



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, 21st February, 2023

Time: 11.00 am

Venue: Brierley Room, County Hall, Northallerton, DL7 8AD

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

Business

2. Minutes of the Meeting held on 14 February 2023

(Pages 3 - 10)

Barry Khan
Assistant Chief Executive
(Legal and Democratic Services)

County Hall
Northallerton

Thursday, 16 February 2023

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North Yorkshire County Council

Executive

Minutes of the meeting held on Tuesday, 14th February, 2023 commencing at 11.00 am.

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

In attendance: County Councillors David Ireton, Caroline Dickinson, George Jabbour and Andy Paraskos.

In attendance virtually: County Councillors David Chance, Kevin Foster and Paul Haslam.

Officers present: Stuart Carlton, Richard Flinton, Barry Khan, Louise Wallace, Martin Surtees, Daniel Harry and Will Baines.

Officers present virtually: James Farrar, Karl Battersby and Jonathan Spencer.

Apologies: Gary Fielding and Richard Webb.

Copies of all documents considered are in the Minute Book

183 Introductions

County Councillor Carl Les welcomed everyone to the meeting.

184 Minutes of the Meeting held on 7 February 2023

Resolved –

That the public Minutes of the meeting held on 7 February 2023, having been printed and circulated, be taken as read and confirmed by the Chairman as a correct record.

185 Declarations of Interest

There were no declarations of interest.

186 Public Questions and Statements

One public question was submitted by Mrs Anne Seex in regard to agenda item 7 as follows:

The report on this agenda about devolution says

'It would be appropriate to decide not to submit the Scheme and Consultation Summary if it was felt that the consultation process has not been robust...The quality assurance provided by the Consultation Institute to date suggests that the consultation process has been robust.'

This is a case of a private company 'marking its own homework' and the Executive should look further before accepting that there has been 'consultation' and that it has been 'robust'.

The exercise would be better described as 'marketing' the information to the public was purely promotional and omitted important contextual information such as:

- the only elected position on the Mayoral Combined Authority (MCA) will be the Mayor.*
- York City Council, population 211,000, will appoint 2 Councillors and North Yorkshire Council, population 607,000 will also appoint 2 Councillors.*
- powers that are currently vested in directly-elected Councillors on the two authorities will be 'sucked up' to the MCA e.g. strategic highways and public transport*
- the MCA will be able to 'call in' and decide on planning applications [ippr].*
- the funding supposedly attached to the 'deal' is £210 million (28%) less than the bid from the two Councils [ippr].*
- the supposed funding amounts to about £22 pp per year while Council spending across the north has been reduced by £431 pp per year in the decade 2010 to 2020 by Government action*
- is insignificant compared to locally raised revenue - the domestic Council tax yield in North Yorkshire alone is £662 per person.*
- most of the powers that the marketing information trumpets for the MCA [DLUHC] are already exercised by the two Councils e.g. transport and highways 'Key highway and traffic authority functions to be transferred from LAs to MCAs' [DoT], compulsory purchase, housing investment.*
- the claimed 'devolution' of the Adult Education Budget excludes apprenticeships and traineeships. It offers only 'input into the new Local Skills Improvement Plan' [DLUHC].*
- Government funding in the future can never be relied upon and even the supposed devolution funding is subject to 5 yearly 'gateway' reviews with HM Treasury [DLUHC].*
- 'Any long-term future funding for the integration of LEP functions and roles will be subject to future funding decisions and business planning.' [DLUHC]*
- £13 million 2023 -2025 for new homes on brownfield land 'subject to sufficient eligible projects being identified...'. [DLUHC]*
- £2.65 million on projects for affordable, low carbon homes across the area 'subject to final business cases'. [DLUHC]*

The on-line 'consultation' responses are 0.3% of the electorate. There is no report of how the responses divide between North Yorkshire and York - critical information for NY County Councillors.

The full report from Westco on the focus groups (appended to appendix 1) is inaccessible but it is clear from page 99 Appendix 1 that the NY residents who participated saw more disadvantages than advantages. The way that comments made on-line have been 'unassigned' bears scrutiny.

The Consultation Institute is a private company with no academic or professional status. It was engaged, without competition or tendering, at the outset for the 'consultation' exercise so it is hardly 'independent' when it comes to assessing whether the process was 'robust'. Strangely, after 15 days the Council's procurement unit has not responded to requests for information about how it was selected when the usual timescale for reply is 5 days.

In response, James Farrar, Chief Operating Officer of York and North Yorkshire LEP addressed the points raised about the information shared within the consultation, the reach and response rate and the use of The Consultation Institute.

Firstly, he noted the consultation had taken place on the scheme, setting out how the

Devolution Deal will be implemented, and not the relative merits of devolution itself. He explained the consultation structure and content was shared and discussed with government officials throughout its development prior to it being finalised and consulted upon. The consultation questions were similar to previous devolution consultations from other authorities that have successfully gone through this process.

He confirmed the consultation was widely promoted both publicly and through local networks and included a number of drop in sessions across both North Yorkshire and York, where residents could ask questions should they wish. The response rate exceeded the response rate received in any of the neighbouring devolution deals which have already been implemented and are now investing in their local communities. Traditionally the subject matter receives a low response rate from the public and therefore it was helpful that we got as many responses as we did.

The Consultation Institute were used because of their expertise and also experience in supporting consultations for other Devolution Deals. The ultimate decision on whether we have met the requirements of the Gunning Principles, which govern public consultation, lies with the constituent councils and North Yorkshire County Council are satisfied that the principles have been met. Ultimately, if it is decided to pass the consultation responses on to government, it will be for them to assess the suitability of the consultation process.

As a supplementary to the response received, Mrs Seex asked:

Will the North Yorkshire County Councillors get a breakdown of the responses received from North Yorkshire residents, York residents and people where no location is given?

County Councillor Carl Les responded that this would feed into the discussions when considering the 'York and North Yorkshire Devolution - Outcome of Consultation' report at agenda item 7.

187 Afghan Relocations and Assistance Policy: use of additional MOD properties

Considered – Report of the Assistant Director - Policy, Partnerships and Communities on the Ministry of Defence's (MOD) offer to provide additional temporary homes in North Yorkshire for eligible Afghan citizens currently residing in Afghanistan or in third countries seeking relocation to the UK under the Afghan Relocations and Assistance Policy.

County Councillor David Chance introduced the report, noting that there are still an estimated 4600 Afghans (including spouses and dependants) eligible to come to the UK under the Afghan Resettlement and Assistance Policy, many of whom worked for the MOD. The background to the offer of using more empty MOD houses in the UK for these families is that the UK government wants the Afghan families to be offered housing in the UK before they travel here. A maximum of 10 additional Afghan households, utilising a mix of three and four bedroomed empty Service Family Accommodation (SFA) properties in Catterick Garrison, is felt to be a manageable number. These properties would be offered on short-term leases by the MOD with the intention that the families would then be moved into affordable secure housing in the county by the Council.

The use of these additional properties will bring the number up to 39 Afghan families resettled in North Yorkshire, approximately 180 persons. Experience to date has shown that the Afghan families require significant amounts of specialised support, such as for physical injuries or mental issues. In determining the recommended number of MOD properties to be taken up on the Garrison, the County Council has had to factor in the availability of school places there, housing pressures across the county and existing refugee resettlement commitments under the United Kingdom Resettlement Scheme.

County Councillor Kevin Foster thanked the MOD for making the SFA properties available,

citing the moral duty to support Afghan citizens who worked for or with the UK Government in Afghanistan in exposed or meaningful roles. He felt that Catterick Garrison was the right place to house the families, given the specialist recovery centre based nearby and the work of the Army Welfare Service. However, he put forward a case to consider accepting more than ten properties, citing the future housing developments taking place in the vicinity of Catterick Garrison and the potential work opportunities available in the area for any refugees.

In response, Jonathan Spencer, Refugee Resettlement Manager advised that the intensive wraparound care required to support the Afghan families was a reason for the recommendation of ten properties as a starting point to deliver a good level of support, but this will be monitored. The lack of nearby hospital facilities was also cited as a reason to limit the proposal to ten properties initially, to avoid services overstretching.

It was noted that across the county, 29 families had been relocated since August 2021, with a mix of council/social housing, private rented and temporary housing provided by the Ministry of Defence used to date. There is likely to be further requests to receive a small number of additional Afghan families under the government's Local Authority Housing Fund and through the 'Find Your Own Accommodation pathway'. The latter is for families in bridging accommodation who take up offers of affordable private rented housing. We have a moral responsibility to support those families as well but it does add pressure on existing services.

County Councillor Gareth Dadd supported the comments made by County Councillor Kevin Foster and suggested the provision is kept under review to see if extra properties can be utilised to house further families, but felt ten was a pragmatic approach to take initially.

County Councillor Janet Sanderson also sympathised with the comments made by County Councillor Kevin Foster, but noted that services were stretched and it was essential that the support offer from the council was appropriate and sustainable.

Resolved –

That the Executive:

- (i) Approves in principle the use of 10 additional SFA properties in Catterick Garrison for eligible Afghan citizens currently residing in Afghanistan or in third countries seeking relocation to the UK under the ARAP.
- (ii) Agrees to acquire the leases from the MoD as set out in paragraph 4.5 on terms to be agreed by the Corporate Director - Strategic Resources.

188 Consideration of the outcomes of consultation process regarding the pausing of the offer of residential provisions at Welburn Hall Special school

Considered – Report of the Corporate Director - Children and Young People's Service asking the Executive to consider the responses to the consultation on proposals to pause residential provision at Welburn Hall School for a period of two years, to authorise the publication of statutory proposals and to schedule taking a final decision on 18 April 2023.

County Councillor Annabel Wilkinson introduced the report, noting that the consultation undertaken had generated eighteen responses. Of these, three responses were made in support of the proposal, two disagreed with the proposal and the remainder offered a range of comments and potential concerns about how the proposals were implemented.

There being no further questions, it was

Resolved –

The Executive is recommended to:

- i. Approve the publication of the statutory proposals and a statutory notice on 22 February 2023, proposing to pause residential provision at Welburn Hall School for a period of two academic years from September 2023.
- ii. Schedule a final decision on these proposals on 18 April 2023.

189 York and North Yorkshire Devolution - Outcome of Consultation

Considered – Report of the Assistant Chief Executive – Legal and Democratic Services detailing the outcome of the consultation carried out on a Scheme relating to the proposed governance arrangements required to implement the Devolution Deal for York and North Yorkshire announced on 1 August 2022.

County Councillor Carl Les introduced the report, noting that a Devolution Deal for York and North Yorkshire was something that had been pursued for a number of years and was a starting point for future negotiations. He felt it was an exciting moment, giving York and North Yorkshire a chance to have a more powerful voice and replicate Combined Authority areas such as the West Midlands, Greater Manchester and the Tees Valley. Last month, a cross party group of councillors had visited Tees Valley Combined Authority to meet the Tees Valley Mayor Ben Houchen and see the work he has been doing.

Richard Flinton, Chief Executive of North Yorkshire County Council gave the background to the Devolution Deal for York & North Yorkshire, with headlines including over £500m investment funding spread over 30 years, made up of an annual £18m gainshare funding into the area to drive growth and take forward its priorities over the longer term, along with £1m additional transport capacity funding, £13m for the building of new homes on brownfield sites and over £2.5m to support the delivery of low carbon homes, together with £7m for green economic growth initiatives. There will also be new powers around skills, devolving of adult education budgets, new arrangements for building affordable homes, economic development and transport. Also included in the deal is support for the development of Scarborough Cyber Cluster, a commitment to establish a programme working group around BioYorkshire and a pledge to realise the region's cultural potential. Furthermore, there was support to develop a Natural Capital Investment plan for York and North Yorkshire. It was felt by officers that the proposed deal is strong, with the gainshare funding comparing favourably with other Devolution Deals agreed.

On the consultation undertaken, the response rate, although not large, was in line and in some cases greater than similar devolution consultation exercises that have been carried out. The proposed recommendations in the report will amend the scheme in one regard, to harmonise the wording of the multiple references to the need for consent of the National Parks Authorities for a Mayoral Development Area within their boundaries.

James Farrar, Chief Operating Officer of the York and North Yorkshire LEP commented that the proposed deal helps to build a good working relationship with Government that can develop, with progress already being made on some aspects of the Devolution Deal, for example on the bioeconomy and natural capital investment.

Barry Khan, Assistant Chief Executive – Legal and Democratic Services, advised that the report seeks approval to submit a summary of the consultation responses to the Secretary of State, to demonstrate the consultation required by section 110 of the 2009 Act, has been undertaken. It will then be a matter for the Secretary of State to consider whether further consultation is necessary or whether to proceed with making of the order subject to the consent of the constituent Councils. It was also noted that the consultation exercise saw the majority of responses received to six of the seven consultation questions had been in favour of the proposals. He also highlighted the proposed report recommendation

to amend the Terms of Reference for the York and North Yorkshire Joint Devolution Committee to allow it to become the shadow combined authority ahead of it formally being created, subject to government agreement.

County Councillor Derek Bastiman welcomed the Devolution Deal, with the benefits it would bring to SMEs and larger businesses to promote entrepreneurship and economic growth across the county. He noted the enthusiasm of businesses for the proposed deal at the consultation launch event.

County Councillor Annabel Wilkinson noted the positive and exciting opportunities for skills development as part of the proposed deal, through working with local businesses and colleges to upskill young people through apprenticeships and careers hubs within schools and for adults to learn new skills.

County Councillor Simon Myers stated that he was hugely optimistic of the opportunities that the proposed deal offered to the unitary council in the areas of delivering affordable housing, the levelling up of wellbeing and leisure, sports and culture and prioritising these areas beyond statutory obligations. He noted the frustration with decisions that are made in Westminster that never come to fruition in local areas, so welcomed the prospect of a directly elected mayor to fight for the area to deliver for York and North Yorkshire.

County Councillor George Jabbour welcomed the recent trip to the Tees Valley Combined Authority to see the benefits of additional funding to local areas, together with the strategic thinking and creative initiatives that will be available as part of devolution if the proposed deal proceeds. He also noted that the mayor will take on the responsibilities of the Police, Fire and Crime Commissioner and the opportunities that will bring for local resilience and joined up civil contingency planning, preparation, and delivery.

County Councillor Greg White noted the criticism raised as part of the consultation of too much bureaucracy and felt that there should be an awareness of this and that any combined authority formed should try to minimise this as much as possible.

County Councillor Gareth Dadd referenced the point raised as part of the public question received noting there was no breakdown of the responses received to the consultation from those in North Yorkshire and those in York. He felt this was not relevant as the two constituent councils were coming together to try to achieve a strategic benefit for the area of York and North Yorkshire through shared objectives.

In summing up, County Councillor Carl Les highlighted that the decisions made by the Executive in the recommendations were to go on to Full Council for endorsement, to ensure the views of all Members of the Council are taken into account on this important matter.

Resolved -

The Executive is asked to:

- i. Approve the submission of a Consultation Summary Report to Government.
- ii. Approve amendments to the Scheme and proposals for the operating model of the Combined Authority outlined in paragraphs 4.69 to 4.72, for submission to Government.
- iii. Delegate authority to the Chief Executive, in consultation with the Leader of the Council, to undertake any action necessary to submit the Consultation Summary Report and Scheme to Government, in line with recommendations 16.1 and 16.2.
- iv. Approve amendments to the Terms of Reference for the York and North Yorkshire

Joint Devolution Committee outlined in paragraphs 6.1 to 6.5 and attached at Annex 2

- v. Delegate authority to the Chief Executive, in consultation with the Leader of the Council, to undertake any action necessary to provide consent to the Order facilitating the creation of the Combined Authority in line with the scheme submitted to Government, as outlined in paragraphs 8.1 to 8.5
- vi. Refer the decisions made by Executive in the recommendations above to Full Council for endorsement to ensure the views of all Members of the Council are taken into account on this matter.

190 Forward Plan

Considered –

The Forward Plan for the period 6 February 2023 to 29 February 2024 was presented.

Resolved - That the Forward Plan be noted.

The meeting concluded at 12.10 pm.

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