

North Yorkshire County Council

Executive

Minutes of the meeting held on Tuesday, 21st March 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, David Chance, Keane Duncan, Greg White and Annabel Wilkinson.

In attendance: County Councillors Caroline Dickinson, Paul Haslam, Nick Brown and George Jabbour.

Officers present: Karl Battersby, Gary Fielding, Richard Flinton, Nic Harne, Barry Khan, Melanie Carr, Daniel Harry, Max Thomas, Matt George, Chris Jones-King, John Lee, Amanda Newbold, Gareth Bentley and Dani Reeves.

Other Attendees: Mr Guy Critchlow

Apologies: Stuart Carlton and Richard Webb.

Copies of all documents considered are in the Minute Book

203 Minutes of the Meeting held on 21 February 2023

Resolved –

That the public Minutes of the meeting held on 21 February 2023, having been printed and circulated, be taken as read and confirmed by the Chairman as a correct record.

204 Declarations of Interest

There were no declarations of interest.

205 Public Questions and Statements

The Chair confirmed there had been one registration to speak at the meeting, in regard to Agenda item 7 – Proposal to cease to maintain Skelton Newby Hall CE Voluntary Controlled Primary School. He confirmed that Mr Guy Critchlow, Chairman of Skelton cum Newby Parish Council, would present his public submission as part of that agenda item.

206 Community Networks

Resolved – That this item be deferred to a later Executive meeting date to allow extra time for officers to develop a robust proposal.

207 Approval of Customer Service Standards and Policies

Considered – A report of the Assistant Chief Executive – Local Engagement, seeking approval of a Corporate Complaints and Compliments Policy and Unacceptable Complainant Behaviour Policy, required for the new North Yorkshire Council.

County Councillor David Chance introduced the report and provided an overview of the changes to each of the policies.

As Members had no questions, it was

Resolved – That the following policies be approved:

- (a) The Corporate Complaints and Compliments Policy
- (b) The Unacceptable Complainant Behaviour Policy

208 Proposal to close Hovingham CE VC Primary School, Hovingham

Considered – A report of the Corporate Director – Children and Young People's Service, providing information upon which to determine the proposal to cease to maintain Hovingham Church of England Voluntary Controlled Primary School with effect from 31 March 2023, together with the future arrangements for the School's current catchment area.

County Councillor Annabel Wilkinson introduced the report and drew attention to the public consultation that had been undertaken and the responses received, as detailed in Appendix A of the report. Members noted:

- The issues raised in the one objection received to the statutory notices and agree none affected the fundamental reasons for consulting on closure.
- The school currently had no pupils on roll, and no pending applications for places at the school.
- There was no realistic prospect of Reception pupils requiring a place for September 2023.

The Executive therefore agreed the reasons for the proposal to close the school as laid out in the report, were correct and reluctantly agreed that closure was the only viable option at this stage.

With that in mind, the Executive voted unanimously in favour of the recommendations, and it was

Resolved – That:

- i) The issues listed in section 9 of the report had been satisfied and there could be a determination of the proposals.
- ii) That the Local Authority cease to maintain Hovingham CE VC Primary School with effect from 31 March 2023.
- iii) As from 1 April 2023:
 - The parishes of Gilling East, Grimstone, Cawton and the smaller part of Coulton parish which currently form a part of a shared catchment area between Hovingham CE and St Hilda's CE would remain part of the St Hilda's CE catchment area.
 - The parish of Stonegrave which was part of the discrete catchment area for Hovingham CE would also become part of the St Hilda's CE catchment area.
 - The parish of Scackleton and the larger part of the parish of Coulton which were

part of Hovingham's discrete catchment area would become part of the catchment area for Terrington CE VA Primary School.

- The parish of Fryton and the larger part of Hovingham Parish which formed part of the Hovingham catchment area would become part of the catchment area for Slingsby Community Primary School.

209 Skelton Newby Hall CE VC Primary School – School Closure Proposal

Considered – A report of the Corporate Director – Children and Young People's Service, detailing the outcome of the public consultation on a proposal to close Skelton Newby Hall CE VC Primary School, and asking the Executive is asked to consider the responses to the consultation, to authorise the publication of statutory proposals, and to schedule taking a final decision on the proposal on 30 May 2023.

County Councillor Annabel Wilkinson introduced the report and provided an overview of the background to the proposal to close the school. She also drew attention to the public consultation that had taken place and the responses received, as detailed in Appendix 5 of the report, and the proposal to extend the catchment area of Kirby Hill CE VC Primary to serve the area currently served by Skelton Newby Hall Primary.

The Chairman invited Mr Guy Critchlow, Chairman of Skelton cum Newby Parish Council, to read out his public submission as follows:

'Chair, Councillors, and Officers of the Council, thank you for the opportunity to share a statement from the community of Skelton on Ure.

Three minutes to put the case for Skelton Newby Hall Primary School. We are not wearing rose tinted spectacles when making the case for our school to remain open. Our school is viable and valuable to the village and surrounding areas.

As you will be aware and as a start point, the government, "expects all decision makers to adopt a presumption against the closure of rural schools. This does not mean that a rural school will never close, but that the case for closure should be strong and clearly in the best interests of educational provision in the area."

The report has put the case that that the basis of closure is two reasons, the falling roll and maintaining the quality & breadth of education for all year groups. Indeed there is now only one pupil on the roll. This is not the natural state of affairs for this school. This is not organically driven. Our school is in this position as a result of a failed federation with Sharow School.

In 2021, Ofsted has recorded that Sharow School has issues of staff absenteeism, unaddressed bullying concerns, and governance with a special Chair appointed last September. It's short inspection noted it would have been downgraded had it been a full inspection, which we understand has just taken place.

Our school has not been marketed appropriately to attract new pupils, which was incorrectly recorded in the minutes of the public meeting. The report notes no new housing developments in our current catchment. This lies at the heart of the matter. Our catchment does not currently include the 800 houses in development within five miles of our school which do not even know we exist.

Parents of potential pupils were left underwhelmed when they enquired about spaces; during the course of the last decade, and especially the last few years, the reputation of the federation has led parents in the village to reluctantly select other schools and even move their children due to concerns.

We can correct this course and address the first concern around pupil roll.

We have a Sustainable Future Plan for the school. There is shortage of nursery and early years places in the area. We welcome the fact the government has just opened up early years funding from age one which will further increase the demand.

Our School is the perfect 1.5 acre setting, a ready-made forest school, a large amenity space with fully fitted playground, and even a safe drop off car park which is perfect for early years. With the right leadership, the right marketing, this school can thrive again. Whilst we approached the Leeds Diocesan Learning Trust about working with Roecliffe, the mis-match of funding model has not enabled us to progress at this point, even though there is a need. By focusing on the provision of nursery and early years, we can address the second concern around quality of education.

We could pass comment on the format of the consultation, the bias in report layout towards closure, the community feeling that this was a consultation in name-only; in our opinion it certainly does not meet the spirit of the government guidance on consultations. However, we want to focus on the opportunity which is our Sustainable Future Plan for our school. We are a canary in the mine for the very essence of rural communities in North Yorkshire and for the new North Yorkshire Council. We deserve the opportunity to re-build our school and demonstrate its viability. We cannot do this alone, we want to work with, not against, the Council in this aim.'

In response, Annabel Wilkinson Executive Member for Education, Learning & Skills noted that the Governors believed they had been active in their collective efforts to raise numbers at the school, as detailed in the report. Their initiatives had included the introduction of nursery provision in September 2019, which attracted some children to the school, although numbers were limited. Marketing of the school had included the distribution of flyers to new houses in the area, and investment in the school's website.

She confirmed:

- There had been no responses to the consultation from other local schools offering federation or alternative arrangements to allow Skelton Newby Hall School to remain open.
- Changing the size of the Skelton Newby Hall catchment would not make any material difference to the number of pupils attending Skelton Newby Hall School.
- Parents from inside or outside the Skelton Newby Hall catchment could apply at any time for places at the school for their children.

She also acknowledged the value of the Skelton Newby Hall CE VC site and its outdoor learning area. The benefits of the site alone had not been sufficient though, to attract parents to bring their children to the school. The school building and site was not owned by the County Council, and the owners would decide about the future use of the school site and building after the closure proposal had been determined.

Finally she confirmed that officers were confident that a full and detailed consultation had been carried out to date, and that no final decision had been made at this stage regarding the school's future. She suggested that if the Executive decided to proceed with the process by approving the publication of statutory proposals, this would give another four weeks for representations to be made by the public.

As the Councillor for the village of Skelton on Ure, County Councillor Nick Brown was also given the opportunity to speak on the proposed closure of Skelton Newby Hall CE Voluntary Controlled Primary School, as follows:

'The school that has been part of the community since 1856. I understand that neither the Federation school in Sharow, that this school merged with and is, I am told, not perfect

with its own problems, nor NYCC, discussed the matter with the Skelton community or its Parish Council in the build up to the decision to consult on the proposed closure whilst parents were being advised from the beginning of the September 2022 school year to find places for their children at new schools for the September 2023 school year, thus driving out pupils from the school ! Parents and Newby Estate, who own the school land, heard about all this last November!

Trying to be constructive I would like to think that, in future, whenever any school in North Yorkshire is in danger of closure, because of a pattern of warning signs from falling school numbers, then this information should be shared with both NYC Councillors and Parish/Town Councils much earlier, so they can help with any other ideas that would prevent closure.

There appears to be little evidence of marketing the school to residents in the village of Skelton or to other residents in the new 800 house developments within 5 miles or so of the school.

Can I suggest that perhaps we should think beyond the box here and have a short delay to the decision under review in order to look at having or supporting

In the light of the recent budget and the proposed increase in childcare provision, to enable more much needed employment opportunities, surely a 1.5 acre school site would lend itself perfectly for nursery provision in a lovely, rural and safe environment set in a great rural setting which, properly marketed, would, I believe be very popular with local residents who will see its benefits.'

Finally, County Councillor Nick Brown queried what the position was regarding merging the school's catchment area with Kirby Hill and expressed serious concern that it would move Skelton Village out of the current Ripon Grammar School catchment area.

In response, Annabel Wilkinson Executive Member for Education, Learning & Skills confirmed that

- Parents/carers and the Skelton Newby Hall Estate had been notified on 22 November 2022 that governors, had with regret, asked the County Council to consult on closure proposals for Skelton Newby Hall CE Primary School.
- The Parish Council, like other consultees, had been sent a copy of the consultation document at the start of the consultation process, and that officers were confident that a full and detailed consultation had been carried out.
- Leaders and Governors continued to maximise the range of shared experiences through the Federation. Support had been provided by the LA School Improvement Team, and since the start of the Autumn term, governors and leaders had accessed support from an experienced National Leader in Governance.
- The federated governing body had worked very hard to recruit governors. In a federation, governors represent all schools within a federation rather than individual communities.
- No responses to the consultation had been received from other local schools offering federation or alternative arrangements to allow Skelton Newby Hall School to remain open.

Members noted:

- The school currently only one child on the school roll, who was due to move to secondary provision at the end of this academic year, and from September 2023 the school would have no pupils on roll.
- The school site and building were privately owned and therefore the Authority had no

say in its future use.

- Once there was talk of a possible closure, parents tended to vote with their feet, which was frustrating, but the Authority had no option but to follow the prescribed process.

Members agreed it would be helpful in the future if the early warning signs of a possible closure could be communicated with Councillors (and Parish Councillors) on a confidential basis.

Having taken account of all the information provided, the Executive reluctantly agreed the reasons for the proposal to close the school as laid out in the report, were correct and that closure of the school would be in the best interest of the future education of pupils in the area.

With that in mind, they voted unanimously in favour of the recommendations, and it was

Resolved – That:

- i. Statutory proposals and notices be published on 30 March 2023 proposing to cease to maintain Skelton Newby Hall CE Primary School with effect from 31 August 2023; and proposing that the catchment area of Kirby Hill CE VC be expanded with effect from 1 September 2023 to serve the area currently served by Skelton Newby Hall CE VC School.
- ii. a final decision on those proposals be scheduled for the Executive meeting on 30 May 2023.

210 Harmonised Fee structure for Hackney Carriage and Private Hire licensing across North Yorkshire from 1st April 2023

Considered – A report of the Corporate Director – Business and Environmental Services seeking the adoption of a harmonised fee structure for Hackney Carriage and Private Hire licensing across North Yorkshire from 1 April 2023.

County Councillor Derek Bastiman introduced the report, drawing attention to the proposed new Hackney Carriage and Private Hire licensing fees for North Yorkshire Council for 2023/24, the consultation undertaken, and the responses received, as detailed in the appendices to the report.

He also drew attention to an error in the Equality Impact Assessment at Appendix F. He confirmed that all of the protected characteristics should have marked as ‘No impact’.

Members were pleased to note the proposed waiver for new applications and renewals for wheelchair accessible vehicles, and it was

Resolved – That:

- i. The proposed fees be agreed, to take effect on 1 April 2023
- ii. The licence fee for new applications and renewals for wheelchair accessible vehicles be waived until such time as the Inclusive Service Plan was completed and any subsequent changes to the policy were implemented.

211 Approval of North Yorkshire Council Maximum table of fares for Hackney Carriage drivers from 1 April 2023

Considered – A report of the Corporate Director – Business and Environmental Services seeking to set harmonised maximum Hackney Carriage (HC) fares for the whole of North

Yorkshire.

County Councillor Derek Bastiman introduced the report, drawing attention to the proposed fares shown in Appendix B, and the risks associated with not introducing one maximum HC fare from 1 April 2023. He also highlighted the consultation that had been undertaken and the responses received as summarised in Appendix D of the report, and the options available to the Executive as detailed in paragraph 4.2 of the report.

Finally he acknowledged the hard work of licensing officers across all the District/Borough Councils who had worked collaboratively to deliver the proposals brought forward to the Executive. He also thanked the LGR Licensing Member Working Group and the trade for their contributions.

Resolved – That:

- i. Consider the objections to the advertised proposed table of fares (Appendix D) be noted;
- ii. The recommended modifications to the table of fares made by the Licensing Member Working Group (Appendix C) be approved;
- iii. The new table of fares (Appendix B) come into effect as from 3 April 2023.

212 A59 Kex Gill Project Development - Grant acceptance

Considered – A report of the Corporate Director - Business and Environmental Services seek approval for accepting the offer of £56.1m of capital grant funding from the Department for Transport (DfT), contributing towards delivery of A59 Kex Gill highway diversion.

County Councillor Keane Duncan introduced the report and drew attention to the grant conditions detailed in section 4 of the report. He acknowledged the high effort by officers in reaching this point in the project and confirmed it was on target to be delivered on time and on budget.

Executive members welcomed the progress made, recognising the importance of the infrastructure for east west connectivity across the county, and the contribution that would bring to the region's economy. It was therefore

Resolved – That in respect of A59 Kex Gill highway diversion:

- i. The offer of £56.1m of capital grant funding from the Department for Transport (DfT) be accepted.
- ii. Any steps necessary in respect of accepting the offer of £56.1m of capital grant funding from the Department for Transport be delegated to the Corporate Director - Strategic Resources

213 Recommendations from Audit Committee

Considered – A report from the Audit Committee seeking Executive approval of various documents required for the new North Yorkshire Council.

County Councillor Gareth Dadd introduced the report and drew attention to the draft documents presented within the appendices to the report i.e.:

- Counter Fraud Strategy 2023-27 and a 2023/24 Counter Fraud Work Plan
- Internal Audit Charter for the new North Yorkshire Council

- Local Code of Corporate Governance for the new North Yorkshire Council

County Councillor George Jabbour, Vice-Chair of the Audit Committee confirmed the draft documents being presented for the Executive's approval had been fully debated and endorsed by the Audit Committee at its the meeting on 20 March 2023.

County Councillor Carl Les thanked the Audit Committee for all its work, and it was

Resolved – That the following documents be approved:

- (c) the Counter Fraud Strategy 2023-27, as set out at Appendix 1 of Annex A, and the Counter Fraud Work Plan, as set out at Appendix 2 of Annex A;
- (d) the Internal Audit Chart for the new North Yorkshire Council, attached to the report at Annex B; and
- (e) the Local Code of Corporate Governance for the new North Yorkshire Council, attached to the report at Annex C.

214 Appointments Report

Considered – A report of the Assistant Chief Executive (Legal and Democratic Services) seeking an appointment to the Tees, Esk and Wear Valleys NHS Foundation Trust Council of Governors.

County Councillor Carl Les introduced the report and it was

Resolved – That County Councillor Roberta Swiers be appointed to the Tees, Esk and Wear Valleys NHS Foundation Trust Council of Governors.

215 Forward Plan

Considered – The Forward Plan for the period 13 March 2023 to 31 March 2024 was presented.

County Councillor Carl Les confirmed this was the last meeting of the North Yorkshire County Council Executive and thanked his colleagues around the table for all their hard work over the years. He drew particular attention to all that had been achieved in the last 12 months in preparation for Unitarisation and expressed pride in the devolution deal the Authority had achieved.

County Councillor Gareth Dadd acknowledged the hard work of all Members and officers from all the Councils across the county. He also recognised there would need to be a strong political will to drive out the savings required in the future.

Other Executive Members agreed and added their thanks, and it was

Resolved - That the Forward Plan be noted.

The meeting concluded at 11.58 am.