

North Yorkshire Council

Executive

Minutes of the meeting held on Tuesday 16th April 2024 commencing at 11.00 am.

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

In attendance: Councillors Chris Aldred, Hannah Gostlow, Liz Colling and George Jabbour.

Officers present: Karl Battersby, Stuart Carlton, Gary Fielding, Richard Flinton, Nic Harne, Barry Khan, Richard Webb, Elizabeth Jackson, Harriet Clarke, Andrew Rowe (remote) and Joanne Marriot (remote).

Apologies: Councillor Keane Duncan.

Copies of all documents considered are in the Minute Book

428 Apologies for Absence

Apologies for absence were received from Councillor Keane Duncan.

429 Minutes of the Meetings held on 12 March 2024 and 19 March 2024

Resolved –

That the public Minutes of the meetings held on 12 March 2024 and 19 March 2024, having been printed and circulated, be taken as read and confirmed by the Chairman as a correct record.

430 Declarations of Interest

There were no declarations of interest.

431 Public Participation

There were no public questions or statements.

432 Amendments to the Council's Constitution

Considered – A report of the Assistant Chief Executive Legal and Democratic Services presenting amendments to the Constitution made under delegated powers and presenting proposed amendments to the Constitution for recommendation to full Council. The views of Members were also sought in relation to a proposed full review of the Constitution following 12 months' operation of the unitary authority.

Councillor David Chance, Executive Member for Corporate Services, introduced the report and provided an overview of the proposed changes to the Constitution, as detailed in the report and its appendices. Councillor Chance referred to the adoption of the Constitution

by Council when it had agreed that a review of the Constitution should take place after 12 months' operation of the unitary authority. The Constitution had been reviewed by the Member Working Group on the Constitution throughout the year and the Executive Member suggested the Executive may wish to recommend a continuation of this ongoing procedure.

Barry Khan, the Assistant Chief Executive Legal and Democratic Services, drew specific attention to the proposed changes to the Council Procedure Rules as set out at Section 6 and Appendix 4 of the report. In particular Members were requested to consider whether the changes to Council Procedure Rule 9 – Public Questions should apply to all Committee meetings or just meetings of the Council. He also highlighted the proposals that the Transition (Local Government Reorganisation) Overview and Scrutiny Committee be replaced by a Housing and Leisure Overview and Scrutiny Committee with effect from the Annual Meeting on 15 May 2024.

Executive Members welcomed the proposed Housing and Leisure Overview and Scrutiny Committee and Councillor Chance advised that it was proposed that the Scrutiny Board be consulted on the redistribution of the work of the Transition Overview and Scrutiny Committee between the various scrutiny committees. Members also supported the process of continually reviewing the Constitution and the recommendations were updated to reflect this. Consideration of Council Procedure Rule 9 was held over for the Council to consider.

Having considered the proposals, the Executive voted in favour of the recommendations, and it was

Resolved (unanimously) – that the following be noted and recommended to Council for approval:

- (a) the proposed amendments to the Constitution set out in Part A of Appendix 1;
- (b) the amendments to the Constitution set out in Part B of Appendix 1 to this report, made by the Assistant Chief Executive Legal and Democratic Services under his delegated powers, be reported back to full Council for information;
- (c) the consequential amendments to the Procurement and Contract Procedure Rules as set out in Appendices 2a and 2b to this report made by the Assistant Chief Executive Legal and Democratic Services under his general delegations in Article 15.02(c) of the Constitution and specific delegated power from full Council on 15 November 2023, be noted for reporting back to full Council for information;
- (d) the Development Plan Committee Terms of Reference and Delegated Powers consequentially included in the Constitution and attached at Appendix 3 to this report be noted for reporting back to full Council for information;
- (e) there be 5 full Council meetings per year, the fourth meeting to consider the Council Budget and Council Plan only and the reserve date to be used for the rest of Council business:
 - i. for 2025, the scheduled meeting on 19 February 2025 be the additional Council meeting dedicated to the consideration of the Budget and the Council Plan and all other business normally scheduled for 19 February 2025 be moved to the reserve date of 21 February 2025;
 - ii. for 2026, the meetings be spaced so that the dedicated Budget and Council Plan meeting is held in February and the other meeting held in March or April;

- iii. for 2026, a reserve date should be kept for the Budget and Council Plan meeting; instead of this being on the Friday in the week of the meeting, it is recommended that the reserve date be on the following Wednesday (a week after the Budget and Council Plan Council meeting);
- (f) Members consider and determine whether the proposed amendments to Council Procedure Rules 9.2 and 9.4 set out in Appendix 4 should apply to all committee meetings or just full Council meetings and the Assistant Chief Executive Legal and Democratic Services be authorised to make any further consequential amendments as required to the Council Procedure Rules in this respect;
- (g) the proposed amendments to the Council Procedure Rules set out in section 6 of this report and Appendix 4 be recommended to full Council for approval and the Assistant Chief Executive Legal and Democratic Services be authorised to make any further consequential amendments which may be required to the Constitution;
- (h) the Transition (LGR) Overview and Scrutiny Committee should formally cease as of the 15 May 2024 Council meeting and that any outstanding work should be re-allocated, in liaison with Scrutiny Board, to the other overview and scrutiny committees (with the exception of matters relating to leisure); that the proposed amendments to the overview and scrutiny committee terms of reference in Article 6 of the Constitution as set out by way of tracked changes in Appendix 5b be recommended to full Council for approval; and that the Assistant Chief Executive Legal and Democratic Services be authorised to make any further consequential amendments which may be required to the Constitution;
- (i) a new Housing and Leisure Overview and Scrutiny Committee of 16 Members and politically balanced (as per the other overview and scrutiny committees) be created at the 15 May 2024 Council meeting, appointments to which to be made at that meeting of full Council and the first meeting of the new overview and scrutiny committee to follow in June 2024; that the proposed amendments to the overview and scrutiny committee membership lists in Part 3, Schedule 3 of the Constitution as set out by way of tracked changes in Appendix 5c be recommended to full Council for approval; and that the Assistant Chief Executive Legal and Democratic Services be authorised to make any further consequential amendments which may be required to the Constitution;
- (j) the proposed revised Terms of Reference for the Council's Independent Remuneration Panel on Member Allowances that have been proposed by the Panel Members as set out at Appendix 7; and
- (k) instead of a detailed review of the Constitution post 12 months' operation of the new authority, the current process of ongoing review by the Members' Working Group on the Constitution be continued.

433 Domestic Abuse Policy for Housing Service - Approval of the Proposed New Policy following Consultation

Considered – A report of the Corporate Director Community Development presenting the Domestic Abuse Policy for the Housing Service for approval. As a stock holding housing authority the council was required to have a domestic abuse policy to comply with the Regulator of Social Housing's updated Neighbourhood and Community Standard.

Councillor Simon Myers, Executive Member for Culture, Arts and Housing, introduced the report and advised that the policy would support council officers in responding effectively to domestic abuse and supporting victims. The policy had been developed following consultation with partner organisations and key staff within the council.

In response to a question Councillor Myers confirmed that the policy was robust and proactive and in line with other registered social landlords. Nic Harne, Corporate Director Community Services, confirmed that the policy formed the foundation of the Council's work towards gaining Domestic Abuse Housing Alliance (DAHA) accreditation, which provided the gold standard benchmark for a housing provider response to domestic abuse. Councillor Janet Sanderson welcomed the policy as the Safeguarding Partnership regularly considered the implications for children who were victims of domestic abuse, and she confirmed that the Partnership was happy to support the policy.

Resolved (unanimously) – that:

- i) the contents of the report, the proposed Domestic Abuse Policy for the Housing Service, consultation responses and the Equality Impact Assessment be noted; and
- ii) the Domestic Abuse Policy for the Housing Service be approved.

434 Scrutiny Task and Finish Group - Special Educational Needs and Disability (SEND) Provision in the Scarborough and Whitby Area

Considered – A report of the Scrutiny Task and Finish Group concerning SEND provision in Scarborough and Whitby.

Councillor Janet Sanderson, Executive Member for Children and Families, introduced the report and advised that the Task and Finish Group had been proposed by Councillor John Ritchie at Council on 17 May 2023 and the terms of reference subsequently approved by the Children and Families Overview and Scrutiny Committee at its meeting held on 23 June 2023. At the Council meeting held on 17 May 2024 a new SEND Strategy had been adopted and the Task and Finish Group had confirmed that the new strategy had correctly identified those needs. The Children and Families Overview and Scrutiny Committee had considered the findings of the Task and Finish Group and had acknowledged that there was a strategy in place. The Executive Member confirmed that the Council was working to mitigate the issues highlighted and would continue to develop targeted mainstream provision to keep children in their own local areas, whilst being mindful of capacity and budgets.

Councillor Liz Colling, Chair of the Task and Finish Group, acknowledged the commitment of councillors and officers in undertaking the review. Whilst the review had focused on Scarborough and Whitby the group considered that the recommendations applied across North Yorkshire. She was pleased that the Children and Families Overview and Scrutiny Committee had endorsed the report and had committed to review progress on implementation of the suggestions at the end of 2024.

Councillor Sanderson thanked the Task and Finish Group for this piece of work and also those parents, carers and families who contributed. Councillor Sanderson moved that Executive endorse the suggestions set out in Section 7 of the report.

Resolved – that:

The suggestions set out in Section 7 of the report be endorsed.

435 Forward Plan

Considered –

The Forward Plan for the period 8 April 2024 to 30 April 2025 was presented.

Resolved - That the Forward Plan be noted.

436 Date of Next Meeting - 7 May 2024

The meeting concluded at 11.26 am.