

North Yorkshire County Council

Executive

Minutes of the remote meeting held on Tuesday, 20th September, 2022 commencing at 11.00 am.

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

In attendance: County Councillors Caroline Dickinson, Steve Mason, David Noland and Yvonne Peacock.

Officers present: Karl Battersby, Stuart Carlton, Gary Fielding, Richard Flinton, Barry Khan, Richard Webb, Melanie Carr, Howard Emmett, Chris Reynolds and Martin Surtees.

Other Attendees: .

Apologies: Janet Sanderson. .

Copies of all documents considered are in the Minute Book

68 Introductions

County Councillor Carl Les welcomed everyone to the meeting.

69 Minutes of the Meeting held on 6 September 2022

Resolved –

That the public Minutes of the meeting held on 6 September 2022, having been printed and circulated, be taken as read and confirmed by the Chairman as a correct record.

70 Declarations of Interest

County Councillors Gareth Dadd and David Chance both declared a non-disclosable interest in Agenda item 7 - the former as the owner of a number of holiday lets and the latter as his family were the owners of a number of private lets.

71 Exclusion of the public from the meeting during consideration of each of the items of business listed in Column 1 of the following table on the grounds that they each involve the likely disclosure of exempt information as defined in the paragraph(s) specified in column 2 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information)(Variation) Order 2006:-

Resolved –

That on the grounds that the contents of Appendix D of agenda item 8 – Selby District Council Outsourced Services Model, which contained exempt information as defined in

paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local government (Access to Information) (Variation) Order 2006, would not be discussed at the meeting, it was agreed the public would not need to be excluded from the meeting during consideration of that Agenda item.

72 Public Questions & Statements

There were no public questions or statements.

73 Consideration of Motions on Climate Change referred to the Executive at the meeting of the County Council on 20 July 2022

Considered: A report of the Assistant Chief Executive (Legal and Democratic Services) presenting information to support members in their consideration of the two motions relating to climate change that were referred by County Council at their meeting on 20 July 2022.

County Councillor Greg White introduced the report and provided a summary of the Transport, Economy & Environment Overview & Scrutiny Committee's findings and options.

In regard to the proposal to introduce a new Overview & Scrutiny Committee with the sole remit of Climate Change, he confirmed his view that there were greater benefits from having all Overview & Scrutiny Committees continuing to consider climate change implications as part of all their work, as they would be able to bring to bear their expertise in their Committee's remit and its relationship to climate change.

He was also not minded to recommend the creation of a climate change and biodiversity working party to support officers in the development and creation of an ambitious carbon reduction plan. Again, he was of the view that it would be more efficient and effective to go through the existing Overview & Scrutiny Committees that were already holding the Directorates to account.

County Councillor Yvonne Peacock gave an example of a special Committee previously introduced by Richmond District Council to address similar issues, which proved unsuccessful and was eventually abandoned.

County Councillor Steve Mason acknowledged the County Council already had a good plan in place but suggested there were gaps that could benefit from greater scrutiny. He therefore was in favour of the option of introducing a new dedicated Overview & Scrutiny Committee, as it would help drive forward the associated County Council ambition. County Councillor David Noland also expressed a preference for that approach suggesting the County Council would benefit financially from progressing the work on addressing climate change.

County Councillor Paul Haslam did not support the introduction of a dedicated Overview & Scrutiny Committee but suggested the related work of the existing Overview & Scrutiny Committees would benefit from greater member engagement. County Councillors David Chance and Simon Myers were also not in favour of a new Overview & Scrutiny Committee being introduced, suggesting the timing was not appropriate given the ongoing additional workload associated with LGR.

County Councillor Gareth Dadd drew attention to the required resources and costs associated with introducing a new Overview & Scrutiny Committee and suggested the monies could be better spent on delivery rather than debating.

County Councillor Carl Les confirmed the Executive already had the maximum number of Executive members allowed, and as the remits of the existing Executive Members already covered more than one key activity of the County Council, it would not be ideal to limit one of those to a remit solely for addressing Climate Change.

Having considered the options within the report in full, all Executive Member present voted in favour of the existing arrangements for the overview and scrutiny of Climate Change issues and it was

Resolved – Not to introduce:

- a new and dedicated overview and scrutiny committee
- a new Executive Member role
- a climate change and biodiversity working party

74 Council Tax Premiums on Second Homes & Empty Properties

Considered – A report of the Corporate Director, Strategic Resources presenting options for proposed changes to Council Tax premiums - as included within the Levelling Up and Regeneration Bill, which subject to the Bill receiving Royal Assent prior to 31 March 2023, were due to become effective from 1 April 2024.

County Councillor Gareth Dadd introduced the report and drew attention to a previous report to the Executive that had been referred until additional information was made available. He highlighted that the County Council wanted to acknowledge the potential of avoidance of paying any uplift in Council Tax on second homes and confirmed the additional evidence gathered (as detailed in the report), had provided the necessary reassurance that avoidance would be minimised

He noted that certain villages and communities in North Yorkshire had been adversely affected by a growth in second homes. He accepted it was beyond the remit of the County Council to prevent the buying of second homes, but suggested it was within the Authority's power to mitigate against its affects i.e. through the application of a Council Tax premium.

He went on to suggest the monies from the proposed premium could be deployed to aid in the mitigation of those affects, but exactly how had yet to be determined and would need to be tied in to any new Strategies on Housing and Planning. He also stressed his view that the additional monies should be used address the issue of the provision of local homes for local people.

He also recognised it would be helpful if Government enacted and gave royal assent to the requisite piece of legislation, and confirmed a revised policy on Council Tax premiums would need to be in place at least 12 months prior to its implementation.

Finally, in order to make a considered decision on how the yield be deployed, County Councillor Gareth Dadd proposed an additional recommendation that a further report be brought to the Executive, after the Quarter 2 of the financial year 2024/25, giving an analysis of the expected yield from the proposed Policy and the new Unitary's Housing and Planning strategies.

Members recognised it was not only an issue in rural areas but also in coastal areas, and in response to their questions it was confirmed that:

- Private landlords would not be required to pay a second home premium for their

- unfurnished private lets for periods between tenancies;
- The Policy would only apply to a small number of private lets i.e. those that were let furnished;
- It was not a fund raising policy but a way of protecting communities and ensuring they had the facilities they need;
- The Council would be uniquely placed post 1st April 2023 as the Housing, Planning and Preceptor Authority to take the opportunity to try to address the Housing crisis in the county;

Having welcomed the report it was

Resolved – That:

- i. It be recommended to Full Council to approve in principle that the following additional Council Tax premiums be applied from 1 April 2024, subject to the required legislation being in place:
 - 100% premium for properties which have been empty and unfurnished for a period of between 1 and 2 years;
 - 100% premium for second homes.
- ii. A further report be brought to the Executive, after the Quarter 2 of the financial year 2024/25, giving an analysis of the expected yield from the proposed Policy and the new Unitary's Housing and Planning strategies.

75 Selby District Council Outsourced Services Model

Considered – A report of the Assistant Director – Travel, Environmental and Countryside Services presenting the recommended decision of Selby District Council not to procure a replacement Environmental Services contract and instead to approve the direct provision of recycling and waste services, street cleansing services and grounds maintenance services when the Selby District Council Environmental Services contract expires on 31 March 2024.

County Councillor Derek Bastiman introduced the report and drew attention to incorrect references to Appendices in paragraphs 4.1 and 5.1 of the report, and the associated climate change implications at Appendix C of the report.

Executive Members noted the content of the report, and the decision of Selby District Council Executive not to re-procure the contract and it was

Resolved – That:

- The services contained in Selby District Council's Environmental Services contract be provided in-house by North Yorkshire Council from 1 April 2024;
- A cross department working group be established to mobilise the transfer of services from October 2022; and
- Officers report back to the Executive in early 2023 with a full capital and revenue budget for the transferred service, following the serving of the contractual termination notice and receipt of service resource information (staff, fleet, plant and equipment and IT requirements).

76 Review of Special Educational Needs and Disabilities Residential Provision - Brompton Hall School

Considered – A report of the Corporate Director - Children and Young People's Service detailing the outcomes of the public consultation carried out on proposals to cease residential provision at Brompton Hall School, to extend the designation of the school to co-educational, and to increase the number of day places.

County Councillor Annabel Wilkinson introduced the report and provided a brief overview of the consultation findings, and drew attention to the proposal to publish statutory proposals and to schedule taking a final decision on the proposals on 8 November 2022.

Having noted the report, the Executive

Resolved – That:

- i. Statutory proposals and a statutory notice be published on 29 September 2022 proposing to cease residential provision at Brompton Hall School, extend the designation of the school to co-educational, and increase the number of day places
- ii. A final decision on the proposals be scheduled for the Executive on 8 November 2022

77 Proposal to add provision for Special Educational Needs in the form of Targeted Mainstream Provision at Caedmon College, Whitby

Considered – A report of the Corporate Director - Children and Young People's Service providing information to enable the Executive to decide whether to publish statutory proposals and notices to add provision for Special Educational Needs in the form of Targeted Mainstream Provision at Caedmon College, Whitby.

County Councillor Annabel Wilkinson introduced the report and confirmed the proposal was in line with strategic aims. She also drew attention the consultation findings contained within Appendix 3 of the report

Having noted the report, the Executive

Resolved – That:

- i. Statutory proposals and notices on 29 September 2022 to add provision for Special Educational Needs in the form of a Targeted Mainstream Provision (SEN Unit) at Caedmon College, Whitby from 1 January 2023 be published;
- ii. A final decision on the proposal be scheduled for the Executive on 8 November 2022

78 SEN Capital - DfE Special Free School Wave

Considered – A report of the Corporate Director - Children and Young People's Service setting out the Department for Education (DfE) opening of a new Free School wave for local authorities to bid to develop new Free Special Schools.

County Councillor Annabel Wilkinson introduced the report and confirmed the expectation was that the wave would result in 60 schemes across the country being approved via a competitive application process. She also drew attention to the assessment of how North Yorkshire could use the opportunity to secure some of the additional specialist provision, which was urgently required, in particular for a Social, Emotional and Mental Health (SEMH) provision in the Hambleton / Richmondshire area.

Having noted the report, the Executive had no questions and it was

Resolved – That the submission of an application for a new Special School as part of the DfE Special Free School Wave, to support young people with significant SEMH needs in the Hambleton / Richmondshire area be approved.

79 Ukrainian Refugee (Education) Grant Distribution

Considered – a report of the Corporate Director – Children and Young People’s Services presenting the background and particulars of the Ukrainian Refugee (Educational) Grant, together with details of the grant and the proposed allocation of the grant between North Yorkshire County Council and various educational establishments who have provided places to Ukrainian Refugee children housed within North Yorkshire.

County Councillor Annabel Wilkinson introduced the report and drew attention to the proposed allocation of the grant as detailed in section 4 of the report together with options for allocating any surplus funding for activities deemed to be within the terms of the grant.

As the Executive had no questions, it was

Resolved – That:

- i. The proposed payment allocations paid out in section 4 be approved.
- ii. Responsibility be delegated to the Corporate Director – Children and Young People’s Service in consultation with the Corporate Director – Strategic Resources to determine the distribution of any surplus funding as appropriate, in line with the terms of the grant.

80 Changes to the County Council's Constitution for recommendation to full Council

Considered – A report of the Assistant Chief Executive (Legal & Democratic Services and Monitoring Officer, proposing changes to the Constitution for Executive consideration and recommendation to full Council for approval.

County Councillor David Chance introduced the report and drew attention to the proposed changes as detailed in the report. As members had no questions, they agreed to recommend the proposed amendments to the Constitution to full Council, and it was

Resolved - That:

- i. The consequential amendments to the Constitution in respect of the new Members’ Code of Conduct as set out in the report and Appendix 2 made by the Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer under his specific delegated powers be reported to full Council for information.
- ii. The consequential amendments to the Constitution in respect of the local government reorganisation transitional arrangements and Structural Changes Order as set out in this report and Appendix 3, made by the Assistant Chief Executive (Legal and Democratic Services) under his specific delegated powers, be reported to full Council for information.
- iii. The changes to the Constitution set out in Appendix 4, made by the Assistant Chief Executive (Legal and Democratic Services) under his general delegated powers, be

reported to full Council for information.

- iv. The proposed amendments to the Pension Fund Committee Delegated Powers and to the Specific Delegations to the Corporate Director Strategic Resources as set out in Appendix 5, be recommended to full Council for approval.
- v. The proposed amendments to the Constitution set out in paragraph 7.4 of the report to reflect the Channel Panel arrangements, be recommended to full Council for approval.

81 Appointments to Committees and Outside Bodies

Considered: A report of the Assistant Chief Executive (Legal and Democratic Services)

Resolved – That:

- i. The changes to the statutory membership of the North Yorkshire Health and Wellbeing Board as stated in paragraph 2.3 of the report, be noted.
- ii. The nominations for non-statutory Members of the Board, referred to in paragraphs 2.4 to 2.7 of the report be recommended to the Council for approval.

82 Forward Plan

Considered – The Forward Plan for the period 12 September 2022 to 30 September 2023.

Resolved - That the Forward Plan be noted.

83 Urgent Additional Item - Potential purchase of land/property within North Yorkshire.

Resolved – That the item be removed from the agenda for presentation to a future meeting once further supporting information was available.

The meeting concluded at 12.08 pm.