

# North Yorkshire County Council

## Full Council

Minutes of the remote meeting held on Wednesday, 17th May, 2023 commencing at 10.30 am.

County Councillor David Ireton in the Chair. plus County Councillors Chris Aldred, Joy Andrews, Karl Arthur, Alyson Baker, Phillip Barrett, Derek Bastiman, Philip Broadbank, Eric Broadbent, Barbara Brodigan, Andy Brown, Nick Brown, Lindsay Burr MBE, David Chance, Mark Crane, Sam Cross, Felicity Cunliffe-Lister, Gareth Dadd, Melanie Davis, Caroline Dickinson, Michelle Donohue-Moncrieff, Stephanie Duckett, Keane Duncan, Bridget Fortune, Kevin Foster, Richard Foster, Sam Gibbs, Caroline Goodrick, Hannah Gostlow, Bryn Griffiths, Tim Grogan, Michael Harrison, Paul Haslam, Robert Heseltine, Nathan Hull, George Jabbour, David Jeffels, Janet Jefferson, Tom Jones, Mike Jordan, Nigel Knapton, Peter Lacey, Andrew Lee, Carl Les, Cliff Lunn, John Mann, Pat Marsh, Steve Mason, Rich Maw, John McCartney, Heather Moorhouse, Andrew Murday, Simon Myers, David Noland, Bob Packham, Andy Paraskos, Stuart Parsons, Yvonne Peacock, Clive Pearson, Heather Phillips, Kirsty Poskitt, Jack Proud, John Ritchie, Janet Sanderson, Mike Schofield, Karin Sedgwick, Subash Sharma, Monika Slater, David Staveley, Neil Swannick, Roberta Swiers, Malcolm Taylor, Angus Thompson, Phil Trumper, Matt Walker, Arnold Warneken, Steve Watson, David Webster, John Weighell OBE, Greg White, Annabel Wilkinson, Peter Wilkinson, Andrew Williams and Robert Windass.

In attendance: County Councillors .

Officers present: .

Other Attendees: .

Apologies: John Cattanach, Liz Colling, Steve Shaw-Wright, Andy Solloway and Dave Whitfield. .

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### Copies of all documents considered are in the Minute Book

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#### 1 To elect a Chair of the Council to serve until the May 2024 AGM

It was moved and seconded that Councillor David Ireton be elected Chairman of the Council to serve until the Annual General Meeting of the Council in 2024.

The vote was taken and the motion was declared carried with 84 for, none against and no abstentions.

#### Resolved -

That Councillor David Ireton is elected Chairman of the Council, to serve until the Annual General Meeting of the Council in 2024.

Councillor David Ireton then made his declaration of acceptance of office of Chairman of the Council.

<b>Councillor David Ireton in the Chair</b>
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#### 2 Minutes of the meetings held on 22 February 2023 and 24 February 2023

It was moved and seconded that the Minutes of the meeting of the County Council held on 22 February 2023 which was adjourned and then reconvened on 24 February 2023, having been printed and circulated, are confirmed and signed by the Chairman as a correct record.

The vote was taken and the motion was declared carried with 84 for, none against and no abstentions.

### **3 Apologies for absence**

Apologies for absence were received from Councillors John Cattnach, Liz Colling, Steve Shaw-Wright, Andy Solloway and David Whitfield.

### **4 To elect a Vice-Chair of the Council to serve until the May 2024 AGM**

It was moved and seconded that Councillor Roberta Swiers be elected Vice-Chairman of the Council, to serve until the Annual General Meeting of the North Yorkshire Council in 2024.

The vote was taken and the motion was declared carried with 84 for, none against and no abstentions.

#### **Resolved -**

That Councillor Roberta Swiers is elected Vice-Chairman of the Council, to serve until the Annual General Meeting of the Council in 2024.

Councillor Roberta Swiers then made her declaration of acceptance of office of Vice-Chairman of the Council and thanked the Council for her appointment.

### **5 Declarations of Interest**

Declarations of Interest were made as follows:

Councillor Karl Arthur regarding Minute 12(a).

Councillors Joy Andrews, Lindsey Burr, Caroline Goodrick and Steve Mason regarding Minute 8.

Councillor Keane Duncan regarding Minute 8.

Councillor Yvonne Peacock regarding Minute 12.

### **6 Chairman's Announcements**

The Chair welcomed the Honorary Aldermen and members of the public and press who were present.

The Chair informed Members of the usual arrangements for the meeting.

The Chair informed Members that there were two Notices of Motion on the agenda and requests had been received that these be debated at the meeting. The Chair was required to give a ruling on whether to follow the normal procedure of referring these to the relevant committee or whether they should be debated at the meeting. The Chair considered that

that Motion relating to Crustacean die-off be debated, and the Motion relating to the Police, Fire and Crime Commissioner be referred to the Corporate and Partnerships Overview and Scrutiny Committee.

The Chair reminded Members that when considering Notices of Motion a Member can move that the motion can be put now and one Member can speak for five minutes for that Motion and one Member can speak for five minutes against. Should the motion on the Police Fire and Crime Commissioner be referred to the Corporate and Partnerships Overview and Scrutiny Committee then it would be moved and seconded without comment.

The death of former County Councillor David Billing was noted. David was a County Councillor from 1985 to 2009 and then from 2013 to 2017 and he was also a Scarborough Borough Councillor.

A minute's silence was held in memory of the former County Councillor.

## **7 Statement by the Leader of the Council**

Councillor Carl Les made a statement and answered questions under Council Procedure Rule 2.3 as Leader of the Council, a summary of the key points of which had previously been circulated and which appeared at pages 31 and 32 of the agenda pack in the Minute Book (pages 25 to 26)

## **8 Public Questions or Statements**

There were nine public questions, as follows:

**The following public statement was submitted by John Plummer and read out at the meeting:**

How does the council intend to boost the poor levels of public participation in elections in North Yorkshire without introducing proportional voting? Surely the creation of the new council is an ideal moment to take positive action?

**The following public question was read out by Rosemary Livingstone**

I am Rosemary Livingstone, a retired GP from Ripon and I am speaking in favour of the Motion before you, requesting that the North Yorkshire County Council writes to the Government urging it to adopt Proportional Representation for General, Mayoral and Local Elections. (Thank you for letting me speak).

We British like to think we live in a democracy but actually very few MPs are elected with more than half of the total votes cast. In General Elections between 2001 and 19 the share of the vote in all of the individual constituencies for the party that eventually formed the Government varied between 35 and 44%. So the majority of people who vote in elections do not get what they want.

We therefore get voter apathy and disillusionment. 35% of people do not bother to vote. In recent canvassing, the commonest reason given for this was that it would not make a jot of difference to the result. This is not good for our democratic process.

I feel very sad that in this, our 21st century democracy so many people feel disenfranchised and indeed are disenfranchised by our First Past the Post System. It leads to disillusionment, a lack of trust in both politicians and the political process and that then leads to a lack of trust in all our institutions and contributes to the feeling so many people have, which is that nobody really cares about them or their problems and they are not heard.

We could do much better.

We had coalition governments during both the First and Second World wars because it was thought that in those awful times, consensual government would be more effective and would serve the country better. Proportional Representation could achieve this today.

If you won't listen to me, what about listening to a Conservative Councillor, Emma Best, a London-wide member of the London Assembly who, on the Conservative at Home website states:

"The Conservative Party is at risk of making a historic error. While the melodrama of the last year has left the party preoccupied with avoiding defeat at the next election, it is failing to grapple with an issue that could determine its fortunes far beyond 2024: the end of First Past the Post (FPTP)".

She recognises that PR is coming and says:

"I am deeply concerned that we do not have a thought-out or well-argued position on what could be the most significant change to our political system in recent memory".

I am concerned that we need PR now and we need you, as our representatives here in North Yorkshire to add your voices to the clamour for more fairness in our electoral system.

Thank you.

### **The following public question was read out by Baroness Harris of Richmond**

I am most grateful for the opportunity to again bring forward the suggestion that North Yorkshire Council adopts Proportional Representation in future elections.

I have believed, all my political life, that Proportional Representation for elections is the way forward. Here in North Yorkshire we now have the opportunity to put those ideas into practice with a new Council having been formed. After all, Yorkshire has often been at the forefront of new ideas and campaigns for many years!

You have been told, I understand, that this is a minority idea – but I can absolutely assure you, it is most definitely not! Across the country, around half of the public (51%) are now in favour of introducing PR for Westminster elections. This is up from 27% in 2011. These results come from the National Centre for Social Research – which is funded by the DWP, the Government Equalities Office, the Nuffield Trust and the King's Fund. Also the department for Levelling Up, Housing and Communities. These figures are therefore accurate.

I believe it would show North Yorkshire as being forward thinking and progressive, especially as we know that in Europe, only the UK and Belarus still use the archaic FPTP system – not the best look for our democracy!

PR makes the share of seats each Party gets match the share of votes they receive. It would also accurately represent the different community views and perspectives. An example might be the tale of two Richmonds! In the local elections in 2022, Richmond-on-Thames Conservatives won 22.6% of the vote, yet only 1.9% of seats on the council. In the last round of elections in North Yorkshire, the situation was reversed, with the Conservatives getting less than 50% of the vote – but having the majority of seats. In Epsom and Ewell Stamford Ward this month, in a 5 Party contest, the two winning candidates won with only 14% of the votes cast. How is that representative?

PR is already used to elect the Parliaments and Assemblies of Scotland, Wales and Northern Ireland, where, of course, all elections are dealt with proportionally.

I do hope Councillors in North Yorkshire will allow for serious debate about this – and of course, I hope will come to the conclusion that Proportional Representation is a fairer, more just and reliable reflection of what our communities are hoping for.

Thank you.

**Councillor David Chance provided the following response:**

I would like to thank the three public speakers for their submission on Proportional Representation. The Council is keen to hear from local people about the matters that concern them and is open to challenge and new ideas.

As the three submissions are very similar in content, I will provide one answer to cover the points raised in all of them.

Members will be aware that we are considering a motion on Proportional Representation at agenda item 14. This motion was referred to the Executive at their meeting on 16 November 2022, where a detailed officer report was considered. That report is included in the papers for this meeting.

In terms of the response to the submissions, I will make the following points:

No electoral system is perfect and there are always pros and cons associated with any form of voting used.

Proportional Representation based systems of voting do enable a greater number of parties to be represented on political bodies, which in turn can enable a broad range of political views to be heard. However, Proportional Representation often leads to coalition governments that can be unstable and short-lived, involve significant compromise and the elevation of smaller parties to positions of great and perhaps undue influence as coalitions are formed and deals done.

The First Past the Post system of voting has the advantage of providing a clear winner in every seat contested, it builds a strong relationship with the locally elected officials and is a well-known and a system of voting that is easy to understand.

The May 2022 elections to this Council were, as they have been for many years, conducted through the First Past the Post system and have returned a balanced and I would argue a healthy mix of political representation with Conservatives, Liberal Democrats and Liberals, Labour, Greens and independent councillors.

Our democratic processes are robust as is demonstrated by the consideration today of three Motions, put forward by opposition parties.

First Past the Post is used for elections to the House of Commons and local councils in England and Wales and that is not something that this Council can change unilaterally. Clearly, it is a decision for national government for whom a change in the voting system is simply not on the agenda at present.

**The following public question was read out by Chris Parkin**

In respect of the CIL Funding raised within Ryedale, to be spent in Ryedale, and the bids made by community bodies to apply any CIL grants in line with local development plans and projects, which elected Ryedale District Councillors thought appropriate, and which now appears to have been hijacked by the 'new' North Yorkshire Council, could I ask:

Do the Councillors here today consider that North Yorkshire Council has acted in proper,

legal and morally acceptable fashion by not releasing these funds by the date specified?

**The following public statement was submitted by Rob Williams and read out at the meeting:**

Will the Council commit to using the established Urgency Procedures within its Constitution to reach a point of decision on all CIL Funding bids for which delay would mean the loss of an external grant from coming in to the benefit of the residents of the local community? The grounds for using the Urgency procedures being that the loss of external funds would be to the detriment of the public interest. In the case of the bid from Malton Community Sports Centre for the addition of a fitness suite and community room, which has already been granted full planning permission, the community stand to lose £220,000 of investment from Section 106 funds that will be returned to the private developers on 30th June if the project is not commenced. This would be in addition to the loss of a £100,000 grant from Sport England. This has already been lost due to the time taken at District Council level in the consideration of CIL Funding. It would be an absolute tragedy for the community of Malton, Norton and surrounding villages to lose £320,000 of external funding purely as the consequence of unnecessary delays in the decision-making processes of their locally elected Councils. NYCC still have the chance to ensure this does not happen.

**The following public question was read out by Paul Hogarth**

Slingsby Sports and Social Club is an entirely voluntary run community organisation, of which I am proud to be chairperson, that provides sporting, play and social facilities for members of the community as well as visitors to the area.

The facilities are also used extensively by Slingsby Community Primary School as there only sports facilities.

We were allocated funding by Ryedale District Council from funds available from the Community Infrastructure Levy to provide access for people with disabilities, creating suitable changing facilities for use by the school and other organisations and make our facilities fit for junior sport.

Our project is one of a number of projects that were approved by a sovereign authority and will transform the Community Infrastructure across Ryedale but these projects are on hold due to the decision by this council to delay the release of the funds. We stand shoulder to shoulder with those other fantastic projects.

The project is dependent upon being able to commence the building work during the summer months to ensure that the work is completed before winter. Any further delay to the project beyond June would jeopardise our ability to complete the project by the end of this financial year.

This in turn would create significant problems as a significant amount of the match funding that we have raised is from grants from other organisations and needs to be drawn down in the current financial year. In total £19,000 of our funds have been raised in this way, including a £10,000 grant from Sport England, and without a timely release of the funds allocated we are at significant risk of losing the funds that we have secured after a huge amount of hard work and commitment.

Over 600 hours of unpaid volunteer time has already been devoted by an incredible and diverse group of people and we have met every target and all criteria that have been set of us.

We have been through a robust and challenging application process that has galvanised our community and created a sense of hope for the future.

The factor that is impacting our ability to deliver this project is the decision regarding the CIL

funds from this Council.

I have emailed both the leader and deputy leader of the council regarding this matter, how to date, neither of which has provided me with courtesy of a reply.

You have publicly stated that this new council is being built with local communities "at its heart". This does not seem to be the case.

I would therefore like to ask this council, when will the funds allocated for projects across Ryedale, that will transform people's lives, be released by this council and avoid the risk of us losing the other funds that we have raised and brought into the county?

**The following public question was read out by Councillor Ian Conlon, Mayor of Malton Town Council**

Malton and Old Malton has grown in population by one third from under 5000 to well over 6000 in just 10 years, and so generated significant unspent CIL money for Ryedale District Council in that time, and more young people needing good quality play facilities. Malton Town Council have had their application of CIL funds for a pump track approved by Ryedale District Council. It is a vital play facility for our many new young families, to spend in our community. It is one of a number of projects all legitimately meeting CIL requirements, that were approved by a huge majority of councillors at Ryedale District Council, but has been arbitrarily put on hold by this Council. The Structural Change Order that brought this Unitary Council into being imposed express requirements on NYCC to consult and cooperate with the district councils. It has a duty to take account the legitimate expectations of people affected by a decision. As Malton Town Council's Mayor, I am standing in solidarity with all applicants, and politely asking: where is the money for our projects now, and when will you be paying it? Ryedale District Council sent the applications to NYC before the 1st of April deadline. This play area is situated in a low-income area of Malton, and average incomes considerably below the average for Ryedale. Free to use facilities for our children and young families are vital, particularly with the cost-of-living crisis, and any further delay increases the neglect of our communities who expect us to deliver on a project that was widely consulted on. Cllr Duncan approved a £50,000 grant for the Norton Skate Park in his division by Ryedale District Council before his election on this Council, so surely he will want to join Cllr Burr and others in calling for approving another excellent play facility aimed at a younger age group starting out on wheels, and ALL the many other worthwhile community projects approved by Ryedale. In Malton we also have Kirkham Henry Performing Arts Centre whose building is falling to bits and desperately needs new changing rooms and disabled access, and to meet the needs of the many adult groups as well as children that use their facilities. The Hovingham to Malton cycle path needs a kick start on its technical section around Broughton Woods, Malton School's Sports Centre that is also there for the whole local community but needs vital upgrading and has already lost hugely significant matching grant money because of the unnecessary delay. There are many more projects around Ryedale, and CIL money generated in Ryedale that our elected representatives here have voted on. Let's honour the democratic will and start this Council on a sound, legal, and fair footing.

**The following public statement was submitted by Councillor Jill Wells, Mayor of Kirkbymoorside Town Council, and read out at the meeting:**

Dear Members of North Yorkshire Council,

As you will be aware, the Town Council's application for the Ryedale CIL funds has been recommended to the Council for final determination. On behalf of Kirkbymoorside Town Council I would like to invite Members and Officers to a site visit at the sportsfield, New Road, Kirkbymoorside, in order that the need and merits of the project may be appreciated. Please contact the Town Clerk to arrange a convenient date(s) and time(s).

OFFICIAL

The Town Council firmly believes that CIL monies raised from Ryedale developments should be allocated to support the infrastructure in Ryedale. This is based on the knowledge that CIL Regulations seek to achieve a link between the CIL charged and the cost of the infrastructure which requires to be funded using the CIL. The CIL Agreements associated with all developments will specify the allocation of CIL funds in the local area. The North Yorkshire Council website [[Community infrastructure levy | North Yorkshire Council]] states that "The Community Infrastructure Levy (CIL) is a planning charge that we can impose on new developments in Ryedale" With the LGR, whilst the 'charging authority' has now transferred, the allocation of funds to infrastructure in the 'locality' specific to each planning application remains valid. Under section 221 of the 2018 Act, a charging authority is required to have regard to the guidance issued by the SoS: DCLG Guidance on the Community Infrastructure Levy. Referring specifically to the guidance on "infrastructure planning" by a charging authority, there is reference to the charging authority's Development Plan. Paragraphs 13 "Information on the charging authority area's infrastructure needs should be directly related to the infrastructure assessment that underpins their relevant Plan, as that planning identifies the quantum and type of infrastructure required to realise their local development and growth needs".

You will be aware that the developments that have contributed CIL funds in Ryedale were determined in accordance with the Ryedale Local Plan and it is this Plan to which the terms of the agreement are bound. Therefore allocation of the funds must remain within the boundaries of Ryedale.

The Town Council commends the initiative of Ryedale District Council to have initiated the process to shortlist suitable projects for the allocation of these funds. This exercise will undoubtedly have saved the Council considerable time and resources.

Pursuant to confirmation received from Gary Fielding the Town Council looks forward to receiving updates on the applications in the very near future.

**Councillor Gareth Dadd provided the following response:**

Firstly, can I say how much I welcome these questions. For too long, colleagues across the chamber, of all political persuasions, will have witnessed the many column inches that Ryedale CIL has commanded in local and regional media. This now gives me the opportunity to set out our position and to give some context.

I have refused to comment prior to today through the media and press as I wished to respect the democratic accountability of this chamber and everyone that sits within it.

I will firstly deal with, in a straight-forward manner, the actual questions posed before I comment upon the general position and way forward.

Chris Parkin asks a very direct question, and I quote, "Do the Councillors here today consider that North Yorkshire Council has acted in proper, legal and morally acceptable fashion by not releasing these funds by the date specified?"

Yes I do.

Rob Williams asks will we use established urgency procedures to determine the outcome of CIL bids.

Put very bluntly, no we will not, however what I can commit to is a request to officers to establish the best way forward should they not be successful. I will deal with the reasoning in my context shortly.

Paul Hogarth and Ian Conlon ask when a decision will be taken.



I am expecting a full analysis and report to go to Executive some time in June (20 June in all likelihood).

Jill Wells gives much the same commentary.

So for the context.

Some months ago, not long I may add before vesting day and after the Section 24 Direction was given, Ryedale Council decided on an attempt to allocate their £3m CIL pot with some speed. I can only assume that this was driven by a desire to deny this Authority the power to prioritise where that spend ought to go. They did not consult with the County Council on what they perceived as the priorities as is normally the case. We informally and formally reminded them that they needed Section 24 consent. They did not, at first, accept this but by virtue of them submitting the requests on the last day of their existence one can only assume they then did.

I will point out that I view their behaviour as bad behaviour, the worst I have seen from any of the former Districts and Boroughs, the remainder acting with the utmost of cooperation and respecting the legal process. We also reminded them of the possible demands on future infrastructure we would face, for example a new School in Norton circa £6.5m. In addition we now know about planned capital spend at Welburn Hall of £5m. To hide behind the veil of Ryedale money to be spent in Ryedale simply does not stand up to scrutiny.

I feel very sympathetic to the organisations that bid, and some have indicated that, despite assurances from RDC, they were not aware of the inability of RDC to execute the “successful” applicants’ grant allocation. Each and every one of those awaiting a decision have worthwhile schemes and in their own right no reasonable person could deny their positive aspects. However, and it is a big however, each and every one of us has a duty to look beyond today’s headlines and plan carefully, especially with taxpayers money and public funds, taking into account future needs and priorities. That is why, we as an Authority, are taking time to consider these applications individually after consulting with a range of specialist officers across the new Council. These worthy organisations have been led up the garden path in the interests of political platforming, in my view, and RDC former Members that subscribed to this really ought to hang their heads in shame.

I also wish to respond to the democratic legitimacy point often raised. Yes, RDC was a sovereign body save for they are not sovereign now and the reasoning behind a Section 24 direction is to protect the medium term of any successor Authority. I look around this Chamber and challenge any Member to condone this behaviour given the demands on Capital we will face right across the County. It would be easy to simply roll over and accept the dash to splash the cash exercise that RDC deployed, with no sight on how we will fund other needs as a result of development. We could simply use reserves on Ryedale absolute necessities after deploying the CIL pot, but which Member would be content to forego capital spending in 5 years’ time in their divisions and on their priorities as a result? I am also going to be very blunt. I note, with some amazement, that the same former RDC Members that have made so much noise and comments on this matter were in many cases on the ballot paper and failed to take their desired seats in this Chamber. That is democracy in its purest form.

Whilst I am talking about Ryedale, and allegations made elsewhere that we only want to use this pot to fill in our deficit, there are 2 clear retorts. Firstly, perhaps those thinking that would benefit from a briefing on the difference between Capital and Revenue. I am more than happy to offer that session to elected Members within this Chamber should that be repeated. Secondly, I find it hard to accept any sort of economic advice from some from the former Authority that has bequeathed a Revenue budget deficit of £1.790M, or put another way 19% of what would have been their Revenue budget for 2023/24 when the combined Revenue Deficit this year for the new Authority was under 5%. and, I may add, a council whose Members chose to freeze council tax in the face of that deficit. They seemed quite

keen for us to make the decisions on that particular financial issue didn't they?

Moving forward, we shall be considering these applications fairly and openly but not in a rushed manner, with a scheduled date of 20 June. I will ask, once the draft is agreed, for Officers to informally let applicants know what the recommendations of the report are likely to be, subject to final decisions being taken by the Executive, thus enabling them to revert to their original plans of funding, if that is necessary, that existed before this risky flight of fancy was began by the former Ryedale District Council.

In conclusion Mr Chairman. I cannot express enough my sadness that perhaps false hope has been given to these community organisations and can only apologise on behalf of those that supported this at RDC. It should never ever have happened. I, and I am sure every decent Member of this Authority, will not be politically bullied, as we strive not for a cheap headline today but a medium and long term credible future for all we seek to serve. We have not gained the reputation of being among the best in terms of financial grip and prioritising resources by chance. Hard headed choices have always trumped today's cheap headlines and long may it continue.

Chris Parkin and Councillor Ian Conlon then asked supplementary questions.

Councillor Gareth Dadd responded.

**The following public statement was submitted by Hazel Peacock and read out at the meeting:**

Would the Executive Member for Highways & Transportation be able to advise when the report into 20mph will be released?

**Councillor Keane Duncan provided the following response:**

Work on the review will be concluded this month. It represents extensive work over the past six months, with input from a range of teams across the council and consultation with all councillors and key partners. The review's recommendations will be shared with councillors and the public in advance of the Executive meeting scheduled to take place on June 20.

**9 To consider the report and recommendations of the Executive and make decisions on them**

Implications of TUPE

The recommendation at pages 35 and 36 of the agenda pack (page 30 of the Minute Book) was moved and seconded. The confidential appendix to the report that went to the Executive on 2 May 2023 was circulated to Members in advance of the meeting, upon request.

A vote was taken and the motion was declared carried with 83 for, none against and 1 abstention.

**Resolved -**

That Council approves the estimated costs, as detailed in paragraph 6.1 of the report, as they are over £100,000.

Local Area SEND Strategy Adoption

The recommendation at page 35 of the agenda pack (page 29 of the Minute Book) was

moved and seconded.

A vote was taken and the motion was declared carried with 84 for, none against and no abstentions.

**Resolved -**

That the Local Area Special Educational Needs and Disabilities Strategy be formally approved and adopted.

Waste Collections – Separate Collection of Food Waste

The recommendations at page 36 of the agenda pack (page 30 of the Minute Book) was moved and seconded.

It was moved that separate votes be taken on each of the two recommendations and the Chair agreed.

Separate votes were taken and it was

**Resolved –**

1. To accept the DEFRA transitional arrangement to implement separately collected food waste across North Yorkshire from 1 February 2043;

(The recommendation was declared carried with 63 for, 18 against and 3 abstentions)

2. To explore options for NYC to implement separately collected food waste at an earlier implementation date and to engage with DEFRA and Government to ensure that an earlier implementation date does not negatively affect our eligibility for funding.

(The recommendation was declared carried with 84 for, none against and no abstentions)

**10 Police, Fire and Crime Panel Governance paper**

The recommendations at page 40 of the agenda pack (page 34 of the Minute Book) were moved and seconded.

A vote was taken and the motion was declared carried with 84 for, none against and no abstentions.

**Resolved –**

1. That the seat allocation on the Police, Fire and Crime Panel (PFC Panel) be agreed as seven (7) seats for North Yorkshire Council and three (3) seats for City of York Council;
2. That a substitute Member Scheme is implemented for the PFC Panel, as outlined in Appendix A, and adopted within the Panel's Arrangements;
3. That the PFC Panel has one Vice Chair appointment, to be appointed by the Panel in July 2023 and annually thereafter;
4. That the Monitoring Officer be authorised to make any consequential amendments to the North Yorkshire Council Constitution.

## 11 Appointments to Committees and Outside Bodies

The recommendations at page 44 of the agenda pack (page 38 of the Minute Book) were moved and seconded.

On a vote being taken on appointments to the Police, Fire and Crime Panel, the recommendation was declared carried with 84 for, none against and no abstentions.

There were two nominations for the role of Member Champion for Climate Change, Councillors Paul Haslam and Arnold Warneken.

It was moved and seconded that both Councillors be selected to carry out the role jointly. On a vote being taken the motion fell with 40 votes for the motion, 43 against and there was 1 abstention.

A vote was taken on a single nomination and there were 43 votes for Councillor Paul Haslam, 38 votes for Councillor Arnold Warneken and 3 abstentions. The Chair declared that Councillor Paul Haslam was appointed.

On a vote being taken on appointments to the Health and Wellbeing Board for North Yorkshire, the recommendation was declared carried with 84 for, none against and no abstentions.

There were two nominations for the role of Vice-Chair for the Transition (LGR) Overview and Scrutiny Committee, Councillors Bryn Griffiths and Stuart Parsons.

On a vote being taken there were 27 votes for Councillor Bryn Griffiths and 5 votes for Councillor Stuart Parsons.

The Chair declared that Councillor Bryn Griffiths was appointed.

A standards issue was raised in relation to the vote on the motion that the Member Champion for Climate Change role be carried out jointly. The issue was addressed later in the meeting.

### Resolved -

That Council:

1. Appoints to the Police, Fire and Crime Panel for North Yorkshire and York:

	Councillors Name	Political Group
1	LES, Carl	Conservative
2	WILKINSON, Peter	Conservative
3	GROGAN, Tim	Conservative
4	MOORHOUSE, Heather	Conservative
5	ALDRED, Chris	Liberal Democrat and Liberals
6	MAW, Rich	Labour
7	BURR, Lindsay	North Yorkshire Independent

2. Appoints a Member Champion for Climate Change - Councillor Paul Haslam;
3. Appoints to the Health and Wellbeing Board for North Yorkshire – the Executive Member for North Yorkshire Council with responsibility for Housing and Leisure and the Corporate Director for Community Development, North Yorkshire Council;

4. Appoints a Vice-Chair for the Transition (LGR) Overview and Scrutiny Committee – Councillor Bryn Griffiths
5. Notes the following changes to Committee membership notified by the Conservative group:
  - Richmond Area Constituency Planning Committee – Councillor Caroline Dickinson to be removed and Councillor Angus Thompson to be appointed in her place.
  - Scrutiny of Health Committee – Councillor Paul Haslam to be removed and Councillor Nick Brown to be appointed in his place.
  - Pension Fund Committee – Councillor Carl Les to be removed and Councillor Mark Crane to be appointed in his place.
6. Notes the following changes to Committee membership notified by the Labour group:
  - Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee – Councillors Bob Packham to be removed and Councillor Subash Sharma to be appointed in his place. Councillor Melanie Davis to be appointed as Vice-Chair of the Committee.

At 12:45 pm the Chairman then adjourned the meeting for lunch.

The meeting was re-convened at 1:30 pm.

## **12 Statements of Executive Members and Chairmen of Overview and Scrutiny Committees**

Statements of Executive Members, in the order set out below, followed by the Statements of the Chairmen of the Overview and Scrutiny Committees

### **13 Executive Member for Highways and Transportation - Councillor Keane Duncan**

Councillor Keane Duncan, Executive Member for Highways and Transportation, made a statement and answered questions. A summary of the key points of which had previously been circulated and which appeared at pages 45 – 46 of the agenda pack and which appears in the Minute Book (pages 39 to 40).

### **14 Executive Member for Health and Adult Services - Councillor Michael Harrison**

Councillor Michael Harrison, Executive Member for Health and Adult Services, made a statement and answered questions. A summary of the key points of which had previously been circulated and which appeared at pages 47 - 48 of the agenda pack and which appears in the Minute Book (pages 41 to 42).

### **15 Executive Member for Culture, Arts and Housing - Councillor Simon Myers**

Councillor Simon Myers, Executive Member for Culture, Arts and Housing, made a statement. A summary of the key points of which had previously been circulated and which appeared at pages 49 - 52 of the agenda pack and which appears in the Minute Book (page 43 to 46).

**16 Executive Member for Children and Families - Councillor Janet Sanderson**

Councillor Janet Sanderson, Executive Member for Children and Families, made a statement, a summary of the key points of which had previously been circulated and which appeared at pages 53 – 56 of the agenda pack and which appears in the Minute Book (pages 47 to 49).

**17 Executive Member for Managing our Environment - Councillor Greg White**

Councillor Greg White, Executive Member for Managing our Environment, made a statement and answered questions. A summary of the key points of which had previously been circulated and which appeared at pages 57 - 60 of the agenda pack and which appears in the Minute Book (pages 51 to 53).

**18 Executive Member for Education, Learning and Skills - Councillor Annabel Wilkinson**

Councillor Annabel Wilkinson, Executive Member for Education, Learning and Skills, answered questions. A summary of the key points of which had previously been circulated and which appeared at pages 61 – 64 of the agenda pack and which appears in the Minute Book (pages 55 to 57).

**19 Executive Member for Finance and Assets - Councillor Gareth Dadd**

Councillor Gareth Dadd, Executive Member for Finance and Resources, made a statement and answered questions. A summary of the key points of which had previously been circulated and which appeared at pages 65 - 66 of the agenda pack and which appears in the Minute Book (page 59 to 60).

**20 Executive Member for Open to Business - Councillor Derek Bastiman**

Councillor Derek Bastiman, Executive Member for Open to Business, answered questions. A summary of the key points of which had previously been circulated and which appeared at pages 67 - 72 of the agenda pack and which appears in the Minute Book (pages 61 to 65).

**21 Executive Member for Corporate Services - Councillor David Chance**

Councillor David Chance, Executive Member for Corporate Services, made a statement and answered questions. A summary of the key points of which had previously been circulated and which appeared at pages 73 – 78 of the agenda pack and in the Minute Book (pages 67 to 71).

**22 Scrutiny Board (Chair: Councillor Karin Sedgwick)**

The written statement of Councillor Karin Sedgwick having previously been circulated and which appeared at pages 79 – 80 of the agenda pack and which appears in the Minute Book (page 73), was noted. The Chair of the Scrutiny Board then answered questions.

**23 Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee**

**(Chair: Councillor David Staveley)**

The written statement of Councillor David Staveley having previously been circulated and which appeared at pages 81 – 82 of the agenda pack and which appears in the Minute Book (pages 75 to 76), was noted.

**24 Children and Families Overview and Scrutiny Committee (Chair: Councillor Barbara Brodigan)**

The written statement of Councillor Barbara Brodigan having previously been circulated and which appeared at pages 83 - 84 of the agenda pack and which appears in the Minute Book (pages 77 to 78), was noted. The Chair of the Children and Families Overview and Scrutiny Committee then answered questions.

**25 Transition (LGR) Overview and Scrutiny Committee (Chair: Councillor Malcolm Taylor)**

The written statement of Councillor Malcolm Taylor having previously been circulated and which appeared at pages 85 - 86 of the agenda pack and which appears in the Minute Book (page 79), was noted. The Chair of the Transition (LGR) Overview and Scrutiny Committee then answered questions.

**26 Care and Independence and Housing Overview and Scrutiny Committee (Chair: Councillor Karin Sedgwick)**

The written statement of Councillor Karin Sedgwick having previously been circulated and which appeared at pages 87 - 90 of the agenda pack and which appears in the Minute Book (pages 81 to 84), was noted.

**27 Corporate and Partnerships Overview and Scrutiny Committee (Chair: Councillor David Ireton)**

The written statement of Councillor David Ireton having previously been circulated and which appeared at pages 91 – 92 of the agenda pack and which appears in the Minute Book (page 85), was noted.

**28 Scrutiny of Health (Chair: Councillor Andrew Lee)**

The written statement of Councillor Andrew Lee having previously been circulated and which appeared at pages 93 - 96 of the agenda pack and which appears in the Minute Book (pages 87 to 89), was noted. The Chair of the Scrutiny of Health Committee then answered questions.

**29 Notices of Motion**

The Chair, Councillor David Ireton, advised that two Notices of Motion had been submitted. The Proposer and Seconder of each of the motions had requested that each of the matters be debated on the day of Council and not referred to the Executive or relevant Committee, for the reasons given on page 5 of the agenda pack. The Chair confirmed that he had determined that the Motion relating to Crustacean Die-off be debated at the meeting.

Crustacean Die-Off Events along the North Yorkshire and Cleveland Coast since October

2021

The Notice of Motion was moved by Councillor Neil Swannick and seconded by Councillor Bryn Griffiths.

The motion was then debated. An amendment to the motion was moved by Councillor George Jabbour and seconded by Councillor Paul Haslam.

The Chairman adjourned the meeting at 3:18 pm to enable the proposers and seconders of the motions to agree upon revised wording.

The meeting was re-convened at 3:36 pm.

The amendment was then debated and an amendment to the amendment was then moved by Councillor Bryn Griffiths and seconded by Councillor Neil Swannick and this was accepted by the mover of the amendment.

A named vote was requested and over 20 Members stood to request the named vote. The motion was declared carried with 49 votes for, 27 against and 1 abstention.

For: Councillors Karl Arthur, Alyson Baker, Derek Bastiman, Nick Brown, David Chance, Mark Crane, Gareth Dadd, Caroline Dickinson, Michelle Donohue-Moncrieff, Keane Duncan, Richard Foster, Sam Gibbs, Caroline Goodrick, Tim Grogan, Paul Haslam, Robert Heseltine, Nathan Hull, David Ireton, George Jabbour, David Jeffels, Janet Jefferson, Tom Jones, Mike Jordan, Nigel Knapton, Andrew Lee, Carl Les, Cliff Lunn, John Mann, Heather Moorhouse, Simon Myers, Andy Paraskos, Stuart Parsons, Yvonne Peacock, Clive Pearson, Heather Phillips, Kirsty Poskitt, Janet Sanderson, Karin Sedgwick, David Staveley, Roberta Swiers, Malcolm Taylor, Angus Thompson, Phil Trumper, Steve Watson, David Webster, John Weighell OBE, Greg White, Annabel Wilkinson, and Robert Windass.

Against: Councillors Chris Aldred, Philip Broadbank, Eric Broadbent, Barbara Brodigan, Lindsay Burr MBE, Sam Cross, Felicity Cunliffe-Lister, Melanie Davis, Stephanie Duckett, Kevin Foster, Hannah Gostlow, Bryn Griffiths, Peter Lacey, Pat Marsh, Steve Mason, Rich Maw, Andrew Murday, David Noland, Bob Packham, Jack Proud, John Ritchie, Mike Schofield, Subash Sharma, Monika Slater, Neil Swannick, Matt Walker and Arnold Warneken.

Abstentions: Councillor Andy Brown.

On a vote being taken on the substantive motion the Chair declared the motion carried.

### **Resolved -**

This Council notes with concern:

1. the unexplained die-offs and wash-ups of crabs, lobsters, prawns, clams, scallops, mussels and some species of fish along the North Yorkshire and Cleveland coast since October 2021 and the long time that it could take to rebuild marine life and crustacean stocks
2. the significant reduction in the catches of edible crabs and other crustaceans, as reported by the North East fishing communities and the impact that this has had on local people and businesses and on the wider local economy
3. the circulation of inconclusive claims about dredging to the detriment of the local community
4. the latest Independent Expert Assessment of Unusual Crustacean Mortality in the



North-east of England in 2021 and 2022, which was compiled by a panel of independent experts convened by Defra's Chief Scientific Adviser and dated 17 January 2023, being inconclusive as to the cause of the die-offs

Therefore, this Council calls on the Secretary of State for Environment, Food and Rural Affairs to:

1. support the local economy and the local community at this difficult time, help in securing financial compensations for the fishing industry as a result of the loss in earnings incurred, and assist in arranging the necessary investment needed to rebuild marine life and crustacean stocks in the affected areas
2. create and fund a dedicated task force of local and national stakeholders and experts to continually monitor and investigate the situation and its impact on the local economy and the local community, and to recommend and oversee the implementation of remedial action. Such a task force would include representatives from North Yorkshire Council and other local and combined authorities
3. reconvene a panel of independent experts immediately after new evidence emerges
4. use existing national tourism bodies to promote the North Yorkshire and Cleveland coast
5. convene a Public Inquiry with powers to compel testimony and the release of all forms of evidence in order to address public concern about this issue

Furthermore, North Yorkshire Council will:

1. work with and support other local and combined authorities in dealing with this unprecedented incident
2. support North Yorkshire Council Leader's request to attend and engage with the Dead Crustaceans Collaborative Working Group that is managed by Redcar and Cleveland Borough Council
3. continue to use existing regional tourism bodies to promote the North Yorkshire and Cleveland coast

#### Call for Police Fire & Crime Commissioner to resign

North Yorkshire Council has serious concerns about the performance of the current Police, Fire, and Crime Commissioner, as evidenced by the two recent reports published by His Majesty's Inspectorate of Constabulary and Fire & Rescue Services.

The council therefore calls for the Commissioner to resign with immediate effect.

Proposer - Councillor Bryn Griffiths  
Seconder - Councillor Mike Schofield

The motion was moved and seconded and referred to the Corporate and Partnerships Overview and Scrutiny Committee.

### **30 Consider recommendations from the Executive regarding the Motion on Proportional Representation**

Council were requested to consider the recommendation of the Executive following consideration of a Notice of Motion which had been referred to it by County Council at its

meeting held on 16 November 2022. The original motion that was to be debated is as detailed below.

“Council resolves to write to H.M. Government calling for a change in our outdated electoral laws to enable Proportional Representation to be used for General, Local and Mayoral elections.

First Past the Post (FPTP) originated when land-owning aristocrats dominated parliament and voting was restricted to property-owning men.

In Europe, only the UK and authoritarian Belarus still use archaic single round FPTP for general elections. Meanwhile, internationally, Proportional Representation (PR) is used to elect parliaments in more than 80 countries. Those countries tend to be more equal, freer and greener.

PR ensures all votes count, have equal value, and those seats won, match votes cast. Under PR, MPs and Parliaments better reflect the age, gender and protected characteristics of local communities and the nation. MPs & Councillors better reflecting their communities leads to improved decision-making, wider participation and increased levels of ownership of decisions taken.

PR would also end minority rule. In 2019, 43.6% of the vote produced a government with 56.2% of the seats and 100% of the power. PR also prevents ‘wrong winner’ elections such as occurred in 1951 and February 1974.

PR is already used to elect the parliaments and assemblies of Scotland, Wales and Northern Ireland. So why not Westminster & Local Government here in North Yorkshire.”

Proposer – Councillor Chris Aldred

Secunder – Councillor Andy Brown

The motion was moved by Councillor Chris Aldred and Seconded by Councillor Andy Brown.

The motion was debated.

A named vote was requested and over 20 Members stood to request the named vote.

The motion fell with 30 votes for, 45 against and 1 abstention.

For: Councillors Chris Aldred, Philip Broadbank, Eric Broadbent, Barbara Brodigan, Andy Brown, Lindsay Burr MBE, , Felicity Cunliffe-Lister, Melanie Davis, Michelle Donohue-Moncrieff, Stephanie Duckett, Kevin Foster, Hannah Gostlow, Bryn Griffiths, Peter Lacey, Pat Marsh, Steve Mason, Rich Maw, Andrew Murday, David Noland, Bob Packham, Stuart Parsons, Kirsty Poskitt, Jack Proud, John Ritchie, Mike Schofield, Subash Sharma, Monika Slater, Neil Swannick, Matt Walker and Arnold Warneken.

Against: Councillors Karl Arthur, Alyson Baker, Derek Bastiman, Nick Brown, David Chance, Mark Crane, Gareth Dadd, Caroline Dickinson, Keane Duncan, Richard Foster, Sam Gibbs, Caroline Goodrick, Tim Grogan, Paul Haslam, Robert Heseltine, Nathan Hull, David Ireton, George Jabbour, David Jeffels, Tom Jones, Mike Jordan, Nigel Knapton, Andrew Lee, Carl Les, Cliff Lunn, John Mann, Heather Moorhouse, Simon Myers, Andy Paraskos, Yvonne Peacock, Clive Pearson, Heather Phillips, Janet Sanderson, Karin Sedgwick, David Steveley, Roberta Swiers, Malcolm Taylor, Angus Thompson, Phil Trumper, Steve Watson, David Webster, John Weighell OBE, Greg White, Annabel Wilkinson, and Robert Windass.

Abstentions: Sam Cross

**31 Amendments to the Constitution made under delegated authority - Report of the Assistant Chief Executive Legal and Democratic Services**

The recommendations at page 110 of the agenda pack were moved and seconded

**Resolved –**

That the consequential amendments to the Constitution set out in Appendix 1 to the report, made by the Assistant Chief Executive (Legal and Democratic Services) under his specific delegated powers, be noted.

**32 Use of special urgency procedures since the last meeting of County Council - Report of the Leader**

The report on the Use of Special Urgency Procedures since the last meeting of the Council on 22 and 24 February 2023 was considered and the recommendation at page 129 of the agenda pack (page 122 of the Minute Book) was moved and seconded.

**Resolved –**

That the report on the Use of Special Urgency Procedures since the last meeting of the County Council in February 2023, be noted.

**33 Council Procedure Rule 10 Questions**

There were no Council Procedure Rule 10 questions.

The meeting ended at 4.30 pm

The meeting concluded at 4.30 pm.