborough (Osgodby, Eastfield and Newby and Scalby) there was a mandate in all three anomalous areas to work to align the division boundaries with parish boundaries due to the geography of the locations and to maintain community identity.

Elizabeth Jackson, Democratic Services Manager at Harrogate Borough Council, outlined the recommendations proposed for the Harrogate unparished area. As part of the resulting discussion, the Leader noted the communication received by Executive members from County Councillor Chris Aldred proposing as part of the Harrogate plans that the current Harrogate Borough Council ward boundaries be used in the unparished area rather than the NYCC division boundaries. It was confirmed that this proposal could form part of the Stage 2 consultation.

Kerry Russett outlined the recommendations proposed for the Scarborough unparished area. Following this, County Councillor Derek Bastiman raised a concern about recommendations 6 and 7 of the Scarborough unparished area recommendations, that the number of parish councillors proposed should be increased to 15 rather than 10, so 3 councillors are elected for each of the five parish wards rather than the 2 proposed.

County Councillor Liz Colling also spoke in support of changing recommendation 6 in the Scarborough proposals to increase the number of parish councillors for Scarborough Town Council from 10 councillors to 15. She believed the 10 parish councillors proposed was insufficient to achieve the ambitions of double devolution and having enough councillors to ensure a diversity of views and to meet the challenges ahead. The number of town councillors elected in Ripon and Northallerton was cited as another reason why the number of parish councillors in Scarborough should be increased of part of the recommendations. This view was supported by County Councillors Janet Jefferson and Tony Randerson.

County Councillor Janet Sanderson asked about whether the Stage 2 public consultation could ask if respondents were interested in standing for election as part of the proposed town councils. Barry Khan, Monitoring Officer responded that every household in the unparished areas of Harrogate and Scarborough affected by the proposals had been written to as part of Stage 1 consultation, and had been praised by the external consultants assisting the review for the thorough approach taken. For the Stage 2 consultation, it is intended to be more specific and direct about the proposals for creating town councils in the unparished areas, to allow more information for the public to form a

considered response.

On the motion from Harrogate Borough Council requesting a binding referendum, the Monitoring Officer confirmed that this is not required under the law for a referendum to form part of a community governance review to provide democratic legitimacy to the outcome. As an alternative, it was suggested that rather than relying on an online consultation as originally planned for the Stage 2 consultation process, that instead every household affected by the community governance review proposals in Harrogate and Scarborough is written to again to give them a further opportunity to comment on the proposals and to try and encourage the maximum number of responses possible.

County Councillor Michael Harrison outlined his concerns about quickly replacing the Borough Council in Harrogate with a Town Council and potentially introducing a new tax liability on residents. He also believed the introduction of a new Town Council could undermine work of the new Area Committees. However, he understood the anomaly of leaving the unparished areas of Harrogate and Scarborough as they are now, whilst the rest of North Yorkshire is divided up into parish and town councils. He also recognised the aspiration of double devolution as part of the County Council submission to Government for Local Government Reorganisation and the council tax harmonisation exercise that has taken place ahead of moving to a new unitary authority. On the suggestion that the parish ward boundaries reflect the current HBC ward boundaries in the unparished area suggested by Councillor Aldred, he felt it was a legitimate issue to raise, but would lead to confusion and undermine the creation of a new authority by maintaining the ward names in the unparished area. Finally, he noted that the housing estates on the outskirts of Harrogate at Killinghall Moor and the previous Ethelburga's site was an anomaly, but it fell outside the scope of the review. However, those properties could be considered as part of a likely future community governance review when the North Yorkshire boundaries are reviewed.

Moving to the recommendations, the Scarborough unparished area recommendations were amended by County Councillor Derek Bastiman at Recommendations 6 and 7, to increase the number of councillors elected to the parish be increased from 10 to 15, with 3 parish councillors to be elected for each parish ward rather than two. Therefore it was:

Resolved –

- i. That the responses from the consultation process which took place following publication of the Terms of Reference in July 2022 and the comments of the Member Working Group be noted.
- ii. That the draft recommendations (as amended) set out in Appendices 1, 2, 3, 4 and 5 of the report be agreed and publicised as part of a Stage 2 consultation commencing on 20 February for eight weeks.
- iii. That the Executive note the Notice of Motion approved by Harrogate Borough Council on 21 September 2022. Rather than hold a binding referendum, it was agreed that as part of the Stage 2 public consultation process for the Community Governance Review, every household in the Harrogate and Scarborough unparished areas will be written out to again with information on the detailed proposals.

146 Approval of consultation with Town and Parish Council on the draft Parish Charter for the new Council

Considered – Report of the Assistant Director – Policy, Partnerships and Communities to advise the Executive of progress made towards the development of a Parish Charter for North Yorkshire Council and to seek approval for the commencement of a consultation

exercise.

County Councillor Greg White introduced the report on the development of a new Parish Charter, to try and cater for every different type of parish representation using best practice from existing parish charters used by the borough and district councils, as well as charters used by other unitary councils.

Neil Irving, Assistant Director of Policy, Partnerships and Communities noted that in the development of preparations for Local Government Reorganisation the importance of parishes and partnership working was key. It has been a joint piece of work, with representatives from parishes across the county engaging positively with officers from both the county council and the district and borough councils to create a charter.

Councillor Gillian Ivey (Little Smeaton PC/Selby YLCA) from the working group developing the charter was invited to speak and welcomed the consultation approach proposed and the pre-publication of the questions for the online survey. She raised queries about the wording in section 2.1 of the report and Appendix 2 requiring further contact information. In response, it was noted that this information would be included when arrangements and procedures have been finalised.

Councillor Howard West (Pannal PC/Harrogate YLCA) also spoke about how the charter is an evolving document, with its implementation and effectiveness monitored by regular meetings of the North Yorkshire Parishes' Joint Liaison Group.

Resolved –

The Executive:

- Endorse the draft Parish Charter, as shown in Appendix A
- Grant permission to carry out a 12-week consultation with parishes on the draft Parish Charter, as shown in Appendix B

147 Mainstream Schools and Special Schools Budget

Considered – A report of the Corporate Director – Children and Young People's Services to agree a number of recommendations relating to mainstream school and special school funding for 2023/24, as required by guidance issued by the Department for Education (DfE).

County Councillor Annabel Wilkinson introduced the report, noting the concern about the finances of small secondary and special schools and continuing to work with schools in financial difficulty to support them and challenge the governing bodies and school leaders. She reaffirmed that the County Council will continue to push for equitable funding for all North Yorkshire schools and academies, such as through the f40 group of the lowest funded education authorities in England and the County Council Network.

After modelling the school funding position (following the late-December DfE publication), it is likely that the allocation to schools will exceed the in-year DSG allocation. Therefore, an amendment was proposed to add a recommendation that the Council use Dedicated Schools Grant reserve funding to fund any Schools Block costs that exceed the in-year Dedicated Schools Grant allocation. This amendment was carried.

Resolved - The Executive notes the contents of this report, and agrees:

- a. That the Council applies a Minimum Funding Guarantee (MFG) of +0.5% in the calculation of mainstream school budgets for the 2023/24 financial year.

- b. That the Council uses age weighted pupil units (AWPU) as the methodology for the allocation to school budgets of any surplus funding available within the Schools Block DSG after the calculation of the school funding formula using National Funding Formula (NFF) values.
- c. That the Council includes an exceptional circumstance lump sum of £50,000 for very small sparse secondary schools (which would otherwise be unable to attract sufficient funding to remain viable) in the 2022/23 North Yorkshire school funding formula. The estimated £50k additional funding requirement to be funded from the DSG Schools Block Reserve.
- d. That the Council implements the DfE prescribed MFG funding methodology for special schools for the 2023/24 financial year of +3% on the 2021/22 funding level.
- e. That the Council applies an assumed inflationary increase of +3% to the Banded Funding allocations (top up/ 'element 3' allocations) received by mainstream and special schools and academies for the 2023/24 financial year.
- f. That the Council applies an assumed inflationary increase of +3% to the Banded Funding allocations (top up / element 3 allocations) received by pupil referral units and alternative provision settings for the 2023/24 financial year.
- g. That the Council applies an assumed inflationary increase of +3% to the factor elements within the Special school contextual funding for the 2023/24 financial year.
- h. That the Council applies, through the Special School funding formula, a lump sum payment, calculated on an academic year basis, of £100,000 where residential provision is operational at a special school, and where there are fewer than 20 pupils in residential provision.
- i. That the Council implements the Mainstream Schools Additional Grant funding arrangement and the High Needs Additional DSG funding arrangements as per the DfE guidance and grant conditions for the 2023/24 financial year.
- j. That the Council will continue to push for a fairer and more equitable funding settlement for schools in North Yorkshire. We will also continue to lobby for a fairer settlement of High Needs resources.
- k. That the Council use Dedicated Schools Grant reserve funding to fund any Schools Block costs that exceed the in-year Dedicated Schools Grant allocation.

148 Harmonisation of Garden Waste Collection Charging for 2023/24

Considered – Report of the Corporate Director – Business and Environmental Services to seek a decision to request the harmonisation of garden waste collection charges across North Yorkshire for those areas that currently charge for garden waste collection for the 2023/24 season and agree the option for Richmondshire.

County Councillor Derek Bastiman introduced the report, detailing the plans to harmonise the non-statutory garden waste service across North Yorkshire. It is proposed to move to a harmonised fee of £43.50 for 2023/24, with the different collection arrangements across the county also to be harmonised. As Richmondshire District Council currently provide a smaller sized bin to households for collecting garden waste than the other Councils across North Yorkshire, a lower charge is proposed to account for this, with Richmondshire residents to be offered the standard bin size through 2023/24 in time for the 2024/25 season and at that point in time would move to the harmonised rate.

In Selby, where garden waste collection is currently free of charge, a consultation will take place to understand the demand there will be for the garden waste service when it is subject to the same charges as all other areas of the county.

In the debate, an amendment to the report was proposed by County Councillor Keane Duncan that the Richmondshire charge for 2023/24 does include the 6% fees and charges indexation rate, giving a charge of £26.50. This was approved.

County Councillor Keane Duncan also asked about whether the different service provisions currently in place across the county will also be harmonised. This was confirmed, with a further report to come to the Executive on this in due course.

Resolved –

That the Executive approve the proposed harmonised rates for garden waste collection charging for the 2023/24 season and request the District and Borough Councils implement the harmonised rate and Richmondshire implement a £26.50 charge. (2022 charge + 6% indexed)

149 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 a recent meetings of the Area Constituency Committees.

County Councillor Simon Myers raised the issue covered at the recent Skipton & Ripon Area Constituency Committee of Airedale Hospital, with County Councillor Liz Colling noting that the Scrutiny of Health O&S Committee were in the process of writing to the local MPs and officials concerned to bring this matter to their attention.

County Councillor Keane Duncan noted the decision of Skipton & Ripon Area Constituency Committee to not support a blanket 20mph speed limit, showing the division of opinion that exists on this issue.

Resolved - That the report be noted.

150 Forward Plan

Considered –

The Forward Plan for the period 19 December 2022 to 31 December 2023 was presented.

Resolved - That the Forward Plan be noted.

The meeting concluded at 12.15 pm.